

**ZONING REGULATIONS
TOWN OF MOORES HILL, INDIANA**

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1. ADMINISTRATIVE PROVISIONS

- 1.1. Authority. These regulations are authorized pursuant to IC 36-7-4-602(a).
- 1.2. Applicability. The provisions in this ordinance shall apply to the development, redevelopment and use of all land within the planning and zoning jurisdiction of the Moores Hill Plan Commission. Except where specifically noted otherwise in this ordinance, each provision of this ordinance is applicable throughout this ordinance.
- 1.3. References to Other Regulations. Any citation or reference to another statute, ordinance or regulation shall mean the most recent version thereof including all amendments and/or replacement.
- 1.4. Conflict with Other Statutes. Where the requirements in this ordinance are in conflict with the requirements of any other statute or law that is in effect within the planning and zoning jurisdiction of the Town, the more restrictive requirement shall prevail.
- 1.5. Severability. The several provisions of this ordinance are separable as follows:
 - 1.5.1. Ordinance Provisions. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
 - 1.5.2. Property Provisions. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, structure or other improvement to land, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- 1.6. Administration and Enforcement Authority. The Plan Commission or their appointed representative is hereby vested with the duty to administer and enforce the regulations in this ordinance, and shall be referred to throughout as the Administrator.

- 1.7. Government Exemption. Any work to be completed by or on behalf of the federal government or the State of Indiana on property that is owned by the Federal government, the State of Indiana, Dearborn County, or the Town of Moores Hill is exempt from compliance with these regulations. However, work to be done by or on behalf of any of the above agencies on leased property is not exempt, and work to be done by or on behalf of any political subdivision of the State of Indiana or of Dearborn County is not exempt.
- 1.8. Plan Commission.
- 1.8.1. Establishment. The Advisory Plan Commission of the Town of Moores Hill was established by Ordinance 3-1986, adopted on December 2, 1985, as an advisory plan commission as that term is defined at IC 36-7-4-207(b) and operates pursuant to the authority granted by IC 36-7-4-100 et seq.
- 1.8.2. Planning and Zoning Jurisdiction. The planning and zoning jurisdiction of the Plan Commission shall include all land within the corporate limits of the Town of Moores Hill.
- 1.8.3. Rules of Procedure. The Plan Commission shall be governed by its adopted Rules of Procedure which shall not be in conflict with this ordinance or state law.
- 1.9. Board of Zoning Appeals.
- 1.9.1. Establishment. The Advisory Board of Zoning Appeals of the Town of Moores Hill was established by Ordinance No. 4-1986, Article VI, Section 1, adopted on December 2, 1985, as an advisory board of zoning appeals as that term is defined at IC 36-7-4-900 et seq., and operates pursuant to the authority granted by IC 36-7-4-100 et seq.
- 1.9.2. Territorial Jurisdiction. The geographic territory over which the Board of Zoning Appeals has jurisdiction shall be the planning and zoning jurisdiction of the Town's Plan Commission.
- 1.9.3. Rules of Procedure. The Board of Zoning Appeals shall be governed by its adopted Rules of Procedure which shall not be in conflict with this ordinance or state law.
- 1.10. Zoning Districts Map. The most recent version of the map entitled "Zoning Districts Map, Town of Moores Hill," as may be amended from time to time, is hereby adopted as the official zoning districts map for the Town of Moores Hill and is included herein by reference.
- 1.11. Subdivisions of Land Permitted. Pursuant to IC 36-7-4-701(a), subdivisions of land are permitted in all zoning districts within the jurisdiction of the Plan Commission. All subdivisions of land are subject to compliance with the terms of this ordinance and with the terms of the Subdivision Control Regulations of the Town of Moores Hill.
- 1.12. Street Names and Addresses.
- 1.12.1. Street Names. The President of the Town Council shall name all streets pursuant to IC 36-7-4-405(c).
- 1.12.2. Addresses. The Plan Commission shall assign street numbers (addresses) to all structures and lot numbers to all lots pursuant to IC 36-7-4-405(b). Whenever numbers are assigned or streets named, the Plan Commission or the Council President as appropriate shall notify the clerk of the circuit court, the administrator of the emergency telephone system, and other service providers and interested parties as appropriate pursuant to IC 36-7-4-405(h).

- 1.13. Amendments and Replacement.
- 1.13.1. Replacement of these Zoning Regulations. The Plan Commission shall give notice and hold a public hearing on any proposed replacement of this ordinance pursuant to IC 36-7-4-602(a). The Town Council shall follow the procedures at IC 36-7-4-606 for approval of the ordinance.
- 1.13.2. Amendments to these Zoning Regulations. The Plan Commission shall give notice and hold a public hearing on any proposed amendment to this ordinance pursuant to IC 36-7-4-602(b). The Town Council shall follow the procedures at IC 36-7-4-607 for approval of the ordinance.
- 1.13.3. Amendments to the Zoning Districts Map. The Plan Commission shall give notice and hold a public hearing on any proposed amendment to the Zoning Districts Map pursuant to IC 36-7-4-602(c). The Town Council shall follow the procedures at IC 36-7-4-608 for approval of the ordinance.
- 1.14. Maintaining Common Nuisance. Any structure erected, raised, or converted, or any lot used, in violation of this ordinance or any regulation made under this ordinance, is a common nuisance and the owner or possessor of the structure or lot is liable for maintaining a common nuisance.
- 1.15. Violations and Fines. Any person violating any of the provisions of this ordinance shall be fined fifty dollars (\$50) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- 1.16. Waivers, Variances and Appeals. Requests for waivers, variances and appeals of or from the terms of this ordinance shall be addressed as follows:
- 1.16.1. Waivers. The Plan Commission may grant waivers from the requirements of this ordinance only where specifically authorized in this ordinance and only to the extent indicated.
- 1.16.2. Variances. A request for a variance from the terms of this ordinance filed in accordance with IC 36-7-4-918.4 or IC 36-7-4-918.5 shall be decided by the Board of Zoning Appeals following a public hearing pursuant to IC 36-7-4-920.
- 1.16.3. Appeals. An appeal filed pursuant to IC 36-7-4-918.1 concerning an administrative decision that was made in relation to this ordinance shall be decided by the Board of Zoning Appeals following a public hearing pursuant to IC 36-7-4-919 and IC 36-7-4-920.
- 1.16.4. Decision of the Plan Commission. A final decision of the Plan Commission concerning any provision of these Zoning Regulations:
- 1.16.4.1. May be appealed to the Board of Zoning Appeals subject to IC 36-7-4-918.1 and IC 36-7-4-1016, and other applicable laws.
- 1.16.4.2. May be reviewed by certiorari pursuant to IC 36-7-4-1016.
- 1.16.5. Decision of the Board of Zoning Appeals. An appeal of a final decision of the Board of Zoning Appeals concerning any provision in these Zoning Regulations may be reviewed by certiorari pursuant to IC 36-7-4-1003(a) and 1003(b).

2. GENERAL LAND USE REGULATIONS

21. Number of Buildings Per Lot and Shared Use of Lots.

21.1. Number of Dwellings Permitted on One Lot.

- 21.1.1. Not more than one detached single-family dwelling shall be permitted per lot.
- 21.1.2. Not more than one attached two-family (duplex) dwelling shall be permitted per lot.
- 21.1.3. A one-family dwelling or a two-family dwelling shall not be permitted on the same lot with any other dwelling regardless of configuration
- 21.1.4. A one-family dwelling or a two-family dwelling shall not be permitted on the same lot with any other principal-use structure.
- 21.1.5. The number of multi-family dwelling units and buildings on one lot shall be determined by the land use an development requirements in this ordinance.

21.2. Number of Non-Residential Buildings Permitted on One Lot. One or more non-residential principal-uses or non-residential buildings may be located on one lot, provided that the development and other requirements in this ordinance shall be satisfied separately for each individual use.

22. Uses of Land Not Permitted. A use of land that is not listed in the chapter on Permitted Uses of Land, or that is not approved by the Board of Zoning Appeals as a special use from the list in the chapter on Special Uses of Land, shall not be permitted. Where a person desires a use of land that is not permitted, that person shall file for a land use variance by the procedures described in the chapter on Land Use Variances.

23. Non-Conforming Uses of Land. Any lawful use of land that is existing on the date of adoption of this ordinance and that would not be permitted under this ordinance in the zoning district in which it is located, shall be permitted to continue indefinitely at the intensity of use and the configuration it has as of the date of adoption of this ordinance, provided that such non-conforming use of land:

- 23.1. Shall not be expanded in its capacity to produce goods or services.
- 23.2. Shall not be relocated to another part of the lot on which it is located, nor to another structure on the same lot, nor to another lot where it would be a non-conforming use.
- 23.3. Shall not be replaced with another non-conforming use.
- 23.4. Where it has ceased to be used for a period of six months or longer, shall be considered to have ceased permanently and the non-conforming use shall not be permitted to resume.
- 23.5. Shall not be substituted for another non-conforming use.

24. Use of Public Property. No temporary or permanent improvements, including signs, shall be installed or constructed on public property except as permitted by this ordinance and by the regulations of the agency which owns or controls the property.

25. Use of a Lot of Record. Any lot of record as defined herein shall be permitted to be used for any purpose permitted in that district subject to the requirements and restrictions in this ordinance.

26. Use of Open Space on a Lot. Except as otherwise provided in this ordinance, where a lot is to be occupied for a land use that does not have buildings, the setback provisions of this ordinance shall be observed.

27. Lot Area and Dimensional Exclusions. Except as otherwise provided in this ordinance, lot area, lot dimensions, yards, setbacks, structure heights or other criteria used to satisfy one land use or one structure cannot be counted again and used to satisfy a separate land use or a separate structure.
28. Zoning District Boundaries. The following regulations apply to situations where there is more than one zoning district on a lot:
- 28.1. Where the boundary lines of a zoning district divide a lot that has frontage on a street in a less-restricted zone, the provisions of this ordinance covering the less-restricted portion of such lot may extend into the lot, but in no case more than 30 ft.
- 28.2. Where the boundary lines of a zoning district divide a lot having frontage on a street in a more-restrictive zone, the provisions of this ordinance covering the more-restricted portion of such lot may extend to the entire lot.
- 28.3. Where it is determined that the actual street layout varies from the layout shown on the Zoning Districts Map, the Administrator shall interpret the Map and make a zoning boundary or other decision according to the reasonable intent of this ordinance.

3. PERMITTED USES OF LAND

- 3.1. Permitted Uses in All Zoning Districts. The following uses are permitted in any zoning district subject to compliance with the regulations in this ordinance:
- 3.1.1. Accessory Buildings. Accessory buildings are permitted in any zoning district provided that:
- 3.1.1.1. They are constructed at the same time as or after the primary use structure on the same lot has been constructed; and
- 3.1.1.2. An accessory structure shall not be placed in use prior to the primary use structure being placed in use.
- 3.1.2. Antennas, Satellite Dishes and Towers. Antennas, satellite dishes and towers are permitted in all zoning districts subject to the setback and height restrictions in this ordinance, and subject to the following:
- 3.1.2.1. Residential Accessory Use. Where antennas, satellite dishes and/or towers are to be used only by the residents of a dwelling for personal use and not for any commercial use, they shall be permitted on the same lot as the dwelling in any zoning district, and in any yard except a front yard. For purposes of this provision, "front yard" shall mean the area between each street and the foremost wall of the dwelling that faces the street (not the wall of a porch or steps).
- 3.1.2.2. Commercial Communications Accessory Use. Where antennas, satellite dishes and/or towers are to be used by a commercial or industrial business only for their business communications needs and not for other relay or broadcasting purposes, they shall be permitted on the same lot in any zoning district.
- 3.1.3. Babysitting. Babysitting as defined herein shall be permitted in a dwelling in any zoning district.
- 3.1.4. Children's Playhouse or Treehouse. Playhouses and treehouses that are only for

use by children for entertainment shall be permitted on the same lot as the dwelling in which the children reside in any zoning district. The maximum horizontal area covered by any one playhouse or treehouse may not exceed 64 sq. ft., and the maximum horizontal area covered by all playhouses and treehouses on a lot may not exceed 144 sq. ft.

- 3.1.5. Driveways, Curbs and Sidewalks. Driveways, curbs and sidewalks are permitted on lots in all zoning districts. They may be located in utility and drainage easements provided that they do not impede drainage or infringe upon the right of utility providers to install and have access to their utility lines and devices.
- 3.1.6. Fences. Fences are permitted in all zoning districts subject to the requirements on Visibility at Corners and Intersections. Agricultural use fences as defined at state law are subject to regulation by the state law. All fences except state-regulated agricultural use fences shall be subject to the following requirements:
- 3.1.6.1. Location on a lot. A fence may be located in a required yard subject to the following conditions:
- 3.1.6.1.1. Shall be located entirely on the lot owned by the person constructing the fence;
 - 3.1.6.1.2. May be as close as desired to the property line but shall not extend over the property line either on, below or above the ground; and
 - 3.1.6.1.3. Shall not be constructed in any right-of-way for a street, alley or railroad, or in a stream or ditch.
- 3.1.6.2. Electric fences. Electrically charged fences are prohibited except when enclosing an agricultural use as defined herein, and subject to state law.
- 3.1.6.3. Barbed fences. For purposes of this provision, a "barbed fence" is any fence that has barbs, thorns, razors, or similar devices that are intended to snare, cut or puncture any person or animal that tries to cross over, through or under the fence. Barbed fences shall be permitted subject to all of the following conditions:
- 3.1.6.3.1. Permitted only in the C-H zoning district;
 - 3.1.6.3.2. Permitted only where there is no dwelling unit on the lot; and
 - 3.1.6.3.3. No part of the barbed material shall be less than 8 ft. above the elevation of the ground that is contiguous to the fence at every point along the length of the fence.
- 3.1.6.4. Residential fences. A fence on any lot that has a dwelling unit or that is zoned for residential use shall comply with all of the following requirements:
- 3.1.6.4.1. A fence in a front yard shall not exceed 3 ft. in height as measured from the adjacent grade and shall be at least 50% open when viewed from the side, as for example a split-rail fence;
 - 3.1.6.4.2. No woven wire, chain-link, or other wire fence or steel fence shall be permitted in a front yard;
 - 3.1.6.4.3. For purposes of this provision "front yard" shall mean:
 - 3.1.6.4.3.1. On any lot with a dwelling, the front yard shall be the area between each street and the foremost wall of the dwelling that faces the street (not the wall of

habitable structure, except as follows:

- 32.1. Tents and campers in approved camping areas, and recreational vehicles located in approved RV parks, may be used as temporary accommodation for sleeping and habitation.
- 32.2. Mobile construction offices are permitted on the lot on which construction activity is to be carried on and may remain for up to one month after completion of the construction work.

33. Permitted Uses in the C-L -- Light Commercial District.

- 33.1. Purpose and Intent. The Light Commercial district should be the preferred location for small retail operations, professional and government offices, service oriented businesses such as barber shops, salons and small repair shops, and similar low-intensity uses that:
 - 33.1.1. May include light assembly work in support of retail operations but not manufacturing, processing, salvage or other industrial activities.
 - 33.1.2. Do not require heavy trucks for delivery or shipping of materials.
 - 33.1.3. Are located along arterial or collector streets, adjacent to or near residential areas, offering a transitional area between the residential uses and heavier commercial and industrial uses.
- 33.2. Maximum Floor Area. Except where listed otherwise the maximum floor area that can be utilized by any one use in the C-L district is 8,000 sq. ft.
- 33.3. Permitted Uses. The following uses are permitted in the C-L zoning district subject to compliance with the regulations in this ordinance:
 - 33.3.1. The uses listed in the section entitled Permitted Uses in All Zoning Districts in this chapter.
 - 33.3.2. Apartments on any floor except the ground floor or a floor lower than the ground floor.
 - 33.3.3. Bakery with retail sales not exceeding 5,000 sq. ft. of floor area.
 - 33.3.4. Banks and credit unions.
 - 33.3.5. Bicycle sales and repair.
 - 33.3.6. Personal service establishments including barber and beauty shops, tailors, shoe repair shops and small appliance repair shops.
 - 33.3.7. Print shops with retail sales and a maximum of 5,000 sq. ft. of floor area.
 - 33.3.8. Professional and government offices.
 - 33.3.9. Restaurants without drive-up service and maximum 5,000 sq. ft. of floor area.
 - 33.3.10. Small retail stores including department stores, food, drug, beverage, small appliances, florist, gifts, hardware, furniture, paint, clothes and sporting goods.
 - 33.3.11. Studios for arts and crafts, design and photography.

34. Permitted Uses in the C-H -- Heavy Commercial District.

- 34.1. Purpose and Intent. The Heavy Commercial district is intended to accommodate heavy, large-scale retail or wholesale operations that do not include substantial manufacturing activities, but do generate a lot of vehicle traffic and may have many employees. Due to potential heavy truck traffic, location along an arterial street or along a well-constructed collector streets with access to an arterial street is important. Residential uses should not be allowed in the C-H district and all light commercial uses should be discouraged.

342. Permitted Uses, Unrestricted. The following uses are permitted in the C-H zoning district subject to compliance with the regulations in this ordinance:

- 3421. The uses listed in the section entitled Permitted Uses in All Zoning Districts in this chapter.
- 3422. All uses permitted in the C-L zoning district.
- 3423. Gun sales and repair without a shooting range.
- 3424. Kennels.
- 3425. Laundromats, laundries or dry cleaning shops.
- 3426. Liquor stores.
- 3427. Medical and dental clinics, but not hospitals or other in-patient facilities.
- 3428. Pet shops.
- 3429. Veterinary clinics.
- 34210. Video tape rental shops.

343. Permitted Uses, Restricted. Except as noted, the following uses are permitted in the C-H district only where there is access from a designated truck route, and subject to compliance with the regulations in this ordinance. These uses may have incidental storage but shall not have on-site assembly, construction, manufacturing, millwork or other industrial activity:

- 3431. The uses listed in the section entitled Uses Permitted in All Zoning Districts in this chapter.
- 3432. All unrestricted uses permitted in the C-L and the C-H zoning districts.
- 3433. Auto, truck, motorcycle, manufactured housing and RV washing, sales or service facilities excluding:
 - 3433.1. Body repair shops; and
 - 3433.2. Salvage, junk or scrap yards.
- 3434. Bakeries.
- 3435. Broadcasting studios and transmitting facilities.
- 3436. Building and construction materials sales without manufacturing or processing.
- 3437. Building trades shops (including assembly and millwork but not manufacturing, asphalt, clay or concrete mixing operations).
- 3438. Car and truck washes.
- 3439. Catering services.
- 34310. Convenience stores.
- 34311. Department and home improvement stores.
- 34312. Gasoline and diesel fuel service stations with or without convenience stores.
- 34313. Greenhouses with inside growing operations.
- 34314. Grocery stores.
- 34315. Health and fitness facilities, gyms.
- 34316. Heavy equipment sales and service.
- 34317. Hotels and motels.
- 34318. Indoor and outdoor amusements.
- 34319. Indoor gun range with or without sales and service.
- 34320. Laundries and dry cleaning establishments.
- 34321. Micro-breweries with restaurants.
- 34322. Mini-warehouses
- 34323. Parking lots and parking garages.
- 34324. Pawn broker or pawn shop.
- 34325. Restaurant with or without drive-up service.
- 34326. Retail strip malls.
- 34327. Roadside stand for seasonal sales of farm produce but not animals.

- 3.4.328. Tavern, bar or nightclub.
- 3.4.329. Transportation terminal (bus, cab, etc.).
- 3.4.330. Warehouses and distribution facilities.
- 3.4.331. Wholesale suppliers.

3.5. Permitted Uses in the R-L -- Low-Density Residential District.

- 3.5.1. Purpose and Intent. The primary purpose of the Low-Density Residential district is to provide a stable environment for families residing in single-family and two-family (duplex) homes on lots with ample open space for the enjoyment of privacy and recreation. Other purposes include preservation of older single-and two-family housing stock within the core neighborhoods of the Town, enhancement of property values, and protection from encroachment by non-residential uses.
- 3.5.2. Permitted Uses. The following uses are permitted in the R-L zoning district subject to compliance with the regulations in this ordinance:
 - 3.521. The uses listed in the section on Permitted Uses in All Zoning Districts in this chapter.
 - 3.522. Single-family dwellings.
 - 3.523. Two-family dwellings (duplexes).
 - 3.524. Bed and breakfast in a single-family dwelling with not more than two guest rooms.
 - 3.525. Group homes.
 - 3.526. Child care homes.

3.6. Permitted Uses in the R-H -- High-Density Residential District.

- 3.6.1. Purpose and Intent. The multi-family district should be the area in which affordable medium-to-high density housing is located, primarily in the form of apartments. The R-H district shall have access to collector or arterial streets to accommodate the heavy volumes of traffic generated by high-density housing. Multi-family housing is essential for a growing workforce, young families and senior citizens. The R-H district may be in close proximity to commercial and light industrial uses, but as with all residential uses it should not be located too close to heavy industrial uses.
- 3.6.2. Permitted Uses. The following uses are permitted in the R-H zoning district subject to compliance with the regulations in this ordinance:
 - 3.621. The uses listed in the section on Permitted Uses in All Zoning Districts in this chapter.
 - 3.622. Single-family dwellings.
 - 3.623. Two-family dwellings (duplexes).
 - 3.624. Multi-family dwellings.
 - 3.625. Bed and breakfast in a single-family dwelling with not more than four guest rooms.
 - 3.626. Group homes.
 - 3.627. Boarding or rooming houses.
 - 3.628. Child care homes.

3.7. Permitted Uses in the SCR -- Social, Cultural and Religious District.

- 3.7.1. Purpose and Intent. The social, cultural and religious district should have moderately large tracts of land suitable for schools, museums, churches, hospitals, fraternal and social organizations and other centers of assembly for relatively large numbers of people that require equally large areas for parking. Access should be on

streets that can quickly convey traffic in several directions such as SR350, Main St. and Manchester St.

3.72. Permitted Uses. The following uses are permitted in the SCR zoning district subject to compliance with the regulations in this ordinance:

- 3.721. The uses listed in the section on Permitted Uses in All Zoning Districts in this chapter.
- 3.722. Community centers.
- 3.723. Funeral homes.
- 3.724. Social and fraternal organizations.

4. SPECIAL USES OF LAND

- 4.1. Overview. The uses of land listed in this chapter are classified as special uses as that term is used at IC 36-7-4-918.2(2). Such uses shall be permitted only in the specified zoning district(s), subject to compliance with the general requirements for all special uses and the specific requirements for each special use as determined by the Board of Zoning Appeals.
- 4.2. Special Use Approval Not Required. Only the uses of land listed in this chapter shall require a special use approval. A use not listed shall not be eligible for nor require a special use approval.
- 4.3. Approval of Special Uses in Zoning Districts Where Not Permitted. Where a person desires to locate a special use in a zoning district in which that use is not permitted in this chapter, that person shall in addition to the application for a special use approval also apply for a land use variance. Both the land use variance and the special use shall be approved before the special use will be permitted in the alternate zoning district.
- 4.4. Development Standards Variance for a Special Use. The approval of a special use shall by itself not also approve waivers of or variances from the other requirements of this ordinance or of any other regulation or law. Where a person desires a variance from the standards of development in this ordinance for a special use, that person shall also apply for a Board of Zoning Appeals approval of a standards variance in accordance with the requirements in this ordinance. Both the development standards variance and the special use shall be approved before the special use approval shall be effective.
- 4.5. Application for a Special Use Approval. Each application for a special use approval shall be submitted to the Board of Zoning Appeals in the form specified by the Board and according to the Board's rules of procedure. The applicant shall specify the special use as listed in this chapter. The applicant shall also provide responses to the findings that the Board of Zoning Appeals will be required to make, including the findings required for all special uses and those for each special use, as listed in this chapter.
- 4.6. Approval of a Special Use. The Board of Zoning Appeals shall only approve or deny a special use petition after conducting a public hearing pursuant to IC 36-7-4-918.2(2), IC 36-7-4-919 and IC 36-7-4-920, and after making the findings required for all special uses and those for the specific requested special use, as listed in this chapter. The Board may also attach reasonable conditions to the approval, and may require commitments, as provided in the following section.
- 4.7. Conditions and Commitments. The Board of Zoning Appeals may impose reasonable conditions and may require a petitioner to record commitments as a part of its approval. Commitments when required shall, at the petitioner's expense, be recorded in the office of the Recorder of Dearborn County as an attachment to the deed for the property. The document to

be recorded shall specify the lot to which the commitment applies, shall refer to the deed record and page number for the lot according to the files in the office of the Recorder of Dearborn County, shall specify the exact terms of the commitment required by the Board of Zoning Appeals, and shall be approved by the Board prior to being recorded. An approved special use is not effective until all required conditions have been satisfied, and commitments have been recorded when required.

- 4.8. Required Findings for All Special Use Approvals. Prior to approving any special use petition the Board of Zoning Appeals shall find and determine all of the following:
- 4.8.1. ___ All persons who own or have controlling interest in the property in the petition have signed the petition or have signed an affidavit indicating their agreement with the petition as submitted.
 - 4.8.2. ___ The requirements for legal notice and notification of interested parties as required by the Board's rules of procedure have been completed.
 - 4.8.3. The proposed special use and the plan for implementation of the use are:
 - 4.8.3.1. ___ In substantial compliance with the Comprehensive Plan for the Town;
 - 4.8.3.2. ___ Desirable for public convenience and welfare;
 - 4.8.3.3. ___ Will not be injurious to the public health, safety, morals, and the general welfare of the community; and
 - 4.8.3.4. ___ Will be harmonious with surrounding land uses.
 - 4.8.4. ___ The use and value of the area adjacent to the property included in the request will not be affected in a substantially adverse manner.
 - 4.8.5. ___ Proposed access for vehicles and pedestrians is in compliance with the requirements in this ordinance and will not unduly overburden the street system in the area.
 - 4.8.6. ___ The request is not based on financial hardship.
 - 4.8.7. ___ The request is not based on mere convenience.
 - 4.8.8. ___ All permits and/or licenses required under local, state and/or federal regulations and laws have been obtained.
 - 4.8.9. ___ The petitioner is advised that the plan shown at the hearing for implementation of the special use shall be required to comply with all other plans, regulations and ordinances of the Town, and that all other licenses, permits and approvals required by other agencies, laws and regulations shall be obtained before a special use approval shall be effective.

- 4.9. Permitted Special Uses. The following uses of land are special uses and shall require a special use approval from the Board of Zoning Appeals after a public hearing pursuant to IC 36-67-4-920 and the requirements in this chapter. In addition to the findings listed above that the Board is required to make for every special use, the findings for each special use listed below shall also be made before an approval shall be issued by the Board.

- 4.9.1. Special Uses Permitted in Multiple Zoning Districts.
- 4.9.1.1. Agricultural Uses.
 - 4.9.1.1.1. Permitted in all zoning districts except R-L and R-H.
 - 4.9.1.1.2. The proposed use is an agricultural use or the pasturing of livestock as those terms are defined herein.
 - 4.9.1.1.3. The proposed use shall not include any animal or crop transfer operations.
 - 4.9.1.1.4. The proposed use shall not include any trucking operations except those minimally necessary to bring seed or animal stock in and take produce or grown animals out.
 - 4.9.1.1.5. The proposed use shall not include confined feeding

- operations.
- 49.1.1.6. The petitioner shall specify the particular crops or animals to be grown, raised or housed, and any and all other specifics of the proposed operation.
- 49.1.1.7. Shall be located on and have access only from a designated truck route.
- 49.12. Child care centers, child care ministries, and pre-schools.
- 49.12.1. Permitted in C-H and SCR zoning districts.
- 49.12.2. No building shall be located closer than 250 ft. to any business in which alcoholic beverages are served.
- 49.12.3. Shall have primary access from a collector or arterial street.
- 49.13. Churches. Refer to the definition in this ordinance.
- 49.13.1. Permitted in C-H and SCR zoning districts.
- 49.13.2. No building shall be located closer than 250 ft. to any business in which alcoholic beverages are served.
- 49.14. Confined feeding operations.
- 49.14.1. Permitted in the C-H zoning district.
- 49.14.2. Shall have obtained all required state and federal licenses and permits prior to a special use approval being effective.
- 49.14.3. Shall not be located in any part in a floodplain.
- 49.14.4. Shall not be located closer than 1,000 ft. to a residential use, residential zoning district, or a school.
- 49.14.5. Shall be located on and have all access only from a designated truck route.
- 49.14.6. Trucks shall not be routed on streets that traverse a residential area or residential district.
- 49.14.7. All access drives shall be paved.
- 49.15. Health maintenance and extended care facilities.
- 49.15.1. Permitted in the C-H and the SCR zoning districts.
- 49.15.2. Shall have primary access from a collector or arterial street.
- 49.16. Libraries, museums and art galleries.
- 49.16.1. Permitted in the C-H and the SCR zoning districts.
- 49.16.2. Shall have primary access from a collector or arterial street.
- 49.17. Outdoor gun range.
- 49.17.1. Permitted in the C-H zoning district.
- 49.17.2. The range shall not be designed such that any structure that is or that can be occupied by persons shall be located within one mile of the downrange end of the shooting range within an arc that is 30° on either side of the centerline of the range.
- 49.17.3. A full-width dirt embankment at least 15 ft. high shall be constructed on the downrange end of the range, the ends of which shall extend not less than 30 ft. past the left and right ends of the target area.

- 4.9.1.8. Parks and playgrounds.
 - 4.9.1.8.1. Permitted in all zoning districts.
 - 4.9.1.8.2. Shall be adequately buffered from vehicle traffic on adjoining streets.

- 4.9.1.9. Ponds or lakes.
 - 4.9.1.9.1. Permitted in all zoning districts.
 - 4.9.1.9.2. Shall have obtained a permit issued by the Indiana Department of Natural Resources (DNR) for any pond or lake that is required by DNR regulations to have a permit; or
 - 4.9.1.9.3. Shall have obtained a letter from DNR determining that the proposed lake or pond is exempt from the requirements for a permit.

- 4.9.1.10. Schools. Refer to the definition in this ordinance.
 - 4.9.1.10.1. Permitted in C-H and SCR zoning districts.
 - 4.9.1.10.2. A school that is equivalent to a primary, middle or high school, shall have no building located closer than 250 ft. to any business in which alcoholic beverages are served.
 - 4.9.1.10.3. Shall have primary access from a collector or arterial street.

4.92. Special Uses Permitted in the C-H Zoning District.

- 4.92.1. Asphalt plants.
 - 4.92.1.1. All required permits have been obtained.
 - 4.92.1.2. The proposed site shall not be located in a floodplain.
 - 4.92.1.3. The proposed site shall be located not closer than 1,000 ft. to the boundary of a residential zoning district.
 - 4.92.1.4. Shall be located on and have all access only from a designated truck route.
 - 4.92.1.5. Trucks shall not be routed on streets that traverse a residential area or residential district.
 - 4.92.1.6. All access drives shall be paved from the edge of the street pavement for a distance of 250 ft. into the site.

- 4.92.2. Auto body repair shops. The petitioner shall provide for:
 - 4.92.2.1. Paint and other fumes to be directed away from adjoining land uses and properties.
 - 4.92.2.2. Dust to be collected.
 - 4.92.2.3. Shall not include salvage, wrecking or related activities.
 - 4.92.2.4. Vehicle storage shall be limited to vehicles undergoing active restoration.
 - 4.92.2.5. Shall have access only from an arterial street.

- 4.92.3. Campground and recreational vehicle (RV) parks.
 - 4.92.3.1. Where the site is to accommodate campers or RVs, the site shall accommodate not less than 20 RVs and/or camper trailers.
 - 4.92.3.2. No RV or camper shall be placed closer than 25 ft. to the traveled part of a public street that is used for access to the

- park.
- 4.9233. A potable water source shall be provided that accommodates the maximum number of intended users.
- 4.9234. Bathing and toilet facilities shall be provided by the park.
- 4.9235. The park shall be connected to a public wastewater collection and treatment facility.
- 4.9236. All accommodations shall be approved by the state or the Dearborn County Health Department as appropriate.
- 4.9237. Shall have access only from an arterial street.
- 4.9238. All access drives shall be paved from the edge of the street pavement for a distance of 250 ft. into the site.

4.924. Cement mixing (batch) and clay processing plants.

- 4.9241. All necessary permits have been obtained.
- 4.9242. The proposed site shall not be located in a floodplain.
- 4.9243. The plant is located not closer than 1,000 ft. to a residential or commercial zoning district.
- 4.9244. All erosive material shall be retained on-site and shall not be permitted to enter the stormwater control system.
- 4.9245. Dust control shall prevent dust from leaving the property on which the mixing or manufacturing takes place.
- 4.9246. Shall be located on and have all access only from a designated truck route.
- 4.9247. Trucks shall not be routed on streets that traverse a residential area or residential district.
- 4.9248. All access drives and loading/unloading areas shall be paved.

4.925. Composting facility.

- 4.9251. Required permits have been obtained.
- 4.9252. The proposed facility complies with the requirements at IC 13-20.
- 4.9253. The proposed site shall not be located in a floodplain.
- 4.9254. The proposed site shall be located not closer than 600 ft. to the boundary of a residential or commercial zoning district.
- 4.9255. Shall not include any landfill or recycling activities.
- 4.9256. Shall be located on and have all access only from a designated truck route.
- 4.9257. Trucks shall not be routed on streets that traverse a residential area or residential district.
- 4.9258. All access drives shall be paved from the edge of the street pavement for a distance of 250 ft. into the site.

4.926. Furniture manufacturing, repair or refinishing.

- 4.9261. Shall provide for fumes to be directed away from adjoining land uses and properties
- 4.9262. Shall provide for dust collection.
- 4.9263. Shall be located on and have primary access only from a designated truck route.

4.927. Landfills.

- 4.9271. The proposed site shall not be located in a floodplain.
- 4.9272. All permits required under state and federal law have been

- obtained.
 - 4.92.73. The proposed site shall be located not closer than one mile to the boundary of a residential zoning district.
 - 4.92.74. The proposed site shall be entirely enclosed with a chain-link fence that prevents ingress or egress by people or animals.
 - 4.92.75. The site shall not be used for storage of wastes classified as hazardous waste.
 - 4.92.76. Shall be located on and have all access only from a designated truck route.
 - 4.92.77. Trucks shall not be routed on streets that traverse a residential area or residential district.
 - 4.92.78. All access drives shall be paved.
- 4.92.8. Livestock auction, dealer, transfer or transportation facility. Refer to the definition of Livestock herein.
- 4.92.8.1. All permits required under state and federal law have been obtained.
 - 4.92.8.2. No part of the proposed site shall be closer than 1,000 ft. to the boundary of a residential zoning district.
 - 4.92.8.3. Animals shall be kept at the site only as required to facilitate normal transportation interchange requirements, and no breeding or raising of animals shall be permitted on-site.
 - 4.92.8.4. Shall be located on and have all access only from a designated truck route.
 - 4.92.8.5. Trucks shall not be routed on streets that traverse a residential area or residential district.
 - 4.92.8.6. All access drives shall be paved.
- 4.92.9. Public parking lots and garages.
- 4.92.9.1. Access must not impede traffic flow on adjoining streets.
 - 4.92.9.2. All access drives and parking areas shall be paved.
- 4.92.10. Public utility facilities.
- 4.92.10.1. Shall be located on and have access only from an arterial street.
 - 4.92.10.2. Shall not encroach in a public right-of-way for a street or alley.
- 4.92.11. Recycling and solid waste sorting facilities.
- 4.92.11.1. All permits required under state and federal law have been obtained.
 - 4.92.11.2. The proposed site shall not be located in a floodplain.
 - 4.92.11.3. A proposed site shall be located not closer than 1,000 ft. to the boundary of a residential zoning district.
 - 4.92.11.4. The proposed facilities shall be used only for temporary storage of recyclables not exceeding seven days.
 - 4.92.11.5. Shall be located on and have all access only from a designated truck route.
 - 4.92.11.6. Trucks shall not be routed on streets that traverse a residential area or residential district.
 - 4.92.11.7. All access drives shall be paved.
- 4.92.12. Salvage yard, junk yard, scrap metal storage or processing facility.

- 4.92.121. The operation shall comply with the terms and permitting requirements under IC 9-22-4.
- 4.92.122. All permits required under state law have been obtained.
- 4.92.123. The proposed site shall not be located in a floodplain.
- 4.92.124. The proposed site shall be located not closer than 1,000 ft. to the boundary of a residential zoning district or school property.
- 4.92.125. A screen of solid fencing shall completely isolate the site and its contents from view from any adjacent land or public road.
- 4.92.126. Shall be located on and have all access only from a designated truck route.
- 4.92.127. Trucks shall not be routed on streets that traverse a residential area or residential district.
- 4.92.128. All access drives shall be paved.

4.92.13. Sexually oriented businesses.

- 4.92.13.1. The proposed business qualifies as a sexually oriented business pursuant to the Town's ordinance on "Sexually Oriented Businesses."
- 4.92.13.2. Shall be licensed and in compliance with all other Town ordinances and other laws prior to an approval under this ordinance becoming effective.
- 4.92.13.3. Shall not be located within 1,000 ft. of:
 - 4.92.13.3.1. A church or other building which is used primarily for religious worship and related religious activities;
 - 4.92.13.3.2. A school or child care facility;
 - 4.92.13.3.3. The boundary of a residential zoning district;
 - 4.92.13.3.4. A public park or recreational area, open space area or other naturalized landscaped area which has been designated by a governmental agency for natural, park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of the Town;
 - 4.92.13.3.5. The property line of a lot devoted to any residential use;
 - 4.92.13.3.6. An indoor or outdoor amusement and/or restaurant which is oriented primarily towards entertainment for children or families; or
 - 4.92.13.3.7. Any other premises licensed pursuant to the alcoholic beverage control regulations of the State of Indiana.
- 4.92.13.4. Shall not be located in any building, structure, or portion thereof containing another sexually oriented business.

4.92.14. Sports facilities.

- 4.92.14.1. Does not permit animal, auto, truck, ATV, motorcycle, go-cart or tractor racing.
- 4.92.14.2. The facility's primary access shall be from a designated truck route.
- 4.92.14.3. All permits required under state law have been obtained.

- 4.9.2.14.4. On-site parking and loading facilities shall be sufficient to accommodate the largest expected attendance.
- 4.9.2.14.5. On-site exterior lights shall be installed in a manner that does not permit direct lighting on off-site areas.
- 4.9.2.15. Telecommunications transmission and distribution facilities including towers.
 - 4.9.2.15.1. For any tower:
 - 4.9.2.15.1.1. Paint color shall be chosen to reduce the visual impact on surrounding land uses.
 - 4.9.2.15.1.2. Lights shall only be installed as required by law.
 - 4.9.2.15.1.3. The light from any strobing or blinking lights shall be directed up and away from adjacent land if permitted by law.
 - 4.9.2.15.1.4. Co-location on an existing tower shall have been explored as an alternative to constructing a new tower.
 - 4.9.2.15.1.5. Shall be in compliance with all state and federal laws and shall have obtained all required permits and licenses
 - 4.9.2.15.2. No use, whether a tower or otherwise, shall encroach in a public right-of-way for a street or alley.
- 4.9.2.16. Vehicle storage yards.
 - 4.9.2.16.1. Shall be used only for temporary storage not to exceed 180 days of automobiles, boats, trucks or motorcycles.
 - 4.9.2.16.2. Shall not be used for any assembly, disassembly, repair, salvage, painting or other work to vehicles except as minimally necessary to prepare vehicles for and retrieve them from storage.
 - 4.9.2.16.3. Shall have access only from an arterial street.
- 4.9.2.17. Wastewater treatment facility.
 - 4.9.2.17.1. The facility is a public wastewater treatment facility.
 - 4.9.2.17.2. All federal, state and local permits have been procured.
 - 4.9.2.17.3. The site is located not closer than 500 ft. to the boundary of a residential zoning district.
- 4.9.3. Special Uses Permitted in the SCR Zoning District.
 - 4.9.3.1. Correctional facilities.
 - 4.9.3.1.1. Access shall only be from a designated truck route and shall not pass through a residential zoning district.
 - 4.9.3.1.2. State and federal requirements and permits have been obtained.
 - 4.9.3.1.3. The proposed site shall be located not closer than 1,000 ft. to the boundaries of a residential zoning district or the boundaries of school property.
 - 4.9.3.2. Halfway houses.
 - 4.9.3.2.1. No persons housed in the facility shall have been convicted of

- violent crimes, including but not limited to those crimes enumerated at IC 35-50-1-2 and IC 35-50-2-2(b)(4).
- 4.9322. All permits and other requirements under state and federal law have been obtained.
 - 4.9323. The facility shall not be located closer than 1,000 ft. to the boundary of school property.
 - 4.9324. The facility shall not be accessible from streets that pass through a residential zoning district.

5. LAND USE VARIANCES

- 5.1. General. Any use of land that is not listed in this ordinance as either a permitted use or as a special use shall only be permitted following the approval of a land use variance by the Board of Zoning Appeals as provided in this chapter.
- 5.2. Application for a Use Variance. Each application for a use variance approval shall be submitted to the Board of Zoning Appeals in the form specified by the Board and according to the Board's rules of procedure. The applicant shall specify the use that is requested. The applicant shall also provide responses to the findings that the Board of Zoning Appeals will be required to make as listed in this chapter.
- 5.3. Approval of a Use Variance. The Board of Zoning Appeals shall only approve or deny a special use petition after conducting a public hearing pursuant to IC 36-7-4-918.4, IC 36-7-4-919 and IC 326-7-4-920, and after making the findings required in this chapter. The Board may also attach reasonable conditions to the approval, and may require commitments, as provided in the following section.
- 5.4. Conditions and Commitments. The Board of Zoning Appeals may impose reasonable conditions and may require a petitioner to record commitments as a part of its approval. Commitments when required shall, at the petitioner's expense, be recorded in the office of the Recorder of Dearborn County as an attachment to the deed for the property. The document to be recorded must specify the lot to which the commitment applies, must refer to the deed record and page number for the lot according to the files in the office of the Recorder of Dearborn County, must specify the exact terms of the commitment required by the Board of Zoning Appeals, and must be approved by the Board prior to being recorded. An approved use variance is not effective until all required conditions have been satisfied, and commitments have been recorded when required.
- 5.5. Findings Required for a Use Variance. Prior to approving any use variance petition the Board of Zoning Appeals shall find and determine all of the following:
 - 5.5.1. _____ The use shall not be a use which requires a special use approval as provided in this ordinance.
 - 5.5.2. _____ All persons who own or have controlling interest in the property in the petition have signed the petition or have signed an affidavit indicating their agreement with the petition as submitted.
 - 5.5.3. _____ The requirements for legal notice and notification of interested parties as required by the Board's rules of procedure have been completed.
 - 5.5.4. _____ The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - 5.5.5. _____ The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - 5.5.6. _____ The need for the variance arises from some condition peculiar to the property involved.
 - 5.5.7. _____ 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.
- 5.5.8. ___ The approval does not interfere substantially with the Comprehensive Plan.
- 5.5.9. ___ The request is not based on financial hardship.
- 5.5.10. ___ The request is not based on mere convenience.
- 5.5.11. The proposed use and the plan for implementation of the use are:
- 5.5.11.1. ___ Desirable for public convenience and welfare;
- 5.5.11.2. ___ Harmonious with surrounding land uses;
- 5.5.11.3. ___ In conformance with all plans, regulations and ordinances of the Town; and
- 5.5.11.4. ___ Have adequate access for vehicles and pedestrians and will not unduly overburden the street system in the area.
- 5.5.12. ___ Proposed access for vehicles and pedestrians is in compliance with the requirements in this ordinance and will not unduly overburden the street system in the area.
- 5.5.13. ___ All permits and/or licenses required under local, state and/or federal regulations and laws have been obtained.
- 5.5.14. ___ The petitioner is advised that the plan shown at the hearing for implementation of the use variance shall be required to comply with all other plans, regulations and ordinances of the Town, and that all other licenses, permits and approvals required by other agencies, laws and regulations shall be obtained before the use variance approval shall be effective.

6. DEVELOPMENT STANDARDS

- 6.1. General. The following general regulations apply to all development of land.
- 6.1.1. Construction in a Floodplain. All development of land shall comply with the requirements of the Town's floodplain regulations, if any. The Board of Zoning Appeals shall not grant variances from the terms of the Floodplain Regulations, which regulations are not part of this ordinance.
- 6.1.2. Construction in Easements. In any dedicated or recorded easement of record, only those utilities or other improvements specified shall be permitted in the easement, and no other structure, building, fence, wall, sign, shrub, tree, or other improvement whether temporary or permanent, may be placed entirely or partially in an easement without the approval of the Town Council.
- 6.1.3. Non-Complying Structures. Any structure lawfully in existence on the date of adoption of this ordinance which by its location on a lot, height, dimensions, configuration, lot coverage, or other physical characteristic, does not comply with the requirements of this ordinance, shall be permitted to continue indefinitely in its configuration as of the date of adoption of this ordinance, and may be maintained in a safe condition provided that the non-complying structure:
- 6.1.3.1. Shall not 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.
- 6.1.3.2. Shall not be enlarged or otherwise changed in any manner that increases the non-compliance of the structure.
- 6.1.4. Visibility at Corners and Intersections. At the intersection of any street, alley, driveway or railroad with any other street, alley, driveway or railroad, no improvements or plants shall be installed or constructed at a height of between 2½ ft. and 12 ft. above the crown of the adjacent streets, alleys, driveways or the top of the rails, in a triangle formed by the two intersecting lines of the rights-of-way and a

third line that connects the intersecting lines at a distance of 20 ft. measured along each right-of-way line from the point of intersection.

6.1.5. Minimum Net Lot Area for Uses Permitted in Multiple Districts. For any use that is permitted in this district and in any other zoning district the minimum net lot area shall be the largest minimum area required in any of the zoning districts in which the use is permitted.

62. Minimum Net Lot Area. The minimum net land area on each lot or remnant of a lot created after the adoption of this ordinance shall be:

Zoning District	Minimum Net Lot Area with Public Sanitary Sewers	Minimum Net Lot Area without Public Sanitary Sewers
C-L	6,000 sq. ft. per use allowed in the district. 6,000 sq. ft. per use allowed in the district.	2 acres per use allowed in the district. 2 acres per use allowed in the district.
C-H	6,000 sq. ft. per use allowed in the district.	2 acres per use allowed in the district.
R-L	9,000 sq. ft. per single-family dwelling. 9,000 sq. ft. per two-family dwelling.	2 acres per single-family dwelling. 2 acres per two-family dwelling.
R-H	9,000 sq. ft. for two dwelling units.	2 acres for two dwelling units.

Add 2,500 sq. ft. of net lot area per dwelling unit for each dwelling unit after the first two dwelling units. This applies to all lots whether connected to public or private wastewater treatment systems.

SCR 8,000 sq. ft. per use allowed in the district. 2 acres per use allowed in the district.

63. Minimum Net Lot Dimensions. Each lot or remnant of a lot in any zoning district shall be not less than 75 ft. in width and not less than 75 ft. in length excluding any part of the lot that is located in a dedicated right-of-way for a street, alley, railroad or other dedicated right-of-way.

64. Minimum Setbacks on Lots. Refer to the definitions for "Setback" and "Yard" in this ordinance. The minimum setbacks on each lot for each zoning district and/or use shall be as specified in this section. No part of a structure shall extend into a required setback except as specifically permitted in this ordinance.

64.1. Setback Exemptions. The following uses shall be permitted to extend into a required setback the specified distance subject to compliance with the provision in this ordinance on Visibility at Corners and Intersections and the provision on construction in easements.

64.1.1. Architectural features. The following architectural features, as that term is defined herein, and may extend a maximum of 3 ft. into a required setback but not closer than 5 ft. to a lot line, a right-of-way line, or the traveled part of a street, whichever is closer to the structure: roof overhangs, gutters and down spouts, window and door sills, chimneys and fireplaces, steps and stoops but not decks or porches, and unenclosed stairs to upper floors.

64.1.2. Decks and porches. Roofed or unroofed decks and porches that are enclosed by not more than 50% on all sides combined and that are not more than one story may encroach into the required front or rear setback a distance not to exceed 8 ft. provided that it is not closer than 5 ft. to a

lot line.

- 64.1.3. **Mechanical equipment.** Mechanical equipment shall be permitted to extend a maximum of 3 ft. into a required setback but not closer than 5 ft. to a lot line, a right-of-way line, or the traveled part of a street, whichever is closer to the structure: antenna towers including all attachments and wires, heat pumps, air conditioning equipment, and similar devices that serve the structures on the lot on which they are located.
- 64.1.4. **Signs.** Signs shall comply with the requirements in the chapter on Sign Regulations.
- 64.2. **Front Setback.** The minimum front setback shall be not less than 25 ft. in all zoning districts, with the following exceptions:
- 64.2.1. **C-L District – Downtown.** Lots that have their front yard on Main St. between N. Broadway and East St., or on Manchester St. south of Wood St., may have a front setback that is equal to the smallest front setback in the same block, or 5 ft., whichever is greater. However, if the use includes a dwelling unit on the ground floor or on any floor below the ground floor, the front setback shall be the setback required for that dwelling type in the R district in which it is normally permitted.
- 64.2.2. **Setback averaging.** This provision shall not apply to porches, decks, or accessory buildings whether attached or detached from the principal-use structure, and shall not apply for the purposes of establishing setbacks for lots in new plats, or lots in additions to existing plats. This provision shall apply to new construction or an addition to a primary-use building on a lot where there are existing front setbacks on adjoining lots that are either less than or greater than the required front setback in the zoning district. The front setback shall be determined by averaging the setbacks as follows:
- 64.2.2.1. Where there is an existing primary-use building on the adjacent lots on both sides of the lot to be improved, the minimum front setback shall be the average of the front setbacks on the adjacent lots, measured from the foremost wall of the primary use structure on each lot (not from porches or steps), but may not be less than 5 ft.
- 64.2.2.2. Where there is an existing primary use building on only one adjacent lot, the minimum front setback shall be the average of the front setback on the adjacent lot, measured from the foremost wall of the primary use structure on lot (not from porches or steps), and the required front setback for the zoning district, but may not be less than 5 ft.
- 64.2.3. **Front setback on through lots and corner lots.** Where a lot has frontage on more than one street, or on the dedicated right-of-way for a street, or any combination of the two, a front setback shall be required on each such frontage. In such cases the street on which the principal use building has its address shall be the front yard.
- 64.2.4. **Accessory buildings.** An accessory building or accessory structure shall not be installed or constructed:

- 64241. Forward of the front setback line on any lot on which there is no primary use structure.
 - 64242. Forward of the main wall of a primary use structure that faces the front lot line on any lot on which there is a primary use structure.
643. **Side Setback.** The minimum side setback shall be not less than 8 ft. per side in all zoning districts subject to the following exceptions:
- 643.1. **Accessory buildings.** The minimum side setback for an accessory building shall be not less than 5 ft. provided that:
 - 643.1.1. The accessory building has not more than 750 sq. ft. of floor area on the ground floor;
 - 643.1.2. The accessory building is separated by open space of at least 15 ft. from the primary use building and its attached accessory buildings on the same lot; and
 - 643.1.3. The accessory building does not house a dwelling unit.
 - 643.2. **Lot of Record.** On any lot of record, as that term is defined herein, the minimum side setback for the zoning district and use in which the lot is located shall be reduced by one ft. for each 10 ft. reduction in lot width under the minimum requirement in the district, but in no event may the side setback be less than 5 ft.
644. **Rear Setback.** The minimum rear setback shall be not less than 15% of the lot depth but not less than the minimum side setback for the same zoning district and use, with the following exceptions:
- 644.1. **Accessory buildings.** An accessory building shall be permitted a rear setback of 5 ft. provided that:
 - 644.1.1. The accessory building has not more than 750 sq. ft. of floor area on the ground floor;
 - 644.1.2. The accessory building is separated by open space of at least 15 ft. from the primary use building and its attached accessory buildings on the same lot; and
 - 644.1.3. The accessory building does not house a dwelling unit.
 - 644.2. **Lot abutting an alley.** Where a rear lot line abuts a platted alley, whether or not the alley has been constructed, the required rear setback shall be calculated as provided in this section and shall then be reduced by an amount equal to one-half (½) of the width of the alley right-of-way; provided, however, that the rear setback shall not be less than 5 ft. from the rear lot line abutting the alley right-of-way.
 - 644.3. **Lot of record.** On any lot of record as that term is defined herein the required rear setback for the zoning district and use in which the lot of record is located shall be reduced by one ft. for each 10 ft. that the lot of record is under the minimum required width in the zoning district, but in no event may the side setback be less than 5 ft.
65. **Maximum Height of Buildings and Structures.** Refer to the definitions herein for "Height" and "Height, Maximum," and to the provisions for height of certain structures in the chapter on Permitted Uses of Land. The maximum height of any structure shall be 35 ft. in all zoning districts, subject to the following:

- 6.5.1. Residential Accessory Buildings. In any zoning district the highest elevation of the roof of an accessory building on the same lot as a dwelling shall not exceed the highest elevation of the roof of the dwelling.
- 6.5.2. Utilities and Architectural Features. In any zoning district and subject to all other provisions in this ordinance, the following improvements that are on a lot to serve the lot shall be permitted to exceed the specified height limit in each district by not more than 15 ft. on any lot that does not have a dwelling, or by not more than 5 ft. on any lot that does have a dwelling: antennas, satellite dishes, antenna towers or masts including all attachments and wires, utility poles, chimneys, unoccupied church steeples, unoccupied church or school bell towers, solar panels, weather vanes, lightning rods, rooftop equipment structures, and flagpoles.
- 6.5.3. Minor Improvements and Yard Ornaments. Refer to the chapter on General Land Use Regulations for height limits for these improvements.
- 6.5.4. Signs. Sign height shall comply with the requirements in the chapter on Sign Regulations.

7. MINIMUM DWELLING STANDARDS

- 7.1. Minimum Occupied Space. Each dwelling including a mobile home shall have not less than the following minimum interior area of occupied space as that term is defined herein:
- 7.1.1. Single-Family Dwelling of One Story. 950 sq. ft. on the ground floor.
- 7.1.2. Single-Family Dwelling of More Than One Story. 650 sq. ft. on the ground floor, and 950 sq. ft. total.
- 7.1.3. Two-Family and Multi-Family Dwellings. 650 sq. ft. per dwelling unit.
- 7.2. Minimum Dimensions. The interior occupied space of any structure housing a dwelling shall measure not less than 22 ft. in width for at least one-half ($\frac{1}{2}$) of the overall interior length of the dwelling. Measurements shall be made between parallel outer walls. The width of a dwelling shall be the shorter of two overall interior measurements made at right angles to each other; or shall be either dimension of a square dwelling.
- 7.2.1. Mobile Home Exemption. A mobile home, as that term is defined herein, when located in an approved or legally non-conforming mobile home park shall have minimum width of not less than 9 ft. and the minimum length of not less than 55 ft.
- 7.3. Foundations. Each structure housing a dwelling shall have a solid, permanent, perimeter foundation of concrete block, stone, masonry or approved wood that extends from the bottom of the perimeter wall sill plate to the frost line, completely enclosing all under-floor space except for vents and access openings which may account for not more than 10% of the perimeter. The foundation shall be constructed in accordance with the 2000 International Residential Code with Indiana Amendments.
- 7.3.1. Floodplain Provision. A dwelling located in a floodplain may utilize a permanent foundation other than that specified above, provided that the alternate foundation is required as a condition of approval for construction in a floodplain.
- 7.3.2. Mobile Home Exemption. A mobile home, as that term is defined herein, when located in an approved or legally non-conforming mobile home park shall utilize only

industry-approved temporary supports and tie-downs as required under the 2000 International Residential Code with Indiana Amendments, and shall use skirting or an alternate material to completely enclose all under-floor space.

74. Gutters and Down Spouts. This provision does not apply to a mobile home located in an approved or legally non-conforming mobile home park. Gutters and down spouts that control rainwater run-off from the roof shall be installed on each structure housing a dwelling. Where a down spout directs the flow of water across an adjoining property, the outfall of the down spout shall be located not closer than 5 ft. to the adjoining property line. Down spouts shall not direct water into a sanitary sewer or septic system, or across a sidewalk.

8. PARKING, LOADING AND DRIVEWAYS

- 8.1. Parking and Loading Area Standards. The following requirements are applicable to on-street and off-street parking for cars and light trucks in all districts:

8.1.1. Access.

- 8.1.1.1. All off-street parking areas shall be accessible from an improved street.
8.1.1.2. A parking lot shall have not more than two access drives from a street, subject to the requirements in the section on Driveway Standards.
8.1.1.3. Parking for one-family and two-family dwellings shall be permitted access from an improved alley, provided that there are no non-residential uses also on the same lot.

- 8.1.2. Access through other parking spaces. No parking space may be accessible by first driving through another parking space.

- 8.1.3. Back-out parking. Back-out parking from spaces into a public street shall be permitted for one-family or two-family dwellings, and for other residential and all non-residential uses that have not more than a total of four off-street parking spaces.

8.1.4. Buffer area.

- 8.1.4.1. A parking lot with a capacity of ten or more vehicles shall have a non-paved buffer of at least 5 ft. between the edge of the parking area and the lot line.
8.1.4.2. Any parking lot that abuts a residential zoning district or that abuts a property on which there is a residence shall have a buffer of plants or a fence that prevents vehicle lights from shining across the lot line.

- 8.1.5. Enclosed off-street parking. Required off-street parking spaces shall not include spaces in any garage, carport or other parking facility, except that multi-family, commercial or public parking may be in a parking facility designed for that purpose.

- 8.1.6. Lighting. Parking lot lighting shall be required for all multi-family and all non-residential parking lots when in use as follows:

- 8.1.6.1. Maximum fixture height shall be 20 ft. above the surface of the parking area.
8.1.6.2. Lighting fixtures shall not be spaced closer than 50 ft. apart.
8.1.6.3. A wall-mounted fixture shall have no part of the reflector or bulb visible from outside of the lot line.
8.1.6.4. Direct light from any directed-light fixture shall not cross lot lines.

- 8.1.65. Bulb output shall be not more than:
 - 8.1.65.1. Mounting height of less than 15 ft.: 100 watts for high-pressure sodium, 175 watts for mercury vapor, or 400 watts for incandescent.
 - 8.1.65.2. Mounting height of 15-20 ft.: 200 watts for high-pressure sodium, 400 watts for mercury vapor, and 175 watts for metal halide in any application.
- 8.1.7. Location. All off-street parking, loading and truck-turning facilities shall be provided on the same lot as the building or use to be served, except that non-residential uses may have parking on another lot within 300 ft. of the lot on which the use is located, provided that the off-site lot is in a zoning district that permits parking facilities or parking garages.
- 8.1.8. Interior access drives. Access to five or more off-street parking spaces shall be from an aisle that runs the length of the parking area, providing a minimum of 24 ft. of back-out turning space behind the parking spaces.
- 8.1.9. Parking space size. Each parking space shall be 180 sq. ft. in area.
- 8.1.10. Paving. Except for single-family dwellings, all loading and unloading areas, all off-street parking areas and all off-street parking for trucks, shall be paved.
- 8.1.11. Shared parking facilities. Shared parking facilities are permitted, provided that the total number of spaces available shall be the sum of the individual requirements for each participant.
- 8.1.12. Use of parking areas. No commercial repair or service work or sales shall be permitted in a parking lot except that which is part of a drive-in business.
- 82. Driveway Standards. Driveways shall be designed and constructed in accordance with the following standards:
 - 82.1. Access across residential lands. No land which is located in a residential zoning district shall be used for driveway, walkway, or other access to land located in a non-residential district.
 - 82.2. Paving. All residential driveways shall be paved from the edge of the street pavement to the edge of the sidewalk that is furthest from the street, except that in the absence of a sidewalk the driveway shall be paved for at least 12 ft. from the edge of the street pavement. All non-residential driveways shall be paved from the edge of the street pavement to the edge of the parking area.
 - 82.3. Separation between driveways and streets. The edge of a driveway shall have the following minimum spacing from the indicated improvements :
 - 82.3.1. At least 25 ft. from the intersecting right-of-way lines of two streets, or of a street and alley.
 - 82.3.2. At least 4 ft. to the edge of another driveway.
 - 82.3.3. At least 2 ft. to a property line.
 - 82.4. Width. Driveways shall be not less than 12 ft. and not more than 25 ft. in width.
- 83. Minimum Off-Street Parking Requirements. No parking space provided for any building or use for the purpose of complying with these regulations shall be counted as providing parking for any other building. Where a change of use on a lot increases the number of required off-street

parking spaces, only the additional spaces required by the change shall be provided.

- 83.1. One-Family and Two-Family Residential. Two spaces per dwelling unit.
- 83.2. Multi-Family Residential. Two spaces per dwelling unit, except that dwelling units with more than three bedrooms shall have four spaces per dwelling unit.
- 83.3. Non-Residential Uses.
 - 83.3.1. Auto and light truck repair facility. One parking space for each two employees and two spaces per work bay.
 - 83.3.2. Barber and beauty shops. Four spaces for each employee.
 - 83.3.3. Bed and breakfast. Two spaces for the residents and one space per guest room.
 - 83.3.4. Car or truck wash. Three spaces for each wash bay for self-service bays, and a driveway not less than 125 ft. in length to the door of each automatic wash bay.
 - 83.3.5. Child care center, pre-school. One space per employee.
 - 83.3.6. Clinics. Four spaces per doctor or dentist and one space per employee.
 - 83.3.7. Convalescent, nursing and retirement homes, and other extended care facilities. One space per employee and one space per four residents.
 - 83.3.8. Hotel, motel, boarding or rooming house. One parking space for each two employees and one space per guest room in addition to the requirements for a restaurant and bar.
 - 83.3.9. Group homes. Two spaces per dwelling unit.
 - 83.3.10. Hospitals, rehabilitation centers, and other health maintenance facilities. One space per three patients and one space per employee.
 - 83.3.11. Laundromats. One space per four washing machines.
 - 83.3.12. Manufacturing, processing and warehousing facilities. One space per two employees.
 - 83.3.13. Places of public assembly, including auditoriums, funeral homes, theaters, churches, community centers, gymnasiums, and auditoriums, with or without fixed seating. One space for each four seats based on maximum seating capacity per state building codes, including fixed and movable seats.
 - 83.3.14. Professional offices, service and retail businesses, indoor amusements. One parking space for each two employees and one space for each 800 sq. ft. of gross floor area.
 - 83.3.15. Retail sales, large items, including appliances, furniture, automobiles, and machinery. One parking space for each two employees and one space for each 1,000 sq. ft. of display area.

- 83.3.16. Retail sales and service establishments except large item retail. One parking space for each two employees and one space per 400 sq. ft. of gross floor area.
- 83.3.17. Restaurants, micro-breweries, bars, taverns and night clubs. One parking space for each employee and one space for each three seats.
- 83.3.18. Schools. One space for each employee and one space for each two students of driving age.
- 83.3.19. Sports facilities. One parking space for each two employees, one space per three patron seats and one space per participant. Where bench seating is used, each 20 in. of length of the bench shall count as one patron-seat.

9. IMPROVEMENT LOCATION PERMITS

- 9.1. Improvement Location Permit. An improvement location permit for any improvement on or to any lot shall be valid only if the lot and the improvement conform with the requirements of this ordinance.
- 9.2. Proof of Ownership of Property. It shall be the responsibility of the person who proposes work on a lot to demonstrate that the lot is owned by or under their control, and the demonstration of ownership or control shall be required whether or not any permit is necessary for the proposed work. Whenever ownership or control is indeterminate or in dispute, the Town Council, Plan Commission or Board of Zoning Appeals may require at the expense of the person proposing the work that a physical survey be conducted by a licensed professional land surveyor and that a plan drawn to scale be produced from that survey showing property lines and the relationship of the existing and proposed improvements to those property line, and may require that evidence in the form of deeds and/or other documents demonstrating ownership and/or control of property be produced.
- 9.3. Approval of All Parties. No work on or to property owned by, under the control of, or subject to the approval of another person shall be started unless by the written permission of said other person and, as required, by the additional approval of the Town Council, Plan Commission or Board of Zoning Appeals as appropriate for a given request.

10. DEVELOPMENT PLANS

- 10.1. Development Plans Required. Development plans shall be required in all zoning districts for:
 - 10.1.1. All new parking lots and additions to parking lots except for parking on lots used only for one-family or two-family dwellings.
 - 10.1.2. All non-residential developments.
 - 10.1.3. All multi-family residential developments.
 - 10.1.4. All single-family and two-family subdivisions and/or developments having more than one lot.
 - 10.1.5. All single-family and two-family subdivisions and/or developments having more than one dwelling per lot.
- 10.2. Certification of Design. Each development plan shall be certified by a registered professional land surveyor or professional engineer licensed by the State of Indiana, except that parking lots with ten or fewer spaces, or changes to parking lots that do not involve any changes to access drives, do not have to be prepared by a licensed professional.

103. Approval Process. The Plan Commission shall approve each development plan at a regular or special public meeting, except that where any waiver of a development plan requirement is requested the Plan Commission shall first conduct a public hearing as required by the Commission's rules of procedure.
104. Development Plan Approval. The Plan Commission shall approve each development plan only after making the following findings in writing:
- 104.1. ___ The proposed layout of the development is compatible with surrounding land uses and patterns of development.
 - 104.2. ___ The proposed layout of the development including right-of-ways, utility and drainage easements, lot sizes, lot dimensions, and building setback lines, is in compliance with this ordinance and the approved subdivision plat if any.
 - 104.3. ___ The layout and design of water mains, sanitary sewers, storm water drainage and other utilities, and street construction designs, are in compliance with the requirements of applicable Town ordinances and the approved subdivision plat.
 - 104.4. ___ The layout of streets, vehicle access and related improvements is in compliance with the requirements of the Town's ordinances and are designed to:
 - 104.4.1. ___ Minimize safety hazards and congestion;
 - 104.4.2. ___ Adequately manage the additional demands on local public streets created by the proposed development by ensuring that the capacity of adjacent streets and highways is proposed to be upgraded as necessary in order to be sufficient to safely and efficiently accept traffic that will be generated by the new development;
 - 104.4.3. ___ Ensure that entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments; and
 - 104.4.4. ___ Ensure a favorable impact on health, safety, convenience, and the harmonious development of the community.
 - 104.5. ___ Proposed on-site and off-site pedestrian accommodations have been designed to adequately manage the design requirements.
 - 104.6. ___ The perimeter of the site has been adequately buffered from non-compatible adjacent land uses by the use of screens, plants, landscaping or fences as required by the Plan Commission.
 - 104.7. ___ Proposed signage is in compliance with this ordinance.
 - 104.8. ___ The plans for erosion control are in compliance with all regulations of the Town, with the state's "Rule 5" requirements, and all other applicable erosion control regulations.
 - 104.9. ___ The proposed development plan is in compliance with all floodplain regulations.
 - 104.10. ___ The Town Council has approved the subdivision plat and/or the plans for utilities and drainage improvements.
 - 104.11. ___ All permits and licenses required from other local, state or federal agencies have been obtained.
105. Required Documentation. Documentation shall be submitted with a development plan showing:
- 105.1. ___ The basis for proposed street and parking improvements and their designs including traffic calculations.
 - 105.2. ___ Stormwater drainage calculations.
 - 105.3. ___ Utility demand calculations.
 - 105.4. ___ A list of any and all requirements of Town ordinances and other laws with which the proposed development plan does not comply, and the reason(s) for non-compliance.

- 10.6. Increased Standards of Development. The standards for development of land are, except where noted, minimum requirements. Whenever the Plan Commission determines that a proposed development has extraordinary requirements or places excessive demands on resources outside of the development that were not anticipated when preparing these regulations, higher standards and greater requirements shall be included as required by the Plan Commission.
- 10.7. Waivers. The Plan Commission may waive or partially waive only the following standards and requirements for development plans:
- 10.7.1. Documentation waiver. A particular piece of supporting documentation may be waived only upon a finding that the improvement supported by the documentation is not required for a particular development, or upon a finding that the documentation is not required for the size or complexity of the development.
- 10.7.2. Improvement waiver. Any improvement required by this ordinance in a development plan may be waived in whole or in part by making all of the following findings concerning each improvement that is proposed to be waived:
- 10.7.2.1. The requirement that is proposed to be waived is a requirement that is in this ordinance;
- 10.7.2.2. The requirement that is proposed to be waived does not require any other approval than that of the Plan Commission;
- 10.7.2.3. All of the requirements in this ordinance are accomplished without the improvement that is proposed to be waived;
- 10.7.2.4. The waiver will not be injurious to the public health, safety, morals, and general welfare of the community;
- 10.7.2.5. The waiver will not affect the use and value of adjacent property in a substantially adverse manner;
- 10.7.2.6. The waiver is based on one or more conditions that are unique to the property in the proposed development plan, and is not based on convenience or financial reasons
- 10.7.2.7. the specific reason(s) for approving the waiver include (list all); and
- 10.7.2.8. The waiver will not interfere substantially with the Comprehensive Plan.
- 10.8. Appeals. Pursuant to IC 36-7-4-1406(b) and IC 36-7-4-1016(4), the Plan Commission's final approval or disapproval of a development plan may only be reviewed by certiorari. An appeal of a Plan Commission approval shall not be heard by the Board of Zoning Appeals.

11. SIGN REGULATIONS

- 11.1. Intent and Purpose. These sign regulations are intended and designed to:
- 11.1.1. Enhance the visual appearance and scenic qualities of the area.
- 11.1.2. Assure that signs are compatible with the character and environment of the area.
- 11.1.3. Recognize the integral part played by signs in the overall appearance of the area.
- 11.1.4. Reduce traffic and safety hazards by prohibiting signs that are distracting to motorists and that cause unnecessary visual clutter.
- 11.1.5. Recognize the functions and importance of signs, and the benefit of well designed signs to the community as a whole.
- 11.1.6. Preserve property values and the residential character of residential areas by restricting non-residential uses of land.
- 11.1.7. Provide guidance and direction for sign users and sign designers as to what

constitutes appropriate signs.

112. Definitions. The following definitions supplement the general definitions in this ordinance and apply throughout this ordinance:

- 112.1. Address and Name Sign. A wall sign which displays the names of residents and the address of the building.
- 112.2. Advertising. The use of any structure, placard, wall, banner, balloon, or other device or structure or part thereof, and which forms or on which is located graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or promotes a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services. The expression of an opinion which does not announce, notify, or promote as outlined above, and which otherwise does not break any laws, is not advertising. The term includes "advertise."
- 112.3. Banner. A non-permanent advertising sign of lightweight fabric, plastic or similar material, which is mounted flush on a building or mounted between two points by use of ropes or lines. The term does not include flags.
- 112.4. Fascia Sign. A sign which is an integral part of a building's fascia, and which forms or is a part of the boundary of the intersection of a wall and roof.
- 112.5. Flag. Fabric or bunting with distinctive colors, patterns, symbols and words used as an identifying symbol of a unit of government or as advertising, or which is purely decorative in nature and does not carry advertising.
- 112.6. Freestanding Sign. A permanent sign that is anchored to or into the ground, and which is not supported by or attached to any structure other than its own support structure.
- 112.7. Gateway Sign. An permanent freestanding sign which is located on private property at the entrance to and identifies a named park, subdivision or other development.
- 112.8. Home Occupation Sign. An wall sign which identifies the home occupation within the dwelling to which the sign is attached.
- 112.9. Information Sign. A permanent sign which provides information necessary for routing of pedestrian and vehicular traffic and similar information required for on-premises traffic control, but does not advertise.
- 112.10. Name Plates. An unlighted wall sign that lists the names of the occupants, and does not exceed four sq. ft., attached flush with the wall of the building in which the occupants reside or work.
- 112.11. Off-Premises Advertising Sign. A permanent sign which announces, notifies, or advertises a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services, which are not located or offered on the same property on which the sign is located.
- 112.12. On-Premises Advertising Sign. A permanent sign located on the property on which the organization, company, church, club, lodge, group, establishment, structure, product, goods or service identified by the sign is located.
- 112.13. Personal Message Sign. An sign which states only an opinion or point of view, but

which does not contain advertising as defined in this ordinance, and does not break any law.

- 11.2.14. **Projecting Sign.** A permanent sign which is attached to a building and projects at least twelve in. but not more than six ft. from the face of the building. A projecting sign shall not be supported by any posts or other support structure other than those devices which connect the sign to the building.
- 11.2.15. **Read Board.** A part of a permanent freestanding sign structure that uses changeable copy (symbols, words and numbers) to display information about future events, special offerings, opinions or other on-premises advertising information that changes with reasonable frequency.
- 11.2.16. **Roof Sign.** A sign that has any of the following qualifications:
- 11.2.16.1. Extends above the lowest part of the roof of a structure;
 - 11.2.16.2. Protrudes from a roof;
 - 11.2.16.3. Is painted on a roof; or
 - 11.2.16.4. Is an integral part of the shingles or other material which serves as the roofing material.
- 11.2.17. **Sandwich Board.** An free-standing sign in the shape of an inverted-V, where the sign face is essentially the sign support structure.
- 11.2.18. **Sign.** Any placard, wall, banner, balloon, or other device or structure or part thereof which forms or on which is located graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or advertises a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services, or which offers an opinion or other message.
- 11.2.19. **Sign Face Area.** The area of the sign used for displaying the symbols, words or numbers used to convey a message. Sign face area is the smallest area described by a rectangle that completely encloses the message and symbols. A sign having to faces where the faces are parallel or nearly parallel, and where the back of each face is separated from the back of the other by not more than twelve in. shall be treated as one sign face for purposes of calculating sign face area.
- 11.2.20. **Temporary Sign.** A non-permanent sign or a banner that is attached to a structure or anchored into the ground, and which describes one-time or infrequent activity or advertising.
- 11.2.21. **Wall Sign.** A sign attached parallel to a wall or painted on a wall, with no part of the sign extending more than 6 in. from the face of the wall, nor extending beyond the side or top of the wall to which the sign is attached. Windows signs are not calculated as wall signs. Wall signs where permitted shall only be on walls which are at least 50% visible from a public street that is located within 100 ft. of the building.
- 11.2.22. **Window Sign.** A sign attached to or part of a window, but not projecting from or exceeding the frame limits of the window.
- 11.3. **General Sign Regulations.** The following regulations apply to all signs in any zoning district:
- 11.3.1. **Height, Width and Ground Clearance.** The maximum permitted height, width and ground clearance for any sign shall be:

- 11.3.1.1. Height. No part of a sign shall extend higher than 20 ft. as measured from:
- 11.3.1.1.1. The highest point on the surface of the street adjacent to the highest point on the sign; or
- 11.3.1.1.2. In the absence of an adjacent street, not higher than 20 ft. measured from the highest point where the ground and base of the sign meet to the highest point on the sign.
- 11.3.1.2. Width. Except as required in this ordinance, there shall be no limit on sign width.
- 11.3.1.3. Ground Clearance. A portable, projecting or freestanding sign located within 15 ft. of the edge of a street, alley or curblin shall have not less than 9 ft. of open clearance between the bottom of any part of the sign and the highest point of the surface of the street or alley, and shall be supported by not more than two supporting structures below the sign face, each of which shall be not more than 12 in. in width or depth, and have not less than 36 in. of open space between the supports.
- 11.3.2. Separation from Streets. No part of any sign or support structure for a sign shall be located in a right-of-way for a street or alley, or in the absence of a right-of-way, shall not be closer than 2 ft. to a street, alley or back of a curb, whichever is closer to the sign.
- 11.3.3. Lights and Lighted Signs. Lamp bulbs and reflectors shall not be visible from any location on adjacent property or from a street, and light shall not glare into any thoroughfare or onto a residential property.
- 11.3.4. Signs on Public Property. No sign shall be placed in a public right-of-way or on public property except signs so placed by units of government on rights-of-way or other property under the unit's control. Signs shall not be attached to utility poles located on public property or in utility easements on private property.
- 11.3.5. Public Safety/Visibility. Any sign whether on public or private property which does not meet the requirements of this ordinance for clear vision at intersections or which otherwise creates or causes a public safety concern is prohibited.
- 11.3.6. Maintenance and Removal. All signs shall be maintained in a readable state of repair. Signs which do not display any advertising or other message for a period of six months, or which are in a state of dilapidation, shall be removed within 30 days following notification.
- 11.3.7. Legally Non-Conforming Signs. A sign which does not conform with the regulations under this ordinance and which existed at the time that a governing regulation made the sign legally non-conforming, shall be permitted to remain, to have its message or ad copy changed, and to undergo normal repair and maintenance, but shall not be expanded in any dimension, shall not if unlighted be changed to a lighted sign, and shall not be relocated to another place.
- 11.4. Exempt Signs. The following signs are permitted in all zoning districts:
- 11.4.1. Flags. As defined in this ordinance.
- 11.4.2. Government Signs. Any sign installed or permitted to be installed by a unit of the federal, state or Town government on land which the unit owns or controls.

- 11.4.3. Legal Notices. No trespassing, no hunting, survey markers and monuments, and similar informational, safety and warning signs; provided, that they are used only to the degree necessary to adequately convey the intended message to the average person.
- 11.4.4. Personal Message Signs. A sign that is a personal message sign as defined in this ordinance, that is not in the form of a prohibited sign, and provided that the sign uses one of the forms of signage that is permitted in the zoning district in which it is used.
- 11.4.5. Utility Location Markers. As defined in this ordinance.
- 11.5. Prohibited Signs. The following signs are prohibited:
- 11.5.1. Any sign not permitted by or which does not comply with the regulations in this ordinance.
- 11.5.2. Flashing, strobing or blinking lights, beacons, or other lights which are used for any purpose other than to illuminate the face of a sign.
- 11.5.3. A vehicle which has been, is or could be licensed as a vehicle, trailer, or part of a vehicle or trailer, shall not be used as either a temporary or permanent sign. This does not preclude the painting or placement of signs on vehicles which are licensed for and operated on streets for the purpose of providing mobile advertisement, provided the vehicle so equipped is otherwise in compliance with all local, state and federal laws pertaining to the operation of vehicles on streets.
- 11.6. Signs Permitted in All Zoning Districts.
- 11.6.1. Address and Name Signs. One unlighted name and address sign having not more than 4 sq. ft. of sign face area is permitted per dwelling, attached flush with a wall of the dwelling.
- 11.6.2. Fascia Signs. Each building except a dwelling that houses an approved or legally non-conforming business, public organization or non-profit organization, may have an unlighted fascia sign. The sign face area shall not exceed 24 in. in height and 10 ft. in width, and may not extend more than 24 in. above the lowest part of a roof. Fascia signs may only advertise on-premises activities.
- 11.6.3. Gateway Signs. One gateway sign is permitted at each entrance to a multi-lot development, subject to the following restrictions:
- 11.6.3.1. Not to exceed three gateway signs total for each development;
- 11.6.3.2. Sign face area shall be not more than 20 sq. ft. and the height shall not exceed 6 ft. per sign.
- 11.6.3.3. Shall be placed on private property within the development.
- 11.6.3.4. Shall comply with the provision in this ordinance on Visibility at Corners and Intersections and construction in easements.
- 11.6.4. Home Occupation Signs. One unlighted home occupation sign having not more than 4 sq. ft. of sign face area shall be permitted per dwelling unit in which a home occupation is conducted, attached flush with a wall of the dwelling.
- 11.6.5. Information Signs. Each information signs shall have not more than 4 sq. ft. in sign face area, and shall not exceed 3 ft. in height or width. Use and placement shall be limited to the minimum necessary to ensure public safety.

- 11.6.6. Temporary Signs. The following temporary signs shall be permitted in any zoning district subject to the other regulations in this ordinance and applicable state laws:
- 11.6.6.1. Balloons. Balloons are permitted under the following conditions:
- 11.6.6.1.1. For a maximum of one week;
 - 11.6.6.1.2. As a single-event special promotion;
 - 11.6.6.1.3. For a new business or a personal special occasion; and
 - 11.6.6.1.4. Provided that balloons shall be tethered at an elevation that does not exceed 20 ft.
- 11.6.6.2. Construction and Contractor Signs. During the time that a construction project is actively in progress or that repairs are being made to a structure in any zoning district a contractor may display on the lot under construction one freestanding sign that:
- 11.6.6.2.1. advertises the company's business; and
 - 11.6.6.2.2. Is not more than 9 sq. ft. in sign face area and not more than 6 ft. in height when located in a residential zoning district; or
 - 11.6.6.2.3. Is not more than 32 sq. ft. in sign face area and 8 ft. in height when located in any zoning district except a residential district.
 - 11.6.6.2.4. The sign shall be removed within 30 days following completion of the work.
- 11.6.6.3. For-Sale Signs. Permitted only on the real estate that is for sale, or on the lot on which an item of personal property belonging to the owner is for sale. The owner cannot be in the business of selling personal property for commercial gain. For-sale signs are limited to 9 sq. ft. in area and 6 ft. in height.
- 11.6.6.4. Garage Sale, Yard Sale and Open House Signs. A maximum of three freestanding signs are permitted per event, for seven days prior to the event, and shall be removed immediately following the event. They may be placed only on private property. Each sign shall not exceed 9 sq. ft. in area and 4 ft. in height, shall not be lighted, and shall not be attached to utility poles or street sign posts.
- 11.6.6.5. Political and Election. For a period of 90 days before and three days after a public primary, regular or special election, each candidate may display in any zoning district one freestanding sign of not more than 9 sq. ft. in area and 6 ft. in height on each lot. The sign shall only advertise the candidate's qualifications for office and the candidate's party, group or organizational affiliation.
- 11.6.6.6. Organizational Activities. Used to identify a scheduled event at a school or non-profit organization. The sign shall not exceed 24 sq. ft. in area and 8 ft. in height, and may be used for a total of not more than 60 days per calendar year.
- 11.6.6.7. Special Announcement Signs. Signs and decorations announcing weddings, birthdays, nationally recognized holidays and other infrequent special events, but containing no advertising. The sign shall have not more than 24 sq. ft. of sign face area, shall be not more than 6 ft. height, and shall be permitted not longer than seven days per event.
- 11.6.6.8. Special Promotion. A non-permanent free-standing special advertising

sign used for not more than two weeks per occasion and not more than four weeks total per year, and measuring not more than 24 sq. ft. in sign face area and 6 ft. height.

11.7. Signs Permitted in the C-H and SCR Zoning Districts. The signs listed in this section are permitted in the C-H and the SCR zoning districts subject to the regulations in this ordinance. Signs not listed are not permitted.

11.7.1. Total Signage. On any lot the total combined sign face area for all permanent free-standing, projecting, and roof signs shall be the lesser of either:

11.7.1.1. One sq. ft. of sign face area per one linear ft. of lot line adjacent to the street right-of-way; or

11.7.1.2. 250 sq. ft.

11.7.1.3. The total allowance shall be not less than 50 sq. ft. on a lot that has less than 50 linear ft. of right-of-way frontage.

11.7.1.4. Gateway, information, temporary, wall and window signs shall be excluded from the total sign face area calculations.

11.7.1.5. Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.

11.7.2. Off-Premises Advertising Signs. Each lot on which there is no dwelling and having frontage along SR350 shall be permitted to have one freestanding off-premises advertising sign subject to the following restrictions:

11.7.2.1. Spacing between a new or relocated off-premises sign and an existing off-premises sign on the same street shall be not less than 500 ft. as measured along the centerline of the street right-of-way on which the lot fronts.

11.7.2.2. Spacing between an off-premises sign and the intersecting right-of-way lines at a street intersection shall be not less than 250 ft.

11.7.2.3. Shall have not more than 80 sq. ft. of sign face area per sign, shall be not more than 20 ft. in height, and shall comply with the provision in this ordinance on Visibility at Corners and Intersections, and with all other regulations.

11.7.3. On-Premises Advertising Signs. Each approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, shall be permitted to have one freestanding or projecting on-premises advertising sign and one attached read board. Applicable standards include:

11.7.3.1. Advertising Sign. The sign face area shall be not more than 80 sq. ft. per sign.

11.7.3.2. Read Boards. Shall be attached to the same support structure which holds the freestanding sign. The read board sign face area shall be not more than 30 sq. ft. per sign.

11.7.4. Roof Signs. Roof signs are permitted as follows:

11.7.4.1. On non-residential buildings in any zoning district except a residential district.

11.7.4.2. Not permitted on dwellings or on buildings on lots with dwellings.

11.7.4.3. Roof signs that protrude from or are mounted to a roof shall have a sign face area of not more than 25% of the total area of the section of the roof where the sign is mounted, not to exceed 80 sq. ft. per sign.

- 11.7.4.4. Roof signs that are painted on the roofing material or are flush with and an integral part of the surface of the roof are not limited in sign face area.
 - 11.7.4.5. Roof signs may be used for on-premises advertising.
 - 11.7.4.6. Roof signs may be used for off-premises advertising subject to the restrictions on off-premises advertising signs in this section.
- 11.7.5. Wall Signs. Each building housing an approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, shall be permitted to have wall signs for on-premises advertising that total not more than 50% of the wall area on the side of the building where the sign is located. Dwellings shall comply with the regulations in the section on signs in residential districts.
- 11.7.6. Window Signs. Each approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, may have window signs that cover not more than 25% of all windows visible from public streets. Dwellings shall comply with the regulations in the section on signs in residential districts.
- 11.8. Signs Permitted in the C-L District. The following signs are permitted in the C-L zoning district subject to the regulations in this ordinance. Signs not listed are not permitted.
- 11.8.1. Total Signage. On any lot the total combined sign face area for all permanent free-standing, projecting, and roof signs shall be the lesser of either:
 - 11.8.1.1. One sq. ft. of sign face area per one linear ft. of lot line adjacent to the street right-of-way; or
 - 11.8.1.2. 100 sq. ft.
 - 11.8.1.3. The total allowance shall be not less than 30 sq. ft. on a lot that has less than 30 linear ft. of right-of-way frontage.
 - 11.8.1.4. Gateway, information, temporary, wall and window signs shall be excluded from the total sign face area calculations.
 - 11.8.1.5. Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.
 - 11.8.2. On-Premises Advertising Signs. Each approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, shall be permitted to have one freestanding or projecting on-premises advertising sign and one attached read board.
 - 11.8.2.1. Advertising Sign. The sign face area shall be not more than 30 sq. ft. per sign, except that where a lot exceeds 75 ft. in width the sign face area shall not exceed 50 sq. ft.
 - 11.8.2.2. Read Boards. Shall be attached to the same support structure that holds the freestanding sign. The read board sign face area shall be not more than 20 sq. ft. per sign.
 - 11.8.3. Sandwich Board. Where a sidewalk not less than 6 ft. in width is located in front of a business in the C-L district, each business thereon shall be permitted one freestanding sandwich board of not more than 24 in. width and 48 in. height, to be placed on the sidewalk in front of the business during open-business hours. Such signs shall be so placed as to be readily observable to pedestrians, shall not block the vision of pedestrians or drivers of autos, and shall not be so placed as to impede the flow of pedestrian traffic.
 - 11.8.4. Wall. Each building housing an approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, shall be permitted to have

wall signs for on-premises advertising that total not more than 25% of the wall area on the side of the building where the sign is located. Dwellings shall comply with the regulations in the section on signs in residential districts.

- 11.8.5. Window. Each approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, shall be permitted to have window signs that cover not more than 25% of all windows visible from public streets. Dwellings shall comply with the regulations in the section on signs in residential districts.
- 11.9. Signs Permitted in Residential (R) Districts. The following signs are permitted in the R-L and R-H zoning districts subject to the regulations in this ordinance. Signs not listed are not permitted.
- 11.9.1. Total Signage. On any lot the total combined sign face area for all permanent free-standing, projecting, and roof signs shall be one sq. ft. of sign face area per linear ft. of lot line adjacent to the street right-of-way not to exceed 40 sq. ft. total. In addition:
- 11.9.1.1. Each lot shall be entitled to not less than 20 total sq. ft. of sign face area.
- 11.9.1.2. Gateway, information, temporary, wall and window signs shall be excluded from the total sign face area calculations.
- 11.9.1.3. Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.
- 11.9.2. Advertising. Each approved or legally non-conforming business, public organization or non-profit organization, but not a home occupation, may have one of the following unlighted on-premises advertising signs:
- 11.9.2.1. Either a freestanding sign, or a projecting sign, or a wall sign, but not more than one per business or organization. The selected sign shall have a sign face area of not more than 12 sq. ft. per sign. A freestanding sign shall have a maximum overall height of not more than 6 ft. above the highest point on the surface of the street adjacent to the sign, and maximum overall width of not more than 4 ft.
- 11.9.2.2. Read Board. Each activity which qualifies for and uses a freestanding on-premises advertising sign shall also be entitled to an unlighted read board attached to the same support structure which holds the freestanding sign. The sign face area shall be not more than 12 sq. ft. per sign. The support structure cannot exceed the height and width limits for the freestanding sign structure to which it is attached.
- 11.9.3. Window. Unlighted window signs on dwellings shall cover not more than 10% of all windows visible from public streets, and shall not advertise.

12. DEFINITIONS

- 12.1. Except as otherwise required by a definition in another chapter or by a specific provision in this ordinance, the definitions in this chapter shall have the indicated meanings and shall apply throughout this ordinance. Terms not defined in this ordinance shall have the meanings assigned to them by the Administrator.
- 12.2. Accessory Building. A building housing an accessory use, located on the same lot as the principal-use building. Where an accessory building is attached to the principal-use building by any part of a wall or by any other structure whose walls and ceiling are closed to the outside on 50% or more of their surface area, such accessory building shall be counted as

part of the principal-use building.

- 12.3. Accessory Use. The use of a lot or structures that is incidental and subordinate to the principal use on the same lot or in the same structure, and is either in the same ownership as the principal use or is maintained and operated on the same lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.
- 12.4. Administrator. The person designated by this ordinance with administration and enforcement of the provisions of this ordinance.
- 12.5. Adult Day Care. The provision of non-residential care and services for people over the age of eighteen (18) for less than twenty-four (24) hours at one time.
- 12.6. Agricultural Use. The use of land for those purposes listed at IC 36-7-4-616(b)(1), including any amendments thereto, which at the time of adoption of this ordinance means: the production of livestock or livestock products, commercial aquaculture, equine or equine products, land designated as a conservation reserve plan, pastureland, poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and apiary products, tobacco, or other agricultural crops.
- 12.7. Alley. A minor public right-of-way which is not greater than twenty (20) ft. in width, the primary purposes of which are:
- 127.1. To provide secondary vehicular access to the rear or sides of lots; and
- 127.2. To provide access to utility lines at the rear or sides of lots.
- 12.8. Amusements, Indoor. Participant-oriented recreational and sporting activities conducted primarily in-doors, including but not limited to ice and roller skating, game rooms, arcades, in-door theaters and bowling alleys. The term does not include bars, taverns nightclubs, or sexually oriented businesses.
- 12.9. Amusements, Outdoor. Participant-oriented recreational and sporting activities conducted primarily outside, including but not limited to putt-putt or miniature golf, batting cages, swimming pools, basketball and tennis courts, roller blading and skate courts, and soccer and football fields. The term does not include amusement parks, drive-in theaters, campgrounds, resorts, RV parks, animal and auto race facilities, go-cart tracks, picnic areas, and outdoor shooting or target ranges.
- 12.10. Architectural Feature. Non-habitable ornamentation or decorative features attached to or protruding from an exterior wall or from the roof of a building.
- 12.11. Auto Storage Yard. A lot or part thereof used for the temporary storage of damaged, abandoned or impounded motor vehicles. The term does not include a junk yard, salvage yard, scrap metal processing facility, or a vehicle repair facility.
- 12.12. Babysitting. See "Child Care."
- 12.13. Bed and Breakfast. A detached single-family dwelling that is occupied for residential dwelling purposes by the property owner, and in which there are sleeping accommodations for the public for a fee of any kind, operated and licensed in accordance with the provisions at IC 16-41-31.
- 12.14. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or the boundary lines of the Town.

- 12.15. **Board of Zoning Appeals.** The Advisory Board of Zoning Appeals of the Town of Moores Hill as that term is defined at IC 36-7-4-900 et seq. The term includes "Board."
- 12.16. **Building.** A roofed structure for the support, shelter, enclosure or protection of persons, animals or moveable property of any kind.
- 12.17. **Building Area.** The horizontal area covered by all enclosed buildings on a lot, excluding unenclosed porches, decks, steps, patios and architectural features.
- 12.18. **Building, Attached.** Two or more separate and distinct structural units that are combined to form a single structure wherein each unit is separated from the other(s) by a common dividing wall without openings.
- 12.19. **Building, Detached.** A building having no wall or part of a wall in common with another building.
- 12.20. **Campground.** A lot with facilities designed for short-term accommodation of tents, recreational vehicles and other camping activities, but not mobile homes or permanent structures except those permanent structures that are necessary to support the operation of the campground.
- 12.21. **Child Care.** The provision of services and care for groups of non-resident people under the age of eighteen (18) defined as follows:
- 1221.1. **Babysitting.** The provision of child care services in a dwelling unit by a resident of that dwelling for five (5) or fewer non-resident children for less than twenty-four (24) hours at any one time.
- 1221.2. **Child Care Home.** The provision of child care services in a dwelling for six (6) to sixteen (16) non-resident children for four (4) to twenty-four (24) hours, in accordance with the requirements at IC 12-7-2-28.6, IC 12-7-2-33.7, IC 12-7-2-33.8 and IC 12-17.2-5.
- 1221.3. **Child Care Center or Day Care Center.** The provision of child care services in a non-residential building for seventeen (17) or more children for four (4) to twenty-four (24) hours, in accordance with the requirements at IC 12-7-2-28.4 and IC 12-17.2.
- 1221.4. **Child Care Ministry.** The provision of child care services provided by a church as defined herein in a non-residential building, in accordance with the requirements at IC 12-7-2-28.8 and IC 4-22-2.
- 1221.5. **Pre-School.** The provision of child care services in a non-residential building for less than twenty-four (24) hours, and which services do not conform with the criteria for babysitting, a child care center, child care home or child care ministry as defined herein and as regulated under Indiana law.
- 12.22. **Church.** A non-profit institution organized for religious purposes and incorporated pursuant to IC 23-17-1.
- 12.23. **Clinic.** A facility for the provision of medical, dental and psychological outpatient diagnosis and treatment.
- 12.24. **Commercial Composting Facility.** A facility used for the composting of any vegetative or animal matter or byproduct, which accepts compostable materials from off-premises sources. The term does not include a landfill.
- 12.25. **Commercial Use.** The use of land primarily for wholesale and retail sales and related purposes, business and government offices, the provision of medical and related services,. Secondary and incidental uses include manufacturing, assembly, and processing as required to support the principal activities, or as required for facility maintenance and repair.

1226. Commission. See "Plan Commission."
1227. Communication Facilities. Land or structures including transmission facilities, antennas, towers and related equipment, that utilize or are used to provide commercial wireless communications or commercial wireless telecommunications services, including radio, television, and telephonic transmission facilities.
1228. Comprehensive Plan. The Comprehensive Plan of the Town of Moores Hill, adopted pursuant to IC 36-7-4-500. The term includes "master plan."
1229. Convenience Mart or Store. A retail establishment wherein small items are made available primarily to the traveling public, and which may also dispense fuel to vehicles, but does not include the repair or washing of vehicles.
1230. Correctional Facility. Any facility that provides for the incarceration or housing of inmates and other subjects of any governmental agency's correctional system. The term does not include halfway houses or group homes.
1231. County. Dearborn County, Indiana.
1232. Day Care Center. See "Child Care Center" under "Child Care."
1233. Department Store. A retail establishment that offers a wide range of goods and related services, excluding heavy retail items such as motor vehicle and heavy machinery sales and services.
1234. Development Plan. The plan presented by a person for the improvement of land including but not limited to the plan for extensions of streets and utilities, easements, building areas and similar information as required by this ordinance.
1235. Drive-In Facility. Land and structures which have facilities for the sale, dispensing or serving of food and beverages or other services to automobiles, including but not limited to drive-in restaurants, financial offices and liquor stores. The term does not include a facility that dispenses fuels.
1236. Driveway. A privately-maintained improved surface for vehicle access from a street or alley to private property. The term includes "private drive."
1237. Dwelling. A site-built or manufactured structure comprised of one or more individual dwelling units in any of the following configurations:
- 1237.1. One-Family or Single-Family Dwelling. A single building designed to accommodate one (1) dwelling unit, and not attached to any other building containing a dwelling unit.
 - 1237.2. Two-Family Dwelling or Duplex. A single building with two (2) separate but attached dwelling units.
 - 1237.3. Multi-Family Dwelling. A single building with more than two (2) separate but attached dwelling units. The term includes "apartment building."
1238. Dwelling Unit. A permanent structure or part of a structure used primarily for residential habitation, having accommodations for cooking, living, sanitary and sleeping purposes, characterized by but not limited to all of the following:
- 1238.1. A unique and single street address for the purpose of locating the dwelling unit;
 - 1238.2. A unique and single postal address;

- 12.38.3. A single kitchen adequate for the preparation of meals;
- 12.38.4. At least one (1) separate room providing sanitary toilet and bathing facilities; and
- 12.38.5. A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, a single mortgage or a contractual sales agreement for the entire premises.
- 12.38.6. There may be more than one dwelling unit per dwelling. The term does not include rooming or boarding houses, hotels or motels.
- 12.39. Easement. The granting by the owner of land of full or restricted use of any part of the land by the public or by specified persons.
- 12.40. Extended Care Facility. A commercial residential facility which provides long-term or permanent twenty-four (24) hour per day care and health services for the residents of the facility. The term includes sanatorium, convalescent, nursing, rest or retirement home or center. The term does not include "group home" or "health maintenance facility."
- 12.41. Fence. A structure which utilizes vertical supports together with any combination of wire, fence rails, wood or plastic boards, or chain-link, to enclose an area for aesthetic or barrier purposes, and which is not used as a part of another structure.
- 12.42. Floodplain Regulations. The adopted floodplain regulations of the Town of Moores Hill as may be amended from time to time.
- 12.43. Floor Area. The total number of sq. ft. of floor space within the surrounding walls of a building or structure or portion thereof, exclusive of vents, shafts, decks, porches, and courts.
- 12.44. Garage. An attached or detached accessory building which is used primarily to house the vehicles and personal items belonging to the occupants of the dwelling or other primary-use structure on the same lot.
- 12.45. Group Home. A dwelling in which residential care and accommodations are provided for persons who are developmentally disabled or mentally ill, and which is regulated pursuant to IC 12-28-4.
- 12.46. Halfway House. A residential facility regulated by state or federal law which is used as civil-commitment temporary housing for parolees or any other person under the control or direction of any government correctional agency which places limits on the parolee or person's freedom of movement into and out of the temporary residential facility as a condition of their assignment to said residential facility, whether for rehabilitation or any other purpose.
- 12.47. Health and Fitness Facility. A commercial gymnasium or other commercial facility which provides physical fitness or personal fitness training or accommodations for the public or for private membership.
- 12.48. Health Maintenance Facility. A facility which provides short-term inpatient and outpatient mental, physical and rehabilitation health services but not long-term residential care. The term includes hospitals and rehabilitation centers. The term does not include extended care facilities or health and fitness facilities.
- 12.49. Height. The height of a structure shall be the vertical distance measured at any point on the perimeter of the structure, from the top of the ground where the ground touches the perimeter, to the highest point of elevation of the structure in a plane that is perpendicular to the perimeter where the measurement is being taken.
- 12.50. Height, Maximum. The maximum height of a structure shall be the vertical distance measured between the highest point of elevation of the ground where it is in contact with the perimeter of the structure, to the highest point of elevation on the structure.

- 12.51. Home Occupation. The incidental and secondary use of any part or all of a dwelling for non-residential activities.
- 12.52. IC. The Indiana Code.
- 12.53. Improvement. Any building, structure or improvement to land constituting a physical betterment of real property, or any part of such betterment.
- 12.54. Industrial Use. The use of land primarily for manufacturing, assembly, processing, storage or warehousing activities, with incidental uses including wholesale and retail sales, and services required to support the primary use.
- 12.55. Kenel. The use of any part or all of a lot or structure thereon for boarding, breeding, buying, keeping, letting for hire or training a total of more than five (5) dogs and/or cats that are six (6) or more months of age, whether or not regulated and licensed pursuant to IC 15-5-9 and other laws.
- 12.56. Landfill. Land used by any person for the long-term depositing and storage of waste that is classified as solid, special, hazardous or any other type of waste, except for non-special and non-hazardous wastes composed entirely of rock, dirt or construction and building waste used as site fill material, and except for storage areas provided by a government agency for the depositing of leaves, branches and other non-compost materials.
- 12.57. Livestock. Domesticated farm animals, including but not limited to buffalo, oxen, horses, donkeys, mules, cattle, ostrich, mink, swine, sheep, turkeys, poultry, and any animal which is bred in any part from an animal listed herein.
- 12.58. Lot. A piece, parcel, tract or plot of land or remnant thereof defined by metes and bounds in a recorded deed, or by boundary lines on a plat, provided that the deed or plat was:
- 12.58.1. Created in accordance with subdivision control regulations;
 - 12.58.2. Created prior to the implementation of subdivision control regulations that would have governed the division of the land;
 - 12.58.3. Created by approval of a Plan Commission; or
 - 12.58.4. Created by another type of formal approval that was valid at the time of approval.
 - 12.58.5. The term includes "parcel," "tract," "land," and "plot."
- 12.59. Lot, Corner. A lot located at the intersection of two or more dedicated rights-of-way for streets whether or not the streets have been constructed.
- 12.60. Lot of Record. A lot, the deed for which has been recorded in the office of the county recorder prior to the adoption of this ordinance, and which was either:
- 12.60.1. Part of a subdivision, the plat of which is recorded in the office of the county recorder; or
 - 12.60.2. A lot described by metes and bounds that complies with any one of the following:
 - 12.60.2.1. Was approved by a Plan Commission;
 - 12.60.2.2. Was created in accordance with the then-applicable provisions of a subdivision control ordinance; or
 - 12.60.2.3. Was created prior to the existence of a Plan Commission or subdivision control ordinance.
- 12.61. Lot Width. The shortest straight-line distance on a lot between the side yard lot lines.
- 12.62. Manufactured Home. A dwelling built primarily in a factory, which complies with all of the

following:

- 12.62.1. Has a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974;
 - 12.62.2. Has the required State of Indiana and/or U.S. Department of Housing and Urban Development (HUD) seals certifying the structure for residential use in the State of Indiana;
 - 12.62.3. Was constructed after January 1, 1981; and
 - 12.62.4. Exceeds nine-hundred and fifty (950) sq. ft. of occupied space.
- 12.63. Manufacturing and Processing Operation. An industrial use of land for molding, stamping, machining, cutting, milling and otherwise making and processing raw or non-finished materials into the next step of refinement of value-added products. Storage, wholesale sales and retail sales are incidental to manufacturing and processing operations.
- 12.64. Mini Warehouse. A facility which provides multiple individual storage spaces that:
- 12.64.1. Have not more than two-hundred (200) sq. ft. or less of floor area per space;
 - 12.64.2. Are separated by permanent interior partitions;
 - 12.64.3. Have individual access to each storage space;
 - 12.64.4. Are not as an accessory use to commercial or industrial activities; and
 - 12.64.5. Is not used for the storage of food, combustible, explosive or hazardous materials.
- 12.65. Mobile Construction Office. A vehicle that was constructed as a transportable office and which is:
- 12.65.1. Supported by the vehicle's wheels and axles or other temporary supports;
 - 12.65.2. Certified by the State of Indiana as an Indiana Mobile Off-Site Fabricated Structure; and
 - 12.65.3. Used only as a construction management office at the construction site.
- 12.66. Mobile Home. A dwelling that has all of the following qualifications:
- 12.66.1. Is a single-story structure designed for use only as a single-family dwelling;
 - 12.66.2. Is located in an approved or legally non-conforming mobile home park;
 - 12.66.3. Is supported by jacks, wheels and axles, or other temporary supports as that term is defined herein, permitting its use as a non-permanent dwelling;
 - 12.66.4. Complies with the requirements under the chapter on Minimum Dwelling Standards in this ordinance; and
 - 12.66.5. Is a manufactured home as defined in this ordinance.
- 12.67. Mobile Home Park (MHP). Land and improvements that comply with all of the following:
- 12.67.1. Has accommodations for the placement of mobile homes as defined herein on temporary supports for occupancy;
 - 12.67.2. Includes all structures, devices and vehicles used or intended to be used as a part of the non-residential equipment for the management and maintenance of such mobile home park;
 - 12.67.3. Is a use of land that was approved by a local unit of government or is a legally non-conforming use of land; and
 - 12.67.4. Is regulated by the Indiana Department of Health pursuant to IC 16-41-27.
- The term does not include land, siting or accommodations for recreational vehicles, mobile construction offices, tents, campers or other non-permanent structures.
- 12.68. Net Lot Area. The area, measured horizontally, covered by a lot, excluding that part of the lot

which lies within the right-of-way for a street, alley, or railroad, which right-of-way has been dedicated for public use or has been defined by prescriptive use.

- 12.69. Non-Complying Structure. A structure which does not comply with one or more of the terms of this ordinance with respect to size, bulk, density or setback.
- 12.70. Non-Conforming Use. A legally existing use of land or structures which does not conform with the permitted uses and provisions applicable to the zoning district in which the use is located on the date of adoption of this ordinance.
- 12.71. Nursing Home. See "Extended Care Facility."
- 12.72. Occupied Space. The total floor area measured horizontally within an enclosed dwelling, excluding basements and any floor below the ground floor, the area covered by attached or detached accessory buildings, garages, patios, porches, decks, steps, fences, architectural features, and any attachments or devices required solely for the construction or movement of a structure.
- 12.73. Open Space. The total horizontal area on a lot that is not covered by structures.
- 12.74. Owner. Any person having legal title to, controlling interest in, or sufficient proprietary interest in land.
- 12.75. Parking Facility. A lot or a structure that is not a garage as defined herein, and that is intended to be used for the temporary parking of vehicles, exclusive of any part of a street or alley. The term does not include an auto storage yard, salvage yard, or any area used for vehicle repair or servicing.
- 12.76. Parking Space. The actual area available for parking one automobile, exclusive of any maneuvering areas or driveways.
- 12.77. Pasturing of Livestock. The keeping of livestock where they have routine access to open pasture land for feeding off the land, and where ground cover or vegetation is sustained over more than fifty percent (50%) of the animal confinement area. The term does not include "confined feeding."
- 12.78. Pawn Broker or Pawn Shop. A primarily retail or wholesale establishment that accepts merchandise on deposit in exchange for cash or goods, or as security for a loan, including terms for possible future redemption. The term includes "pawn shop."
- 12.79. Permanent Foundation. A structural support system for a building which:
- 12.79.1. Transfers loads imposed by the building to the earth;
 - 12.79.2. Has a lower surface placed below the frost line;
 - 12.79.3. Secures the building to the foundation such that the building becomes part of the real property; and
 - 12.79.4. Is assessed for taxation as an improvement to the real property.
- 12.80. Person. An individual, agency, partnership, corporation, group, organization, governmental entity, trust, estate, or any other legal or commercial entity.
- 12.81. Pet Shop. A retail establishment that offers for sale dogs, cats, birds, reptiles, other small animals and fish, which are intended to be kept as pets, and products which are incidental to the sale of the pets. The term does not include the operation of a kennel or the management of livestock.

- 12.82. Petitioner. A person who proposes a subdivision of land or the development of land. The term shall include "applicant" and "developer."
- 12.83. Plan Commission. The Advisory Plan Commission of the Town of Moores Hill.
- 12.84. Pre-School. See "Child Care."
- 12.85. Professional Office. An office used for administration of business matters and for meetings and consultation with clients, including but not limited to accountants, architects, artists, attorneys, brokers, engineers, insurance agents, musicians, photographers, and realtors. Although a professional office may be accessory to a commercial, industrial or other similar activity, the professional office is not the location where those activities are conducted.
- 12.86. Public Utility Facilities. Includes natural gas sub-stations, water pumping stations, and electric sub-stations. Does not include communications or telecommunications facilities, or wastewater treatment facilities.
- 12.87. Recreational Vehicle or RV. A mobile/portable vehicle with or without motive power, designed to be used for temporary human habitation, which is either:
- 12.87.1. A vehicle licensed for travel on roads and identified by the manufacturer as a travel trailer or motor home; or
 - 12.87.2. A structure designed to be mounted on or towed behind a vehicle for travel on roads.
 - 12.87.3. The term does not include "manufactured home" or "mobile home."
- 12.88. Recreational Vehicle (RV) Park. A tract of land with accommodations for the temporary siting of recreational vehicles, including but not limited to electrical, sanitary sewer and water facilities designed to serve recreational vehicles.
- 12.89. Residential Use. The primary use of land for residential dwelling purposes with all other uses being secondary and incidental to the residential use.
- 12.90. Restaurant. A deli, sandwich shop, restaurant or other place of general public gathering in which the serving of food is the primary service provided, and where the serving of alcoholic beverages or the provision of entertainment are incidental.
- 12.91. Retail Sales. The principal use of a structure or land for the sale of commodities or services to the final consumer, and where assembly, processing, repair and storage are incidental and subordinate to the merchandising and sales.
- 12.92. Right-of-Way. A strip of land that has been dedicated in a recorded deed or a recorded plat and is occupied or intended to be occupied by a street or alley, and that may in addition be occupied by transportation support facilities such as traffic control signs and signals, public utilities, or other special public uses.
- 12.93. Salvage Yard. The use of land for any one or more of the following:
- 12.93.1. Storage, abandonment, processing, disassembly, reuse and/or resale of discarded matter, including metal, wood, glass, paper or other similar materials.
 - 12.93.2. Possession of two (2) or more inoperable vehicles for more than thirty (30) days.
 - 12.93.3. Wrecking or dismantling of a vehicle for resale or in order to sell major component parts of the vehicle, including but not limited to the engine, transmission, drive-train, body-chassis, doghouse (front assembly), rear-end, or frame.
 - 12.93.4. Rebuilding wrecked or dismantled vehicles except for a bona fide auto repair or auto sales facility.

- 12.93.5. Engaging in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or the parts of vehicles except for a bona fide auto repair or auto sales facility.
- 12.93.6. The term includes "junk yard" and "wrecking yard."
- 12.94. School. Any State of Indiana certified public, parochial or private institution which offers courses of instruction at least substantially equivalent to the courses offered in public primary, grammar, middle, high schools, or substantially equivalent to the courses offered by a preparatory school, academy, trade or business school, college or university, and which is intended to provide students with a certificate of completion or academic degree recognized by the State of Indiana.
- 12.95. Sexually Oriented Business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center, as those terms are defined in the Town's ordinance on Sexually Oriented Businesses.
- 12.96. Setback. The shortest distance between the setback line for a particular use or zoning district and:
- 12.96.1. A lot line; or
- 12.96.2. In the absence of a lot line, the established right-of-way line; or
- 12.96.3. In the absence of a lot line and an established right-of-way line, the edge the occupied part of a street, alley, railroad tracks, ditch or stream.
- 12.97. Sign. A placard, wall, banner, balloon, or other device or structure or part thereof which forms, or on which is located graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or advertises a person, organization, company, group, establishment, structure, product, goods or services, or which offers an opinion or other message.
- 12.98. Social, Cultural and Religious Facilities. Places used primarily for private, member-only or other limited-access assembly, or an organization chartered or established by state law, including lodges, churches, clubs, associations, orders or other facilities for civic, social, religious and fraternal organizations. The term does not include schools, extended care facilities, government facilities, taverns or restaurants.
- 12.99. Special Use. An use of land granted by the Town's Board of Zoning Appeals in the specific cases specified in this ordinance.
- 12.100. Sports Facility. The use of land for recreational and sporting activities with or without accommodations for a significant number of observers, including but not limited to: animal, auto, truck and tractor racing facilities; go-cart tracks; golf courses; and baseball, basketball, tennis, softball, soccer and football fields or stadiums.
- 12.101. Street. The improved part of a public right-of-way used primarily as a thoroughfare for vehicular traffic, which may also provide the principal means of access to more than one lot. The term includes "road," "thoroughfare," "highway," "avenue" and "cul-de-sac." The term does not include "driveway" or "alley."
- 12.102. Story. That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above that floor; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story except when the average elevation of the finished grade on the lot around the walls of the structure covers fifty percent (50%) or more of the vertical distance between the floor of the basement and the floor of the first story above the basement.

- 12.103. Structure. Anything constructed, installed or erected which requires location on the ground or attachment on something having location on the ground, including but not limited to buildings, walls, fences and signs. The term does not include trees, shrubs, grass or other vegetation.
- 12.104. Subdivision Control Regulations. The Subdivision Control Regulations of the Town of Moores Hill. The term includes "subdivision ordinance" and "subdivision code."
- 12.105. Tavern, Bar, Nightclub. A place of general public gathering in which the serving of alcoholic beverages is the primary service provided, and the serving of food or provision of entertainment are incidental. The term does not include sexually oriented businesses.
- 12.106. Temporary Supports. A structural support system for a building which:
- 12.106.1. Transfers loads imposed by the structure to the earth;
 - 12.106.2. Has a lower surface placed above the frost line; and
 - 12.106.3. Permits the movement or relocation of the structure in a reasonable amount of time.
- 12.107. Temporary Use. A use of land that is classified as a temporary use by this ordinance, or that is housed in a structure that is placed on temporary supports.
- 12.108. Town. The Town of Moores Hill, Indiana.
- 12.109. Truck Route. A street designated or listed as any of the following:
- 12.109.1. A route identified on an official map of the Town as a truck route.
 - 12.109.2. A street under the jurisdiction of the Town Council that has been designated by the Council as having no weight restriction.
 - 12.109.3. State Road 350 as presently aligned and not including any former alignment.
- 12.110. Underfloor Space. The space between the bottom of the floor joists of a building and the earth.
- 12.111. Use. The purpose or activity for which a structure or land is occupied or maintained.
- 12.112. Utility Transmission and Distribution Facilities. The distribution underground, aboveground, or overhead, of liquids, gases, electric and communications services by pipeline or wire from the transmission facilities of the provider to the final consumer of the product or service. Incidental uses include storage tanks, pumps, meters, pipes, wires, cables, poles, substations and equipment storage structures. The term does not include communications facilities or wastewater treatment facilities.
- 12.113. Variance. A granting by the Board of Zoning Appeals to a petitioner of the right to deviate from one or more terms of this ordinance in whole or in part, concerning either the use of land or the development of land, or both.
- 12.114. Warehouse. A building with one or more storage spaces each of which is more than two-hundred (200) sq. ft. in area, used primarily for the storage of goods, equipment, food and materials, and in which there is no manufacturing or processing except as required to maintain and repair the structure. The term does not include "mini-warehouse."
- 12.115. Wastewater Treatment Facility. A facility regulated by the State of Indiana for the holding and treatment of wastewater from human, industrial or any processing activity. The term does not include an individual on-site wastewater disposal system, a manure management system for livestock, or the components such as pipes and pumps required for the collection and transfer of wastewater to the treatment facility.

- 12.116. Wholesale Sales. The sale of commodities to a retailer, manufacturer or processor, but not to the final consumer, for resale.
- 12.117. Work. Changes made to or on improved or unimproved property, including but not limited to construction, alteration, repair, grading and clearing activities.
- 12.118. Yard. The area on a lot located between a lot line and the setback line on that lot that is parallel or nearly parallel to the lot line. The types of yards include:
- 12.118.1. Front Yard. The yard that extends from one side lot line to the other side lot line, and from the lot line that is adjacent to the street to the front setback line, subject to the following:
 - 12.118.2. Where a lot has frontage on only one street the front yard shall be the yard facing the street.
 - 12.118.3. Where a lot has frontage on more than one street the front yard shall be the yard along the street on which the primary-use structure has its postal address.
 - 12.118.4. Where a lot does not have frontage on a street the front yard shall be the yard into which the main entrance of the primary-use building on the lot opens.
 - 12.118.5. There shall be only one front yard on each lot.
 - 12.118.6. Rear Yard. The yard that extends from one side lot line to the other side lot line, and from the lot line that is opposite the front lot line to the rear setback line. There shall be only one rear yard on each lot.
 - 12.118.7. Side Yard. The yard extending from the front yard setback line to the rear yard setback line, and from the side lot line to the side setback line.
- 12.119. Zoning Regulations. The adopted zoning regulations of the Town of Moores Hill. The term includes "zoning ordinance" and "zoning code."
- 12.120. Zoning Districts Map. A map that shows the zoning districts within the planning and zoning jurisdiction of the Plan Commission.

