

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

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Section 153.01: SHORT TITLE

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

Section 153.02: ZONING AUTHORITY

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

Section 153.03: JURISDICTION

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

Section 153.04: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

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

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

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

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

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

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

Section 153.05: ZONE MAP CHANGES

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

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

Section 153.06: ZONE MAP REPLACEMENT

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

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

Section 153.07: INTERPRETATION OF DISTRICT BOUNDARIES

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

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

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

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

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

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

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

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

Section 153.08: APPLICATION OF DISTRICT REGULATIONS

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

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

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

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

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

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

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

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

Section 153.10: GENERAL PERFORMANCE STANDARDS

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

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

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

(C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

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

(E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.

(F) Air Pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.

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

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

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

Section 153.11: NONCONFORMING BUILDINGS AND USES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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fastened in a permanent manner.

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

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

Section 153.12: NONCONFORMING LOT AREAS AND WIDTHS

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

Section 153.13: A-1 PRIME AGRICULTURE DISTRICT

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

(A) Permitted Uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 153.14: A-2 AGRICULTURE DISTRICT

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

(A) Permitted Uses.

- (1) Agricultural use.

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

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

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

Section 153.15: FR FOREST RECREATION DISTRICT

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

(A) Permitted Uses.

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

(B) Other Requirements for the FR District.

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

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are set forth in Sec. 153.40.

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

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

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

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

(A) Permitted Uses.

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

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

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

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

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

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

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

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

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

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

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

Section 153.17: R-2 MULTI-FAMILY RESIDENCE DISTRICT

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

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

(A) Permitted Uses.

(1) Agricultural use.

(2) Single-family dwelling.

(3) Two-family dwelling.

(4) Multi-family dwelling.*

(5) Manufactured home.

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

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

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

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

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

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

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

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

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

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

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

(6) See Sec. 153.32 for fence requirements.

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

Section 153.18: LB LOCAL BUSINESS DISTRICT

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

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(A) Permitted Uses.

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

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

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

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

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

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

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

(B) Other Requirements for the LB District.

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

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

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

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

(5) See Sec. 153.30 for fence requirements.

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

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

Section 153.19: PB PLANNED BUSINESS DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Permitted Uses.

(1) Local business uses.

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

(3) Single-family dwelling.

(4) Two-family dwelling.

(5) Manufactured home.

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

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

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

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

(C) Other Requirements for the PB District.

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

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

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

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

(5) See Sec. 153.30 for fence requirements.

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

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

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

Section 153.20: GB GENERAL BUSINESS DISTRICT

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

(A) Permitted Uses.

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

(a) Local business uses.

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

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

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

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

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

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

(B) Other Requirements for the GB District.

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

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

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

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

(5) See Sec. 153.30 for fence requirements.

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

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

Section 153.21: I-1 ENCLOSED INDUSTRIAL DISTRICT

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

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

(A) Permitted Uses.

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

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

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

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

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

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

(B) Other Requirements for the I-1 District

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

for interchange business uses.

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

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

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

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

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

(C) Performance Standards for Enclosed Industrial Uses.

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

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

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

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

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

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

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

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

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

latest issue.

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

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

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

ENCLOSED INDUSTRIAL USE

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

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

Section 153.22: I-2 ENCLOSED INDUSTRIAL DISTRICT

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

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

(A) Permitted Uses.

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

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

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

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

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

Section 153.23: MR MINERAL RESERVE DISTRICT

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

(A) Permitted Uses.

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

(B) Other Requirements for the MR District.

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

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

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

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

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

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

Section 153.24: UD UNIT DEVELOPMENT PLAN DISTRICT

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

(A) Statement of Purpose.

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

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

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

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

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

(6) To permit special consideration of

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

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

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

(B) Applicability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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proposed to be developed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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be, when the improvement is located within the Town.

(G) Covenants and Maintenance.

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

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

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

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

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

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

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

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

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

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

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with the time requirements imposed herein.

Section 153.25: HD HISTORIC DISTRICT

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

(A) Permitted Uses.

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

(B) Other Requirements for the HD District.

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

Section 153.26: FP FLOOD PLAIN DISTRICT

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

(A) Participants.

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

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

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

of the NFIP.

(B) Disposition of Application for Permits.

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

(C) Authority.

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

(D) Purpose.

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

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

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

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

(4) To lessen the burden on the taxpayer

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

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

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

(E) Findings of Fact.

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

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

(F) Methods of Reducing Flood Losses.

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

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

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

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

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

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

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

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

(H) Abrogation and Greater Restriction.

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

(I) Interpretation.

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

(1) Considered as minimum requirements;

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

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

(J) Warning and Disclosure of Liability.

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

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

(K) Definitions.

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

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

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

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

(4) Building - see "structure."

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

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

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

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

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

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

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

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

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

(11) FEMA - means Federal Emergency Management Agency.

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(12) FHBM - means Flood Hazard Boundary Map.

(13) FIRM - means Flood Insurance Rate Map.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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December 4, 1979.

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

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

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

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

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

(L) Boundaries and Flood Plain Districts.

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

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

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

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

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

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

(M) Primary Uses.

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

PRIMARY USE

PUBLIC FACILITIES

Public park or recreational facility-boat docks

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

BUSINESS USES: FOOD SALES AND SERVICES

Roadside food sales stand

BUSINESS USES: MISCELLANEOUS

Bait sales

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

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

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

- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.
- (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroad, and utility transmission facilities.
- (3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.
- (4) Water-related urban uses, such as wastewater treatment facilities, storm-sewers, electric generating and transmission facilities, and water treatment facilities.
- (5) Other flood tolerant or open space urban uses, such as flood-proofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.
- (6) Mobile Homes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobile Home Tie Downs; Schedule A.
- (7) Residential structures.

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(O) Additional Special Exception Requirement.

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

(P) Variances.

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

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

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

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

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

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

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

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

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

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

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

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

(Q) Non-conforming Uses.

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

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

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(b) Any non-conforming use in the FP Flood Plain District which is damaged by flood, fire, explosion, Act of God, or the public enemy may be restored to its original dimensions and conditions, provided the damage does not reduce the value of the buildings, excluding the value of the land, by more than forty (40) percent of its pre-damage value.

(R) Development in SFHA.

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

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

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

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

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

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

(3) Public Health Standards in all SFHAs:

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

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

(S) Protecting Buildings.

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

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

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

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

(c) Any subsequent alterations.

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

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

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

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

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

(1) The fill shall be placed in layers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Outside a manufactured home park or subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

(T) Other Development Requirements.

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

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

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

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

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

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

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

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

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

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

(a) A description of the proposed development.

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

(c) A legal description of the property site.

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

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

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

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

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

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

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

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

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

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

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

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

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

(V) Duties.

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

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

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

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

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

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

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

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

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

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

(W) Special Requirement.

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

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Section 153.27: CONTINGENT USES

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

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

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

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

(B) Other Requirements for Contingent Uses.

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

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

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

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

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

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

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

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

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

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

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

(7) See Sec. 153.30 for fence requirements.

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

Section 153.28: SPECIAL EXCEPTIONS

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

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facilities.

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

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

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

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

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

(b) the special exception will not be

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

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

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

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

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

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

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

(b) Refuse and service areas.

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

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

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

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

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

(h) The Executive Director may

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

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

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

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

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

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

(C) Existing Use May Be a Conforming Use.

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

section.

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

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

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

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

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

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

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

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(G) Other Requirements for Special Exceptions.

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

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

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