

TITLE 8: Zoning Ordinance for the Town of Lakeville

ARTICLE 1: General Provisions

CHAPTER 1: GENERAL PROVISIONS

Section 100. Application

Section 110. Title. This Ordinance shall be known, cited, and referred to as: "Zoning Ordinance No. 1."

Section 120. Separability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or of any part other than the part so declared to be unconstitutional or invalid.

Section 130. Effective Date. This Ordinance shall become effective on October 13, 1975.

Section 140. Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other officially adopted rules, regulations, or ordinances, the most restrictive shall supercede all others.

Section 140.01. Within designated flood hazard areas, the provisions of this Ordinance relative to land use and control and other measures designed to minimize or eliminate existing or potential flood hazards shall take precedence over any conflicting provisions of the Zoning Ordinance.

Section 200. Definitions

For the purpose of this Ordinance, certain words and terms shall be defined as follows:

Section 201. Definitions Beginning with the Letter "A"

Section 201.01. Abandon. For purposes of this Ordinance, the word "abandon" shall imply an intent to desert, as well as the act of desertion. "Abandoned" when used in conjunction with the word "vehicle" shall mean:

Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate and inspection sticker permitting its operation on the highways of the State of Indiana;

Any vehicle which is left on public premises continuously without being moved for a period of seven (7) days;

Any vehicle located on public premises illegally or in such manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street, or highway;

Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than forty-eight (48) hours;

Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises; or

Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance the violation of which may require the removal and impoundment of said motor vehicle and which vehicle once impounded is not claimed or redeemed by the owner or his agent within thirty (30) days of its removal.

201.02. Access. The way by which pedestrians and vehicles shall have safe, adequate, and suitable ingress and egress to and from a land use.

201.03. Accessory structure. A structure located on the same lot as, but which is clearly incidental to and customarily found in connection with the principal structure to which it is related.

201.04. Accessory use. A use conducted on the same lot as but which is clearly incidental to and customarily found in connection with the principal use to which it is related.

201.05. An Act Authorizing the Establishment of Area Planning Departments and through Their Administration the Development, through Planning, of Urban and Rural Areas (Acts 1957, Ch.138, P.261, as amended). The act under which the Area Plan Commission of St. Joseph County was established, hereafter referred to as the Enabling Act.

201.06. Area Board of Zoning Appeals. The Area Board of Zoning Appeals of St. Joseph County, established under the Enabling Act and hereafter referred to as the Board of Appeals.

201.07 Area Plan Commission. The Area Plan Commission of StJoseph County, established under the Enabling Act, and hereafter referred to as the Plan Commission.

201.08 Automobile repair garage. A structure, or portion thereof, designed or used for the repair, equipment, or servicing of motor vehicles, including, but not limited to, upholstery work, auto glass work, painting, welding, body and fender work, and major engine overhaul and transmission work.

201.09 Automobile service station. A structure or premises where petroleum products and automobile accessories are available at retail and where, in addition, the following services may be rendered:

Sale and servicing of ignition systems and components;

Tire servicing and repair, but not recapping or regrooving;

Replacement or adjustment of automobile accessories;

Radiator cleaning and flushing, provision of water, antifreeze and other additives;

Washing and waxing, including mechanical washing and waxing facilities;

Greasing and lubrication;

Providing and repairing fuel pumps, oil pumps, and lines;

Servicing and repair of carburetors;

Adjusting and repairing brakes;

Emergency wiring repairs;

Motor and engine adjustments;

Provision of cold drinks, packaged foods, tobacco, and similar convenience goods for automobile service station customers;

Truck and trailer rental, not involving the storage of open trailers having more than a 100 cubic foot capacity, econolines, trucks, vans, or other large vehicles, except for immediate pick-up by rental customers; and

Vehicle inspection.

201.10. Automobile washing and waxing facilities. A building, or portion thereof, containing facilities for washing and/or waxing automobiles.

Section 202. Definitions Beginning with the Letter "B"

202.01. Boarding house. A building, other than a hotel, where lodging and meals are provided for three (3) or more persons, whether or not for compensation.

202.02. Building Commissioner. The St. Joseph County Building Commissioner.

202.03. Building Permit. A permit issued by the Building Commissioner for the erection or alteration of a building or structure.

Section 203. Definitions Beginning with the Letter "C"

203.01. Certificate of Occupancy. A certificate issued by the Building Commissioner, under the provisions of this Ordinance, prior to the occupancy or reoccupancy of a building or structure or commencement of a use not requiring a building.

203.02. Child day nursery. As defined in the State statutes, a facility other than a school or bona fide educational institution, operated for the purpose of providing care and maintenance to children separated from their parents or guardians or a person in loco parentis during a part of the day for two or more consecutive weeks.

203.03. Clinic. Medical, health, and dental offices and laboratory facilities in conjunction with normal clinic services. Board and room shall not be provided, and patients shall not remain on the premises of such facility overnight.

203.04. Clinic, veterinary. A facility for the medical treatment of domestic animals and birds. For purposes of this ordinance, an animal hospital shall also be classified as a veterinary clinic.

203.05. Community center. A public building including meeting and recreation rooms, dining rooms and kitchen facilities, day care centers, and other such facilities, all for the common use of residents of a neighborhood and/or the community as a whole.

203.06. Comprehensive Plan. A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of the Town which shall have been duly adopted by the legislative body.

203.07. Conditional use. A use permitted subject to the conditions set forth in this Ordinance.

203.08. Copy area. The sum of the area of the words or numbers included in the sign copy, exclusive of pictorals, trademarks, or other advertising symbols.

203.09. County. St. Joseph County, Indiana.

203.10. County Engineer. The St. Joseph County Engineer.

203.11. Curb Cut Committee. The Technical Committee established in conjunction with the South Bend Urban Area Transportation Study.

Section 204. Definitions Beginning with the Letter "D"

204.01. Density. A unit of measurement. For purposes of this Ordinance, the gross density shall be determined by the number of dwelling units permitted per acre of the gross site area.

204.02. Display area. The total area upon which sign copy may be placed, in computing the total display area of a sign the mathematical formulas for the geometric shapes formed by straight lines drawn closest to the extremities of the sign, excluding any structural members or embellishments, shall be used.

204.03. Drive-in establishments. A business or commercial use designed to provide a service to customers or patrons remaining in a motor vehicle.

204.04. Dwelling unit. One room or rooms containing independent cooking and sleeping facilities and constituting an independent housekeeping establishment physically separated from any other dwelling units in the same structure.

204.05. Dwelling unit, multi family. A residential building designed for occupancy by three (3) or more families.

204.06. Dwelling unit, single family. A residential building unit designed or intended for occupancy by one family only. Single family dwelling unit includes only site-constructed homes, modular homes, and manufactured homes, type A. (As amended per Ordinance No. 1982-2)

204.07. Dwelling unit, two family. A residential building designed for occupancy by not more than two (2) families.

Section 205. Definitions Beginning with the Letter "E"

205.01. Embellishment. An addition to the display area on which a continuation of an advertising message may be placed. Such addition shall not be a continuous border which would constitute an increase in the display area. Standard bases and standard trim shall not be considered embellishments.

205.02. Erect. To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, or affix.

Section 206. Definitions Beginning with the Letter "F"

206.01. Family. One or more persons related by blood, legal adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, legal adoption, or marriage shall be deemed to constitute a family. A person or persons residing with a family as hereinbefore defined by reason of placement by a publicly licensed placement agency shall be considered as members of that family.

206.02. Federal Insurance Administration. For purposes of this Ordinance, the administrative office for the National Flood Insurance Program.

206.03. Flood or flood water. The water of any river or stream which is above its banks and/or outside its channels and banks. For purposes of this Ordinance, the regulatory flood shall be the 100-year flood.

206.04. Flood hazard area. That portion of a flood plain which is not adequately protected from flooding by means of dikes, levees, reservoirs, or other works approved by the Natural Resources Commission.

206.05. Flood plain. The area adjoining a river or stream which has been or which may hereafter be flooded, so designated by the Federal Insurance Administration.

206.06. Flood protection grade. The lowest elevation around the perimeter of a building at which flood water may enter the interior of the building.

206.07. Floodway. The channel of a river or stream and those portions of the flood plain which are reasonably required to efficiently carry and discharge the flood water of the river or stream, so designated by the Federal Insurance Administration.

206.08. Floodway Fringe. That portion of a flood hazard area outside the limits of the floodway, so designated by the Federal Insurance Administration.

206.09. Frontage. Any property fronting on one side of a street.

Section 207. Definitions Beginning with the Letter "G"

207.01. Garage, private. An accessory structure or portion of a principal structure designed or used for the off-street parking or temporary storage of the motor vehicles of residents, provided that there shall be no business, service, or industry, that is in any way connected with the motor vehicles, conducted within the garage.

Section 208. Definitions Beginning with the Letter "H"

208.01. Health Officer. The St. Joseph County Health Officer.

208.02. Height. The vertical distance of a building or structure measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched roof. Silos, radio and TV towers, water tanks, chimneys, flagpoles, air conditioning units, and ventilating fans or similar equipment required to operate and maintain a building shall be exempt from height restrictions, provided that such structures shall not exceed one-third of the roof area upon which they are erected.

208.03. Helistop. An area of land, water, or structural surface which is used for helicopter landings and take-offs, but not including refueling, maintenance, repair, and storage facilities and passenger services.

208.04. Home occupation. An activity that is permitted to be conducted within a dwelling unit or private garage in accordance with the provisions of this Ordinance.

Section 209. Definitions Beginning with the Letter "I"

209.01. Improvement Location Permit. A permit issued by the Zoning Administrator under the provisions of this Ordinance prior to the erection, alteration, or use of a structure or the use of land stating that the proposed structure and/or use complies with all the applicable provisions of the Ordinance.

Section 210. Definitions Beginning with the Letter "J"

Section 211. Definitions Beginning with the Letter "K"

211.01. Kennel. Where more than four (4) dogs, cats, or other household domestic animals over four (4) months of age are kept, or on which more than two (2) such animals are maintained, boarded, bred, or care for, in return for remuneration.

Section 212. Definitions Beginning with the Letter "L"

212.01. Landscaping. The planting and maintenance of trees, ground cover, shrubs, vines, flowers, or lawns, including natural features such as fountains, art work, screens, walls, fences, and benches.

212.02. Loading berth. A space for bulk pick-ups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

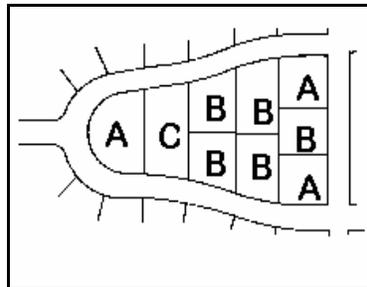
212.03. Lodging house. A dwelling, other than a hotel in which more than two (2) persons are given lodging, whether or not for compensation.

212.04 Lot. A parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map, or by metes and bounds for purposes of sale, lease, or separate use:

Corner Lot. A lot located at the intersection of two (2) or more streetsA lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot meet at an interior angle of less than 135 degrees (shown as A on the diagram below);

Interior Lot. A lot with only one frontage on a street (B); and

Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots may also be referred to as double frontage lots (C).



212.05. Lot of record. A lot which is part of a recorded subdivision or a parcel which has been recorded in the Office of the Recorder of Deeds of StJoseph County prior to the effective date of this Ordinance.

212.06. Lot of record, nonconforming. A lot of record which does not meet the applicable area and width requirements established in this Ordinance.

212.07. Lot measurements.

Depth. The depth of a lot shall be considered the distance between the midpoints of straight lines connecting the front lot line and the rear line.

Width. Shall be the horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.

Section 213. Definitions Beginning with the Letter "M"

213.005. Manufactured home. A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Code.

213.007. Manufactured home, type A. A manufactured home which:

- a) was constructed after January 1, 1981, and
- b) has more than nine hundred fifty (950) square feet of occupied space and is composed of more than one (1) section, and
- c) is placed onto a permanent underfloor foundation in accordance with approved installation standards, as specified in Article II, Section 810, and
- d) is placed onto a permanent perimeter enclosure, in accordance with approved installation standards, as specified in Article II, Section 810, and
- e) has wheels, axles, and hitch mechanisms removed, and
- f) has siding material of a type customarily used on site-constructed homes, as specified in Article II, Section 820, and
- g) has roofing material of a type customarily used on site-constructed homes as specified in Article II, Section 830, and
- h) has the information required in Article II, Section 840 certified to the County Building Commissioner upon application for a building permit.
(As added by Ordinance No. 1982-2)

213.01. May. As used in this Ordinance, permissive.

213.03. Mobile home. Any vehicle or portable structure designed for long-term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower, kitchen facilities, and plumbing and electrical connections providing for attachment to outside systems; designed to be transported after fabrication on its own wheels, flatbed truck, other trailer or detachable wheels, which, when arriving at the site where it is to be occupied as a complete dwelling unit, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operation, is located on foundation supports, and is connected to external utilities and electrical system. Mobile home does not include modular homes or manufactured homes, type A. (As added by Ordinance No. 1982-2)

213.04. Modular homes. A dwelling unit, designed and built in a factory, for installation or assembly at the building site, and which bears a seal certifying that it was built in compliance with Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council. (As added by Ordinance No. 1982-2)

Section 214. Definitions Beginning with the Letter "N"

214.005. National Manufactured Housing Construction and Safety Standards Code. Title VI of 1974 Housing and Community Development Act (42 U.S.C. 5401, et sequential), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Administrative Building Council; all of which became effective for mobile-manufactured home construction on June 15, 1976. (As added by Ordinance No. 1982-2)

214.01. Natural Resources Commission. The Natural Resources Commission of the State of Indiana.

214.02. Nonconforming use. A use that does not conform to the use provisions of this Ordinance.

Section 215. Definitions Beginning with the Letter "O"

215.005. 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. (As added by Ordinance No. 1982-2)

215.01. Official newspaper. A newspaper of general circulation within the Town designated as the official newspaper in which all notices relative to the administration and enforcement of this Ordinance shall appear.

215.02. Official Zoning Map. The official map(s) showing the location and boundaries established by this Ordinance. The Official Zoning Map, together with all the explanatory matter thereto, is adopted by reference and is a part of this Ordinance.

215.06. One and two family dwelling code. The nationally-recognized model building code prepared by the Council of American Building officials, adopted by the Indiana Administrative Building Council (ABC) as mandated through Public Law 360, Acts of 1971, and which includes those supplements and amendments promulgated by the ABC. (As added by Ordinance No. 1982-2)

Section 216. Definitions Beginning with the Letter "P"

216.01. Parking space, off-street. A space for parking automobiles with room for opening doors, together with properly related access to a public street or alley and maneuvering room, as required by this Ordinance for the particular use.

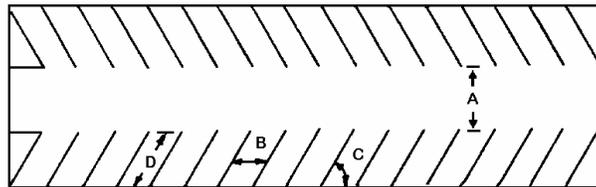
216.02. Parking space, dimensions of -

Aisle width. The required maneuvering space, one way or two way (as prescribed by the design of the parking facility) between vehicle projections (shown as A on the diagram below);

Parking angle. The angle formed by the parking stall with the building line of the parking facility (C);

Stall depth. The linear space required for parking of a vehicle (D); and

Stall width. The width required for parking of a vehicle, including allowances for door clearance (B).



216.025. Permanent perimeter enclosure. A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground. (As added by Ordinance No. 1982-2)

216.03. Permitted use. A use permitted by right under the provisions of this Ordinance.

216.04. Person . Any individual, firm, partnership, joint venture, association, club, social or fraternal organization, corporation, estate, trust, receiver, syndicate, or the managers, lessees, agents, servants, officers, or employees of such.

216.05. Planned residential development. Development of a tract of land under single ownership or control according to a site development plan.

216.06. Principal use. The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which either may be used, occupied, or maintained under the provisions of this Ordinance.

216.07. Private sewer. A sewage disposal system which is not constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

216.08. Private water. A water supply system which serves only the lot on which it is located.

216.09. Public sewer. A sewage disposal system which is constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana, but shall not include a County sewer installed for the purpose of carrying surface water runoff and subsoil drainage.

216.10. Public water. A water supply system which is constructed, installed, maintained, operated, and owned by a municipality, taxing district established for such purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

Section 217. Definitions Beginning with the Letter "Q"

Section 218. Definitions Beginning with the Letter "R"

218.01. Regulatory flood profile. A longitudinal profile along the thread of a river or stream showing the maximum water surface attained by the regulatory flood.

218.02. Right of way. An area of land reserved for public or private easements.

Section 219. Definitions Beginning with the Letter "S"

219.005. Section. A component of a manufactured home, type A which is at least twelve (12) body feet in width and thirty (30) body feet in length and which does not by itself constitute a dwelling unit. (As added by Ordinance No. 1982-2)

219.01. Setback. The minimum required horizontal distance between the centerline of the right of way and the building line.

219.02. Service bay. When used in connection with automobile service stations, the area designed and used for servicing an automobile. When used in connection with automobile washing and waxing facilities, the area used for washing and waxing one automobile.

219.03. Shall. As used in this Ordinance, mandatory.

219.04. Sign. A structure, including the frame and supports of such and embellishments, containing any printed text, pictorial representation, emblem, or other object, and which is used to identify, instruct, attract, guide, or advertise.

Major categories. For the purposes of this Ordinance, uses of signs shall be identified as follows:

Development sign. A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier, or sponsor of a development and designating the future occupant or use of the development.

Directional sign. A sign containing information relative to the location, distance to, entrance, and exit from structures, sites, or land use activities.

Institutional bulletin. A sign of any governmental agency, religious group, hospital, or school, located on the premises and bearing only information related to the activities conducted on the premises, persons involved, or other such information.

On-premises identification sign. A sign which identifies or advertises the profession, land use activity, individual, product, or service occupying or available on the premises.

Outdoor advertising sign. An off-premise sign which directs attention to businesses, products, services, or establishments not usually conducted on the premises on which the sign is located and which, for the purposes of this Ordinance, shall be considered the principal use.

Public information sign. A sign containing emergency or legal notices and regulatory information.

Real estate sign. A sign advertising the fact that the premises on which it is located is for sale, lease, or rent.

Temporary sign. A display, informational sign, banner, or other advertising device with or without a structural frame, not permanently attached to a building, structure, or the ground, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Structural types. For the purposes of this Ordinance, signs shall be classified according to their structural type:

Facia sign. A single-face sign which is in any manner attached or affixed to an exterior wall of a building or structure or mounted above or below a canopy and which projects not more than 18 inches above the parapet line, eaves or building facade. Individual letters, in addition to the "box-type" sign, may also be installed as a facia sign.

Flashing sign. An illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color.

Freestanding sign. A sign supported by one or more uprights, poles, columns, or braces placed in or upon the ground surface and not attached to any building or structure.

Illuminated sign. A sign illuminated by gas, electricity, or other artificial light, including reflective or phosphorescent light.

Marquee or canopy sign. A sign attached or applied below a marquee, canopy, awning, or other rooflike structure.

Multi-face sign. A sign, more than one side of which is visible. A "V-type" sign shall be considered a multi-face sign, provided the least angle of intersection does not exceed 90 degrees.

Portable sign. A freestanding sign not permanently anchored or secured to either a building or the ground.

Projecting sign. A multi-face sign, end-mounted to an exterior wall of a building or structure and which projects out from the wall more than 18 inches.

Roof-mount sign. A sign erected wholly upon or over a roof of any building.

Single-face sign. A sign, only one side of which is visible.

219.045. Site-constructed home. A home, primarily constructed on the site where it is to be occupied, meeting the building codes in effect at the time of construction. (As added by Ordinance No. 1982-2)

219.05. Street. The space or area between the lot lines abutting upon a right of way and including an alley, avenue, boulevard, court, highway, lane, parkway, road, thoroughfare, or public square. For purposes of this Ordinance, streets shall be classified as follows:

Arterial. Any street, existing or proposed, designed to move relatively high volumes of traffic. An arterial system helps to define residential neighborhoods, commercial centers, industrial areas, and recreational areas on the principle that contiguous land development should be served while minimizing conflicts with intra-area movements of pedestrians and vehicles.

Collector. Any street, existing or proposed, designed to collect and distribute traffic between local streets or areas and the major street and highway network. Such streets are used primarily for traffic movement into, from, and within residential neighborhoods, commercial centers, industrial areas, and recreational areas, rather than to serve through traffic.

Other. All other streets.

219.06. Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including buildings, mobile homes, walls, fences, and freestanding signs.

219.07. Swimming pools, quasi-public. Swimming pools that are operated and maintained by a non-profit corporation whose membership is limited to residents of a block, subdivision, neighborhood, or other specified area of residence.

Section 220. Definitions Beginning with the Letter "T"

220.01. Town. The Town of Lakeville, Indiana.

Section 221. Definitions Beginning with the Letter "U"

221.01. Urban Group. A classification of soils based on development potential and limitations according to clay, silt, and sand content.

221.02. Utility companies, main installations. Facilities including personnel, offices, or maintenance equipment for the service area of a utility company.

221.03. Utility companies, substations. Facilities which do not include personnel, offices, or maintenance equipment.

Section 222. Definitions Beginning with the Letter "V"

222.01. Variance. A relaxation of the terms of the Ordinance, where such variance will not be contrary to the public welfare, and where it is granted according to the standards established in this Ordinance.

Section 223. Definitions Beginning with the Letter "W"

Section 224. Definitions Beginning with the Letter "X"

Section 225. Definitions Beginning with the Letter "Y"

225.01 Yard. An open space on a lot or parcel of land unoccupied and unobstructed from the ground upward. Specific requirements for front, side and rear yards are set forth for each district.

Yard, front. A yard extending between the side lot lines along the full length of the front lot line. On the street side of corner lots, front yard requirements shall supercede side yard requirements.

Yard, side. A yard extending between a principal building or structure and the side lot line from the front yard to the rear yard.

Yard, rear. A yard extending along the full length of the rear lot line between the side lot lines. Rear yard requirements shall be waived for through lots.

Section 226. Definitions Beginning with the Letter "Z"

226.01. Zoning Administrator. The administrator of this Ordinance.

226.02. Zoning District. For purposes of this Ordinance, the districts into which the Town shall be divided.

Section 227. Words and phrases used in this Ordinance and not specifically defined in this Section shall be interpreted according to the context and approved usage of the English language.

Section 228. For purposes of this Ordinance, singular shall also mean plural, and plural shall also mean singular. The present tense shall mean the past and future tenses, and vice versa.

ARTICLE 2. District Regulations

CHAPTER 1: ZONING DISTRICTS

Section 100. Establishment of Zoning Districts. For purposes of this Ordinance, the Town is hereby divided into the following zoning districts:

R-8 Low Density Residential District. Family dwelling units and accessory uses commonly associated with a family living area shall be permitted in this district, provided that the gross density shall not exceed eight (8) dwelling units per acre of the gross site area. Two family dwelling units shall be permitted in this district in planned residential developments.

R-12 Medium Density Residential District. Single, two, and multi-family dwelling units and accessory uses commonly associated with a family living area shall be permitted in this district, provided that the gross density shall not exceed twelve (12) dwelling units per acre of the gross site area.

C--General Commercial District. The full range of commercial activities, including amusements, automobile and other vehicle sales and service, drive-in establishments, general merchandising, hotels and motels, and outdoor advertising shall be permitted in this district.

LI--Limited Industrial District. Certain automobile related uses, building materials, business services, light manufacturing, warehousing and wholesaling, and accessory uses shall be permitted in this district. It is the intent that the uses permitted in this district could be safely and suitably located in proximity to residential and commercial zoning districts.

Section 200. Establishment of Special Purpose Overlay Districts

For purposes of this Ordinance, the following special purpose overlay districts shall be established:

F--Flood Plain District. It is the intent of this Ordinance to minimize or eliminate existing or potential flood hazards by placing special requirements on new construction or substantial improvement to structures, as well as on the use of land located in flood plain areas having special flood hazards. Where Flood Hazard Boundary Maps identifying such special flood hazard areas have been published by the Federal Insurance Administration in connection with the National Flood Insurance Program, the provisions of the F--Flood Plain Districts shall be applicable, the intent being to guide development in such areas prior to the delineation of the regulatory floodway and floodway fringe by the Federal Insurance Administration.

F-1 Floodway District. Where Flood Insurance Rate Maps delineating the regulatory floodway and floodway fringe have been published by the Federal Insurance Administration in connection with the National Flood Insurance Program, the provisions of the F-1 Floodway District shall be applicable in those areas identified as floodways. It is the intent of the F-1 Floodway District to protect and preserve floodways from any encroachment which might adversely affect the efficiency or unduly restrict the capacity of the floodway.

F-2 Floodway Fringe District. Where Flood Insurance Rate Maps delineating the regulatory floodway and floodway fringe have been published by the Federal Insurance Administration in connection with the National Flood Insurance Program, the provisions of the F-2 Floodway Fringe District shall be applicable in those areas identified as floodway fringe. It is the intent of the F-2 Floodway Fringe District to guide development in floodway fringe areas which are sensitive to floods and flood hazards.

Section 300. Application of District Regulations

310. Provisions for the Official Zoning Map. The zoning districts are shown on the Official Zoning Map, which, together with all the explanatory matter thereon, is adopted by reference and is part of this Ordinance.

310.01. The Official Zoning Map is a public document, the original of which shall be located in the Office of the Zoning Administrator. Certified copies of the Official Zoning Map shall be located with the Clerk of the Town, with the Building Commissioner, and with the Plan Commission.

310.02. The zoning district boundaries shall be shown on the Official Zoning Map by solid lines. The abbreviations for the zoning districts appearing throughout this ordinance shall be used to identify the zoning districts on the map.

310.03. Changes to the Official Zoning Map shall be made in accordance with the provisions of the Enabling Act and with the provisions of this Ordinance. Any change made to the Official Zoning Map that is not in accordance with these provisions shall be deemed to be a violation of this Ordinance.

310.04. The Official Zoning Map shall be revised periodically, with certified copies made thereof, to show the amendments adopted by the legislative body since the previous revision. Such revision may correct drafting or other errors or omissions in the prior map but shall not have the effect of amending the Official Zoning Map except as adopted by the legislative body.

310.05. In the event that the Official Zoning Map becomes damaged, destroyed, or lost, a legislative body may by resolution adopt a new Official Zoning Map. Unless the prior map has been lost or totally destroyed, it shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 320. Rules for Interpreting District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

320.01. Boundaries indicated as following corporate limits, lot lines, center lines of rights of way, railroads, alleys, waterways, or other such lines or extensions thereof shall be construed to follow such lines.

320.02. Distances not specifically indicated on the map shall be determined by the scale of the map.

320.03. In circumstances not covered by these provisions, the Board of Appeals shall interpret the district boundaries.

Section 330. Annexation. After the effective date of this Ordinance, areas annexed by the legislative body shall be zoned as R-8 Low Density Residential as of the date of the annexation.

330.01. Within sixty (60) days after the date of annexation, the Plan Commission shall submit to the legislative body a recommended zoning plan for the area.

330.02. The procedure for amendment of this Ordinance, as established in Article III, Section 260, shall be followed in adopting the zoning plan.

330.03. No Improvement Location Permit or Certificate of Occupancy for a use where a Building permit is not required shall be issued in an area annexed by a legislative body until a zoning plan for the area has been adopted, provided, however, that an Improvement Location Permit may be issued for a single unit on a lot of record, in a recorded subdivision, provided that all other provisions of this ordinance are complied with.

Section 340. Uniform Application of District Regulations. District regulations shall be applicable uniformly throughout a zoning district.

Section 350. Subdivision of Land. Subdivision of land per the Town Subdivision Ordinance may occur in all zoning districts. (As added by Ordinance No. 2-1-1983)

Section 400. Permitted Uses. Buildings or premises may be used and buildings may be erected or structurally altered only for the purposes set forth in the following Table of Permitted Uses and only within those districts specified in said Table. In the interpretation of the following Table of Permitted Uses, where a use is not specifically listed in the Table, its status under this

Section shall be determined by the Board of Appeals in accordance with the provisions of Article 3, Section 154, of this Ordinance.

Symbols used in the Table of Permitted Uses are:

P - Permitted use, permitted by right in the designated district; and

C - Conditional use, permitted in the designated district subject to the appropriate conditions set forth in Section 500 of this Article.

TABLE OF PERMITTED USES	R-8	R-12	C	LI
Ambulance services			P	P
Amusement centers			P	P
Animal hospitals			C527	
Antique shops			P	
Apparel and accessories shops			P	
Appliance dealers - household			P	P
Armored car services			P	P
Art dealers			P	
Art galleries			P	
Arts and crafts supplies			P	
Athletic clubs			P	P
Auction houses			P	P
Auditoriums			P	
Automobile body shops			P	P
Automobile dealers			P	P
Automobile parts and supplies – sales			P	P
Automobile rentals and leasing services			P	P
Automobile repair shops			P	P
Automobile service stations			C501	C501
Automobile washing and waxing facilities			C502	C502
Bakeries - non retail			P	P
Bakeries – retail			P	
Barber shops			P	
Bars, lounges, and nightclubs			P	
Beauty shops			P	
Bicycle and motorcycle rentals, sales, and services			P	P
Boarding houses		C503	C503	
Boat charters, leasing and rentals			P	P
Boat dealers			P	P
Bookstores			P	

Bottling companies			P	P
Broadcasting studios			P	P
Bus garages and terminals				P
Butcher shops			P	
Camping equipment rentals and sales			P	
Candy and confectioneries - non retail			P	P
Candy and confectioneries – retail		C504	P	
Cemeteries	C504	C505		
Child day nurseries	C505		C505	
Churches	C506	C506	C506	
Cleaning - pick up and self service			P	
Clinics			P	P
Clubs and lodges			P	
Community centers	C507	C507	P	
Contractors' equipment and materials rentals and sales - inside storage only			P	P
Crop dusting - including onsite storage and equipment				P
Cultural centers			P	
Delicatessens			P	
Department stores			P	
Distributors				P
Drive-in establishments			C508	
Drug stores			P	
Dry goods stores			P	
Dwelling units - multi family		P	P	
Dwelling units - single family	P	P		
Dwelling units - two family		P		
Fabric shops			P	
Farm equipment rentals, sales and service			P	P
Feed and grain dealers				P
Feed and grain processing				P
Fertilizer dealers				P
Fire stations	C509	C509	C509	C509
Florists			P	
Freight distributors and terminals				P
Frozen food lockers				P
Funeral homes			P	
Furniture stores			P	P
Garden supply shops			P	P
Gift shops			P	

Grain elevators				P
Grocery stores				P
Growing of nursery stock				C510
Hardware stores				P
Health studios				P
Helistops	C511	C511	C511	C511
Hobby shops				P
Home occupations	C512	C512		
Horticulture				P
Hospitals, institutions, and sanitariums	C513	C513	C513	
Hotels				P
Ice - manufacturing				P
Ice and roller skating rinks				P
Industrial equipment rentals and sales				P
Interior decorating studios				P
Jewelers				P
Kennels				C514
Knit shops				P
Land reclamation projects	C515	C515		C515
Landscaping companies				P
Laundries - pick up and self service				P
Libraries – branches	C516	C516		P
Libraries –main				P
Liquor stores				P
Lodging houses		C503	C503	
Lumber yard				P
Mobile home dealers				P
Mortuaries				P
Motels				P
Music stores				P
Nurseries - plant material				C510
Nursery schools	C505	C505	C505	
Offices - business				P
Offices - financial				P
Offices – governmental				P
Offices - medical				P
Offices - organizations (business, civic, labor, professional, service and social)				P
Offices - professional				P
Offices - real estate				P

Outdoor advertising signs			C517	C517
Paint stores			P	P
Parking garages and lots			P	P
Parks and playgrounds	C518	C518	C518	C518
Pet shops			P	
Photography studios and developing			P	
Planned residential developments	C519	C519		
Pollution control equipment rentals, sales and services			P	P
Printing - duplication only			P	
Printing - full scale printing operations			P	P
Produce markets			P	P
Recording studios			P	P
Recreational facilities			P	
Rental and leasing services			P	P
Repair shops - non automotive			P	P
Research and development - not involving fire or explosive hazards, radioactivity, or dangerous gases			P	P
Restaurants			P	
Sanitary landfills				C520
Schools – arts			P	
Schools – business			P	P
Schools - driver education			P	P
Schools - elementary (non-boarding)	C521	C521		
Schools - middle and high (non-boarding)		C522	C522	
Schools - vocational			P	P
Specialty food stores			P	
Sporting goods stores			P	
Storage - inside, not involving fire or explosive hazards, radioactivity, or dangerous gases			P	P
Storage- outside				C253
Supermarkets			P	
Swimming pools - quasi public	C254	C254		
Taxicab companies			P	P
Temporary project sales and rental offices - representing only the project in which they are located	P	P	P	P
Theaters			P	P
Tobacco and smoke shops			P	
Tourist homes			P	
Trailers and trucks dealers			P	
Trailers and trucks parts and supplies – sales			P	P

Trailers and trucks rentals and leasing services			P	P
Travel bureaus			P	
Utility companies -main installations			C525	C525
Utility companies – substations	C526	C526	C526	C526
Variety stores			P	
Veterinary clinics			C527	
Warehousing				P

Section 500. Conditional Uses. As established in the Table of Permitted Uses in Section 400 of this Article, the following uses shall be permitted subject to the application of certain conditions in addition to other standards set forth in this ordinance, provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

- 501 Automobile service stations
- 502 Automobile washing and waxing facilities
- 503 Boarding and lodging houses
- 504 Cemeteries
- 505 Child day nurseries and nursery schools
- 506 Churches
- 507 Community centers
- 508 Drive-in establishments
- 509 Fire stations
- 510 Growing of nursery stock
- 511 Helistops
- 512 Home occupations
- 513 Hospitals, institutions, and sanitariums
- 514 Kennels
- 515 Land reclamation projects
- 516 Libraries -- branches
- 517 Outdoor advertising signs
- 518 Parks and playgrounds
- 519 Planned residential developments
- 520 Sanitary landfills
- 521 Schools -- elementary (non-boarding)
- 522 Schools -- middle and high (non-boarding)
- 523 Storage -- outside
- 524 Swimming pools -- quasi-public
- 525 Utilities -- main installations
- 526 Utilities -- substations
- 527 Veterinary clinics

Section 501. Automobile service stations shall be permitted in the C--General Commercial and LI--Limited Industrial Districts, provided that the following conditions shall be applicable in

addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

501.01. Automobile service stations shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

501.02. Such uses shall be located a minimum of 500 feet from another automobile service station or drive-in establishment on the same side of the street, as measured by a line drawn along the right of way of said street between the closest property lines.

501.03. Such uses shall be located on sites having a minimum of 15,000 square feet, with an additional 2,000 square feet required for each service bay over two (2) operated in connection with the service station or in connection with an accessory automobile washing and waxing facility.

501.04. Pump islands shall be located a minimum of 55 feet from the centerline of an arterial or collector street.

501.05. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

501.06. All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties or on the public right of way.

501.07. Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks used by the establishment, and rental vehicles, no vehicles shall be parked on the premises. Permitted parking, except for vehicles in the process of being serviced at the pumps, shall not be located in the required front yard.

501.08. Abandoned vehicles shall not be stored on the premises.

501.09. Off-street parking in addition to the parking required in Article 4, Section 200, shall be provided in connection with automobile washing and waxing facilities. The number of parking spaces shall equal five (5) times the maximum capacity of the washing and waxing facilities at any one time.

501.10. Off-street parking in addition to the parking required in Article 4, Section 200, shall be provided for rental trucks and trailers in connection with a rental operation. Not more than five (5) vehicles of any one type or more than ten (10) vehicles altogether shall be stored on the premises.

501.11. Whenever an automobile service station is abandoned for a period of one (1) year, the owner shall remove all appurtenances connected with the operation of the automobile service station, such as gasoline pumps and signs, and shall fill or otherwise vacate underground storage tanks in accordance with the provisions of applicable Fire Codes and safety standards and shall maintain the premises so as not to become a public nuisance.

Section 502. Automobile washing and waxing facilities shall be permitted in the C--General Commercial and LI--Limited Industrial Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

502.01. Such uses shall be located on sites having a minimum of 15,000 square feet in area, with an additional 2,000 square feet required for each service bay over two (2).

502.02. Such uses shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

502.03. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

502.04. Off-street parking shall be provided for customers to equal five (5) times the maximum capacity of the washing and waxing facility at any one time.

Section 503. Boarding and lodging houses shall be permitted in the R-12 Medium Density Residential and C--General Commercial Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

503.01. In the R-12 Medium Density Residential District, such uses shall be located on sites having a minimum of 3,600 square feet.

503.02. There shall be no lot size requirement in the C--General Commercial District

Section 504. Cemeteries shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

504.01. Such uses shall be located on sites having a minimum of ten (10) acres.

504.02. Cemeteries shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

504.03. Buildings shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

504.04. Graves shall be located a minimum of 55 feet from the centerline of an arterial or collector street.

504.05. The locations of cemeteries shall not be affected by proposed street improvements.

Section 505. Child day nurseries and nursery schools shall be permitted in the R-8 Low Density Residential, R-12 Medium Density Residential, and C--General Commercial Districts, provided that the following conditions shall be applicable in addition the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

505.01. Such uses shall be licensed by the State of Indiana and shall be operated according to the rules and regulations of the State Department of Public Welfare.

505.02. A minimum of 50 square feet of open play area shall be provided per child, provided that such play area shall be located a minimum of 10 feet from the nearest property line of an adjacent residential district or principal residential use.

505.03. Except when located in a church, community center, or other such facility, child day nurseries and nursery schools shall be limited to a maximum of 10 children in the R-8 Low Density Residential District; there shall be no such limit in the R-12 Medium Density Residential or C--General Commercial Districts.

Section 506. Churches, temples, and other places of religious worship, not including rescue missions or temporary revival activities, shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential and in the C--General Commercial Districts, provided that the following conditions shall be applicable in addition to Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

506.01. Such uses shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

506.02. Such locations shall not be affected by proposed street improvements.

506.03. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

506.04. All parking shall be screened from adjacent residential uses in accordance with the provisions of Section 708 of this Article.

Section 507. Community centers shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

507.01. Such uses shall be located on sites having a minimum of one (1) acre in area.

507.02 Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 508. Drive-in establishments shall be permitted in the C--General Commercial District, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

508.01. Drive-in establishments shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

508.02. A drive-in establishment shall be located a minimum of 500 feet from an automobile service station or another drive-in establishment located on the same side of the street, as measured by a line drawn along the right of way of said street between the nearest property lines.

508.03. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 509. Fire stations shall be permitted in any district, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

509.01. Such uses shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

509.02. Such locations shall not be affected by proposed street improvements.

509.03. A fire station manned by volunteer fire fighters shall be located on a site having a minimum of one acre in area in order to provide for off-street parking of volunteers' vehicles.

Section 510. Growing of nursery stock shall be permitted in the LI--Limited Industrial District, provided that retailing and wholesaling is accessory to the principal use and is limited to products legally produced on the premises.

Section 511. Helistops shall be permitted in any zoning district in accordance with State and Federal regulations.

Section 512. Home occupations shall be permitted as accessory uses to any residential use, provided that:

512.01. No persons other than members of the family residing on the premises shall be engaged in such occupation.

512.02. The use of a dwelling unit or private garage for a home occupation shall be clearly incidental to its principal use for residential purposes.

512.03. There shall be no change in the outside appearance of the building or premises or other evidence of such occupation, other than a sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.

512.04. There shall be no outside storage.

512.05. No process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference outside the dwelling unit in amounts greater than present under normal circumstances.

512.06. No commodity shall be sold on the premises.

512.07. No mechanical equipment shall be installed except that which is normally used for purely domestic or household purposes.

512.08. Not more than 25% of the gross floor area of any story shall be used for a home occupation.

Section 513. Hospitals, sanitariums, and institutions for the aged, infirm, mentally retarded, and physically handicapped, as well as correctional institutions shall be permitted in the R-8 Low Density Residential, R-12 Medium Density Residential, and C--General Commercial Districts,

provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

513.01. Such uses shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

513.02. Such uses shall be located on sites having a minimum of three (3) acres in area.

513.03. Buildings or structures, including heating and air-conditioning equipment and laundry and kitchen facilities, shall be located a minimum of 100 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 514. Kennels shall be permitted in the C--General Commercial District, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

514.01. Such facilities, including outdoor pens and runs, shall be located a minimum of 100 feet from adjacent property lines, provided, however, that where such facilities are located adjacent to a residential district or principal residential use, side and rear yard requirements shall be increased to 300 feet.

514.02. The sanitary systems for such facilities shall be subject to approval by the Health Officer.

Section 515. Land reclamation projects shall be permitted in the R-8 Low Density Residential, R-12 Medium Density Residential, and LI--Limited Industrial Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

515.01. The location, installation, and operation of such facilities shall be subject to the approval of the Health Officer and/or applicable State regulations.

515.02. A uniform contour which blends in with the topography of the surrounding area shall be established throughout the reclaimed area.

515.03. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six (6) inches.

515.04. The reclaimed area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

Section 516. Branch libraries shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

516.01. Branch libraries shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

516.02. Libraries shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 517. Outdoor and advertising signs shall be permitted in the C- - General Commercial and LI - - Limited Industrial Districts, provided that:

517.01. The maximum display area of outdoor advertising signs located on arterial streets shall be 672 square feet, provided, however, that under the terms of this Ordinance, the Board of Appeals may grant a variance from this provision to permit a maximum display area of 1,000 square feet.

517.02. The maximum display area of outdoor advertising signs located on collector streets shall be 300 square feet.

517.03. The total area of any embellishments shall not exceed 15 per cent of the display area of the sign to which the embellishment is added.

517.04. The maximum height of outdoor advertising signs shall be 35 feet, provided, however, that an additional fifteen (15) feet in height shall be permitted where a physical obstruction exists which would otherwise restrict the visibility of the sign.

517.05. The backs of outdoor advertising signs shall be concealed by another outdoor advertising display, shall be screened by suitable architectural treatment, or shall be painted to blend with the surroundings and kept so painted.

517.06. The required side yards and setback for outdoor advertising signs shall be as established in Section 700 of this Article for the district in which the sign is located.

517.07. The minimum distance between a new outdoor advertising sign and an existing outdoor advertising sign located on the same side of the street shall be determined by the angle of the new outdoor advertising sign with the street, as measured between the sign faces:

<u>Angle</u>	<u>Distance between signs</u>
0 degrees	500 feet
30 degrees	425 feet
45 to 90 degrees	300 feet

This provision shall not be applicable where outdoor advertising signs are separated by a building or other obstruction in such a manner that only one sign at a time can be viewed by the traffic for which said sign was principally intended to be viewed.

517.08. The minimum distance between an outdoor advertising sign and the following structures and/or zoning districts shall be determined by the more restrictive of the following provisions:

The minimum distance between an outdoor advertising sign and a principal residential use, church, or school shall be determined by the angle of the outdoor advertising sign with such structure, as measured from the extremity of the sign face:

<u>Angle</u>	<u>Distance between structures</u>
0 degrees	60 feet
30 degrees	50 feet
45 to 90 degrees	35 feet

-or-

The minimum distance between an outdoor advertising sign and the nearest boundary of a residential district or a public park shall be 60 feet, as measured from the extremity of the sign face.

Section 518. Public parks and playgrounds shall be permitted in any zoning district in accordance with the County Park and Open Space Plan.

Section 519. Planned residential developments shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, subject to approval by the Plan Commission and the Town Board of Trustees, provided that:

It is the intent of this Section to encourage creativity in the design of residential developments and, accordingly, conventional development standards shall be waived in lieu of the planned unit development concept which is based on review and approval of an overall site development plan:

519.01. The minimum acreage of planned residential developments shall be determined according to the availability of utilities, as follows:

<u>Utilities</u>	<u>Acreage</u>
Public sewer and public water	5 acres
Public sewer and private water	10 acres
Private sewer and public water	20 acres
Private sewer and private water	30 acres

519.02. Planned residential developments shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

Individual lots within a planned residential development shall be reversed frontage lots, with no direct access to arterial or collector streets.

519.03. Yard requirements for a planned residential development shall be determined as follows:

When a planned residential development fronts on an arterial street, there shall be a minimum front yard of 95 feet, as measured from the centerline of the right of way, and where such a development fronts on a collector street, the minimum front yard requirements shall be 65 feet;

Side yards of a planned residential development shall be a minimum of 25 feet, except on the street side of corner lot, where front yard requirements shall be applicable;

Rear yards shall be a minimum of 25 feet;

In addition to the above peripheral yard requirements for the development, yards shall also be provided between buildings, as follows:

There shall be a minimum distance of thirty (30) feet between building walls, when at least one of which contains a window, with an additional ten (10) feet required between buildings for each story over three (3); and

There shall be a minimum distance of fifteen (15) feet between blank building walls.

519.04. Uses which are not ordinarily permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts may be permitted in a planned residential development, provided that such uses are specifically identified and approved as part of the site development plan:

Two family dwelling units may be permitted in the R-8 Low Density Residential District;

Service-commercial uses may be permitted as accessory uses in both the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that:

Such uses shall be located in the interior of such development;

Such uses shall be limited to convenience establishments, such as:

Eating and drinking establishments

Grocery and food stores

Personal services, such as barber and beauty shops, drug stores, and coin-operated or pick-up laundry and dry cleaning establishments;

Specialty shops;

The floor area of such uses shall not exceed 4,000 square feet per use for sales and storage and 15,000 square feet in total for the entire complex;

The total site area approved for commercial uses, including building coverage, landscaping, and parking, shall not exceed one (1) acre; and

Signs advertising such uses shall not be visible from outside the development.

519.05. The developer shall prepare and submit an economic analysis and traffic survey with the site development plan to support the location of the proposed planned residential development and the size and types of uses to be included in the development.

519.06. No site shall be approved for a planned development if there exists on the site any use which would become nonconforming under the provisions of this Section unless the developer guarantees in writing that such uses shall be removed or modified.

Section 520. Sanitary landfills shall be permitted in the LI--Limited Industrial District, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

520.01. The location, installation, and operation of such facilities shall be subject to approval by the Health Officer in accordance with the provisions of ordinance S-99, "An Ordinance Regulating the Public Disposal of Garbage and Rubbish on any Land which is Situated Outside the Corporate Limits of any City or Town in St. Joseph County, Requiring Permits and Providing Penalties for Violations Thereof," and all other applicable codes and ordinances.

520.02. Such facilities and all operations connected therewith shall be landscaped and screened in accordance with the provisions of Section 708 of this Article.

520.03. Such facilities shall be located on sites no less than 40 acres in area.

520.04. Prior to commencing such operations, the owner shall execute an indemnity agreement in favor of the legislative body for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time as established in the agreement:

A uniform contour which blends in with the topography of the surrounding area shall be established throughout the area;

Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six (6) inches; and

The area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

Section 521. Elementary schools (non-boarding) shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

521.01. Buildings and structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 522. Middle and high schools (non-boarding) shall be permitted in the R-12 Medium Density Residential and C--General Commercial Districts, provided that the following development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

522.01. Buildings and structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 523. Outside storage of materials, equipment, or products incidental to permitted uses shall be permitted in the LI--Limited Industrial District, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

523.01 Lot coverage, including building coverage and storage areas shall not exceed 75 per cent of the gross site area.

523.02. Outside storage areas shall be completely enclosed by a solid fence not less than eight (8) feet in height and which shall bear no advertising, other than the name of the premises in accordance with Article 4, Section 100.

523.03. Storage materials shall not be visible above the required screening from any public right of way.

Section 524. Quasi-public swimming pools shall be permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

524.01 Such facilities shall be located and designed for the exclusive use of members and their guests.

524.02 The location, installation, design, and construction of a swimming pool, water supply, treatment, and drainage systems, and appurtenant structures, installations and equipment, including showers, dressing rooms, and plumbing, heating, or air conditioning equipment shall be subject to approval by the Building Commissioner and/or applicable State regulations.

524.03. No building, or structure, shall be located closer than 25 feet from the nearest property line of an adjacent residential district or principal residential use.

524.04. The area shall be adequately lighted, provided that all lights shall be shielded so as to protect adjacent residential properties from glare.

Section 525. The main installations of private and public utility companies shall be permitted in the C--General Commercial and LI--Limited Industrial Districts, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

525.01. Such uses shall be located on sites having a minimum of one (1) acre in area.

525.02. Such uses shall have direct vehicular access to and from arterial or collector streets, subject to approval by the Curb Cut Committee.

525.03. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

525.04. The installation and operation of such uses shall be subject to approval under the provisions of other applicable codes and ordinances.

Section 526. Substations of private and public utility companies shall be permitted in any district, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

526.01. Such uses shall be located on sites having a minimum of 6,000 square feet in area.

526.02. The installation and operation of such uses shall be subject to approval under the provisions of other applicable codes and ordinances.

526.03. Buildings and structures shall be of an architectural style that is compatible with the character of the neighborhood.

Section 527. Veterinary clinics shall be permitted in the C--General Commercial District, provided that the following conditions shall be applicable in addition to the development standards established in Section 700 of this Article and the off-street parking requirements established in Article 4, Section 200, and further provided that wherever a conflict occurs between such provisions, the conditions set forth in this Section shall take precedence:

527.01. Such facilities shall be air-conditioned, soundproofed, and there shall be no outside pens or runs.

527.02. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district or principal residential use.

Section 600. Permitted and Conditional Use Provisions Applicable in Special Purpose Overlay Districts. The unique characteristics of overlay districts are such that permitted and conditional uses do not fall into the Table of Permitted Uses set forth in Section 400 of this Article. The provisions set forth in this Section relative to overlay districts shall supplement other zoning district regulations set forth in the Ordinance, provided, however, that wherever a conflict occurs, the provisions of the overlay districts shall take precedence over other provisions of this Ordinance.

Section 610. F--Flood Plain District. It is the intent of this Ordinance to minimize or eliminate existing or potential flood hazards by placing special requirements on new construction or substantial improvement to structures, as well as on the use of land located in flood plain areas having special flood hazards. The purpose of the F--Flood Plain District is to guide development in areas in which special flood hazards have been identified by the Federal Insurance Administration in connection with the National Flood Insurance Program, but where the regulatory floodway and floodway fringe have not been delineated by the Administration.

Section 611. Permitted Uses. All uses normally permitted in the zoning district or districts which the F--Flood Plain District overlays shall be permitted in this district, provided that:

611.01. All development proposed in designated special flood hazard areas shall be reviewed to determine whether the proposed development will adversely affect or will be adversely affected by the flood hazard:

The Zoning Administrator shall be responsible for reviewing such development in accordance with the standards set forth in this Section, provided, however, that where it appears that the proposed development will adversely affect or will be adversely affected by the flood hazard, the Zoning Administrator shall forward the proposal to the Natural Resources Commission for review and written approval prior to the issuance of an Improvement Location Permit.

611.02. All such development shall be reviewed to take into account flood plain management programs, if any, already in effect in neighboring areas.

611.03. Applications for Improvement Location Permits and applications for Building Permits for new construction, substantial improvement, and major repairs shall be reviewed to assure that the proposed construction:

Is protected against flood damage;

Is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;

Uses construction materials and utility equipment that are resistant to flood damage;

Uses construction methods and practices that will minimize flood damage;

All such proposals are consistent with the need to minimize flood damage;

All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and

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

611.04. New or replacement water supply systems or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and onsite water disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

611.05. Petitions for variance shall be reviewed to assure that the proposed variance is in accordance with the above flood plain management control standards.

Section 612. Conditional Uses. All uses normally permitted as conditional uses in the zoning district or districts which the F--Flood Plain District overlays shall be permitted in this district in accordance with the review procedure and standards set forth for Permitted Uses in Section 611 of this Article.

Section 620. F-1 Floodway District. The purpose of the F-1 Floodway District is to protect and preserve floodways which have been identified as regulatory floodways by the Federal Insurance Administration in connection with the National Flood Insurance Program from any encroachment which might adversely affect the efficiency or unduly restrict the capacity of the floodway.

Section 621. Permitted Uses. The following uses shall be permitted in the F-1 Floodway District without requiring approval by the Natural Resources Commission, provided that such uses do not involve any structure, obstruction, deposit or excavation which would raise the level of the regulatory flood and further provided that such uses are otherwise permitted in the zoning district or districts which the F-1 Floodway District overlays.

621.01. Forestry, wildlife areas, and nature preserves.

621.02. Parks and recreational uses.

Section 622. Conditional Uses. The following uses shall require additional consideration as to their flood damage potential, particularly as they involve structures, obstructions, deposits, or excavations which might raise the level of the regulatory flood, constitute an unreasonable hazard to the safety of life or property, or result in unreasonably detrimental effects upon fish, wildlife, and botanical resources.

These uses shall be permitted only if they are otherwise permitted in the zoning district or districts which the F-I Floodway District overlays. These uses shall further require a permit issued by the Natural Resources Commission. All terms and conditions imposed by the Natural Resources Commission shall be incorporated into the Improvement Location Permit issued by the Zoning Administrator. The Zoning Administrator may further impose greater restrictions in keeping with the intent of this Ordinance.

622.01. Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities.

622.02. Transportation facilities such as streets, bridges, roadways, fords, pipelines, railroads, and utility transmission facilities.

622.03. Temporary or seasonal occupancy, such as carnivals, fairs, circuses, and amusement parks.

622.04. Water-related urban uses, such as waste-water treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

622.05. Other flood tolerant or open space urban uses, such as flood-proofed industrial and commercial buildings, tennis courts, park buildings, radio and TV towers, and parking lots.

Section 630. F-2 Floodway Fringe District. The purpose of the F-2 Floodway Fringe District is to regulate development in areas which are sensitive to floods and flood hazards and which have been identified as floodway fringe areas by the Federal Insurance Administration in connection with the National Flood Insurance Program.

Section 631. Permitted Uses.

631.01. All uses normally permitted in the zoning district or districts which the F-2 Floodway Fringe District overlays shall be permitted in this district, provided that:

All buildings shall have a flood protection grade at least two feet above the regulatory flood profile, as established by the Natural Resources Commission;
and

Sites on which fill is necessary to meet this requirement shall be buffered from direct contact with flood waters by extending the fill at such elevation a minimum of 15 feet beyond the perimeter of the building.

Section 632. Conditional Uses.

632.01. All uses normally permitted as conditional uses in the zoning district or districts which the F-2 Floodway Fringe District overlays shall be permitted in this district, provided that:

All buildings shall have a flood protection grade at least two feet above the regulatory flood profile, as established by the Natural Resources Commission; and

Sites on which fill is necessary to meet this requirement shall be buffered from direct contact with flood waters by extending the fill at such elevation a minimum of 15 feet beyond the perimeter of the building.

Section 700. Development Standards. Except as otherwise permitted in this Ordinance, the following development standards shall be applicable to all permitted and conditional uses:

Section 701. Lot Size Requirements.

701.01. Lot size requirements in the R-8 Low Density Residential and R-12 Medium Density Residential Districts shall be determined by the availability of public utilities, as follows:

<u>Utilities</u>	<u>R-8</u>	<u>R-12</u>
Public sewer and public water	5,500 sq. ft.	3,600 sq. ft.
Public sewer and private water	7,000 sq. ft.	7,000 sq. ft.
Private sewer and public water	12,000 sq. ft.	12,000 sq. ft.
Private sewer and private water	20,000 sq. ft.	20,000 sq. ft.

701.02. There shall be no lot size requirements in the C--General Commercial or LI--Limited Industrial Districts.

Section 702. Lot Width Requirements.

702.01. Lot width requirements in the R-8 Low Density Residential and R-12 Medium Density Residential Districts shall be determined by the availability of utilities, as follows:

<u>Utilities</u>	<u>R-8; R-12</u>
Public sewer and public water	50 feet
Public sewer and private water	60 feet
Private sewer and public water	80 feet
Private sewer and private water	100 feet

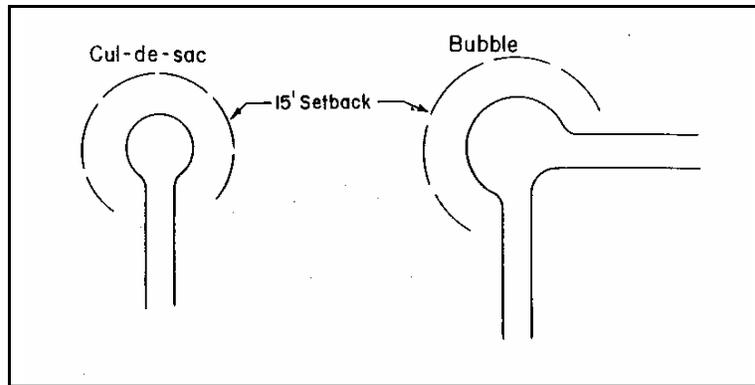
702.02. There shall be no lot width requirements in the C--General Commercial or LI--Limited Industrial Districts.

Section 703. Front Yard Requirements.

703.01. Except as provided in Sections 703.02 and 703.03 below, front yard requirements in all districts shall be determined according to the classification of the street on which the use fronts, as follows:

<u>Classification</u>	<u>Setback from Centerline of ROW</u>
Arterial	95 feet
Collector	65 feet
Other	50 feet
Cul de sac	30 feet

703.02. Where a setback from the centerline of the right of way is impractical, as illustrated in the examples below, the front yard requirements in all districts shall be fifteen (15) feet from the edge of the right of way.



703.03. Front yard requirements in all districts where proposed new construction is contiguous to existing construction shall be determined by averaging the existing setbacks.

Section 704. Side Yard Requirements.

704.01. Side yard requirements in the R-8 Low Density Residential and R-12 Medium Density Residential Districts shall be 10 feet, provided, however, that front yard requirements shall be applicable on the street side of corner lots.

704.02. If provided, side yards shall be a minimum of 15 feet in the C--General Commercial and LI--Limited Industrial Districts, provided, however, that front yard requirements shall be applicable on the street side of corner lots.

Section 705. Rear Yard Requirements.

705.01. Rear yards in the R-8 Low Density Residential and R-12 Medium Density Residential Districts shall be a minimum of 25 feet.

705.02. Rear yards in the C--General Commercial and LI--Limited Industrial Districts shall be a minimum of 25 feet.

Section 706. Interior Yard Requirements.

706.01. Interior yards shall be provided between residential buildings located in residential developments in the R-8 Low Density Residential and R-12 Medium Density Residential Districts as follows:

There shall be a minimum distance of 30 feet between building walls, when one wall contains windows, with an additional ten (10) feet required between buildings for each story over three (3); and

There shall be a minimum distance of fifteen (15) feet between blank building walls.

Section 707. Height Restrictions.

707.01. The maximum height of buildings located in the R-8 Low Density Residential and R-12 Medium Density Residential Districts shall be two and one-half (2-1/2) stories.

Section 708. Screening and Landscaping Requirements.

708.01. Non-residential uses, including parking facilities for residential developments where there is a capacity of five (5) or more automobiles, shall be effectively screened from an adjacent residential district or principal residential use through the imaginative design and use of screening and landscaping materials, provided that:

Screening materials shall be a minimum of six (6) to eight (8) feet in height and shall be at least 75 per cent opaque;

Within a radius of ten (10) feet, as measured from a point of intersection of the street-side property lines of a corner lot, or in other locations where pedestrian or vehicular vision may be obstructed, such materials shall not project higher than three (3) feet above grade;

Where plant materials are used, such materials shall be of a species that is suited to local climatic and soil conditions and of such maturity that it will reach its full height in one growing season; and

The screening strip shall be a minimum of six (6) feet in width.

708.02. In addition to required screening, a minimum of ten (10) per cent of the area of all parking lots shall be landscaped and maintained.

Section 800. Installation, Siding, Roofing and Certification Standards for Manufactured Homes, Type A.

Section 810. Installation Standards.

810.01. Permanent perimeter enclosure. A manufactured home, type A, must be set onto an excavated area with crawl space walls or basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the homes and the excavated under-floor grade shall be completely enclosed with the permanent perimeter enclosure, except for required openings.

810.02. Support system (foundation). All load-bearing foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.

Section 820. Siding Standards. The following siding materials are approved for usage on manufactures homes, type A:

- 820.02. Residential horizontal aluminum lap siding,
- 820.02. Residential horizontal vinyl lap siding,
- 820.03. Cedar or other wood siding,
- 820.04. Wood grain, weather resistant, press board siding,

- 820.05. Stucco siding,

- 820.06. Brick or stone siding.

Section 830. Roofing Standards. The following roofing materials are approved for usage on manufactured homes, type A:

- 830.01. Asbestos shingles on a roof pitched according to the design specifications of the shingles,

- 830.02. Fiberglass shingles on a roof pitched according to the design specifications of the shingles,

- 830.03. Shake shingles on a roof pitched according to the design specifications of the shingles,

- 830.04. Asphalt shingles on a roof pitched according to the design specifications of the shingles,

- 830.05. Slate materials on a roof pitched according to the design specifications of the materials,

- 830.06. Tile materials on a roof pitched according to the design specifications of the materials.

Section 840. Certification Standards. Manufactured home, type A, required information:

- 840.01. Manufacturer, and

- 840.02. Model Name/Serial Number, and

- 840.03. Year of Manufacture, and

- 840.04. Exterior Dimensions, and

840.05. Roofing Materials, and

840.06. Siding Materials and Treatment.

(As added by Ordinance No. 1982-2)

ARTICLE 3: Administration and Enforcement

CHAPTER 1: ADMINISTRATION AND ENFORCEMENT

Section 100. Administration. The administration of this Ordinance shall be vested in the following offices of government:

Town Council
Area Plan Commission
Zoning Administrator
Building Commissioner
Area Board of Zoning Appeals

Section 110. Town Council. As the legislative body, the Town Council shall have the following powers and duties in matters related to zoning:

111. Adopt a Zoning Ordinance.

112. Amend, supplement, change, or repeal the Zoning Ordinance or portions thereof.

113. Review and approve a planned residential development prior to issuance of an Improvement Location Permit by the Zoning Administrator.

Section 120. Area Plan Commission. The Area Plan Commission shall have the following powers and duties in matters related to zoning:

121. Recommend the adoption of a Zoning Ordinance by the legislative body.

122. Initiate proposals to amend, supplement, change, or repeal portions of the Zoning Ordinance.

123. Review an ordinance for amendment, supplement, change, or repeal portions of the Zoning Ordinance.

124. Recommend to the legislative body a zoning plan for any area annexed by that body in accordance with the provisions of Article 2, Section 330.01

125. Review and approve, modify, or deny the final site plan for a rezoning amendment approved subject to a final site plan approval.

126. Initiate, direct, and review, from time to time, studies of the provisions of the Zoning Ordinance.

127. Review and approve a planned residential development prior to issuance of an Improvement Location Permit by the Zoning Administrator.

Section 130. Zoning Administrator. The Zoning Administrator shall have the following powers and duties in matters related to zoning:

131. Issue an Improvement Location Permit prior to the erection, alteration, or use of a structure or the use of land stating that the proposed structure and/or use comply with all applicable provisions of this Ordinance and authorizing the Building Commissioner to issue the necessary permit.

132. Forward all applications for proposed development in the F--Flood Plain District, where it appears that such development will adversely affect or will be adversely affected by flood hazards, to the Natural Resources Commission for review and written approval, prior to the issuance of an Improvement Location Permit.

133. Forward all applications relative to construction or substantial improvement of conditional uses located in the F-1 Floodway District to the Natural Resources Commission for review and written approval prior to the issuance of an Improvement Location Permit.

134. Forward all applications for planned residential developments to the Area Plan Commission and the legislative body for review and approval prior to the issuance of an Improvement Location Permit.

135. Maintain current and permanent records of this Ordinance, including maps, amendments, Improvement Location Permits, variances, appeals, and applications thereof.

Section 140. Building Commissioner. The Building Commissioner shall have the following powers and duties in matters related to zoning:

141. Issue permits upon authorization to do so by the Zoning Administrator.

142. Issue Certificates of Occupancy prior to the occupancy of new construction or substantial improvement and prior to occupancy under a change of use.

143. Conduct inspections of buildings, structures, and uses to determine compliance with this Ordinance.

Section 150. Area Board of Zoning Appeals. The Board of Appeals shall have the following powers and duties in matters related to zoning:

151. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator.

152. Hear and pass on applications for variances from the terms provided in this Ordinance, based on findings compiled from evidence presented to the Board in each specific case.

153. Provide interpretations of district boundaries shown on the Official Zoning Map where uncertainties arise which are not covered by the provisions of Article 2, Section 320, of this Ordinance.

154. Provide interpretations relative to the definition of permitted uses in zoning districts, subject to the following:

Such questions shall be in the form of an appeal from a decision of the Zoning Administrator;

The interpretations shall be in keeping with the intent and purpose of the district in which the proposed use is to be located, the Zoning Ordinance, and the Comprehensive Plan;

Uses permitted by such interpretations shall be comparable to the uses already permitted in the district;

The uses shall not be detrimental to existing properties in the vicinity of proposed uses on record at the time of the decision of the Board of Appeals; and

The uses shall be subject to the regulations established for the district in which the use shall be permitted and to any other conditions which the Board of Appeals may impose.

Section 200. Enforcement. This Ordinance shall be enforced as follows:

Improvement Location Permit

Certificate of Occupancy

Sign Permit

Appeal

Variance

Amendment

Nonconforming Lots of Record, Structures, Violations and Penalties; Fees and Uses

Section 210. Improvement Location Permit.

211. After the effective date of this Ordinance, no permit pertaining to the erection, alteration, or use of land or structures or to the use of land shall be issued by an officer, department, or employee of the Town unless an Improvement Location Permit shall have been issued by the Zoning Administrator.

Section 220. Certificate of Occupancy.

221. No building or addition thereto constructed after the effective date of this Ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this Ordinance shall be used for any purpose until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the occupancy or use complies with all applicable provisions of this Ordinance.

222. No Certificate of Occupancy for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until a construction has been completed and the premises inspected and certified by the Building Commissioner to be in conformity with the plans and specifications upon which the Improvement Location Permit was based. No Certificate of Occupancy for a building or substantial improvement, or addition to an existing building, constructed after the effective date of this Ordinance, shall be issued until the premises have been inspected and certified by the Building Commissioner to be in compliance with all the applicable regulations of this Ordinance.

222.01. A Certificate of Occupancy shall be issued or written notice shall be given to the applicant stating the reason(s) for denial not later than fourteen (14) days after the Building Commissioner has been notified in writing that the building or premises are ready for occupancy.

222.02. Pending the issuance of a Certificate of Occupancy, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any substantial improvement or addition of an existing building or for partial occupancy of a new building.

Section 230. Sign Permit.

231. After the effective date of this Ordinance, no sign, permanent or temporary, shall be erected or altered unless a Sign Permit shall have been issued by the Building Commissioner in accordance with the provisions of this Ordinance, provided, however, that the following signs shall not require permits:

231.01. Ordinary maintenance and repair to existing signs, provided that such work does not affect the structure to a degree greater than fifty (50) per cent of the current replacement cost, exclusive of the structural support of the sign.

231.02. Change of copy on signs listing current or future programs and events taking place on the premises.

231.03. Seasonal decorations and displays, provided they conform to the provisions of this Ordinance.

231.04. Real estate signs, provided they conform to the provisions of this Ordinance.

231.05. Street signs erected by a subdivider or by the municipality for the purpose of street identification.

231.06. Public information signs.

231.07. Directional signs.

231.08. Rotation, repainting, and posting of copy.

232. Application for Sign Permits shall be made through the Building Commissioner and shall include the following information:

232.01. Location of the building, structure, or land to or on which the sign is to be erected.

232.02. The dimensions of the sign and where applicable, the dimensions of the wall surface of the building to which it is to be attached.

232.03. The dimensions of the sign's structural members.

232.04. The proposed location of the sign in relation to the face of the building or to the lot lines of the property on which it is to be located, whichever is applicable.

232.05. Proof of licensing of the sign contractor to conduct business in the Town.

Proof of liability insurance in the amounts of \$100,000 per person, \$300,000 per occurrence, and \$50,000 per property damage to save and keep the Town harmless from any claims, damages, liabilities, losses, action, suits, or judgments

which may be brought, presented, sustained, or obtained against the Town or its officials because of negligence of the sign hanger, contractor, or his agents, or by reason of defects in the construction or damages resulting from the collapse or failure of any sign.

232.06. Several statements by the owner of the sign shall be made as a condition of issuing a permit. First, a statement that he will guarantee removal of the sign when the use which it identifies, instructs, attracts, guides, or advertises is terminated at that particular location. The owner shall also agree to maintain the sign by repainting peeled surfaces and replacing inoperative components. Should he fail to maintain the sign as outlined above within a reasonable time, the Town shall remove the sign after first having given the owner of the sign thirty (30 days' written notice of its intent to do so.

232.07. Other such applicable information as the Building Commissioner may require under the provisions of this Ordinance.

233. The Building Commissioner shall issue a Sign Permit in accordance with the provisions of this Ordinance or deny the application, stating in writing the reason(s) for denial, within five (5) working days of its receipt.

Failure of the Building Commissioner to take such action shall constitute approval of the Sign Permit.

A Sign Permit shall be valid for a period not exceeding three (3) months, provided, however, that when a Sign Permit is issued in connection with a Building Permit for the site on which the sign is to be located, the Sign Permit shall run concurrent with the Building Permit. The holder of a Sign Permit may apply through the Building Commissioner for a three (3) month extension on the permit within five (5) working days of the expiration date. A Sign Permit shall be renewed only once, after which time the permit shall be null and void.

234. Temporary signs shall be issued a Temporary Sign Permit for a period not to exceed thirty (30) days. The holder of a Temporary Sign Permit may apply through the Building Commissioner for a thirty (30) day extension on the permit within five (5) working days of the expiration date. A Temporary Sign Permit shall be renewed only once, after which time the permit shall be null and void.

Section 240. Appeal.

241. An appeal may be taken to the Board of Appeals by any person aggrieved by a requirement, decision, or determination of the Zoning Administrator.

242. The appeals procedure shall be carried out in accordance with the provisions of the Enabling Act.

242.01. The Appeal shall specify the grounds thereof and shall be filed within such time and in such form as prescribed by the Board.

242.02. Upon request by the Board of Appeals, the Zoning Administrator shall transmit all documents, plans, and papers constituting the record of the matter to the Board.

242.03. An appeal shall stay all proceedings, operation, and work on the premises concerned, unless the Zoning Administrator shall certify to the Board that a stay would cause imminent peril to life or property, in which case, work shall not be stayed except by a restraining order granted by a circuit or superior court of the County.

242.04. The Board of Appeals shall fix a reasonable time and give due notice for the hearing of the appeal.

242.05. Every decision of the Board of Appeals shall be subject to review by certiorari.

Section 250. Variance.

251. Application for a variance from the terms and provisions of this Ordinance shall be on the form prescribed by the Board of Appeals.

252. The Board of Appeals shall, after a public hearing, act on all applications for variations from the terms of this Ordinance, based on the recommendations of the Zoning Administrator and on findings compiled from evidence presented to the Board in each specific case that:

252.01. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship as applied to the property for which a variance is sought;

252.02. The need for the variance arises from such condition peculiar to the property involved and does not exist in similar property in the same zone;

252.03. The use or value of the area adjacent to the property included in the variance will not be adversely affected; and

252.04. The grant will not be injurious to the public health, safety, morals, and general welfare of the community. (As added by Ordinance No. 1982-1)

253. The Board of appeals may further impose such conditions and restrictions on the use benefitted by a variance as are necessary to meet the standards established in this Section and intent of this Ordinance.

254. No resolution of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of the resolution, unless construction is started.

255. In addition to the provisions set forth above, the following provisions shall also be applicable to the issuance of variances within the F--Flood Plain, the F-1 Floodway, and the F-2 Floodway Fringe Districts:

255.01. The Board of Appeals may grant variances to the provisions of the F-1 Floodway District and the F-2 Floodway Fringe District only upon the written approval of the Natural Resources Commission.

Where it appears that proposed development in the F--Flood Plain District will adversely affect or will be adversely affected by flood hazards, the Board of Appeals may grant a variance only upon the written approval of the Natural Resources Commission.

255.02. The granting of variances shall be generally limited to cases where the following conditions are met:

If a new structure is to be erected 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; or

If a building or structure listed on the National Register of Historic Places or a State Inventory of Historic Places or a building or structure designated by the legislative body as being an historic landmark is to be restored or reconstructed.

255.03. In all instances, variances may be granted only upon a determination that the issuance of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

255.04. In cases where a variance is granted, a notice shall be placed on the deed to the property stating that the proposed construction will be located in a flood-

prone area. Said notice must contain a statement of the number of feet that the lowest non-floodproofed floor of the proposed structure will be below the level of the 100-year flood and that actuarial flood insurance rates increase as the first floor elevation decreases.

Section 260. Amendment.

261. The Town Council may from time to time, upon its own motion or upon the petition of the Area Plan Commission, amend or partially repeal the text of this ordinance. Proposals to change the zone maps (rezone), whether by incorporating an additional map or by amending or deleting a map incorporated by reference in this ordinance, may be initiated by the Town Council, the Area Plan Commission, or by a petition of the owners of at least fifty percent (50%) of the area of the properly involved in the petition. In either case, the Town Council may act upon such amendment only after a report has been presented by the Area Plan Commission after public notice and hearing and in accordance with the provisions of Chapter 174 of the Acts of Indiana General Assembly 1947, as amended.

261.01. The procedure for referral of a proposed amendment to the Area Plan Commission and the time limits for action by the Area Plan Commission and the Town Council shall be as set out in IC 36-7-4-607, et seq.

261.02. Rezone petition—Preliminary consultation. It is suggested that the petitioner consult informally with the executive director of the Area Plan Commission prior to the preparation of the rezoning petition.

Section 262. Rezoning petition—Requirements generally.

262.01. A rezoning petition shall be filed in the Office of the Town Clerk. The petition shall be on the form provided, available in the Area Plan Commission Office, and all petitions for use districts other than "R-8" Residential, and other than those originated by the Area Plan Commission or the Town Council, unless they so require, shall be accompanied by six (6) copies of an overall site development plan showing, but not limited to:

1. Proposed land uses;
2. Number, type and location of buildings;
3. Building heights;
4. Open space allocations;
5. On-site parking provisions and parking ratio;
6. Streets;
7. Setbacks;
8. Buffer Strips;
9. Landscape planting areas;

10. Tabulated data giving the proposed number and type of units;
11. Gross acreage;
12. Proposed land coverage; and
13. Floor and land areas by use.

262.02. Rezoning to use districts other than R-8 Residential shall be accompanied by the data required in this chapter and subject to the procedure set forth in Sections 265 through 2615.

Section 263. Zoning ordinance amendment -- public hearing and recommendation by Area Plan Commission. The Town shall refer a petition for a zoning ordinance amendment to the Area Plan Commission for public hearing and recommendation.

263.01. In the case of a petition for a zoning ordinance amendment which requires a site development plan, after public hearing the Area Plan Commission shall:

1. Recommend approval; or
2. Recommend approval subject to modification; or
3. Recommend disapproval.

263.02. In the case of a petition for a zoning ordinance amendment which requires a site development plan, after public hearing the Area Plan Commission shall:

1. Recommend approval subject to a site development plan, as tendered; or
2. Recommend approval subject to modification; or
3. Recommend approval subject to submission and approval of a final site development plan, as provided in this chapter; or
4. Recommend disapproval.

263.03. In any case whereby the Town Council approves a petition for rezoning after either no recommendation or a recommendation for disapproval by the Area Plan Commission, this action of the Town Council shall be subject to submission of a final site plan as set forth in this Chapter.

Section 264. Rezone petition--Certification of approval by Town Council. If the petition to rezone subject to submission of a final site development plan is approved by the Town Council, a certified copy of such action shall be provided to the Area Plan Commission for subsequent final site development plan approval. A copy of such certification shall also be provided the petitioner.

Section 265. Rezone petition–Final site development plan--Required.

265.01. For final rezoning approval subject to a final site development plan, the petitioner or his successor in title shall submit to the Area Plan Commission a final site development plan within one (1) year after the date of certification of rezoning subject to final site development plan by the Town Council. Approval of rezoning shall be withdrawn, and the original zoning classification reinstated, if the final site development plan is not submitted within the required time period.

265.02. If the petitioner, or his successor in title is unable to submit a final site development plan to the Commission within one (1) year after the date of certification of rezoning by the Town Council, a written request for an extension of time not to exceed one (1) additional year for such submission may be granted by the Commission; provided, a request for such extension has been petitioned to the Area Plan Commission by the applicant or his successor in title prior to the time the rezoning would lapse as defined above in this subsection.

265.03. The rezoning ordinance subject to the site development plan shall constitute a limitation on the use of the premises therein contained and shall be binding on all persons.

Section 266. Rezone–Final site development plan-- Composition. The composition of the final site plan must be to scale and must show at least the following:

266.01. The exact location, size and other pertinent data of all land uses on the site including types, location and height of buildings, parking, open areas and landscaping;

266.02. Dimensioned setback lines from property lines and street right-of-way lines;

266.03. Adjacent thoroughfares including:

1. Proposed new cut(s) onto public rights-of-way with turning radii, with material used and slope, and

2. Dimensions of all rights of way;

266.04. Drainage plan to conform with County Engineering Department standards;

266.05. Location of all utilities;

266.06. Tabulated data including at least:

1. Gross net density of dwelling units; and
2. Parking ratio by either per dwelling unit, per employee, or per square feet of floor area; and
3. Percent and amount of land coverage by use; and
4. Percent and amount of floor area by use and by type; and

266.07. Topographical map showing existing and proposed contours and all natural features if development is a parcel over one acre.

Section 267. Rezone--Final site development plan --Approval Procedure. If the staff determines that the final site development plan conforms with the provisions of this Title and conforms substantially with the preliminary site development plan submitted with the petition to rezone, the staff shall affix the seal of the Area Plan Commission, inform the petitioner of the approval of the final site development plan, and distribute copies in the prescribed manner.

Section 268. Rezone--Final site development plan--Disapproval Procedure. If the staff determines that the final site development plan does not conform with the provisions of this Title, the staff shall deny granting approval of the final site development plan and shall inform the Area Plan Commission and the petitioner of the denial of approval of the final site development plan. The petitioner may then file a new final site plan which does conform with tile provisions of this Title if the new site plan is filed within the time period allowed under Section 265.

Section 269. Rezone--Final site development plan -- Time limit on action by Area Plan Commission staff. If the Area Plan Commission staff does not act on the final site plan or revised final site plan within forty-five (45) days after said site plan is submitted to the Area Plan Commission and so notify the petitioner of its action, such final site plan shall be deemed approved by the staff unless the petitioner requests in writing to the Area Plan Commission additional time.

Section 2610. Rezone--Final site development plan-- Approval on Appeal. If, as a result of an appeal by the petitioner, the Area Plan Commission determines that the final site development plan conforms with the provisions of this Title and conforms substantially with the preliminary site development plan submitted with the petition to rezone, the Area Plan Commission shall grant approval and the staff shall affix the seal of the Area Plan Commission, inform the petitioner of the approval of the final site development plan, and distribute copies in the prescribed manner.

The Area Plan Commission may only grant approval of the final site development plan if the final site development plan conforms with the provisions of this Title and if the Area Plan Commission makes the determination that the final site development plan conforms substantially with the preliminary site development plan submitted with the petition to rezone.

Section 2611. Rezone–Final site development plan--Disapproval--Appeal procedure. If, as a result of an appeal by the petitioner, the Area Plan Commission determines that the final site development plan does not conform with the provisions of this Title or does not substantially conform with the preliminary site development plan submitted with the initial petition, the Area Plan Commission shall deny granting approval of the final site development plan and the staff shall inform the petitioner of the disapproval of the final site development plan. The petitioner may file a new petition pursuant to the foregoing procedural requirements.

Section 2612. Rezone–Final site development plan--Time limit on action by Area Plan Commission. If, as a result of an appeal by the petitioner, the Area Plan Commission does not act on the final site plan within sixty (60) days after the final site plan is submitted to the Area Plan Commission and so notify the petitioner of its action, such final site plan shall be deemed approved by the Area Plan Commission unless the petitioner requests in writing to the Area Plan Commission additional time.

Section 2613. Rezone–Final site development plan--Filing upon certification. If the final site development plan is approved by the staff, by the Area Plan Commission, or if the final site plan becomes effective because of inaction by the Area Plan Commission within the specified time, notice of such action accompanied by the seal of the Area Plan Commission shall be filed with the following to insure compliance therewith:

1. Town Council;
2. County Building Commissioner;
3. Area Plan Commission; and,
4. Petitioner.

The Building Commissioner may thereafter issue a building permit for the rezoned properly only in accordance with the certified final site development plan.

Section 2614. Change, modification, or amendment to site development plan.

2614.01. For any change, modification, or amendment to the site development plan, the petitioner shall submit a request in writing to the Area Plan Commission setting same forth in detail. If the staff determines that the change, modification or amendment to the final site development plan conforms with the provisions of this Title; conforms substantially with the approved preliminary site development plan submitted with the petition to rezone;

and that the property in question is in substantial compliance with the current final site development plan, the staff shall grant approval, affix the seal of the Area Plan Commission, inform the petitioner of the approval of the revised final site development plan, and distribute copies in the prescribed manner.

2614.02. If the staff determines that the revised final site development plan does not conform with the provisions of this Title, or that the property in question is not in substantial compliance with the current final site development plan, the staff shall deny granting approval of the revised final site plan and shall inform the Area Plan Commission and the petitioner of the denial of approval of the revised final site development plan. The petitioner may then file a new revised final site plan which does conform with the provisions of this Title.

2614.03. If the staff determines that the revised final site development plan conforms with the provisions of this Title but does not conform substantially with the approved preliminary site development plan submitted with the petition to rezone; and where the change, modification or amendment involves enlargement or relocation of buildings or uses in such a manner that in the staff's opinion the change will adversely impact surrounding properties, then the staff shall forward the revised final site plan to the Site Plan Committee of the Area Plan Commission for review.

2614.04. If the Site Plan Committee determines that the revised final site plan conforms substantially with the approved preliminary site development plan submitted with the petition to rezone, and that the change, modification or amendment does not involve enlargement or relocation of buildings or uses in such a manner that it will adversely impact surrounding properties, then the Site Plan Committee shall direct the staff to grant approval, affix the seal of the Area Plan Commission, inform the petitioner of the approval of the revised final site development plan, and distribute copies in the prescribed manner.

2614.05. If the Site Plan Committee determines that the revised final site plan does not conform substantially with the approved preliminary site development plan submitted with the petition to rezone, or that the change, modification or amendment involves enlargement or relocation of buildings or uses in such a manner that it will adversely impact surrounding properties then the Site Plan Committee shall direct the staff to deny granting approval of the revised final site plan and inform the Area Plan Commission and the petitioner of the denial of approval of the revised final site development plan. The petitioner may not appeal the decision of the Site Plan Committee to the full Area Plan Commission. The petitioner may file a new petition to rezone pursuant to the foregoing procedural requirements.

Section 2615. Grounds for withdrawal of approval.

2615.01. Approval of rezoning shall be withdrawn, any issued building permit revoked, and the original zoning classification reinstated, if substantial construction, as determined by the Area Plan Commission, pursuant to the final site plan has not commenced within twelve (12) months after the amendment to the zoning ordinance becomes law. However, an extension of time, not to exceed six (6) months, may be granted by the Area Plan Commission; provided, a request for such extension has been petitioned to the Area Plan Commission by the applicant or his successor in title prior to the time rezoning would lapse as defined above in this subsection. The Area Plan Commission must determine and the applicant must prove that diligence has been pursued toward the accomplishment of said project before extension can be granted.

2615.02. Any person who fails to conform to the provisions of the rezoning ordinance subject to the site development plan shall be ordered to cease and desist by the Town Zoning Administrator and, failing so to do, shall be required by the Area Plan Commission to show cause, if any, why approval should not be withdrawn, the building permit revoked, or the original zoning classification reinstated.

Section 270. Nonconforming Lots of Record, Structures, and Uses. It is the intent of this Section to regulate nonconforming lots of record, structures, and uses in the following manner:

To specify the circumstances and conditions under which such nonconformities may continue to exist;

To limit the number and extent of nonconformities; and

To establish specific controls applicable to nonconforming lots of record, structures, and uses.

Section 271. Nonconforming Lots of Record.

271.01. Where a lot of record does not meet the applicable area and width requirements, it may be constructed upon, provided that all of the following shall be met:

The lot shall be in separate ownership and not of contiguous frontage with other lots in the same ownership;

All applicable requirements other than those pertaining to lot size and lot width shall be met; and

A variance shall be obtained from the Board of Appeals.

271.02. Where two or more lots not meeting the applicable area and width requirements are under single ownership and have contiguous frontage, the lots, for purposes of this Ordinance, shall be considered to be an undivided parcel, no portion of which shall be used or sold in violation of any applicable requirements.

Section 272. Nonconforming Structures.

272.01. Where a structure exists or where a Building Permit has been issued on or before the effective date of this Ordinance and such structure could not be built under the terms of this Ordinance, such nonconforming structures may continue, provided that:

A nonconforming structure may be altered or enlarged only if such change brings the structure into conformity with the provisions of this Ordinance;

Should such nonconforming structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at the time of destruction, it shall be reconstructed in conformity with the provisions of this Ordinance;

If such damage to the nonconforming structure is less than fifty (50) per cent of the cost of replacement at the time of destruction, replacement shall be undertaken within one (1) year from the date of destruction and diligently prosecuted to completion, or the right to reconstruct as a nonconforming structure shall be forfeited;

Except where required by governmental action, a nonconforming use shall not be moved except in conformance with the provisions of this Ordinance;

Ordinary repairs may be made to a nonconforming structure, provided that the cubic content of the structure shall not be increased, although nothing in this Section shall prevent the repair of a structure ordered by the Building Commissioner or other officer because of an unsafe condition; and

Whenever a nonconforming structure is abandoned for a period of one (1) year, the structure loses its status as a legal nonconforming structure. Any reuse of the structure shall be in conformance with the provisions of this Ordinance, or else the structure shall be removed from the premises.

Section 273. Nonconforming Use.

273.01. A nonconforming use of land, structure, or combination thereof may continue, provided that:

A nonconforming use may be extended throughout any part of a building designed for such use, but a nonconforming use shall not be extended to occupy any land outside that building;

Where a nonconforming status applies to structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land;

When a nonconforming use is abandoned for a period of one year, the use shall lose its status as a legal nonconforming use:

Substitutions of another nonconforming use shall constitute a discontinuance;

A discontinuance occurring seasonally, for necessary repairs, or as a result of any act of government, shall be considered a temporary discontinuance and shall not result in elimination of the use; and

An intention on the part of the owner of the property to put it some day to a nonconforming use or to resume such use after it has been to all intent and purpose abandoned, shall be insufficient to preserve the owner's right to a nonconforming use.

Section 280. Violations and Penalties; Fees.

281. Failure to comply with any of the provisions of this Ordinance shall constitute a violation.

281.01 Where a violation occurs, or is alleged to have occurred, any person, firm, or corporation may file a written complaint stating fully the causes and bases thereof with the Zoning Administrator, who shall record the complaint, investigate, and take action as prescribed in this Section.

281.03. The Board of Appeals or the Plan Commission may institute a suit for injunction in the Circuit Court to restrain any person from violating this Ordinance. A suite for mandatory injunction may be instituted in the Circuit Court directing a person to remove a structure erected in violation of this Ordinance.

282. Fees.

282.01. The schedule of fees shall be established by the Town Council and posted in the office of the Zoning Administrator.

ARTICLE 4. Supplemental Regulations

CHAPTER 1: SUPPLEMENTAL REGULATIONS

Section 100. Sign Regulations. It is recognized that certain uses located in appropriately zoned districts need and have a right to advertise through the use of sign displays. It is the intent of this Section to encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate. It is further the intent of this Section to foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community. In order to accomplish this purpose, it is necessary to regulate the size, location, construction, and manner of display of signs as set forth in this Section.

110. General Provisions.

110.01. All signs shall be constructed, connected, operated, and maintained according to the specifications of the applicable building and electrical codes.

110.02. All signs shall be maintained in a good state of repair. Painted faces and structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts, and transformers shall be kept in good state of repair and in safe condition. The Town may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair.

110.03. The following provisions shall apply to freestanding on-premise signs:

The sign, pole, or standard shall not extend beyond the property line or into the public right of way except where the setback of the building is 10 feet or less, and the free-standing sign functions in the same manner as a projecting sign; and

Freestanding signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is attached and shall not be visible. Exposed guy wires, chains, or other connections shall not be made a permanent part of the sign.

110.04. The following provisions shall apply to marquee or canopy signs:

One (1) sign shall be permitted for each entrance;
The display area of such signs shall not exceed eight (8) square feet per sign face, except that individual letters or symbols painted, stenciled, or otherwise applied to awnings and not exceeding three (3) inches in height shall not be included in this provision;

No sign shall extend beyond the outer edge of the marquee or roofed structure; and

There shall be at least an eight (8) foot six (6) inch clearance between the grade of the sidewalk and the lowest point of the sign.

110.05 Projecting signs shall be permitted, as follows:

Except as may be provided hereafter, one (1) projecting sign shall be permitted for each ground floor use. If the lineal ground floor use frontage exceeds 200 feet, an additional projecting sign shall be permitted, and for each additional 300 lineal feet, another projecting sign shall be permitted;

Where a use has such frontage on more than one (1) street, there may be one (1) projecting sign for each frontage, provided that only a sign computed for the frontage of a street shall face that street, or there may be one (1) corner projecting sign, which shall be computed on the basis of one-half the frontage of the use on both streets;

It is the intent of this Section to encourage wherever it is feasible, the use of lateral supports that are contained within the framework of the sign or lateral supports that run parallel to the sign frame. Where additional side bracing is required, guy wires, and not chains, shall be used;

The height of a projecting sign shall not exceed eight (8) feet above the parapet wall of the building, and the lowest point of the projecting sign shall be not less than ten (10) feet above the grade; and

The projection of projecting signs shall be limited by the more restrictive of the following:

- (1) No projecting sign shall project further than one-half the distance from the property line to the curb line;
- (2) No projecting sign shall project further than one-half the distance from the sign location to the nearest side lot line; or

(3) The projection of projecting signs shall be limited as follows:

<u>Lot Frontage</u>	<u>Maximum Projection</u>
Under 20'	5'3"
20' to 34'11"	5'3"
35' to 44'11"	6'3"
45' to 59'11"	7'3"
60' and over	8'3"

110.06. The following provisions shall apply to roof-mount signs:

The supporting members of roof-mount signs shall appear to be free of any extra bracing, angle irons, guy wires, or cables;

Supports shall appear to be an architectural and integral part of the building;

Supporting columns of round, square, or shaped steel members may be erected if required bracing visible to the public is minimized or covered;

Roof-mount signs shall not project higher than the provisions of the district in which the sign is located; and

The backs of roof-mount signs shall be concealed by another sign, shall be screened by suitable architectural treatment, or shall be painted to blend with the surroundings and kept so painted.

110.07. Signs shall be illuminated by direct or indirect lighting, provided that the beam from an indirect source shall be effectively concealed from view.

110.08. Window signs shall not exceed forty (40) percent of the window area and shall be used to identify and advertise the products and services available on the premises.

110.09. Temporary signs shall be permitted, provided that:

There shall not be more than two (2) such signs per frontage;

A temporary sign shall not exceed one-half the display area of a permitted permanent sign; and

Temporary signs shall be for temporary use only, not to exceed thirty (30) days in any calendar year.

110.10. Flashing signs shall be permitted, provided that:

Signs that flash only for the purpose of gaining attention shall not have exposed incandescent bulbs of more than twenty-five (25) watts. A traveling or flowing effect with twenty-five (25) watt bulbs or less shall be permitted; and

This provision shall not apply to bulbs that are use to convey a changing message, such as time and temperature, news, advertising, or other such information.

110.11. Slow-speed (six revolutions per minute) revolving signs shall be permitted, provided that the mechanism required to operate the sign is effectively concealed from view, and further provided that a direct beam of light shall not be said to be revolving.

Section 120. Permitted Signs by District.

121. Signs permitted in the R-8 Low Density Residential and R-12 Medium Density Residential Districts:

121.01. Development signs, provided that:

Such signs shall be temporary and shall be displayed on the construction site only for the duration of the construction; and

The maximum display area of such signs shall be 100 square feet.

121.02. Directional signs.

121.03. Commemorative, historical, and memorial signs, markers, and plaques not exceeding six (6) square feet in display area and containing no advertising material thereon.

121.04. Identification signs denoting the names of occupants and/or professions, not exceeding one (1) square foot in display area.

121.05. Identification signs for real estate developments, provided that:

There shall not be more than one (1) such sign, maximum of thirty-two (32) square feet in copy area, and containing no advertising materials, except the name and street address of the development, located at each of the principal entrances.

121.06. Identification signs for permitted service-commercial uses, provided that such signs shall not exceed one-half square foot in display area per linear front foot of such use.

121.07. Institutional bulletins, not exceeding thirty-two (32) square feet in copy area.

121.08. Public information signs.

121.09. Real estate signs, provided that:

Such signs shall not exceed four (4) square feet in display area; and

Such signs shall be removed from the premises within fifteen (15) working days of the sale, lease, or rental of the premises.

121.10. Seasonal decorations and displays, provided that such signs shall be temporary.

122. Signs permitted in the C--General Commercial District, and in the LI--Limited Industrial Districts:

122.01. All signs permitted in Section 121 of this Article.

122.02. All double face on-premise signs, including projecting and non-projecting, freestanding, and building-mounted shall be limited in area as follows:

The total display area of all double face on-premise signs shall not exceed three (3) square feet for each linear foot of lot frontage; and

When measuring area, the display area of one face of a double face sign shall be counted.

122.03. A single face on-premise sign shall not be larger than the portion of the facade of the building which is ten (10) feet above the grade.

122.04. Flashing and slow-speed revolving signs.

Section 130. Signs Not Permitted in Any District.

131. Banners, pennants, and streamers shall not be permitted, except:

Flags and banners of the United States, the State of Indiana, or any other political entity, religious or fraternal organization; or

Banners, pennants, and streamers permitted under a Temporary Sign Permit.

132. Permanent window signs located above the ground floor level in a building for the purpose of being viewed from outside the building.

133. Portable, folding, and similar movable signs shall not be permitted, except under a Temporary Sign Permit.

134. Signs which are structurally unsafe, as determined by the Building Commissioner.

135. Signs obstructing free ingress or egress from a required exit, or which prevent light or ventilation as required in local codes and ordinances.

136. Signs which by reason of size, location, content, coloring, or illumination violate municipal and state highway standards.

137. Signs, words, phrases, symbols, colors, or characteristics which may mislead, interfere with, confuse traffic.

138. Signs erected on or attached to any sidewalk, street, or highway right of way, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, telegraph, or electric light pole, other utility pole, public fence, or on a fixture of the fire alarm or police system except public information signs.

139. Signs which involve revolving or rotating beams of light.

Section 200. Off-Street parking and Loading Requirements. It is the intent of this Section to establish minimum off-street parking and loading requirements for permitted and conditional uses based on the peak-hour demand for parking space under normal circumstances. It is further the intent of this Section to set forth standards by which to improve circulation within parking lots, as well as to insure adequate access into the public right of way.

210. Parking Requirements.

210.01. Except as provided in Section 210.12 of this Article, parking facilities shall be provided for all uses constructed, established, moved, or changed after the effective date of the Ordinance.

210.02. Except as hereinafter provided, all parking facilities shall be located on the same lot as the structure or use serves.

Where parking facilities are permitted offsite, there shall be on record in the Office of the Clerk of the Town Council a written agreement providing that such arrangement shall be continued so long as the structure or use they are intended to serve is continued.

210.03. Additional parking facilities shall not be required where a nonconforming use is repaired or renovated to an extent of less than seventy-five percent (75%) of the replacement cost, provided that the original use is not increased in intensity or changed so as to require additional facilities.

Where repair, renovation, or alteration exceeds seventy-five percent (75%) of the replacement cost, parking facilities shall be provided in accordance with the requirements for a new structure.

210.04. Where there is a combination of uses on a site, off-street parking shall be provided to equal the sum of the requirements for each use.

210.05. Parking facilities may occupy any portion of a lot, provided that:

Open parking spaces may be located in any yard, except that parking shall not be permitted in the front yard or in a side yard located on the street side of a corner lot; and

Garages and carports shall be subject to applicable side yard requirements.

210.06. All parking facilities shall be arranged so that parking maneuvers shall be accomplished without entering a public right of way or walkway within or adjoining the facility, and further:

Access drives shall be located in accordance with the curb cut regulations; and

Access shall be only from the district in which the facility is located.

210.07. Dimensions of parking facilities shall be determined according to the following tables:

Parking Angle	Stall Width (1) (2) (3)	Stall Depth	One-Way Aisle	Two-Way Aisle	Turnaround Radius
45 deg.	9' 9'6" 10'	20'	13'	21'	17'
55 deg.	9' 9'6" 10'	20'	16'	24'	15'
60 deg.	9' 9'6" 10'	20'	17'6"	24'6"	14'
90 deg.	9' 9'6" 10'	20'	25'	25'	14'

Stall Width

- (1) Attendant parking
- (2) Employee parking
- (3) Other (e.g., customer, patron or visitor and residential) parking

210.08. All areas for parking and maneuvering shall be paved in conformance with the standards established by the County Engineer.

210.09. Adequate lighting shall be provided if facilities are operated after 6:00 p.m.

210.10. Mobile homes shall not be parked or stored except on the premises of a permanent mobile home sales establishment.

210.11. Trucks, tractor-trailer combination vehicles, and detached trailers in excess of a three-quarter ton capacity shall not be parked or stored except in the C-General Commercial and LI--Limited Industrial Districts.

210.12. The Central Business District, as delineated on the official Zoning Map, shall be exempted from off-street parking requirements, provided, however, where repair, renovation, or alteration exceeds seventy-five percent (75%) of the replacement cost, parking facilities shall be provided in accordance with the requirements for a new structure, and, provided further, however, that the requirements of Sections 210.10 and 210.11 shall be applicable in the Central Business District.

The Central Business District shall include the following described property:

Part of the East one-half of the South East Quarter of section 34, Township 36 North, Range 2 East, Union Township, Town of Lakeville, St. Joseph County, Indiana Described as follows:

Lots A and B, Motts Subdivision to the Town of Lakeville; Lots A through F, Lakeville Original Town Plat; those portions of Lots 1 through 8 of Coquillard's Addition to the Town of Lakeville which are located between Michigan Street (U.S. 31) and the first north-south alley west of Michigan Street; Lots 9 and 10 excepting the East 65 feet thereof all in Henderson's Addition to the Town of Lakeville; and Lots 2 through 5 and 14 through 20, Block 3 of Hupps 2nd Addition to the Town of Lakeville.

211. Off-street parking requirements shall be computed on the basis of the following units of measure:

Every twenty (20) inches of pew, bench, or other seating space shall count as one seat;

The shift or employment period during which the greatest number of employees is present shall determine the number of employees; and

When the unit of measure determining the number of required parking spaces results in a fraction of one-half or more, an additional parking space shall be required.

Section 220. Table of Off-Street Parking Requirements. Off-street Parking requirements shall be established for permitted and conditional uses, irrespective of the zoning district in which they are located, as follows:

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Ambulance services	1 per vehicle operated by the establishment; plus 1 per 2 employees	Onsite
Amusement centers	1 per 2 employees; plus 1 per 400 square feet of gross floor area	Onsite
Animal hospitals	1 per 2 employees; plus 2 per doctor; plus 1 per examining room	Onsite
Antique shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Apparel and accessories shops	1 per 2 employees; plus 1 per 200 square feet of display area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Appliance dealers - household	1 per 2 employees; plus 1 per 400 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Armored car services	1 per vehicle operated by the establishment; plus 1 per 2 employees	Onsite
Art dealers	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Art galleries	1 per 2 employees; plus 1 per 200 square feet of display area, provided that there shall be a minimum of 3 such spaces per establishment; plus 1 per 5 seats in an auditorium or other assembly or meeting room	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Arts and crafts supplies	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Athletic clubs	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the establishment; plus 1 per 400 square feet of other recreation, exercise, or health area	Onsite or within 300 feet of the nearest door for use by the general public
Auction houses	1 per 400 square feet of display, sales and auction area	Onsite
Auditorium	1 per 5 seats at maximum seating capacity; plus 1 per 2 employees	Onsite
Automobile body shops	1 per 2 employees; plus 2 per service bay, provided that there shall be a minimum of 5 such spaces provided per establishment	Onsite
Automobile dealers	1 per 2 employees; plus 1 per 1000 square feet of display, sales and storage area, indoor and outdoor	Onsite
Automobile parts and supplies - sales	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Automobile rental and leasing services	1 per vehicle operated by the establishment; plus 1 per 2 employees	Onsite
Automobile repair shops	1 per 2 employees; plus 2 per service bay, provided that there shall be a minimum of 5 such spaces provided per establishment	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Automobile service stations	1 per vehicle operated by the establishment; plus 1 per 2 employees; plus 2 per service bay, provided that there shall be a minimum of 5 such spaces provided per establishment	Onsite
Automobile washing and waxing facilities	1 per 2 employees; plus 5 times the maximum washing and waxing capacity of the facility	Onsite
Bakeries - non retail	1 per vehicle operated by the establishment; plus 1 per 2 employees	Onsite where a vehicle operated by the establishment; otherwise onsite or within 300 feet of the nearest door for use by the general public
Bakeries - retail	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Barber shops	1 per 2 employees; plus 2 spaces per operator's station	Onsite or within 300 feet of the nearest door for use by the general public
Bars, lounges, and nightclubs	1 per 2 employees; plus 1 per 3 persons at maximum seating capacity	Onsite
Beauty shops	1 per 2 employees; plus 3 spaces per operator's station	Onsite or within 300 feet of the nearest door for use by the general public
Bicycle and motorcycle rentals, sales and service	1 per 2 employees; plus 1 per 1000 square feet of display, sales, and storage area, indoor and outdoor; plus 1 per 800 square feet of service area; plus 1 per rental	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Boarding houses	1 per boarder; plus 2 per owner or operator of the establishment	Onsite
Boat charters, leasing and rentals	3 per establishment; 1 per 2 employees; plus 1 per charter, lease, or rental available at any given time	Onsite
Boat dealers	1 per 2 employees; plus 1 per 1000 square feet of display, sales, and storage area, indoor and outdoor	Onsite
Bookstores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Bottling companies	1 per vehicle operated by the company; plus 1 per 2 employees	Onsite where a vehicle is operated by the establishment; otherwise onsite or within 300 feet of the nearest door for use by the public
Broadcasting studios	1 per 2 employees; plus 2 per sound stage or broadcasting area; plus 1 per 5 seats at maximum visitor seating capacity	Onsite or within 300 feet of the nearest door for use by the general public
Bus garages and terminals	1 per 2 employees; plus 1 per vehicle using the terminal, based on the maximum vehicle parking and storage capacity of their terminal; plus 2 per service bay; plus 1 per 5 seats in the waiting area	Onsite
Butcher shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Camping equipment rentals and sales	1 per 2 employees; plus 1 per 200 square feet of display, sales, and storage area, indoor and outdoor	Onsite
Candy and confectioneries - non retail	1 per vehicle operated by the establishment; plus 1 per 2 employees	Onsite where a vehicle is operated by the establishment; otherwise onsite or within 300 feet of the nearest door for use by the general public
Candy and confectioneries - retail	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Cemeteries	1 per 2 employees	Onsite
Child day nurseries	1 per 2 employees; plus 1 per 5 children, as determined on the basis of the number of children for whom the establishment is licensed	Onsite
Churches	1 per 2 employees; plus 1 per 5 seats in the main sanctuary area	Onsite
Cleaning - pick up and self service	3 per establishment, plus 1 per 2 employees; plus 1 per washing machine; plus 1 per self-service dry cleaning machine	Onsite
Clinics	1 per 2 employees (other than staff doctors); plus 1 per staff doctor; plus 3 per examining room	Onsite
Clubs and lodges	1 per 5 members; plus 1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the establishment	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Community centers	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the establishment	Onsite
Contractor's equipment and materials rentals and sales - inside storage only	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 800 square feet of display and sales area; plus 1 per 1000 square feet of storage area	Onsite
Crop dusting - including onsite storage and equipment	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 400 square feet of office area; plus 1 per 1000 square feet of storage area	Onsite
Cultural centers	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the establishment	Onsite
Delicatessens	1 per 2 employees; plus 1 per 3 persons at the maximum seating capacity; plus 1 per 400 square feet of floor area used for carry-out service	Onsite
Department stores	1 per 2 employees; plus 1 per 400 square feet of display and sales area	Onsite
Distributors	1 per 2 employees; plus 1 per 400 square feet of display and sales area; plus 1 per vehicle operated by the establishment	Onsite
Drive-in establishments	1 per 2 employees; plus 1 per 400 square feet of display and sales area; plus 5 times the drive-in service capacity	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Drug stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Dry goods stores	1 per 2 employees; plus 1 per 400 square feet of display and sales area	Onsite
Dwelling units - multi-family	2 per dwelling unit	Onsite
Dwelling units - single family	2 per dwelling unit	Onsite
Dwelling units - two family	2 per dwelling unit	Onsite
Fabric Shop	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Farm equipment, rentals, sales and service	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 800 square feet of display, service, sales and storage area	Onsite
Feed and grain dealers	1 per 2 employees; plus 1 per 800 square feet of display, sales and storage area; plus 1 per vehicle operated by the establishment	Onsite
Feed and grain processing	1 per 2 employees	Onsite
Fertilizer dealers	1 per 2 employees; plus 1 per 800 per square feet of display and sales area	Onsite
Fire stations	1 per 2 fire fighters	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Florists	1 per vehicle operated by the establishment; plus 1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite where a vehicle is operated by the establishment; otherwise onsite or within 300 feet of the nearest door for use by the general public
Frozen food lockers	1 per 2 employees; plus 1 per vehicle operated by the facility; plus 1 per 400 square feet of display and sales area	Onsite
Funeral Home	1 per 2 employees; plus 1 per funeral vehicle; plus 1 per 50 square feet of parlor area	Onsite
Furniture stores	1 per 2 employees; plus 1 per 400 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Garden supply stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per	Onsite or within 300 feet of the nearest door for use by the general public
Gift shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Grain elevators	1 per 2 employees; plus 1 per vehicle operated by the establishment	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Grocery stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite
Growing of nursery stock	See Nurseries – plat material	
Hardware stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Health studios	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the establishment; plus 1 per 400 square feet of other recreation, exercise or health area	Onsite or within 300 feet of the nearest door for use by the general public
Helistop	3 per helistop pad; plus 1 per 2 employees	Onsite
Hobby shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Home occupations	N/A	N/A
Horticulture	See Nurseries – plan material	

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Hospitals, institutions and sanitariums	1 per 2 employees (other than staff doctors); plus 1 per staff doctor, as determined by the maximum number of staff doctors on duty at any one time; plus 1 per 6 beds where chronic care is provided; plus parking to meet the requirements as established in this Table for the use included in the establishment	Onsite
Hotels	1 per 2 employees; plus 1 per guest room or suite of rooms for the first 30; plus 1 per 2 guest rooms for rooms 31 to 60; plus 1 per 3 guest rooms in excess of 60; plus parking to meet the requirements as established in this Table for the additional uses included in the establishment	Onsite
Ice – manufacturing	1 per 2 employees; plus 1 per vehicle operated by the establishment	Onsite
Ice and roller skating rinks	1 per 2 employees; plus 1 per 200 square feet of gross floor area; plus 1 per 5 seats of spectator area	Onsite
Industrial equipment rentals and sales	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 1000 square feet of display, sales and storage area, indoor and outdoor	Onsite
Interior decorating studios	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Jewelers	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces	Onsite or within 300 feet of the nearest door for use by the general public

	per establishment	
<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Kennels	1 per 2 employees; plus 1 per 800 square feet of gross floor area used as a waiting room; plus 1 per 5 boarding animals, based on the maximum number of boarders that can be handled by the establishment	Onsite
Knit shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Land reclamation projects	1 per 2 employees	Onsite
Landscaping companies	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 1000 square feet of display, sales and planting area	Onsite
Laundries – pick-up and self-service	3 per establishment; plus 1 per 2 employees; plus 1 per washing machine; plus 1 per self-service dry cleaning machine.	Onsite
Libraries – branches and main libraries	1 per 2 employees; plus 1 per 800 square feet of floor area for use by the public; plus 1 per 5 seats in an auditorium or other assembly room.	Onsite
Liquor stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Lodging houses	1 per lodger; plus 2 per owner or operator of the establishment	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Lumber yards	1 per 2 employees; plus 1 per 1000 square feet of display, sales and storage area, indoor and outdoor	Onsite
Mobile home dealers	1 per 2 employees; plus 1 per 1000 square feet of display, sales and storage area, indoor and outdoor	Onsite
Mortuaries	1 per 2 employees; plus 1 per funeral vehicle, plus 1 per 50 square feet of parlor area	Onsite
Motels	1 per 2 employees; plus 1 per guest room or suite of rooms; plus parking to meet the requirements as established in this Table for the uses included in the motel	Onsite
Music stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Nurseries – plant material	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 1000 square feet of display, sales and planting area	Onsite
Nursery schools	1 per 2 employees; plus 1 per 5 children, as determined on the basis of the number of children for whom the establishment is licensed	Onsite
Offices – business, financial, governmental, professional, organizational, real estate	1 per 2 employees; plus 1 per 400 square feet of office space	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Offices – medical	1 per 2 employees (other than staff doctors); plus 1 per staff doctor; plus 3 per examining room	Onsite
Paint stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Parks and playgrounds	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included	Onsite
Pet shops	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Photography shops and developing	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Planned residential developments	Parking to meet the requirements as established in this Table; plus 1 per 2 employees	Onsite
Pollution control equipment rentals, sales and service	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 400 square feet of the office area	Onsite
Printing – duplicating only	1 per 2 employees; plus 1 per 800 square feet of sales area	Onsite or within 300 feet of the nearest door for use by the general public
Printing – full scale printing operations	1 per 2 employees; plus 1 per 800 square feet of sales and printing area	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Produce markets	1 per 2 employees; plus 3 per market stall where individuals rent or lease the use of the site; plus 1 per 400 square feet of gross floor area	Onsite
Recording studios	1 per 2 employees; plus 2 per soundstage or recording area; plus 1 per 5 seats at maximum visitor seating capacity	Onsite or within 300 feet of the nearest door for use by the general public
Recreational facilities	1 per 2 employees; plus parking to meet the requirements as established in this Table for the uses included in the facility:	Onsite
Archery	3 per lane	
Baseball diamonds	10 per diamond	
Basketball courts	10 per court	
Bowling alleys	5 per lane	
Driving ranges	1 per tee	
Golf courses	3 per hole	
Miniature golf	3 per hole	
Swimming pools	1 per 200 square feet of pool surface, including locker rooms and pool deck area	
Tennis and other ball courts	2 per court	
Rental and leasing services	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 400 square feet of display area and rental or leasing office area	Onsite

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Repair shops – non-automotive	1 per 2 employees; plus 1 per 800 square feet of office area; plus 1 per 400 square feet of non-automotive repair area	Onsite
Research and development – not involving fire or explosive hazards, radioactivity, or dangerous gases	1 per 2 employees; plus 1 per 400 square feet of laboratory or office area	Onsite or within 300 feet of the nearest door for use by the general public
Restaurants	1 per 2 employees; plus 1 per 3 persons at maximum seating capacity	Onsite
Sanitary landfills	1 per 2 employees; plus 1 per vehicle operated by the establishment	Onsite
Schools – art, business, and vocational	1 per 2 employees; plus 15 per classroom; plus 1 per 400 square feet of office area	Onsite or within 300 feet of the nearest door for use by the general public
Schools – Driver education	1 per 2 employees; plus 1 per vehicle operated by the establishment; plus 1 per 400 square feet of office area	Onsite
Schools – elementary and middle (non-boarding)	1 per 2 employees; plus 3 spaces per classroom	Onsite
Schools – high (non-boarding)	1 per 2 employees; plus 7 per classroom	Onsite
Specialty food stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public
Sporting goods stores	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite or within 300 feet of the nearest door for use by the general public

<u>Use</u>	<u>Parking Requirements</u>	<u>Location</u>
Storage – inside, not involving fire or explosive hazards, radioactivity, or dangerous gases	1 per 2 employees; plus 1 per 1000 square feet of storage area; plus 1 per 400 square feet of office area	Onsite
Storage – outside, not involving fire or explosive hazards, radioactivity, or dangerous gases	Same as for inside storage	Onsite
Supermarkets	1 per 2 employees; plus 1 per 200 square feet of display and sales area, provided that there shall be a minimum of 3 such parking spaces per establishment	Onsite

Section 230. Loading Requirements.

231. Loading facilities shall be provided on the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, in accordance with the provisions of this Section, and in the amount set forth in the Table of Loading Requirements.

232. Loading berths may occupy any portion of a lot, provided that:

Loading berths shall not be permitted in any required front or side yard.

233. All loading facilities shall be arranged so that all maneuvers shall be accomplished without entering a public right of way or walkway, and further:

The location of access drives shall be subject to approval by the Curb Cut Committee;

Access shall be only from the district in which the facility is located; and

Drives shall be directly accessible to the building or structures served.

234. Loading berths shall be a minimum of ten (10) feet in width and fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of fourteen (14) feet.

235. All loading berths and maneuvering areas shall be paved in conformance with the standards of the County Engineer.

236. Loading facilities shall be effectively screened from an adjacent residential district or principal residential use in accordance with the provisions of Article II, Section 708.

236.01. Screening shall be continuous, broken only for access drives and walkways.

237. Loading requirements shall be computed on the basis of the gross floor area.

Section 240. Table of Loading Requirements. Loading requirements shall be established for permitted and conditional uses, irrespective of the zoning district in which they are located, as follows:

<u>Use</u>	<u>Gross floor area (sq. ft.)</u>	<u>Loading Berths</u>
Hotels, hospitals and institutions	Less than 50,000	1
	50,000 to 100,000	2
	Each additional 100,000	1 addl.
Office and professional uses, retail and wholesale, manufacturing, and storage	Less than 20,000	1
	20,000 to 100,000	2
	100,000 to 500,000	3
	Each additional 100,000	1 addl.

ARTICLE 5. Adoption of the Area Planning Act.

CHAPTER 1: AREA PLAN COMMISSION OF ST. JOSEPH COUNTY
AREA BOARD OF ZONING APPEALS

Section 1. The provisions of said Area Planning Act creating an Area Planning Department in the County composed of an Area Plan Commission, an Area Board of Zoning Appeals, an Executive Director, and such staff as the Area Plan Commission considers necessary, and all other provisions of said Area Planning Act are hereby adopted. (Formerly Ordinance No. 117, Section 1)

ARTICLE 6. Floodplain Regulations

CHAPTER 1: STATUTORY AUTHORIZATION

Section 1. Statutory Authorization. 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.

CHAPTER 2: STATEMENT OF PURPOSE

Section 2. Statement of Purpose. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce potential for 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 Town Council of the Town of Lakeville, Indiana, hereby adopts 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 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; and
6. To make federally subsidized flood insurance available for structures and their contents in the Town of Lakeville, Indiana by fulfilling the requirements of the National Flood Insurance Program.

CHAPTER 3: DEFINITIONS

In addition to the definitions contained in Chapter 1 of Article 1, General Provisions, Section 200, Definitions, the following definitions shall apply to the Floodplain Regulations of this Chapter:

Section 100. Building means structure.

Section 101. Development. Development means any man-made change to improved or unimproved real estate including but not limited to:

101.01. Construction, reconstruction, or placement of a building, structure or any addition to a building or structure.

101.02. Installing a manufactured home or mobile home on a site; preparing a site for a manufactured home or mobile home, or installing a recreation vehicle or trailer on a site for more than 180 days.

101.03. Installing utilities, erection of walls and fences, construction of roads, or similar projects.

101.04. Construction of flood control structures such as levees, dikes, channel improvements, etc.

101.05. Mining, dredging, filling, grading, excavation, or drilling operations.

101.06. Construction and/or reconstruction of bridges or culverts.

101.07. Storage of materials.

101.08. Any other activity that might change the direction, height, or velocity of flood or surface waters.

101.09. Development does not include activities such as the maintenance of existing buildings, structures 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.

Section 102. Existing manufactured home park or subdivision. 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 ordinance.

Section 103. Expansion to a manufactured home or mobile home park or subdivision. Expansion to a manufactured home or mobile home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes or mobile 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.

Section 104. FBFM. FBFM means Flood Boundary and Floodway Map.

Section 105. FEMA. FEMA means Federal Emergency Management Agency.

Section 106. FHBM. FHBM means Flood Hazard Boundary Map.

Section 107. FIRM. FIRM means Flood Insurance Rate Map.

Section 108. Flood. 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.

Section 109. Floodplain. 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.

Section 110. Flood Protection Grade. Flood Protection Grade means the elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area.

Section 111. Floodway. Floodway means the channel of a river or stream and those portions of the floodplain 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.

Section 112. Floodway Fringe. Floodway Fringe means those portions of the floodplain lying outside the floodway.

Section 113. Letter of Map Amendment (LOMA). Letter of Map Amendment (LOMA) means an amendment, issued by the Federal Emergency Management Agency, to the currently effective Federal Emergency Management Agency map that establishes that a property is not located in a Special Flood Hazard Area.

Section 114. Letter of Map Revision (LOMR). Letter of Map Revision (LOMR) means an official revision to the currently effective Federal Emergency Management Agency map issued by the Federal Emergency Management Agency and changes the flood zones, delineations, or elevations.

Section 115. Lowest Floor. Lowest Floor means the lowest of the following:

115.01. The top of the basement floor.

115.02. The top of the garage floor, if the garage is the lowest level of the building.

115.03. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

115.04. 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:

- a. 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 area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
- b. Such enclosed space shall be usable for the parking of vehicles and building access.

Section 116. Manufactured Home. 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.

Section 117. Manufactured Home Park or Subdivision, Existing. 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 ordinance.

Section 118. Manufactured Home Park or Subdivision, New. 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, or either final site grading or pouring of concrete pads, is completed on or after the effective date of this ordinance.

Section 119. Recreation Vehicle. Recreation Vehicle means a vehicle which is:

119.01. Built on single chassis.

119.02. 400 square feet or less when measured at the largest horizontal projections.

119.03. Designed to be self-propelled or permanently towable by an automobile or a light duty truck.

119.04. Designed not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Section 120. Regulatory Flood. 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 200 of this ordinance. The Regulatory flood is also known by the term Base Flood.

Section 121. Special Flood Hazard Area. Special Flood Hazard Area means those lands within the jurisdiction of the Town of Lakeville, Indiana that are subject to inundation by a regulatory flood. The Special Flood Hazard Areas of those parts of unincorporated St. Joseph County that are subsequently annexed into the Town of Lakeville are generally identified as such on the Flood Insurance Rate Maps prepared for St. Joseph County by the Federal Emergency Management Agency and dated February 17, 1988.

Section 122. Structure. Structure means a building or 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, mobile home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Section 123. Substantial Improvement. 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 structure's continued designation as an "historic structure."

CHAPTER 4: ADMINISTRATION AND ENFORCEMENT

Section 100. Duties of the Administrator. The Zoning Administrator for the Town of Lakeville, Indiana is appointed to review all development proposals to insure compliance with this Ordinance, including but not limited to the following duties:

100.01. Ensure that all development activities within the Special Flood Hazard Areas of the Town of Lakeville meet the requirements of this Ordinance.

100.02. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

100.03. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 400 of this Ordinance, and maintain a record of such authorization with a copy of the actual permit or letter of recommendation.

100.04. 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 or structures constructed in the Special Flood Hazard Area. Inspect the buildings and structures before, during and after construction.

100.05. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Chapter 4, Section 500 of this Ordinance.

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

100.07. Maintain for public inspection and furnish upon request flood data, Special Flood Hazard Area maps, Letters of Map Amendment, Letters of Map Revisions, copies of Indiana Department of Natural Resources permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this Ordinance.

100.08. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.

Section 200. Regulatory Flood Elevation. This ordinance'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 Indiana Department of Natural Resources for review and approval.

200.01. The regulatory flood elevation and floodway limits for the Special Flood Hazard Areas of those parts of unincorporated St. Joseph County that are subsequently annexed into the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the County dated February 17, 1988, and the corresponding Federal Boundary and Floodway Maps dated February 17, 1988 prepared by the Federal Emergency Management Agency.

If the Special Flood Hazard Area is delineated as "AH Zone or AO Zone," the elevation, or depth, will be delineated on the County's Flood Insurance Map. If the Special Flood Hazard Area is delineated as "Zone A" on the County's Flood Insurance Map, the

regulatory flood elevation shall be according to the "best data available" as provided by the Indiana Department of Natural Resources.

Section 300. Improvement Location Permit. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the Special Flood Hazard Area without first obtaining an Improvement Location Permit from the Zoning Administrator. The Zoning Administrator shall not issue an Improvement Location Permit if the development does not meet the requirements of this Ordinance.

300.01. The application for an Improvement Location Permit shall be accompanied by the following:

1. A description of the proposed development.
2. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
3. A legal description of the subject property.
4. A site development plan showing existing and proposed development locations and existing and proposed land grades.
5. Elevation of top of the lowest floor, including basement, of all proposed buildings, structures and development. Elevation should be in National Geodetic Vertical Datum of 1929 or the North American Vertical Datum. In either case the conversion formula shall be included.

300.02. Upon receipt of an application for an Improvement Location Permit, the Zoning Administrator shall determine if the site is located within an identified floodway or floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined.

1. If the site is in an identified floodway the Zoning Administrator 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.
 - (a) Under the provisions of I.C. 14-28-2 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, paving, or other such activity undertaken before the actual start of construction of the building.

(b) No action shall be taken by the Zoning Administrator 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 Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Chapter 4, Sections 400 and 500 of this Ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local Improvement Location Permit provided the provisions contained in Chapter 4, Sections 400 and 500 of this Ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.

3. 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 Maps, and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator 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.

(a) No action shall be taken by the Zoning Administrator 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.

(b) Once the Zoning Administrator 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 the Indiana Department of Natural Resources and the provisions contained in Chapter 4, Sections 400 and 500 of this Ordinance have been met.

Section 400. Preventing Increased Damages. No development in the Special Flood Hazard Area shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

400.01. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

1. 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.
2. For all projects involving channel modifications or fill, including levees, Lakeville shall submit the data and request that the Federal Emergency Management Agency to revise the regulatory flood data.

400.02. Within all Special Flood Hazard Areas identified as "Zone A," the following standard shall apply:

1. 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.

400.03. Public Health Standards in all Special Flood Hazard Areas:

1. No development in the Special Flood Hazard Area 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 Chapter 4, Section 500 of this Ordinance.
2. 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 Flood Protection Grade, or those which are located below the Flood Protection Grade are watertight.

Section 500. Protecting Buildings. In addition to the damage prevention requirements of Chapter 4, Section 400, all buildings to be located in the Special Flood Hazard Area shall be protected from flood damage below the Flood Protection Grade.

500.01. This building protection requirement applies to the following situations:

1. Construction or placement of any new building greater than 400 square feet.
2. Structural alterations made to an existing building that increase the market value of the building by more than 50 percent, excluding the value of the land.
3. Any subsequent alterations.

4. Reconstruction or repairs made to a damaged building that are valued at or more than 50 percent of the market value of the building excluding the value of the land before damage occurred.
5. Installing a new manufactured home or mobile home on a new site or a new manufactured home or mobile home on an existing site. This Ordinance does not apply to returning the existing manufactured home or mobile home to the same site it lawfully occupied before it was removed to avoid flood damage.
6. Installing a recreation vehicle or travel trailer on a site for more than 180 days.

500.02. This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in Chapter 4, Section 100 of this Ordinance.

1. A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:
 - (a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95 percent of the maximum density obtainable with the Standard Proctor Test method.
 - (b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the Flood Protection Grade.
 - (c) 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.
 - (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (e) The top of the lowest floor, including basements, shall be at or above the Flood Protection Grade.
2. A residential or nonresidential building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundations provided:

(1) 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 openings shall be no higher than one (1) foot above grade.

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

(b) 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, lee, and floating debris.

(c) All areas below the Flood Protection Grade 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 Flood Protection Grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the Flood Protection Grade.

3. The manufactured home, mobile home, recreation vehicle, or trailer to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home or mobile home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the Flood Protection Grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes or mobile homes to be placed on a site; (1) Outside a manufactured home or mobile home park or subdivision; (2) in a new manufactured home or mobile home park or subdivision; (3) in an expansion to an existing manufactured home or mobile home park or subdivision; or (4) in an existing manufactured home or mobile home park or subdivision on which a manufactured home or mobile home has incurred "substantial damage" as a result of a flood.

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

The manufactured home or mobile home shall be elevated so that the lowest floor of the manufactured home or mobile 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.

4. Recreation vehicles or trailers placed on a site shall either:

(a) Be on the site for less than 180 consecutive days.

(b) 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.

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

5. A nonresidential building may be floodproofed to the Flood Protection Grade, in lieu of elevating, if done in accordance with the following:

(a) A Registered Professional Engineer shall certify that the building has been designed so that below the Flood Protection Grade, 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 or ice.

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

Section 600. Other Development Requirements.

600.01. The Area Plan Commission shall review all proposed subdivisions to determine whether the subdivision lies in a Flood Hazard Area. If the Area Plan Commission finds the subdivision to be so located, the Area Plan Commission shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Area Plan Commission shall require appropriate changes and modifications in order to assure that:

1. It is consistent with the need to minimize flood damages.

2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. On site 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.

600.02. Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Area Plan Commission.

600.03. All owners of manufactured home or mobile home parks or subdivisions located within the Special Flood Hazard Area identified as "Zone A" on Lakeville's Flood Hazard Boundary Map or Flood Insurance Rate Maps shall develop an evacuation plan for those lots located in the Special Flood Hazard Area and shall have it filed and approved by the St. Joseph County Emergency Management Agency and further file it with the Area Plan Commission.

Section 700. Variances

700.01. The Area Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this Ordinance provided the applicant demonstrates that:

1. In addition to the standards for granting a variance, as contained in I.C. 36-7-4-918.5.
2. There exist a good and sufficient cause for the requested variance.
3. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant.
4. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

700.02. The Area Board of Zoning Appeals may issue a variance to the terms and provisions of this Ordinance subject to the following standards and conditions:

1. No variance or exception for a residential use within a floodway subject to Chapter 4, Section 400 may be granted.

2. Any variances or exceptions granted in a floodway subject to Chapter 4 Section 400 will require a permit from the Indiana Department of Natural Resources.
3. Variances or exception to the Building Protection Standards of Chapter 4, Section 500 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.
4. A 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 of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.
6. The Area 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.

Section 800. Disclaimer of Liability. The degree of flood protection required by this Ordinance 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 Ordinance does not create any liability on the part of Town of Lakeville, Indiana, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

Section 900. Violations. Failure to obtain an Improvement Location Permit in the Special Flood Hazard Area or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Town of Lakeville, Indiana.

900.01. A separate offense shall be deemed to occur for each day the violation continues to exist.

900.02. The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

900.03. Nothing herein shall prevent the Town of Lakeville, Indiana from taking such other lawful action to prevent or remedy any violations. All costs connected therewith,

including but not necessarily limited to reasonable attorney fees, shall accrue to the person or persons responsible.

Section 1000. Abrogation and Greater Restrictions. This Ordinance repeals and replaces other ordinances adopted by Lakeville, Indiana to fulfill the requirements of the National Flood Insurance Program. However, this Ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinances conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, The Town Board shall assure that all National Flood Insurance Program regulations and laws (310 IAC 6-1-1, I.C. 14-28-1 and I.C. 14-28-3) are met.

Section 1100: Separability The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.