



TITLE 12
TOWN OF ORLEANS, IN
ZONING ORDINANCE



Comprehensive Plan and Zoning Ordinance

Chapters:

12.05 Zoning Ordinance

12.06 (Reserved)

12.07 Flood Insurance Program

12.08 Flood Districts and Flood Damage Prevention

12.10 Housing and Land Development Requirements

Building Code

Mobile Home Restrictions

Prohibiting the Construction of Chicken Houses and Slaughter Houses

12.25 Prohibiting the establishment or maintenance of a junk yard



Zoning Ordinance Table of Contents

12.05.100 GENERAL PROVISIONS	6
12.05.101 Intent, Purpose, and Methods	6
12.05.102 Short Title.....	6
12.05.103 Interpretation	6
12.05.104 Non-Interference with Greater Restrictions.....	7
12.05.105 Saving Provision	7
12.05.106 Exclusion	7
12.05.107 Amendments.....	7
12.05.108 Determination and Interpretation of District Boundaries.....	8
12.05.109 Definitions.....	8
12.05.110 Nonconforming Structures	32
12.05.111 Nonconforming Uses	32
12.05.112 Discontinued Nonconforming Use.....	32
12.05.113 Deconstruction of Nonconforming Structure	33
12.05.114 Nonconforming Mobile Home Park.....	33
12.05.115 Scope of Regulations.....	33
12.05.116 Height.....	33
12.05.117 Exceptions from Height Requirements	33
12.05.118 Yard, Lot Area and Size of Building	33
12.05.119 Exceptions from Yard Requirements	33
12.05.120 Fences, Walls and Hedges.....	34
12.05.121 Re-platted Land.....	35
12.05.122 Street Frontage Required.....	35
12.05.123 Accessory Uses and Structures	35
12.05.124 Minimum Floor Area	35
12.05.125 Lots.....	36
12.05.126 Parking Space – Loading and Unloading Berths.....	36
12.05.127 Wireless Support Structures	42
12.05.128 Solar Energy Systems	44
12.05.129 Home Occupations.....	47
12.05.130 Infill Development	49
12.05.131 Zoning Districts	51



12.05.132 Zoning Map	52
12.05.133 Annexed or Vacated Area	52
12.05.200 DISTRICT REQUIREMENTS AND USES.....	54
12.05.201 General Agriculture (A-1).....	55
12.05.202 Agriculture Intensive (A-2).....	56
12.05.203 Rural Residential (RR)	57
12.05.204 Single Family Residences (R-1).....	58
12.05.205 Single, Two-Family, and Multi-Family Residences (R-2)	60
12.05.206 Mobile Home Parks District (MHP)	62
12.05.207 Local Business (B-1).....	69
12.05.208 Central Business District (B-2).....	71
12.05.209 General Business (B-3).....	72
12.05.210 Light Industry (I-1).....	73
12.05.211 Heavy Industrial (I-2).....	74
12.05.212 Open Public Space (OPS).....	76
12.05.213 Overlay District – Orleans Historic District (OHD).....	77
12.05.214 Signs	82
12.05.215 Landscaping Requirements.....	89
12.05.216 Mobile Food Vehicles.....	91
12.05.300 PERMITS AND PROCEDURES	93
12.05.301 Improvement Location Permit.....	93
12.05.302 Buildings under Construction	93
12.05.303 Petition.....	93
12.05.304 Special Exceptions.....	95
12.05.305 Planned Unit Development (PUD) Requirements.....	96
12.05.400 PLAN COMMISSION	99
12.05.401 Membership, Terms and Organization	99
12.05.402 Quorum and Official Action	99
12.05.403 Alternate Members.....	99
12.05.404 Meetings, Hearings and Procedures.....	99
12.05.405 Record	99
12.05.406 Decisions	99
12.05.500 BOARD OF ZONING APPEALS	100



12.05.501 Establishment, Membership and Terms	100
12.05.502 Powers of the Board of Zoning Appeals.....	101
12.05.600 VIOLATION AND PENALTIES	103
12.05.601 Issuing and Serving.....	103
12.05.602 First Offense.....	103
12.05.603 Application for Planning Body Action	103
12.05.604 Warning Ticket	103
12.05.605 Citation.....	103
12.05.606 Violation.....	104
SEVERABILITY	106
12.05.701 Severability.....	106
12.05.702 Planning Administrator Powers and Duties	106



12.05.100 GENERAL PROVISIONS

12.05.101 Intent, Purpose, and Methods

The objective of this Ordinance is to encourage, promote and cooperatively improve the public health, safety, comfort, morals, convenience and general welfare of the citizens, and to plan for the future development of the Town, so that the Town will grow with adequate streets and utilities, and adequate health, educational and recreational facilities. This Ordinance divides all the land within the jurisdiction of the Town of Orleans into Zoning Districts so that there may be adequate light, air, convenience of access and safety from fire, flood and other danger. For this purpose, the Ordinance establishes restrictions on the kind and intensity of uses; sets forth limits on the location, height, area, bulk and floor space of structures; promulgates requirements for the area of front, rear, and side yards, courts, other open spaces, and total lot area; places restrictions on development in areas prone to flooding; includes requirements for site conditions, signs, and nonstructural improvements, such as parking lots, ponds, fills, landscaping and utilities; provides for a more uniform land use pattern and tax assessment base; promotes adequate facility provisions that lessen congestion and disorder that are inherent in unregulated development; prevents overcrowding of land and undue concentration of population; and provides more reasonable and serviceable means and methods of protecting and safeguarding the economic base and community environment upon which the good of all depends. (Ord. 1994-4, S1.1, March 3, 1994)

12.05.102 Short Title

This Ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited as the "Zoning Ordinance of Orleans, Indiana, 1994 General Revision." (Ord. 1994-4, S1.2, March 3, 1994)

12.05.103 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, comfort, morals, convenience and general welfare.

12.05.103.010 Conflicting Requirements

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

12.05.103.020 Overlapping Regulations

When this Ordinance, along with private covenants, private contracts, commitments, permits, agreements, state or federal laws, or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

12.05.103.030 Replacement of Zoning Ordinance

Pursuant to IC 36-7-4-606(a) and IC 36-7-4-610(h), the Council hereby adopts this Ordinance as a replacement zoning ordinance for the jurisdiction. The provisions of the Ordinance shall be construed as prescribing the zoning standards for the jurisdiction.



12.05.104 Non-Interference with Greater Restrictions

1. Public Provisions – The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule, regulation, statute, or other provision of law, those provisions which are more restrictive or impose higher standards shall control. (Ord. 1994-4, S1.4A, March 3, 1994)
2. Private Provisions – These regulations are not intended to interfere with, abrogate, or annul any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this Ordinance, or the determinations of the Commission in enforcing these regulations, and such private provisions are inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative and supplemental to this Ordinance and determinations thereunder.

12.05.105 Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town of Orleans under any section or provision existing at the time of the effective date of this Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town of Orleans except as shall be expressly provided for in this Ordinance. (Ord. 1994-4, S1.5, March 3, 1994)

12.05.106 Exclusion

Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, plan commission or board of zoning appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any state agency, or the use of property owned or occupied by the State of Indiana or any state agency. As used in this section, the term "state agency" shall mean and include all state agencies, boards, commissions, departments, and institutions, including state universities of the State of Indiana. (Ord. 1994-4, S1.6, March 3, 1994)

12.05.107 Amendments

For the purpose of providing for the public health, safety, comfort, morals, convenience and general welfare, the Town Council of Orleans, on recommendation of the Orleans Plan Commission, may from time to time amend the text of this Ordinance and/or the zoning map incorporated by reference in this Ordinance. Public hearings on all proposed amendments shall be held by the Orleans Plan Commission in the manner prescribed by law. (Ord. 1994-4, S1.7, March 3, 1994)



12.05.108 Determination and Interpretation of District Boundaries

In determining the boundaries of Districts, and establishing the regulations applicable to each District, due and careful consideration has been given to existing conditions, the character of buildings erected in each District, the most desirable use for which the land in each District may be adapted, and the conservation of property values throughout the Town. Where uncertainty exists as to the exact boundaries of any District as shown on the Zoning Map, the following rules shall apply:

1. In un-subdivided areas, or where a District boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zoning Map.
2. In the case where the Zoning Map has been amended by ordinance, the legal description recited in such amending ordinance shall interpret the intent of the Zoning Map.
3. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines.
4. Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.
5. Boundaries indicated as following railroad lines shall be construed to be midway between and parallel to those tracks.
6. Boundaries indicated as following shorelines shall be construed to follow the shoreline. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
7. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow the centerline. Any use of structures extending into or over a lake or other water body shall be subject to the same zoning restrictions as the adjoining land.
8. When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

12.05.109 Definitions

For the purpose of this Chapter, certain terms are herewith defined:

1. "ABANDONMENT" means the relinquishment of property or a cessation of the use of the property for a continuous period of six (6) months by the Owner with the intention neither of transferring rights to the property to another Owner nor of resuming the use of the property.
2. "ABUTTING PROPERTY OWNER" means the official owner of record (based on the tax records of the Orange County Clerk's office) of property adjoining at any point the subject property (property of the applicant for change in zoning, contingent use, special exception, variance or off-street parking requirement waiver); of property directly across any public right-of-way, railroad, stream or creek, easement, alley, and the like from subject property; of property which adjoins at any point the adjoining property or the property directly across the public right-of-way, railroad, stream or creek, easement, alley, and the like, provided such abutting property is not more than five hundred (500) feet from the subject property.
3. "ACCESS" means a way of entering or exiting a property by way of public way, street or thoroughfare; however, in no case is entry or exit for business access through a residentially zoned area permitted except for entry and exit to uses permitted in a residential zone.
4. "ACCESSORY BUILDING OR STRUCTURE" means a building or structure subordinate to another building or structure, the use of which is incidental to that of the dominant use of the principal



building, structure or land; which is located on the same lot as the principal building or structure; which does not change or alter the character of the premises; and which is not used for human occupancy.

5. "ACCESSORY USE" means a use which is clearly incidental to a principal use, which is located on the same lot with the principal use, which does not change or alter the character of the premises, and which is not used for human occupancy. Public utility communication, electric, gas, water, sanitary sewer and storm sewer lines, their supports and incidental equipment are considered an "accessory use" when clearly incidental to the principal use of the property.
6. "ACREAGE, GROSS" means the total area within a parcel of land.
7. "ADDITION" means any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.
8. "ADMINISTRATOR" means the officer appointed by and/or delegated the responsibility for the administration of these regulations by the Plan Commission.
9. "AGRICULTURAL PRODUCTS SALES, DISTRIBUTION, AND STORAGE" means a principal use engaged in the sale or rental of farm tools and equipment, grain, tack, Animal care products, and farm supplies. The term excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the principal use.
10. "AGRICULTURAL PRODUCTS TERMINAL" means a commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.
11. "AGRICULTURE" means the use of land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and Animal and poultry husbandry, and the necessary Accessory structures and uses for the packing, treating, or storing of produce, so long as the operation of any such accessory uses are secondary to that of the normal agricultural activities. The term does not include feedlots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.
12. "ALLEY" means a public or private way which is other than a street, road, crosswalk, or easement; and which is not designed for general travel but is designed to provide only a secondary means of access to the side or rear of premises, where principal frontage is on some other street.
13. "ANTENNA" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.
14. "ANTIQUE SHOP" means any premises used for the sale or trading of articles of which eighty percent (80%) or more are over thirty (30) years old or have collectible value. The term does not include a secondhand store.
15. "APARTMENT" means one (1) or more rooms in an Apartment Building or combination Apartment and Commercial Building, arranged, intended, designed, or occupied on a rental basis as a Dwelling Unit of a single family, an individual, or a group of individuals.
16. "APARTMENT BUILDING" means a multi-family housing Structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two (2) family Dwellings converted for multi-family use.
17. "APIARY" (also known as a bee yard) means a place where beehives of honey bees are kept. Also, this use may include incidental retail related to the honey (honey, candy, soaps, etc.) provided the honey is produced by the apiary operator, manufacture, and sale of beekeeping supplies, equipment and other uses related to apiary agritourism and education.
18. "APPAREL SHOP" means a retail store where clothing is sold or accepted for sale at retail prices.



19. "APPEALS BOARD" means the Orleans Board of Zoning Appeals.
20. "APPLICANT" means a person who makes application to the Orleans Plan Commission for action by said Commission or by the Orleans Board of Zoning Appeals thereby affecting that land.
21. "ARCADE" means a building or part of a building containing four (4) or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.
22. "ARCHERY RANGE" means a facility designed and/or used for target practice with bows and arrows.
23. "ART OR PHOTO GALLERY" means a room or Structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public. The term does not include libraries or museums.
24. "ART, PUBLIC" means any visual work of art, accessible to public view, on public or private property within the Town including residential, commercial, industrial, apartment and condominium complexes, parks, mixed-use development, and similar facilities. The work of art may include but is not limited to sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics, and should not contain characteristics of an advertising sign or identify or draw attention to a business, profession, or industry or to the type of products sold or services or entertainment offered or available on the premises.
25. "ATHLETIC FIELD" means a wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.
26. "AUCTION FACILITY" means a Structure or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.
27. "AUTOMOBILE/MOTORCYCLE/MOBILE HOME SALES AREA AND LEASING" means an open area, other than a Public Way, used for the display, sale, or rental of new or used Motor Vehicles, motorcycles, or mobile homes are displayed, sold, or rented on the premises.
28. "AUTOMOBILE PARTS SALES" means the use of any Structure and/or property for the display and sale of new or used parts for Motor Vehicles. The term does not include any Junk Yard or the storage of inoperable vehicles.
29. "AUTOMOBILE SERVICE STATION-HEAVY" means an establishment that does work that includes major repairs as, among others, any of the following: (a) spray painting; (b) body, fender, clutch, transmission, differential, axle, and frame repairs; (c) major overhauling of engine requiring removal therefrom of cylinder-head or crankcase pan; (d) repair of radiator requiring the removal of radiator therefrom; and (e) complete process of tire recapping (installation of recaps allowable; however, recapping of tires is not permitted.) All repair work to be entirely done within the confines of the garage area and not on the drive area exposed to public view.
30. "AUTOMOBILE SERVICE STATION-LIGHT" (Gasoline, Filling Stations) means a place where gasoline (stored only in underground tanks), kerosene, lubricating oil or grease for operation of automobiles, trucks, or boats, are offered for sale directly to the public on the premises, and including minor accessories and service.
31. "AWNING" means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, that projects from a wall or roof of a Structure over a window, walk, or door, including those that may be retracted or folded against the face of a supporting Structure.
32. "BAKERY, RETAIL" means an establishment primarily engaged in the retail sale of baked products for consumption off-site, whether or not the products are prepared on or off-site.



33. "BAKERY, WHOLESALE" means a place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.
34. "BAR" means a facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.
35. "BARBER SHOP" means any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one (1) or more employees.
36. "BASE STATION" means a station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, Antennas, coaxial cables, power supplies, and other electronics associated with a station.
37. "BASEMENT" means any story below the first story of a building in which the surface of the floor is more than four feet below the adjacent ground elevation at all points and shall not be included as a story for the purpose of height measurements.
38. "BEAUTY SHOP" means any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.
39. "BED AND BREAKFAST UNIT" means a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, which are rented on a nightly basis for periods of less than a week. Meals may or may not be provided by the owner or manager. No room or group of rooms may be used by renters for cooking or eating. There shall be no more than five guest rooms providing overnight accommodations to transient guests for compensation. Also known as a tourist home.
40. "BERM" means a man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.
41. "BILLIARD ROOM" means a business establishment containing more than two (2) pool or billiard tables for the use by patrons where pool or billiard activities are the principal use.
42. "BLOCK" means a tract of land bounded by streets or by a combination of streets and routes (such as railroad right-of-way), waterways, public open spaces (cemetery or park), or other barrier, and not traversed by a through street.
43. "BLOCK FACE" means the edge of one (1) side of a public way between intersections that face the public way.
44. "BOARD" means the Board of Zoning Appeals of the Town of Orleans, Indiana.
45. "BOARDING HOUSE" means a building, not available for transients, in which meals are regularly provided for compensation for at least three, but not more than thirty, inhabitants in addition to the owner occupant, and where only one kitchen shall exist, no room or group of rooms being used by tenants for cooking or eating. Also known as a lodging house.
46. "BOARDING KENNEL" means a place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets, and are at least four months old.
47. "BOAT STORAGE FACILITY" means a Structure or area designed for the storage of watercraft and marine equipment.
48. "BOOKSTORE" means a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed media.
49. "BOTTLE GAS STORAGE AND DISTRIBUTION" means the storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.



50. "BOWLING ALLEY" means an establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas, including incidental uses, such as other recreation activities, a restaurant, or a bar.
51. "BUFFER LANDSCAPING" means any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance or the Subdivision Regulations to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.
52. "BUFFER YARD" means an area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines and/or Public Way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. The term does not include Front, Rear, or Side Yard setbacks as required by this Ordinance.
53. "BUILDABLE AREA" means the portion of the lot remaining after required yards, set back lines, or visibility requirements on corner lots, have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.
54. "BUILDING" means any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this Ordinance).
55. "BUILDING AREA" means the maximum horizontal projected area of the principal and accessory buildings on a lot, excluding open spaces or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet. Also known as the building footprint or lot coverage.
56. "BUILDING, ATTACHED" means a building having a structural connection to another building such as a common wall. Typical residential attached buildings include duplexes, townhouses, and row houses.
57. "BUILDING CODE" means the Indiana Building Code as adopted by the Indiana Fire Prevention and Building Safety Commission.
58. "BUILDING, DETACHED" See "DETACHED BUILDING."
59. "BUILDING FINISHES SHOP" means a store devoted to the sale of wall treatments, window treatments, floor coverings, cabinets, and other building finishes.
60. "BUILDING, FRONT LINE OF" means the line of the face of the building nearest the front lot line.
61. "BUILDING, HEIGHT OF" See "HEIGHT."
62. "BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS" means an active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
63. "BUILDING LINE" means the line defining the buildable area of a lot and being the point nearest the property line that a building or structure may be placed as a result of required yards or setback lines. Also known as the building setback line.
64. "BUILDING PERMIT" See "IMPROVEMENT LOCATION PERMIT".
65. "BUILDING, PRINCIPAL" means a building in which is conducted the main or principal use of the lot on which said building is located. Where a substantial part of an accessory building is attached to the



main building in a substantial manner, such accessory building shall be counted as part of the principal building.

66. "BUSINESS" means an occupation, employment, or enterprise which occupies time, attention and materials; or wherein merchandise is exhibited, purchased, bartered, exchanged or sold.
67. "CAMP, PUBLIC" means any area or tract of land used or designed to accommodate two or more automobile recreational vehicles, either towed vehicles or motorized, house trailers, mobile homes, or two or more camping parties, including cabins, tents, or other camping outfits.
68. "CAMPUS" means an area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.
69. "CAR, WASH" means a building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning, production line methods or other mechanical devices.
70. "CARPORT" means a permanent Structure that includes a roof and roof-supports but not enclosed by walls, and that is used as an accessory to a Dwelling Unit for the purpose of providing shelter to one or more Motor Vehicles.
71. "CELLAR" See "BASEMENT"
72. "CEMETERY" means land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
73. "CERTIFICATE OF OCCUPANCY" means a written instrument issued in accordance with Orleans Town Ordinances stating that the structure use and occupancy of land or building complies with the building code and zoning ordinance.
74. "CHILD CARE" means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.
75. "CHILD CARE CENTER" means a nonresidential building where at least one (1) child receives child care from a provider:
 - a. While unattended by a parent, legal guardian, or custodian;
 - b. For regular compensation; and
 - c. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
76. "CHILD CARE HOME" means a residential Structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive child care from a provider:
 - a. While unattended by a parent, legal guardian, or custodian;
 - b. For regular compensation; and
 - c. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
77. "CLINIC" means a facility for the treatment of human ailments operated by a group (two or more) of physicians, dentists, chiropractors, or other licensed medical practitioners, or any combination of the above mentioned, for the treatment and examination of outpatients.
78. "CLUB OR LODGE, PRIVATE" means a non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The operation and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body



chosen by the members at an annual meeting. It shall be permissible to serve food and meals on such premises providing facilities approved by the appropriate governmental agency are procured prior to food functions. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the club or lodge, and further that sale of alcoholic beverages is in compliance with all applicable State, Federal, and Local laws.

79. "COFFEE SHOP" means an informal restaurant that primarily serves non-alcoholic beverages, including coffee and tea, as well as desserts and limited food items.
80. "CO-LOCATION" means the placement or installation of Wireless Facilities on Existing structures that include a Wireless Facility or Wireless Support Structure, including water towers, and other Buildings or structures. This term includes the placement, replacement, or modification of Wireless Facilities within an approved Equipment Compound.
81. "COMMERCIAL" See "BUSINESS"
82. "COMMISSION" the Advisory Plan Commission of the Town of Orleans.
83. "COMMITMENT" means an obligation concerning the use or development of a parcel of real property which is made in writing by the Owner of that parcel or an Applicant, either voluntarily or in accordance with an order or request of the JBZA, the JPC, or the Council, in accordance with IC 36-7-4-1015. The term does not include Covenants.
84. "COMMON AREA" means land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property Owners within that development or other specific area. The term may include complementary structures and/or other improvements.
85. "COMMON OWNERSHIP" means ownership by the same Person, including ownership by different Persons with at least one (1) common stockholder, partner, member, or associate.
86. "COMMUNITY CENTER" means a meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.
87. "COMMUNITY SOLAR" means a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or a principal use.
88. "COMPATIBLE" means having harmony and consistency in design, function, and/or appearance.
89. "COMPOSTING FACILITY" means an off-site facility where the organic component of municipal solid waste is decomposed under controlled conditions. Examples of organic components include leaves, yard trimmings, wood debris, manure, and other naturally occurring elements.
90. "COMPREHENSIVE PLAN" means a composite of all materials prepared by the OPC and approved by the Town Council under the IC 36-7-4-500 series or under prior Law. It includes a master plan adopted under any prior law. The Comprehensive Plan of the Town is separate from this Ordinance.
91. "CONCEPT PLAN" means an illustration of the layout of a proposed PUD which is required prior to PUD rezoning consideration, and prior to the filing of a Preliminary Plan for a PUD or a Primary Plat for a Subdivision.
92. "CONCRETE/ASPHALT PRODUCTION FACILITY" means a facility where raw materials are processed into concrete or asphalt for sale and/or immediate use, which typically includes all necessary equipment for both transport and application of the finished product.



93. "CONDOMINIUM" means a form of tenure for real estate authorized by the 1963 Horizontal Property Act, Chapter 349 of the Acts of the State of Indiana, and amendments thereto codified at IC 32-25.
94. "CONFINED FEEDING" means the confined feeding of Animals for food, fur, or pleasure purposes in Lots, pens, ponds, sheds, or buildings where:
- a. Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
 - b. Ground cover or vegetation is not sustained over at least fifty percent (50%) of the Animal confinement area.
 - c. However, the term does not include the following:
 - i. A livestock market:
 1. Where Animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
 2. That is under State or Federal supervision.
 - ii. A livestock sale barn or auction market where Animals are kept for not more than ten (10) days.
95. "CONFINED FEEDING OPERATION" means:
- a. Any Confined Feeding of 300 or more cattle, 600 or more swine or sheep, or 30,000 or more fowl; or
 - b. Any Confined Feeding facility, regardless of the number of Animals confined, that includes a waste lagoon or holding pit.
96. "CONSTRUCTION PLANS" means the maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Building Code as a condition of the approval.
97. "CONSTRUCTION SERVICES" means any of the activities commonly referred to as construction, including such activities as plumbing, heating, roofing, interior remodeling, and excavating.
98. "CONSTRUCTION TRAILER" means a manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.
99. "CONTRACTOR'S WAREHOUSE/STORAGE YARD" means an unenclosed portion of a Lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.
100. "CONVENIENCE STORE" means a small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. The term may include a Gas Station.
101. "CORNER LOT" means a lot at the junction of and abutting two or more intersecting public ways having a designated space (known as the "sight triangle" or "vision clearance") in which nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersecting public ways.
102. "COUNCIL" means the Common Council of the Town of Orleans, which functions as the Legislative Body of the Town.
103. "COUNTRY CLUB" means an establishment operated for social or recreational purposes that is open only to members and not to the general public.
104. "COUNTY" means Orange County, Indiana.



105. "COVENANTS" means private and legal restrictions of various kinds on the usage of Lots, typically within a Subdivision and applied by the Sub-divider.
106. "CRAFT/FABRIC STORE" means any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.
107. "CREMATORY" means an establishment containing a furnace (called a retort) used for the cremation of human remains, whether owned by or dealing directly only with funeral homes, or having open access to the public.
108. "CROP PROCESSING AND STORAGE" means the processing of harvested crops, as well as the storage of both the raw and processed crops. Crop processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.
109. "CROP PRODUCTION" means the production and management of agricultural crops, including planting, cultivation, and harvesting.
110. "CUL-DE-SAC" means a short street having only one (1) end open to traffic and permanently terminated by a vehicular turnaround.
111. "CULTURAL FACILITIES" means those facilities, either public or semipublic (i.e., nonprofit), which may serve to enhance the appreciation of community residents of their cultural heritage. Such uses may include, but are not restricted to, museums, art galleries, and arboretums.
112. "CURB" means a concrete boundary marking the edge of a Public Way or other paved area and providing for a change in grade between the surface of the pavement and the adjacent unpaved portions.
113. "CURB CUT" means the providing of vehicular ingress and/or egress between property and an abutting Public Way.
114. "CURB RADIUS" means the curved edge of a Public Way, private driveway, or other paved area at an intersection with another paved area.
115. "DANCING ACADEMY/MARTIAL ARTS/GYMNASTICS STUDIO" means an establishment where patrons learn and/or practice dance, martial arts, or gymnastics.
116. "DATA PROCESSING/CALL CENTER" means facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.
117. "DAY CARE CENTER" means a nonresidential building where at least one (1) child receives child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. (IC 12-7-2-28.4)
118. "DAY CARE HOME" means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays,



and holidays. (b) The term includes: (1) a class I child care home; and (2) a class II child care home. (IC 12-7-2-28.6)

119. "DECK" means a platform, either freestanding or attached to a Structure, which is supported by pillars or posts.
120. "DEDICATION" means the setting apart of land or interests in land for use by the Town or other public entity by ordinance, resolution, or entry in the official minutes of the Council or the JPC, such as by the recording of a plat.
121. "DELICATESSEN" means an establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.
122. "DETACHED BUILDING" means a building having no structural connection with another building on the same zoned lot or any other lot. A detached building may be an accessory building to the principal building and, as such, shall conform to the definition on accessory buildings.
123. "DISTILLERY" means an establishment engaged in the production and distribution of spirituous beverages. The establishment may include uses permitted in the district, in accordance with state and local laws.
124. "DISTRIBUTION FACILITY" means a use where goods are received and/ or stored for delivery to the final consumer at remote locations.
125. "DISTRICT" means an area within the Jurisdiction for which uniform zoning regulations governing use, height, area, size, intensity of use of structures and land, and open spaces are established by this Ordinance. Districts are drawn on the zone maps incorporated by reference into this Ordinance.
126. "DORMITORY" means a Structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. The term includes a common kitchen and common gathering rooms, where these are provided.
127. "DRESS SHOP" means a retail store where custom clothing is made and sold, or where alterations of clothing are done.
128. "DRIVE-THROUGH/DRIVE-IN/DRIVE-UP ESTABLISHMENTS" means an establishment which is designed to provide service, either wholly or in major part, to customers, while in their automotive vehicles, upon the zoned premises, excluding drive-in theaters.
129. "DRIVEWAY" means a private roadway providing access for vehicles to a parking space, garage, Dwelling, or other Structure.
130. "DRIVEWAY, COMMON" means an access shared by adjacent property Owners.
131. "DRIVING RANGE" means an area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, whether or not it includes a snack bar and pro shop. The term does not include golf courses and miniature golf courses.
132. "DRY CLEANERS" means an establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off and picking up their clothing.
133. "DUMPSTER" means a receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.
134. "DUPLEX" See "BUILDING, ATTACHED"



135. "DWELLING" means a building substantially affixed to the land or portion thereof, used primarily as a place of abode for one or more human beings and meeting the definition of building, but among other things not including hotels, motels, lodging or boarding homes, tents, buses, vans, tourist or "bed and breakfast" homes, or recreational vehicles.
136. "DWELLING, ACCESSORY" means a second Dwelling Unit either in or added to an existing single-family detached Dwelling, or in a separate Accessory Structure on the same lot as the main Dwelling, for use as a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping. Accessory Dwelling may also be called a "Granny Flat", "Mother-in-Law Apartment", or an "ADU".
137. "DWELLING, MULTI-FAMILY" means a building designed for or occupied by three or more families, exclusively for dwelling purposes.
138. "DWELLING, SINGLE-FAMILY" means a detached building designed for or occupied by one family exclusively.
139. "DWELLING, TWO-FAMILY" means a detached building designed for or occupied by two (2) families.
140. "DWELLING UNIT" means any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.
141. "EASEMENT" means an authorization grant made by a property owner for use by another of a designated part of his property for a clearly specified purpose and officially recorded.
142. "ELECTRIC APPLIANCE SHOP" means a retail store that sells electric appliances used for domestic functions such as washers, dryers, refrigerators, freezers, ovens/ranges, dishwashers, vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.
143. "ELECTRICAL TRANSMISSION TOWER" means a Structure that physically supports high voltage overhead power lines. The term does not include a Utility Pole.
144. "EMERGENCY" means a situation that could not reasonably be foreseen and that threatens the public health, welfare, or safety and requires immediate action.
145. "EQUIPMENT COMPOUND" means the area that:
- a. Surrounds or is near the base of a Wireless Support Structure; and
 - b. Encloses Wireless Facilities.
146. "FABRICATION FACILITY" means an establishment where employees and machinery are used to assemble product components created off-site.
147. "FAÇADE" means the portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.
148. "FAIRGROUNDS" means an area of land used for agricultural related office buildings, Animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.
149. "FAMILY" means a group of one (1) or more individuals occupying a building and living as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering, but excluding any group of four (4) or more individuals who are not related to one another by blood, marriage, adoption, or foster care. The term does not include any society, club, fraternity, sorority, or other group living in a boarding house, Hotel, Motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, or nursing home.



150. "FARM" means an area used for bona fide agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.
151. "FARM EQUIPMENT SALES AND SERVICE" means a use primarily engaged in the sale/rental and/or service of farm tools and implements, and/or the sale of feeds, grain, tack, Animal care products, and farm supplies. The term does not include the sale or distribution of agricultural chemicals, including fertilizer.
152. "FARMER'S MARKET" means the seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.
153. "FEEDLOT" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.
154. "FENCE" means any construction of wood, metal, masonry, or other material, erected for the purpose of assuring privacy or protection. In no case shall the fence or its material resemble junk (as described in this section) or be assembled from junk.
155. "FERTILIZER SALES, DISTRIBUTION, AND STORAGE" means an establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.
156. "FINANCIAL GUARANTEE" means any guarantee that may be accepted in lieu of a requirement that certain improvements be made before the approval of a Secondary Plat, such as performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Plan Commission.
157. "FINANCIAL INSTITUTION" means any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under Indiana law, and includes licensees under IC 24-4.4, IC 24-4.5, and 750 IAC 9.
158. "FIREWORKS SALES" means the retail sale of devices defined as consumer fireworks in IC 22-14-11-1.
159. "FITNESS CENTER" means a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.
160. "FLAG" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
161. "FLAT ROOF" means the silhouette formed by a roof line, including a roof Structure that has a slope for drainage purposes. The roof line of a Flat Roof can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.
162. "FLEA MARKET" means an occasional or periodic market held in an open area or Structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary Structures. The term does not include informal garage or Yard sales.
163. "FLOOR AREA" For the purpose of determining the floor area ratio, means the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured



from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include the basement area, elevator shafts, stairwells at each floor, penthouse, attic space having headroom of seven feet four inches or more, interior balconies, interior accessory uses (such as but not limited to closets), and floor space used for mechanical equipment except equipment, open or enclosed space, and located on the roof. Any space devoted to off-street parking or loading shall not be included in floor area.

The floor area of structures devoted to bulk storage or materials shall be determined on the basis of height in feet, i.e., ten feet in height shall equal one floor. Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths, for any use, shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within working or selling space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking shall not include: floor area devoted primarily to storage purposes (except as otherwise noted); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing, processing of goods, or to business or professional offices.

164. "FOOD TRUCK" see "MOBILE FOOD VEHICLE"

165. "GARAGE, PRIVATE" means an accessory building, including a car port, with capacity for not more than three motor vehicles per family, which may be the family's boat or trailer for transportation of the boat, no more than one vehicle of which may be a commercial vehicle of not more than one and one half (1 1/2) ton capacity. A garage designed to house two motor vehicles for each family housed in an apartment shall be classed as a private garage.

166. "GARAGE, PUBLIC" means any building, or premises, except those defined herein as a "private garage", used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

167. "GREENHOUSE, COMMERCIAL" means a greenhouse having over two hundred (200) square feet of ground floor. Any greenhouse having less than this square footage does not fall under this ordinance.

168. "GRID-INTERTIE SOLAR ENERGY SYSTEM" means a photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

169. "GROUND FLOOR AREA" means the square foot area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, detached garages, and exterior stairways.

170. "GROUP HOME" means a residential facility for individuals with a developmental disability in accordance with provision of 460 IAC 9-3-7 Physical environment.

171. "HARDSHIP" means a perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of



the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

172. "HEAVY INDUSTRIAL USE" see "MANUFACTURING"

173. "HEIGHT" with respect to a building, means the vertical distance from the "lot 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

174. "HOME OCCUPATION" means any use conducted entirely within a dwelling or accessory structure and participated in by members of the family occupying the dwelling and up to one employee who does not reside in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof.

175. "HOSPITAL" means a building or institution for the reception of the sick or injured in which they are given medical or surgical care.

176. "HOTEL" means a building or group of buildings on the same parcel in which lodging is provided and offered on a more-or-less temporary basis. The building shall contain sleeping rooms usually occupied singly to the public for compensation and which is open to transient guests, as in contradistinction to a "boarding house". No provisions shall be made for cooking within any individual room; however, maid service, the furnishing and laundering of linens, bell boy, desk service, and the upkeep of the furnishings may be provided.

177. "IMPROVEMENT LOCATION PERMIT" means a permit provided by Town Ordinance stating that the proposed development, either land development or alteration, building construction of any sort, either alteration, enlargement are within the provisions of the comprehensive plan.

178. "INDUSTRIAL PARK" means a special or exclusive type of planned industrial area designed and equipped for a community of industries.

179. "INTERESTED PARTIES" means those parties who are owners of properties adjoining or adjacent to the property for which a zoning map change or "special exception" is being sought.

180. "INTERIOR LOT" means a lot other than a "CORNER LOT" or "THROUGH LOT"

181. "JUNK" means waste, discarded or salvaged materials that are used, bought, sold, baled, packed, disassembled or handled, including automobile parts and inoperable or currently unlicensed vehicles, used furniture, household equipment, used or salvaged materials from manufacturing equipment, operations, or motor vehicles, and such other materials as may from time to time be designated by the Plan Commission.

182. "JUNK YARD" means a place, usually outdoors but which may be indoors, 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 or parts therefrom or other discarded or waste material or property and materials and items defined in "JUNK" above.

183. "KENNEL" See "BOARDING KENNEL"

184. "LAND AREA" means the total gross area within the lot or project boundaries.

185. "LEGISLATIVE BODY" means the Town Council of Orleans, Indiana.

186. "LIGHT INDUSTRIAL PROCESSING AND DISTRIBUTION" means the processing and distribution of materials and products from processed or previously manufactured materials where the industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.



187. "LIQUOR STORE" means a place or establishment that meets the requirements provided in IC 7.1-3-10 and whose exclusive business is the retail sale of alcoholic beverages and commodities that are permissible under IC 7.1 for use or consumption only off the licensed premises. The term also includes any other meaning that may hereafter be set forth in IC 7.1-1-3-28. 251
188. "LOADING AND UNLOADING BERTHS" means the off-street area required for the receipt or distribution by vehicles of material or merchandise.
189. "LOCAL BUSINESS" means businesses serving the community on a neighborhood scale.
190. "LOT" means a parcel, tract, or area of land accessible by means of a public way or place and of sufficient size to meet minimum zoning requirements.
191. "LOT COVERAGE" means the percentage of the lot area that is represented by the building area.
192. "LOT, GROUND LEVEL" means the ground level of a lot, which shall be defined as follows:
- For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
 - For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
 - For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.
 - Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.
193. "LOT LINE":
- "LOT LINE, FRONT" means the line separating a lot from the street or street right-of-way. On a corner lot, the front lot line shall be the line abutting each street.
 - "LOT LINE, REAR" means the line opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
 - "LOT LINE, SIDE" means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot is an interior side lot line.
194. "LOT OF RECORD" means a lot which is part of a recorded subdivision, planned unit development and recorded in the Orange County Recorder's Office, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
195. "LOT WIDTH" means the horizontal distance between the Side Lot Lines of a Lot, measured at right angles to the Lot Depth at the established Front Building Line
196. "MANUFACTURED/MODULAR HOME" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal manufactured Housing Construction and Safety Standards Law of 1974 [42 USC 5401 et seq.] or IC 22-11-1-1 et seq., as promulgated by the Indiana Administrative Building Council. A modular housing unit is constructed in part or in whole at a place other than the foundation site, transported to the foundation site, and assembled on site to create one whole structure. The manufactured home or modular housing unit should include, but not be limited to, these characteristics: asphalt roof, a roof pitch of at least 4 inch in 12 inch, house type windows, a minimum width of twenty-four (24) feet, exceed one thousand (1000) square feet of occupied space, doors and siding, and must be placed on a permanent foundation. Modular homes, prefabricated homes, and other such implied terms shall be deemed to be the same as "MANUFACTURED HOMES".



197. "MANUFACTURING" means an industrial use which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, where no continuous process involved will a) produce fire hazard, electrical disturbances, noise, vibration, odor, air pollution, heat, glare, or water pollution beyond the property lines of the tract on which it is located; b) increase the rate or height of storm water runoff in any greater amount than prior to manufacturing process; or c) generate waste matter which will disturb or endanger any neighboring property.
198. "MEDICAL HEALTH CENTER" see "CLINIC"
199. "MINERAL EXTRACTION" means (1) mining or quarrying; and (2) removal of earth materials.
200. "MOBILE FOOD VEHICLE" means, except for pushcarts but including ice cream trucks and lunch wagons, a unit mounted on or pulled by a self-propelled vehicle where food including packaged foods, for individual portion service is prepared, or dispensed; is self-contained with its own drinking water tank and waste water tank; is designed to be readily movable; and is moved daily to return to its commissary.
201. "MOBILE HOME" means a detached residential dwelling designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities with major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems and designed for transportation after fabrication on public ways on its own wheels or on flat bed or other trailers, and arriving at the site where it is to be placed on a permanent foundation and is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, and connections to utilities. A travel trailer or recreational vehicle shall not be construed as a mobile home, nor are new and different types of housing which are defined elsewhere in this Ordinance. Truck bodies, bus bodies, railroad cars, shacks, and improvised shelters which may be moved by truck, tractor, automobile, or horses or can be carried, transported, or towed from one place to another without the use of regular house moving equipment, shall not be construed as a mobile home unless such living quarters shall include the requirements previously noted in this definition.
202. "MOBILE HOME PARK" means an area of land on which two (2) 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.
203. "MOTEL" means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single Zoning Lot, and designed for use by transient tourists with Motor Vehicles. A Motel use includes the furnishment of customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.
204. "MULTI-FAMILY BUILDING" means a building or combination apartment and commercial building which is used as a residence for three (3) or more families; and where an individual, or a group of individuals, live in separate dwelling units with separate kitchens and bathrooms for each dwelling unit.
205. "MULTI-FAMILY COMPLEX" means a single apartment building or group of interrelated apartment buildings with common courts and recreational facilities.



206. "NONCONFORMING LOT" means a single lot of record prior to the effective date of this Ordinance that fails to meet the area or dimensional requirements for lots within the zoning district in which it lies.
207. "NONCONFORMING STRUCTURE" means existing improvements which do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs and other regulations for the district in which they are situated.
208. "NONCONFORMING USE." means any building or land lawfully occupied by a use at the time of the passage of this Ordinance or amendment thereto which does not conform after the adoption of this Ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs, and other regulations for the district in which they are situated, are not non-conforming uses as defined herein.
209. "NUDITY" means the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
210. "NUISSANCE" means any interference with the enjoyment and use of property which is defined as such by this Ordinance.
211. "NURSERY" means an enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.
212. "NURSING HOME" means a private home for the care of the aged or infirm, or any other individual in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.
213. "OCCUPIED SPACE" means the total area of earth horizontally covered by a structure, excluding accessory structures such as, but not limited to, garages, patios, and porches.
214. "ODOR" means an unreasonably objectionable odor that is detectable in the neighborhood as determined by the Board of Zoning Appeals.
215. "OFF-GRID SOLAR ENERGY SYSTEM" means a photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
216. "OFF-SITE IMPROVEMENTS" means the improvement of any premises that are not located within the area of a tract to be subdivided, used, or built upon whether or not in the same ownership of an Applicant for Subdivision approval.
217. "OFF-STREET PARKING" means the provision of parking spaces that are not located on any Public Way.
218. "OPEN SPACE" means an outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Such areas may be ground or roof space 75% open to the sky, balconies a minimum of 5 feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space.
219. "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 of the lot area is only incidental



220. "OUTDOOR STORAGE" means the keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building. "SEASONAL OUTDOOR STORAGE" refers to the Outdoor Storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.
221. "OWNER" means any Person having legal title to or sufficient proprietary interest in land sought to be subdivided under this Ordinance. The term includes a Person's legal representative.
222. "PARKING AREA, PUBLIC" means any open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles, when available for public use, whether free or for compensation, as an accommodation for clients or customers.
223. "PARKING SPACE, (OFF STREET, ONE)" means a space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.
224. "PASSIVE SOLAR ENERGY SYSTEM" means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
225. "PERSON" means a corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.
226. "PHOTOVOLTAIC SYSTEM" means a solar energy system that converts solar energy directly into electricity.
227. "PLACE" means any open, unoccupied space other than a street, or alley, or public way, which is permanently reserved for use as the principle means of access to abutting property.
228. "PLAN COMMISSION" means the Town of Orleans Advisory Plan Commission having seven (7) members who reside inside the Town of Orleans' Town boundaries, and two (2) members who reside outside the Town boundaries within Orleans' two-mile fringe planning jurisdiction, appointed by the Board of County Commissioners. The term does not include a regional plan commission established under IC 36-7-7 [36-7-7-1 through 36-7-7-13]. [IC 36-7-7-14, as added by Acts 1981, P.L. 309, section 14.]
229. "PLANNED UNIT DEVELOPMENT" means a tract or parcel of land developed as a unit under single ownership or unified control that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes that typically would not be easily achieved under conventional zoning districts.
230. "PLAT" means a map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.
231. "POOL HALL" see "BILLIARD ROOM"
232. "PRIMARY STRUCTURE" means the structure in which the principal use of the respective Lot or premises is located or conducted. With respect to residential uses, the main Dwelling is considered the Principal Building.
233. "PRINCIPAL BUILDING" means a building in which is conducted the main or principal use of the lot on which the building is affixed. Where an accessory building is attached to the main building in a substantial manner, as with a wall or roof, such accessory building shall be considered part of the main building and shall be counted as a part of the principal building.
234. "PRIVATE SCHOOL" means any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any government agency.



235. "PROFESSIONAL OFFICE" means an office of a member or members of recognized professions, such as an architect, accountant, attorney, artist, dentist, engineer, musician, physician, surgeon, or other professional person.
236. "PUBLIC IMPROVEMENT" means any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)
237. "PUBLIC PLACE" means any tract owned by a federal, state or local political subdivision.
238. "PUBLIC WAY" means any highway, street, avenue, boulevard, road, lane, or alley.
239. "PUSHCART" means a non-self-propelled mobile food unit that is lightweight enough, designed, and intended to be moved by one person. A pushcart shall be used to prepare and serve only:
- Potentially non-hazardous foods such as popcorn, lemonade, hot dogs or flavored ice; or
 - Foods pre-wrapped at the commissary and maintained at the required temperatures per the County Health Department regulations.
240. "REFUSE DISPOSAL FACILITY" means a refuse disposal facility is deemed to include sanitary landfill, incineration, grinding or any other process oriented to disintegration or recycling of solid waste material, provided, however, that salvaging of scrap or junk shall not be permitted in any refuse disposal facility.
241. "RELIGIOUS INSTITUTION" (Church or Temple) means any Structure and property used by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a Child Care Center or School. The term includes church, synagogue, temple, mosque, or any other like facility used for worship and religious activities.
242. "RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT" means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
243. "RENEWABLE ENERGY SYSTEM" means a solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
244. "RESIDENCE or RESIDENTIAL" means a lot, a structure, a building, or a portion of a structure which is used for any of the uses permitted in the residential districts.
245. "RESIDENTIAL BUILDING" means any structure which shall be: (a) permanently and securely affixed to the land; (b) has one or more floors (stories) and a roof, the roof being supported by columns or walls, for the shelter, support, enclosure, or protection of persons, chattels, or property; is bounded by either open space or the lot lines of a tract; and (d) when separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure. A residential building shall not include, among others: tents, tanks of any type, lunch wagons, buses, vans, dining cars, trailers manufactured for recreation, or other roofed structures on wheels, or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A building shall not include such structures as billboards, fences, television towers, or radio towers, or structures with interiors not normally accessible for human use.



246. "REST HOME, NURSING HOME, CONVALESCENT HOME" means a health facility where persons are housed and furnished with meals and continuing care for compensation.
247. "RETIREMENT FACILITY" means a residential complex containing multifamily Dwelling designed for and occupied by senior citizens (individuals sixty (60) years of age or older, or couples where either spouse is sixty (60) years of age or older). The term includes common gathering and dining facilities, but does not include a facility that provides nursing care.
248. "RETREAT CENTER" means a facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.
249. "ROOF PITCH" means the final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
250. "ROOMING HOUSE" means a building, or portion thereof, where lodging or meals or both are provided for three or more persons who are not members of the operator's family, but not over 30 persons normally by pre-arrangement for definite periods of time and for compensation, whether direct or indirect; such as boarding houses, temporary shelter care, congregate living, group homes; and having one kitchen.
251. "SALVAGE YARD" means any place where two or more motor vehicles not in running condition or inoperable or not having a current license are stored or any parts therefrom are stored in the open and are not being restored to operate; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts therefrom and not being restored to operating condition; and including the commercial salvage of any other goods, articles or merchandise.
252. "SCHOOLS" means a public, private, or parochial school: Private or parochial schools shall be approved by the Indiana State Department of Education.
253. "SEMI-NUDITY" means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. The term includes display of the entire lower portion of the human female breast, but does not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel where the areola is not exposed in whole or in part.
254. "SETBACK" means the minimum required horizontal distances measured from front, side, and rear lot lines which describe an area beyond which the main walls of a principal building may not extend.
255. "SEXUALLY ORIENTED BUSINESS" means an establishment having as one of its principal uses:
- a. Customer-operated motion picture devices, peep shows, viewing areas, and/or similar devices either coin, token, or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the aureole, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated mate genitals in a discernible turgid state, even if completely or opaquely covered.
 - b. A hotel or motel, which in addition to providing as the major part of its business services unrelated to depictions of sexual activities, makes entertainment (either live or on film or video tape) available to its customers, which entertainment has as a dominant theme or



is characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, if such establishment advertises the availability of such adult entertainment at its establishment.

- c. Having or advertising as having as one of its principal uses the presentation of motion pictures, slide projections, and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities for observation by persons therein.
- d. Having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting or relating to sexual activities for observation by persons therein.

256. "SHALL" means the command is imperative or mandatory and imposes a requirement.

257. "SHOPPING CENTER" means a group of commercial establishments planned, developed and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of commercial establishments to the trade area which the shopping center serves.

258. "SIGN" means any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities.

259. "SIGN, OUTDOOR ADVERTISING" means a structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located. Also known as a "billboard" or "off-premises" sign.

260. "SIGN, PORTABLE" means a free-standing, on premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie-down straps or stakes.

261. "SMALL CELL FACILITY" means either:

- a. A personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015);
- b. A wireless service facility that satisfies the following requirements: Each antenna, including exposed elements, has a volume of three (3) cubic feet or less. All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.

The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of this clause (C), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; back up power systems; grounding equipment; power transfer switches; cutoff switches.

262. "SMALL CELL NETWORK" means a collection of interrelated Small Cell Facilities designed to deliver wireless service.

263. "SOLAR ACCESS" means an unobstructed access to the "SOLAR RESOURCE" (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.



264. "SOLAR COLLECTOR" means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
265. "SOLAR COLLECTOR SURFACE" means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
266. "SOLAR DAYLIGHTING" means a device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
267. "SOLAR ENERGY" means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
268. "SOLAR ENERGY DEVICE" means a system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.
269. "SOLAR ENERGY SYSTEM" means a device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.
270. "SOLAR FARM" means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.
271. "SOLAR HEAT EXCHANGER" means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
272. "SOLAR HOT AIR SYSTEM" means an active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
273. "SOLAR HOT WATER SYSTEM" (also referred to as Solar Thermal) means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
274. "SOLAR MOUNTING DEVICES" means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
275. "SOLAR RESOURCE" means a view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
276. "SOLAR STORAGE UNIT" means a component of a solar energy device that is used to store solar generated electricity or heat for later use
277. "SPECIAL EXCEPTIONS" means the authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meets special conditions, and upon



application and after a public hearing, is specifically authorized by the Advisory Board of Zoning Appeals.

278. "STREET" means a public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

279. "STRUCTURAL ALTERATION" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

280. "STRUCTURE" means anything constructed or erected which requires being affixed to the ground or an attachment to something being affixed to the ground. A structure includes "buildings", signs, parking lots, etc.

281. "SUBDIVISION" means the division of a parcel of land into lots, parcels, units, or interests in the manner defined prescribed by a subdivision control ordinance adopted by the legislative body under IC 36-7-4-100 [36-7-4-100 through 36-7-4-1213]. [IC 36-7-1-19], as added by Acts 1981, P.L. 309, section 19; 1981, P.L. 310, section 3; 1982, P.L. 211, section 1.].

282. "SUBSTANTIAL MODIFICATION OF A WIRELESS SUPPORT STRUCTURE" means the mounting of a Wireless Facility on a Wireless Support Structure in a manner that either:

- a. Increases the height of the Wireless Support Structure by ten percent (10%) of the original height of the Wireless Support Structure, or twenty (20) feet, whichever is greater;
- b. Adds an appurtenance to the Wireless Support Structure that protrudes horizontally from the Wireless Support Structure more than twenty (20) feet, or the width of the Wireless Support Structure at the location of the appurtenance, whichever is greater;
- c. Increases the square footage of the equipment compound in which the Wireless Facility is located by more than two thousand five hundred (2,500) square feet.
- d. However, notwithstanding subdivisions (1), (2), and (3), the term does not include any of the following:
 - i. Increasing the height of a Wireless Support Structure to avoid interfering with an existing Antenna.
 - ii. Increasing the diameter or area of a Wireless Support Structure to shelter an Antenna from inclement weather, or to connect an Antenna to the Wireless Support Structure by cable.
 - iii. Any modification of a Wireless Support Structure or Base Station that involves only co-location, removal of transmission equipment, or replacement of transmission equipment.

283. "THOROUGHFARE" means a public way or public place that is included in the Thoroughfare Plan of a unit (local political subdivision) Under IC 36-7-4-506. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

284. "THOROUGHFARE PLAN" means an element of the Comprehensive Plan which may determine lines for new, extended, widened, or narrowed public ways in any part of the jurisdiction.

285. "THROUGH LOT" means a lot having frontage on two parallel or approximately parallel streets.

286. "TOURIST HOME" See "BED AND BREAKFAST UNIT."

287. "TOWN" means the Town of Orleans, Indiana.

288. "TRADE OR BUSINESS SCHOOL" means vocational or business school or college when not publicly owned or not owned or under the sponsorship of a religious, charitable, or non-profit



organization; or a school conducted as a commercial enterprise for teaching trade or business technology, including, but not limited to: instrumental music, dancing, barbering or hairdressing, drafting, or for teaching industrial or technical arts, including but not limited to automotive, heating, air-conditioning, and computer technology.

289. "UNDER FLOOR SPACES" means spaces between the bottom of the floor joints and the earth.

290. "USE OF PROPERTY" means a purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

291. "VARIANCE, DEVELOPMENT REGULATION" means a variation, authorized by the Board of Zoning Appeals, from the strict requirements of the Zoning Ordinance relative to building, lot area or width, setbacks, height, parking or other dimensional provisions of the Ordinance.

292. "VARIANCE, USE" means a specific approval, authorized by the Board of Zoning Appeals, to conduct a principal use on a lot or parcel that is otherwise not permitted within the zoning district in which the property is located.

293. "VISION CLEARANCE ON CORNER LOTS" means a triangular space at the corner of any public way or public or private corner lot shall be free from any kind of obstruction to vision. This space is considered as the area between the heights of 3 and 6 feet above established grade, determined by a diagonal line connecting two points measured 25 feet equidistant from the street corner along each property line.

294. "WIRELESS COMMUNICATIONS SERVICE" means service provided in accordance with the Federal Telecommunications Act of 1996.

295. "WIRELESS FACILITY" means the set of equipment and network components necessary to provide Wireless Communications Service. The term does not include a Wireless Support Structure.

296. "WIRELESS SUPPORT STRUCTURE" means a freestanding Structure designed to support Wireless Facilities. The term does not include a Utility Pole or Electrical Transmission Tower.

297. "YARD" means a space on the same lot with a main building, open, unoccupied, and unobstructed by structure, except as otherwise provided in this chapter.

298. "YARD, FRONT" means a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.

299. "YARD, REAR" means a yard extending across the full width of the lot between the rear of the main building and the rear lot line (refer to appropriate zone district requirements).

300. "YARD, SIDE" means a yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.

301. "YARD, STREET SIDE" means a "side yard" facing a "street."

302. "YARD, TRANSITIONAL" means a yard in effect when a non-residential zone district abuts or is adjacent across a street to a residential zone district.

303. "ZONING DISTRICT" means a section of the Town for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

304. "ZONING ORDINANCE" means an ordinance adopted under IC 36-7-4, Series 600 or under prior law.



12.05.110 Nonconforming Structures

1. Maintenance Permitted – A non-conforming structure lawfully existing prior to the effective date of this Ordinance may be maintained, except as otherwise provided in this Section.
2. Repairs – A non-conforming structure may be repaired in the interior or exterior or altered in the interior, provided no structural change shall be made.
3. Additions, Enlargements, or Moving:
 - a. A structure non-conforming as to height, yard, area, off-street parking or loading, and landscape requirements, or other dimensional requirements shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement is made to conform to the uses, height and yard of the district in which it is located.
 - b. No non-conforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all requirements of the district in which it is located. (Ord. 1994-4, S1.10, March 3, 1994)

12.05.110.010 Repairs and Maintenance

1. Ordinary Repairs and Maintenance – On any nonconforming structure or portion of a structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the gross floor area (cumulative).
2. Buildings May Be Made Safe – Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building, either conforming or nonconforming, declared unsafe by proper authority.

12.05.111 Nonconforming Uses

1. Continuation and Change of Use – Except as otherwise noted in this Ordinance
 - a. A non-conforming use lawfully existing prior to the effective date of this Ordinance may be continued.
 - b. A non-conforming use may be changed only to a use within the same or a more restrictive zoning district classification, provided the nature of any structural non-conformance (area or dimensional) is not expanded.
2. Expansion Prohibited:
 - a. A non-conforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
 - b. A non-conforming use on a part of a lot shall not be expanded or extended into any other portion of such lot. (Ord. 1994-4, S1.11, March 3, 1994)

12.05.112 Discontinued Nonconforming Use

Whenever a non-conforming use has been discontinued for a period of one (1) year, such use shall not be reestablished and use thereafter shall conform to the requirements of the District in which it is located. (Ord. 1994-4, S1.12, March 3, 1994)



12.05.113 Deconstruction of Nonconforming Structure

No building or structure which has been damaged by fire, explosion or act of God, to the extent of fifty percent (50%) or more of its true market value, shall be restored, repaired or rebuilt except to conform to the requirements of the District in which it is located. (Ord. 1994-4, S1.13, March 3, 1994)

12.05.114 Nonconforming Mobile Home Park

Any mobile home park which existed upon the effective date of this Ordinance, and which is located in a district which permitted a mobile home court either as a permitted use or special exception, shall be regarded as a conforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of Section 12.05.206 of this Chapter. (Ord. 1994-4, S1.14, March 3, 1994)

12.05.115 Scope of Regulations

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered, except in conformity with regulations of this Ordinance. (Ord. 1994-4, S1.15, March 3, 1994)

12.05.116 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. 1994-4, S1.16, March 3, 1994)

12.05.117 Exceptions from Height Requirements

Penthouse or roof structure for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, fire or parapet walls, skylights, television aerials, electrical transmissions, and communications poles and towers, theater screens, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, industrial installation requiring vertical production procedures such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no such structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business, or industrial use. (Ord. 1994-4, S1.17, March 3, 1994)

12.05.118 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 dwelling unit, ground floor area of residential buildings, established and specified for the use in the District in which such building is located. (Ord. 1994-4, S1.18, March 3, 1994)

12.05.119 Exceptions from Yard Requirements

Yards only apply to one building.

1. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space or lot be considered as providing a yard or open space for another lot whereon a building is to be erected. (Ord. 1994-4, S1.19(A), March 3, 1994)
2. Projections into yards:



- a. Cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay window or other vertical projection which shall be part of the main building) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of 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 or fireplaces may project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - b. A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
 - c. An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a 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 its depth.
 - d. 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 side yard provided that the width of a side yard is not reduced to less than three (3) feet or any required front yard not more than four (4) feet, provided it does not encroach within ten (10) feet of the front property line, or any rear yard provided it does not encroach within ten (10) feet of the rear property line.
 - e. Other Specified Structures: Walks, driveways, curbs, retaining walls, mailboxes, nameplates, lamp posts, bird baths, fences, and structures of a like nature shall be permitted in any required yard. (Ord. 1994-4, S1.19(B), March 3, 1994)
3. Average Front Setback:
- a. If there are buildings on both abutting lots and they are within one hundred (100) feet of the intervening lot and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
 - b. If there is a building on one abutting lot which is within one hundred (100) feet of the lot, and the building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard.
 - c. Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block. (Ord. 1994-4, S1.19(c), March 3, 1994)

12.05.120 Fences, Walls and Hedges

1. Fences, walls, and hedges which block visibility not to exceed six (6) feet in height, may be permitted in any required yard, or along any property line, provided that no fence, wall or hedge shall be permitted in a required front yard in the R-1, and R-2 Districts, to exceed three (3) feet in height in the B-1, B-2, and I-I districts and to exceed six (6) feet in the I-2 district. However, the Board of Zoning Appeals may require security fences not to exceed eight (8) feet for special exceptions in the I-2 district. (NOTE: A fence height variance may be requested of the Board of Zoning Appeals).
2. Trees, shrubs, flowers or plants shall be permitted in any required yard, provided it does not violate the corner setback as required in this Section.



3. To maintain corner visibility, no fence, wall, hedge or other planting or other obstruction to vision extending in excess of three (3) feet above the established street center-line grade shall be erected or maintained on that part of the corner lot that is included between the lines of intersecting streets and a line intersecting them at points of twenty-five (25) feet distance from the intersection of the street line. (Ord. 1994-4, S1.20, March 3, 1994)

12.05.121 Re-platted Land

No lot improved with a building or buildings shall be divided into two (2) or more lots, and no portion of any lot which is improved with a building or buildings shall be sold, unless all lots resulting from such division conforms to all regulations of the zoning district in which the property is located. (Ord. 1994-4, S1.21, March 3, 1994)

12.05.122 Street Frontage Required

No lot shall contain any building or structure unless such lot abuts on a street or dedicated right-of-way for at least sixty (60) percent of the lot width prescribed for the district in which the lot is located. (Ord. 1994-4, S1.22, March 3, 1994)

12.05.123 Accessory Uses and Structures

All accessory uses must meet the following requirements:

1. Be operated and maintained under the same ownership and use as the principal use or structure and must be a permitted use in the zoning classification in which they are located.
2. Be subordinate in height, area, and purpose to the main structure or use.
3. All residential accessory structures and uses in a rear or side yard, not attached to or part of the main structure or use, shall be located at least three (3) feet from any lot line, at least fifteen (15) feet from any street line, and at least ten (10) feet from the main structure.
4. May not be erected prior to the principal use or structure.
5. May not be located in a required front yard.
6. A private swimming pool wall shall not be located closer than six (6) feet from a side or ten (10) feet from a rear property line. (Ord. 1994-4, S1.23(1), March 3, 1994)
7. Be not more than two in number.

Satellite and antenna receiving systems are permitted as an accessory use, but may not be located less than ten feet from the principal (main) building. (Ord. 1994-4, S1.23(2), March 3, 1994)

12.05.124 Minimum Floor Area

- | | |
|------------------------------------|----------------|
| 1. Single family dwelling | 1,000 sq. ft.* |
| 2. Duplex, row house, town house** | 750 sq. ft.* |
| 3. One-bedroom unit | 600 sq. ft.* |
| 4. Two-bedroom unit | 750 sq. ft.* |
| 5. Three+ bedroom unit | 900 sq. ft.* |

*Floor area per unit measured by outside measurements (gross floor area).

**Per one dwelling unit (Ord. 1994-4, S1.24, March 3, 1994)



12.05.125 Lots

Every building hereafter erected shall be located on a legally created lot. (Ord. 1994-4, S1.25, March 3, 1994)

12.05.126 Parking Space – Loading and Unloading Berths

Every building hereafter erected shall provide off-street parking space and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted. Loading and unloading areas shall not be permitted in any yard abutting a street. No parking spaces shall be required in the B-2 District, and no parking spaces and no loading/unloading areas are required in the Agricultural District.

12.05.126.010 Existing Off-Street Parking and Loading

When the intensity of use of any building, structure or premises shall be increased through additional dwelling units, gross floor area, seating capacity or other units of measurement specified within this section, required parking or loading facilities as herein required shall be provided for such an increase and intensity of use.

Any off-street parking or loading space established prior to the effective date of this Ordinance which is used or intended to be used in conjunction with any main building, structure or use of any space delineated and intended to comply with the requirements of this section for any such building, structure, or use erected after such effective date shall hereafter be maintained so long as said building, structure, or use remains unless the owner provides and maintains in another location an equivalent number of car spaces which conforms to all provisions of this Ordinance. (Ord. 1994-4, S1.26 and 1.26.1, March 3, 1994)

12.05.126.020 Parking Prohibited

In Residential Districts, parking is prohibited in the front yard on areas that are not covered with asphalt, concrete, gravel or other treatment consistent with design standards. In the B-2 District, parking spaces are prohibited between the front property line and the front of the building, and any parking located to the side of the building shall not be closer than five (5) feet to the front property line. In the Agricultural District, there are NO parking location, number, or surface requirements. In all other zones, parking is permitted in the required front yard only on paved surfaces, and not closer than five (5) feet from the front property line. (Ord. 1994-4, S1.26.2, March 3, 1994)

12.05.126.030 Location of Accessory Off-Street Parking

All parking spaces provided pursuant to this section shall be on the same lot with the building, structure or use that they have intentions to serve except that the Board of Zoning Appeals, after public hearing, may permit the required number of parking spaces to be on any lot within three hundred (300) feet of the premises they are to serve provided however, the Plan Commission has reviewed the plans and made findings that:

1. The common ownership of the lot or 20-year lease;
2. The site of the parking facility is reasonably certain to continue; and
3. The off-street parking facility will be maintained at all times during the life of the proposed use or building.

Access to all parking facilities provided pursuant to this section shall be directly accessible from a street or an alley. Access alleys and drive-ways shall be sufficient width for convenient maneuvering of cars for



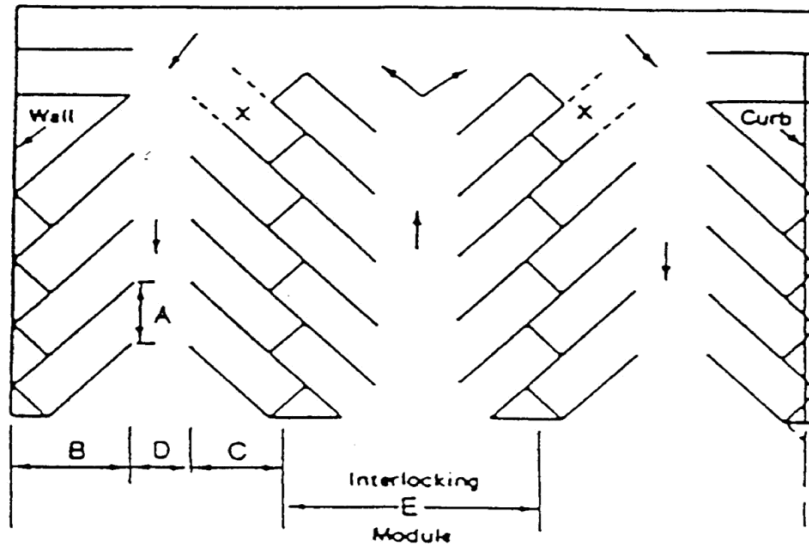
each space and shall be accessible without driving over or through any other parking space. (Ord. 1994-4, S1.26.3, March 3, 1994)

12.05.126.040 Improvements

Each parking space (except parking spaces for the physically handicapped) required by this section shall be a minimum of nine (9) feet wide and eighteen (18) feet long, exclusive of walkways and aisles. The minimum aisle width shall be twenty-four (24) feet for ninety (90) degrees angle parking. Minimum parking space requirements for less than perpendicular parking are as follows: (Ord. 1994-4, S1.26.4(1), March 3, 1994)


Table 12.05-1
MINIMUM PARKING SPACE DIMENSIONAL REQUIREMENTS

		A	B	C	D	E Modules	
Parking Angle		Space Width Parallel to Aisle	Space Depth to Wall	Space Depth to Interlock	Aisle Width	Wall to Wall	Interlock to Interlock
45°							
9.0 feet	space	12.7	17.5	15.3	12	47	33
60°							
9.0 feet	space	10.4	19	17.5	16	54	51
75°							
9.0 feet	space	9.3	19.5	18.8	23	62	61
90°							
9.0 feet	space	9	18.5	18	24	60	60

PARKING DIAGRAM


X = Space not accessible in certain layouts



All owners of off-street parking facilities intended for public use shall have a number of level parking spaces as set forth in the following table, with each space identified by an above grade sign as reserved for physically handicapped persons. Each reserved parking space shall be so designated by striping and shall be either thirteen (13) feet wide or eight (8) feet wide with a five (5) foot attached designated walkway. The five (5) foot adjacent walkway may be contiguous to, and shared by, two (2) eight (8) feet wide parking spaces. In addition to the normal handicapped parking spaces, there shall be one "van accessible" handicapped parking space per eight "normal handicapped" spaces. Such "van accessible" handicapped parking space shall be so designated by striping, and shall be eight (8) feet wide with an eight (8) foot attached designed walkway on the right side of the vehicle to be parked. Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators. (Ord. 1994-4, S1.26.4(2), March 3, 1994)

Table 12.05-2

ACCESSIBLE PARKING SPACES	
Total Parking in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 - plus 1 for each 200 over 1000

All parking areas, except accessory parking to a single-family detached dwelling, shall be improved with a compact aggregate base with surface treatment (seal-coat) or asphalt, so as to achieve an all-weather, dustless surface. (Ord. 1994-4, S1.26.4(3), March 3, 1994)



Any light used to illuminate the parking area or driveway shall be installed so as to reflect the light away from any adjoining "R" district or public roads. (Ord. 1994-4, S1.26.4(4), March 3, 1994)

12.05.126.050 Parking Requirements

The following are the minimum number of off-street parking spaces that shall be provided and satisfactorily maintained for each building, structure or use which exists or is hereinafter erected, enlarged or altered for any of the following purposes: (Ord. 1994-4, S1.26.5(1), March 3, 1994)

Table 12.05-3

Parking Requirements By Use	
Use	Number of Spaces
Residential	
Single-family detached and two-family	1 per dwelling unit
Single-family attached townhouses, multi-family, and mobile homes	2 per dwelling unit
Motel, hotel, lodging, or boarding houses, tourist home, or "bed and breakfast."	1 per sleeping room plus 2 for any resident owner, plus spaces as specified below for any retail or restaurant space in the hotel or motel.
Nursing homes, senior citizen or retirement facilities.	1 per 7 persons plus 1 per employee during largest shift
Private clubs and lodges Home occupation	1 per 5 active members 1 in addition to dwelling unit requirement
Commercial	
Retail	5 per 1,000 sq. ft. of gross floor area
Office (general, professional, medical, financial, real estate)	5 per 1,000 sq. ft. of gross floor area
Restaurants and recreational (skating rinks, bowling alleys, swimming pools, theaters, etc.).	10 per 1,000 sq. ft. of gross floor area
Industrial	
Industrial, manufacturing, warehousing, wholesaling	1 per employee during the largest shift
Institutional	
Schools (primary and secondary)	1 per classroom
Trade or business school or college	1 per 3 students plus 1 per employee
Churches, auditoriums, other places of public assembly	1 per 3 fixed seats and 1 per each 5 removable seats
Government offices and facilities	1 per employee during the largest shift
Uses Otherwise Not Listed	1 per employee during the largest shift as determined by the Plan Commission to be reasonable and comparable with other uses.



When the determination of the number of off-street parking spaces required by this section results in a requirement of a fractional space, any fraction of one half or less may be disregarded; whereas, a fraction in excess of one-half shall be counted as one parking space. (Ord. 1994-4, S1.26.5(2), March 3, 1994)

If different uses occupy the same building or structure at different times of the day or week, the required parking spaces shall be based on the use requiring the greatest number of spaces. (Ord. 1994-4, S1.26.5(3), March 3, 1994)

Collective off-street parking facilities for two (2) or more buildings, structures, or uses shall not be less than the sum of the requirements for the various individual uses computed separately as provided for in this section. (Ord. 1994-4, S1.26.5(4), March 3, 1994)

12.05.126.060 Off-Street Loading and Unloading Requirements

On the same premises with every building, structure or part thereof, hereafter erected, established, enlarged or occupied for manufacturing, storage, warehouse, goods display, retail stores, wholesales stores, market, hotel, laundry, dry cleaning, or other uses involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained space for vehicles standing, loading, and unloading as follows:

One (1) off-street loading space twelve (12) feet by fifty (50) feet and fourteen (14) feet in height for every twenty-thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of floor area for any of the above purposes provided, however, that in no case, shall the required off-street loading space be part of the area used to satisfy off-street parking requirements of this section or within the public right of way. In the B-2 district, the Plan Commission may waive the off-street loading requirements on site if the property owner demonstrates that there is a dedicated on-street loading area, or such loading requirements shall be met on an abutting property of common ownership, or that an agreement has been made with an abutting property owner to share loading space, sufficient to meet the needs of that building. (Ord. 1994-4, S1.26.6(1), March 3, 1994)

For any off-street loading area within three hundred (300) feet of an "R" district, and having an unobstructed view from the "R" district by a physical barrier, the area shall be screened by a solid wall, compact evergreen screen or uniformly painted board fence (with no openings) or combination thereof having a height not less than six (6) feet which shall be erected and maintained in the side and rear yards between the off-street loading area and "R" district. (Ord. 1994-4, S1.26.6(2), March 3, 1994)

The number of off-street loading areas shall be provide in accordance with Table 12.05-4

Table 12.05-4

Table 1-4 Minimum Off-Street Loading Spaces	
Building Gross Floor Area	Minimum Truck Loading Spaces
0 to 1,400 sq. ft.	None
1,401 to 20,000 sq. ft.	1 space
20,001 to 100,000 sq. ft.	1 space plus 1 space for each 40,000 sq. ft. in excess of 20,000 sq. ft.
100,001 to 500,000 sq. ft.	3 spaces plus one 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces plus 1 space for each 80,000 sq. ft. in excess



12.05.127 Wireless Support Structures

12.05.127.010 Generally

The purpose of this Section is intended to implement the provisions of IC 8-1-32.3, but otherwise to comply with IC 36-7-4, in regard to the Town's regulation of the placement, construction, or modification of wireless support structures.

12.05.127.020 Delegation of Authority

For purposes of IC 8-1-32.3 and Section 332(c)(7) (B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, the OBZA shall exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of improvement location permits (except for co-location) under this Section. The Administrator shall exercise the authority to review applications for completeness, within the meaning of IC 36-7-4-1109, and to issue improvement location permits under this Section.

12.05.127.030 Review of Applications

The Administrator shall promptly review for completeness every application duly filed with the Town, which requests authorization to place, construct, or modify wireless support structures. Every applicant shall be notified within ten (10) business days of the Town's receipt of an application whether its application is complete and whether a public hearing will be required regarding its request. When no public hearing is required, the Administrator shall take final action on the request within a reasonable period of time after the request is duly filed. When a public hearing is required regarding a request, the OBZA shall conduct the hearing and take final action on the request within a reasonable period of time. For purposes of this Section, any application that contains all of the following information shall be considered complete:

1. A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for such service.
2. The name, business address, and point of contact for the applicant.
3. The location of the proposed or affected wireless support structure or wireless facility.
4. A construction plan that includes evidence of conformance with all applicable improvement location permit requirements.
5. Except for an application that requests co-location only, evidence showing that the land use is permitted in the applicable zoning district or districts, or that the application complies with the applicable criteria for a variance of use under IC 36-7-4-918.4.
6. If the application requests an improvement location permit for the construction of a new wireless support structure, a construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment, along with evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that co-location of wireless facilities on an existing wireless support structure is not a viable option because co-location:
 - a. Would not result in the same wireless service functionality, coverage, and capacity;
 - b. Is technically infeasible; or
 - c. Is an economic burden to the applicant.
7. If the application requests an improvement location permit for substantial modification of a wireless support structure, a construction plan that describes the proposed modifications to the



affected wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

12.05.127.040 Failure to Notify

Any failure by the Administrator to notify an applicant within ten (10) business days whether its application is complete shall be considered a non-final zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

12.05.127.050 Deadlines for Final Action

For purposes of Subsection 12.05.127.030 above, a reasonable period of time shall be determined as follows:

1. If the request involves an application for co-location only (the use of one structure to mount or deploy mobile telecommunications antennas belonging to more than one wireless service provider within a single location), a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for co-location only is not subject to a public hearing before the OBZA. After confirming that the request involves an application for co-location only, the Administrator shall issue the applicant an improvement location permit.
2. If the request involves an application for an improvement location permit to construct a new wireless support structure or for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete, or not more than one hundred twenty (120) days in any case in which the approval of a variance of use is necessary. The OBZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the OBZA after a public hearing required in accordance with this Section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.
3. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed by Section 12.05.127.050 subsection 1 or 2 above shall be extended for a corresponding amount of time. However, any failure by the OBZA to take final action on a request within a reasonable period of time, shall be considered a non-final zoning decision within the meaning of IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

12.05.127.060 Additional Rules

Notwithstanding IC 36-7-4 or any rules adopted by the OBZA under that chapter, the following provisions apply to all applications submitted under this Section:

1. In reviewing applications and conducting hearings, the Administrator and the OBZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.



2. Neither the Administrator nor the OBZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
3. All meetings of the OBZA are subject to the Open Door Law (IC 5-14-1.5). However, neither the Administrator nor the OBZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and other applicable laws.
4. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless facilities, or for multiple small cell facilities that are located within the jurisdiction of the OBZA and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single improvement location permit for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
5. The OBZA may not impose on an applicant a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates that the engineering certification in the application is flawed. This subsection does not apply to any setback requirement prescribed by this Ordinance for the land use which is not based on the height of the wireless support structure.
6. Neither the OBZA nor the Administrator may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.
7. Neither the Administrator nor the OBZA may require an applicant to pay a fee associated with the submission, review, processing, or approval of the application unless the same or a similar fee also applies to applications for permits for similar types of commercial or industrial development within the jurisdiction of the OBZA. In addition, if a fee is imposed in connection with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator or the OBZA, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:
 - a. Travel expenses incurred by a third party in its review of an application; or
 - b. Direct payment or reimbursement of third party fees charged on a contingency basis.

12.05.127.070 Removal of Abandoned Structures

Notwithstanding IC 36-7-4 or any rules adopted by the OBZA under that chapter, if a wireless support structure is abandoned or remains unused for a period of six (6) months, the owner shall remove the structure and all associated facilities from the site. Such removal shall be completed within twelve (12) months of the cessation of operations at the site. In the event that a wireless support structure is not removed within the required twelve (12) month period, the Administrator may remove the structure and the associated facilities, and the costs of such removal shall be assessed against the owner of the parcel.

12.05.128 Solar Energy Systems

This article applies to all solar energy installations within the zoning jurisdiction of the Town of Orleans.



12.05.128.010 Purpose

The intent of this section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards.

12.05.128.020 General Standards

All solar energy systems shall comply with the following standards.

1. Interconnection agreement - All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.
2. UL listing – Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
3. Electric code – All solar installations must comply with the Indiana and National Electric Code.
4. Building code – All rooftop solar systems shall comply with the Indiana Building Code.
5. Plumbing Code – Solar thermal hot water systems shall comply with applicable Indiana State Plumbing Code requirements.
6. Reflectors – All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
7. Height limit – Building or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
8. Visibility, commercial installations – Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.

12.05.128.030 Standards for Specific Solar Uses

The following standards apply to specific types of solar uses:

1. Rooftop solar energy systems – accessory to the primary land use, designed to supply energy for the primary use.
 - a. These systems are permitted accessory uses in all districts in which buildings are permitted.
 - b. No land use permit is required.
2. Ground-mount solar energy systems – accessory to the primary land use, designed to supply energy for the primary use.
 - a. Ground-mount systems are permitted accessory uses in all districts where buildings are permitted.



- b. Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which it is located, including setback, height, and coverage limits.
 - c. The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.
- 3. Community solar energy systems – Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid.
 - a. Rooftop community systems are permitted in all districts where buildings are permitted.
 - b. Ground-mount community solar energy systems are conditional uses in all districts.
 - c. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - d. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - e. Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
- 4. Solar farms – Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market.
 - a. Special Exception Permit – Solar farms require a special exception permit.
 - b. Stormwater and NPDES – Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
 - c. Foundations – A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 - d. Other standards and codes – All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.
 - e. Power and communication lines – Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Town in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
 - f. Site Plan Required – A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Town. The site plan should also show all zoning districts, and overlay districts.
 - g. Aviation Protection – For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and



final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

- h. Agricultural Protection – Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- i. Decommissioning – A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Town may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

12.05.128.040 Non-Conforming Accessory Installations

The Town encourages the installation of productive solar energy systems and recognizes that dimensional standards, height standards, and other standards to retain desired character and aesthetic must be balanced with the reasonable desire of building owners to harvest their renewable energy resources. Where the standards in Section 12.05.128.020 subsection 7 or 8, cannot be met without diminishing the minimum reasonable performance of the solar energy system as defined in Section 12.05.128.040 subsection 1, a non-conforming installation can be, if the Town so chooses, permitted under a special exception permit.

- 1. Minimum Performance Design Standards – The following design thresholds are necessary for efficient operation of a solar energy system:
 - a. Fixed-Mount Solar Energy Systems – Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
 - b. Solar Electric (photovoltaic) Systems – Solar collectors must have a pitch of between 20 and 65 degrees.
 - c. Solar Hot Water Systems – Solar collectors must have a pitch between 40 and 60 degrees.
 - d. System Location – The system is located where the lot or building has a solar resource, as defined in this ordinance.
- 2. Standards for granting a special exception permit (SEP) – A SEP shall be granted by the zoning official if the applicant meets the following safety, performance and aesthetic conditions:
 - a. Aesthetic Conditions – The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways to the maximum extent possible while still allowing the system to achieve efficient performance.
 - b. Safety Conditions – All applicable health and safety standards are met.
 - c. Non-Tracking Ground-Mounted Systems – Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by three feet.

12.05.129 Home Occupations

12.05.129.010 Permit

Application for a home occupation permit shall be made to the Zoning Administrator, together with payment of a fee as established by the Orleans Town Council.



The requirement for a permit shall be waived if all of the following conditions apply to the home occupation:

1. The proposed home occupation will not employ any persons other than residents of the dwelling;
2. The home occupation is such that it will not generate customers, clients or visitors to the home;
3. There will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

12.05.129.020 Standards

The following standards shall be met for all home occupations:

1. The use shall be conducted entirely within the dwelling; provided, a garage or accessory building may be used for a limited amount of storage of items associated with the home occupation, such as product samples for a sales person.
2. The use shall be carried on only by the residents of the dwelling and not more than one other person.
3. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not occupy more than 20 percent of the usable floor area of the principal dwelling and not more than 50 percent any one floor.
4. The appearance of the dwelling shall not be altered in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.
5. No outdoor storage, activities or displays shall be permitted, except a wall sign, not exceeding one square foot and not illuminated, may be mounted on the front of the principal dwelling.
6. No combustible, toxic or hazardous materials may be used or stored on the premises in the conduct of the home occupation.
7. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.
8. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a Residential District. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e., pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.
9. Parking of motor vehicles shall be not inhibit traffic flow on any adjacent streets. Parking generated by the conduct of the home occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in the Ordinance. Parking of motor vehicles generated by the home occupation is not allowed on the street or on any unpaved area of the lot.
10. Retail sales shall not be permitted, unless approved by the OBZA.
11. Operating hours for the home occupation are required to be approved by the OBZA and the home occupation may only be open to customers or clients within those hours.



12.05.129.030 Other Provisions

1. The Zoning Administrator may impose reasonable conditions to ensure compliance with the standards of this subsection and protect surrounding properties from potential nuisance effects associated with the home occupation.
2. A permit for a home occupation shall not be transferrable to another location or any person other than the original applicant.
3. The home occupation shall be subject to periodic inspection following reasonable notice to the permittee prior to the requested inspection time.

12.05.129.040 Uses

Certain uses by their very nature of investment or operation have a pronounced tendency, once commenced, to expand beyond the scope of activity permitted for home occupation uses, and thereby impair the integrity of the residential district in which they are located. For this reason, the following uses, regardless of their possible compliance with the standards set for accessory use or home occupations are strictly prohibited:

1. Animal hospitals, kennels, or exotic bird or wildlife retailing;
2. Clubs, including fraternities and sororities;
3. Funeral parlors;
4. Firearm and ammunition sales;
5. Medical or dental clinics;
6. Nursing homes;
7. Restaurants;
8. Vehicle or machine repair;
9. Welding or machine shops; and
10. Other similar uses as interpreted by the Administrator.

12.05.129.050 Noncompliance

In the event any conditions of this subsection are not met, the Zoning Administrator shall provide written notice of noncompliance and set forth a time limit for compliance or correction. If corrective action is not taken within the specified time period, the home occupation permit shall be revoked and the occupation shall cease.

12.05.130 Infill Development

12.05.130.010 Permit

Application for an infill development permit shall be made to the Zoning Administrator, together with payment of a fee as established by the Orleans Town Council.

12.05.130.020 Purpose

The purpose of infill development is to provide for complete neighborhoods, town centers, main streets, employment centers, etc. with efficient land use and cost effective delivery of urban services. The provisions of this section of the document define the uses of land and the siting and character of the improvements allowed on the land in a manner that is appropriate with the established development patterns in the surrounding area.



12.05.130.030 Applicability

The provisions of this section apply to all lands with existing residential or commercial development within the Town of Orleans. All new buildings and all additions, alterations, or repairs to existing buildings that desire to utilize development standards that ensure similarity to the surrounding development patterns may apply for an infill development permit.

12.05.130.040 Permit Application

1. Each application for an infill development permit shall be accompanied by a detailed site plan, schematic building elevations, context photos of the site and adjacent properties, and other supporting information indicating the following:
 - a. Locations, uses, heights and floor areas of all buildings;
 - b. Physical relationships to surrounding development;
 - c. Location, amount, character and continuity of open space;
 - d. Protection of desirable views;
 - e. Pedestrian and vehicular access and circulation;
 - f. Landscape plans;
 - g. Location and dimensions of off-street parking and loading;
 - h. Location and dimensions of on-site signage; and
 - i. Such other matters as are necessary for plan evaluation with respect to criteria set forth in subsection 2 of this section, below.
2. In reviewing and making recommendations concerning infill development requests, the Zoning Administrator shall consider the following criteria:
 - a. Use characteristics of the development, including provision for ground-floor active uses and continuity along street fronts;
 - b. Preservation of historic buildings and significant features of existing buildings when such buildings are to be renovated;
 - c. Vehicular and pedestrian access to the site and circulation within the site;
 - d. Location and adequacy of off-street parking and loading, including the desirability of bicycle parking;
 - e. Traffic generation characteristics of the proposed development in relation to street capacity;
 - f. Location, design, landscaping, and other significant characteristics of open space within the development, and its relation to nearby public and private open spaces; and
 - g. Architectural relationships to surrounding buildings, including building siting, massing, and materials.



12.05.131 Zoning Districts

The Town is hereby classified and divided into ten (10) districts designated as follows:

Table 12.05-5

ZONING DISTRICTS	
SYMBOL	DISTRICT NAME
i. Agricultural Districts	
A-1	General Agriculture
A-2	Intensive Agriculture
II. Residential Districts	
RR	Rural Residential
R-1	Single-Family Detached Residences
R-2	Single, Two and Multi-Family Residences
MHP	Mobile Home Park
III. Commercial Districts	
B-1	Local Business
B-2	Central Business
B-3	General Business
IV. Industrial Districts	
I-1	Light Industry
I-2	Heavy Industry
V. Special Districts	
OPS	Open Public Space

12.05.131.010 Use Table

1. Use Designation – In the Use Table, specific uses located in the left column are designated as either permitted uses ("P") or Special Exception Uses ("S"). If there is no designation, that use is not permitted within that district.
2. Approval Process for Uses – The Subdivision or Development Plan procedure is required for approval for all uses except for those specifically labeled as such.

12.05.131.020 Explanation of Use Classifications

1. Permitted Uses – Permitted uses are those uses allowed by right.
2. Principal Use – A Principal Use is defined as the primary use to which a property is devoted and as the main purpose for which the property exists. A principal use may be authorized as either a Permitted use or a Special Exception Use.
3. Special Exception Uses – Special Exception Uses are those uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require additional review in order to determine compliance with Town standards and to determine their suitability in a given location. In order to achieve balance between the public benefit and the local impact,



Special Exception Uses are only permitted following a public hearing and approval by the OBZA, as per IC 36-7-4-918.2.

4. Unlisted or Questionable Land Uses – Any use not listed as a Permitted Use or Special Exception Use within the Use Table, is considered to be not permitted within the applicable district. The Administrator may determine where an unlisted use falls within the Use Table if it is not specifically listed but is similar to another use that is. This determination may be appealed to the OBZA

Table 12.05-6

SUMMARY OF DIMENSIONAL REQUIREMENTS - LOT STANDARDS MATRIX												
Zoning	Minimum	Minimum Lot	Maximum	Maximum	Minimum	Minimum	Front Yard	Side Yard	Rear Yard	Floor Area	Maximum	Minimum
District	Lot Area	Area Per	Height	Height	Lot Width	Lot Depth	Minimum	Minimum	Minimum	Ratio	Lot Coverage	Ground Floor
		Dwelling Unit	Primary	Accessory								Living Area
Agriculture												
AG 1	2 AC	5,000 SF	40 FT	40 FT	180 FT	50 FT	100 FT	50 FT	50 FT	NA	30%	1,200 SF
AG 2	40 AC	5,000 SF	40 FT	40 FT	660 FT	50 FT	100 FT	100 FT	100 FT	NA	30%	1,200 SF
Residential												
Rural Residential	2 AC	2 AC	40 FT	40 FT	200 FT	40 FT	100 FT	25 FT	35 FT		35%	1,200 SF
R-1 Single Family Detached	12,800 SF	12,800 SF	25 FT	20 FT	80 FT	120 FT	30 FT	10 FT	20 FT	Note A	35%	1,200 SF
R-1 Non-Residential	12,800 SF		25 FT	20 FT	80 FT	120 FT	30 FT	20 FT	20 FT		35%	1,200 SF
R-2 Single Family Detached	12,800 SF	12,800 SF	35 FT	20 FT	80 FT	120 FT	25 FT	10 FT	20 FT	Note A	35%	1,200 SF
R-2 Duplex	12,800 SF	6,000 SF	35 FT	20 FT	80 FT	120 FT	25 FT	20 FT	20 FT	Note A	35%	
R-2 Multi-Family	12,800 SF	3,630 SF	35 FT	20 FT	80 FT	120 FT	25 FT	20 FT	20 FT	Note A	35%	
R-2 Non-Residential	12,800 SF	NA	35 FT	20 FT	80 FT	120 FT	25 FT	20 FT	20 FT	0.5%	35.0%	
MHP Park	2 AC		35 FT	20 FT	40 SF	NA	50 FT	50 FT	50 FT		35.0%	720 SF
MHP Site	5,000 SF	4,000 SF	35 FT	20 FT	40 SF	NA	10 FT	10 FT	15 FT		30.0%	720 SF
Commercial												
B-1	10,000 SF		35 FT	22 FT		50 FT	15 FT	5 FT	20 FT	0.5	50%	
B-2	NA		35 FT	22 FT		NA	NA	NA	20 FT	NA	90%	
B-3	10,000 SF		35 FT	22 FT		100 FT	25 FT	20 FT	25 FT	0.5	50%	
Industrial												
I-1	1 AC		50 FT	50 FT	150 ft		50 FT	25 FT	25 FT	1	50%	NA
I-2	5 AC		50 FT	50 FT	200 ft		50 FT	25 FT	50 FT	1	50%	NA
Open Public Space												
	1 AC	NA	NA	NA	NA	NA	25 FT	25 FT	25 FT	NA	NA	NA
Note												
A) Minimal Floor Area												
Single Family detached dwelling		1,000 SF										
Single Family attached dwelling		750 SF										
Multi-Family - One Bedroom		600 SF										
Multi-Family - Two Bedrooms		750 SF										
Multi-Family - Three or More Bedrooms		900 SF										

12.05.132 Zoning Map

The zoning map shows the boundaries of and the area covered by the zoning districts. Notations, reference, indications, and other matters. The official zoning map shall be maintained and kept on file by the Zoning Administrator. The Town Council may, at its discretion or upon formal application, amend the zoning map, in accordance with the amendment procedures.

12.05.133 Annexed or Vacated Area

Whenever all or part of a street, alley or other public way is vacated by governmental action, it shall automatically become a part of the zoning district to which it attaches. If a vacated area is bordered by two different districts on opposite sides of the vacated area, the zoning line on either side shall extend to the centerline or half-way point of the vacated street, alley or public way.



If it is determined by the Orleans Town Board that the County or territory hereinafter annexed to the Town of Orleans meets the objectives of the Comprehensive Plan and reasonably meets the purposes of this Ordinance, taking into consideration the condition, character of current structures, uses in the district(s), as well as the most desirable use for which the land is adaptable, conservation of property values, throughout the Town, and creates responsible development and growth, the annexed area will be zoned, as an appropriate zoning district, by the Orleans Town Board, with a recommendation from the Orleans Plan Commission, as provided for the amendment of the Zoning Map in accordance to IC 36-7-4-601, 603, 604, 605, 608, and 610. (Ord. 1994-4, S1.29, March 3, 1994)



12.05.200 DISTRICT REQUIREMENTS AND USES

12.05.200.010 Establishment of Districts

For zoning purposes, the territory within the planning and zoning jurisdiction of the Town is hereby divided into the following classes of districts, which either exist or are being established within this jurisdiction. Each of the districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and standards that are expressly indicated and noted for each district apply to that district. These districts, including Planned Unit Development, are graphically represented on the Official Zoning Map, which is hereby declared to be a part of this chapter.

12.05.200.020 Base Districts

A1 – Agricultural General

A2 – Agricultural Intensive

RR – Rural Residential

R1 – Single-Family Detached Residences

R2 – Single, Two and Multi-Family Residences

MH – Manufactured Home Park

B1 – Local Business

B2 – Central Business

B3 – General Business

I1 – Light Industrial

I2 – Heavy Industrial

OPS – Open Public Space

12.05.200.030 Planned Unit Development (PUD) District Established

The PUD District is hereby established. This Ordinance allows for any real property to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of Chapter 5 Planned Unit Development.

12.05.200.040 Overlay Districts Established

The following overlay district is being established in order to provide additional enhancements to prominent corridors or areas of unique character:

OHD - Orleans Historic District

12.05.200.050 Subdivision of Land

The subdivision of land in every district shall be consistent with the provisions and requirements of Chapter 9 Subdivisions of this Ordinance.



12.05.201 General Agriculture (A-1)

12.05.201.010 Purpose and Intent

This district is intended to help minimize conversion of farmland to non-farm use and to protect agricultural areas from urban encroachment and reduce conflict over competing land uses. Urban growth will be regulated to occur where it can be safely located and economically served by public facilities, such as roads, water, schools, police and fire protection, etc., through the rezoning process. Subdivisions (except for bona fide agricultural purposes) are prohibited in the A-1 district. (Ord. 1994-4, S2.1.1, March 3, 1994)

12.05.201.020 Use Regulations

12.05.201.021 *Uses Permitted by Right*

See Town of Orleans Use Table

12.05.201.022 *Special Exception Uses*

See Town of Orleans Use Table

12.05.201.023 A-1 District Standards

1. Minimum Lot Area (square feet per unit) – no minimum
2. Minimum Lot Width (measured at lot line) – 180 FT
3. Minimum Front Setback (measured from right-of-way) – 100 FT
4. Minimum Side Setback – 50 FT
5. Minimum Rear Setback – 50 FT
6. Maximum Height – Principal Structure 40 FT
7. Maximum Height – Accessory Structure 40 FT
8. Maximum Lot Coverage (for all impervious surfaces) – no minimum
9. Minimum Total Living Area (per unit) – 1,200 SF

*All structures that are used in agricultural product storage and/ or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.

12.05.201.030 Area

There is no minimum lot area. (Ord. 1994-4, S2.1.3, March 3, 1994)

12.05.201.040 Yards

No structure shall be located within fifty (50) feet of a property line. (Ord. 1994-4, S2.1.4, March 3, 1994)

12.05.201.050 Height

There is no height limitation. (Ord. 1994-4, S2.1.5, March 3, 1994)

12.05.201.060 Minimum Floor Area

There is no limitation for minimum floor area. (Ord. 1994-4, S2.1.6, March 3, 1994)

12.05.201.070 Maximum Lot Coverage

There is no limitation for maximum lot coverage. (Ord. 1994-4, S2.1.7, March 3, 1994)

12.05.201.080 Off-Street Parking and Loading Requirements

There are no requirements for off-street parking and loading. (Ord. 1994-4, S2.1.8, March 3, 1994)



12.05.201.090 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.201.100 Landscaping Requirements

There are no landscaping requirements. (Ord. 1994-4, S2.1.10, March 3, 1994)

12.05.202 Agriculture Intensive (A-2)

12.05.202.010 Purpose and Intent

The “A-2”, (Agricultural Intensive) district is intended to provide locations for intensive agricultural operations and related land uses. The intent of this district is to provide orderly and responsible growth of large scale agricultural operations (including confined animal feeding operations).

12.05.202.020 Use Regulations

12.05.202.021 Permitted by Right

See Town of Orleans Use Table

Single-family Dwellings - One (1) single-family dwelling is permitted per every ten acres of land in an A District, but only if deed restrictions are placed on the land prohibiting the higher density development if the land is sold as one or more parcels. (Ord. 1994-4, S2.1.2.1, March 3, 1994)

12.05.202.022 Special Exceptions

See Town of Orleans Use Table

The following uses are permitted subject to conditions set forth in Section 12.05.305 and the granting of a “special exception” permit by the Board of Zoning Appeals after a public hearing:

1. Feedlot/Confined Feeding;
2. Fire and Police Stations;
3. Municipal Buildings (Garage/Repair Storage);
4. Religious Organizations;
5. Rod and Gun Club, Skeet Range;
6. Airports and Heliports;
7. Civic and Community Clubs;
8. Communication, Transmission Substations;
9. Railroad Yards;
10. Seasonal Fishing and/or Hunting; and
11. Schools.

(Ord. 1994-4, S2.1.2.2, March 3, 1994)

12.05.202.023 A-2 District Standards

1. Minimum Lot Area (square feet per unit) – 40 acres
2. Minimum Lot Width (measured at lot line) – 660 FT
3. Minimum Front Setback (measured from right-of-way) – 100 FT
4. Minimum Side Setback – 100 FT
5. Minimum Rear Setback – 100 FT
6. Maximum Height – Principal Structure 40 FT



7. Maximum Height – Accessory Structure 40 FT
8. Maximum Lot Coverage (for all impervious surfaces) – 25%
9. Minimum Total Living Area per unit – 1,200 SF

*All structures that are used in agricultural product storage and/ or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.

12.05.202.024 Confined Feeding Operations

Minimum Setbacks from existing structures or other property boundary for a Confined Feeding Operation (CFO) found at 327 AIC16-2-5 and Concentrated Animal Feeding Operation (CAFO) found at 327 IC 5-4-3 are subject to the following minimum setback requirements from existing structures or other property boundaries:

1. From an existing dwelling in an A-1 district – 660 FT
2. From an existing dwelling or structure in an adjacent district – 1,320 FT
3. From the Town of Orleans' corporate boundary – 5,280 FT

*Minimum setbacks are intended to reference the outer perimeter of each structure of a feeding facility of a confined feeding operation, including new open pits, lagoons or manure slurry holding tanks, pens or lots, and associated features.

Following are additional requirements for or a Confined Feeding Operation (CFO) found at 327 AIC16-2-5 and Concentrated Animal Feeding Operation (CAFO) found at 327 IC 5-4-3:

1. The Board of Zoning Appeals shall issue a contingent use permit for feedlots and confined feeding areas in the A-2 District after first holding a public hearing to determine the compatibility with the surrounding development and conformities.
2. Each site must be proposed in accordance with the Comprehensive Plan of Orleans.
3. Any Confined Feeding Operation (CFO) and/or Concentrated Feeding Operation (CAFO) locating within the Town of Orleans' jurisdiction must first obtain and present all required state permits to the Orleans Clerk-Treasurer.
4. All confined feeding/feed lots shall meet all applicable regulations of the Indiana Department of Environmental Management.
5. No storm water runoff from any feedlot/confined feeding site shall flow into streams, ditches, pipes, or sinkholes, leading toward the Town's municipal boundaries.
6. All Confined Feeding Operations and Concentrated Feeding Operations shall be visually screened from any public right-of-way and adjacent properties not within the Agricultural -Intensive (A-2) District.

12.05.203 Rural Residential (RR)

12.05.203.010 Purpose and Intent

The "RR", (Rural Residential) district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to promote and maintain agricultural operations, while also allowing increased development in areas adjacent to developed infrastructure. This district should be used to provide unique rural housing options.



12.05.203.020 Use Regulations

12.05.203.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.203.022 Special Exceptions

See Town of Orleans Use Table

The following uses are permitted subject to conditions set forth in Section 12.05.305 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing.

12.05.203.023 RR District Standards

1. Minimum Lot Area (square feet per unit) – 2 Acres
2. Minimum Lot Width (measured at setback line) – 200 FT
3. Minimum Front Setback (measured from right-of-way) – 100 FT
4. Minimum Side Setback – 25 FT
5. Minimum Rear Setback – 35 FT
6. Maximum Height – Principal Structure 40 FT
7. Maximum Height – Accessory Structure 40 FT
8. Maximum Lot Coverage (Structures and Buildings) – 35%
9. Minimum Total Living Area (Ground Floor) per unit – 1,200 SF

12.05.204 Single Family Residences (R-1)

12.05.204.010 Purpose and Intent

This district is intended for single-family dwellings and limited public or quasi-public uses by "contingent use" or "special exception" permit.

12.05.204.020 Use Regulations

12.05.204.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.204.022 Special Exceptions

See Town of Orleans Use Table

One (1) well-maintained mobile home located on the property for exclusive use by an individual providing and/or realizing benefit, care or assistance to/from the property owner. When the mobile home is no longer used for this purpose, it must be removed from the property within ninety (90) days.

12.05.204.023 R-1 District Standards

1. Minimum Lot Area - Residential (square feet per unit) – 12,800 SF
2. Minimum Lot Area - Non-Residential (square feet per unit) – 12,800 SF
3. Minimum Lot Width - Residential (measured at setback line) – 80 FT
4. Minimum Lot Width - Non-Residential (measured at setback line) – 80 FT
5. Minimum Lot Depth - Residential (measured at setback line) – 120 FT
6. Minimum Lot Depth - Non-Residential (measured at setback line) – 200 FT
7. Minimum Front Setback (measured from right-of-way) – 30 FT
8. Minimum Side Setback – 10 FT
9. Minimum Rear Setback – 20 FT



10. Minimum Front Setback - Non-Residential (measured from right-of-way) – 30 FT
11. Minimum Side Setback - Non-Residential – 20 FT
12. Minimum Rear Setback - Non-Residential – 20 FT
13. Maximum Height Primary – 25 FT
14. Maximum Height Accessory – 20 FT
15. Maximum Lot Coverage Non-Residential (Structures and Buildings) – 35%
16. Floor Area Ratio Non-Residential – 0.5
17. Minimum Total Living Area (Ground Floor) per unit – 1,200 SF

12.05.204.030 Area

Every lot upon which a structure is hereafter erected shall front onto a dedicated street or public right-of-way and shall conform to the following minimum lot area and width requirements.

12.05.204.031 Residential Use

The lot area for residential uses shall be a minimum of twelve thousand eight hundred (12,800) square feet with a minimum width of eighty (80) feet and a minimum depth of one-hundred twenty feet; and there shall not be less than 12,800 square feet of lot area per dwelling unit (i.e., a maximum density of 3.40 dwelling units per acre of lot area). (Ord. 1994-4, S2.2.3(1), March 3, 1994)

12.05.204.032 Non-Residential Use

The lot area shall be a minimum of twelve thousand eight hundred (12,800) square feet per dwelling unit with a minimum width of eighty (80) feet. The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5. (Ord. 1994-4, S2.2.3(2), March 3, 1994)

Where a lot has less width or area than herein required and was a lot of record (or contract sales) prior to the effective date of this Ordinance, such lot may be occupied by one dwelling unit that is a "use permitted by right" (Section 12.05.202.021) in the R-1 District. The aggregate width of side yards may be reduced to twenty percent (20%) of the width of the lot, but not less than five (5) feet on each side. (Ord. 1994-4, S2.2.3(3), March 3, 1994)

12.05.204.040 Yards Setbacks

12.05.204.041 Front Yard or Street Side Yard

Every lot shall have a front yard facing a public access roadway not less than thirty (30) feet deep. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street. In accordance with section 12.05.126.020, parking spaces are prohibited in the required front yard. (Ord. 1994-4, S2.2.4(1)(a), March 3, 1994)

12.05.204.042 Side Yard

Every lot used for a single-family dwelling shall have a side yard on each side, each of which shall be at least five (5) feet wide. In the case of a corner lot, the front yard set back shall be observed for any side yard facing a street. (Ord. 1994-4, S2.2.4(2)(a), March 3, 1994)

Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width. A minimum width of ten (10) feet of landscape buffer shall be required adjacent to any residential use or district, and no parking shall be permitted in the landscape buffer area. (Ord. 1994-4, S2.2.4(2)(b), March 3, 1994)



[12.05.204.043 Rear Yard](#)

Every lot shall have a rear yard of not less than twenty (20) feet in depth. A minimum width of ten (10) feet of landscape buffer shall be required for a non-residential use adjacent to any residential use or district, and no parking shall be permitted in the landscape-buffer area. (Ord. 1994-4, S2.2.4(3)(a), March 3, 1994)

[12.05.204.050 Height](#)

No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet. (Ord. 1994-4, S2.2.5, March 3, 1994)

[12.05.204.060 Minimum Floor Area](#)

A one-family dwelling shall have a minimum floor area of one thousand (1,000) square feet. (Ord. 1994-4, S2.2.6, March 3, 1994)

[12.05.204.070 Maximum Lot Coverage](#)

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty-five (35) percent. (Ord. 1994-4, S2.2.7, March 3, 1994)

[12.05.204.080 Off-Street Parking and Loading Requirements](#)

Refer to Section 12.05.126. (Ord. 1994-4, S2.2.8, March 3, 1994)

[12.05.204.090 Sign Requirements](#)

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

[12.05.204.100 Landscaping Requirements](#)

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

[12.05.205 Single, Two-Family, and Multi-Family Residences \(R-2\)](#)

[12.05.205.010 Purpose and Intent](#)

This district is intended for single-family, two-family, and multi-family uses by right, and for limited public and quasi-public uses by "contingent use" or "special exception" permit. (Ord. 1994-4, S2.3.1, March 3, 1994)

[12.05.205.020 Use Regulations](#)

[12.05.205.021 Uses Permitted by Right](#)

See Town of Orleans Use Table

[12.05.205.022 Special Exceptions](#)

See Town of Orleans Use Table

One (1) well-maintained mobile home located on the property for exclusive use by an individual providing and/or realizing benefit, care or assistance to/from the property owner the property owner's elderly blood relative(s). When the mobile home is no longer used for this purpose, it must be removed from the property within ninety (90) days.

[12.05.205.030 Area](#)

Every lot upon which a structure is hereafter erected shall front onto a dedicated street or public right-of-way and shall conform to the following minimum lot area width requirements.



12.05.205.031 Residential Use

The lot area for single-family detached-dwelling uses shall be a minimum of twelve thousand eight hundred (12,800) square feet with a minimum width of eighty (80) feet and a minimum depth of one-hundred twenty (120) feet; and there shall not be less than twelve thousand eight hundred (12,800) square feet of lot area per dwelling unit (i.e., a maximum density of 3.40 dwelling units per acre of lot area).

The lot area for single-family attached-dwelling uses (townhouses) and two family dwelling units (duplexes) shall be a minimum of twelve thousand eight (12,800) square feet with a minimum width of eighty (80) feet and a minimum depth of one-hundred twenty (120) feet; and there shall not be less than six thousand (6,000) square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).

The lot area for multi-family attached dwelling uses (i.e. apartment building or complex) shall be a minimum of twelve thousand eight hundred (12,800) square feet with a minimum width of eighty (80) feet and a minimum depth of one-hundred twenty (120) feet; and there shall be not less than 3,630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area). (Ord. 1994-4, S2.3.3.(1), March 3, 1994)

12.05.205.032 Non-Residential Use

The lot area shall be a minimum of twelve thousand eight hundred (12,800) square feet with a minimum width of eighty (80) feet and a minimum depth of one-hundred twenty (120) feet. The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5. (Ord. 1994-4, S2.3.3(2), March 3, 1994)

Where a lot has less width or area than herein required, and was a lot of record (or contract sales) prior to the effective date of this Ordinance, such lot may be occupied by one dwelling unit that is a "use permitted by right" (Section 12.05.203.021(1)) in this District. [The lot area and width exception of this subsection does not apply to new or converted structures for two-family dwellings (duplexes), single-family attached dwellings (townhouses) or multi-family dwellings]. The aggregate width of side yards may be reduced to ten percent (10%) of the width of the lot, but not less than five (5) feet on each side. (Ord. 1994-4, S2.3.3(3), March 3, 1994)

12.05.205.040 Yards

12.05.205.041 Front Yard and Street Side Yard

Every lot shall have a front yard not less than twenty-five (25) feet deep. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street. In accordance with section 12.05.126.020, parking spaces are prohibited in the required front yard. (Ord. 1994-4, S2.3.4(1), March 3, 1994)

12.05.205.042 Side Yard

Every lot used for a residential use shall have a side yard on each side, each of which shall be at least five (5) feet. In the case of a corner lot, the front yard setback shall be observed for any side yard facing a street. In the case of single-family attached dwellings (townhouses), the end dwelling unit shall observe only one side yard. (Ord. 1994-4, S2.3.4(2), March 3, 1994)



Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width. A minimum width of ten (10) feet of landscape buffer shall be required adjacent to any residential use or district, and no parking shall be permitted in the landscape buffer area. (Ord. 1994-4, S2.3.4(2)(b), March 3, 1994)

[12.05.205.043 Rear Yard](#)

Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater. A minimum width of ten (10) feet of landscape buffer shall be required for a non-residential use adjacent to a residential use or district, and no parking shall be permitted in the landscape buffer area. (Ord. 1994-4, S2.3.4(3)(a), March 3, 1994)

[12.05.205.050 Height](#)

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet. (Ord. 1994-4, S2.3.5, March 3, 1994)

[12.05.205.060 Minimum Floor Area](#)

The minimum floor area for a single-family detached unit is one thousand (1,000) square feet. The minimum floor area for a single-family attached (duplex, row house or townhouse) dwelling unit shall be seven hundred fifty (750) square feet. This does not include a garage or a carport. The minimum floor area for a multi-family dwelling unit shall be as follows:

1. One-bedroom – 600 sq. ft.
2. Two-bedroom – 750 sq. ft.
3. Three or more bedrooms – 900 sq. ft.

[12.05.205.070 Maximum Lot Coverage](#)

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty-five (35) percent. (Ord. 1994-4, S2.3.7, March 3, 1994)

[12.05.205.080 Off-Street Parking and Loading Requirements](#)

Refer to Section 12.05.126. (Ord. 1994-4, S2.3.8, March 3, 1994)

[12.05.205.090 Landscaping Requirements](#)

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

[12.05.205.100 Sign Requirements](#)

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

[12.05.205.110 Minimum Usable Open Space Requirement](#)

The minimum usable open space shall be six hundred (600) square feet per dwelling unit. (Ord. 1994-4, S2.3.11, March 5, 1994)

[12.05.206 Mobile Home Parks District \(MHP\)](#)

[12.05.206.010 Purpose and Intent](#)

This district is intended for commercial development leasing and location of mobile home parks and the regulations and control of mobile homes within the park sites. It is further intended that mobile home parks be well designed and adhere to high standards of development to insure compatibility with



surrounding areas and safety of occupants of mobile homes, in accordance with provisions of IC 36-7-4-1106. (Ord. 1994-4, S2.4.1, March 3, 1994)

12.05.206.020 Purpose of Standards

The purpose of these standards is to regulate the establishment and operation of mobile home parks in order to provide occupants of mobile homes with a suitable living environment. These standards are based upon the premises that the use of mobile homes, buildings, structures, and improvements are necessary to occupants of a mobile home park. It is also the purpose of these standards to encourage the development and landscaping of mobile home parks so as to provide a park-like setting for the mobile home occupants and a harmonious relationship with adjacent land uses. (Ord. 1994-4, S2.4.2, March 3, 1994)

12.05.206.030 Use Regulations

12.05.206.031 Uses Permitted by Right

See Town of Orleans Use Table

1. No building or structure, or part thereof, shall be erected, altered, or used, or land used, in whole or in part, for other than one or more of the following specified permitted uses.
2. One family mobile home unit, per site, for a residential purpose only.
3. Mobile homes shall not be more than one floor tall.
4. Indoor or outdoor recreation areas not less than ten percent (10%) of the gross site area.
5. Commercial use supplying essential goods or services for the exclusive use of park occupants, subject to the following restrictions:
 - a. Such establishment and the parking area primarily related to the operation shall not occupy more than ten percent (10%) of the total area of the park;
 - b. Shall be subordinate to the residential use and character of the park;
 - c. Shall be located and designed and intended to serve frequent trade or service needs for persons residing in the park; and
 - d. Shall present no visible evidence of their commercial nature to areas outside the park.
6. Uses accessory to the above which, in the judgment of the Commission are similar to, and not more objectionable to the general welfare than the uses listed. (Ord. 1994-4, S2.4.3.1, March 3, 1994)

12.05.206.032 Special Exceptions

See Town of Orleans Use Table

12.05.206.040 Limitation of Uses

The area planned for a mobile home park shall be a minimum of two (2) gross acres. Such acres may be developed in two (2) or more stages, provided that said stages conform in all respects with the overall mobile home park design and are developed within the prescribed period of time. No mobile home site shall be leased in any mobile home park for a term of less than thirty (30) days. (Ord. 1994-4, S2.4.4, March 3, 1994)

12.05.206.050 Approval of Mobile Home Park

No mobile home shall be located, or site prepared, nor shall any permission for use be issued thereof, unless and until the necessary mobile home park plans are officially approved by the Plan Commission. All



mobile homes shall be located and maintained in full conformity with the mobile home site plan as approved for in each MHP district. In addition to compliance with the requirements set forth herein, and in conformity with all applicable ordinances and law of the state of Indiana, each mobile home park shall also meet the requirements provided by the provisions of IC 36-7-4-1106 and amendments hereto. (Ord. 1994-4, S2.4.5, March 3, 1994)

12.05.206.060 Preliminary Site Plan

A person desiring the approval of a mobile home park shall submit to the Commission a preliminary site plan. The preliminary site plan shall be drawn on a scale of not less than one hundred (100) feet to one (1) inch on a sheet twenty-four (24) by thirty-six (36) inches, except that when the drawings of the scale require more than two (2) sheets, plans may be drawn on a scale of two hundred (200) feet to one inch and should contain the following information:

1. Description:
 - a. Proposed name of mobile home park;
 - b. Legal description showing location of the park;
 - c. Name and address of property owners; and
 - d. Graphic scale, north point and date. (Ord. 1994-4, S2.4.6(1), March 3, 1994)
2. Existing Conditions:
 - a. Boundary lines of proposed park indicated by solid heavy line;
 - b. Location, width, and name of all existing streets or other public ways, railroads and utility right-of-ways, permanent buildings or structures, sections in municipal corporate lines within or adjacent to the tract;
 - c. Location of existing sewers, waterlines, culverts, or other underground facilities, indicating pipe sizes and grades within and adjoining the proposed park;
 - d. Boundary lines of adjacent land showing adjoining streets, easement, and owner's name;
 - e. Existing and proposed topography, contour intervals not to exceed five (5) feet, except where such interval is impractical; and
 - f. In the case of a revised site plan, all description of the original site lines being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plan, the new site plan being clearly shown in solid lines so as to avoid ambiguity and confusion. (Ord. 1994-4, S2.4.6(2), March 3, 1994)
3. Proposed Conditions:
 - a. Layout of streets, their names and width and also the width of alleys, walkways and easements;
 - b. The names of the streets shall conform as far as practicable to names of corresponding streets existing in the vicinity of the mobile home park;
 - c. The names of the new streets, not an extension or correspondent of any existing street, shall not duplicate or be similar to that of any existing street in the County;
 - d. Layout, dimensions and number of mobile home park sites;
 - e. Parcels of land to be dedicated or reserved for public use;
 - f. Buildings set back lines showing dimensions; and
 - g. Location site of recreational areas, commercial service facilities, parking areas, other structures, driveways, landscaping, street lights, fire hydrants, signs, sewers, water and storm drainage within the park. (Ord. 1994-4, S2.4.6(3), March 3, 1994)



12.05.206.070 Approval of Preliminary Site Plans

Public hearings shall be held in accordance with the administrative rules of the Plan Commission. (Ord. 1994-4, S2.4.7(1), March 3, 1994)

12.05.206.071 Plan Commission Action

After public hearings, the Plan Commission shall give its approval to the preliminary site plan. Such approval shall be governed by the following qualifications:

1. The approval of the preliminary site plan by the Plan Commission indicates the general acceptance of the layout as submitted.
2. The Plan Commission may introduce such changes or revisions as deemed necessary in the interest and need of the community.
3. Preliminary approval shall be in effect for a maximum period of three months. The Plan Commission may, provided good cause is shown and upon application, grant one (1) extension for a period of thirty (30) days; such application for extension shall be filed with the Plan Commission ten (10) days prior to expiration of the aforesaid three (3) month period. If the final site plans have not been approved within this time, the preliminary plans must again be submitted to the Plan Commission for approval.
4. Any person feeling himself aggrieved at any action of the Plan Commission upon any proposed site plan, may apply in writing to the Plan Commission prior to its next meeting for modification of such action.
5. If the Plan Commission disapproves of the site plan, it shall set forth its reasons in its own record and provide the applicant with a copy. (Ord. 1994-4, S2.4.7(2), March 3, 1994)

12.05.206.080 Approval of Final Site Plans

After the approval of the preliminary site plans by the Plan Commission and the fulfillment of the requirements of these regulations:

1. The final site plan must be submitted in the form of an original drawing and three prints thereof, resubmitted to the Commission. The final site plan so submitted may include the entire area of the preliminary site plan as approved or such portion of it which shall provide consecutive development units. The final site plan shall be prepared at the same scale as the preliminary site plan as approved or such portions of it which will provide consecutive development units and shall contain that information provided in the preliminary site plan. All final site plans shall be prepared by a registered engineer or land surveyor duly registered to practice in the state of Indiana with his seal affixed hereto and must have certification endorsed thereof, by the County Highway Superintendent, and the County Surveyor that all streets, sidewalks, curbs, gutters, sanitation and storm drainage facilities meet current County standards as to such facilities. (Ord. 1994-4, S2.4.8(1), March 3, 1994)
2. The final site plans shall be acted upon at the first meeting of the Plan Commission following its submittal, provided such plans have previously received preliminary approval, and provided the final site plan is submitted to the administrator of the Plan Commission not less than seventy-two (72) hours prior to such meeting. If the Commission recommends the final site plans to the Town Council for approval, it shall forward the final site plan to the Town Council for final review and approval. (Ord. 1994-4, S2.4.8(2), March 3, 1994)



3. If the Commission disapproves of the site plan, it shall set forth its reason in its own records and provide the applicant with a copy. (Ord. 1994-4, S2.4.8(3), March 3, 1994)
4. All final site plans shall be recorded in the office of the Recorder of Orange County, Indiana. (Ord. 1994-4, S2.4.8(5), March 3, 1994)

12.05.206.090 Area

A mobile home park shall have a minimum lot size of two (2) acres. Each site upon which a mobile home is located shall conform to the following minimum requirements:

1. Each mobile home site shall be a minimum of five thousand (5,000) square feet in area per mobile home and shall have a minimum width of forty (40) feet at the building line. (Ord. 1994-4, S2.4.9(1), March 3, 1994)
2. The combined area occupied by mobile home and appurtenances shall not exceed thirty percent (30%) of the total area of this site and shall have a minimum floor area of six hundred (600) square feet.
3. No mobile home site, building, structure or parking area shall be closer than:
 - a. Fifty (50) feet to the right-of-way line of any expressway or arterial, as defined by the Indiana Department of Transportation Road and Street Classification.
 - b. Twenty-five (25) feet to the exterior property line of a mobile home park. (Ord. 1994-4, S2.4.9(2), March 3, 1994)
4. Each development or manufactured home park shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to two and one-half (2.5) persons per home site present in the development.
5. Each mobile home site shall front on to a street or right-of-way. (Ord. 1994-4, S2.4.9(3), March 3, 1994)

12.05.206.100 Yards

Each mobile home site shall be subject to the following yard requirements:

1. Front yards shall be not less than fifteen (15) feet in depth. If the mobile home site faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing the street. (Ord. 1994-4, S2.4.10(1), March 3, 1994)
2. Side yards on each side of the mobile home shall be not less than five (5) feet and no mobile home shall be located closer than ten (10) feet to the adjoining mobile home unit. If the mobile home site is a corner lot, the front yard setback shall be observed for any side yard facing a street. (Ord. 1994-4, S2.4.10(2), March 3, 1994)
3. Each mobile home site shall have a rear yard of not less than fifteen (15) feet in depth. (Ord. 1994-4, S2.4.10(3), March 3, 1994)

12.05.206.110 Pad and Skirting

Each mobile home shall be provided with a standard consisting of either a solid concrete slab or other adequate concrete support of a thickness and size adequate to support the maximum anticipated load. Each concrete area between the ribbons shall be filled with a layer of crushed stone or asphalt. Each concrete stand shall be provided with a minimum of six (6) anchor rings for each mobile home. Each



mobile home unit shall have the undercarriage completely enclosed by skirting. (Ord. 1994-4, S2.4.11, March 3, 1994)

12.05.206.120 Landscaping

Lawns and ground cover shall be provided where needed to prevent erosion of swales and slopes in other areas to obtain unusable yards. Lawn or ground cover shall be appropriate for the use and location. (Ord. 1994-4, S2.4.12, March 3, 1994)

12.05.206.130 Lot Markers

The boundary of each mobile home site shall be permanently and visibly marked on the ground by flush stakes, markers, or other suitable means approved by the Plan Commission. Each mobile home shall be numbered. (Ord. 1994-4, S2.4.13, March 3, 1994)

12.05.206.140 Storage

Suitable storage of goods and the useful effects of the park's residents will be contained in the central waterproof structure available to all mobile home sites or in single waterproof structures at each mobile home site. Each individual storage structure shall contain a minimum of ninety-six (96) cubic feet. Central waterproof structures shall provide ninety-six (96) cubic feet for each mobile home site that it serves. (Ord. 1994-4, S2.4.14, March 3, 1994)

12.05.206.150 Water and Sewage

Each mobile home site shall be connected with the municipal water and sewer system. (Ord. 1994-4, S2.4.15, March 3, 1994)

12.05.206.160 Utilities

All interior utility lines, including, but not limited to electric, communications, street lighting, and cable television shall be placed underground. Individual antennas for television may be installed on each mobile home site, but centralized antennas shall be encouraged. (Ord. 1994-4, S2.4.16, March 3, 1994)

12.05.206.170 Common Walks

Common walks at least three (3) feet in width shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance, to recreation areas, and to the office and other important facilities. No walks required herein shall be used as a drainage way. (Ord. 1994-4, S2.4.17, March 3, 1994)

12.05.206.180 Streets

Access to the mobile home park shall be from a public street. The number and location of the access streets shall be controlled by traffic safety and protection of surrounding properties. No mobile home site, recreation area or service area shall be designed for direct access to a street outside the boundaries of the mobile home park. All streets within the mobile home park shall have a minimum right-of-way of forty (40) feet in width and shall be surfaced according to the standards adopted by the Town of Orleans, Indiana. In the event streets are not dedicated, the mobile home park owner shall provide the final approval and provide written certification that lease and rental agreements contain regulations to prohibit street parking in such a manner that impedes the movement of an emergency vehicle. (Ord. 1994-4, S2.4.18, March 3, 1994)



12.05.206.190 Grading and Drainage

Prior to construction, drainage plans shall be submitted to the Zoning Enforcement Officer for approval. All storm drainage must be situated underground. Mobile home parks shall be graded and drained, given due consideration to the protection of the proposed development from inundating of flood hazard from water courses or to provide for the conveyance of storm waters, both those originating outside or inside the proposed mobile home park, through the development of facilities of sufficient capacity to permit ultimate of the upstream tributary areas, and to discharge storm water accordingly within the mobile home park or convey through the mobile home park on downstream adjacent land to return flows to as near pre-development conditions as possible. This does not imply that the developer make extensive or unreasonable improvements of existing inadequate drainage facilities on adjoining properties other than necessary for satisfactory operation of the drainage facility on the proposed development. (Ord. 1994-4, S2.4.19, March 3, 1994)

12.05.206.200 Illumination of Park

All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting height and at such locations within the park so as to provide safe movement of pedestrians and vehicles. Such lights shall be located at all entrances and exits and shall be shielded to prevent direct illumination of any area outside the mobile home park. (Ord. 1994-4, S2.4.20, March 3, 1994)

12.05.206.210 Fire Protection

The mobile home park shall meet the standards of adequate fire protection established by the National Fire Protection Association NFPA #501a and all amendments thereof. No open fires shall be permitted at any time or place within the mobile home park. (Ord. 1994-4, S2.4.21, March 3, 1994)

12.05.206.220 Trash and Refuse Storage

Storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, then shall be located not more than one-hundred and fifty (150) feet from any mobile home site. Containers shall be provided in sufficient number to combat these hazards to properly store all refuse. Refuse collection stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Garbage and trash, when not collected by municipal sponsored collection service shall be collected at least twice a week during the months of June, July, August and September and at least once a week during the other months of the year. (Ord. 1994-4, S2.4.22, March 3, 1994)

12.05.206.230 Location of Buildings and Structures

The location of buildings and structure within a mobile home park shall be subject to the following regulations:

1. No building or structures not located upon a mobile home site shall be closer than ten (10) feet to any side lines.
2. Swimming pools and related facilities and all recreational areas shall be located not less than one-hundred (100) feet from the boundary of the mobile home park. (Ord. 1994-4, S2.4.23, March 3, 1994)



12.05.206.240 Abandonment and Expiration

In the event a mobile home park is abandoned for a period of one (1) year, or if upon expiration of three (3) years from the zoning change so enacted, the mobile home park has not been substantially completed, as determined by the Plan Commission, the land so rezoned shall be again rezoned by the Plan Commission, after proper zoning application has been filed by the Commission to its former zoning classification. The Commission may, provided good cause is shown upon application and public notice has been published as required by law, grant one (1) extension for the period of one (1) year. Such application for extension shall be filed with the Commission six (6) months prior to the expiration of the aforesaid three (3) years. (Ord. 1994-4, S2.4.24, March 3, 1994)

12.05.206.250 Emergency Shelter

Each development or manufactured home park shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to two and one-half (2.5) persons per home site present in the development.

12.05.207 Local Business (B-1)

12.05.207.010 Purpose and Intent

This district is intended to provide “neighborhood” retail goods and services for the convenience of residents near residential areas. Uses that provide non-durable goods and personal services are considered “neighborhood” commercial uses appropriate in the district. Although limited in area occupied, these districts are important to the economic welfare of the community in placing “convenience” and “impulse” goods shops close to the customer. (Ord. 1994-4, S2.5.1, March 3, 1994)

12.05.207.020 Use Regulations

12.05.207.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.207.022 Special Exceptions

See Town of Orleans Use Table

12.05.207.030 Area

12.05.207.031 Lot Area

The lot area for uses shall be a minimum of ten thousand (10,000) square feet per structure with a minimum width of fifty (50) feet. The maximum lot area coverage shall not exceed fifty (50) percent, and the floor area ratio (i.e., the ratio of gross floor area to lot area) shall not exceed 0.5. (Ord. 1994-4, S2.5.3(1)(a), March 3, 1994)

12.05.207.032 Use Area

1. No single establishment shall exceed twenty-one thousand (21,000) square feet in total gross area. (Ord. 1994-4, S2.5.3(2)(a), March 3, 1994)
2. All uses in operation except off-street loading and off-street parking shall be conducted within completely enclosed buildings except otherwise specifically permitted. (Ord. 1994-4, S2.5.3(2)(b), March 3, 1994)
3. No outdoor storage shall be permitted other than trash containers, provided that the trash containers exceeding six (6) cubic feet shall be behind or beside the primary structure and be



screened from public view and provide access to equipment to service such containers. (Ord. 1994-4, S2.5.3(2)(c), March 3, 1994)

4. No vending machines shall be permitted on or near the exterior of any building on the premises except where contained in a shelter stall or other area so located as not to interfere materially with adjacent property. (Ord. 1994-4, S2.5.3(2)(d), March 3, 1994)
5. Minor displays of merchandise shall be placed outdoors provided such displays are:
 - a. Accessory to primary use;
 - b. Located immediately adjacent to the primary structure, but not within a required minimum front yard;
 - c. Not more than two hundred (200) square feet in total area; and
 - d. Maintained in an orderly manner. (Ord. 1994-4, S2.5.3(2)(e), March 3, 1994)

12.05.207.040 Yards

12.05.207.041 Front Yard

1. Every lot shall have a front yard of not less than fifteen (15) feet in depth.
2. Where a lot in a B-1 District abuts upon a lot in any "R" (residential) District in the same block frontage, the front yard requirements of the "R" District shall extend into the B-1 District for the first two-hundred (200) feet (or first intersection) for building setbacks and for the first one hundred (100) feet (or first intersection) for parking areas and signs setbacks. (Ord. 1994-4, S2.5.4(1), March 3, 1994)

12.05.207.042 Side Yard

1. Every lot shall have a side yard not less than five (5) feet in width.
2. Where a lot in the B-1 district abuts upon a lot in any "R" (residential) district, a side yard of at least twenty (20) in width and a minimum width of ten (10) feet of landscape buffer (where parking is prohibited) shall be required on the side adjacent to any said "R" district. The side yard requirement may be reduced by one half (1/2) the width of any alley right-of-way adjacent thereto, provided the distance from the building to the property line is not less than ten feet. (Ord. 1994-4, S2.5.4(2), March 3, 1994)

12.05.207.043 Street Side Yard

A street side yard shall observe the front yard requirements. (Ord. 1994-4, S2.5.4(3), March 3, 1994)

12.05.207.044 Rear Yard

1. Every lot shall have a rear yard not less than twenty (20) feet in depth.
2. The rear yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, provided the distance from the building to the property line is not less than ten feet. (Ord. 1994-4, S2.5.4(4), March 3, 1994)

12.05.207.050 Height

Maximum height of buildings and structures shall be thirty-five (35) feet. (Ord. 1994-4, S2.5.5, March 3, 1994)

12.05.207.060 Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent. (Ord. 1994-4, S2.5.6, March 3, 1994)



12.05.207.070 Off-Street Parking and Loading Requirements

Refer to Section 12.05.126. (Ord. 1994-4, S2.5.7, March 3, 1994)

12.05.207.080 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.207.090 Landscaping Requirements

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

12.05.208 Central Business District (B-2)

12.05.208.010 Purpose and Intent

This district is intended for downtown Orleans where storefronts are located on the front property line and parking is located on the street or behind the structure. Retail, office and institutional uses of importance to the entire community are encouraged to locate in this district. Apartments above commercial uses are encouraged; however, multi-family uses such as apartments and townhouses are permitted on separate lots. However, auto-oriented uses that require significant off-street parking or that result in the setback of the building from the front property line are excluded because of their inconsistency with the urban design character of downtown Orleans. (Ord. 1994-4, S2.6.1, March 3, 1994)

12.05.208.020 Use Regulations

12.05.208.021 Uses Permitted By Right

See Town of Orleans Use Table

12.05.208.022 Special Exceptions

See Town of Orleans Use Table

12.05.208.030 Area

There is no minimum lot area. (Ord. 1994-4, S2.6.3, March 3, 1994)

12.05.208.040 Yards

12.05.208.041 Front Yard or Street Side Yard

There is no requirement.

12.05.208.042 Side Yard

There is no requirement.

12.05.208.043 Rear Yard

1. Every lot shall have a rear yard of not less than twenty (20) feet in depth.
2. The rear yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, provided the distance from the building to the property line is not less than ten (10) feet. (Ord. 1994-4, S2.6.4, March 3, 1994)

12.05.208.050 Height

The Maximum height of building and structures shall be thirty-five (35) feet. (Ord. 1994-4, S2.6.5, March 3, 1994)



12.05.208.060 Maximum Lot Coverage

Not more than ninety (90%) percent of any lot area may be covered by buildings. (Ord. 1994-4, S2.6.6, March 3, 1994)

12.05.208.070 Off-Street Parking and Loading Requirements

No off-street parking is required. See Section 12.05.126 (6) for loading/unloading requirements. (Ord. 1994-4, S2.6.7, March 3, 1994)

12.05.208.080 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.208.090 Landscaping Requirements

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

12.05.209 General Business (B-3)

12.05.209.010 Purpose and Intent

This district accommodates all types of business and service uses including warehouse and storage facilities. (Ord. 1994-4, S2.7.1, March 3, 1994)

12.05.209.020 Use Regulations

12.05.209.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.209.022 Special Exceptions

See Town of Orleans Use Table

12.05.209.030 Area

The lot area shall be a minimum of ten thousand (10,000) square feet per structure with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed fifty (50%) percent, and the floor area ratio (i.e., the ratio of gross floor area to lot area) shall not exceed 0.5. [Note: A floor area of any basement or attic is included in the total gross floor area.] (Ord. 1994-4, S2.7.3, March 3, 1994)

12.05.209.040 Yards

The following yard requirements shall be observed:

12.05.209.041 Front Yard

Twenty-five (25) feet. Where a lot in a B-3 District abuts upon a lot in any "R" (residential) District in the same block frontage, the front yard requirements of the "R" District shall extend into the B-3 District for the first two-hundred (200) feet (or fast intersection) for building setbacks and for the first one hundred (100) feet (or first intersection) for parking areas and signs setbacks.

12.05.209.042 Side Yard

Twenty (20) feet. Where a lot in the B-3 district abuts upon a lot in any "R" (residential) district, a side yard of at least twenty (20) in width and a minimum width of ten (10) feet of landscape buffer (where parking is prohibited) shall be required on the side adjacent to any said "R" district. The side yard requirement may be reduced by one half (1/2) the width of any alley right-of-way adjacent thereto, but shall not be less than ten (10) feet in width.



12.05.209.043 Rear Yard

20 feet minimum. A minimum width of ten (10) feet of landscape buffer (where parking is prohibited) shall be required on the rear yard adjacent to any "R" district. (Ord. 1994-4, S2.7.4, March 3, 1994)

12.05.209.050 Height

Buildings shall have a maximum height of thirty-five (35) feet. (Ord. 1994-4, S2.7.5, March 3, 1994)

12.05.209.060 Off-Street Parking and Loading Requirements

Refer to Section 12.05.126. (Ord. 1994-4, S2.7.6, March 3, 1994)

12.05.209.070 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.209.080 Landscaping Requirements

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

12.05.210 Light Industry (I-1)

12.05.210.010 Purpose and Intent

This district includes manufacturing, wholesaling, and warehousing uses with minimum nuisances, that can be screened or buffered from non-industrial uses, and that can be enclosed within a building. (Ord. 1994-4, S2.8.1, March 3, 1994)

12.05.210.020 Use Regulations

12.05.210.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.210.022 Special Exceptions

See Town of Orleans Use Table

12.05.210.030 Area

The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed fifty (50%) percent, and the floor area ratio shall not exceed 1.0. (Ord. 1994-4, S2.8.3, March 3, 1994)

12.05.210.040 Yards

12.05.210.041 Front Yard

1. There shall be a front yard not less than twenty-five (25) feet. The required front yard shall be landscaped.
2. Where a lot in the I-1 District abuts a lot in any "R" (residential) District in the same block frontage, the front yard requirements of the "R" District shall extend into the I-1 District for the first two hundred (200) feet (or first intersection) for building setback and for the first one hundred (100) feet for parking area and signs setback.

12.05.210.042 Side Yard

1. Every lot shall have a side yard not less than ten (10) feet in width.
2. When a lot in the I-1 District abuts on a lot in any "R" (residential) District, there shall be a side yard not less than thirty (30) feet in width and a minimum width of ten (10) feet of landscape



buffer (where parking is prohibited) shall be required on the side adjacent to said "R" district. The side yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall be not less than ten (10) feet in width.

12.05.210.043 Street Side Yard

A street side yard shall observe the front yard requirements.

12.05.210.044 Rear Yard

1. Every lot shall have a rear yard of not less than twenty (20) feet in depth. A minimum width of ten (10) feet of landscape buffer (where parking is prohibited) shall be required on the rear yard adjacent to any "A" (agricultural) or "R" (residential) District.
2. The rear yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall not be less than ten (10) feet in depth. (Ord. 1994-4, S2.8.4, March 3, 1994)

12.05.210.050 Height

The maximum height for buildings and structures in the District is one hundred twenty-five (125) feet. (Ord. 1994-4, S2.8.5, March 3, 1994)

12.05.210.060 Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent. (Ord. 1994-4, S2.8.6, March 3, 1994)

12.05.210.070 Off-Street Parking and Loading Requirements

Refer to Section 12.05.126. (Ord. 1994-4, S2.8.7, March 3, 1994)

12.05.210.080 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.210.090 Landscaping Requirements

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

12.05.211 Heavy Industrial (I-2)

12.05.211.010 Purpose and Intent

This district includes the full range of manufacturing, wholesaling, and warehousing uses in an urban area. It includes uses that are difficult to screen and buffer from non-industrial uses and that have operations which cannot normally be enclosed within a building. (Ord. 1994-4, S2.9.1, March 3, 1994)

12.05.211.020 Use Regulations

12.05.211.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.211.022 Special Exceptions

See Town of Orleans Use Table

12.05.211.030 Area

The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed fifty (50%) percent, and the floor area ratio shall not exceed 1.0. (Ord. 1994-4, S2.9.3, March 3, 1994)



12.05.211.040 Yards

12.05.211.041 Front Yard

1. There shall be a front yard not less than twenty-five (25) feet. The required front yard shall be landscaped. Parking may be located in the front yard adjacent to a main entrance of the principal building. No more than 50% of the required front yard shall be used for parking.
2. Where a lot in the I-2 District abuts a lot in any "R" (residential) District in the same block frontage, the front yard requirements of the "R" District shall extend into the I-2 District for the first two hundred (200) feet (or first intersection) for building setback and for the first one hundred (100) feet for parking area and signs setback. (Ord. 1994-4, S2.9.4(1), March 3, 1994)

12.05.211.042 Side Yard

1. Every lot shall have a side yard not less than ten (10) feet in width.
2. When a lot in the I-2 District abuts on a lot in any "R" (residential) District, there shall be a side yard not less than thirty (30) feet in width and a minimum width of ten (10) feet of landscape buffer (where parking is prohibited) shall be required on the side adjacent to said "R" district. The side yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall be not less than ten (10) feet in width. (Ord. 1994-4, S2.9.4(2), March 3, 1994)

12.05.211.043 Street Side Yard

A street side yard shall observe the front yard requirements. (Ord. 1994-4, S2.9.4(3), March 3, 1994)

12.05.211.044 Rear Yard

1. Every lot shall have a rear yard of not less than thirty (30) feet in depth.
2. Where there is a lot in the I-2 District abutting upon a lot in any "R" (Residential) district, a rear yard of at least twenty (20) feet in depth shall be provided. The rear yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall not be less than twenty (20) feet in depth. (Ord. 1994-4, S2.9.4(4), March 3, 1994)

12.05.211.050 Height

There shall be no required height limitation, except that may be required by other laws or ordinances. (Ord. 1994-4, S2.9.5, March 3, 1994)

12.05.211.060 Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent. (Ord. 1994-4, S2.9.6, March 3, 1994)

12.05.211.070 Smoke and Particulate Matter

Uses shall not discharge fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants across lot lines in such concentration as to be detrimental to health, animals, vegetation or property. Uses shall conform to all Indiana Department of Environmental Management (IDEM) regulations. If tests or studies for determination of compliance are required, the Town of Orleans shall seek reimbursement from the property owner for associated costs.

12.05.211.080 Control of Heat, Glare, Fumes, Noise, Odor, Dust and Vibration

Every use shall be conducted and operated in a way that does not create a nuisance and is not dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which it is located.



12.05.211.090 Other Pollutants

Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means. (Ord. 1994-4, S2.9.8.4, March 3, 1994)

12.05.211.100 Odor

No general industrial use may release an unreasonably objectionable odor that is detectable in the neighborhood. (Ord. 1994-4, S2.9.9, March 3, 1994)

12.05.211.110 Vibration

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

12.05.211.120 Noise

No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, and shall meet the following specifications:

1. No use shall produce noise in excess of seventy-five (75) decibels, day or night.
2. No activity or operation producing noise, other than ordinary vehicle noise, shall be conducted so that noise from the activity or operation can be detected at any point off of the lot on which that use is located.
3. Public safety sirens and related apparatus used solely for public safety purposes shall be exempt from this standard.

12.05.211.130 Elimination of Uses

There shall be no elimination of uses, except that no use shall be permitted that may, in the opinion of the Plan Commission, endanger the health, safety or welfare of the community. (Ord. 1994-4, S2.9.17, March 3, 1994)

12.05.211.140 Off-Street Parking and Loading Requirements

Refer to Section 12.05.126. (Ord. 1994-4, S2.9.18, March 3, 1994)

12.05.211.150 Sign Requirements

Refer to Section 12.05.214. (Ord. 1994-4, S2.2.9, March 3, 1994)

12.05.211.160 Landscaping Requirements

Refer to Section 12.05.215. (Ord. 1994-4, S2.9.20, March 3, 1994)

12.05.212 Open Public Space (OPS)

12.05.212.010 Purpose and Intent

This District is intended solely for property used for recreational purposes and are open to the general public. A full range of recreation and associated entertainment uses are appropriate as well as supportive retail uses solely for the enjoyment of those using the recreational facilities. Although the property must remain publicly owned, the public may lease land or franchise supportive uses; however, under no circumstances shall the lease of land be made to private individuals or entities to circumvent the



requirement of proper zoning for private uses as required for other zoning districts. (Ord. 1994-4, S2.10.1, March 3, 1994)

12.05.212.020 Use Regulations

12.05.212.021 Uses Permitted by Right

See Town of Orleans Use Table

12.05.212.022 Special Exceptions

See Town of Orleans Use Table

12.05.212.030 Area

There shall be no minimum lot area except when restrooms, are provided in an area without sanitary sewers; then, the three-acre minimum lot area must be observed. (Ord. 1994-4, S2.10.3, March 3, 1994)

12.05.212.040 Yards

All structures shall observe the yard requirements of the zoning district for a majority of the uses along the blockface. If another zoning district does not exist along the blockface, the yard requirements of the R-1 District for non-residential uses shall be followed. (Ord. 1994-4, S2.10.4, March 3, 1994)

12.05.212.050 Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet. (Ord. 1994-4, S2.10.5, March 3, 1994)

12.05.213 Overlay District – Orleans Historic District (OHD)

12.05.213.010 Purpose and Intent

The Town of Orleans encourages the preservation of the existing historic buildings within the Orleans Historic District which is listed on the National Register of Historic Places (2009) The Town's interest in preserving the many buildings in the District is evidenced through their inclusion in the Orleans Historic District.

Orleans Historic District is a national historic district located at Orleans, Orange County, Indiana. The district encompasses 163 contributing buildings, 4 contributing sites, and 10 contributing objects in the central business district and surrounding residential sections of Orleans. It developed between about 1837 and 1958, and includes notable examples of Italianate, Queen Anne, Second Empire, Gothic Revival, Colonial Revival, Classical Revival, Tudor Revival, and Bungalow / American Craftsman style architecture. Notable buildings include the Cornelius-Osborn Building (1927), Magner-Lindsey Hotel (1872, c. 1901, c. 1909), Roberts Building / Herle's Restaurant (c. 1901), Presbyterian Church (c. 1845), Methodist Episcopal Church (1915), Bowles Building (1889), Hollowell Brothers Building (1897-1898), Orleans Public Library (1915), and Ashland Service Station (1955). It was listed on the National Register of Historic Places in 2009.

The intent of this chapter is to build recognition of the community's rich collection of historic places and to provide information on design guidelines and standards that residents can access in their efforts to preserve and rehabilitate these resources within the Orleans Historic District. Additionally, information on organizations and agencies that assist communities in their historic preservation efforts through a variety of funding programs is provided.



Prior to making any improvements to a building or structure within the Orleans Historic Districts, individuals are encouraged to contact the Town of Orleans. The Orleans Historic Preservation Commission is a Town-appointed, advisory body that meets periodically on an as-needed basis to provide technical assistance to owners of historic properties. Issues relating to preservation, rehabilitation, restoration, infill development, and reconstruction are areas of focus.

[12.05.213.020 Historic Property Treatment](#)

There are federal Standards for four distinct, but interrelated, approaches to the treatment of historic properties — preservation, rehabilitation, restoration, and reconstruction.

[12.05.213.021 Preservation](#)

The act or process of applying measures to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

[12.05.213.022 Rehabilitation](#)

The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

[12.05.213.023 Restoration](#)

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

[12.05.213.024 Reconstruction](#)

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

[12.05.213.030 Rehabilitation Standards](#)

The majority of the alterations to historic structures in the District will likely fall under the “Rehabilitation” category. As such, these guidelines focus on that treatment. In order to be eligible for the use of tax credits, grants or special low interest loans available through other funding sources, rehabilitation projects must comply with the Secretary of the Interior’s “Standards for Rehabilitation”.

The Standards are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable alteration to meet compatible new uses. The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction. The



Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

In order to meet these standards, it is strongly recommended by the Town of Orleans that any improvements to structures within the Orleans Historic District be pursued in a manner consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Restoring & Reconstructing Historic Buildings. Copy of these guidelines is available at the Orleans Town Hall and online at <https://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf>.

12.05.213.040 Funding Sources

The following section describes in brief the most common funding sources for historic preservation projects. Schedules and general requirements for acquiring the funds should be confirmed with the funding agency as these items tend to change from year to year.



12.05.213.041 Indiana Division of Historic Preservation & Archaeology (DHPA) Historic Preservation Fund (HPF)

Local governments and non-profit organizations can apply to the Division for financial assistance to maintain, restore, and document historic properties. The Division, through the State Historic Preservation Review Board, awards matching grants of federal funding each January. Some of the types of projects funded in the past include:

1. Inventories of archaeological sites, historic buildings, or old structures such as bridges.
2. Acquisition and rehabilitation of public or non-profit owned historic buildings.
3. Preparing National Register nominations for historic districts.
4. Educational programs, such as conferences, special events, or research projects.

Amounts available for repairs and other projects vary. Typically, the DHPA can match 50-50 with projects costing from \$4,000 to \$30,000. The Division makes grant applications available in July-August and complete applications are due in October. The Indiana Historic Preservation Review Board makes the final award of grant funds based on staff recommendations at their January meeting annually. For exact dates, and to obtain an application form, contact the DHPA office (317/232-1646)

12.05.213.042 Historic Landmarks Foundation of Indiana (HLFI) dba Indiana Landmarks

Statewide Revolving Loan Fund – Non-profit preservation organizations outside Marion County can borrow money from this fund to purchase and restore historic properties. The agreement signed when one of these buildings is resold must contain covenants that will protect the building's future. These low-interest loans generally must be matched with local funding.

Indiana Preservation Grants Fund – Community preservation groups can apply to HLFI for matching grants for a variety of uses, including conducting membership drives, producing promotional materials, and paying fees for architectural or preservation consulting. The money from this fund may not be used to fund actual construction.

Guaranteed Loan Program – This program aids organizations that are having trouble getting conventional financing for a restoration project. In special cases, HLFI will place funds in a local lending institution to guarantee a loan taken by a community preservation group or to help that group acquire long-term mortgage commitments or construction financing

12.05.213.043 Indiana Office of Community and Rural Affairs

Historic Preservation Grant Program (HPGP) – Program purpose is to preserve and rehabilitate historic properties in order to further incentivize downtown economic development. For more information see the program website at: <http://www.in.gov/ocra/hrgp.htm>. Additional program information as follows:

1. Funding and Distribution
 - a. Grant requests between \$10,000 and \$100,000 will be accepted;
 - b. Eligible requests must be no more than 35% of eligible project costs;
 - c. Local match must be greater than or equal to 65% of total eligible project costs;
 - d. Local match must be provided by the applicant or a third party with documentation provided at time of LOI and also included in application; and
 - e. Ineligible expenses may be included in the project summary but will not count towards the eligible local match.



2. Eligible applicants must meet the following requirements:
 - a. Located in Indiana within a designated Main Street city or town AND/OR
 - b. Non-entitlement community in accordance with HUD listing.
3. Those applying under the Main Street community eligibility must have the properties located within their defined downtown district and be one of the following:
 - a. Individual;
 - b. Partnership;
 - c. Firm;
 - d. Association;
 - e. Joint Venture;
 - f. Limited Liability Company;
 - g. Corporation;
 - h. Non-profit affordable housing organization;
 - i. Cannot have received funding from the Historic Renovation Grant Program in the previous three years;
 - j. More than one application can be submitted by the same person; or
 - k. No more than one application can be submitted for the same property.
4. Eligible properties must meet be at least fifty (50) years old and at least one of the following requirements:
 - a. Listed on register of Indiana historic sites and historic structures;
 - b. Listed or eligible for the National Register of Historic Places; or
 - c. Listed as a contributing resource in a National Register District.
5. Historic Property must be:
 - a. Actively used in trade or business;
 - b. Held for the production of income;
 - c. Held for the rental or other use in the ordinary course of the person's trade or business;
 - d. Following guidelines established by Secretary of Interior; and
 - e. Reviewed by State Historic Preservation Officer upon submission.
6. Eligible activities are limited to the exterior and include measures to sustain the form, integrity and material of a building or structure including stabilization and maintenance of historic building matter. Examples of eligible activities are (This is not an all-inclusive listing):
 - a. Windows, doors, and historic entryways;
 - b. Brick rehabilitation and tuck-pointing;
 - c. Roof replacement and rehabilitation;
 - d. Exterior foundation rehabilitation;
 - e. Exterior foundation rehabilitation; or
 - f. Rehabilitation of architectural characteristics.
7. Examples of ineligible activities are:
 - a. Property acquisition;
 - b. Payment of taxes;
 - c. Enlarging or expanding existing structures;
 - d. Real-estate fees;
 - e. Paving and landscaping and costs;
 - f. Sales and marketing costs;



- g. Any construction completed prior to grant award;
- h. Interior renovations;
- i. Equipment purchases; and
- j. Increase value with intent to sell.

12.05.214 Signs

12.05.214.010 Purpose and Intent

The purpose of the sign provisions is to permit signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger public health, and morals; and to permit and regulate signs in such a way as to support and complement the objectives and guidelines of the Comprehensive Plan. Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations. (Ord. 1998-10, S2.11.1, Nov. 19, 1998) (Ord. 1994-4, S2.11.1, March 3, 1994)

12.05.214.020 Prohibited Signs

The following signs are unlawful and prohibited:

1. Abandoned signs.
2. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
3. Vehicular signs; this regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
4. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
5. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
6. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
7. Reflective signs or signs containing mirrors.
8. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and roadway.
9. Roof signs.
10. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

12.05.214.030 Exempt Signs

The following types of signs shall be exempted from the requirements of this subsection:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral of an allowed structure or made flush to the ground.
2. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises or home service which are not part of an otherwise existing attached or freestanding sign.
3. Signs required by law or flags and insignia of any duly constituted governmental body.



4. Signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.
5. Signs upon a vehicle, provided that any such vehicle with a sign face or over four square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
6. Temporary holiday decorations.
7. Legal notices, identification information, or directional signs erected by or by order of governmental bodies.
8. Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts or moving lights.
9. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.
10. Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated. They must meet all other requirements of this ordinance.

12.05.214.040 General Sign Provisions

In all districts and as further noted, the provisions of this subsection shall be applied to effect the safety of motorists and facilitate traffic movement.

1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device, or interfere with, mislead, or confuse moving traffic.
2. No exterior sign shall be permitted to display flashing, intermittent, revolving, rotating or animated lighting or illumination, nor any illumination which simulates or displays motion.
3. All signs not expressly exempted or permitted by this Ordinance are prohibited.
4. No freestanding or temporary sign shall be placed less than ten feet from any driveway, entrance to the property, or roadway frontage.
5. No sign shall be allowed to be illuminated except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the Plan Commission shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall be non-flashing and shall be constant in intensity and color, except that signs which display time and temperature are allowed in the B-1, B-2, B-3, I-1 and I-2 Districts.
6. No sign shall have more than four faces.
7. One freestanding for rent/sale sign per site not exceeding twelve (12) square feet in area shall be allowed in any district. On lots abutting more than one street, one such rent/sale sign shall be allowed for each abutting street. Such signs shall be removed not later than ten days after closing of sale or consummation of lease. No sign permit is required.
8. One sign identifying persons or business firms engaged in the construction of a building on site, is allowed, provided that the sign shall not exceed thirty-two (32) square feet in area or fifteen (15) feet above ground in height. All such signs must be removed within twenty (20) days following occupancy of the building. No sign permit is required.
9. No sign shall be mounted upon telephone/utility poles, the Town Superintendent shall have the authority to remove any such sign.



10. No sign shall be mounted upon a post with another sign on it, without a sign permit issued for that sign.
11. Materials – All signs shall be made of wood, acrylic, or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium density overlay ("MDO") board. External signs shall have no exposed neon. Neon is allowed in windows if it conforms to the color and size requirements. Paper and cardboard are only allowed for signs of a temporary nature.
12. Streamers, pennants, and banners shall be permitted as temporary signs in conjunction with such special events as Town events, grand openings or sales. The signs shall be promptly removed upon termination of the event, and in no case shall be displayed for more than three (3) weeks. No sign permit is required unless displayed longer than three (3) weeks. The signs must meet all other requirements of this ordinance.
13. Abandonment – Any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of the business shall be deemed abandoned if the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises; unless, written permission is granted by the Plan Commission for the sign to remain.
14. Maintenance and Repair – Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign. Compliance shall be required with all standards of this subsection. If the sign is not made to comply with adequate safety standards, its removal will be required.
15. Temporary signs for yard sales, garage sales, political signage and other short term, non-business related nature are allowed, if they conform to the setback requirements and are not on public property. No sign permit is required. Illumination of any temporary sign is prohibited. Temporary signs may be displayed up to a maximum of 60 consecutive days, two (2) times per year. All such signs must be removed at the completion of the event noted on the temporary sign. (Ord. 1998-10, S2.11.3, Nov. 19, 1998) (Ord. 1994-4, S2.11.3, March 3, 1994)
16. A maximum of one political sign per elected office and ballot initiative on the local ballot is permitted per property.

12.05.214.050 On-Premise Signs

In the R-1 and R-2 Districts, the provisions of this subsection shall apply:

1. One freestanding permanent identification sign not exceeding twenty (20) square feet in area and not exceeding five (5) feet in height shall be allowed at each dedicated street entrance for the following uses: R-1 and R-2 subdivisions and parks. Signs shall be placed no less than fifteen (15) feet from the roadway. Lighting may be allowed only if the lighting acts as a spotlight for the sign and is not part of the sign's construction.
2. One freestanding identification sign per roadway frontage, not to exceed forty (40) square feet in area and not to exceed five (5) feet in height, shall be allowed on the following properties:
 - a. Community facilities;
 - b. Churches;



- c. religious institutions; and
 - d. Office buildings.
3. The placement of the signs must be at least fifteen (15) feet from any roadway. Lighting may be allowed only if the lighting acts as a spotlight for the sign and is not part of the sign's construction.
4. No wall mounted signs are allowed, with the exception of zoning districts listed in subsection 5. (Ord. 1998-10, S2.11.4(1), Nov. 19, 1998) (Ord. 1994-4, S2.11.4(1), March 3, 1994)
5. In the B-1, B-3, I-1 and I-2 Districts, the provisions of this subsection shall apply:
- a. Wall-Mounted Signage:
 - i. Buildings are permitted to have "tenant identification" and "business logo" signs on each building facade facing a public access roadway. These signs shall not exceed twenty (20) percent of the square area of the façade and shall not exceed forty (40) square feet in total. This is the total allowable square footage for wall mounted signage for the building.
 - ii. In multiple use buildings, one identification sign is permitted at the entrance of each tenant or business. These signs shall not exceed ten (10) square feet in area.
 - iii. No sign shall extend above a line eighteen (18) inches below the top of the building parapet and no attached sign shall extend to a height greater than twenty-five (25) feet above ground.
 - iv. Attached signs shall not project beyond eighteen (18) inches from the face of wall.
 - v. Letters shall be individual, and shall not exceed two (2) feet in height for the primary tenant identification sign and one (1) foot in height for the secondary tenant identification sign.
 - vi. Other wall mounted signage must not exceed the total allowable square footage allowed.
 - vii. No sign shall be painted on a building surface.
 - viii. No more than four (4) signs are allowed per wall.
 - b. Freestanding Building Signage:
 - i. Each lot is permitted one freestanding identification sign on each street front. Off premises signs (commonly known as billboards) and small freestanding signs (other than those freestanding signs and freestanding directional) are prohibited, except as allowed under outdoor advertising signs in this ordinance.
 - ii. All freestanding signage shall be set back fifteen (15) feet from the property line. No freestanding sign shall be higher than twenty (20) feet at the setback line in the B-1 District, but may be increased in height one foot for every additional five feet set back from the setback line in the B-3, I-1 and I-2 Districts provided the maximum sign height shall not exceed twenty-five (25) feet.
 - iii. No freestanding sign shall encroach into a required yard.
 - iv. The maximum area of one face of any freestanding sign shall not exceed eighty (80) square feet in the B-1 District, and shall not exceed the twenty (20) percent of the square of height of the sign in the B-3, I-1 and I-2 Districts provided that remaining sign area shall not exceed one-hundred twenty-five (125) square feet.
 - v. No sign shall have more than two faces.
 - vi. Portable or temporary signs are not acceptable.



- vii. No lot shall have a freestanding sign unless the building situated on that lot is set back at least twenty (20) feet from the front and street side property line.
- c. Freestanding Directional Signs:
 - i. Freestanding directional signs, i.e., signs used primarily to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum height of four (4) feet, with a maximum area of thirty-two (32) square feet. Such signs shall not be counted toward the number of freestanding signs allowed on a lot. One single faced "Menu Board" type sign is allowed for a "drive through" facility and shall not be counted toward the number of freestanding signs allowed, provided such sign is no larger than sixteen (16) square feet.
- d. Projecting Signs:
 - i. Buildings on lots which contain no freestanding sign (other than a freestanding directional sign) may not have more than one sign which projects perpendicularly from the facade (but not the roof) of the building providing that the sign does not exceed thirty-two (32) square feet in area, does not extend below nine (9) feet above the ground or sidewalk, or more than seven (7) feet from the facade of the building, or closer than two (2) feet to the abutting roadway. (Ord. 1998-10, S2.11.4(2), Nov. 19, 1998) (Ord. 1994-4, S2.11.4(2), March 3, 1994)

12.05.214.051 Central Business District Signs

In the B-2 District, the provisions of this subsection shall apply:

1. Intent – Within this district the intent of sign regulation is to ensure visual compatibility with the scale and character of the surrounding architecture. The Signage must also be readable by pedestrians and people in slow-moving vehicles.
2. Number – There shall be no more than three (3) types of signs employed per building, regardless of the number of occupancies (e.g. freestanding, awning, window, or wall, window and awning.) Each ground floor occupant of a building may display two (2) signs. Each occupant in an upper level of a building may display one sign. Signs placed within the interior of a building which are attached to and/or visible through windows or doors must occupy no more than one-half of the total square footage of the window or door; and do not count toward the total number of signs allowed.
3. Location:
 - a. Signs should be concentrated near the pedestrian level.
 - b. The upper facades of building should not be cluttered with signs.
 - c. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
 - d. Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront.
 - e. The information band shall be confined to the vertical distance separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is less.
 - f. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signage format



4. Colors – Colors should be chosen to complement, not clash with the facade color of the building. Signs should normally not contain more than three colors, except in instances of an illustration. Dark backgrounds with light-colored lettering shall generally be required, as this is traditional. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Preferred lettering colors are ivory, white or gold. "Day-glow" colors are prohibited
5. Size – The size of signs should be restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than one and a half (1.5) square feet of total Signage area will be permitted per linear foot of storefront.
6. Preferred sign types:
 - a. Free-standing only as a multiple sign or with large building setback.
 - b. Flush wall-mounted, either interior illuminated or non-illuminated.
 - c. Window.
 - d. Awning-back lit or painted fabric awnings. No signs shall be attached to an awning or Awning Support.
 - e. Landmark.
 - f. Marquee-no more than 3/4 of the space to be used for changeable copy.
7. Projection signs are not allowed to project over a sidewalk and must comply with 2.11.4.(2)(d) (projecting signs) above. (Ord. 1998-10, S2.11.4(3), Nov. 19, 1998)

12.05.214.052 Agricultural District Signs

In the Agriculture District, the provisions of this subsection shall apply:

No outdoor advertising (billboards or off-premises) signs are permitted. There is no limitation on size, height or number of on premise signs (whether free-standing or attached, temporary or permanent). The only restriction is a minimum ten (10) foot setback from roadway for vehicle safety. (Ord. 1998-10, S2.11.4(4), Nov. 19, 1998)

12.05.214.060 Outdoor Advertising Signs

1. Outdoor advertising signs shall be allowed only in the I-1 and I-2 districts. (Ord. 1998-10, S2.11.5(1), Nov. 19, 1998) (Ord. 1994-4, S2.11.5(1), March 3, 1994)
2. Outdoor advertising signs shall be separated by one thousand (1,000) feet in all directions, and pertaining to the Interstate and limited access highways, no outdoor advertising sign may be located adjacent to or within five hundred feet of an interchange, at-grade intersection, or rest area; said five hundred (500) feet shall be measured from the right-of-way line. (Ord. 1998-10, S2.11.5(2), Nov. 19, 1998) (Ord. 1994-4, S2.11.5(2), March 3, 1994)
3. No outdoor advertising, sign shall be permitted if it is located within two hundred (200) feet of land that has been platted for residential use or is zoned R-1, R-2, B-1, or B-2. (Ord. 1998-10, S2.11.5(3), Nov. 19, 1998) (Ord. 1994-4, S2.11.5(3), March 3, 1994)
4. No outdoor advertising sign shall contain more than two facings and no facing shall display more than two (2) signs. (Ord. 1998-10, S2.11.5(4), Nov. 19, 1998) (Ord. 1994-4, S2.11.5(4), March 3, 1994)
5. The maximum area for any one sign shall be one thousand (1,000) square feet and the maximum width twenty-five (25) feet and maximum length of sixty (60) feet, exclusive of any border, trim ornamental base, apron, supports, embellishments, and other structural members, if the



exclusions do not exceed twenty (20) percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected. (Ord. 1998-10, S2.11.5(5), Nov. 19, 1998) (Ord. 1994-4, S2.11.5(5), March 3, 1994)

12.05.214.070 Portable Signs

All signs are to be considered portable or movable, either lighted or non-lighted, if they are capable of being moved either by vehicle, on a vehicle or such sign does contain its own wheels and axle, or is not permanently affixed to a permanent structural device. Further, signs that are permanent in nature are exempt from this subsection provided that such signs meet all regulations of the pertinent subsections relating to permanent signs, and is approved and permit fees are paid in the Town Hall. (Ord. 1998-10, S2.11.6(1), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(1), March 3, 1994)

1. Any signs illuminated shall not flash, be intermittent in light source which exhibits changing effects by means of animation, or by an externally intermittent light source; such as direction arrow, which are also defined as flashing signs. Permanent automatic changing signs such as time, temperature, date, or electronically controlled message counters are classified as "Changing Signs" not "Flashing Signs". (Ord. 1998-10, S2.11.6(2), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(2), March 3, 1994)
2. No sign or sign structure shall be erected at any location so as to interfere or obstruct traffic view at intersections of either a public or private drive intersecting with a public right-of-way. Setback of said signs shall be a minimum of fifteen (15) feet from the curb and shall not be placed in a public right-of-way or allowed to confuse or mislead traffic. (Ord. 1998-10, S2.11.6(3), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(3), March 3, 1994)
3. Signs shall be allowed in size up to a maximum of sixty-four (64) square feet of advertising space for double faced signs. A permitted sign shall be allowed at one location or address for a period of thirty (30) days from the issue of said permit. Signs shall be removed on the thirty-first (31st) day, and a sign shall not be located at the same location or address for a period of one hundred eighty (180) days. (Ord. 1998-10, S2.11.6(4), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(4), March 3, 1994)
4. Any person, business, or applicant allowing said sign to remain beyond the thirty (30) day period shall be subject to a fine not exceeding \$2,500.00 for each offense. Each subsequent day which such sign shall remain in place shall constitute a separate offense. The Town of Orleans may prosecute any such offense in the Orange County Court. (Ord. 1998-10, S2.11.6(5), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(5), March 3, 1994)
5. Illuminated signs or signs that are electrified in nature shall be connected by an outdoor cord not to exceed 12'-0" in length from power source of the appropriate wire size pursuant to NATIONAL ELECTRIC CODE (Table 310) and shall be connected to a ground fault receptacle pursuant to section 210-8(A)(3). Under no circumstances shall extension cords be permitted. The Town Supervisor shall have the duty to enforce this requirement. Failure to meet this regulation will give the Town Supervisor the authority to disconnect said sign for safety of the general public. Failure of the applicant to obey these safety regulations may force the removal of said sign, and the permit being voided with no refund allowed. The sign shall also bear UL approval label affixed to unit. (Ord. 1998-10, S2.11.6(6), Nov. 19, 1998) (Ord. 1994-4, S2.11.6(6), March 3, 1994)



12.05.214.080 Special Sign Permit

A special sign permit may be granted by the Plan Commission for temporary non illuminated advertising signs. The permit is to be for a specific area/place. No one sign in the area/place will be displayed for longer than 90 days. The area/place must conform to all other requirements of this ordinance. This special permit is designed for business such as service stations, convenient stores, grocery stores, and others with changing advertising needs. (Ord. 1998-10, S2.11.7, Nov. 19, 1998)

12.05.215 Landscaping Requirements

12.05.215.010 Application

1. Property perimeter landscaping requirements apply to all property lines. Fully controlled access roadways (i.e., expressways and freeways) are not considered "public access roadways". (Ord. 1994-4, S2.12.1.1, March 3, 1994)
2. All uses except agricultural and detached single-family dwelling units shall comply with the provisions of this section except: where a detached single-family dwelling use is built after a different abutting use, the single-family use must comply; or when the existing structure (building or parking area) is expanded less than twenty (20) percent in square footage. (Ord. 1994-4, S2.12.1.2, March 3, 1994)
3. When an existing structure (building or parking area) is expanded and represents more than a twenty (20) percent but less than a fifty (50) percent increase in square footage, only the portion of the structure being expanded shall comply with the landscaping requirements. (Ord. 1994-4, S2.12.1.3, March 3, 1994)
4. When an existing structure (building or parking area) is expanded and represents a fifty (50) percent or more increase in square footage, the entire lot shall comply with the landscaping requirements. (Ord. 1994-4, S2.12.1.4, March 3, 1994)
5. The Town of Orleans BZA may grant a waiver of any landscaping requirement after a public hearing and finding of fact supporting the waiver or after all abutting property owners have agreed in writing to the waiver of any landscaping requirements. (Ord. 1994-4, S2.12.1.5, March 3, 1994)

12.05.215.020 Landscape Buffer Areas

1. Where a multifamily or business use abuts a single or two-family use there shall be a ten (10) foot wide landscape buffer area all along the rear and abutting sides. (Ord. 1994-4, S2.12.2.1, March 3, 1994)
2. Where an industrial use abuts any other type of use other than another industrial use, there shall be a ten (10) foot wide landscape buffer area all along the rear and abutting sides. (Ord. 1994-4, S2.12.2.2, March 3, 1994)
3. All multi-family, business, and industrial uses shall have decorative landscaping along the front property line. (Ord. 1994-4, S2.12.2.3, March 3, 1994)
4. The landscape buffer area width shall not be greater than any required side or rear yard requirement. A landscape buffer area is to be free from development to accommodate the required landscaping and buffering materials. No structures (including buildings, parking lots, loading/unloading areas, or storage areas) are allowed within the landscape buffer area except access ways, fences, walls, signs, lighting standards, or structures attendant to public utility service. (Ord. 1994-4, S2.12.2.4, March 3, 1994)



5. In as much as there is no front yard setback in the B-2 district, the property owner is required to provide and maintain street trees in the public right-of-way. (Ord. 1994-4, S2.12.2.5, March 3, 1994)
6. A landscape Plan shall be submitted for approval. (Ord. 1994-4, S2.12.2.6, March 3, 1994)

12.05.215.030 Perimeter Landscaping Requirements

1. Large shade trees shall be planted a minimum of fifty feet (50') on center along all property lines. Shade trees shall be a minimum of eight feet (8') in height with a 2-1/2 inch caliper trunk at the time of planting. If an abutting property has large shade trees meeting this requirement along the common property line, this requirement may be waived by the Plan Commission. (Ord. 1994-4, S2.12.3.1, March 3, 1994)
2. In lieu of the requirements of 2.12.3.1 through 2.12.3.4, the Plan Commission may allow the use of evergreen shrubs to serve as the landscape buffer. Evergreen shrubs shall be a minimum of five feet tall and be, when planted, three feet (3') center-to-center. The Orleans Board of Zoning Appeals must determine that the use of shrubs instead of trees shall not cause any adverse impacts to either affected property. (Ord. 1994-4, S2.12.3.2, March 3, 1994)
3. In addition to the large trees required above, a six-foot high continuous hedge, wall, solid wooden fence or earthen berm shall be required along the side or rear property line when a multi-family or single-family attached dwelling abuts a single-family detached dwelling, a multi-family use abuts a single-family attached dwelling, a nonresidential use adjoins a residential use, when an industrial use adjoins a non-industrial use, a business or office use adjoins a residential use or an institutional use adjoins a residential use. (Ord. 1994-4, S2.12.3.3, March 3, 1994)
4. In addition to the large trees required above in Subsection 1, a six-foot high continuous hedge, wall, solid wooden fence or earthen berm shall be required along any street frontage of an industrial use or a use in the I-1 and I-2 zoning districts. (Ord. 1994-4, S2.12.3.4, March 3, 1994)
5. In addition to the large trees required above in Subsection 1, parking areas in the front yards of the B-1 and B-3 Districts shall be screened by some combination of a three-foot high continuous hedge, fence, or wall. The required height shall be eighteen inches (18") instead of thirty-six (36") inches for a vehicle sales facility or service station. (Ord. 1994-4, S2.12.3.5, March 3, 1994)

12.05.215.040 Landscaping of Loading/Unloading Areas

In addition to the required landscape buffer areas required, loading/unloading areas shall be screened in accordance with section 12.05.126.060. (Ord. 1994-4, S2.12.4.1, March 3, 1994)

12.05.215.050 Landscaping of Parking Areas

In addition to the required landscape buffer areas required, a minimum of six percent (6%) of the gross area of the interior vehicular use area of a parking lot shall be landscaped. The interior of the parking lot being calculated by multiplying the number of parking spaces by 270 square feet. Manufacturing and warehousing uses in the I-1 and I-2 Industrial Districts shall be exempt from these requirements, except in the case where office uses are present.



12.05.216 Mobile Food Vehicles

12.05.216.010 Purpose and Intent

The general purpose of this ordinance is to promote the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of Orleans by establishing reasonable guidelines and regulations for mobile food vehicles and pushcarts to encourage their safe and convenient use within the Town.

12.05.216.020 Mobile Food Vehicles in the Public Right-of-Way

No person or business entity, including religious or charitable organization, shall operate a mobile food vehicle and/or pushcart upon the public rights-of-way within the Town without permission from the Plan Commission. Every mobile food vehicle and pushcart must follow the rules and regulations stated in Section 12.05.216.040.

12.05.216.030 Mobile Food Vehicles on Private Property

Mobile food vehicles and pushcarts are permitted on private properties where a permanent version of that use would also be permitted within the zoning district assigned to that property. Every mobile food vehicle and pushcart must follow the rules and regulations stated in Section 12.05.216.040.

12.05.216.040 General Rules and Regulations

Every mobile food vehicle and pushcart, whether on private property or within the public right-of way shall adhere to the following rules and regulations:

1. The grant of permission hereunder shall not be deemed to authorize the operation of a mobile food vehicle and/or pushcart without obtaining a business license.
2. Persons conducting business from a mobile food vehicle or pushcart on private property may conduct such business only in compliance with the following:
 - a. They must provide to the City a lease or the written expressed consent from the owner to use the business property on which they propose to operate;
 - b. They must have a valid business license unless otherwise exempted by city ordinance;
 - c. They must maintain all refuse, trash and litter from the operation of the business onto the private property and shall be responsible for properly disposing of such refuse, trash, and litter as would any business, and shall not place it in any public trash container, or in any private container without proper permission; and
 - d. The business use must be a use that is otherwise allowed within the zoning district in which the vendor proposes to operate.
3. Persons conducting business from a mobile food vehicle on private property or within the public right-of-way shall not be permitted to operate in the following manner:
 - a. Vending may not obstruct the use of any street intersection or pedestrian crosswalk;
 - b. Vending shall not impede the ingress or egress of any driveway;
 - c. Vending shall not obstruct pedestrian space;
 - d. Any power sources must be depicted on the site plan and must meet all applicable electrical code standards;
 - e. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation;
 - f. Amplified sound or sound equipment is prohibited



- g. Any and all signage must be contained on the private property. At no time shall any signage be placed within the public rights-of-way.
4. Hours of operation within public rights-of-way shall be determined by the Plan Commission.
5. All locations are subject to the regulations and other requirements established by the Health Department.
6. It shall be unlawful to leave any mobile food vehicle and/or pushcart unattended on public rights-of-way, or to remain on public rights-of-way outside of the allowed hours of operation.
7. Vendors shall be allotted thirty (30) minutes set-up and thirty (30) minutes breakdown before and after the stated operating hours.
8. No mobile food vehicle and/or pushcart shall operate within one hundred fifty (150) feet of the front door of any restaurant in current operation.
9. No mobile food vehicle and/or pushcart vending within the Town's rights-of-way shall operate within five hundred (500) feet of any fair, stadium, carnival, circus, festival, special event, civic event, or other like sponsored event that is licensed or authorized by the Town, unless they are authorized by the sponsor to be participants in such event.
10. A mobile food vehicle and/or pushcart may use battery-operated lights with appropriate protective shields for the purpose of illuminating merchandise, so long as it is not a distraction to passing motorists.
11. No mobile food vehicle and/or pushcart shall make or solicit any sales to occupants of vehicles or engage in any activities which impede vehicular traffic.
12. Any power required for the mobile food vehicle and/or pushcart located on a public way shall be self-contained. The mobile food vehicle and pushcart shall not draw its power from the public rights-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.
13. The proposed mobile food vehicle and/or pushcart vending activity shall comply with all applicable laws including but not limited to the Americans with Disabilities Act.
14. Mobile food vending in the rights-of-way shall only occur from the side of a food vehicle that is parked abutting and parallel to the curb.
15. Pushcarts shall have overhead protection, such as an umbrella, to cover the food area.
16. No mobile food vehicle shall have a drive-through service.
17. The decibels levels for any generator(s) used shall not exceed "80dBA". The operator shall provide the manufacturer's specs on decibels range generated by his or her particular generator.
18. No mobile food vehicle and/or pushcart shall be parked on the street overnight, or left unattended and unsecured at any time. Any mobile food vehicle and/or pushcart which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
19. A mobile food vehicle and/or pushcart operating at any unauthorized location or beyond the hours for which the operation has been permitted shall be deemed operating without a permit in violation of this section and may be subject to enforcement.
20. Any new business that opens or moves near an existing mobile food vehicle and/or pushcart food zone shall be deemed to have accepted the proximity of the existing mobile food vehicle and/or pushcart in operation.



12.05.300 PERMITS AND PROCEDURES

12.05.301 Improvement Location Permit

An improvement Location Permit shall be required under the following conditions for any alteration, improvements or disturbance of land and/or the construction or addition of structure of shall be applied for in writing and issued by an authorized employee of the Commission. (Ord. 1994-4, S3.1(1), March 3, 1994)

1. No permit shall be issued by an authorized employee of the Commission unless the proposed construction, reconstruction, enlargement or moving of the building or structure conforms to all the provisions of this Ordinance. (Ord. 1994-4, S3.1(2), March 3, 1994)
2. Application for said Permit shall be made upon forms prescribed by the Plan Commission and shall be attached to plans and specification of significant detail to ensure that the staff is able to determine whether the proposed improvements are in compliance with this Ordinance. A District Development Plan (see Section 12.05.305) shall accompany all uses in the "B", MHP, and "I" Districts. (Ord. 1994-4, S3.1(3), March 3, 1994)
3. The applicant shall post said Permit in a prominent place and protect it from destruction on the site prior to and during the period of construction. (Ord. 1994-4, S3.1(4), March 3, 1994)
4. The permit may be revoked if active work is not commenced within sixty days after the date of its issue, or if work has started and then stopped for a period of six (6) months. (Ord. 1994-4, S3.1(5), March 3, 1994)
5. The authorized employee of the Commission may revoke said permit if work is not proceeding according to the detailed statement, District Development Plans and specifications filed with the permit application, or is perceived in violation of this Ordinance. It shall be his duty to give notice thereof to the owner or his agent requiring that the same shall be immediately rectified. (Ord. 1994-4, S3.1(6), March 3, 1994)
6. In the event that a dwelling within a Commission approved and recorded plat is occupied prior to the completion of the improvement serving the dwelling (as shown in the subdivision improvement plans), or if such improvements are completed but not operational, the authorized employee of the Plan Commission shall not issue any additional Improvement Location Permits within said subdivision until all improvements are approved by the Commission, certifying them as complete and operational. (Ord. 1994-4, S3.1(7), March 3, 1994)

12.05.302 Buildings under Construction

This Ordinance shall require no change in the plans, construction or intended use of any building or structure, which was legally started before the effective date of this Ordinance. Said building or structure may be completed and used in accordance with plans and specification, provided however, the construction of such buildings or structures shall be completed within one (1) year after the effective date of this Ordinance and/or in a manner consistent with the provisions of IC 36-7-4-1015. (Ord. 1994-4, S3.2, March 3, 1994)

12.05.303 Petition

12.05.303.010 Special Exceptions and Variances

Application for a variance or special exception shall be filed with the Orleans Board of Zoning Appeals no later than the first Tuesday of each month, for the meeting to be held the following month. Applications



shall be submitted on a form available at the Plan Commission Office (Town Hall), shall be completed by the applicant or his agent, and shall include a District Development Plan in accordance with Section 12.05.305. (Ord. 1994-4, S3.4.2(1), March 3, 1994)

Copies shall be submitted to the Plan Commission office. (Ord. 1994-4, S3.4.2(2), March 3, 1994)

12.05.303.020 Publication

Notice of a public hearing for any application for a contingent use, special exception, or variance shall be advertised at least ten (10) days prior to the public hearing in a newspaper of general circulation published within the Town and County. The cost of the notice of the public hearing shall be the responsibility of the applicant. A form for the notice may be obtained at the Plan Commission Office, and the proof of publication of the notice shall be presented to the Commission at the meeting. (Ord. 1994-4, S3.4.3, March 3, 1994)

12.05.303.030 Rezoning

Seven (7) copies of all petitions for rezoning shall be filed. Each petition shall consist of an application, location map and district development plan (refer to Section 12.05.305), and proposed ordinance and shall be filed with the Plan Commission (Town Hall) no later than the first Tuesday of each month for the meeting of the following month. (Ord. 1994-4, S3.4.4(1), March 3, 1994)

The petitioner shall mail by certified mail a copy of this petition to all owners of record of real estate which are contiguous to subject real estate, whether separated by any street, alley, easement, or any other public way. Owner of record shall be those shown on the record of the Auditor of Orange County. Said mailing shall not be less than ten (10) days before said petition is set for a public hearing before the Plan Commission. (Ord. 1994-4, S3.4.4(2), March 3, 1994)

The petitioner or his attorney shall file with the Plan Commission at least seven (7) days prior to the public hearing of said petitioner an affidavit showing the names and addresses of the contiguous owners and the date that a copy of the petition was mailed to them. The affidavit shall become part of the record pertaining to the petition. The applicant shall submit certified mail receipts at the meeting. (Ord. 1994-4, S3.4.4(3), March 3, 1994)

Notice of public hearing of any petition shall be advertised at least ten (10) days prior to the public hearing in a newspaper of general circulation published within the Town and the County. (Ord. 1994-4, S3.4.4(4), March 3, 1994)

In preparing and considering proposals under IC 36-7-4-603, the Plan Commission and the legislative body shall pay reasonable regard to:

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth. (Ord. 1994-4, S3.4.4(5)a-e, March 3, 1994)



12.05.304 Special Exceptions

In no case shall special exception uses be authorized without the approval of the OBZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the OBZA. The following procedure applies to special exception applications:

1. Application – The applicant shall submit a special exception application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, site plan, statement of intent, and required supporting information. All required supporting information is detailed within the application packet.
2. Notification – Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Notice of Public Hearing and the Rules of Procedure of the OBZA.
3. Public Hearing – The OBZA will then, in a public hearing, review the variance application and required supporting information consistent with IC-36-7-4-920 and the Rules of Procedure of the OBZA.
4. Decision Criteria – In taking action on all special exception requests, the OBZA shall use the following decision criteria:
 - a. The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities.
 - b. The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards.
 - c. The special exception shall be sited, oriented, and landscaped to produce harmonious relationship of buildings and grounds to adjacent buildings and property.
 - d. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - e. The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - f. The special extension shall preserve the purpose of this Ordinance.
5. Conditions and Termination – The OBZA may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval have been met. The OBZA may also terminate a special exception use provided grounds for termination have been met and a public hearing of the OBZA is held and inclusive of a vote to terminate the Special Exception use. Conditions and termination are detailed fully within the Special Exception application and the OBZA Rules of Procedure.
6. Written Commitments – The OBZA may require the owner(s) of the property to make written commitments in recordable form concerning the use or development of the property as specified under IC 36-7-4-1015 and detailed fully within the Special Exception application and the OBZA Rules of Procedure.
7. Permits – If the OBZA grants a special exception or a variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all requirements established by the OBZA and this Ordinance, an Improvement Location Permit for the execution of the approved special exception or variance shall be issued.
8. Failure to Obtain an Improvement Location Permit or Complete Construction – A special exception or variance ceases to be authorized and is said to expire if the obtaining of an Improvement



Location Permit, or the execution of the approval, has not been completed within three (3) years of the date the special exception or variance is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Administrator as being consistent with all written commitments, conditions, the requirements of this Ordinance, and all applicable permits within two years of the date the approval was granted.

9. Modification of Termination of Commitments – Pursuant to IC 36-7-4-1015(c), the OBZA may adopt a rule providing that the criteria to be considered by the OBZA when an owner applies for the modification or termination of a commitment are the same criteria that applied to the respective variance or special exception when the OBZA originally granted its approval of that variance or special exception.

12.05.304.010 Time Limits

Authorization of a special exception shall be voided after one (1) year from the date of authorization or such lesser time as authorization may specify unless said use or substantial construction has taken place. The Board of Zoning Appeals may, upon written request, extend authorization for a period not to exceed one (1) year, provided however, that the written request is received two (2) weeks prior to its expiration. (Ord. 1994-4, S3.6(3), March 3, 1994)

12.05.304.020 Granting of Use

The granting of a special exception by the Board shall be by resolution and shall not be by ordinance (meaning the Zoning Ordinance) after a public hearing. (Ord. 1994-4, S3.6(4), March 3, 1994)

12.05.304.030 Notice Posting

A sign shall be placed on the subject property not less than ten (10) days prior to the public hearing by the Board and said sign shall remain posted until approval or denial by the Board. Said sign shall be a minimum of 18" x 24", with 1-1/2" lettering. It shall be protected from the elements by laminating, and secured adequately to a post. The content must state the purpose, date, time, and location of the public hearing. The cost of said sign shall be the responsibility of the applicant. (Ord. 1994-4, S3.6(5), March 3, 1994)

The Plan Commission or BZA shall send copies of the agenda or minutes for meetings to the Town Council of Orleans, Indiana. (Ord. 1994-4, S3.6(6), March 3, 1994)

12.05.305 Planned Unit Development (PUD) Requirements

12.05.305.010 Purpose and Intent

This district is intended to provide more development flexibility and innovative approaches than are possible through the application of customary zoning regulations. The PUD district allows for mixed-uses and mixed densities under one zoning classification to reflect this development trend. This Ordinance allows any zoning district to be rezoned for the creation of a PUD district. All PUD Districts shall be consistent with the requirements of this Ordinance:

1. Designates a parcel of real property as a planned unit development district;
2. Specifies uses or a range of uses permitted in the planned unit development district;
3. Specifies development requirements in the planned unit development district;
4. Specifies the plan documentation and supporting information that may be required; and
5. Specifies any limitation applicable to a planned unit development district.



12.05.305.020 Requirements

12.05.305.021 Elements of Planned Unit Development (PUD) Plan

The Plan Commission may require the PUD to contain one or more of the following elements in graphic or written form as are applicable to the property in question and appropriate for adequate public review.

1. Existing topography, with a contour interval of two (2) feet and not greater than five (5) feet on steep slopes unless specifically waived by the Plan Commission. Existing topography with a contour interval less than two (2) feet based on a field survey may be required by the Commission for all or part of the subject property as existing topographic conditions warrant. Proposed contours with the same contour interval and finished grade spot elevations are also required;
2. Vicinity map with measurements to existing streets;
3. Boundary description, including area and bearings and dimensions of all property lines;
4. Names of all adjoining property owners;
5. Lot size and location, height, floor area, and arrangement of proposed and existing buildings;
6. Proposed use of structures on the subject property, or, at the Plan Commission's discretion, the categories of uses proposed for the subject property;
7. Existing tree masses, significant rock out-croppings, streams, flood plains, karst features and other natural features;
8. Provisions for screening and buffering, landscaping, recreational, and open space area;
9. The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off-street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways;
10. Provisions for handling surface water drainage and utilities information, where appropriate, such as proposals for gas, water, electricity, telephone service, sewage lines, fire hydrants, and similar information, and the location and dimensions of other existing or proposed easements;
11. Demonstration of compliance with land use intensity requirements;
12. Proposed stages of development, if applicable, and the anticipated time required to develop each stage;
13. The location of any burial grounds or cemeteries; wetlands, or hazardous material dumpsites;
14. North Arrow; and
15. Other such information the Plan Commission deems appropriate.

All site plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan. Sanitary sewer facilities shall be designed to the latest Indiana Department of Environmental Management and Ten States Standards, and storm drainage facilities shall be designed to the latest Storm Water System Design Criteria adopted by the Town. Engineering computations must be submitted. (Ord. 1994-4, S3.7.3(1), March 3, 1994)

12.05.305.022 Scope of Plan Commission Review

The Plan Commission shall consider, but not be limited to, the following factors in review of a site plan:

1. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;



2. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
3. The provision of sufficient open space (scenic and recreation) to meet the needs of the proposed development;
4. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
5. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;
6. Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations. (Ord. 1994-4, S3.7.3(2), March 3, 1994)

12.05.305.023 Developer Commitment

In accordance with IC 36-7-4-1, the Plan Commission (or Board of Zoning Appeals) may require the owner of a parcel of property to make a written commitment concerning the use and development of the subject property. (Ord. 1994-4, S3.7.3(3), March 3, 1994)



12.05.400 PLAN COMMISSION

The Orleans Plan Commission is hereby established, under the provisions of IC 36-7-4. (Ord. 1994-4, S4.1.(1), March 3, 1994)

12.05.401 Membership, Terms and Organization

The Commission shall be composed in accordance with Indiana statute IC-36-7-4-200 Series: Commission Establishment and Membership.

12.05.402 Quorum and Official Action

No official action shall be taken by the Commission without a quorum being present. A quorum is defined by IC 36-7-4-301 as a majority of the entire membership of the Commission, who are qualified by IC 36-7-4-300 Series: Plan Commission Organization to vote. Official action of the Commission requires authorization by a majority of the entire membership of the Commission at a regular or special meeting.

12.05.403 Alternate Members

In accordance with IC 36-7-4-220, the appointing authority may also appoint an alternate member to participate with the Commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under IC 36-7-4-223(c). An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

12.05.404 Meetings, Hearings and Procedures

Regular meetings of the Commission shall be held as provided by the Commission Rules of Procedure:

1. All meetings and hearings of the Commission shall be open to the public except when closed pursuant to the provisions of applicable State law.
2. The Commission shall adopt its own Rules of Procedure, subject to the limitations of the Indiana Code. The adoption, amendment, or revision of such rules shall be by a majority vote of all members of the Commission.
3. The Commission shall determine whether a citizen member meets all applicable residency requirements for appointment in accordance with uniform rules prescribed by the Commission.
4. Special meetings of the Commission may be called as provided by IC 36-7-4-307.

12.05.405 Record

The transcript of testimony, if any; minutes; all applications, exhibits, and papers filed in any proceeding before the Commission; the staff report if provided; and the decision of the Commission shall constitute the record.

12.05.406 Decisions

Every recommendation or decision of the Commission upon an application filed pursuant to this Ordinance shall be repeated in the summary minutes prepared by the Administrator. Where required by law, such decisions shall include written findings of fact upon criteria used in making the decision. The minutes shall expressly set forth any limitations, commitments, or conditions recommended or imposed by the Commission.



12.05.500 BOARD OF ZONING APPEALS

12.05.501 Establishment, Membership and Terms

The Orleans Board of Zoning Appeals is hereby established as a part of the Orleans Plan Commission, under the provisions of IC 36-7-4-900. (Ord. 1994-4, S4.1.(1), March 3, 1994)

12.05.501.010 Membership

The Board of Zoning Appeals consist of five (5) members, as follows:

1. Three (3) citizen members appointed by the Town Council President of Orleans, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
2. One (1) appointed by the Town Council of Orleans, who must not be a member of the Plan Commission.
3. One (1) citizen member appointed by the Plan Commission, who must be a member of the Plan Commission other than the member appointed under the subsection A. (Ord. 1994-4, S4.1.(2), March 3, 1994)

In accordance with IC 36-7-4-220, the appointing authority may also appoint an alternate member to participate with the Commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under IC 36-7-4-223(c). An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

12.05.501.020 Terms

The terms of the office shall be as follows:

1. One (1) member for a term of one (1) year. One (1) member for a term of two (2) years. One (1) member for a term of three (3) years.
2. Two (2) members for a term of four (4) years.

Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment. Thereafter, as a term expires, each new member shall be appointed for a term of four (4) years. Each member is eligible for re-appointment. (Ord. 1994-4, S4.1.(3), March 3, 1994)

If a vacancy occurs among the membership, the original appointing authority shall appoint a new member for the unexpired term. (Ord. 1994-4, S4.1.(4), March 3, 1994)

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership at the first meeting of the year. The vice-chairman shall have the authority to act as chairman during the absence of or disability of the chairman. (Ord. 1994-4, S4.1.(5), March 3, 1994)

The majority of the entire membership of the BZA shall constitute a quorum. No action is official, however, unless authorized by a majority of the members of the Board. (Ord. 1994-4, S4.1.(6), March 3, 1994)

12.05.501.030 Conflicts

A person shall not communicate with any member of the OBZA before hearings with intent to influence the member's action on a matter pending before the OBZA. A member who feels his or her impartiality



has been compromised in this manner is allowed to disqualify himself or herself from the petition hearing. The Administrator may, however, file with the OBZA a written statement setting forth any facts or opinions relating to the application no less than five (5) days before the hearing.

A member of the OBZA shall not participate in a hearing or decision of the OBZA concerning a zoning matter in which he or she has a direct or indirect financial interest or determines that he may not act impartially. The OBZA shall enter in its records the fact that its member has such a disqualification and the name of the alternate member, if such an alternate member participates in the hearing or decision in place of the regular member.

A member of the OBZA may not directly or personally represent another person in a hearing before the Board.

12.05.502 Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have all the powers and duties as provided under the provision of IC (36-7-4-900 series) as amended. (Ord. 1994-4, S4.2, March 3, 1994)

12.05.502.010 Appeals

The Board of Zoning Appeals shall hear and determine appeals from and review [IC 36-7-4-918.1]:

1. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the zoning ordinance;
2. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of the zoning ordinance; or
3. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location or occupancy permit. (Ord. 1994-4, S4.2.1, March 3, 1994)

12.05.502.020 Special Exceptions

The Board of Zoning Appeals shall approve or deny all special exceptions from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. (Ord. 1994-4, S4.2.2, March 3, 1994)

12.05.502.030 Variances of Use

The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Ordinance. (Ord. 1994-4, S4.2.3, March 3, 1994)

12.05.502.031 Variances from Development Standards of Zoning Ordinance

The Board of Zoning Appeals shall approve or deny variances from the development standards of the Zoning Ordinance according to, but not limited to, the following criteria:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;



3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property;
4. The variance granted is the minimum necessary; or
5. The variance granted does not correct a hardship caused by an owner, previous or present, of the property. (Ord. 1994-4, S4.2.4, March 3, 1994)

12.05.502.032 Grand of Use Variances

As a matter of public policy, the standards by which use variances are approved by the Board of Zoning Appeals shall approve or deny variances from the development standards of the Zoning Ordinance according to, but not limited to, the following criteria:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; or
5. The approval doesn't interfere substantially with the adopted comprehensive plan.

12.05.502.033 Status of Variance

The granting of a variance shall not be an ordinance amending the Zoning Ordinance, and no action by the Board shall be taken or decision made except after a public hearing. (Ord. 1994-4, S4.3.2, March 3, 1994)

12.05.502.034 Time Limit

Any variance approved by the Board shall expire six (6) months from the date of such action, unless an Improvement Location Permit incorporating a variance has been obtained within said six (6) months or the provisions of the variance have been adhered to within said six (6) months. Whenever the Board has taken action to approve or deny a variance application, the Board shall not consider any further variance application on any part of the same property for a period of one (1) year from the date of such action. (Ord. 1994-4, S4.4, March 3, 1994)

12.05.502.035 Application of Variance

Application for Variance shall be subject to Section 12.05.304.020 of this Chapter. (Ord. 1994-4, S4.5, March 3, 1994)

12.05.502.040 Notice Posting

Upon the filing of an application for a variance, contingent use, special exception, or rezoning, the applicant or his/her attorney shall post a sign upon the real estate affected by the action in a conspicuous place which is visible at all times to all persons passing said premises. The applicant shall protect the sign from destruction on the site until the action is approved or denied by the Board. The sign shall be at least 18" x 24" with 1-1/2" lettering. The content shall state the purpose, date, time, and location of the public hearing.

The sign shall be placed thereon not less than ten (10) days prior to the public hearing of the Board; and said sign shall remain posted until approved or denied by the Board. (Ord. 1994-4, S4.6, March 3, 1994)



12.05.600 VIOLATION AND PENALTIES

12.05.601 Issuing and Serving

The Administrator may issue a civil zoning violation to a person who commits a civil zoning violation to the legal owner, the contract vendee, the lessee or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.

12.05.602 First Offense

No citation shall be issued for the first offense unless the person who commits a civil zoning violation, or the legal owner, the contract vendee, the lessee or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket not less than seven (7) days before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed Ordinance regulations.

12.05.603 Application for Planning Body Action

A person who receives a warning ticket or a citation may file a petition for a variance, special exception permit, rezoning, or other means provided by this Ordinance to correct the violation. A person who elects to file such a petition shall indicate this intent on the warning ticket or citation and return it to the Planning Administrator. A person shall have seven (7) days after issuance of the warning ticket, including weekends and holidays, to file the petition, and additional monetary fines shall be stayed upon the filing of such petition. A person who files the petition within said time period shall pursue the petition in an expeditious fashion. If the petition is denied, withdrawn, or dismissed for want of prosecution, and the civil zoning violation continues at the real estate, then a lawsuit will be commenced by the designated enforcement entity (OBZA) in a court of competent jurisdiction in Orange County, Indiana.

12.05.604 Warning Ticket

The warning ticket shall include:

1. Date;
2. Name and address ;
3. Section number in violation and name of code;
4. Nature of violation;
5. Specific time allowed to bring the violation into compliance;
6. Name, business address, and phone number of person issuing warning ticket; and
7. Statement to violator of option to appear before the OBZA to file a petition.

12.05.605 Citation

The Citation shall appear on serialized, designated form and include:

1. Date;
2. Name and address;
3. Section number in violation and name of code;
4. Nature of violation;
5. Place and date the violation was observed;



6. Amount of fine assessed;
7. Time, manner and location to pay fine;
8. Notice that each day is a new violation; and
9. Name, business address, and phone number of person issuing citation Statement to violator of right to elect trial.

12.05.606 Violation

12.05.606.010 Each Item is a Separate Violation

Each item of noncompliance enumerated on the Notice of Violation shall be considered to be a separate violation.

12.05.606.020 Each Day is a Separate Violation

Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this section. A violation continues to exist until corrected. Correction includes, but is not limited to:

1. Cessation of an unlawful practice;
2. Removal of a building, structure, sign, or other improvement; or
3. Faithful or otherwise-approved restoration or replacement of a building, structure, site, or natural feature;

12.05.606.030 Tree Removal

In addition to all other penalties and remedies provided for herein, where the violation is removal of one (1) or more trees contrary to 12.05.215, Landscaping Requirements, the responsible party shall be required to meet the following requirements:

1. Replace the removed trees with healthy trees of similar species. For each tree removed, two (2) trees shall be planted in replacement.
2. The aggregate caliper of replacement trees shall at a minimum equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Administrator.
3. The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.
4. Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the Administrator.
5. Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

12.05.606.040 Disturbance of Environmental Features

In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental constraints, the responsible party shall be required to meet the following requirements, and no violation shall be deemed corrected for purposes of fining until all required steps are completed:



1. Submission of Remediation Plan – Submit a Remediation Plan to the Administrator indicating how the disturbed area shall be restored to its pre-disturbed condition. The Administrator may require the utilization of native seed mixes and native plantings to restore areas to their pre-disturbed condition.
2. Deadline for Submission – The responsible party shall submit remediation Plans within seven (7) days of receiving notice from the Administrator.
3. Implementation of Plan – An approved Remediation Plan must be fully carried out as soon as reasonably possible. A violation shall be deemed corrected as of the date of submission of a Remediation Plan if such plan is subsequently approved and if such plan is fully carried out as soon as reasonably possible. However, any unreasonable delay in implementation of the plan may result in each day of the period of delay being deemed an additional violation subject to the maximum fine provided for in this Ordinance.
4. Other Ordinance Requirements – Completion of any other remedy specified in this Ordinance; and/or other remedy acceptable to the Town.

12.05.606.050 Enforcement

The Town Attorney may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to this section and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with Sections 12.05.110 and 12.05.111, Nonconforming Uses, Lots and Structures or any condition, requirement, or any development approval hereunder.

12.05.606.060 Cumulative

The remedies provided for in this Ordinance shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

12.05.606.070 Additional Measures

In addition to issuing a Notice of Violation, the Administrator may utilize and/or seek through legal proceedings one or more of the following remedies:

1. Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred;
2. Issue a Stop Work Order;
3. Revoke the permits, certificates and/or approvals that have been violated,
4. Draw on a performance or maintenance surety, as necessary, with permission of the Board of Public Works and Safety, to effect any remedial actions required to abate the violations; and/or
5. Any and all penalties and remedies listed in this section.

Any person, firm, or corporation, or anyone acting in behalf thereof who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 (one hundred dollars). Each day a violation is permitted to exist shall constitute a separate offense. The Town Attorney shall, immediately upon any violation having been called to his/her attention, institute an injunction, to restrain a person from violating this Ordinance and/or institute a mandatory injunction requiring that a structure erected in violation of this Ordinance be removed. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law. (Ord. 1994-4, Section Five, March 3, 1994)



SEVERABILITY

12.05.701 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application. (Ord. 1994-4, Section Six, March 3, 1994)

12.05.702 Planning Administrator Powers and Duties

A Planning Administrator shall be appointed by the Orleans Plan Commission, subject to the approval of the Town Council, to serve at the pleasure of the Town Council, for a term ending December 31st of the year the appointment is effective and until a successor is appointed and qualifies. The provisions of Town of Orleans Zoning Ordinance shall be administered and enforced by the Planning Administrator. It shall be the duty of the Planning Administrator and he shall have the power to do the following acts:

1. Receive and examine all applications for permits and to refer applications to persons or bodies as specified by this zoning ordinance, or to make any other referrals as deemed advisable by the Planning Administrator. (Ord. 2005-8, S7A, March 17, 2005)
2. Issue permits after approval only when there is compliance with the provisions of said zoning ordinance and with other Town ordinances. However, the issuance of a permit shall not be deemed a waiver of the requirements of any other Town ordinance. (Ord. 2005-8, S7B, March 17, 2005)
3. Receive applications for special exceptions and refer these applications to the Secretary of the Orleans Plan Commission and Board of Zoning Appeals who shall investigate the applications and forward them to the Plan Commission and Board. (Ord. 2005-8, S7C, March 17, 2005)
4. Receive applications for variances and refer these applications to the Secretary of the Board of Zoning Appeals who shall investigate the applications and forward them to the Board for action thereon. (Ord. 2005-8, S7D, March 17, 2005)
5. Receive applications for appeals from alleged error of the Planning Administrator and refer these applications to the Secretary of the Board of Zoning Appeals who shall investigate the applications and forward them to the Board for action thereon. (Ord. 2005-8, S7E, March 17, 2005)
6. Receive applications for zoning amendments and changes in zoning districts in accordance with Ordinance 1994-4 and refer these applications to the Secretary of the Plan Commission who shall investigate the applications and forward them to the Plan Commission and the Common Council, as applicable, for their action thereon. (Ord. 2005-8, S7F, March 17, 2005)
7. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance 1994-4. (Ord. 2005-8, S7G, March 17, 2005)
8. Issue stop, cease and desist orders, and order in writing correction of all conditions found to be in violation of the provisions of the zoning ordinance. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Planning Administrator to be violating the terms of the zoning ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Planning Administrator, and any person violating



any such order shall be guilty of a violation of the zoning ordinance. (Ord. 2005-8, S7H, March 17, 2005)

9. With approval of the Plan Commission or the Board, or when directed by one or both of them, institute in the name of the Plan Commission or Board any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use and to restrain, correct or abate such violation, so as to prevent the occupancy or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. 2005-8, S7I, March 17, 2005)
10. Revoke by order, an improvement location permit issued under a mistake of fact or contrary to the law or the provisions of the ordinance. (Ord. 2005-8, S7J, March 17, 2005)
11. Upon request of the Plan Commission or Board, present to such bodies facts, records, or reports which they may request to assist them in making decisions. (Ord. 2005-8, S7K, March 17, 2005)
12. Prepare and maintain an annual calendar of meeting and filing dates for the Plan Commission and OBZA. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Commission or Board.
13. Maintain a schedule of fees, as approved by the Council, for all applications, permits, and other processes outlined in this Ordinance.
14. Maintain a map showing the current zoning district classifications of all land in the Town. (Ord. 2005-8, S7L, March 17, 2005)