Town of Leavenworth, Indiana

Zoning Ordinance

Prepared for:

The Town of Leavenworth
636 West Plaza Drive
Leavenworth, Indiana 47137
Phone: 812.739.1221

December 12, 1983 (original adoption)
June 2, 2008 (Leavenworth Advisory Plan Commission public hearing and adoption of replacement zoning ordinance)
July 14, 2008 (Leavenworth Town Council adoption of replacement ordinance)

Prepared by:

Bernardin, Lochmueller & Associates, Inc.
Engineering, Planning, Surveying, Environmental Studies, Water/Wastewater
6200 Vogel Road
Evansville, Indiana 47715
Phone: 812.479.6200

ORDINANCE NO. 2008-2

ORDINANCE ADOPTING THE REPLACEMENT ZONING ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LEAVENWORTH, INDIANA
ADOPTING
THE REPLACEMENT ZONING ORDINANCE OF THE TOWN OF LEAVENWORTH, INDIANA

WHEREAS, the replacement ordinance is enacted in accordance with Indiana State Law (Indiana Code 36-7-4-600 series) for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare by establishing land use classifications, by dividing the Town into districts, imposing regulations, restrictions, and prohibitions on the use and occupancy of real property, by limiting the height, area, and bulk of buildings and other structures, by providing for yards and other open spaces around them, by establishing standards of performance and design, and by providing for the administration and enforcement thereof; and

WHEREAS, the Advisory Plan Commission of LEAVENWORTH, Indiana, did on June 2, 2008 hold a legally advertised public meeting to consider adoption of the attached replacement Zoning Ordinance (Exhibit A) for the town; and

WHEREAS, the Plan Commission did consider said replacement Zoning Ordinance until all comments and objections were heard, and

WHEREAS, the Plan Commission found that the replacement Zoning Ordinance meets the requirements of Indiana Code 36-7-4-600, and that the adoption of this replacement Zoning Ordinance is found to be in the best interests of LEAVENWORTH, Indiana, and

WHEREAS, the Town Council finds that it is in the best interest of the Town to adopt said replacement Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED, that the Town Council of LEAVENWORTH, Indiana, hereby adopts Exhibit A, attached and made a part hereof, as the replacement Zoning Ordinance of the Town of LEAVENWORTH, Indiana.

This ordinance shall take effect from and after its passage as provided by law.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEAVENWORTH, INDIANA, ON THIS THE 14th DAY OF July, 2008.

Aye	Nay	Abstain	Absent
2		1	

Ralph Lindauer
John Stutzman
Steve Willis

John Stutzman
John Stutzman, President

ATTEST:

Bonnie Young
Bonnie Young, Clerk-Treasurer

ZONING ORDINANCE
CERTIFICATION

I, Rebecca Wormley, Secretary of the Leavenworth Advisory Plan Commission do hereby certify to the Leavenworth Town Council, that the replacement Zoning Ordinance of the Town of Leavenworth, a true copy of which is attached, was considered and approved by the Leavenworth Advisory Plan Commission at their meeting held on June 2, 2008 by a vote of 6 in favor, 1 against, 0 abstaining, and 3 absent and do herewith forward the same to you for your consideration and approval.

Rebecca Wormley
Rebecca Wormley
Secretary
Leavenworth Advisory Plan Commission

6/2/08
Date

RESOLUTION NO. 2008-1

RESOLUTION OF THE PLAN COMMISSION

ADOPTING THE REPLACEMENT ZONING ORDINANCE

A RESOLUTION RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF LEAVENWORTH ADOPT THE ATTACHED REPLACEMENT ZONING ORDINANCE, CONSISTENT WITH INDIANA STATE LAW REQUIREMENTS:

WHEREAS, the ordinance is enacted in accordance with Indiana State Law (Indiana Code 36-7-4-600 series) for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare by establishing land use classifications, by dividing the Town into districts, imposing regulations, restrictions, and prohibitions on the use and occupancy of real property, by limiting the height, area, and bulk of buildings and other structures, by providing for yards and other open spaces around them, by establishing standards of performance and design, and by providing for the administration and enforcement thereof; and

WHEREAS, the Advisory Plan Commission of Leavenworth, Indiana, did on June 2, 2008 hold a legally advertised public hearing on the replacement Zoning Ordinance of the town of Leavenworth, Indiana until all comments and objections were heard; and

WHEREAS, the Advisory Plan Commission found that said replacement Zoning Ordinance is in the best interest of the citizens of Leavenworth, Indiana.

NOW THEREFORE, BE IT RESOLVED, that the Advisory Plan Commission of Leavenworth, Indiana, recommends to the Town Council the adoption of said replacement Zoning Ordinance attached hereto named Zoning Ordinance of Leavenworth, Indiana, dated June 2, 2008.

S. A. Indigo
President
Leavenworth Advisory Plan Commission

6/2/08
Date

Rebecca Wormley
Secretary
Leavenworth Advisory Plan Commission

6/2/08
Date

SIGN-IN SHEET

Leavenworth Advisory Plan Commission – Public Hearing on Replacement Zoning Ordinance
Breeden Memorial Library, 529 West State Road 62, Leavenworth, Indiana 47137
7:00 PM June 2, 2008

	Name	Mailing Address	Telephone (optional)
1.	S.A. INDIGO	127 S. TOWNSEND DR.	739-4273
2.	Rebecca Wormley	160 Townsend DR	739-2497
3.	Wayne Apple	112E Front St	739-2467
4.	Ralph S. LINDAUER Jr.	501 S FRANKLIN ST.	739-2708
5.	Harold Dillman	219 N Capitol Av Corydon In 47112	738-2100
6.	John Hutzpar	286 East State Rd 62 Leavenworth IN	739-2274
7.	Bonnie Young	311 N Roosevelt	739 2940
8.	Marvin Collins	0287 S. INDIAN RIDGE RD. Leavenworth	739-4381
9.	Chuck Carpenter	270 S. Ohio Vista Dr. Leavenworth	739-2318
10.	Don DuBois	6225 E. Industrial Ln Leavenworth	739-2248
11.	Carole Carpenter	270 S. Ohio Vista Dr. Leavenworth	739-0318
12.	David Ripple & LA	6200 Vogel Rd., Evansville, IN 47715	800-423-7411
13.			
14.			
15.			

Form Prescribed by State Board of Accounts General Form #99P (revised 1987)

TOWN OF LEAVENWORTH

Crawford County

O'Bannon Publishing Co., Inc.
301 North Capitol Avenue
Corydon, IN 47112

RE: NOTICE OF PUBLIC HEARING 6/2/08

PUBLISHER'S CLAIM

Federal I.D. #35-1070-670

Line Count

Display Matter (Must not exceed two actual lines, neither which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines ..... —

Head - number of line 1

Body - number of line 37

Tail - number of lines 3

Total number of lines in notice 41

COMPUTATION OF CHARGES

41 lines 1 (ONE) columns wide equals

41 equivalent lines @ .58 per line 23.78

Additional charge for notices containing rule

Or tabular work (50 percent above amt.) ..... —

Charge for extra proofs of publication ..... —

$1.00 for each proof in excess of two ..... —

TOTAL AMOUNT OF CLAIM: $23.78

DATA FOR COMPUTING COST

Width of single column 9 ems

Size of type 6 point

Number of inserts Two (2)

Pursuant to the provision and penalties of Chapter 155, Acts 1953, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

JON O'BANNON, PUBLISHER

Date: May 28, 2008

PUBLISHER'S AFFIDAVIT

State of Indiana ss:
Harrison County

Personally appeared before me, a notary public in and for said county and state, the undersigned, Jon O'Bannon who, being duly sworn, says that he is publisher of the Clarion News, newspaper of general circulation printed and published in the English language in the town of Corydon, in the state and county aforesaid, and that the printed matter attached hereto is a true copy which was duly published in said paper for ONE (1) time(s), the dates of publication being as follows:

May 21, May 28, 2008

Subscribed and sworn to before me on the 28 day of May, 2008

Kathy S. Robson

Kathy S. Robson, Notary Public

Resident of Harrison County

My commission expires 04-24-2015

NOTICE OF PUBLIC HEARING

The Leavenworth Advisory Plan Commission will hold a public hearing on June 2, 2008, at 7:00 pm, Crawford County Time, at the Sneedon Memorial Library, 529 West State Road 62, Leavenworth, Indiana 47137.

The subject of the public hearing is the adoption of a nuisance zoning ordinance for the Town of Leavenworth and its two-mile extraterritorial area.

The proposed ordinance contains the following penalty provisions in Section 10.20.070.070 Remedies and Penalties. Action on the violation of any provision of this ordinance and the rights of injunction against such violation shall be as provided by the pertinent state statutes of the Indiana General Assembly, and all acts amendatory thereto.

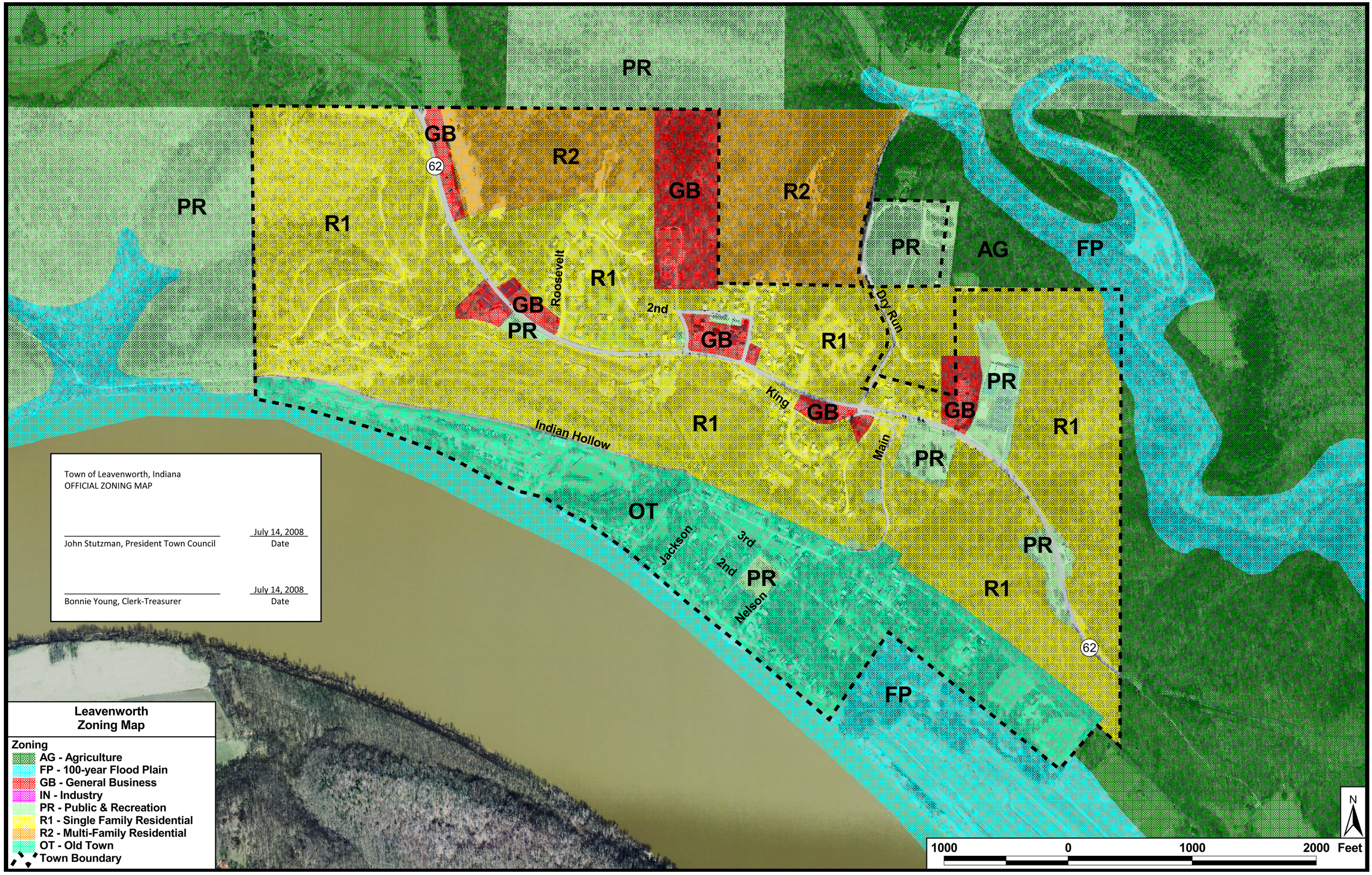
A copy of the proposed ordinance is on file for examination before the public hearing at the Leavenworth Town Hall (636 West Plaza Drive, Leavenworth, Indiana 47137) and at the Sneedon Memorial Library (529 West State Road 62, Leavenworth, Indiana 47137), during normal business hours.

Written objections to the proposed ordinance that are filed with the Secretary of the Plan Commission at the Leavenworth Town Hall before the public hearing will be considered.

Oral comments concerning the proposed ordinance will be heard at the public hearing. The hearing may be continued from time to time as may be found necessary.

LEAVENWORTH ADVISORY PLAN COMMISSION

By: S.A. SNEED, PRESIDENT


PR
GB
R2
62
R1
Roosevelt
2nd
Dry Run
AG
FP
King
Indian Hollow
Main
OT
Jackson
3rd
Nelson
Town of Leavenworth, Indiana
OFFICIAL ZONING MAP
July 14, 2008
John Stutzman, President Town Council
Date
Bonnie Young, Clerk-Treasurer
Leavenworth
Zoning Map
Zoning
AG - Agriculture
FP - 100-year Flood Plain
GB - General Business
IN - Industry
PR - Public & Recreation
R1 - Single Family Residential
R2 - Multi-Family Residential
OT - Old Town
Town Boundary
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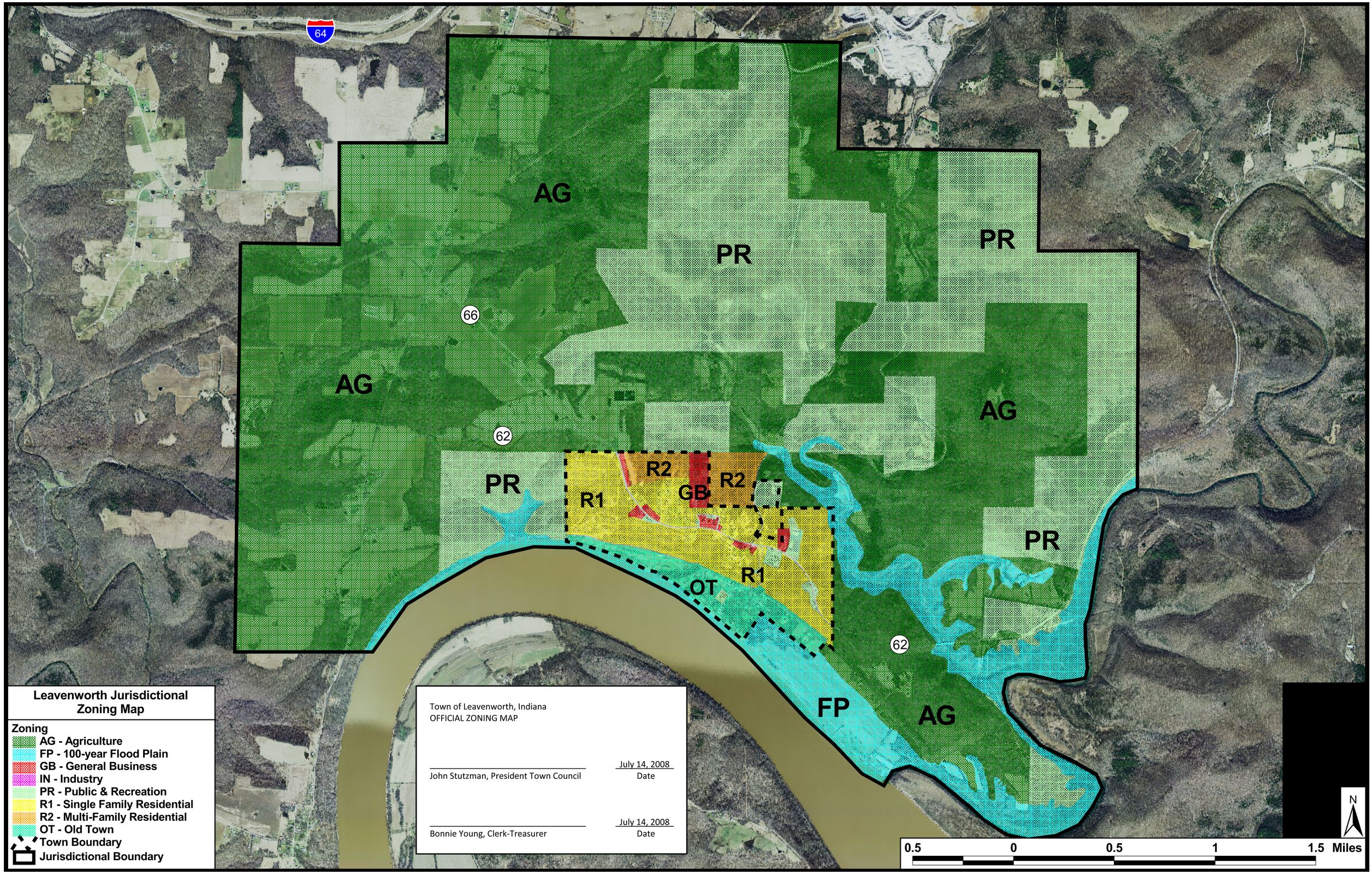
Feet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R2
R2
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62
FP
AG
Leavenworth Jurisdictional Zoning Map
Zoning
AG - Agriculture
FP - 100-year Flood Plain
GB - General Business
IN - Industry
PR - Public & Recreation
R1 - Single Family Residential
R2 - Multi-Family Residential
OT - Old Town
Town Boundary
Jurisdictional Boundary
Town of Leavenworth, Indiana
OFFICIAL ZONING MAP
John Stutzman, President Town Council
July 14, 2008
Date
Bonnie Young, Clerk-Treasurer
July 14, 2008
Date
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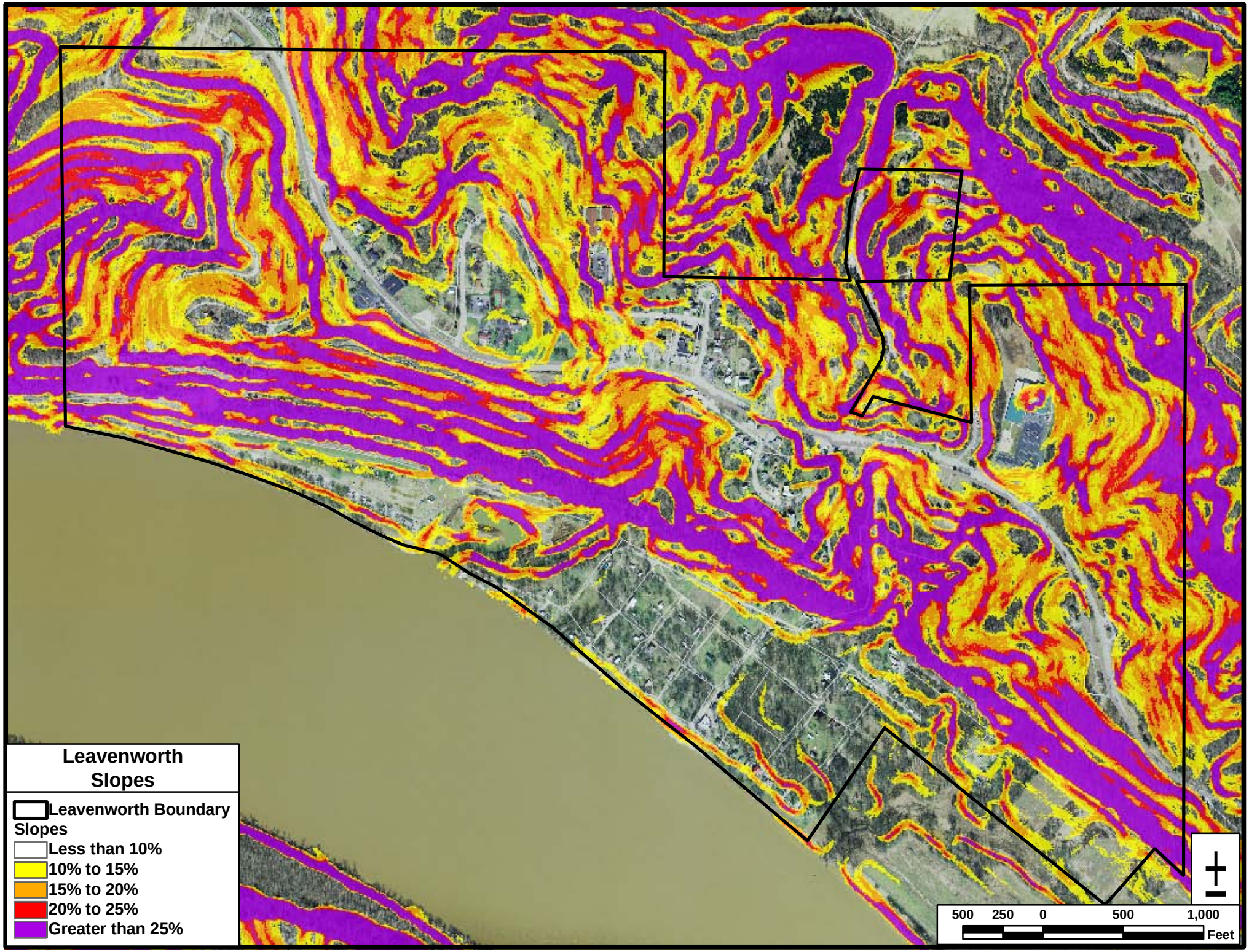
1
1.5 Miles


Leavenworth Slopes
Leavenworth Boundary
Slopes
Less than 10%
10% to 15%
15% to 20%
20% to 25%
Greater than 25%
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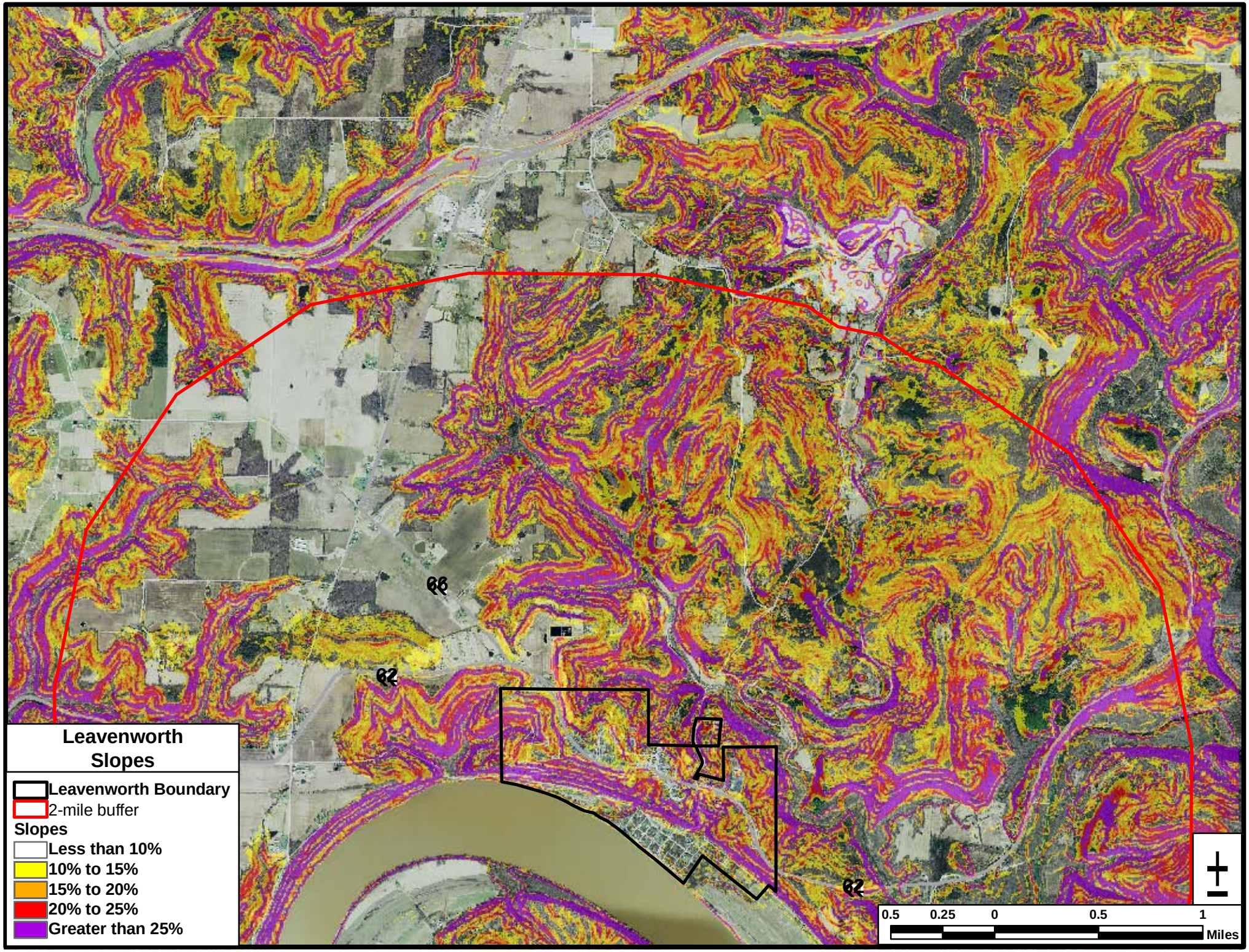
Feet


Leavenworth Slopes
Leavenworth Boundary
2-mile buffer
Slopes
Less than 10%
10% to 15%
15% to 20%
20% to 25%
Greater than 25%
0.5
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1
Miles

Chapter 10.20

ZONING ORDINANCE

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10.20.010 TERMINOLOGY

10.20.010.000 Short title. This ordinance may be cited as the Leavenworth Zoning Ordinance, 1982. (Ord. 1983-120, S1.0, Dec. 12, 1983)

10.20.010.010 Interpretation. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. (Ord. 1983-120, S1.1, Dec. 12, 1983)

10.20.010.020 Non-interference with greater restrictions otherwise imposed. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinance, other than expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control. (Ord. 1983-120, S1.2, Dec. 12, 1983)

10.20.010.030 Specific definitions. The following are definitions which refer specifically to the Leavenworth Zoning Ordinance:

(1) **Board** means the Board of Zoning Appeals of the Town of Leavenworth, Indiana.

(2) **Commission** means the Town of Leavenworth Plan Commission.

(3) **County** means Crawford County, Indiana.

(4) **Jurisdictional area** means the incorporated area of the Town of Leavenworth; as well as, an extra territorial jurisdiction of contiguous unincorporated area, which may be added to the incorporated area and which shall not exceed two (2) miles from the corporate limits of the town.

(5) **Special exceptions** means the authorization of a use, designated as being permitted in the district concerned if it meets special conditions, and upon application as specifically authorized by the board.

(6) **Town** means the Town of Leavenworth, Indiana.

(7) **Variance** means a modification of the specific requirements other than use of this ordinance granted by the board in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same district.

(8) **Zone map** means the two maps entitled Leavenworth, Indiana, zone map, sheets 1 & 2, of 2, dated 1982, and, any amendments thereto.

(9) **Zoning administrator** means the employee of the Leavenworth Plan Commission who has authority to enforce this ordinance. (Ord. 1983-120, S1.3, Dec. 12, 1983)

10.20.010.040 General Definitions. The following are definitions used in this ordinance:

(1) **Accessory building** means a subordinate building or structure that is located on the same lot as a principal building and not used or designed for human occupancy.

(2) **Accessory use** means a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

(3) **Advertising structure** means any structure used as an outdoor display, designed for or upon which, there is a notice of advertisement, pictorial or otherwise, regardless of size and shape, for the purposes of making anything known, the origin or sale of which is not on the property with such advertising structure. This kind of sign is referred to as a billboard, outdoor advertising or an "off-premises" sign because of the content of the sign message refers to the property other than that on which the sign is located.

(4) **Agricultural building** means a structure utilized for the conduct of farming operations but it does not include a dwelling.

(5) **Airport** means any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

(6) **Alley** means a right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of the abutting property.

(7) **Apartment house** means the same as dwelling, multi -family.

(8) **Automatic car wash** means a building, or portion thereof, where automobiles are washed by mechanical devices of any kind.

(9) **Automobile service station** means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

(10) **Basement** means a space wholly or partly underground, and having more than one-half (1/2) of its height, measuring from its floor to its ceiling, below the average adjoining finished grade; if the finished floor level directly above a basement is more than six (6) feet above finished grade at any point, such space shall be considered a story.

(11) **Block** means property having frontage on one side of a street and located between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier. When intersecting or intercepting streets and railroad right-of-way, waterway or other barriers do not exist, within 660 feet on either side of the centerline of the area, the unit of 660 feet shall be used. The measurement may begin at a quarter section line and terminate each 660 feet unless intersected by a street.

(12) **Building** means a roofed structure for the shelter, support, enclosure or protection of persons, animals or property.

(13) **Building area** means the horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two (2) feet.

(14) **Building line** means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

(15) **Business** means the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

(16) **Cemetery** means land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

(17) **Clinic** means an establishment in which patients are admitted for study or treatment of a disease, disorder or disability and in which the services of at least two (2) physicians, dentists or chiropractors are provided.

(18) **Day nursery** means any institution operated for the purpose of providing care and maintenance to children separated from their parents or guardians or a person in loco parentis during a part of the day for two or more consecutive weeks excepting a school or other bona fide educational institution.

(19) **Detached building** means a building that has no structural connection with another building.

(20) **Development** means any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures and

including mining, dredging, filling, grading, paving, excavation or drilling operations.

(21) **Drive-in restaurant** means a building or structure in which food and/or drink are primarily prepared for sale and consumption under one or more of the following conditions:

A. Within vehicles on the premises with such structure;

B. On the premises outside of such structure;

C. Take-out restaurants for consumption off the premises. (See definition of restaurant).

(22) **Dwelling** means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, or tourist home or mobile home as defined herein.

(23) **Dwelling, farm** means single-family dwellings, located upon farms and occupied or used by the owner, farm tenant or other persons employed thereon.

(24) **Dwelling, multi-family** means a building consisting of three (3) or more dwelling units with varying arrangements of entrances and party walls.

(25) **Dwelling, single family** means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

(26) **Dwelling, two-family** means a building consisting of two dwelling units, which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(27) **Dwelling unit** means a dwelling or part of a dwelling used by one family as a place of abode.

(28) **Family** means one or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, club, nurses', dormitory or fraternity or sorority house.

(29) **Farm, confinement feeding** means any operations involving the production of livestock or fowl or related operations, indoors or outdoors, wherein more than 100 head of livestock or 5,000 fowl are kept within buildings or structures or in paved or unpaved feed lots, wherein five (5) square feet or less of feed lot area is provided per laying hen, or eight (8) square feet or less per hog weighing 225 pounds or less, or 15 square feet or less per lamb or ewe, or 50 square feet or less per sow, or 50 square feet or less per feeder steer, or 100 square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the processing of products of confinement feeding operations.

(30) **Farm, general** means an area, containing ten (10) acres, or more, used for agricultural operations, including truck gardening, forestry, the operation

of a tree or plant nursery, or the production of livestock and poultry except as defined under "farm, confinement feeding" or the accessory processing of farm products produced on the farm by the resident owner or tenant, but it does not include commercial or custom slaughtering.

(31) **Filling or service station** means same as Automobile service station.

(32) **Floodplain zone** means for the purpose of this ordinance those areas shown to be subject to flooding by the regulatory (100 year) flood as illustrated on the Flood Insurance Rate Map as prepared by the Federal Insurance Administration. These areas are identified on this map as 100 year flood boundaries.

(33) **Floodplain** means the area adjoining the river or stream, which has been or may hereafter be covered by floodwater.

(34) **Floodproofed building** means a commercial or industrial building designed to exclude floodwaters 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.

(35) **Flood protection grade** means the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is floodproofed as hereinafter defined, the term "flood protection grade" applies to the water surface elevation for which the building is protected.

(36) **Floodway** means the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream, including but not limited to flood flows associated with the regulatory flood. This area is designated as a "commission floodway" by the Indiana Natural Resources Commission.

(37) **Floodway fringe** means that portion of the floodplain outside the floodway where development may be allowed under certain restrictions.

(38) **Front line** means the line of the face of the building nearest the front lot line.

(39) **Garage, automobile repair** means a building other than a public or private garage used for the care, repair or equipment of automobiles.

(40) **Garage, public** means any garage, other than a private garage, for the parking of vehicles.

(41) **Garage, private** means a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

(42) **Garage, truck repair** means a building other than a public or private garage used for the care, repair or equipment of trucks, over one (1) ton, where such vehicles are parked or stored for remuneration, hire or sale.

(43) **Ground floor area** means the area of a building in square feet as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages and exterior stairways.

(44) **Height** means the vertical distance from the ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

(45) **Home occupation** means an occupation carried on by an occupant at his or her place of residence, which occupation shall be subordinate and incidental to the residential use of said residence, provided that: there shall be no external evidence of the occupation other than one identification sign not exceeding one (1) square foot in area to be placed flat against the residence where the occupation is conducted; there shall be no traffic congestion nor traffic hazard created by the home occupation; only the occupant or members of his or her family, normally residing in said residence, handles all the work and does not employ others at the residence or elsewhere in said occupation; no external changes, additions, enlargements or exterior alterations changing the residential appearance to a business or commercial appearance shall be permitted; there shall be no physical expansion of utilities or community facilities beyond that normal to the residential use of the property.

(46) **Hotel** means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.

(47) **Industrial park** means a tract of land, which is planned and developed as a distinctive unit, featuring landscaped open spaces and well designed structures to be used for industrial research, light industrial operations, offices and similar purposes, and for uses necessary to the convenience of employees, and, which is controlled by an organization guaranteeing the continued maintenance of all commonly used areas and installations.

(48) **Industrial use, general** means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operation, other than transportation, may be performed in either open or closed areas.

(49) **Industrial use, light** means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

(50) **Junk yard** means a place, usually outdoors, where waste or discarded used property other than organic matter is accumulated and/or stored

and is or may be salvaged for reuse or resale, including but not limited to, one or more unlicensed or inoperable motor vehicles.

(51) **Kennel** means a place primarily for keeping four (4) or more dogs, or other small animals, that are ordinarily kept as pets and are at least four (4) months old.

(52) **Lot** means a parcel tract or area of land accessible by means of a street or place, abutting upon a street or place. In the case of an irregularly shaped lot, the front lot width must equal at least sixty (60) percent of the required lot width, prescribed for the district, at the building setback line. It may be a single parcel separately described in a deed or plat, which is recorded in the office of the county recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

(53) **Lot, corner** means a lot at the junction of an abutting two intersecting or intercepting streets.

(54) **Lot coverage** means the percentage of the lot area that is represented by the building area.

(55) **Lot, depth of** means the horizontal distance between the front line and rear line of the lot, measured in the general direction of the side lot lines.

(56) **Lot, ground level** means the elevation of the sidewalk or ground abutting or adjacent to a wall using the following conditions:

A. For a building having walls abutting (that is, generally parallel to and not more than five (5) feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;

B. For a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets;

C. For a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building.

(57) **Lot, interior** means a lot other than a corner lot or a through lot.

(58) **Lot line, front** means the line marking the boundary between the lot and the abutting street for an interior or through lot; or the line marking the boundary between the lot and the shorter of the two abutting street segments for a corner lot except as deed restrictions specify otherwise.

(59) **Lot line, rear** means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly shaped lot it means the line ten (10) feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

(60) **Lot line, side** means a lot boundary line other than a front or rear lot line.

(61) **Lot, through** means a lot fronting on two parallel or approximately parallel streets including a lot fronting on both a street and a watercourse or lake.

(62) **Lot width** means the distance between the side lot lines as measured on the building line.

(63) **Medical office** means any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractors, dentistry and optometry.

(64) **Mineral extraction** means (1) mining or quarrying, and (2) removal of earth materials.

(65) **Mobile home** means a vehicle or other portable structure more than 35 feet in length that is designed to move on the highway and designed or used as a dwelling as manufactured.

(66) **Mobile home park** means an area of land on which two or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

(67) **Mobile home space** means an area of land for the placement of one mobile home which is designated for the exclusive use of occupants.

(68) **Mobile home stand** means that portion of a mobile home space which has been reserved for the placement of one mobile home with accessory structures or additions.

(69) **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 (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring only one (1) additional tie per side; (**2**) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; (**3**) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (**4**) any additions to the mobile home be similarly anchored.

(70) **Modular home** means an assembly of materials or products comprising all or part of a total structure, which when constructed, is self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement.

(71) **Motel** means a building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public traveling by motor vehicle.

(72) **Nonconforming use** means an existing use of land or building which fails to comply with the requirements set forth in this ordinance applicable to the district in which such use is located at the time of the adoption of this ordinance or any amendments hereto.

(73) **Open use** means the use of a lot without a building, or a use for which a building with a floor area no larger than five percent (5 %) of the lot area is only incidental.

(74) **Parking lot** means a parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.

(75) **Person** includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit or legal entity.

(76) **Pharmacy** means a retail store engaged in, and limited to, the sale of prescription drugs, patent medicines and surgical supplies. The sale of magazines, newspapers, books and tobacco products, household appliances, hardware, other sundry goods or other general merchandise, food or drinks shall not be permitted. Liquor and cosmetics shall not be sold except by prescription.

(77) **Place** means an open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

(78) **Plat** means a map or chart that shows a division or parcel of land and is intended to be filed for record.

(79) **Principal building** means a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).

(80) **Professional office** means any building or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, accountant, musician, physician and other similar professions.

(81) **Public camp** means an area of land used or designed to be used to accommodate two (2) or more camping parties, including cabins, tents, travel trailers, or other camping outfits, but not including a travel trailer park.

(82) **Public street** means a street established for or dedicated to the public use and accepted by the municipality at the time of incorporation or thereafter for maintenance.

(83) **Regulatory flood** means that flood having a peak discharge, which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural

Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent in any given year.

(84) **Regulatory flood profile** means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

(85) **Restaurant** means a building or structure in which food and drinks are prepared primarily for sale and consumption within such structure, including incidental take-out service (see definition of drive-in restaurant).

(86) **School, private** means a school other than a public school.

(87) **School, public** means an institution conducting regular academic instruction at kindergarten, elementary and secondary levels.

(88) **Sign** means any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited. This kind of sign is referred to as an "on-premises" sign because of the content of the sign message refers to the property on which the sign is located.

(89) **Street (road)** means a right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

(90) **Street, collector** means a street which primarily collects traffic from local streets and feeds it to the arterial street network. Collector streets provide circulation within neighborhood areas. Collectors are divided into major and minor collectors depending upon priority in the system and the amount of traffic.

(91) **Street, local** means a street used primarily for access to abutting properties, usually residential.

(92) **Street, minor arterial** means a street which feeds and distributes moderately high volume traffic to principal arterials. Arterial streets may provide controlled access to abutting property.

(93) **Street, principal arterial** means a street which serves high volume traffic corridors and connects major population centers and traffic generators, with access limited or controlled.

(94) **Structural change** means a substantial change, or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder or in an exterior wall or the roof.

(95) **Structure** means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

(96) **Travel trailer** means a vehicle or other portable structure less than 35 feet in length that is designed to move on the highway and designed or used as a dwelling.

(97) **Travel trailer park** means an area of land on which two (2) or more travel trailers are regularly accommodated with or without charge, including any building or structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation.

(98) **Truck service center** means an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Automobile service station."

(99) **Use** means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

(100) **Vision clearance on corner lots** means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade of the street, determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each property line.

(101) **Yard** means a space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this ordinance.

(102) **Yard, front** means a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and other similar structures, the depth of which is the least distance between the nearest street right-of-way and the front line of the building.

(103) **Yard, rear** means a yard that extends across the full width of a lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance between the rear lot line and the rear of the principal building.

(104) **Yard, side** means a yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building. (Ord. 1983-120, S1.4, Dec. 12, 1983)

10.20.020 DISTRICTS

10.20.020.000 Establishment of districts. The jurisdictional area is hereby classified and divided into districts designated as follows:

District Designation	Primarily For:
FP	Floodplain
AG	Agriculture
R1	Residential – Single Family
R2	Residential – Multi-Family
R3	Mobile Home Park and Multi-Family
GB	General Business
IN	Industry
PR	Public Use and Recreation
OT	Old Town
SAO	Sensitive Areas Overlay Zone

(Ord. 1983-120, S2.0, Dec. 12, 1983)

10.20.020.010 Description of districts. The districts identified above are described as follows:

(1) Floodplain District - The purpose of the "FP" district is to guide development in those areas for which detailed flood data has not been provided. These areas are identified as approximate one hundred (100) year flood boundaries. The floodplain districts (areas subject to inundation by the regulatory flood) are identified by the Federal Insurance Administration in a report entitled "The Flood Insurance Study for the Town of Leavenworth" dated August 1, 1983. (See Chapter 10.12 for Flood Hazard Zoning Ordinance)

(2) Agricultural District - The "AG" district is established in recognition of agriculture as the predominant and basic use of land throughout much of the area surrounding the town. Permitted uses in these districts include all forms of agricultural uses, plus special exceptions as indicated in Table 1 as permitted with approval of the board.

This district includes areas with suitable soils and topographic conditions for agricultural.

Areas of steep topography are encouraged to remain generally undeveloped and to be retained as open space.

(3) Residential Districts – Three districts, R1, R2 and R3, are established for residential use in conformity with the types of neighborhoods which have occurred and are likely to develop in the areas so designated on the zone maps. The districts differ primarily with respect to requirements of lot size, building ground floor area, and the number of families which may be housed in one building. The specific requirements for each residential district are discussed in 10.20.030. Various uses permitted within each district are shown in Table 1.

A. R1 - This single-family district has been established to include lands that are appropriate for single-family development. Requirements for minimum lot sizes and ground floor area of structures are substantially greater than those of the R2 district.

B. R2 - This district is established to include areas of low density single, two-family and multiple-family residences. The minimum lot size and building area are less than the R1.

B. R3 - This district is established to include mobile home parks and areas of low density single, two-family and multiple-family residences. The minimum lot size and building area are less than the R1.

(4) General Business District - The "GB" district is established to meet the specific requirements for the several classes of business uses needed to give adequate service throughout the town and its surrounding area as related to present and future development. For uses permitted and special exceptions see Table 1.

This district provides for all types of business and service uses including warehouse and storage facilities as well as some light industrial operations. This district also permits single-family, two-family and multiple-family residences.

(5) Industrial District - The "IN" district is established to meet the present and future needs of the town for industrial development. For uses permitted and special exceptions see Table 1.

This district is provided for general industrial operations utilizing both enclosed and unenclosed space for storage, fabricating and manufacturing. (Ord. 1983-120, S2.1, Dec. 12, 1983)

(6) Public and Recreation District – The “PR” district is established for present and future public and recreational uses. For uses permitted and special exceptions see Table 1.

This district provides for publicly owned buildings, land and recreational areas at the national, state or local level. This includes the Harrison-Crawford State Forest, Old Town Park and Leavenworth Roadside Park. This district also allows for privately owned recreational areas. The recreational areas may include both passive and active recreational space.

(7) Old Town District – The “OT” district is established to guide development within Old Town Leavenworth, the area that was devastated by the 1937 Ohio River Flood, primarily falls within the 100-year floodplain and remains subject to occasional inundation. For uses permitted and special exceptions see Table 1.

This district provides for a mix of residential and commercial uses. Residential uses may include permanent, seasonal, transient (short-term

rental) and temporary housing. Permanent, seasonal and transient housing includes single-family detached, single-family attached, duplexes and multi-family dwellings. Temporary housing includes recreational vehicles and tents. Commercial uses in the Old Town District may include small scale retail uses supporting residential, camping, boating and recreational activities.

All areas located within the OT district that are within the 100-year floodplain, must also adhere to the requirements of Chapter 10.12 "Flood Hazard Zoning Ordinance."

(8) Sensitive Areas Overlay Zone – The Sensitive Areas Overlay (SOA) Zone imposes requirements in addition to those of the underlying zoning district for those geographic areas declared to be Sensitive Areas as set forth in section 10.20.090. The SOA Zone provides a more rigorous level of scrutiny in designated areas where there has been determined to be a special interest that does not coincide with previously designated use districts. Such areas may include flood plain, steep slopes, areas of unstable soils or be areas of especially high public value and/or visibility.

10.20.020.020 Zone map. The zone map(s), which accompanies and is hereby declared to be a part of these regulations, shows the boundaries of and the area covered by the districts. Notations, references, indications and other matters shown on the zone map are as much a part hereof as if they were fully described herein.

The provisions for the boundaries are as follows:

(1) The boundaries of the districts established by this section are as shown on the zone map, which is a part of this ordinance. Such boundaries may be changed only by amending this ordinance as provided in Section 10.20.070.060.

(2) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale of the zone map.

(3) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

(4) In the case of further uncertainty, the board shall interpret the intent of the zone map as to the location of the boundary in question.

(5) In the event of annexation of lands to the town, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures. (Ord. 1983-120, S2.2, Dec. 12, 1983)

10.20.020.030 Use. No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located. (Ord. 1983-120, S2.3, Dec. 12, 1983)

10.02.020.040 Height. No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (Ord. 1983-120, S2.4, Dec. 12, 1983)

10.02.020.050 Yard, lot area and size of building. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations established and specified for the use and the district in which such building is located except as otherwise provided in this ordinance. (Ord. 1983-120, S2.5, Dec. 12, 1983)

10.20.020.060 Lots. Every building hereafter erected shall be located on a lot which fronts on a street or place. (Ord. 1983-120, S2.6, Dec. 12, 1983)

10.20.020.070 Vehicle parking space: Loading and unloading berths. For every building hereafter erected, off-street parking space and loading and unloading berths shall be provided as hereinafter specified for the use to which such building is to be devoted. (Ord. 1983-120, S2.7, Dec. 12, 1983) See Off-Street Parking provisions in section 10.20.030.070(7).

10.20.020.080 Signage. Every advertising structure (billboard, outdoor advertisement or off-premises sign) and every sign (on-premises sign) shall be erected as hereinafter specified for the particular district. See Sign provisions in section 10.20.030.080.

10.20.030 AUTHORIZED USES AND REQUIREMENTS

10.20.030.000 Authorized uses. The following are the requirements for the authorized uses:

(1) The primary uses permitted in the districts established by or under Section 10.20.020.010 are shown in Table 1. Where the district column is marked with an "X" the use is permitted. Where the district column is marked with an "S" the use may be permitted only as a special exception under 10.20.040.

(2) For uses not listed the provision of Section 10.20.040.050 shall apply.

(3) For uses in the Flood Plain (FP) district and any portion of the Old Town (OT) district that lies in the 100-year floodplain, the following special standards shall apply in addition to all other requirements of this ordinance:

A. The floodplain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a report entitled "The Flood Insurance Study for the Town of Leavenworth dated August 1, 1983. (See Chapter 10.12 for Flood Hazard Zoning Ordinance) (Ord. 2000-3, S1, Apr. 10, 2000) (Ord. 1995-4, S1, Sept. 12, 1995) (Ord. 1983-120, S3.0, Dec. 12, 1983)

10.20.030.010 Residential uses and requirements. Residential and related uses are permitted in the districts indicated in Table 1 under Section 10.20.030.000 when complying with the requirements of Tables 2a and 2b under Section 10.20.030.010 and the provisions and exceptions of Section 10.20.030.030.

(1) A single-family dwelling is a detached building designed for or occupied by one family exclusively.

(2) A two-family dwelling is a detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.

(3) A multi-family dwelling is a building designed for or occupied by three or more families. (Ord. 1983-120, S3.1, Dec. 12, 1983)

10.20.030.020 Commercial and Industrial requirements. The commercial, industrial and related uses listed in Table 1 are permitted in the districts indicated in Section 10.20.030.000. These uses must also comply with the requirements of Table 3 and the provisions and exceptions of Section 10.20.030.030. (Ord. 1983-120, S3.2, Dec. 12, 1983)

Table 1: Authorized Uses

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Residential Uses	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Day care center and home day nursery			S	X	X	X	S		X
Dwelling, farm		X	X	X	X	X	X		X
Dwelling, single-family		X	X	X	X	X			X
Dwelling, multi-family				X	X	X			X
Farm seasonal worker housing tenant		X							
Home for the aged		S	S	S	S	S			
Home occupation		X	X	X	X	X			X
Mobile home[1]		X			X				X
Private swimming pool[2]		X	X	X	X				
Retail Trade: General Merchandise	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Department store						X			X
Electrical supply store						X			
General merchandise store						X			X
Hardware store						X			
Lumber and building materials dealers						X	X		
Paint, glass and wallpaper stores						X			
Plumbing, heating and air conditioning dealers						X	X		
Variety stores						X			X
Other similar stores						S			S
Retail Trade: Food Stores	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Candy, nut and confectionary						X			X
Dairy products						X			X
Delicatessen						X			X
Fruits and vegetables						X			X
Grocery						X			X
Health foods						X			X
Ice cream						X			X
Meat and fish						X			X
Retail bakeries - baking and selling						X			X
Supermarket						X			
Other similar uses						S			S

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Retail Trade: Apparel and Accessory Stores	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Apparel shop						X			
Children's and infant's wear						X			
Custom tailors						X			
Family clothing						X			
Men's and boy's clothing and furnishings						X			
Shoes						X			
Women's accessories and specialties						X			
Women's ready-to-wear						X			
Other similar uses						S			
Retail Trade: Furniture, Home Furnishings and Equipment Stores	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
China, glassware and metalware						X			
Drapery, curtain and upholstery						X			
Floor coverings						X			
Furniture						X			
Household appliances						X			
Music and records						X			
Radio and television shop						X			
Other similar uses						X			
Retail Trade: Eating and Drinking Establishments	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Cafeteria						X			X
Carry-out restaurant						X			X
Drive-in restaurant						X			X
Lunch room						X			X
Night Club						X			S
Restaurant						X			X
Tavern						X			S
Other similar uses						S			S

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Retail Trade: Miscellaneous Retail Stores	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Antique and secondhand stores						X			
Bait sales						X			X
Bicycle shops						X			
Boat sales						X			
Book and stationery stores						X			
Camera and photographic supply stores						X			
Cigar stores						X			
Drug and proprietary stores						X			
Farm and garden supply						X			
Florists						X			
Gift, novelty and souvenir shops						X			X
Hobby, toy and game shops						X			
Jewelry store						X			
Liquor store						X			
Monument sales						X			
News dealers						X			
Pet shops						X			
Pharmacy						X			
Sporting goods						X			
Studio business						X			
Trading stamp store						X			
Other similar uses						S			
Automotive Dealers, Repair and Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Automatic car wash						X	X		
Automobile body shop and painting						S	X		
Automobile parts						X	X		
Automobile repair						X	X		
Automobile sales, new and used cars						X			
Automobile service stations						X	X		
Mobile home, travel trailer and camper sales and rental						X	X		
Motorcycle and motor scooter sales						X	X		
Parking garage						X			
Parking lot						X	X		
Passenger car rental and leasing						X			
Storage of disabled vehicles						S	X		
Tire, battery and accessory dealers						X			
Truck rental and leasing						X	X		
Truck repair						X	X		
Truck sales, new and used						X	X		
Truck service center						X	X		
Other similar uses						S	S		

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Finance and Insurance	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Agricultural credit institutions						X			
Banks						X	X		
Bond and mortgage companies						X	X		
Installment sales finance companies						X	X		
Insurance agents, brokers and service						X	X		
Personal finance companies						X	X		
Savings and loan associations						X	X		
Stock brokers and dealers						X	X		
Other similar uses						S	S		
Miscellaneous Repair Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Electrical repair shops						X			
Reupholstery and furniture repair						X			
Watch, clock and jewelry repair						X			
Other similar uses						S			
Personal Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Auto license bureaus						X			
Barber shops						X			
Beauty shops						X			
Clothing rental						X			
Coin operated laundry and dry cleaning						X			
Diaper service						X			
Dressmaking						X			
Funeral parlor or mortuary			X	X	X	X			
Laundry or dry cleaning agency						X			
Photographic studios						X			
Professional offices						X			
Reducing salons						X			
Shoe repair						X			
Tailor and pressing shop						X			
Other similar uses						S			

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use									
Miscellaneous Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Advertising agencies						X			
Advertising structures						X	X		X
Blueprinting and photocopying						X			
Consumer credit, adjustment and collection agencies						X			
Direct mail advertising services						X			
Disinfecting and exterminating services						X			
Kennel		S	S			X	X		
Private employment agencies						X			
Signs	X	X				X	X	X	X
Stenographic services						X			
Temporary help supply services						X			
Other similar uses						S			
Amusement and Recreation Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Billiard and pool establishments						X			
Bowling alleys						X			
Dance halls, studios and schools						X			
Fairgrounds	X	X	S					X	
Golf and country clubs	X	X	S	S	S			X	S
Golf driving ranges	X	X	S			X		X	X
Lodge or private club		X	S			X			S
Marina	X	S	S					X	X
Miniature golf course	X	S				X			X
Motion picture theater						X			X
Outdoor commercial recreation enterprise	S	S						X	S
Private recreational development	S	S				S		X	S
Public camping grounds	S	S				S		X	X
Public golf course	X	X						X	X
Riding stables	X	X						X	X
Seasonal hunting or fishing lodge	S	X							S
Shooting range (outdoor)	S	S					S	X	
Skating rinks		X				X		X	
Stadium, coliseum or athletic field		X				X		X	
Tennis clubs	S	S						X	
Theater, outdoor		X				X		X	X
Travel trailer park		S				X		X	X
Other similar uses	S	S				S	S	S	S

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Educational Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Art and music schools						X		X	
Elementary and secondary schools		X	X	X	X			X	
Libraries and information centers		X	X	X	X	X		X	
Trade or business schools						X	X	X	
Government	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Municipal or government building		X	S	S	S	X	X	X	
Penal or correctional institution		S					S	X	
Police or fire station		X	S	S	S	X	X	X	
Postal station						X	X	X	
Public park or recreational facilities	X	X	X	X	X	X	X	X	X
Medical Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Blood banks						X			
Clinics						X			
Convalescent homes			X	S	S				
Medical and dental laboratories						X			
Medical and dental offices				S	S	X			
Nursing home			X	S	S				
Optometrists						X			
Other similar uses						S			
Legal Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Attorney						X			
Counselor-at-Law						X			
Non-Profit Membership Organizations	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Business associations						X			
Charitable institutions				S	S	X			
Church or temple		X	S	S	S	X			
Civic, social and fraternal organizations		X	S			X			
Labor unions						X			
Political organizations						X			
Religious organizations						X			

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use									
Transportation, Communications and Utilities	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Micro-wave towers	S	X	X	S	X	X	X	X	
Public or commercial sanitary landfill or garbage disposal plant	S	X	S		S		S	X	
Public water wells, water stations, filtration plants, reservoirs and storage tanks	S	X	X	S	S	S	X	X	
Radio-TV transmitting towers	S	X	X	S	S	X	X	X	
Railway or motor bus station						X	X	X	
Telegraph office						X		X	
Telephone exchange or public utility substation		X	X	S	S	X	X	X	
Transmission lines for gas, oil, electricity or other utilities	X	X	X	X	X	X	X	X	
Miscellaneous Personal Services	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Accounting, auditing and bookkeeping services						X			
Engineering and architectural services						X			
Real estate services						X			
Other similar uses						S			
Uses Not Elsewhere Classified	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Cemetery or crematory		X					S	X	
Home professional office		X	X	X	X	X			
Hotel or motel		S				X			
Mobile home park[1]					S	S			S
Locker, cold storage for individual use		X				X	X		
Shopping center						X	S		
Tourist home		S		S	S	X			X
Veterinary hospital for small animals		X	S			X			
Newspaper publishing						X	X		

1 - See section 10.20.030.050 Mobile Home Parks

Table 1: Authorized Uses (continued)

X - Permitted Use
S - Special Exception

Primary Use	Districts in which Permitted								
Agricultural Uses	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Commercial greenhouse		X	S			X	X		
Farm, confinement feeding		X	S				S		
Farm equipment, sales and service		X				X	X		
Farm, general	X	X	X	X	X	X	X		X
Greenhouse (not exceeding 1,000 square feet)		X	S			X	X		X
Hay, grain and feed stores		X				X	X		
Plant nursery		X	X			X			X
Roadside produce sales stand		X	X			S			X
Sales barn for livestock resale		S					S		
Industrial Uses	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Anhydrous ammonia or similar liquefied fertilizers, storage and distribution commercial)		S	S			X	X		
Auction sales yard (excluding livestock)		S					X		
Commercial facility for raising or breeding non-farm fowl and animals		S							
Contractors storage yard		S	S			X	X		
Food processing		X				X	X		
Fuel and ice dealers						X	X		
Industrial park						X	X		
Industry, general							S		
Industry, light							X		
Junk yard						X	X		
Linen supply		S					X		
Liquefied petroleum gas (bottled gas) dealer							X		
Manufacturing, storage or use of explosives		S					S		
Material storage (open)		S					S		
Petroleum tank farm (commercial)		S					X		
Slaughterhouse		S					X		
Truck freight terminal		S				X	X		
Warehouse (grain storage facilities)		X					X		
Warehouse (storage)						X	X		
Wholesale business						X	X		
Wholesale produce terminal		S					X		
Mineral Extraction	**FP**	**AG**	**R1**	**R2**	**R3**	**GB**	**IN**	**PR**	**OT**
Limestone, quarrying	S	S				S	S		S
Coal mining	S	S				S	S		
Other	S	S				S	S		S

1 - See section 10.20.030.040 Requirements for Industrial Uses

Table 2a: Residential Uses and District Requirements - Single Family Dwellings

Requirements for Permitted Uses	AG	R1	R2	R3	GB	OT
Minimum Lot Area in Sq. Ft. per Dwelling Unit						
With Sewers	30,000	15,000	8,000	8,000	8,000	8,000
Without Sewers[1]	43,560	43,560	43,560	43,560	43,560	43,560
Minimum Lot Width	150'	100'	60'	60'	60'	60'
Maximum Building Height	35'	35'	35'	35'	35'	35'
Minimum Front Yard						
Arterial Highway	50'	50'	20'	20'	20'	20'
Collector Highway or Local Street	40'	40'	20'	20'	20'	20'
Minimum Side Yard in Percent of Lot Width - but not less than 5' - nor need be greater than 25'	10%	10%	10%	10%	10%	10%
Minimum Rear Yard						
Main Building	20'	20'	20'	20'	20'	20'
Accessory Building	5'	5'	5'	5'	5'	5'
Minimum Distance between Main and Accessory Buildings	15'	15'	15'	15'	15'	15'
Vision Clearance on Corner Lots	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Ground Floor Building Area in Sq. Ft.						
Mobile Home in Mobile Home Park	n/a	n/a	n/a	320	320	320
Mobile Home on Individual Lot	720	720	720	720	n/a	720
One-Story Dwelling	720	720	720	720	720	720
Multi-Story Dwelling	672	672	672	672	672	672
Number of Off-Street Parking Spaces to be Provided on Lot	2	2	2	2	2	2
Maximum Lot Coverage in Percent of Lot Area	10%	10%	35%	35%	35%	35%

1- Minimum lot size subject to Crawford County Health Department soils and sighting review.
Minimum lot size may be reduced to 32,670 square feet with a public water supply.

Table 2b: Residential Uses and District Requirements - Multi-Family Dwellings

Requirements for Permitted Uses	R2	R3	GB	OT
Minimum Lot Size in Sq. Ft.	8,000	8,000	8,000	8,000
Minimum Lot Area in Sq. Ft. per Dwelling Unit				
Multi-Family				
With Sewers	2,000	2,000	2,000	2,000
Without Sewers	4,000	4,000	4,000	4,000
Two-Family				
With Sewers	4,000	4,000	4,000	4,000
Without Sewers	16,000	16,000	16,000	16,000
Minimum Lot Width	60'	60'	60'	60'
Maximum Building Height	60'	60'	60'	60'
Minimum Front Yard				
Arterial Highway	25'	25'	25'	25'
Collector Highway or Local Street	20'	20'	20'	20'
Minimum Side Yard in Percent of Lot Width - but not less than 5'	10%	10%	10%	10%
Minimum Rear Yard	20'	20'	20'	20'
Minimum Distance between Main and Accessory Buildings	20'	20'	20'	20'
Minimum Distance between Main Buildings	25'	25'	25'	25'
Vision Clearance on Corner Lots	Yes	Yes	Yes	Yes
Minimum Ground Floor Building Area in Sq. Ft.				
One-Story Dwelling	672+	672+	672+	672+
	400/D.U.	400/D.U.	400/D.U.	400/D.U.
Multi-Story Dwelling	672	672	672	672
	300/D.U.	300/D.U.	300/D.U.	300/D.U.
Number of Off-Street Parking Spaces to be Provided on Lot	2/D.U.	2/D.U.	2/D.U.	2/D.U.

Table 3: Commercial and Industrial Requirements

Requirements for Permitted Uses	GB	IN	OT
Minimum Front Yard			
Arterial Highway	20'	25'	20'
Collector Highway or Local Street	15'	20'	15'
Minimum Side Yards			
Adjoining Residential District	15'	30'	15'
Not Adjoining Residential District	10'	-	10'
Minimum Street Side Yard	5'	-	5'
Minimum Rear Yard			
Adjoining Residential District	15'	25'	15'
Not Adjoining Residential District	-	-	-
Maximum Building Height	75'	-	35'
Maximum Lot Coverage in Percent of Lot Area	75%	75%	75%
Vision Clearance on Corner Lots	Yes	Yes	Yes
Off-Street Parking - Sq. Ft. of Parking Space per Sq. Ft. of Building Area	see Section 10.20.030.070 Table 4		

10.20.030.030 General conditions. General provisions for the zoning districts include:

(1) Accessory uses. Accessory uses such as the following are permitted in all districts, and may be installed in any yard.

Bird baths and bird houses
Curbs
Driveways
Fences and hedges
Lamp posts
Mail boxes
Name plates
Parking spaces
Private garages, studios and tool sheds are permitted in all but the front yard.
Utility installations for local service (such as poles, lines, hydrants, and telephone booths)
Retaining walls
Trees, shrubs, plants, and flowers
Walks

(2) Setbacks: Accessory buildings in residential districts. If an interior lot abuts a corner lot or alley separating them and the front yards of the two lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot, but no closer than five (5) feet.

(3) Restrictions along streams. Uses permitted or allowed as special exceptions in the floodplain district, as shown on Table 1, shall be in accordance with requirements as provided for in Section 10.20.030.000-10.20.030.030.

(4) Mobile home. Provisions regarding mobile homes are as follows:

A. In the AG, R3 and OT districts mobile homes may be permanently occupied as residences provided:

1. Pillars shall support the home, and underpinnings or skirting shall be installed to entirely enclose the bottom of the mobile home and any additions, thereto;

2. Wheels are removed; and

3. Each mobile home stand shall be provided with tiedown facilities (minimum of four), in order that the mobile home be secured to the ground with turn-buckles or cable attached from the chassis to either minimum (1) 4' x 1/2" ground anchors or (2) 3/8" loops installed in the concrete pad, in such a manner as to afford maximum holding power.

B. Within the Old Town (OT) district, recreational parks for individual mobile homes and travel trailers will be permitted, provided they do not involve any structural change and, further provided that each such vehicle shall:

1. Obtain a renewable temporary permit as described in Chapter 10.20.030.030 (9).

2. Remains as a mobile vehicle and it is not taken off its wheels.

3. Remains registered as a vehicle and does not become an improvement to land, according to applicable tax assessment statutes.

4. Have adequate sewage disposal facilities and conforms to the town's sewage and garbage disposal ordinances.

5. Meets the lot size requirements and other qualifications of the state mobile home parks statutes.

C. Mobile homes, trailers or vans may be utilized as contractors' offices, watchman's shelters, or tool or equipment storage only on the site and only during the period of construction or improvement projects.

D. All requirements of this and other ordinances of the county with respect to water supply and sanitary waste disposal will be met and a letter from the county health officer so stating accompanies the application for an improvement location permit for this use.

(5) Water pollution. No authorization of a use, under this ordinance, includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board, except when connecting to a town sanitary sewer. Also, no overflows from drainfields into ditches, ponds, or lakes are permitted.

(6) Building setbacks. Provisions for building setbacks are as follows:

A. On corner and reversed corner lots, the side yard setback shall be the same as the front yard setback on adjoining lots.

B. Where twenty five percent (25 %) or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determine the dimensions of the front yard in the block, however, if there is no other building within three hundred thirty (330) feet of the proposed building in either direction, then the standard setback for the district shall apply.

C. Front yard or building setback line standards in recorded subdivisions establish the front yards in such subdivision, except when such building setback lines are less restrictive, then the requirements of the district shall apply.

(7) Required fences and walls. Swimming pools, in the ground, shall be entirely enclosed by buildings or fences or walls, which shall be at least five (5) feet, but need not be more than six (6) feet in height. Said fence or wall shall be equipped with self latching gates or doors, the latching device being located not less than four (4) feet above the ground. All fencing must be in place and approved by the zoning administrator before water is run into the pool.

(8) Permits for temporary uses. The board may grant a temporary use permit for not more than one (1) year for the following uses, if it finds that the intended site is appropriate, that adequate operational safeguards will be maintained and that adjoining established uses will not be adversely affected. Temporary use permits may be renewed annually or semi-annually, provided the conditions of the permit have been met.

In the AG, R1 and GB districts, a temporary use permit may be issued for the sale of farm produce grown on or off the premises. Such sales space shall be of portable or seasonal construction and shall observe the setback line for permanent structures when not in use. Such permit shall be valid for not more than four (4) months per year, but may be issued for a five (5) year period. (Ord. 1983-120, S3.3, Dec. 12, 1983)

10.20.030.040 Requirements for Industrial uses. No improvement location permit shall be issued under this ordinance for an industrial use or structure until the applicant has presented proof to the zoning administrator that he/she has obtained a valid permit or permits as required by state statutes for industrial air pollution control, water pollution control or similar environmental protection from the Indiana State Board of Health and other state agencies. In addition, applicants must also comply with any other conditions or applicable provisions of this ordinance. (Ord. 1983-120, S3.4, Dec. 12, 1983)

10.20.030.050 Mobile Home Parks. No improvement location permit shall be issued under this ordinance until the applicant has presented proof to the zoning administrator that he/she has obtained a valid permit from the Indiana Board of Health to operate such a Mobile Home Park. In addition, applicants must also comply with any other conditions or applicable provisions of this ordinance. (Ord. 1983-120, S3.5, Dec. 12, 1983)

10.20.030.060 Mineral extraction. No improvement location permit for a mineral extraction use shall be issued until the applicant has presented proof that the required valid permit or permits for such use has been obtained from the Indiana Department of Natural Resources. In addition to complying with any other conditions or applicable provisions of this ordinance, the applicant must also present to the board of zoning appeals considering the special exception requirements, a survey of geological conditions in the area to be mined or excavated. Said survey shall include a professional evaluation of the probable effect of mining, excavating and blasting with explosives on nearby properties and any other information which may assist in evaluating the impact of future mining or excavation of the property upon the health and safety of neighboring properties or the community at large. If a survey of this same general description is made

pursuant to any other state or federal law or regulation, it may be used to satisfy this requirement. (Ord. 1983-120, S3.6, Dec. 12, 1983)

10.20.030.070 Property development standards. The standards for property development are as follows:

(1) Minimum Lot Area. Except as hereinafter provided, no building or structure shall be hereafter erected or located on a lot unless such lot conforms to the area regulations of the district in which it is located.

A. Lots of record or individually held prior to the passage of this ordinance may be smaller in area than the figure prescribed.

B. The minimum lot area for each dwelling unit not served by sanitary sewers shall be subject to approval by the county health officer.

C. After the taking effect of this ordinance, no land in any district may be divided by the recordation of any map or by voluntary sale, contract of sale, or conveyance of any ownership which consists of less than the minimum lot area required for the district of which such lot is a part. Provided however, that a tolerance of ten percent (10 %) shall be allowed as to this requirement when the parcel so created is irregular in shape.

D. The restrictions of this ordinance pertaining to creating a parcel of land below a specified minimum size shall not apply to a division of land by succession, will, partition, proceedings, sale or execution or other division by operation of law.

(2) Lot Dimensions. The requirements for lot dimensions are as follows:

A. Every lot shall have a minimum frontage width not less than the required minimum lot width in the district under consideration. Curve lots and cul-de-sac lots shall conform to the particular district wherein provisions are set forth for said lots. Every lot shall also have a minimum width and depth not less than that prescribed in the district under consideration. Each dimension is a minimum only. One or both shall be increased to attain the minimum lot area required.

B. Where a lot has a minimum width or depth less than that prescribed by this section, and said lot was of record under one (1) ownership at the time that the area was first zoned, whereby the lot became nonconforming, said lot may be used subject to all other requirements of the district in which such lot is located.

(3) Ground Floor Area. The ground floor area requirements for dwellings, as set forth in the districts, shall apply. Dwellings shall not be changed except in conformity with these regulations.

(4) Building Height. All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall

comply with the height regulations and exceptions of the district in which they are located, with the addition of the following:

A. An agricultural structure may be erected or changed to any height necessary for its operation.

B. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, penthouses, stacks, tanks, water towers, transmission towers, utility poles, and necessary mechanical appurtenances (excluding radio, TV, and micro wave towers) may be erected or changed to any height that is not otherwise prohibited.

C. Buildings may be erected or changed to a height not to exceed ten (10) feet over that permitted in the district, provided that an additional side yard setback of one (1) foot for each one (1) foot that the building exceeds the district height limitations.

(5) Yards. Provisions pertaining to yards are as follows:

A. In measuring a front yard or side yard adjoining a street, it shall be the perpendicular distance between the street and a line through the corner or face of said building closest to and drawn parallel with the street, excluding any architectural features.

B. Architectural features (cornice, eave, sill, canopy or similar feature) may extend or project into a required side yard not more than two (2) inches for each one (1) foot width of such side yard, and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys may project into any required yard not more than two (2) feet, provided that the width of said yard is not reduced to less than three (3) feet thereby.

C. An open platform or landing which does not extend above the level of the first floor of the building may extend or project into any required front or side yard not more than four (4) feet or into any required rear yard not more than twenty-five (25) percent of the required side yard depth.

(6) Lot Coverage. All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or maintained, or enlarged, shall not exceed the maximum building coverage regulations of the district in which they may be located.

(7) Off-Street Parking. Provisions for off-street parking are as follows:

A. To reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided by this section. Parking spaces or bays contiguous to the street, required by subdivision or other

ordinances, are in addition to and not in place of the spaces so required.

B. As used in this section, the term:

"Parking space" means an area, not including any part of a street or an alley, designed or used for the temporary parking of a motor vehicle;

"Parking area" means a group of parking spaces, or an open area not including any part of a street or an alley, designed or used for the temporary parking of motor vehicles.

C. Parking spaces shall be as provided in Table 4, except for the area bounded by State Highway 62, Indiana Street, 2nd Street, and 1st Street.

D. Each of the parking spaces required by this section must be at least ten (10) feet wide and twenty (20) feet long, exclusive of passageways.

E. The parking spaces prescribed by this section for a business or an industrial use must be located on the premises or on a site, approved by the board, at least part of which is within three hundred (300) feet of the premises. However, parking spaces may not be located in the required front yard, except in commercial and industrial districts.

F. Some parking areas must conform to the location requirements prescribed in Chapter 10.20.040. In addition, a parking area for a business use must, if in the open, be paved with a hard or dustproof surface.

G. A group of business or industrial uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses.

H. A church or temple that requires a parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the board, use those facilities instead of providing its own.

I. Parking requirements may be waived by the board for uses in a block in which fifty percent (50 %) or more of the area is occupied, at the time this ordinance is passed, by business or industrial structures.

J. All parking areas shall be surfaced and striped and channelized as required by the director and shall thereafter be maintained in good condition. Parking stalls shall be marked and the access lanes shall be clearly defined, including directional arrows to guide internal movements.

Table 4: Off-Street Parking Requirements [4,5]

Primary Use	Spaces	Per Unit
Residential		
Day care center (for child) and home day nursery (plus 2 per dwelling unit)	1	6 children
Residential Uses (mobile home, single-family, two-family, multi-family)	2	dwelling unit
Retail Trade		
General Merchandise except Department Store	2.5	1000 sq.ft. of GFA[1]
Department Store	5	1000 sq.ft. of GFA[1]
Food Stores and supermarket under 20,000 square feet of gross floor area	2.5	1000 sq.ft. of GFA[1]
Supermarket 20,000 or more squrare feet of gross floor area	5	1000 sq.ft. of GFA[1]
Apparel and Accessory Stores	2.5	1000 sq.ft. of GFA[1]
Furniture, Home Furnishings and Equipment Stores	2.5	1000 sq.ft. of GFA[1]
Eating and Drinking Establishments[2] except drive-in resturant and night club	5	1000 sq.ft. of GFA[1]
Drive-in resturant and Night Club	10	1000 sq.ft. of GFA[1]
Miscellaneous Retail Stores	2.5	1000 sq.ft. of GFA[1]
Automotive Dealers, Repair and Services		
Automatic car wash	5	washing stall
Motor vehicle parts and storage of disabled vehicles	5	1000 sq.ft. of GFA[1]
Motor vehicle sales or rental (auto, motorcycle, truck, recreational vehicle, camper, travel trailer)	2.5	1000 sq.ft. of GFA[1]
Mobile home sales and rental	2.5	1000 sq.ft. of GFA[1]
Motor vehicle repair (auto, motorcycle, truck, recreational vehicle)	5	1000 sq.ft. of GFA[1]
Automobile service station (1 per pump and 2 per bay)	3	per service bay
Gas station with mini-mart	5	1000 sq.ft. of GFA[1]
Truck service center	5	1000 sq.ft. of GFA[1]
Finance and Insurance		
Finance and Insurance excluding banks	2.5	1000 sq.ft. of GFA[1]
Banks	5	1000 sq.ft. of GFA[1]
Miscellaneous Repair Services	2.5	1000 sq.ft. of GFA[1]
Personal Services		
Personal Services excluding funeral parlor or mortuary	2.5	1000 sq.ft. of GFA[1]
Funeral parlor or mortuary	10	1000 sq.ft. of GFA[1]
Miscellaneous Services	2.5	1000 sq.ft. of GFA[1]
Amusement and Recreation Services		
Amusement and Recreation Services except travel trailer parks and marinas	0.33	seat[3]
Travel trailer parks or recreational vehicle (in addition to space of trailer or RV)	1	campsite
Marinas	1	boat slip

[1] GFA = gross floor area

[2] Tavern with live entertainment treated as Night Club

[3] Or 5 spaces per 1000 square feet of enclosed or covered space (which ever is greater)

[4] Designation of accessible spaces for the handicapped = 1 space plus 1 space per 25 parking spaces.

[5] There are no off-street parking requirements for the area bounded by State Highway 62, Indiana St., 2nd St. and 1st St.

Table 4: Off-Street Parking Requirements [4,5](continued)

Primary Use	Spaces	Per Unit
Educational Services		
Art and music schools, libraries and information centers	2.5	1000 sq.ft. of GFA[1]
Elementary, middle or junior high school (plus 1 space per 4 seats in auditorium)	2	classroom
Trade and business schools and High School	1	3 student + staff
Government		
Municipal or government building, postal station	5	1000 sq.ft. of GFA[1]
penal or correctional institution	1	10 inmates + staff (largest shift)
police station, firestation, emergency medical service center	1	employee
Public park and recreational facilities	1	participant[3]
Medical Services		
Medical Services other than hospital, convalescent home or nursing homes	5	1000 sq.ft. of GFA[1]
Hospital and Convalescent Home	0.5	bed
Nursing homes	0.25	bed
Legal Services	2.5	1000 sq.ft. of GFA[1]
Non-Profit Membership Organizations	10	1000 sq.ft. of GFA[1]
Transportation, Communications and Utilities		
Transportation, Communications and Utilities except public transportation	1	employee
Public transportation (rail or bus station)	10	1000 sq.ft. of GFA[1]
Micellaneous Personal Services	2.5	1000 sq.ft. of GFA[1]
Uses Not Elsewhere Classified		
Cemetery or crematory	10	1000 sq.ft. of GFA[1]
Home professional office	2.5	1000 sq.ft. of GFA[1]
Hotel, motel, tourist home	1	employee & room
Mobile home park	2	mobile home
Locker (cold storage for individual use), mini-warehouse or self-storage facility	0.1	storage cubicle
Shopping center	5	1000 sq.ft. of GFA[1]
Veterinary hospital for small animals	5	1000 sq.ft. of GFA[1]
Newspaper publishing	2.5	1000 sq.ft. of GFA[1]
Agriculture Uses	1	employee
Industrial Uses	1	employee (largest shift)
Mineral Extraction	1	employee (largest shift)

[1] GFA = gross floor area

[2] Tavern with live entertainment treated as Night Club

[3] Or 5 spaces per 1000 square feet of enclosed or covered space (which ever is greater)

[4] Designation of accessible spaces for the handicapped = 1 space plus 1 space per 25 parking spaces.

[5] There are no off-street parking requirements for the area bounded by State Highway 62, Indiana St., 2nd St. and 1st St.

1. All parking lots and loading areas shall be suitably graded, surfaced and drained in accordance with the standards approved by the commission.

2. Wheel stops, marked off spaces and directional signs, where necessary, shall be required.

K. Whenever a parking area for three (3) or more cars is located in or adjacent to an R1, R2 or R3 district, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes, by an acceptably designed wall, fence or planting screen. Such wall, fence or planting screen shall be not less than four (4) feet more than six (6) feet in height and shall be maintained in good condition. The space between such wall, fence or planting screen, and the lot line of any adjoining premises in such district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

L. Lighting where provided to illuminate such parking areas shall be hooded and so arranged and controlled so as not to cause a nuisance to highway traffic. The amount of light shall be provided according to the standards approved by the commission.

M. In no case shall parking spaces be so arranged that ingress or egress from a parking space requires backing into a public or private pedestrian access way, or from a public alley.

N. The number of off-street parking spaces shall be proportioned to the total expected number of employees, customers, and other visitors using the facility as determined by the board.

(8) Loading. The plan commission shall determine the number of loading berths required. The following guidelines shall also be followed:

A. Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with adequate loading berths (which, if open, shall be paved with a hard or dustproof surface).

B. Loading berths must not face on the bordering street and must be at least as far from the nearest residential use as the number of feet shown. (Ord. 1983-120, S3.7, Dec. 12, 1983)

10.20.30.080 Sign Requirements. The standards for signs are as follows:

(1) No sign, billboard or exterior graphic display will be permitted in any district until Permits are obtained therefore, except as specified otherwise in this Section.

A. - The following signs shall be exempted from the requirements of this Section, subject to the conditions specified:

1. Signs not exceeding one square foot in area and bearing only property numbers, address numbers, names of occupants of premises, or other identification of premises not denoting commercial activity;

2. Flags and insignias of any governmental unit, or civic, educational or religious organization, except when displayed in connection with promotion;

3. Legal notices, identification, informational, warning, trespassing, or directional signs erected or required by governmental units;

4. Memorial plaques, historical markers, integral decorative or architectural features of buildings, except trademarks, moving parts or moving lights;

5. One real estate sign for each lot frontage not exceeding six (6) square feet in area, indicating the sale, rental or lease of the premises on which displayed. A sold sign may be attached to such real estate sign; both signs shall be removed within seven (7) days from the time the premises were sold, rented or leased;

6. Such signs may be illuminated but not flashing or animated.

B. - Identification Signs. The following identification signs shall be permitted subject to the requirements of this Subsection:

1. Signs directing and guiding traffic, pedestrian or other control designating entrances or exits to or from a parking or loading area, or indicating parking or loading spaces, on private property, not exceeding four (4) square feet in surface area for each such sign and not bearing any advertising matter, limited to two (2) such signs for each entrance or exit;

2. One identification sign for a parking or loading area not exceeding sixteen (16) square feet in surface area for each street frontage of such area. Said sign shall include only the name and address of the owner or name and address of the use for which it is provided, the hours of operation, and similar such information;

3. Temporary signs in connection with a special event which shall not be displayed more than sixty (60) days in advance of the special event and shall be removed within three (3) days following the event;

4. One temporary announcement sign for each street frontage of premises or buildings which are under construction, demolition, remodeling or rebuilding, which sign announces the character of the building enterprise,

including names of architects, engineers or contractors. Such sign shall not exceed sixty-four (64) square feet of surface area, and shall be removed when said indicated purpose is completed;

5. One temporary subdivision sign for each street entrance to the Subdivision, on not less than 200 feet of street frontage, which sign is both incidental and necessary to advertise the sale, rental or lease of real property in the district. Such sign shall not exceed 200 square feet of surface area and shall not be erected until the subdivision has been approved and recorded;

6. One temporary office, model home or model apartment sign for each such use, which sign is both incidental and necessary to identify or promote said use. Such sign shall not exceed sixteen (16) square feet of surface area; and

7. Such signs may be illuminated but not flashing or animated. Such signs shall conform to all the requirements of the District, provided, however, in the case of (l), (2),(3) and (4), above, said signs may encroach into required setback distance but not closer than fifteen (15) feet to any adjoining property line, provided, further said signs shall not project higher than sixteen (16) feet above the lot ground level.

C. - State Permit. Any required state permit for outdoor advertising shall be a prerequisite for issuance of an improvement location permit for an outdoor advertising use or structure under this ordinance. The applicant must present any required permit to the zoning administrator to obtain a permit. (Ord. 1983-120, S3.8, Dec. 12, 1983) The Indiana Department of Transportation's Outdoor Advertising Control Manual shall be the guide for any required state permit. However, the more stringent requirements of this ordinance or the State law shall always apply.

D. - Prohibited Signs. The following signs shall not be permitted:

1. Signs which are illegal under state and local laws and rules.

2. Signs not securely affixed to a substantial structure.

3. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic, or which interfere with, imitate, or resemble any official traffic sign, signal or device.

4. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

5. Signs which are not consistent with the Indiana Department of Transportation's Outdoor Advertising Control Manual, this ordinance or any other law or promulgated rule prohibiting such a sign.

6. Signs which are located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

7. Signs which move or have any animated or moving parts.

8. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, or signs which use various types of evolving technology such as lights, glow cubes, rotating slats, moving reflective discs, etc., except those giving public service information such as time, date, temperature, weather or similar information.

E. - Signs which are no longer functional or are abandoned shall be removed and relocated in compliance with this Ordinance within (30) days following such abandonment. Signs shall be considered no longer functional and abandoned when such sing is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.

F. - Any legally established non-conforming sign shall be permitted without alteration in height, size, and location, unless movable and unattached. If such sign is damaged or dilapidated to an extent of more than fifty percent (50%) of its replacement cost at the time of damage or repair, it shall not be rebuilt unless its conforms to all sign standards. However, nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.

(2) General

A. - No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.

B. - No sign or sign structure other than official highway signs shall be placed upon, over or in any street or highway right-of-way or any sidewalk, except as provided in Paragraph (E) below.

C. - No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop", "Look", "Danger", or any other word,

phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

D. - No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.

E. - It shall be unlawful to erect and maintain:

1. Any sign which is not included under the types of signs permitted in this Ordinance;

2. Any portable or movable sign, except as permitted under the provisions of this Ordinance;

3. Any sign which projects more than eighteen (18) inches over public property except where such a sign is necessary and convenient and so authorized by the applicable governmental unit;

4. Any sign or sign structure affixed to a roof top or known as a roof top sign, which superstructure extends above the highest point of the roof; and a business sign and advertising sign on the same lot.

F. Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface thereof, and shall not:

1. Be greater than three (3) feet in vertical measurement above the marquee or canopy; or

2. Extend vertically below or horizontally beyond more than eighteen (18) inches from the marquee or canopy limits.

G. - Signs located on awnings shall be affixed flat to, or painted upon the surface thereof, shall not extend vertically or horizontally beyond the limits of said awning, and shall not be illuminated. Only the name and address of the use shall be indicated.

H. - No sign or sign structure, except a projecting sign structure, attached to the wall of a building shall extend more than eighteen (18) inches horizontally from such wall.

I. - No sign or sign structure attached to the wall of a building shall extend above the roof or parapet lines of such building provided, however, in the case of unified centers including Shopping Centers, Planned Business Areas and Industrial Parks, in single ownership or under unified control, the Board of Zoning Appeals may grant a Special Exception Use in accordance with Section 10.20.040 of this Ordinance for one such sign per occupant extending not more than four (4) feet above the roof or parapet line of such building.

J. - Business and advertising signs may be illuminated, unless specified otherwise, provided, however, light reflectors shall not extend more than twelve (12) feet from the face of the sign. Where a sign

is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of adjoining property.

K. - Not more than one projecting business sign structure shall be allowed for each lot or occupant thereof and the maximum surface area of such sign shall not exceed 240 square feet per side. Only one side of a projecting sign shall be considered in computing total allowable sign surface area. In no case shall the sign structure extend more than eight (8) feet from or beyond its supporting building. No projecting sign shall be at its lowest point less than eight (8) feet above grade level.

L. - Free standing signs shall not be higher than forty (40) feet above the street elevation to which the sign is oriented, and the maximum surface area of such sign shall not exceed 300 square feet per side.

M. - Signs or sign structures shall be set back in accordance with the building setback lines required by the District, provided, however;

1. In case the supporting building for a projecting sign is located closer than eight (8) feet to the building setback line, the projecting sign may extend in front of said setback line, but in no case shall such sign extend beyond the property line, in accordance with the standards of this Subsection; or

2. In the case of free standing signs where graphic illustration is exhibited to the Board of Zoning Appeals, indicating extensive landscaping, compliance with all other standards of this Code and appropriate safeguards for the public safety, such sign or sign structure located no closer than twenty (20) feet to the front property line shall be deemed a sign setback Special Exception Use, and in accordance with Section 10.20.040, the Board of Zoning Appeals may approve such Special Exception Use.

N. - Signs advertising Filling Stations or Restaurants proposed to be located in the vicinity of Highway Interchanges, may be erected to any height, provided that the Zoning administrator determines that the proposed signs are safe.

O. - All signs shall be erected, installed and used in accordance with the provisions of the National Electric Safety Code (NESC), updates and supplements thereto.

(3) Additional requirements applicable to Advertising Structures (off-premises signs) are as follows:

A. - Advertising Structures (Billboards or Outdoor Advertising) Location. Off-premises signs are only permitted in the General Business (GB) and Industry (IN) districts. No off-premise signs are permitted within 500 feet of an interchange, at-grade intersection, rest area or

park; or within 300 feet of land that is in residential use or is zoned R-1, R-2, R-3, PR, or OT.

B. - Advertising Structures (Billboards or Outdoor Advertising) Size, Spacing and Height. Off-premises sign shall not have more than two faces and shall not exceed more than 1000 square feet on any face (with a maximum face height of 25 feet and maximum face length of 60 feet). Off-premises shall not be closer than 1000 feet from another off-premises sign, and shall not be farther than 660 feet of the public right-of-way. The maximum height of the sign shall not exceed forty (40) above the street elevation to which the sign is oriented, except as noted in (2) N. above.

(4) Additional requirements applicable to Signs (On-Premises Signs) are as follows:

A. - The number and size of business signs for uses permitted in the Floodplain (FP), Agriculture (AG), General Business (GB), industry (IN), Public Use and Recreation (PR) and Old Town (OT) Districts shall be as follows:

1. The total number of signs and size of signs for a lot having business use located thereon shall be based on the following formula: For each 10 lineal feet of property fronting on a street, 20 square feet of sign surface shall be allowed, provided that this total surface area may be allocated into any number of signs or sign faces, provided further, that in no case shall the total number of such signs exceed two (2) per street frontage for each occupant therein and the number of sign faces exceed two (2) per sign; and

2. The minimum size allotment for signs for each lot having a business use located thereon, shall be at least 300 square feet of total surface area, and this area may be divided into two signs or two sign faces.

3. For unified centers, including shopping centers, planned business centers or industrial parks, in single ownership or under unified control, or individual uses with a collective and contiguous minimum street frontage of 400 feet, one additional business sign in addition those signs permitted in items 1 and 2 above shall be permitted for each main entrance to the center provided:

   a. Such sign shall indicate only the name and location of such center and the name and type of business of the occupants of such center;
   b. The maximum surface area for such sign shall not exceed 300 square feet; and

c. Such sign may be illuminated, but shall neither be flashing nor animated.

B. - On-premise signs for the identification of residential subdivisions, multi-family developments and mobile home parks in residential districts (Agricultural, R1, R2 and R3 Districts) are permitted as follows:

1. Two illuminated sign structures identifying and/or providing information regarding the residential subdivision, multi-family development or mobile home park shall be permitted for each main entrance to such area.

2. If in the front yard, the sign must be at least 10 feet from the public right-of-way, with not more than two faces, with each face not more than nine (9) square feet, and with a maximum height of nine (9) feet.

3. If the sign setback meets the minimum front yard requirement, the sign shall not have more than two faces, with each face not more than sixty-four (64) square feet, and with a maximum height of 9 feet.

10.20.040 SPECIAL EXCEPTION USES

10.20.040.000 Special exceptions. The special exceptions listed in the individual districts and those listed below and their accessory buildings and uses may be permitted by the board in the districts, in accordance with the procedures set forth in this Chapter. (Ord. 1983-120, S4.0, Dec. 12, 1983)

10.20.040.001 National Flood Insurance Program. The zoning administrator, during his/her review of improvement location permits, shall assume that all National Flood Insurance Program regulation pertaining to state and federal permits, building permit review, subdivision review, record keeping, watercourse alteration and maintenance, and utility construction have been met. (See Chapter 10.12 for Flood Hazard Area Ordinance) (Ord. 1983-120, S4.01, Dec. 12, 1983)

10.20.040.002 Variances. Applications for variances to the provisions of this ordinance 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 local permit. (Ord. 1983-120, S4.02, Dec. 12, 1983)

10.20.040.010 Special exception uses: all districts. Uses permitted in any district subject to the requirements of this Chapter:

Artificial lake of three (3) or more acres
Mineral extraction, borrow pit, topsoil removal, and their storage areas
Railroad right-of-way and necessary uses
Public or commercial sewage disposal plant (primary use) (Ord. 1983-120, S4.1, Dec. 12, 1983)

10.20.040.020 Special exception uses: Floodplain (FP) District and Old Town (OT) District. The following special exception uses may be permitted in the Floodplain (FP) District and any portion of the Old Town (OT) District that lies within the 100-year floodplain, only after a proper permit or letter of recommendation for same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the plan commission. The plan commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

(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, railroads, and utility transmission facilities.

(3) Temporary or seasonal floodplain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.

(4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

(5) Other flood tolerant or open space urban uses, such as floodproofed 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. In addition, adequate drainage and access for a hauler shall be provided.

(7) Residential structures. The structure or structures, if permitted in a floodplain (FP) district, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Floodproofing of nonresidential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in this ordinance and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

Onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood. See Chapter 10.12 for Flood Hazard Zoning Ordinance. (Ord. 2000-3, Apr. 10, 2000) (Ord. 1995-4, Sept. 12, 1995) (Ord. 1983-120, S4.2, Dec. 12, 1983)

10.20.040.030 Minimum lot area. A lot on which one of the uses listed in Table 5 is located may not be smaller in area than the area prescribed for that use opposite it on the table. For uses not listed in the requirements of the district in which the use is located shall apply to the use. (Ord. 1983-120, S4.3, Dec. 12, 1983)

10.20.040.040 Setbacks. The uses listed in Table 6 are subject to the special setbacks prescribed, in feet, by the table. (Ord. 1983-120, S4.4, Dec. 12, 1983)

10.20.040.050 Minimum distances from residential district or use. The uses listed in Table 7A may not be located closer to an R1, R2 or R3 district than the distance listed opposite in the table.

A parking area or loading berth for any of the uses listed in Table 7B may not be located closer to a residential district or use than the distance listed opposite it in the table. (Ord. 1983-120, S4.5, Dec. 12, 1983)

10.20.040.060 Procedure. The special exceptions listed in the districts and this section are those customarily located in the community. These special exceptions and their accessory buildings and uses may be permitted by the board in the districts indicated therein, in accordance with the procedure set forth in the following:

(1) Upon receipt of an application for an improvement location permit for a special exception by the zoning administrator, it shall be referred to the commission for investigation as to the manner in which the proposed location and character of the special exception will affect the comprehensive plan. The commission shall report the results of its study to

the board within forty-five days following receipt of the application. If no such report has been filed with the board within this time period, the board may proceed to process the application.

(2) The board shall proceed with a hearing on the application in the manner prescribed in the ordinance adopting these regulations. Following the hearing, and upon an affirmative finding by the board that:

A. The proposed special exception is to be located in a district wherein such use may be permitted, and

B. The requirements set forth in the district and this section for such special exception will be met, and

C. The special exception is consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare; the board shall order the zoning administrator to issue an improvement location permit for the special exception.

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. Any expansion of such special exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject, however, to the procedures described in this section.

When an appeal is taken to the board upon the denial of an application for an improvement location permit for a use not specifically stated or implied elsewhere in these regulations and not listed, the board shall refer the matter of this proposed use to the commission for consideration as an amendment to the regulations. (Ord. 1983-120, S4.6, Dec. 12, 1983)

Table 5: Minimum Lot Area Requirements for Special Exception Uses

Use	Minimum Lot Area
Airport	80 acres
Auction sales yard (excluding livestock)	2 acres
Cemetery or crematory	5 acres
Charitable institutions	1 acre
Church or temple	1 acre
Commercial facility for raising and breeding non-farm fowl and animals	3 acres
Commercial greenhouse	25,000 square feet
Day care center and home day nursery	110 square feet per child
Heliport	1 acre
Junk yard	10 acres
Kennel	2 acres
Miniature golf course	1 acre
Mobile home park	5 acres (4,000 sq. ft. per unit)
Penal or correctional institution	320 acres
Police station or fire station	20,000 square feet
Public camping ground	5 acres
Public or commercial sanitary landfill or garbage disposal plant	10 acres
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over four
Slaughterhouse	6 acres
Stadium, coliseum or athletic field	5 acres
Storage of disabled vehicles	3 acres
Travel trailer park	5 acres (4,000 sq. ft. per unit)
Truck service center	1 acre
Warehouse (grain storage facilities)	3 acres
Wholesale produce terminal	15 acres

Table 6: Setback Requirements for Special Exception Uses

Use	Setbacks (feet)		
	Front	Side	Rear
Anhydrous ammonia or similar liquid fertilizer, storage or distribution (commercial)	300	300	300
Automatic car wash	#	20	15
Cemetery or crematory	#	50	50
Charitable institutions	#	20	15
Colleges and universities	#	10	30
Commercial facility for raising and breeding non-farm fowl and animals	100	100	100
Commercial greenhouse	100	40	40
Day care center and home day nursery	#	20	15
Farm, confinement feeding	300	300	300
Industrial park	100	75*	#
		35**	
Junior colleges and technical institutes	#	10	30
Junk yard	300*	300*	300*
	150	150	150
Liquified petroleum gas (bottled gas) dealer	300	300	300
Manufacturing, storage or use of expolosives	300*	300*	300*
Material storage, open	300*	300*	300*
Mineral extraction, borrow pit or their storage areas	150	150	150
Mobile home park	100	40	40
Nursing home	#	10	30
Outdoor commercial recreational enterprise	#	40	40
Penal or correctional institution	100	100	100
Petroleum tank farm (commercial)	300	300	300
Private recreational development	#	40	40
Public camping grounds	100	40	40
Public or commercial sanitary landfill or garbage disposal plant	300	300	300
Public or commercial sewage disposal plant	300	300	300
Public water wells, water stations, filtration plants, reservoirs and storage tanks	#	20	15
Race track	#	40	40
Riding stable	100	100	100
Sales barn for livestock resale	300	300	300
Shooting range (outdoor)	#	40	40
Slaughterhouse	300	300	300
Stadium, coliseum or athletic field	#	50	50
Storage of disabled vehicles	100*	100*	100*
Theater, outdoor	100	40	40
Topsoil removal	100	100	100
Travel trailer park	100	40	40
Warehouse (grain storage facilities)	100	75*	
		35**	
Wholesale produced terminal	100	75*	
		35**	

* Abutting residential use

** Abutting other use

Standard setback requirements prescribed for the district in which the use is located applies

Table 7A: Minimum Distances of Special Exception Uses from a Residential District or Use

Use	Distance from District or Use (feet)
Airport or heliport	25
Anhydrous ammonia or similar liquid fertilizer, storage or distribution (commercial)	300
Auction sales yard (excluding livestock)	25
Automatic car wash	50
Automobile body shop and painting	50
Farm, confinement feeding	1320
Junk yard	1320
Manufacturing, storage or use of explosives	300
Material storage, open	300
Mineral extraction, borrow pit or their storage areas	300
Mobile home park	40
Penal or correctional institution	300
Public or commercial sewage disposal plant	300
Sales barn for livestock resale	300
Slaughterhouse	300
Storage of disabled vehicles	50
Topsoil removal	300
Travel trailer park	40
Truck freight terminal	300
Truck service center	50
Veterinary hospital for small animals	50
Wholesale produce terminal	300

Table 7B: Minimum Distances of Parking Areas or Loading Berths from a Residential District or Use

Use	Distance from District or Use (feet)	
	Parking Area	Loading Berth
Airport or heliport	25	100
Commercial facility for raising and breeding non-farm fowl and animals	25	100
Commercial greenhouse	-	50
Contractor's storage yard	300	300
Golf and country clubs	10	-
Industrial park	25	100
Junk yard	1320	1320
Mineral extraction, borrowpit or topsoil removal, and their storage areas	-	300
Mobile home park	25	-
Outdoor commercial recreational enterprise	25	50
Penal or correctional institution	300	300
Police or fire station	10	-
Private or recreational development	25	-
Public camping grounds	25	-
Sales barn for livestock resale	50	100
Slaughterhouse	50	300
Stadium, coliseum or athletic field	25	50
Storage of disabled vehicles	25	50
Theater, outdoor	25	50
Travel trailer park	25	-
Truck freight terminal	100	100
Warehouse (grain storage faciliites)	100	100
Wholesale produce terminal	100	100

10.20.050 NONCONFORMING USE SPECIFICATIONS

10.20.050.000 Nonconforming use specifications. The lawful use of a building or premises, existing at the time of the effective date of this ordinance, may be continued although such use does not conform to all the provisions thereof, except as hereinafter provided.

(1) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

(2) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. 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 of a less restricted district.

(3) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with this ordinance.

(4) The board may authorize, by written permit, in a residentially-zoned district for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

(5) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted 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 from the effective date of this ordinance.

(6) In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(7) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to more than one and one-half (1 1/2) times its current assessed value and is not rebuilt within one (1) year, it shall not be restored except in conformity with the regulations of the district within which it is located.

(8) These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

(9) Any nonconforming open use of land shall be discontinued within five (5) years from the date of passage of this ordinance.

(10) A nonconforming building, nonconforming only as to the yard regulations, may not be added to or enlarged in any manner unless the additions or enlargements conform to all the requirements of the district in which it is

located; provided, however, that said additions or enlargements may be located in a required yard if they do not encroach into any portion of any required yard to a greater extent than the existing nonconforming building encroaches therein, but in no event shall any such additions or enlargements reduce the width of a side yard or the depth of a front or rear yard to less than fifty percent (50 %) of that required by the yard requirements of the district in which the lot is located, and the total of all such additions or enlargements so encroaching into any required yard shall not exceed in height or length the height or length of that portion of the adjoining nonconforming building which extends into the same required yard. (Ord. 1983-120, S5.0, Dec. 12, 1983)

10.20.060 IMPROVEMENT LOCATION PERMITS

10.20.060.000 Applicability. No change in the use of land that involves a change in any structure or in the condition of the land may be made unless the zoning administrator, on application, issues an improvement location permit authorizing the change. It is hereby declared that the intent of the permit requirements of this ordinance shall not prevail with respect to agricultural buildings and uses; however, agricultural buildings shall be subject to the setback requirements as specified in the applicable districts.

The provisions of this ordinance are supplemental to and do not abrogate the powers extended to agencies, bureaus, departments, commissions, divisions or officials of the state or federal government by state or federal statutes.

10.20.060.010 Certificate of occupancy. The following are the provisions concerning the issuance of a certificate of occupancy:

(1) No application for an improvement location permit under Section 10.20.050 may be considered unless the applicant has also applied for a certificate of occupancy.

(2) No land or structure with respect to which a permit has been issued under Section 10.20.060 may be used for the purpose contemplated by the permit unless the zoning administrator, after the change is completed, issues a certificate of occupancy stating that the change complies with this ordinance and with the permit.

(3) Within ten (10) days after the completion of the change authorized by the improvement location permit, the zoning administrator shall inspect the premises and, if the change conforms to this ordinance and the improvement location permit, and a certificate of compliance, if required by Section 10.20.060.030, has been obtained, he/she shall issue a certificate of occupancy. (Ord. 1983-120, 56.1, Dec. 12, 1983)

10.20.060.020 Site plan. The following concern provisions for site plans:

(1) Any person, persons, firms or corporations, who shall make application for an improvement location permit shall, at the time of making such application furnish the zoning administrator with:

A. A plot plan, in the case of single-family, two-family or agricultural building or use;

B. A detailed site plan for all other uses of the land upon which said application for an improvement location permit is made. Such application shall be made at least five (5) days prior to the issuance of said improvement location permit, which five (5) day period may be waived by the zoning administrator. Said plot plan or detailed site plan shall be drawn to scale showing the following items:

1. the location of the land concerned;

2. the location and size of all buildings or structures already on the land and those to be erected;

3. the width of all entrances to and exists from the land; and

4. all adjacent streets and highways.

Plans so furnished shall be kept by the zoning administrator as permanent records.

(2) For an airport, a heliport, a hospital, an industrial park, a mobile home park or travel trailer park, a penal or correctional institution, a private recreational development, or a public utility substation or exchange, the plan furnished under Subsection A must also include a plan of landscape development and the manner of handling surface and internal drainage and disposing of such drainage to a suitable outlet and a report on soil capabilities prepared by a soil scientist.

(3) As a condition of issuing a permit, the zoning administrator may require the relocation of any structure or of any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of the public welfare or to an appropriate balancing of the interests of persons in the district and vicinity concerned. (Ord. 1983-120, S6.2, Dec. 12, 1983)

10.20.060.030 Industrial and general business uses: certificate of compliance. If an application for an improvement location permit relates to a light or general industrial use, it must be accompanied by a certificate of compliance, subscribed by a registered professional engineer of the state, stating that the use will meet the performance standards of the district concerned. After a ten (10) day period has elapsed during which the zoning administrator has not required additional information or objected in writing, he/she shall issue the permit. (Ord. 1983-120, S6.3, Dec. 12, 1983)

10.20.060.040 Special provisions: Automobile service stations, carry-out and drive-in restaurants and public parking areas. The following pertain to the listed special provisions:

(1) An improvement location permit for an automobile service station, carry-out or drive-in restaurant or public parking area may not be issued until the application has been approved by the board and the zoning administrator has been notified by the board of the approval.

(2) Plans for the erection or structural alteration of an automobile service station shall be approved by the board. The board may require such changes therein with respect to yards, locations of driveways, pumps, buildings and screening as it may deem best suited to insure health and safety, minimize traffic hazards and safeguard adjacent properties.

(3) Plans for the erection or structural alteration of a carry-out or drive-in restaurant shall be approved by the board. The board may require such changes therein with respect to yards, location of driveways, buildings, parking and screening as it may deem best suited to insure health and

safety, minimize traffic hazards and safeguard adjacent property owners. (Ord. 1983-120, S6.4, Dec. 12, 1983)

10.20.060.050 Records. A record of each improvement location permit and each certificate of occupancy or compliance shall be kept by the zoning administrator. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned. (Ord. 1983-120, S6.5, Dec. 12, 1983)

10.20.070 ADMINISTRATION

10.20.070.000 Zoning administrator. The office of zoning administrator is established. The zoning administrator has the principal responsibility for enforcing this ordinance. (Ord. 1983-120, S7.0, Dec. 12, 1983)

10.20.070.010 Board of zoning appeals. The following are the provisions for the establishment and organization of the board of zoning appeals:

(1) A board of zoning appeals is established, with membership as provided by state law.

(2) At the first meeting in each calendar year, the board shall elect from among its members a chairman and vice-chairman. Consistent with state law, it may appoint and fix the compensation of a secretary and such employees as it considers necessary to discharging its duties.

(3) The board shall prescribe such regulations as it considers necessary to carry out this ordinance.

(4) Meetings of the board shall be open to the public.

(5) The board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the board and made available to the public. (Ord. 1983-120, S7.1, Dec. 12, 1983)

10.20.070.020 Special exception or variance: hearings. Upon application for a special exception or variance, and upon appeal from a decision of the zoning administrator or director, the board shall hold a public hearing. Public notice setting forth the time and place shall be given at least ten (10) days before the date of the hearing in a newspaper of general circulation in the town. Interested parties shall be notified as provided by the board. The cost of such notices shall be borne by the person applying or appealing. (Ord. 1983-120, S7.2, Dec. 12, 1983)

10.20.070.030 Variances. The following pertains to the granting of variances:

(1) The board may grant a variance with respect to specific property or an intended use if, after a hearing under section 10.20.070.020, it finds that:

A. The grant will not be injurious to the public health, safety, morals, and general welfare of the community;

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

C. The need for the variance arises from some condition peculiar to the property involved and does not exist in similar property in the same district; and

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

(2) The board shall not grant a variance from a use district or classification.

(3) When in the public interest, the director may consider and render decisions on applications involving minor deviations from the provisions of this ordinance, limited to the following:

A. Lot area requirements may be reduced by not more than ten percent (10 %)of that required in the district.

B. Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten percent (10 %) of the area of a required yard.

C. Maximum building heights may be increased by not more than ten (10) percent.

(4) Such decision shall be based on the provisions of the above findings.

(5) The zoning administrator shall make a decision within fifteen (15) days of the date of filing such application.

(6) The zoning administrator shall submit his/her findings along with a recommendation within fifteen (15) days to the board of zoning appeals for final action on the application. (Ord. 1983-120, S7.3, Dec. 12, 1983)

10.20.070.040 Appeals. A decision of the zoning administrator enforcing this ordinance may be appealed to the board by any person who is adversely affected by the decision.

On an appeal, the board may make any decision that the zoning administrator might have made. A decision of the board is subject to review by certiorari. (Ord. 1983-120, S7.4, Dec. 12, 1983)

10.20.070.050 Enforcement. The following are the provisions for the enforcement of this ordinance:

(1) Any person may, by suit in the circuit court of the county, enjoin the violation of this ordinance.

(2) The commission or the board may, by mandatory injunction in the circuit court of the county, require the removal of a structure erected in violation of this ordinance.

(3) A use that violates this ordinance shall be treated as if it was a common nuisance, and it may be abated in the same manner as such a nuisance. (Ord. 1983-120, S7.5, Dec. 12, 1983)

10.20.070.060 Amendments. All amendments to this ordinance shall be in accordance with the requirements of applicable state statutes. (Ord. 1983-120, S7.6, Dec. 12, 1983)

10.20.070.070 Remedies and penalties. Action on the violation of any provision of this ordinance and the rights of injunction against such violation shall be as provided by the pertinent state statutes of the Indiana General Assembly, and all acts amendatory thereto. (Ord. 1983-120, S7.7, Dec. 12, 1983)

10.20.070.080 Schedule of Fees, Charges and Expenses. The Town Council shall establish a schedule of fees, charges and expenses, and a collection procedure, for Improvement Location Permits, Certificate of Occupancy, Certificate of Compliance, sign permits, grading permits, amendments, appeals, variances, conditional use permits, special exceptions, plan approvals and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, and other expenses. The schedule of fees shall be posted in the office of the Zoning administrator. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

10.20.080 MISCELLANEOUS

10.20.080.000 Severability. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. (Ord. 1983-120, S8.0, Dec. 12, 1983)

10.20.080.010 Effective date. This ordinance shall be in full force and effect in the manner provided by law.

10.20.080.020 Repeal of Previously Existing Ordinance. This ordinance, and all amendments hereto, is enacted to replace and supersede the existing zoning ordinance and the zone map of the Town, including all amendments and supplements thereto.

10.20.090 SENSITIVE AREAS OVERLAY ZONE (SAO)

10.20.090.000 Purpose. The purpose of the Sensitive Areas Overlay Zone (SAO) is to provide a more rigorous level of scrutiny to development occurring in designated areas where there has been determined to be a special public interest that does not coincide with previously designated use districts. Such areas may include flood plain, steep slopes, areas of unstable soils, or be areas of especially high public value and/or visibility.

The intent is to assure that development of land and structures will be accomplished in a manner that protects the public and property owners in the area:

(1) From blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;

(2) From the destruction of valuable public vistas;

(3) From unsafe buildings on unstable land which would be caused by, uncontrolled development;

(4) From significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof;

(5) From soil erosion and stream siltation;

(6) From the destruction of mature and/or valuable trees and other vegetation; and

(7) From flooding and flood hazards by locating within areas subject to flooding.

10.20.090.010 Applicability. Where applicable by provisions of this Ordinance, requirements imposed herein shall be in addition to those of the underlying zoning district. Where there happens to be a conflict between the provisions or requirements of the Sensitive Areas Overlay Zone and the existing underlying district (s) as shown on the Official Zoning Map, the more restrictive provisions pertaining to the Development Review Sensitive Areas Overlay Zone shall prevail. Areas of applicability shall be determined by Council following recommendation by the Plan Commission, and shall be indicated on the Official Zoning Map. Any parcel having a portion of its area within the area shown on the Official Zoning Map as being within the Sensitive Overlay Zone shall be subject to the provisions of the Overlay Zone.

10.20.090.020 General Standards. Prior to the commencement of any development subject to this Article, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Planning Commission as well as to the Zoning administrator. All plans for development shall account for such features and fully comply with the natural resource protection standards applicable to each feature. Site alterations, regrading, filling, and clearing of vegetation prior to the submission and approval of such plans shall be a violation of this Ordinance.

10.20.090.030 Regulated Development.

(1) The requirements of this do not apply to the following use or activity:

A. Agricultural land disturbing activities such as tillage, planting, cultivation, or harvesting operations of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction

of agricultural conversation practices, and the installation and maintenance of agricultural drainage tile. However, compliance with 327 Indiana Administrative Code 15-5 (Rule 5) is necessary for barns, buildings to house livestock, roads, agricultural waste lagoons and facilities, lakes and ponds, wetlands and other infrastructure.

B. Forest harvesting activities.

C. Landfills.

D. Coal mining and other mineral extraction activities.

E. Municipal solid waste landfills.

(2) The regulated developments are as follows:

A. - Any use or activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein are regulated by the provisions of this Ordinance and subject to the review process set out below;

B. - If any of the above uses involves Development Plan Review or conditional approvals or special exception use approvals, then environmental review shall occur in conjunction with Development Plan Review using the applicable regulations of this Ordinance in addition to the underlying district regulations and other Sections of this Ordinance as appropriate;

C. - All other activities/uses not subject to Development Plan review or conditional approvals of land or structures or special exception uses and potentially posing development problems due to the above listed environmental constraints shall require review of the Plan Commission to determine the extent of potential or existing environmental impacts prior to any permits issued by the zoning administrator. The Plan Commission may utilize other governmental agency resources to assist in this determination such as the Soil and Water Conservation District, the local Resource Conservation and Development Council, and the Indiana Department of Natural Resources, Division of Water, Division of Forestry and Division of Soil Conservation. These Agencies should also be utilized as reviewers in helping to assess these potential environmental impacts in the process of Development Plan review or in the granting of conditional approvals;

D. - All requests for a location improvement permit shall be referred to the Technical Advisory Committee for review. The committee shall review the application to insure that all new construction in Flood Plain areas has a ground floor elevation at least 1 foot above the base flood elevation as defined by the Flood Insurance Rate Maps for Leavenworth and Jennings Township, and that all regulations of the Indiana Department of Natural Resources pertaining to flood plains are observed. The Technical Advisory Committee shall also review applications to insure that the guidelines contained in 10.20.090.40 for areas of steep slopes are observed.

10.20.090.040 Review Minimum Guidelines in Areas of Steep Slopes. These are as follows:

(1) Soils which are indicated by the Soil Survey of Crawford County as unstable and/or subject to slippage shall not be built upon in order to protect personal and real property and lives. On site test borings may be utilized to verify the exact extent of such soil units;

(2) Soils with an average natural terrain slope of less than 15 percent are assumed to be exempt from the Sensitive Areas Overlay Zone unless information to the contrary is provided under item (1) above.

(3) Soils with an average natural terrain slope of 15 percent or greater shall be subject to review per item (5) below.

(4) Soils with an average natural terrain slope of 25 percent or greater shall not be disturbed (that is no cuts and fills) and are subject to review per item (5) below].

(5) The Plan Commission shall use the following review criteria in evaluating proposed development on steep slopes:

A. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas;

B. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare;

C. Structures should be designed to fit into the hillside rather than altering the hillside to fit the structure. Grading outside of the building footprint and driveway area should be discouraged. No more than 75% of the lot area shall be disturbed for lots with an average natural terrain slope of 15 percent to less than 25 percent. No lot shall be disturbed (that is no cuts and fills) with an average natural terrain slope of 25 percent or more.

D. Development shall be sited on the least sensitive portion of the site to preserve the natural land forms, geological features and vegetation;

E. Limit the amount of impervious surfaces. Design and site such surfaces to support the natural system of drainage;

F. The site should be replanted with trees, shrubs, and ground cover that is compatible with existing surrounding vegetation and post construction site conditions;

G. In cases where cut and fill grading are required for average natural terrain slopes less than 25%, the slopes shall avoid straight and unnatural slope faces; and

H. To minimize the possibility of erosion, retain existing vegetation and tree cover as much as possible by site sensitive development and by phasing the planned development in stages;

I. Any development proposed on steep slopes must also develop an erosion control plan which shall be reviewed by the Crawford County Soil and Water Conservation District Office and must then be followed if affecting those slopes.

J. Any development proposed on a lot or project site with an average natural terrain slope of 15 percent to less than 25 percent shall provide geotechnical and geological reports including erosion and bank protection.

K. Any development proposed on a lot with an average natural slope of 15 percent or more shall provide geotechnical and geological reports to demonstrate how structure footings, foundations and infrastructure (access roads and utilities) will be provided to the building site without disturbing the natural terrain.

10.20.090.050 Fees and Construction Performance Guarantee.

(1) Fees, charges and expenses associated with the environmental review associated with the designed sensitive areas refer to Section10.20.070.080.

(2) As set forth in Section 10.20.070.080, the Town may assess the applicant for charges and expenses associated with investigations and inspections associated with the environment review, including but not limited to the review of geotechnical and geological reports by an independent entity retained by the Town.

(3) Construction Performance Letter of Credit. Before a grading permit is issued under Section 10.20.100, the applicant shall post a letter of credit in the name of the Town in the amount of the cost of construction of the sedimentation and erosion control features. The construction cost shall be based on a professional engineer's estimate. The duration of the letter of credit shall be for the estimated time to complete construction plus time for inspection, correction of any deficiencies and release of the letter of credit. An independent professional engineer shall inspect the site for completion of the erosion and sedimentation control features, in accordance with the erosion and sedimentation control plans, upon completion of site construction and prior to occupancy of the structure, and shall report to the Town Council and Plan Commission Board concerning completion of the erosion and sedimentation control structures and the appropriateness for partial or complete release of the letter of credit. Upon direction of the Town Council, the Plan Commission Board shall reduce the letter of credit, release the letter of credit or request a new letter of credit for any reduced amount or time extension.

10.20.100 GRADING AND SOIL EROSION CONTROL

10.20.100.000 Purpose. The purpose of this Section is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development by requiring proper provisions for storm water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, and general welfare of the community.

10.20.100.010 Grading Permit. A grading permit is required prior to any grading or earth-disturbing activities except as exempted in 10.20.100.020. The owner of record shall

(1) develop and submit for review an erosion and sediment control plan; or

(2) Provide evidence of an approved permit from the Indiana Department of Environmental Management (IDEM) (or Crawford County Soil and Water Conservation District if such District has an agreement with IDEM to issue such a permit) under Rule 5 (327 IAC 15-1).

Under Item (1) above, such a plan shall contain sufficient information, drawings, and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, and conflicts with existing public utilities in the area will be avoided. No earth-disturbing activities shall commence prior to approval of the grading plan and obtaining a grading permit. The Zoning administrator may require, in the Zoning administrator's sole discretion an Indiana registered professional engineer's endorsement of the proposed grading plan. The Zoning administrator may also consult other entities with expertise in geology and erosion and sedimentation control such as the Crawford County Soil & Water Conservation District and IDEM.

10.20.100.020 Exempted Work. Upon notice to the Zoning administrator, the following do not require a grading permit:

(1) Any excavation for a basement of a building, or other structure, either privately or publicly owned, authorized by a valid building permit, provided:

A. The excavation does not exceed:

1. 12 feet in vertical depth at its deepest point; or
2. One (1) cubic yard per each eleven (11) square feet of work area;

a. The excavation is made within an area described as the upper 25% of the vertical distance between the top of slope and toe of slope with a slope not greater than four horizontal to one vertical (4:1), or in the lower 75% of the vertical distance between the top of slope and toe of slope with a slope not greater than five horizontal to one vertical (5:1);

(2) The subsequent filling of this excavated material on the same site, provided:

A. The fill, excluding building backfill material, does not exceed:

1. 5 feet in vertical depth at its deepest point; or
2. One (1) cubic yard per each eleven (11) square feet of work area;

B. The fill is placed on site area with a slope not greater than five horizontal to one vertical (5:1);

C. The fill does not result in a finished slope steeper than three horizontal to one vertical (3:1);

(3) Grading of land for the purpose of agriculture;

(4) Temporary excavations for underground utility lines, wells, tunnels, tanks, vaults or sign foundations;

(5) Public work performed by or under control of any governmental agency, work with street right-of-way or easements, except for ancillary excavating or filling for the project which is performed outside the project limits. Provided such operations do not cause instability of any adjacent or contiguous property and applicable sediment control policies are no less restrictive than these regulations;

(6) Exploration excavations under the direction of a qualified geotechnical engineer, engineering geologist, contractor or builder; all such excavations shall be promptly backfilled and restored to the existing terrain.

(7) Normal cemetery operations involving opening or closing graves;

(8) Any other excavation or fill that:

A. Does not exceed:

1. 5 feet in vertical depth; or

2. One (1) cubic yard per each fourteen (14) square feet of work area;

B. Is made within an area with a slope less than five horizontal to one vertical (5:1);

C. Does not result in a finished slope steeper than four horizontal to one vertical (4:1);

D. Does not necessitate any adjustment, relocation, addition or other modification to any existing utilities, streets, alleys and drainage pattern.

In any enforcement proceeding, including an inquiry by the Zoning administrator, the burden of proving the exemption from submitting a grading plan and procuring a grading permit shall be on person or persons redeveloping the land.

10.20.100.030 Multiple Excavations. A permit shall be required where a succession of small excavations or fills, individually not requiring a permit, constitutes a continuing operation and the accumulation of such excavations or fills will exceed;

(1) An average 5 feet in vertical depth; or

(3) An average 350 cubic yards per each 5000 square feet within the area of excavation.

10.20.100.040 Compliance with Development Plan Review. No Development Plan shall be approved unless said Development Plan includes soil erosion and sediment control measures consistent with the requirements of this Ordinance.

10.20.100.050 Compliance with Certificate of Occupancy. No Certificate of Occupancy for any building shall be issued unless the applicant for said certificate shall have obtained a certification of compliance indicating compliance with all grading plans and specifications and completion of permanent soil erosion control measures from the Zoning administrator.

10.20.100.060 Permit Required. A be submitted with each application for a grading permit. The plans and separate application shall be required for each grading permit. Plans, specifications and timing schedules shall specifications accompanying the grading permit application shall contain the following data.

(1) A vicinity sketch at the scale of 1 inch = 200 feet indicating the site location as well as the adjacent properties within 1,000 feet of the site boundaries;

(2) A boundary line survey of the site on which the work is to be performed;

(4) A plan of the site at a scale of 1 inch = 20 feet showing:

A. Name, address, and telephone number of the land owner, and/or developer;

B. A timing schedule indicating the anticipated starting and completion dates of the development's construction sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures;

C. A reasonable estimate of the quantity of excavation and fill involved;

D. Existing and proposed topography at contour intervals of five feet;

E. The location of any structure or natural feature on the site, on the land adjacent to the site, and within 500 feet of the site boundary line;

F. Location of any proposed additional structures or development on the site;

G. Elevations, dimensions, location, extent and the slope of all proposed grading;

H. Plans of all drainage provisions, retaining walls, cribbing, planting, erosion control measures, or other temporary or permanent soil erosion control measures to be constructed in connection with the proposed work together with a map showing the drainage area of land tributary to the site and estimated runoff of the area served by any drains; and

I. Other information or data as may be required by the Zoning administrator, or Plan Commission.

10.20.100.070 Fees. At the time of filing an application for a grading permit, a filing fee shall be paid to the zoning administrator as established by Town Council in accordance with Section 10.20.070.080.

10.20.100.080 Denial of Permit. Circumstances in which grading permits shall not be issued include, but are not limited to, the following:

(1) The proposed work would cause hazards to the public safety and welfare;

(2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any

adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property;

(5) The land area for which the grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability, or other such hazard; or

(6) Any permits required by Indiana statute (Indiana Code or Indiana Administrative Code) have not been approved.

10.20.100.90 General Requirements.

A. - Any earth changes shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation;

B. - All persons engaged in earth changes shall design, implement, and maintain acceptable soil erosion and sedimentation control measures, in conformance with all applicable Indiana laws and requirements of the Plan Commission pertaining to soil erosion and sedimentation control, which effectively reduce accelerated soil erosion;

C. - All earth changes shall be designed, constructed and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time;

D. - Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change;

E. - Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a non erosive velocity;

F. - Temporary soil erosion control facilities shall be removed and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications as prescribed by the Indiana Department of Natural Resources rules;

G. - Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 30 calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize disturbed area after an earth change activity ceases, temporary soil erosion control measures shall be implemented within 10 calendar days. All temporary soil erosion measures shall be maintained until permanent soil erosion control measures are implemented.

10.20.100.100 Construction and Maintenance Performance Letter of Credit. Two different letters of credit may be required for the issue of a grading permit:

(1) The first letter of credit is to ensure the installation of erosion and sedimentation features in accordance with construction plans. The requirements for this construction performance letter of credit are set forth in Section 10.20.090.50 (3).

(2) The second letter of credit is to ensure maintenance of the erosion and sedimentation control features until the development is completed or the subdivision is completed and all lots have been sold to other property owners. Prior to the release of the construction performance letter of credit under Section

10.20.090.50(3), the applicant (developer) shall post a new letter of credit in the name of the Town in the amount of the estimated long-term maintenance and repair of the sedimentation and erosion control features. The maintenance and repair cost estimate shall be based on a professional engineer's estimate. The duration of the letter of credit shall be for the estimated time to complete development and sell lots to other property owners plus time for inspection, correction of any deficiencies and release of the letter of credit. An independent professional engineer shall inspect the site for adequate maintenance of the erosion and sedimentation control features upon the request for release or reduction of the letter of credit, and shall report to the Town Council and Plan Commission Board concerning adequate maintenance of the erosion and sedimentation control structures and the appropriateness for partial or complete release of the letter of credit. The partial reduction of the letter of credit may be based on the portion of the lots sold to other property owners, but shall cover the maintenance erosion and sedimentation control structures serving and located on properties still owned by the developer. Upon direction of the Town Council, the Plan Commission Board shall reduce the letter of credit, release the letter of credit or request a new letter of credit for any reduced amount or time extension.

10.20.100.110 Maintenance Requirements. Persons carrying out soil erosion and sediment control measures under this Section, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent erosion control measures, retaining walls, structures, planting and other protective devices.

10.20.110 ZONING DISTRICT CHANGES AND AMENDMENTS

10.20.110.000 Purpose. The purpose of this Section is to set forth procedures for the application and approval of amendments to the zoning district map.

10.20.110.010 Contents of Applications for Zoning Map Amendments. Applications for amendments to the Official Zoning Map shall contain at least the following information:

(1) Name, address and phone number of applicant;

(2) Present use;

(3) Present zoning district;

(4) Proposed use;

(5) Proposed zoning district;

(6) A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require;

(7) A list of all property owners and their mailing addresses who are within, contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;

(8) A statement of the reason for the requested change; and

(9) A fee as established by the Town Council per Section 10.20.070.080.

10.20.110.020 – Recommendation by Plan Commission. Within sixty (60) days from the receipt of the proposed amendment, the Plan Commission shall act on the same and transmit its recommendation to Town Council. The Plan Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Plan Commission may extend said time for as much as one hundred and fifty (150) days in order to allow for additional technical consideration.

10.20.110.030 – Standards for Zoning Map Amendments. All recommendations by the Plan Commission for Official Zoning Map amendments shall be consistent with the Town's adopted comprehensive plan, and the following:

(1) Prior to making a recommendation to the Town Council concerning a proposed change in the zoning map, the Plan Commission shall consider and make written findings as to whether or not some or all of the following conditions exist:

A. There has been a change in demand for land which alters the information upon which the Official Zoning Map is based.

B. There has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the town mapped as such on the Zoning Map, is inadequate to meet the demands for such development.

C. Proposed uses cannot be accommodated by sites already zoned in the Town due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.

D. There is an error in the text of this Ordinance or the Official Zoning Map as enacted.

(2) In addition to the findings required to be made by Section 10.20.110.030 (1), written findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:

A. The extent to which the proposed amendment and proposed use are in compliance with and do not deviate from the comprehensive plan.

B. The suitability of the property in question for the uses permitted under the proposed zoning.

C. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.

D. The effect of the proposed rezoning on surrounding uses.

E. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the Town.

10.20.110.040 – Notice of Public Hearing. Written notice of the hearing shall be provided by the applicant in accordance with the adopted Rules of Procedure of the Leavenworth Plan Commission.