

CHAPTER 153: AREA ZONING CODE

- structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, moldings, chair rails, or light fixtures. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes. The architectural integrity and arrangement of the existing interior spaces must be maintained, and the number of guest rooms shall not be increased, except as may be required to meet health, safety, and sanitation requirements.
- (h) Preparation of Food. The kitchens in small Bed and Breakfasts generally are not built to commercial kitchen standards. Food service should be limited to breakfast for the guests. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.
- (i) Property Owners Must Reside. The owner or lessee of the property shall operate the Bed and Breakfast facility and reside in the home.
- (j) Fourteen Day Rental Limit. Room rentals to families or individuals shall not exceed 14 consecutive days. Only short-term lodging may be provided. Monthly rentals shall be prohibited.
- (k) Detrimental Conditions Not Permitted. The proposed use of the property will not create noise, light or traffic conditions detrimental to the neighboring residents, and no receptions, private parties or activities for which a fee is paid shall be permitted.
- (l) Parking. Off-street parking shall be provided by the resident owner: one (1) off-street parking space for every two (2) guests in addition to the parking required for single-family occupancy.
- (m) Signage. Signage shall be limited to one (on premise) wall sign not to exceed three (3) square feet of sign area. Sign wording shall consist of the name of the occupant or establishment located on premises, and/or description of service rendered. Establishment shall be referred to as a "Bed and Breakfast" or "Bed and Breakfast Inn."
- (n) License. License shall be obtained as required by law.
- (o) Development Plan. Development Plan to be submitted with application.
- (8) Bottled Gas Storage and Distribution.
- (a) Minimum Yards. Front - 300; Side (each) - 300; Rear - 300.
- (b) Development Plan. Development Plan to be submitted with application.
- (c) Safety. All laws and care shall be observed by the applicant.
- (9) Building Material Supply Yard (open).
- (a) Minimum Yard. Front - 80; Side (each) - 100; Rear - 100.
- (b) Entrance. Not more than one entrance from street.
- (c) Development Plan. Development Plan to be submitted with application.
- (d) Screening. Building materials and vehicles

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

(32) Mobile Home Park.

(a) State Requirements.

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

(b) Development Plan.

Development Plan to be submitted with application.

(c) Area.

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

(d) Soil.

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

(e) Smoke, Noise, and Odor.

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

(f) Screening.

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

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

(g) Use.

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

(h) Side, rear, and front yards.

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

(i) Separation.

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

CHAPTER 153: AREA ZONING CODE

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

- (j) Mobile home lot area and width.

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

- (k) Parking.

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

- (l) Mobile home slab.

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

- (m) Distance required.

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

- (n) Recreation area.

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

- (o) Streets and Drives.

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

- (p) Interior Driveway Construction

CHAPTER 153: AREA ZONING CODE

and Design Standards.

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

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

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

- (p) Refuse Handling.

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

- (s) Water and Sewage.

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

- (t) State Requirements.

All State requirements shall be observed.

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

- (a) Development Plan.

Development Plan shall be submitted with application.

- (b) Air and Water Pollution Control.

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

- (c) Dead Storage.

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

- (d) Parking Spaces.

As determined by the Board. The determination shall be

CHAPTER 153: AREA ZONING CODE

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

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

CHAPTER 153: AREA ZONING CODE

Maximum height of structure -
35 feet.

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

CHAPTER 153: AREA ZONING CODE

Section 153.29: BUILDING SET-BACK LINES

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

(A) Front Yard.

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

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

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

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

(B) Conflict - Setback Requirements.

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

(C) Exceptions.

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

Section 153.30: YARD EXCEPTIONS

(A) Application.

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

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

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

(B) Yard Encroachments.

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

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

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

(G) Fences.

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

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

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

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

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

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

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

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

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

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

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

(H) Minor Accessory Uses and Screening.

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

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

(I) Intersection Visibility.

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

CHAPTER 153: AREA ZONING CODE

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

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

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

(J) Storage.

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

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

Section 153.31: ACCESS AND FRONTAGE

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

Section 153.32: ONE PRIMARY BUILDING PER LOT

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

Section 153.33: CONVERSIONS

(A) Certain Conversions Discouraged.

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

(B) Consistent With Purposes.

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

(C) Appearance and Repair.

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

(D) Exception.

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

Section 153.34: MANUFACTURED HOME AND MOBILE HOME PERMITTED

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

Section 153.35: HEIGHT

(A) Normal Maximum Building Heights.

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

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

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

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

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

(B) Height Exceptions.

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

structure exceeds 25 feet in height.

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

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

Section 153.36: SUPPLEMENTARY BUSINESS STANDARDS

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

(A) General Standards.

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

(B) Traffic Congestion.

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

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

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

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

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

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

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

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

Section 153.37: ACCESSORY USES

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

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

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

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

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

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

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

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

(B) Interpretation.

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

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

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

(C) Application of Accessory Uses.

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

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

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

(4) Swimming pools.

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

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

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

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

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

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

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

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

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

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

1. No part of the pool shall

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

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

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

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

(7) Fall-out shelter.

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

(9) Foster family care where children

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

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

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

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

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

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

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

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

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

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

Section 153.38: TEMPORARY USES

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

(B) General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

Maximum 18 months.

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

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

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

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

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

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

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

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

(D) Standards.

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

(2) No public address systems or other

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

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

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

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

Section 153.39: HOME OCCUPATIONS AND ADULT BUSINESS USES.

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

(1) General Provisions.

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

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

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

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

(2) Standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 153: AREA ZONING CODE

(B) Sexually Oriented Business - Adult Business.

Sexually Oriented Business or Adult Business uses; specifically: Adult Arcade including Peep Shows, Adult Bookstore or Adult Novelty Store or Adult Video Store, Adult Cabaret, Adult Dance Studio, Adult Hotel or Adult Motel, Adult Motion Picture Theater (indoor or outdoor), Adult Theaters, and Massage Parlors; are Special Exceptions and shall be processed in accordance with the Special Exception procedure and requirements set forth in Sec. 153.28 and the additional requirements of this section.

(1) Locational Regulations - No person shall establish or cause or permit to be established a Sexually Oriented Business premises within 1,000 feet of another Sexually Oriented Business; within 1,000 feet of any public or private school, public park or recreation area, public building with programs for minors; or within 750 feet of a church or religious facility, or the boundary of a residence district or any single-family or multi-family residential use, or a hospital or other medical facility, or properties listed on the National Register of Historical Places or local historic districts as identified by the Indiana Historic Preservation Program.

(2) Distance Measurements - For the purpose of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, or to the nearest property line of the premises where a sexually oriented business is conducted, or to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot, hospital or other medical facility, or properties listed on the National Historic Register or local historic districts as identified by the Indiana Historic Preservation Program. For the purpose of measuring the distance between any two (2) sexually oriented businesses the distance shall be measured in a straight line without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(3) Improvement Location Permit -- Conditions of Application.

(a) The applicant shall be the operator of the proposed Adult Business.

(b) The application must also be signed by the property owner if different from the applicant.

(c) The application shall include the property owner's and the applicant's mailing address, and name and phone number of the person who is responsible for providing access to the proposed use for inspection purposes.

(d) The application shall list the legal form of the applicant; e.g., individual, partnership, corporation:

1. If the applicant is an individual, the application shall list his or her legal name, and any aliases;

2. If the applicant is a partnership, the application shall list the full and complete name of the partnership, the legal names of all partners, and all aliases used; and

3. If the applicant is a corporation, the application shall list the full and complete corporate name, the legal names, and all aliases used by officers, directors and principal stockholders (i.e. all stockholders with 10% or more of all outstanding shares).

(e) The application shall include a description of the proposed use, including reference to definitions in this Section.

(f) The application shall include a statement that the locational regulations of subsection (a) herein, have been satisfied using the method of measurement described in subsection (b) herein.

(g) The application shall include accurately scaled plot plans indicating the structure in which the Adult Business is to be conducted and identifying and locating all land uses and property lines within a radius of 3,250 feet of the structure.

(h) If the Adult Business proposes to operate a Viewing Booth(s), the applicant shall submit a diagram of the interior premises. See

CHAPTER 153: AREA ZONING CODE

definition of "Viewing Booth" in Sec. 153.47 for additional requirements.

(4) Developing and Performance Standards - Adult Businesses shall comply with all of the following development and performance standards:

(a) Advertisements, displays or other promotional materials depicting or describing, "Specified Anatomical Areas," or "Specified Sexual Activities," or displaying instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities" shall not be shown or exhibited so as to be visible from other areas open to the general public.

(b) All building openings, entries, and windows for an Adult Business shall be located, covered, or screened in such a manner as to prevent a view into the interior of an Adult Business from any area open to the general public.

(c) All entrances to an Adult Business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

(d) No loudspeakers or sound equipment shall be used by an Adult Business for the amplification of sound to a level discernable by the public beyond the walls of the building in which the Adult Business is conducted.

(e) No residential structure or any other non-conforming structure shall be converted for use as an Adult Business after enactment of the provisions of this Section.

(f) An on-site security program, including the required interior and exterior lighting plans, shall be prepared and implemented. The security program shall include the following:

1. The presence of an on-site manager during all business hours.

2. All off-street parking areas and building entries serving the Adult Business shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one (1) foot candle of light on the parking surface and/or walkway. In the event the Adult Business shares its parking with other businesses, this

requirement shall only apply within a radius of 100 feet from any entrance into the Adult Business.

3. All interior portions of the Adult Business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system designed to provide a minimum maintained horizontal illumination of not less than two (2) foot candles of light at the floor.

(g) All exterior areas of Adult Businesses, including buildings, landscaping and parking areas, shall be maintained in a clean and orderly manner.

(h) An Adult Business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 a.m. and 8:00 a.m. of any particular day. These hours of operation may be further restricted by the Area Board of Zoning Appeals.

(5) Improvement Location Permit - Denial. The Executive Director shall deny the application for an Improvement Location Permit for any of the following reasons:

(a) The application does not meet the standards set forth in this Section.

(b) An application has failed to provide information required on the application for the issuance of the Improvement Location Permit or has falsely answered a question or request for information on the application form.

(c) The premises to be used for the Adult Business has not been approved as being in compliance with health, fire and building codes by the department or agency responsible under law for investigating said compliance.

(d) The required application or permit fees have not been paid.

(e) The proposed location is in violation of, or is not in compliance with, any of the provisions of this Section including, but not limited to, the locational requirements for an Adult Business under this Section.

(f) The granting of the application

CHAPTER 153: AREA ZONING CODE

would violate a Town or County, State or Federal statute, ordinance, regulation or court order.

(g) The applicant has had an Improvement Location Permit under this Section, revoked within the preceding twelve (12) months.

(h) The proposed use does not conform to the requirements of this Code and any other provisions of the Switzerland County, or Vevay, or Patriot Town Codes, as the case may be.

(i) The applicant has applied for an Improvement Location Permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for an Improvement Location Permit at the same location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial.

(6) Improvement Location - Revocation.

(a) Any Improvement Location Permit issued pursuant to the provisions of this Section may be revoked in accordance with the procedures set forth below.

(b) The Executive Director shall report all facts and information relating to the alleged violation(s) of this Section or of the conditions of the proposed Improvement Location Permit to the Area Board of Zoning Appeals, who shall set the matter for a public hearing at the first available regularly scheduled meeting of the Board not less than two (2) weeks nor later than thirty (30) days after receipt of the report.

(c) Written notice of hearing on the proposed Improvement Location Permit revocation together with written notification of the specific grounds of complaint against the Permittee shall be personally delivered or sent by certified mail to the address on the Permittee's application for the Improvement Location Permit at least ten (10) days prior to the hearing.

(d) The Improvement Location Permit shall revoke an Improvement Location Permit if it makes one or more of the following findings:

1. The use for which the Improvement Location Permit was granted is being

exercised in violation of any of the provisions of this Section.

2. The use for which the Improvement Location Permit was granted is being exercised contrary to the terms or conditions of such permit.

3. The Permittee gave fraudulent or misleading information in the materials submitted during the application process that tended to enhance the applicant's opportunity for obtaining an Improvement Location Permit.

4. The use for which the Improvement Location Permit was granted is being exercised so as to be detrimental to the public health and safety.

5. The use for which the Improvement Location Permit was granted is being exercised so as to constitute a nuisance.

6. The use for which the Improvement Location Permit was granted has ceased to exist for one (1) year or more.

7. The use for which the Improvement Location Permit was granted is being exercised contrary to or in violation of any Town or County, State or Federal statute, ordinance, regulation or court order.

(e) The Area Board of Zoning Appeals, following the termination of the public hearing, shall not later than its next regular meeting, unless this time limit is extended by agreement of the parties having an interest in the proceedings, act to revoke the Improvement Location Permit or modify the conditions of the Improvement Location Permit or determine not to revoke or modify the Improvement Location Permit.

(7) Applicability to Other Regulations - The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses must comply with any and all applicable regulations imposed in other parts of this Code and any other County or Town codes or ordinances, and State and Federal law.

CHAPTER 153: AREA ZONING CODE

Section 153.40: OFF-STREET PARKING AND LOADING

(A) Intent.

(1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 153.28, or elsewhere in this Code.

(2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

(B) Scope.

(1) No use lawfully established prior to the effective date of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town of Vevay, Indiana, on the 8th day of September, 1964, shall be required to provide and maintain the parking and loading requirements herein; provided, however, off-street parking and loading spaces required by any ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.

(2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.

(3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

(4) Whenever the existing use of a

building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.

(5) Accessory off-street parking or loading facilities in existence on the effective date of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town Council of Vevay, Indiana, on the 8th day of September, 1964, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.

(6) Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(7) Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated in one or more individual areas.

(8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

(9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.

(10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or trucks of not more than one and one-half (1-1/2) ton capacity, by patrons, occupants or employees of specified uses; and for residential uses, not more than one such truck space shall be provided for each dwelling unit on the lot. Said parking facilities shall not be used for the storage, display, sale,

CHAPTER 153: AREA ZONING CODE

repair, dismantling or wrecking of any vehicle, equipment or material; provided that the parking of a school bus or other municipally owned vehicle on a lot as an accessory use may be permitted at any time in any case.

(11) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

(12) Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.

(13) Accessory off-street parking facilities are not required in a block frontage contained in a GB or I-2 district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of the Unified Zoning Ordinance of Switzerland County, Indiana, as amended, adopted by the Board of County Commissioners of Switzerland County, Indiana, and the Town Council of Patriot, Indiana, and the Town Council of Vevay, Indiana, on the 8th day of September, 1994, equaled fifty percent (50%) or more of the entire area of the block frontage.

(C) General Provisions.

(1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

(2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.

(3) Except on lots occupied by one, two-

family and multi-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

<u>Parking Angle</u> (in degrees)	<u>Aisle Width</u> (in feet)
45°	14'
60°	18'
90°	24'

The angle shall be measured between center line of parking space and center line of aisle.

(4) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(5) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

(a) If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.

(b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.

(6) Accessory off-street parking areas may count toward the open space requirements of this Code.

(7) Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this Code. When permitted within required setback distances, a landscape screen shall be provided along the property line next to a residence use.

(8) Adequate employee and customer off-

CHAPTER 153: AREA ZONING CODE

street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

(D) Minimum Off-Street Parking Requirements.

TYPE OF USE	MINIMUM PARKING SPACE
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- | | |
|--|--|
| (1) Automobile Service Sales Room, Business Services, Clothing Services, Food Services, Personal Services, Retail Service and Retail Stores generally, and Tavern or Night Club..... | One for each 125 square feet of net floor area. |
| (2) Billiard Room, Dancing Academy, Sporting Activities, Department Store and Automobile, Truck or Trailer Rental and Sales Area..... | One for each 200 square feet of net floor area. |
| (3) Private (or Commercial) Club or Lodge..... | Space to accommodate 50 per-cent of the active membership at one space per each 3 members, or as determined by the Board.

The determination shall be based upon the particular Lodge or Club use would require to satisfy estimated peak parking load requirements. |
| (4) Automobile and Truck Repair..... | One for each 200 square feet of net floor area. |
| (5) Indoor Theatre..... | One for each 6 seats. |

CHAPTER 153: AREA ZONING CODE

TYPE OF USE MINIMUM PARKING SPACE

- (6) Bowling Alley or Roller Rink..... Three for each lane plus one for each 6 spectator seats.
- (7) Hotel or Motel..... One for each 3 employees plus one for each sleeping unit.
- (8) Radio and Television Studios..... One per employee, plus one for each 6 seats in main auditorium.
- (9) Newspaper Publishing..... One per employee on largest shift.
- (10) Motor Bus or Passenger Station..... One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 employees.
- (11) Storage Warehouse or Wholesale Establishment..... One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
- (12) Residential Uses..... As required in the applicable sections of this Code.
 - (a) Single-family dwelling..... 2
 - (b) Manufactured home..... 2
 - (c) Farm house or farm dwelling.. 2
 - (d) Two-family dwelling..... 2 for each unit
 - (e) Multi-family dwelling (or

TYPE OF USE MINIMUM PARKING SPACE

- apartment building)..... 2 for each dwelling unit.
- (13) Community centers, public buildings, utilities and public service uses including libraries, museums and similar places of assembly..... One parking space for each 800 sq. ft. of gross floor area, or one space for each 2 employees per largest working shift, whichever is greater.
- (14) Philanthropic and charitable institutions..... One parking space for each two employees per largest working shift, plus an adequate number of spaces to serve the public.
- (15) Schools, Public and Private (Education Institution)
 - (a) Elementary or junior high..... At least 3 parking spaces shall be provided for each classroom.
 - (b) High School..... At least 6 parking spaces shall be provided for each classroom.
 - (c) Sports Area..... At least one space shall be provided for each five seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom

CHAPTER 153: AREA ZONING CODE

TYPE OF USE MINIMUM PARKING SPACE

	number shall be applicable, whichever results in the greater number of spaces.
(16) Churches, theaters, auditoriums, assembly halls, undertaking establishments, and similar places of congregation.....	One parking space for each five seats in the main sanctuary or room, plus one space for each employee per largest working shift.
(17) Boarding Schools, vocational and trade schools, colleges, and similar educational institutions.....	One parking space for each six students, based on the maximum number of students attending classes on the premises at any one time during a 24-hour period.
(18) Group Housing, including rooming and boarding houses, dormitories, elderly housing, fraternities and sororities.....	One parking space for each two beds, or each two sleeping units, rooming units or dwelling units in the case of elderly housing, plus one space for each employee per largest working shift.
(19) Drive-In establishments.....	Two parking spaces for each 100 sq. ft. of gross floor area, plus one space

TYPE OF USE MINIMUM PARKING SPACE

	for each employee per largest working shift.
(20) Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishments.....	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(21) Automobile service station uses.....	One parking space for each employee per largest working shift, plus two spaces for each service stall.
(22) Commercial, manufacturing and industrial establishments not catering to the retail trade....	One parking space for each two employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.
(23) Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks, and similar facilities.....	One parking space for each 500 sq. ft. of gross floor area, or five parking spaces for each hole, alley, or 100 sq. ft. of water area, whichever is greater.

CHAPTER 153: AREA ZONING CODE

(24) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Executive Director or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Executive Director, may be appealed to the Board of Zoning Appeals.

(25) In case of conflict between the provisions of this subsection, the higher requirement shall govern.

(26) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

(E) Off-site Parking Facilities.

(1) Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions (and the requirements of Sec. 153.28.).

(2) A development plan for such off-site parking facility shall be filed with the Board as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:

- (a) Adjacent streets, alleys and lots.
- (b) All individual primary uses to be served, including the location, use, and number of parking spaces for each such use.

(c) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.

(d) Type of lighting and pavement proposed, and identification signs including location, size and design thereof.

(3) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress points shall be limited to protect the function of adjoining streets.

(4) Off-site parking facilities shall be encumbered by an instrument duly executed and acknowledged, which subject said accessory off-street parking facilities to the parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Area Plan Commission's Office, and placed on public record in the office of the Switzerland County Recorder.

(5) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below.

Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

(F) Development Standards.

(1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one, two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.

(2) Required off-street parking spaces shall be so designed, arranged and regulated, as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

CHAPTER 153: AREA ZONING CODE

(3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.

(4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.

(5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

(a) A gravel surface may be used for a period not exceeding one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.

(b) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

(6) Driveway entrances or exits shall be no closer than 25 feet to any adjoining residential property line or 10 feet to an adjoining non-residential property line or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 30 feet; provided, however, two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided, further, that such driveways shall conform to the requirements of the Switzerland County Highway Department or the Town of Vevay Street Department or Town of Patriot, as the case may be.

(7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage lane paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic

entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.

(8) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

(9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.

(10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.

(11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 153.41.

(12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.

(13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.

(14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.

CHAPTER 153: AREA ZONING CODE

(G) Loading Requirements.

(1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

<u>Use Description</u>	<u>Floor Area in Square Feet</u>	<u>No. of Loading Spaces Required</u>
Manufacturing, distribution, wholesaling, storage, and similar uses.	5,000- 25,000 25,001- 50,000 60,001-100,000 Each 50,000 above 100,000	1 2 3 1
Office Buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses.	5,000- 60,000 60,000-100,000 Each 100,000 above 100,000	1 2 1

(2) Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

Section 153.41: SIGNS

(A) Purpose and intent. It is the intent of this section to provide clarification regarding regulations pertaining to signs and to assist those wishing to place signs in the Towns and County by comprehensively setting forth provisions governing the installation and construction of signs and advertising devices in one location (insofar as is possible) in this Zoning Code. In addition, it is the purpose and intent of this chapter to:

(1) Recognize the functions and importance of signs for the business sector and the Towns and County as a whole;

(2) Preserve and enhance the character and visual appearance of the city;

(3) Recognize the integral part played by signs in the overall appearance of the Towns and County;

(4) Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;

(5) Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the Towns and County.

(B) Definitions. For the purposes of this section the following definitions shall apply unless the content clearly indicates or requires a different meaning.

ADVERTISING SIGN or BILLBOARD. An off-site sign which directs attention to an object as described in the definition of "SIGN" below. However, such advertising sign shall not be associated with the primary use, business activity, or service conducted on the premises.

APARTMENT / MULTI-FAMILY IDENTIFICATION SIGNS. Signs identifying a multi-family dwelling complex by name and/or address.

AWNING. A rooflike mechanism, which may or may not be retractable in operation, which projects from the wall of a building.

BANNERS; COMMERCIAL. Flags and pennants generally made of a flexible material, displayed for business promotion purposes.

BARBER POLES. Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

CHANGEABLE COPY SIGNS. Signs designed to be used with removable graphics which will allow changing of copy.

CHANGE OF COPY. Changing of the face or letters on a sign. Change of a copy shall not constitute a change of use. Permits shall automatically be granted where not in conflict with this code.

COMMUNITY ACTIVITIES SIGNS. Signs associated with a religious, charitable, cultural, civic or educational organization.

CONSTRUCTION ANNOUNCEMENT SIGNS. Signs placed on property upon which

CHAPTER 153: AREA ZONING CODE

construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the sub-contractors, the real estate licensee, and the possible future tenants.

DIRECTORY SIGNS. A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the business within a building or business center.

FREE-STANDING SIGN. Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.

FREE STANDING BUSINESS CENTER IDENTIFICATION SIGNS. Free standing signs which identify a business center, and not the individual businesses located therein.

FREE STANDING INDIVIDUAL BUSINESS IDENTIFICATION SIGNS. Free standing signs which identify a building, business, professional center or industry not located within a business center.

GASOLINE PRICE SIGNS. On premise signs identifying the brand and/or type and price of gasoline sold.

GOVERNMENTAL OR OTHER SIGNS REQUIRED BY LAW. Signs placed in any area of the city by a governmental entity or private individual or business as required by federal, state or local law.

HEIGHT. Generally refers to free standing signs. The distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

ILLUMINATED SIGNS. Signs or individual letters in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.

INCIDENTAL SIGN. A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.

INSTITUTIONAL SIGNS. Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.

MANAGER OR OFFICE OF MANAGER SIGNS. Signs which identify the location of the manager or the office of the manager of property.

OFF PREMISE SIGNS. Signs identifying a business activity, property or product at some location other than where the sign is displayed.

ON BUILDING IDENTIFICATION SIGNS. Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof conducted on the premises.

PARKING LOT SIGNS. Signs placed or displayed in parking lots to supply information to people using such lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.

PLACED OR DISPLACED. Means erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.

PORTABLE SIGN. Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place. A sign not permitted by the requirements of this Section, but may be permitted by the Board in accordance with the requirements of Sec. 153.38.

PROJECTING SIGNS. A sign characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of a building.

CHAPTER 153: AREA ZONING CODE

REAL ESTATE SIGNS FOR PROPERTY OF LESS THAN ONE ACRE. Signs offering developed or undeveloped real property of less than one acre of land for sale, lease or rent.

REAL ESTATE SIGNS FOR PROPERTY OF ONE ACRE OR LARGER. Signs offering developed or undeveloped property of one acre or more for sale, lease or rent.

ROOF LINE. A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.

SIGN. A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, frame, background, structure and support anchorage thereof. This definition shall not apply to the official flag, emblem, or insignia of the government or religious group or agency.

SIGN AREA. The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SIGN FACING. The surface of the sign on, against, or through which the message of the sign is exhibited.

SIGN PROGRAM. A coordinated design plan of one or more signs for an individual business establishment or a business center.

SIGN STRUCTURE. The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

SUBDIVISION AND SUBDIVISION MODEL HOME SIGNS. Signs identifying subdivision developments or model homes in a subdivision or land development project.

TIME AND TEMPERATURE SIGNS. Signs displaying the time or the temperature, or both.

UNDER CANOPY SIGNS. Signs suspended no lower than eight feet above the public right-of-way or above, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

WINDOW SIGNS. Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs is not to exceed 50% of the window area.

(C) **General Limitations.** The following general limitations shall apply:

(1) Provisions of this section regulating the location, placement, gross surface area, projection, height limitation, construction, and number of signs shall be subject to a further restriction by the applicable provisions of this code.

(2) Projects or buildings containing more than one store shall have an overall planned sign program.

(3) As a general rule, there shall be no more than three colors used on a sign and all signs advertising one business or use shall utilize the same colors. The background color, black and white are considered colors.

(4) Low profile, ground mounted signs less than eight feet high are encouraged.

(5) The name of the business shall be the dominant message on the sign.

(6) Registered or copyrighted logos or trademarks shall be allowed with a maximum of four colors.

(7) The following limitations shall apply in all business and industrial zones: not more than three signs as defined herein, provided that the total sign area for all allowable signs, for each site or occupancy, shall not exceed two square feet of sign area for each lineal foot of street or occupancy frontage; further, in no case shall the allowable sign area for each site or occupancy exceed 300 square feet. See division (8) and (9), below, for limitations on advertising signs or billboards and portable signs.

CHAPTER 153: AREA ZONING CODE

(8) The various limitations on advertising signs or billboards are set forth in Subsection (D)(4)(a).

(9) The various limitations on portable signs are set forth in Subsection (D)(4)(1).

(D) Sign Specifications.

(1) *Signs allowed without permit in all districts or zones.* The following signs may be placed in all districts or zones of the city without a permit, subject to the restrictions and limitations contained in this section and as contained in division (C) herein.

(a) *Community activity signs:* Community activity signs are allowed in business and industrial districts or zones. Such signs are allowed in residential zones only if located on the site of the activity and a permit is issued. Additionally, off-premises signs of a temporary nature that are displayed out of doors require that a permit be issued by the city, except where conforming existing signs of another type allow a community activity signs to temporarily replace their sign message. Community activity signs are generally associated with religious, charitable, cultural, civic, or educational organizations.

1. Size. Shall not exceed 12 square feet of the sign area.

2. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in business and industrial zones.

3. Other restrictions. Shall be temporary signs permitted for a period of 14 days prior to the date of the activity and five days following the activity. Shall be non-illuminated signs and shall identify the organization and shall be at a level consistent with adequate identification and readability without causing excessive complaints from neighboring property owners.

(b) Governmental or other signs required by law.

1. Size. As required by law.

2. Height. As required by law and not to exceed the height of free standing sign allowance.

3. Location. As required by law.

4. Other restrictions. Shall be non-illuminated unless required by law.

(c) *Political signs.* Shall be permitted on each lot for a period of 60 days prior to a primary or general election (including special elections), and ten days following a general or special election. Political signs shall not exceed 16 square feet in aggregate area. Political signs are prohibited on public property or public right-of-way.

(d) *Real estate signs for property of less than one acre.* Signs offering developed or undeveloped property of less than one acre for sale, lease, or rent.

1. Size. Shall not exceed twelve (12) square feet in sign area. In the event that the sign refers to a single family home, then the size of the sign shall not exceed six (6) square feet in area.

2. Height. Shall not exceed six feet in height if free standing.

3. Location. Not less than five feet inside the property lines in residential zones, and not less than one foot inside the property lines in business and industrial zones. (If existing conditions permit.)

4. Other restrictions. Shall not be illuminated. Only one such sign may be displayed on each street frontage of the property to which it refers. A solid sign may be attached to such real estate sign; both signs shall be removed within seven (7) days from the time the premises were sold, rented or leased.

(e) *Owner-occupied sign.* One residential sign not exceeding one square foot in area for each sign face and bearing only property numbers, address numbers, names of occupants of premises, or other identification of premises not denoting commercial activity. The maximum aggregate sign area shall be two square feet.

(f) *Manager or office of manager signs.* Signs which identify the location of the manager or the location of the manager of the property.

1. Location. In all zones; but

CHAPTER 153: AREA ZONING CODE

not less than five feet inside the property line in residence zones, and not less than one foot inside the property lines in business and industrial zones. Four square feet in area, each side, allowed.

(g) *Window signs.* Window signs with less than 50% coverage. Signs placed or displayed on a window or window frame, covering less than 50% of the window area announcing special sales, change of management, or similar information and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots.

1. Height. Not applicable.
2. Location. Not applicable.
3. Other restrictions. Shall be "temporary" signs. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs.

(h) *Changeable copy signs (moveable).* Signs of this nature are typically 22" x 28" in size with replaceable copy poster. Such signs may be displayed within four feet of the primary access door of a business. Such signs shall be pedestal mounted and shall not interfere with pedestrian traffic or cause a nuisance or hazard.

1. Size. Signs shall be 22" by 28" plus the sign frame.
2. Height. Sign holders or frames must be between 4'6" and 5' in height. The base of the sign shall be of the pedestal style customarily used in retail trade.
3. Location. Limited to business zones.
4. Other restrictions. Shall be free standing and taken inside at the close of the business day. Signs may not be made of iridescent or phosphorescent colors or be illuminated. The frame shall be black, brown, gold, or silver in color. One sign may be allowed per business, which sign shall not count as part of the total signage per division (C)(7).

(i) Flags and insignia of any governmental unit, or civic, educational or religious organization, except when displayed in connection with promotion.

(j) Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights.

(k) Legal notices, identification, information, warning, trespassing, or directional signs erected or required by governmental units.

(2) *Signs allowed by permit in all zones.* The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (E):

(a) *Construction announcement signs.* Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the contractors, the real estate licensee, and the future tenant(s).

1. Size. Shall not exceed six feet on a parcel of land less than one acre. Not to exceed 64 square feet in sign area per facing on a parcel of land of one acre or more.
2. Height. Shall not exceed six feet on a parcel of land less than one acre. Shall not exceed eight feet on a parcel of land of one acre or more.
3. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in business and industrial zones.
4. Other restrictions. Shall be non-illuminated signs. Shall be removed within seven days after issuance of certificate of occupancy. Only one such sign may be displayed on each street frontage of the property to which it refers.

(b) *Institutional signs.* Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility.

1. Size. The aggregate size of all signs pursuant to this section shall not exceed 24 square feet in sign area.
2. Height. Shall not exceed

CHAPTER 153: AREA ZONING CODE

five feet, if free standing.

3. Location. Not less than five feet inside the property line in residential zones.

4. Other restrictions. Only one such sign may be displayed for each street frontage.

(c) *Real estate signs for property of one acre or more.* Signs offering developed or undeveloped property of one acre or more for sale, lease, or rent.

1. Size. Shall not exceed 32 square feet in sign area. In the event that a sign does not exceed 12 square feet in sign area, a sign permit shall not be required, and the provisions of division (D)(1)(d) shall be applicable.

2. Height. Shall not exceed eight feet, if free standing.

3. Location. Not less than five feet inside the property line in residential zones, and not less than one foot inside the property line in commercial and industrial areas (if existing conditions permit).

4. Other restrictions.
a. Shall not be illuminated signs.

b. Only one such sign may be displayed per street frontage of the property to which it refers.

c. Shall be removed no later than immediately after sale or development is completed.

(3) *Signs allowed by permit in all residential zones.* The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F):

(a) *Apartment/multi-family identification signs.* Identifying an apartment or multi-family building or an apartment or multi-family complex by name and/or address.

1. Size. Shall not exceed 24 square feet in sign area.

2. Height. Shall not be more than five feet in height.

3. Location. Not less than five feet inside the property line.

4. Other restrictions. Only one such sign may be displayed on each street frontage. If illuminated, must be subdued.

(b) *Subdivision signs.* Signs identifying a subdivision or unit development plan.

1. Size. Shall not exceed 15 square feet in sign area.

2. Height. Shall not exceed six feet in height.

3. Other restrictions. May be displayed at street entrance to subdivision. Not more than two such non-illuminated signs may be displayed at each entrance if they are an integrated part of an entrance or boundary wall; otherwise, only one such sign at each entrance.

(c) *Subdivision model home signs.* Signs identifying a model home.

1. Size. Shall not exceed six square feet in sign area.

2. Height. Shall not exceed six feet in height.

3. Other restrictions. May be displayed only on the premises of the model home which it identifies. Only one such sign may be displayed per model home.

(4) *Signs allowed by permit in business and industrial zones.* The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F).

(a) *Advertising signs or billboards.*

1. It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of advertising signs or billboards in highway oriented business locations. Advertising requirements are deemed necessary in the public