

TABLE OF CONTENTS

SECTION ONE

GENERAL PROVISIONS 1

 Section 1.1 - Intent, Purpose, and Methods 1

 Section 1.2 - Short Title 1

 Section 1.3 - Interpretation 1

 Section 1.4 - Non-Interference with Greater Restrictions 1

 Section 1.5 - Saving Provision 2

 Section 1.6 - Exclusion 2

 Section 1.7 - Repealer 2

 Section 1.8 - Amendments 2

 Section 1.9 - Definitions 3

 Section 1.10 - Determination and Interpretation of District Boundaries 17

 Section 1.11 - Nonconforming Structures 17

 Section 1.12 - Nonconforming Uses 18

 Section 1.13 - Discontinued Nonconforming Use 18

 Section 1.14 - Destruction of Nonconforming Structure 18

 Section 1.15 - Nonconforming Mobile Home Park 18

 Section 1.16 - Scope of Regulations 18

 Section 1.17 - Height 18

 Section 1.18 - Exceptions from Height Requirements 18

 Section 1.19 - Yard, Lot Area and Size of Building 19

 Section 1.20 - Exceptions from Yard Requirements 19

 Section 1.21 - Fences, Walls and Hedges 20

 Section 1.22 – Re-platted Land 20

 Section 1.23 - Street Frontage Required 21

 Section 1.24 - Accessory Uses and Structures 21

 Section 1.25 - Minimum Floor Area 21

 Section 1.26 - Lots 21

 Section 1.27 - Parking space: Loading and Unloading Berths 22

1.27.1 - Existing Off-Street Parking and Loading	22
1.27.2 - Parking Prohibited.....	22
1.27.3 - Location of Accessory Off-Street Parking	22
1.27.4 - Improvements	22
1.27.5 - Parking Requirements	25
1.27.6 - Waiver Provisions for Off-Street Parking Requirements	27
1.27.7 - Off-Street Loading and Unloading Requirements.....	29
Section 1.28 - Zoning Districts.....	30
Section 1.29 - Zoning Map.....	31
Section 1.30 - Annexed or Vacated Area.....	31

SECTION TWO

DISTRICT REQUIREMENTS AND USES.....	38
Section 2.1 - Agriculture (A District)	38
2.1.1 - Purpose and Intent.....	38
2.1.2 - Use Regulations.....	38
2.1.3 - Minimum Lot Area	39
2.1.4 - Yards	39
2.1.5 - Height.....	40
2.1.6 – Minimum Floor Area.....	40
2.1.7 – Exceptions for Agricultural Uses.....	40
Section 2.2 – Single Family residences (R-1 District)	
2.2.1 – Purpose and Intent.....	40
2.2.2 Use Regulations.....	40
2.2.3 Area	41
2.2.4 Yards	42
2.2.5 Height	42
2.2.6 Minimum Floor Area	42
2.2.7 Maximum Lot	42
2.2.8 - Off-Street Parking and Loading Requirements.....	42
2.2.9 Sign Requirements	42

2.2.10 - Landscaping Requirements	43
Section 2.3 - Single and Two Family Residences (R-2 District)	43
2.3.1 Purpose and Intent	43
2.3.2 Use Regulations	43
2.3.3 Area.....	44
2.3.4 Yards	45
2.3.5 Height	45
2.3.6 Minimum Floor Area	45
2.3.7 Maximum Lot Coverage.....	45
2.3.8 Off-Street Parking and Loading Requirements.....	46
2.3.9 - Sign Requirements	46
2.3.10 - Landscaping Requirements.....	46
Section 2.4 – Single, Two and Multi-Family Residences (R-3 District).....	46
2.4.1 Purpose and Intent	46
2.4.2 Use Regulations.....	46
2.4.3 Area	47
2.4.4 Yards	48
2.4.5 Height	49
2.4.6 Minimum Floor Area.....	49
2.4.7 Maximum Lot Coverage	49
2.4.8 Off-Street Parking and Loading	49
2.4.9 Sign Requirements	49
2.4.10 Landscaping Requirements	49
2.4.11 Minimum Usable Open Space.....	49
Section 2.5 Residential/Professional Office (RPO District).....	49
2.5.1 Purpose and Intent	49
2.5.2 Use Regulations	49
2.5.3 Area	50
2.5.4 Yards	51
2.5.5 Height	51

2.5.6 Minimum Lot	51
2.5.7 - Performance Standards	52
2.5.8 Off-Street Parking and Loading Requirements	52
2.5.9 - Sign Requirements	52
2.5.10 Landscaping Requirements	52
Section 2.6 - General Office (GO District)	53
2.6.1 - Purpose and Intent	53
2.6.2 Use Regulations	53
2.6.3 Area	55
2.6.4-Yards	55
2.6.5 Height.....	56
2.6.6 Maximum Lot Coverage	56
2.6.7 - Performance Standards	56
2.6.8 - Off-Street Parking and Loading Requirements.....	56
2.6.10 - Landscaping Requirements.....	57
2.6.11 - District Development Plan Requirements	57
Section 2.7 - Mobile Home Parks (MHP District).....	57
2.7.1 - Purpose and Intent.....	57
2.7.2 - Purpose of Standards	57
2.7.3 - Use Regulations	57
2.7.4 - Limitation of Uses	58
2.7.5 - Approval of Mobile Home Park	58
2.7.6 - Preliminary Site Plan	59
2.7.7 - Approval of Preliminary Site Plans.....	60
2.7.8 - Approval of Final Site Plans	60
2.7.9 -Area	61
2.7. 10 - Yards	61
2.7.11 - Pad and Skirting.....	62
2.7.12 - Landscaping	62
2.7.13 - Lot Markers.....	62

2.7.14 - Storage	62
2.7.15 - Water and Sewage.....	62
2.7.16 - Utilities	63
2.7.17 - Common Walks.....	63
2.7.18 - Streets	63
2.7.19 - Grading and Drainage	63
2.7.20 - Illumination of Park	63
2.7.21 - Fire Protection.....	64
2.7.22 - Trash and Refuse Storage	64
2.7.23 - Location of Building or Structures Within a Mobile Home Park	64
2.7.24 - Abandonment and Expiration	64
Section 2.8 - Local Business (B-I District).....	65
2.8.1 - Purpose and Intent.....	65
2.8.2 - Use Regulation	65
2.8.3 - Area.....	68
2.8.4 - Yards	68
2.8.5 - Height	69
2.8.6 - Maximum Lot Coverage	69
2.8.7 - Off Street Parking and Loading Requirements	69
2.8.8 - Sign Requirements.....	69
2.8.9 - Landscaping Requirements.....	69
2.9 - Central Business (B-2 District)	70
2.9.1 - Purpose and Intent	70
2.9.2 - Use Regulations	70
2.9.3 - Area	73
2.9.4 - Yards	73
2.9.5 - Height	73
2.9.6 - Maximum Lot Coverage.....	73
2.9.7 - Off Street Parking and Loading Requirements	73
2.9.8 - Sign Requirements	74

2.9.9- Landscaping Requirements.....	75
Section 2.10- General Business (B-2 District)	76
2.10.1 - Purpose and Intent	76
2.10.2 - Use Regulations	76
2.10.3 - Limitation of Uses	77
2.10.4 -Area	78
2.10.5 - Yards	78
2.10.6 - Height	78
2.10.7 - Off-Street Parking and Loading Requirements	78
2.10.8 - Sign Requirements	78
2.10.9 -Landscaping Requirements	78
Section 2.11 - Interchange Business (IB-1 District)	79
2.11.1 - Purpose and Intent.....	79
2.11.2 -Use Regulations	79
Section 2.12 - Light Industry (I-1 District)	81
2.12.1 - Purpose and Intent.....	81
2.12.2 - Use Regulations	81
2.12.3 - Area	84
2.12.4 - Yards	84
2.12.5 - Height	85
2.12.6 - Maximum Lot Coverage	85
2.12.7 - Off Street Parking and Loading Requirements.....	85
2.12.8 - Sign Requirements	85
2.12.9 - Landscaping Requirements	85
Section 2.13 Heavy Industry (1-2 District).....	85
2.13.1 - Purpose and Intent.....	85
2.13.2 - Use Regulations	85
2.13.3 Area.....	87
2.13.4 -Yards	87
2.13.5 - Height	88

2.13.6 - Maximum Lot Coverage.....	88
2.13.7 - Smoke.....	88
2.13.8 - Particulate Matter.....	89
2.13.9 - Odor.....	90
2.13.10 - Toxic Materials.....	90
2.13.11 - Glare and Heat.....	90
2.13.12 - Vibration.....	90
2.13.13 - Noise.....	91
2.13.14 - Fire Hazards.....	91
2.13.15 - Detonation Materials.....	91
2.13.16 - Exceptions.....	91
2.13.17 - Elimination of Uses.....	93
2.13.18 - Off-Street Parking and Loading Requirements.....	93
2.13.19 - Sign Requirements.....	93
2.13.20 - Landscaping Requirements.....	93
Section 2.14 - Open Space (OPS District).....	93
2.14.1 - Purpose and Intent.....	93
2.14.2 - Use Regulations.....	93
2.14.3 - Area.....	94
2.14.4 - Yards.....	94
2.14.5 - Height.....	94
Section 2.15 - Signs.....	95
2.15.1 - Purpose and Intent.....	95
2.15.2 - Exempt Signs.....	95
2.15.3 - General Sign Provisions.....	96
2.15.4 - On-Premise Signs.....	97
2.15.5 - Outdoor Advertising Signs.....	101
2.15.6 - Portable Signs.....	102
Section 2.16 - Landscaping Requirements.....	103
2.16.1 - Application.....	103

2.16.2 - Landscape Buffer Areas.....	104
2.16.3 - Spacing and Size of Large Trees.....	104
2.16.4 - Evergreen Spacing	104
2.16.5 - Continuous Hedge, Wall, Solid Fence or Earthen Berm.....	105

SECTION THREE

ADMINISTRATIVE AND ENFORCEMENT	105
Section 3.1 - Improvement Location Permit	105
Section 3.2 - Buildings Under Construction	106
Section 3.3 - Fees.....	106
Section 3.4 - Petition	106
3.4.1 - Contingent Uses	107
3.4.2 - Special Exceptions and Variances	107
3.4.3 - Publication	107
3.4.4 - Rezoning	107
3.4.5 - General Parking Waiver	108
Section 3.5 - Contingent Uses	108
3.5.1 -Purpose	108
3.5.2 - Agricultural Crops	108
3.5.3 - Cemeteries and Mausoleums	108
3.5.4 - Day Care Centers and Kindergartens	109
3.5.5 - Fire and Police Stations.....	110
3.5.6 - Fraternities and Sororities	110
3.5.7 - Funeral Homes/Parlors	110
3.5.8 - Group Homes	111
3.5.9 - Municipal Buildings.....	111
3.5.10 - Municipal Buildings.....	111
3.5.11 - Nursing Homes	112
3.5.12 - Religious Organizations	112
3.5.13 Rod and Gun Club--Skeet Range	112
3.5.14 - Rooming/Lodging Houses	113

3.5.15 - Schools	113
Section 3.6 - Special Exceptions	113
3.6.1 - Purpose	114
3.6.2 - General Regulations and Conditions	114
3.6.3 - Airports	115
3.6.4 - Artificial Lakes	116
3.6.5 - Auto Parking	116
3.6.6 - Bars and Taverns with Adult Entertainment	117
3.6.7 - Bars and Taverns with Live Entertainment	117
3.6.8 - Camps and Resorts	117
3.6.9 - Civic and Community Clubs	118
3.6.10 - Correctional and Mental Facilities	118
3.6.11 - Hazardous, Objectionable, and Obnoxious Uses	119
3.6.12 - Hospitals	123
3.6.13 - Lodge Halls	123
3.6.14 -Outdoor Amusements	124
3.6.15 - Professional Offices	124
3.6.16 - Railroad Yards	125
3.6.17 - Residential- Single-Family Attached Dwelling (Townhouse)	125
3.6.18 Residential-Multi-Family Dwelling	125
3.6.19 - Schools (Trade and Business)	126
3.6.20- Seasonal Fish and Hunting Lodge	126
3.6.21 - Utility Transmission Equipment	126
Section 3.7 District Development Plan Requirements	127
3.7.1 - Purpose	127
3.7.2 – Application	127
3.7.3 – Requirements	127
 SECTION FOUR	
BOARD OF ZONTNG APPEALS	129
Section 4.1 - Establishment: Membership Term	129

Section 4.2 - Powers of the Board of Zoning Appeals	130
4.2.1 - Appeals	130
4.2.2 - Special Exceptions and Contingent Uses	130
4.2.3 - Variances of Use	130
4.2.4 - Variances from Development Standards of Zoning Ordinance.....	131
Section 4.3 - Grant of Variances	131
4.3.1 - Written Findings	131
4.3.2 - Status of Variance	131
Section 4.4 - Time Limit.....	131
Section 4.5 - Application for Variance	132
Section 4.6 - Notice Posting	132
 SECTION FIVE	
VIOLATION AND PENALTIES	132
 SECTION SIX	
SEPARABILITY	132
ADOPTION AND SIGNATURE PAGE	133

ZONING ORDINANCE

OF

THE TOWN OF SELLERSBURG INDIANA

1993

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR SELLERSBURG, INDIANA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF INDIANA CODE 36-7-4, AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Indiana Code 36-7-4, Series 600, as amended, empowers the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Sellersburg Plan Commission and the Town Council of Sellersburg, Indiana, deem it necessary for the purpose of promoting the health, safety, convenience, and general welfare of the community to enact such an ordinance, and

WHEREAS, pursuant to the provisions of IC 36-7-4, Series 900, as amended, a Board of Zoning Appeals has been created to recommend and to carry out its powers and duties as described under IC 36-7-4-918, as amended, and

WHEREAS, the Sellersburg Plan Commission has divided all areas of the town into districts and has prepared regulations pertaining to such districts in accordance with an adopted comprehensive plan designed to lessen or avoid congestion in public ways: to secure safety from fire, flood, and other danger; to promote the public health, safety, comfort, morals, convenience and general welfare; to provide adequate light, air and convenience of access; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, and

WHEREAS, the Sellersburg Plan Commission has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and lands and encouraging the most appropriate use of land throughout the town and

WHEREAS, the Sellersburg Plan Commission has made studies and held public hearings thereon, pursuant to law, and submitted its final report to the town, and

WHEREAS, the Sellersburg Plan Commission has given due public notice of hearings (pursuant to IC 36-7-4) relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Indiana Code 36-7-4, as amended, with regard to the preparation of the report of the Sellersburg Plan Commission and the subsequent action necessary to enact this Ordinance by the town have been met.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA AS FOLLOWS:

SECTION ONE
GENERAL PROVISIONS

Section 1.1 – Intent, Purpose, and Methods

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

Section 1.2 - Short Title

This Ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited as the "Zoning Ordinance of Sellersburg, Indiana, 1993 General Revision."

Section 1.3 - Interpretation

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

Section 1.4 - Non-Interference with Greater Restrictions

A) Public Provisions - The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule, regulation, statute, or other provision of law, those provisions which are more restrictive or impose higher standards shall control.

B) Private Provisions - These regulations are not intended to interfere with, abrogate, or annul any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of this Ordinance, or the determinations of the Commission in enforcing these regulations, and such private provisions are inconsistent with this Ordinance or determinations there under, then such private provisions shall be operative and supplemental to this Ordinance and determinations there under. Private provisions can only be enforced privately unless a public agency such as the Town Council or Plan Commission has been made a party to such agreements.

Section 1.5 - Saving Provision

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

Section 1.6 - Exclusion

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

Section 1.7 - Repealer

Upon the adoption of this Ordinance according to law, all prior zoning ordinances of the Town of Sellersburg as amended and all prior zoning maps are hereby repealed.

Section 1.8 - Amendments

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

Section 1.9 - Definitions

For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning. Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; and the word "shall" is mandatory and not discretionary.

"**ABUTTING PROPERTY OWNER.**" Official owner of record (based on the tax records of the Clark County Clerk's office) of property adjoining at any point the subject property (property of the applicant for change in zoning, contingent use, special exception, variance or off street parking requirement waiver); of property directly across any public right-of-way, railroad, stream or creek, easement, alley, and the like from subject property; of property which adjoins at any point the adjoining property or the property directly across the public right-of-way, railroad, stream or creek, easement, alley, and the like, provided such abutting property is not more than five hundred (500) feet from the subject property.

"**ACCESS.**" A way of entering or exiting a property by way of public way, street or thoroughfare; however, in no case is entry or exit for business access through a residentially zoned area permitted except for entry and exit to uses permitted in a residential zone.

"**ACCESSORY BUILDING OR STRUCTURE.**" A building or structure subordinate to another building or structure, the use of which is incidental to that of the dominant use of the principal building, structure or land; which is located on the same lot as the principal building or structure; which does not change or alter the character of the premises; and which is not used for human occupancy.

"**ACCESSORY USE.**" A use which is clearly incidental to a principal use, which is located on the same lot with the principal use, which does not change or alter the character of the premises, and which is not used for human occupancy. Public utility communication, electric, gas, water, sanitary sewer and storm sewer lines, their supports and incidental equipment are considered an "accessory use" when clearly incidental to the principal use of the property.

"**ADMINISTRATOR.**" The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Plan Commission. The Sellersburg Building Inspector is hereby designated as the Administrator for the purposes of implementing this Ordinance and is the town officer referred to herein wherever the term Administrator appears.

ADULT ENTERTAINMENT." An establishment having as one of its principal uses:

- (1) Customer-operated motion picture devices, peep shows, viewing areas, and/or similar devices either coin, token, or slug operated or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual activities or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state, even if completely or opaquely covered.
- (2) A hotel or motel, which in addition to providing as the major part of its business services unrelated to depictions of sexual activities, makes entertainment (either live or on film or video tape) available to its customers, which entertainment has as a dominant theme or is

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

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

"ALLEY." A public or private way which is other than a street, road, crosswalk, or easement; and which is not designed for general travel but is designed to provide only a secondary means of access to the side or rear of premises, where principal frontage is on some other street.

"APARTMENT BUILDING." A building or combination apartment and commercial building which is used as a residence for three (3) or more families; and where an individual, or a group of individuals, live in separate dwelling units with separate kitchens and bathrooms for each dwelling unit.

"APARTMENT COMPLEX." A single apartment building or group of interrelated apartment buildings with common courts and recreational facilities.

"APPEALS BOARD." The Sellersburg Board of Zoning Appeals.

"APPLICANT." The fee simple owner of land who makes application to the Sellersburg Plan Commission for action by said commission or by the Sellersburg Board of Zoning Appeals thereby affecting that land.

"AUTOMOBILE SERVICE STATION." (Gasoline, Filling Stations) A place where gasoline (stored only in underground tanks), kerosene, lubricating oil or grease for operation of automobiles, trucks, or boats, are offered for sale directly to the public on the premises, and including minor accessories and service, but not including such major repairs as, among others, any of the following: (a) spray painting; (b) body, fender, clutch, transmission, differential, axle, and frame repairs; (c) major overhauling of engine requiring removal therefrom of cylinder-head or crankcase pan; (d) repair of radiator requiring the removal of radiator therefrom; and (e) complete process of tire recapping (installation of recaps allowable; however, recapping of tires is not permitted.) All repair work to be entirely done within the confines of the garage area and not on the drive area exposed to public view.

"AUTOMOBILE WRECKING YARD." Any place where two or more motor vehicles not in running condition or inoperable or not having a current license are stored or any parts therefrom are stored in the open and are not being restored to operate; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts there from and not being restored to operating condition; and including the commercial salvage of any other goods, articles or merchandise.

"BASEMENT." Any story below the first story of a building in which the surface of the floor is more than four feet below the adjacent ground elevation at all points and shall not be included as a story for the purpose of height measurements.

"BED AND BREAKFAST UNIT." A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, which are rented on a nightly basis for periods of less

than a week. Meals may or may not be provided by the owner or manager. No room or group of rooms may be used by renters for cooking or eating. There shall be no more than five guest rooms providing overnight accommodations to transient guests for compensation. Also known as a tourist home.

"BLOCK." A tract of land bounded by streets or by a combination of streets and routes (such as railroad right-of-way), waterways, public open spaces (cemetery or park), or other barrier, and not transversed by a through street.

"BOARD." The Board of Zoning Appeals of the Town of Sellersburg, Indiana.

"BOARDING HOUSE." A building, not available for transients, in which meals are regularly provided for compensation for at least three, but not more than thirty, inhabitants in addition to the owner occupant, and where only one kitchen shall exist, no room or group of rooms being used by tenants for cooking or eating. Also known as a lodging house.

"BOARDING KENNEL." A place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets, and are at least four months old.

"BUFFER LANDSCAPING." Any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance or the Subdivision Regulations to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.

"BUILDABLE AREA." The portion of the lot remaining after required yards, set back lines, or visibility requirements on corner lots, have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.

"BUILDING." Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or moveable property of any kind (each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this Ordinance).

"BUILDING AREA." The maximum horizontal projected area of the principal and accessory buildings on a lot, excluding open spaces or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet. Also known as the building footprint or lot coverage.

"BUILDING, ATTACHED." A building having a structural connection to another building such as a common wall. Typical residential attached buildings include duplexes, townhouses, and row houses.

"BUILDING, DETACHED." See "DETACHED BUILDING."

"BUILDING, FRONT LINE OF." The line of the face of the building nearest the front lot.

"BUILDING, HEIGHT OF." See "HEIGHT."

"BUILDING LINE." The line defining the buildable area of a lot and being the point nearest the property line that a building or structure may be placed as a result of required yards or setback lines. Also known as the building setback line.

"BUILDING PERMIT." See "IMPROVEMENT LOCATION PERMIT"

"BUILDING, PRINCIPAL." A building in which is conducted the main or principal use of the lot on which said building is located. Where a substantial part of an accessory building is attached to the main building in a substantial manner, such accessory building shall be counted as part of the principal building.

"BUSINESS." An occupation, employment, or enterprise which occupies time, attention, and materials; or wherein merchandise is exhibited, purchased, bartered, exchanged or sold.

"CAMP, PUBLIC." Any area or tract of land used or designed to accommodate two or more automobile recreational vehicles, either towed vehicles or motorized, house trailers, mobile homes, or two or more camping parties, including cabins, tents, or other camping outfits.

"CAR WASH." A building, or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning, production line methods or other mechanical devices.

"CELLAR." See "BASEMENT."

"CEMETERY." Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"CERTIFICATE OF OCCUPANCY." A written instrument issued in accordance with Sellersburg town ordinances stating that the structure use and occupancy of land or building complies with the building code and zoning ordinance.

"CLINIC" OR "MEDICAL HEALTH CENTER." A facility for the treatment of human ailments operated by a group (two or more) of physicians, dentists, chiropractors, or other licensed medical practitioners, or any combination of the above mentioned, for the treatment and examination of outpatients.

"CLUB OR LODGE, PRIVATE." A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The operation and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. It shall be permissible to serve food and meals on such premises providing facilities approved by the appropriate governmental agency are procured prior to food functions. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the club or lodge, and further that sale of alcoholic beverages is in compliance with all applicable State, Federal, and Local laws.

"COMMERCIAL." See "BUSINESS."

"COMMISSION." The Advisory Plan Commission of the Town of Sellersburg.

"COMPREHENSIVE PLAN." The complete plan, or any of its parts, for the development of the town, prepared by the Plan Commission and adopted in accordance with applicable statutes, as amended, as is now or may hereafter be in effect.

"CONDOMINIUM." A form of tenure for real estate authorized by the 1963 Horizontal Property Act, Chapter 349 of the Acts of the State of Indiana, and amendments thereto.

"CONTINGENT USE." The authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meets the specified requirements, and upon application and after a public hearing, is specifically authorized by the Board of Zoning Appeals.

"CORNER LOT." A lot at the junction of and abutting two or more intersecting public ways having a designated space (known as the "sight triangle" or "vision clearance") in which nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersecting public ways.

"COUNTY." Clark County, Indiana.

"CULTURAL FACILITIES." Those facilities, either public or semipublic (i.e., nonprofit), which may serve to enhance the appreciation of community residents of their cultural heritage. Such uses may include, but are not restricted to, museums, art galleries, and arboretums.

"DAY CARE CENTER." Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay six (6) or more children under 14 years of age for group care, without transfer of custody, for less than 24 hours per day.

"DAY CARE HOME." Same as Day Care Center but up to five (5) children.

"DETACHED BUILDING." A building having no structural connection with another building on the same zoned lot or any other lot. A detached building may be an accessory building to the principal building and, as such, shall conform to the definition on accessory buildings.

"DISTRICT." A section of the town for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

"DRIVE-IN ESTABLISHMENTS." An establishment which is designed to provide service, either wholly or in major part, to customers, while in their automotive vehicles, upon the zoned premises, excluding drive-in theaters.

"DUPLEX." See "BUILDING, ATTACHED".

"DWELLING." A building substantially affixed to the land or portion thereof, used primarily as a place of abode for one or more human beings and meeting the definition of building, but among other things not including hotels, motels, lodging or boarding homes, tents, buses, vans, tourist or "bed and breakfast" homes, or recreational vehicles.

- a) "DWELLING, SINGLE-FAMILY." A detached building designed for or occupied by one family exclusively.

- b) "DWELLING, TWO-FAMILY." A detached building designed for or occupied by two (2) families.
- c) "DWELLING, MULTI-FAMILY." A building designed for or occupied by three or more families, exclusively for dwelling purposes.

"DWELLING UNIT." A dwelling unit consists of one or more rooms which are arranged, designed, and used as the cooking, living and sleeping quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall always be included in a dwelling unit.

"EASEMENT." An authorization grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose and officially recorded.

"FAMILY." Two (2) or more persons related by blood or marriage and/or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

"FARM." An area used for bona fide agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry

"FENCE." Any construction of wood, metal, masonry, or other material, erected for the purpose of assuring privacy or protection. In no case shall the fence or its material resemble junk (as described in this section) or be assembled from junk.

"FLOOD HAZARD AREA." Those flood plains which have not been adequately protected from flooding caused by the Regulatory Flood, and are shown on the zoning map and/or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

"FLOOD PLAIN." The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

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

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

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

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

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

"GENERAL BUSINESS." Businesses serving the region as well as the local community.

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

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

"GROUP HOME." A dwelling or boarding house used as living quarters established as a home for housekeeping by a group of people having a reduced ability to cope with and function in the everyday world.

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

"HEAVY INDUSTRIAL USE." See "MANUFACTURING."

"HEIGHT." With respect to a building, the vertical distance from the "lot ground level" to the highest point, for a flat roof, to the deck line, for a mansard roof, and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

"HOME OCCUPATION." Any use conducted entirely within a dwelling and participated in solely by members of the family occupying the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof and in connection with which there is no commodity sold upon the premises, which use shall have no advertising or any other display which will indicate from the exterior that the building is being used for any purpose

other than that of a dwelling, which use shall occupy no more than ten percent of the floor area, basement area and attached garage area combined, and which use shall involve no mechanical equipment except that permissible for purely domestic purposes.

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

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

"IMPROVEMENT LOCATION PERMIT." A permit provided by town ordinance stating that the proposed development, either land development or alteration, building construction of any sort, either alteration, enlargement are within the provisions of the comprehensive plan.

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

"INTERESTED PARTIES." Those parties who are owners of properties adjoining or adjacent to the property for which a zoning map change, "contingent use" or "special exception" is being sought.

"INTERIOR LOT." A lot other than a "CORNER LOT" or "THROUGH LOT."

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

"JUNK YARD." A place, usually outdoors but which may be indoors, where waste or discarded used property other than organic matter is accumulated and/or stored and is or may be salvaged for reuse or resale, including but not limited to one or more unlicensed or inoperable motor vehicles or parts therefrom or other discarded or waste material or property and materials and items defined in "JUNK" above.

"KENNEL." See "BOARDING KENNEL."

"LAND AREA." The total area within the lot or project boundaries.

"LEGISLATIVE BODY." The Town Council of Sellersburg, Indiana.

"LIGHT INDUSTRIAL USE." Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed by a fence, wall, landscaping, beret, or other visual barrier.

"LOADING AND UNLOADING BERTHS." The off street area required for the receipt or distribution by vehicles of material or merchandise, which in this Ordinance is held to be at least twelve (12) feet in width by fifty (50) feet in length per loading space with a height clearance of fourteen (14) feet.

"LOCAL BUSINESS." Businesses serving the community on a neighborhood scale.

"LOT." A parcel, tract, or area of land accessible by means of a public way or place and of sufficient size to meet minimum zoning requirements.

"LOT COVERAGE." The percentage of the lot area that is represented by the building area.

"LOT GROUND LEVEL." The ground level of a lot shall be as follows:

- A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street,

"LOT LINE":

- A. "FRONT LOT LINE." In the case of an "INTERIOR LOT," a line separating the lot from the street or place; and in the case of a "CORNER LOT" a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the "FRONT LOT LINE."
- B. "REAR LOT LINE." A lot line which is opposite and most distant from the "FRONT LOT LINE" and, in the case of an irregular or triangularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the "FRONT LOT LINE."
- C. "SIDE LOT LINE." Any lot boundary line not a "FRONT LOT LINE" or a "REAR LOT LINE."

"LOT OF RECORD." A lot which is part of a recorded subdivision, planned unit development and recorded in the Clark County Recorders Office, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

"LOT WIDTH.":

- A. On lots having parallel lot lines, the dimension of a lot measured between side lot lines on the building line.
- B. On lots having non-parallel side lot lines converging toward the front lot line, the

dimension of the lot between side lot lines measured on a line passing through the front corner of a building or structure, existing or proposed, and which line intersects the side lot lines in such a manner as to form equal angles with each of them

- C. On lots having non-parallel side lot lines converging toward the rear lot line, the dimension of the lot between side lot lines measured on a line passing through the rear corner of a building or structure, existing or proposed, and which line intersects the side lot lines in such a manner as to form equal angles with each of them.

"MANUFACTURING" or "HEAVY INDUSTRIAL USE." An industrial use which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, where no continuous process involved will a) produce fire hazard, electrical disturbances, noise, vibration, odor, air pollution, heat, glare, or water pollution beyond the property lines of the tract on which it is located; b) increase the rate or height of storm water runoff in any greater amount than prior to manufacturing process; or c) generate waste matter which will disturb or endanger any neighboring property.

"MANUFACTURED/MODULAR HOME." A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal manufactured Housing Construction and Safety Standards Law of 1974 [42 USC 5401 et seq.] or IC 22-11-1-1 et seq., as promulgated by the Indiana Administrative Building Council. A modular housing unit is constructed in part or in whole at a place other than the foundation site, transported to the foundation site, and assembled on site to create one whole structure. The manufactured home or modular housing unit should include, but not be limited to, these characteristics: asphalt roof, a roof pitch of at least 3:12, house type windows, a minimum width of twenty-six (26) feet, exceed twelve hundred (1200) square feet of occupied space, doors and siding, and must be placed on a permanent foundation. Modular homes, prefabricated homes, and other such implied terms shall be deemed to be the same as MANUFACTURED HOMES.

"MINERAL EXTRACTION." (1) mining or quarrying; and (2) removal of earth materials.

"MOBILE HOME." A detached residential dwelling designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, with plumbing and electrical connections provided for attachment to other systems and designed for transportation after fabrication on public ways on its own wheels or on flat bed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, and connections to utilities. A travel trailer or recreational vehicle shall not be construed as a mobile home, nor are new and different types of housing which are defined elsewhere in this Ordinance. Truck bodies, bus bodies, railroad cars, shacks, and improvised shelters which may be moved by truck, tractor, automobile, or horses or can be carried, transported, or towed from one place to another without the use of regular house moving equipment, unless such living quarters shall include the requirements previously noted in this definition, shall not be construed as a mobile home.

"MOBILE HOME PARK." An area of land on which two (2) or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

"NONCONFORMING LOT." A single lot of record prior to the effective date of this

Ordinance that fails to meet the area or dimensional requirements for lots within the zoning district in which it lies.

"NONCONFORMING STRUCTURE." Existing improvements which do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs and other regulations for the district in which they are situated.

"NONCONFORMING USE." Any building or land lawfully occupied by a use at the time of the passage of this Ordinance or amendment thereto which does not conform after the adoption of this Ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs, and other regulations for the district in which they are situated, are not non-conforming uses as defined herein.

"OCCUPIED SPACE." Means the total area of earth horizontally covered by a structure, excluding accessory structures such as, but not limited to, garages, patios, and porches.

"OPEN SPACE." Outdoor area of a lot or tract which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Such areas may be ground or roof space 75% open to the sky, balconies a minimum of 5 feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space.

"OPEN USE." The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

"PARKING AREA, PUBLIC." Any open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles, when available for public use, whether free or for compensation, as an accommodation for clients or customers.

"PARKING SPACE, (OFF STREET, ONE)." A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and eighteen (18) feet long, exclusive of passageways.

"PERSON." A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

"PLACE." Any open, unoccupied space other than a street, or alley, or public way, that is permanently reserved for use as the principle means of access to abutting property.

"PLAN COMMISSION." Refers to the Town of Sellersburg Advisory Plan Commission. The term does not include a regional plan commission established under IC 36-7-7 [36-7-7-1 through 36-7-7-13]. [IC 36-7-7-14, as added by Acts 1981, P.L. 309, section 14.]

"PLANNED UNIT DEVELOPMENT." A subdivision of land within any zone district designed as a combination of uses or single use planned for a tract of land to be developed as an integrated unit under single ownership or control, which is developed for the purpose of selling or leasing sites, lots or estates, whether fronting on private or dedicated streets, which may include two or more principal buildings.

"PLAT." A map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the County Recorder.

"PRINCIPAL BUILDING." A building in which is conducted the main or principal use of the lot on which the building is affixed. Where an accessory building is attached to the main building in a substantial manner, as with a wall or roof, such accessory building shall be considered part of the main building and shall be counted as a part of the principal building.

"PRIVATE SCHOOL." Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any government agency.

"PROFESSIONAL OFFICE." Office of a member or members of recognized professions, such as an architect, accountant, attorney, artist, dentist, engineer, musician, physician, surgeon, or other professional person.

"PUBLIC IMPROVEMENT." Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)

"PUBLIC PLACE." Includes any tract owned by a federal, state or local political subdivision.

"PUBLIC WAY." Includes any highway, street, avenue, boulevard, road, lane, or alley.

"REFUSE DISPOSAL FACILITY." A refuse disposal facility is deemed to include sanitary landfill, incineration, grinding or any other process oriented to disintegration or recycling of solid waste material, provided, however, that salvaging of scrap or junk shall not be permitted in any refuse disposal facility.

"REGULATORY FLOOD." That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

"RESIDENTIAL BUILDING." Any structure which shall be: (a) permanently and securely affixed to the land; (b) has one or more floors (stories) and a roof, the roof being supported by columns or walls, for the shelter, support, enclosure, or protection of persons, chattels, or property; (c) is bounded by either open space or the lot lines of a tract; and (d) when separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure. A residential building shall not include, among others: tents, tanks of any type, lunch wagons, buses, vans, dining cars, trailers manufactured for recreation, or other roofed structures on wheels, or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A building shall not include such structures as billboards, fences, television towers, or radio towers, or structures with interiors not normally accessible for human use.

"RESIDENCE or RESIDENTIAL." Applies to a lot, a structure, a building, or a portion of a structure which is used for any of the uses permitted in the residential districts.

"REST HOME, NURSING HOME, CONVALESCENT HOME." A health facility where persons are housed and furnished with meals and continuing care for compensation.

"ROOMING HOUSE." A building, or portion thereof, where lodging or meals or both are provided for three or more persons who are not members of the operator's family, but not over 30 persons normally by prearrangement for definite periods of time and for compensation, whether direct or indirect; such as boarding houses, temporary shelter care, congregate living, group homes; and having one kitchen.

"SETBACK." The minimum distance between the property line and the building or structure, excluding projections specifically permitted.

"SHALL." This term is mandatory.

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

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

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

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

"SPECIAL EXCEPTIONS." The authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meets special conditions, and upon application and after a public hearing, is specifically authorized by the Advisory Board of Zoning Appeals.

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

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

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

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

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

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

"THROUGH LOT." A lot having frontage on two parallel or approximately parallel streets.

"TOURIST HOME." Refer to "BED AND BREAKFAST UNIT."

"TOWN." The Town of Sellersburg, Indiana.

"TRADE OR BUSINESS SCHOOL." Vocational or business school or college when not publicly owned or not owned or under the sponsorship of a religious, charitable, or non-profit organization; or a school conducted as a commercial enterprise for teaching trade or business technology, including, but not limited to: instrumental music, dancing, barbering or hairdressing, drafting, or for teaching industrial or technical arts, including but not limited to automotive, heating, air-conditioning, and computer technology.

"UNDERFLOOR SPACES." Spaces between the bottom of the floor joints and the earth.

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

A. "OPEN USE." The use of a lot without a building or including a building incidental to the open use.

B. "NONCONFORMING USE." See "Non-Conforming Use" definition.

"USE VARIANCE." The approval of a use other than that prescribed by this Ordinance.

"VARIANCE." A specific approval granted by the Advisory Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, yards) that the Ordinance otherwise prescribes. Changes in area requirements (e.g., minimum lot area, minimum floor area, dwelling unit densities, maximum lot coverage, requirements for off street parking and off-street loading spaces in number and area, maximum sign numbers and area) are not permitted by this Ordinance except by zoning map amendment.

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

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

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

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

- C. "SIDE YARD." A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.
- D. "STREET SIDE YARD." A "side yard" facing a "street."
- E. "TRANSITIONAL YARD." A yard in effect when a non-residential zone district abuts or is adjacent across a street to a residential zone district.

"ZONING MAP." A map entitled" SELLERSBURG ZONING DISTRICTS."

"ZONING ORDINANCE." Refers to an ordinance adopted under IC 36-7-4, Series 600 or under prior law. The term includes all zone maps incorporated by reference into the ordinance.

Section 1.10 - Determination and Interpretation of District Boundaries

In determining the boundaries of Districts, and establishing the regulations applicable to each District, due and careful consideration has been given to existing conditions, the character of buildings erected in each District, the most desirable use for which the land in each District may be adapted, and the conservation of property values throughout the Town.

Where uncertainty exists as to the exact boundaries of any District as shown on the Zoning Map, the following rules shall apply.

- (1) In non-subdivided areas, or where a District boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zoning Map.
- (2) In the case where the Zoning Map has been amended by ordinance, the legal description recited in such amending ordinance shall interpret the intent of the Zoning Map.
- (3) In the case of further uncertainty, the Board shall interpret the intent of the Zoning Map as to the location of the boundary in question.

Section 1.11 - Nonconforming Structures

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

Section 1.12 - Nonconforming Uses

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

Section 1.13 - Discontinued Nonconforming Use

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not be reestablished and use thereafter shall conform to the requirements of the District in which it is located.

Section 1.14 - Destruction of Nonconforming Structure

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

Section 1.15 - Nonconforming Mobile Home Park

Any mobile home park which existed upon the effective date of this Ordinance, and which is located in a district which permitted a mobile home court either as a permitted use or special exception, shall be regarded as a conforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of Section 2.6 of this Ordinance.

Section 1.16 - Scope of Regulations

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered, except in conformity with regulations of this Ordinance

Section 1.17 - Height

No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

Section 1.18 - Exceptions from Height Requirements

Penthouse or roof structure for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, fire or parapet walls, skylights, television aerials, electrical transmissions, and communications poles and towers, theater screens, steeples, roof signs,

flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, industrial installation requiring vertical production procedures such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no such structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, business, or industrial use.

Section 1.19 - Yard, Lot Area and Size of Building

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per dwelling unit, ground floor area of residential buildings, established and specified for the use in the District in which such building is located.

Section 1.20 - Exceptions from Yard Requirements

Yards apply to only one building.

- (A) No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space or lot be considered as providing a yard or open space for another lot whereon a building is to be erected.
- (B) Projections into yards:
 - (1) Cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay window or other vertical projection which shall be part of the main building) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys or fireplaces may project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.
 - (2) A fire escape may extend or project into any required front, side or rear yard not more than four (4) feet.
 - (3) An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required front or side yard not more than four (4) feet or into any required rear yard not more than twenty-five (25) percent of its depth.
 - (4) An open platform or landing which does not extend above the level of the first floor of the building may extend or project into any required side yard provided that the width of a side yard is not reduced to less than three (3) feet or any required front yard not more than four (4) feet, provided it does not encroach within ten (10) feet of the front property line, or any rear yard provided it does not encroach within ten (10) feet of the rear property line.

- (5) Other Specified Structures: Walks, driveways, curbs, retaining walls, mailboxes, nameplates, lamp posts, bird baths, fences, and structures of a like nature shall be permitted in any required yard.
- (C) Front Yard:
- (1) If there are buildings on both abutting lots and they are within one hundred (100) feet of the intervening lot and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
 - (2) If there is a building on one abutting lot which is within one hundred (100) feet of the lot, and the building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard.
 - (3) Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block.
- (D) One-half of an alley width abutting the rear of a lot may be included in the rear yard in the B-1 and B-2 districts, but such alley space shall not be included for loading and unloading berths.

Section 1.21 - Fences, Walls and Hedges

- (1) Fences, walls, and hedges which block visibility not to exceed six (6) feet in height, may be permitted in any required yard, or along any property line, provided that no fence, wall or hedge shall be permitted in a required front yard in the R-1, R-2, and R-3 Districts, to exceed three (3) feet in height in the RPO, GO, B-1, B-2, and I-I districts and to exceed six (6) feet in the 1-2 district. However, the Board of Zoning Appeals may require security fences not to exceed eight (8) feet for special exceptions in the 1-2 district. (NOTE: A fence height variance may be requested of the Board of Zoning Appeals).
- (2) Trees, shrubs, flowers or plants shall be permitted in any required yard, provided it does not violate the corner setback as required in this Section.
- (3) To maintain corner visibility, no fence, wall, hedge or other planting or other obstruction to vision extending in excess of three (3) feet above the established street center-line grade shall be erected or maintained on that part of the corner lot that is included between the lines of intersecting streets and a line intersecting them at points of twenty-five (25) feet distance from the intersection of the street line.

Section 1.22 – Re-platted Land

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

Section 1.23 - Street Frontage Required

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

Section 1.24 - Accessory Uses and Structures

- (1) All accessory uses must meet the following requirements:
 - (a) Be operated and maintained under the same ownership and use as the principal use or structure and must be a permitted use in the zoning classification in which they are located.
 - (b) Be subordinate in height, area, and purpose to the main structure or use.
 - (c) All residential accessory structures and uses in a rear or side yard, not attached to or part of the main structure or use, shall be located at least five feet from any lot line, at least fifteen feet from any street line, at least ten feet from the main structure.
 - (d) May not be erected prior to the principal use or structure.
 - (e) May not be located in a required front yard.
 - (f) A private swimming pool wall shall not be located closer than six (6) feet from a side or ten (10) from a rear property line.

Section 1.25 Minimum Floor Area

Standards for minimum floor area are as follows:

Single family dwelling	1200 sq. ft.*
Duplex, row house, townhouse**	1000 sq. ft.*
Apartment	
One-bedroom unit	768 sq. ft.*
Two-bedroom unit	900 sq. ft.*
Three- bedroom unit	1000 sq. ft.*

*Floor area per unit measured by outside measurements.

**Per one dwelling unit

Section 1.26 - Lots

Every building hereafter erected shall be located on a lot.

Section 1.27 - Parking space: Loading and Unloading Berths

Every building hereafter erected shall provide off street parking space and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

1.27.1 - Existing Off-Street Parking and Loading

- (1) When the intensity of use of any building, structure or premises shall be increased through additional dwelling units, gross floor area, seating capacity or other units of measurement specified within this section, required parking or loading facilities as herein required shall be provided for such an increase and intensity of use.
- (2) Any off street parking or loading space established prior to the effective date of this Ordinance which is used or intended to be used in conjunction with any main building, structure or use of any space delineated and intended to comply with the requirements of this section for any such building, structure, or use erected after such effective date shall hereafter be maintained so long as said building, structure, or use remains unless the owner provides and maintains in another location an equivalent number of car spaces which conforms to all provisions of this Ordinance.

1.27.2 - Parking Prohibited

In R-1 Districts, parking is permitted in the front yard only on paved driveway surfaces.

In all other zones, parking is permitted in the front yard only on paved surfaces and not closer than five (5) feet to the front property line. Parking is not permitted in the side yard when business and industrial uses abut residential areas.

1.27.3 - Location of Accessory Off Street Parking

- (1) All parking spaces provided pursuant to this section shall be on the same lot with the building, structure or use that they have intentions to serve except that the Plan Commission, after public hearing, may permit the required number of parking spaces to be on any lot within three hundred (300) feet of the premises they are to serve provided however, the Plan Commission has reviewed the plans and made findings that: a) the common ownership of the lot or 20-year lease, b) the site of the parking facility is reasonably certain to continue and, c) the off-street parking facility will be maintained at all times during the life of the proposed use or building.
- (2) Access to all parking facilities provided pursuant to this section shall be directly accessible from a street or an alley. Access alleys and drive-ways shall be sufficient width for convenient maneuvering of cars for each space and shall be accessible without driving over or through any other parking space.

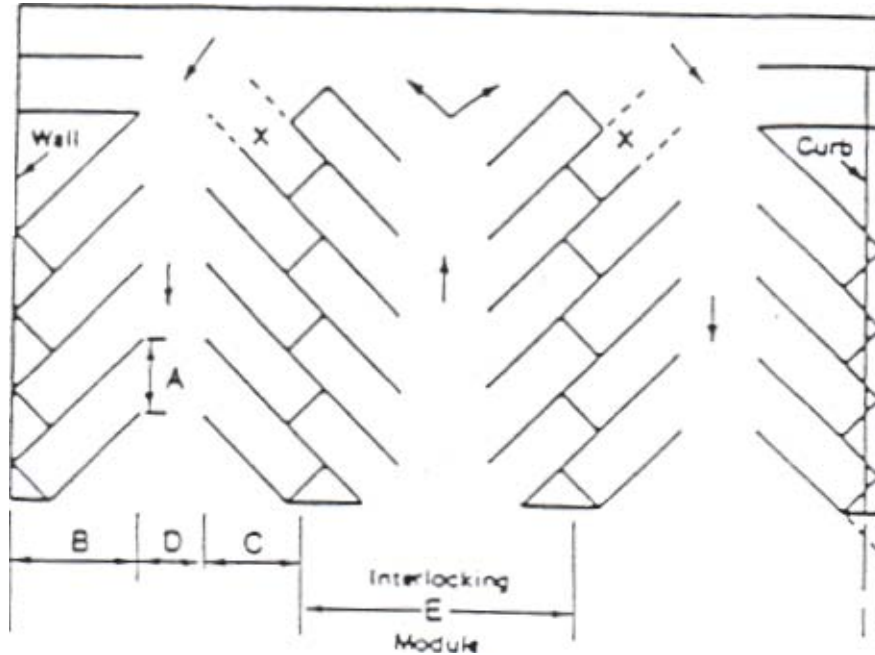
1.27.4 - Improvements

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

MINIMUM PARKING SPACE DIMENSIONAL REQUIREMENTS

		A	B	C	D	E Modules	
Parking Angle		Space Width Parallel to Aisle	Space Depth to Wall	Space Depth to Interlock	Aisle Width	Wall to Wall	Interlock to Interlock
45°							
9.0 feet	space	12.7	17.5	15.3	12	47	33
60°							
9.0 feet	space	10.4	19.0	17.5	16	54	51
75°							
9.0 feet	space	9.3	19.5	18.8	23	62	61
90°							
9.0 feet	space	9.0	18.5	18.0	24	60	60

PARKING DLGRAM



X = Space not aCCa11ib1• in certain layouts

(2) All owners of off street parking facilities intended for public use shall have a number of level parking spaces as set forth in the following table, with each space identified by an above grade sign as reserved for physically handicapped persons. Each reserved parking space shall be so designated by striping and shall be either thirteen (13) feet wide or eight (8) feet wide with a five (5) foot attached designated walkway. The five (5) foot adjacent walkway may be contiguous to, and shared by, two (2) eight (8) feet wide parking spaces. In addition to the normal handicapped parking spaces, there shall be one "van accessible handicapped parking space per eight "normal handicapped" spaces. Such "van accessible" handicapped parking space shall be so designated by striping, and shall be eight (8) feet wide with an eight (8) foot attached designed walkway on the right side of the vehicle to be parked.

Accessible Parking Spaces

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

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

- (3) All parking areas, except accessory parking to a single-family detached dwelling, shall be improved with a compact aggregate base with surface treatment (sealcoat) or asphalt, so as to achieve an all-weather, dustless surface.
- (4) For parking areas located within or that adjoin an "R" district, a solid wall or compact evergreen screen or uniformly painted board fence with no openings or a combination thereof having a height of not less than forty-two (42) inches or more than six (6) feet shall be erected and maintained in the side and rear yards between the parking area and "R" district.
- (5) Any light used to illuminate the parking area or driveway shall be installed so as to reflect the light away from any adjoining "R" district or public roads.

1.27.5 - Parking Requirements

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

PARKING REQUIREMENTS

Use	Number of Parking Spaces Required
Airport or Heliport	1 per 2 employees, plus 1 per based or transient aircraft
Artificial lake of 3 acres or more	1 per 2 users
Automobile Sales	1 per 400 sq ft of gross floor area
Automobile Repair	1 per 400 sq ft of gross floor area
Banks, Business offices, Professional offices, Similar business uses, Post office and similar service use	1 per 200 sq ft of gross floor area
Barber, Beauty Shop	2 per barber or beautician
Bowling Alleys	2 per each lane plus 1 per 6 spectator seats
Bus Terminals	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail space
Churches, Theaters, Auditoriums, Stadiums or other places of assembly	1 per each 3 fixed seats plus 1 per each 5 removable seats
Clinic	1 per employee plus 3 per doctor for patients
Country Club, Golf Course, Private Clubs or similar uses	Golf course, 3 per golf hole; clubs, ect. 1 per each 200 sq ft of gross floor area
Day Care Center	1 per 2 employees plus 1 per 5 children
Department Store, Discount Store or similar use	1 per 200 sq ft of gross floor area
Fishing and Hunting Lodge (seasonal)	1 per 3 guests
Food Market, Delicatessen, Supermarket or similar use	1 per 200 sq ft of gross floor area
Fraternity or Sorority	1 per 2 occupants
Funeral Home/Parlor	1 per 3 seats in seating area
Greenhouse (Commercial)	1 per 2 employees plus 1 per 125 sq ft of sales area
Hospital	1 per 4 beds p 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel or Motel	1 per 3 employees plus 1 per sleeping room
Housing for the elderly (public owned)	1 per 3 dwelling units
Industrial uses generally	1 per each 2 employees on largest shift
Junk Yard	1 per employee
Library, Museum or any other similar use	1 per 600 sq ft of gross floor area
Laundromat, self service dry cleaner and laundry	1 per 2 washing and drying machines or any portion thereof
Lodging or Boarding House	1 per occupant plus 2 for resident owner
Mobile Home Site	2 per site plus 1 for each 4 sites to be used for guest parking
Nursing Home	1 per 7 persons plus 1 per employee on largest shift
Outdoor recreational use	1 per employee plus 1 per 500 sq ft of gross floor area
Police or Fire Station	1 per employee on largest shift
Residential use, excluding multi family	2 per dwelling unit
Residential use, multi family	2 per dwelling unit plus 1/2 space per bedroom in excess of two bedrooms
Restaurant: Eating or Drinking establishments where customers are seated and served within a building	1 for each 200 sq ft of gross floor area
Restaurant: Eating or Drinking establishments where customers are seated and served outside of the building	1 for each 50 sq ft of gross floor area and there shall not be less than 6 per establishment

Stores and Shops: Furniture, Household appliances, hardware, flowers, drugstore, stationary, news dealer, record, photo, dry cleaners and pressing, bakery, dress making, millinery, tailor, individual storage locker service or any other similar use.	1 for each 200 sq ft of gross floor area
School: Junior high, elementary, public, private, parochial	1 per each classroom plus 1 for each 100 sq ft of closed floor area of the auditorium
School: Senior High, Private, Public or Parochial	1 per 4 students based on the maximum number of students who can be enrolled
Shopping Center: 25,000 to 400,000 sq ft gross leasable area	4 per 1,000 sq ft of gross leasable area
Shopping Center: 400,000 to 600,000 sq ft gross leasable area	4.5 per 1,000 sq ft of gross leasable area
Shopping Center: 600,000 sq ft and over gross leasable area	5 per 1,000 sq ft of leasable area
Theater (Drive in)	1 per 2 employees
Theater (Not Drive In)	1 per 2 seats
Tourist Home or Bed and Breakfast	1 per employee plus 1 per guest bedroom
Trade or Business School	1 per each 3 students and staff based on the maximum number of students who can be enrolled
Truck Terminal	1 per 2 employees plus 4 for customers
Veterinary hospital or boarding kennel	1 per 3 animal spaces (cages of pens)
Wholesale produce terminal or Warehouse	1 per 2 employees

- (2) In the case of mixed use in the same building or structure, the total requirement of off street parking facilities shall not be considered as providing required parking facilities for any other uses.
- (3) Collective off street parking facilities for two (2) or more buildings, structures, or uses shall not be less than the sum of the requirements for the various individual uses computed separately as provided for in this section.

1.27.6 - Waiver Provisions for Off-Street Parking Requirements

- (1) Uses allowed in the B-1, B-2, and B-3 Districts:
 - (a) A use permitted in the B-1, B-2, or B-3 district with less than 2,500 square feet of floor area can reduce parking space requirements by twenty percent up to three (3) spaces provided the use is not adjacent to another use owned or controlled by the same person.
 - (b) Commercial uses permitted in the B-1, B-2, or B-3 District which occupy less than 2,500 square feet of floor area and are located in corner commercial structures will have no parking spaces required. Expansion of these structures after the effective date of these regulations will void waiver privileges. Corner commercial structures, as used in this section, shall mean structures that were constructed prior to 1959 and were built to house a commercial establishment and are situated at an intersection.

(2) Infill Residential:

In cases in which the Minimum Off-Street Parking Regulations would create hardship in the use of a particular site for infill residential purposes, parking space requirements may be reduced by up to three spaces per lot, or two-thirds of the number of spaces normally required, if:

- (a) the Building Inspector finds that the infill residential project is located in an area subdivided into its existing lot pattern prior to 1959; and reduction of the parking requirements will not create a shortage of parking spaces in the surrounding area; and provision of parking as specified in Section 1.27.5 above would create a hardship or would entail extraordinary expense; and
- (b) the Building Inspector finds that the proposed infill residential use is intended for occupancy by low income persons; or that the infill residential use would support the revitalization of a low income census tract;* and
- (c) for requests for reduction of the parking requirements by ten or more spaces, the Plan Commission must find the request to be in conformance with the Comprehensive Plan. The Plan Commission may hold a public hearing on the waiver request, if the Commission considers it necessary.

*Note: For purposes of this regulation, lower income census tract or block group shall mean a tract or block group in which household median income is equal to or less than 80 percent of the median income for the Metropolitan Statistical Area.

(3) General Parking Waiver:

- (a) In extraordinary cases in which the Minimum Off-Street Parking Requirements would create hardship in the use of a particular site, the Plan Commission may consider granting a waiver of the number of parking spaces required for that site. The waiver shall be the smallest possible reduction in parking spaces that would accommodate the proposed use. In no case to exceeding 20% of the total number of required spaces. To qualify for a waiver, the applicant must demonstrate a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through shared or joint use of parking lots. The Plan Commission shall hold a public hearing to consider any request for waiver of parking requirements. The applicant for the waiver shall supply the names and addresses of all persons designated by the property valuation administrator as owners of property within 200 feet of the subject property. The Plan Commission shall send notice of the public hearing to said persons by first class mail not less than seven nor more than thirty days prior to the hearing. In granting the waiver, the Plan Commission must find that the waiver and the use which the parking is to serve are in compliance with the Comprehensive Plan. The Plan Commission shall consider adverse impacts that might be created by parking demand in excess of that projected. In granting a waiver, the Commission shall also consider the impact that displaced parking demand will have on the customary parking pattern of the surrounding area. As the basis for granting a parking waiver, the applicant must demonstrate and the Commission must find two or more of the following:

- (i) that the parking demand of the proposed use and prior uses on site are similar and that prior uses on-site did not make use of on-site parking and did not create nuisances for adjacent properties.
 - (ii) that there is a significant surplus of street or on-street parking in the area that can accommodate the generated parking demand.
 - (iii) that the peak parking demand period for the proposed use does not match the peak parking demand period for surrounding uses. (iv) that there is no conflicting demand for limited spaces.
 - (v) that adjacent properties will not be adversely affected.
 - (vi) that there are other specific mitigating circumstances.
- (b) The Plan Commission must also find that the party applying for the waiver has attempted to provide adequate parking either on-site, on other property under the same ownership, or by shared or joint use of parking areas as provided for in this Ordinance.
 - (c) The off street parking provided and the use it serves shall be shown on a district development plan which, except as otherwise specified herein, shall be processed, implemented and enforced as provided in this Ordinance. The applicant shall pay the fee specified for such a request unless the request is processed with a request for rezoning relating to the same property.
 - (d) Any reduction of the required number of parking spaces granted by the Plan Commission shall be limited to the specific use of the property and the amount of parking shown on the district development plan. Any expansion of the use beyond what is indicated on the development plan shall provide parking as required by Section 1.27.5. Any change in use of property that had been granted a parking waiver shall be reviewed by the Plan Commission. If the Commission determines that the change in use may have a substantial impact on the need for off street parking, the Commission will hold a public hearing to determine if the reduction of parking spaces granted to the previous use shall apply to the new use.

1.27.7 - Off-Street Loading and Unloading Requirements

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

- 1) One (1) off street loading space twelve (12) feet by fifty (50) feet and fourteen (14) feet in height for every twenty-thousand (20,000) square feet or fraction thereof in excess of three thousand (3000) square feet of floor area for any of the above purposes provided, however, that in no case, such the required off street loading space be part of the area used to satisfy off-street parking requirements of this section. In the B-2 district, the Plan Commission may waive the off street loading requirements on site if the property owner

demonstrates that there is a dedicated on-street loading area, or such loading requirements shall be met on an abutting property of common ownership, or that an agreement has been made with an abutting property owner to share loading space, sufficient to meet the needs of that building.

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

Section 1.28 - Zoning Districts

The city is hereby classified and divided into fourteen (14) districts designated as follows:

ZONING DISTRICTS

SYMBOL		DISTRICT NAME
I	Agricultural Districts	
A		Agriculture
II	Residential Districts	
R-1		Single-Family Residences
R-2		Single and Two-Family Residences
R-3		Single, Two and Multi-Family Residences
MHP		Mobile Home Park
III	Office/Residential Districts	
RP O		Residential/Professional Office
GO		General Office
IV.	Commercial Districts	
B-1		Local Business
B-2		Central Business
B-3		General Business
IB- I		Interchange Business
IV	Industrial Districts	
I-1		Light Industry
1-2		General Industry
VI.	Special Districts	
OPS		Open Public access

The districts identified in the chart are described in the District Requirements and Uses Chapter. The Land Use Chart for Sellersburg, Indiana, below summarizes the permitted uses in each zoning district. The • indicates a use permitted by right, the letter "C" denotes a use permitted only by a "contingent use permit" approved by the Board of Zoning Appeals (refer to Section 3.5), and the letter "S" specifies

special exceptions permitted only by a: "special exception permit" approved by the Board of Zoning Appeals (refer to Section 3.6). The dimensional requirements of the zoning districts are summarized in the table following the Land Use Chart.

Section 1.29 - Zoning Map

The zoning map, which is hereby declared to be a part of this chapter, shows the boundaries of and the area covered by the districts. Notations, reference, indications, and other matters shown on the zoning map are as much a part of this chapter as if they were fully described herein.

Section 1.30 - Annexed or Vacated Area

If it is determined by the Plan Commission that the County or territory hereinafter annexed to the Town of Sellersburg meets the objectives of the Comprehensive Plan and reasonably meets the purposes of this Ordinance, taking into consideration the condition, character of current structures, uses in the district(s), as well as the most desirable use for which the land is adaptable, conservation of property values, throughout the city, and creates responsible development and growth, the annexed area will be zoned by the Plan Commission as provided for the amendment of the Zoning Map in accordance to IC 36-7-4-601, 603, 604, 605, 608, and 610. Territory which may hereafter be annexed to the Town of Sellersburg shall be immediately classified upon annexation in the district indicated below in relation to its Zone Classification in the Clark County, Indiana, Zoning Ordinance, unless changed by amendment of this Ordinance.

CONVERSION TABLE

Clark County Zone	Sellersburg Zone
CI	A
A1	A
RS	R1
R1	R1
R2	R2
B1	B1
B2	B2
B3	B3
M1	I1
M2	I2

Land Use Chart

	Use Permitted	A	R-1	R-2	R-3	RPO	GO	MHP	B-1	B-2	B-3	IB-1	I-1	I-2	OPS
	Residential														
A.	Agricultural														
1	Crops	●													
2	Greenhouses, Commercial	●								C	C				
3	Livestock	●													
B.	Residential														
1	Dwellings, Single Family Detached	●	●	●	●	●									
2	Dwellings, Two Family (Duplex)			●	●	●									
3	Dwellings, Single Family Attached (Townhouse)			S	●	S									
4	Dwellings, Multi Family			S	●										
5	Rooming/Lodging			C	●	C									
6	Fraternities and Sororities			C		C									
7	Mobile Homes							●							
8	Day Care Homes		●	●	●	●									
9	Tourist Homes														
10	Group Homes			C	●	C									
11	Manufactured homes														
	Business														
A.	Commercial Retail														
1	Adult Bookstore													●	
2	Adult Video Store													●	
3	Antiques								●		●				
4	apparel								●		●				
5	Appliances, Small								●		●				
6	Artificial Lakes, Commercial										S				
7	Arts and Crafts								●	●	●				
8	Auto Sales										●	●			
9	Auto Parts/Supplies								●		●	●			
10	Bakery								●	●	●				
11	Bicycle Shop								●	●	●				
12	Book Shops									●	●	●			
13	Camps and Resorts										S				●
14	Clothing Consignment								●	●	●				
15	Dairy Products								●	●	●				
16	Department/Discount Store									●	●				
17	Drugstores/Sundry						●		●	●	●				
18	Farm Equipment											●	●	●	

	Use Permitted	A	R-1	R-2	R-3	RPO	GO	MHP	B-1	B-2	B-3	IB-1	I-1	I-2	OPS
19	Farm Products (i.e., Produce)	●							●	●	●				
20	Florist Shops										●				
21	Furniture and Large Appliances									●	●				
22	Gift Shops									●	●				
23	Golf Driving Ranges										●	●			
24	Grocery & Meats								●	●	●				
25	Hardware								●	●	●				
26	Jewelry								●	●	●				
27	Liquor Store								●	●	●				
28	Marine Sales										●		●	●	
29	Mobile Home Sales							●					●	●	
30	Motorcycle Sales										●		●	●	
31	Pet Shops (Domestic)								●	●	●				
32	Seasonal Hunting & Fishing Lodge														
33	Sporting Goods								●	●	●				
34	Truck Sales												●	●	
35	Used Merchandise										●				
36	Variety Store(20,000 sq ft Max.)										●				
B.	Commercial Trade														
1	Amusement, Outdoor										S				
2	Amusement, Indoor								●		●				
3	Appliance Repair (Small)								●	●	●				
4	Auto Parking						S		S	S	●	●	●		
5	Auto Repairs										●	●	●	●	
6	Auto Storage Yard												●	●	
7	Banks (Main)						●			●	●				
8	Banks (Branch) w/Drive In						●				●				
9	Bars or Taverns w/o Live Entertainment								●	●	●	●	●	●	
10	Bars or Taverns w/ Live Entertainment											●	●	●	
11	Bars or Taverns w/ Adult Entertainment													●	
12	Business Services						●		●	●	●				
13	Bus Terminal (Passenger)										●	●	●	●	
14	Candy, Confectionery								●	●	●				
15	Dog Kennel										●		●	●	
16	Furniture Repair												●	●	
17	Funeral Homes/Parlors			C	C	C	C			●	●				
18	Gasoline Service Stations/Convenience Stores						●				●	●	●	●	
19	Gun Club/Skeet Range										C	C	C	C	
20	Home Improvement Stores									●					
21	Hotel/Motel						●					●			
22	Laundry and Dry Cleaning								●	●	●				

	Use Permitted	A	R-1	R-2	R-3	RPO	GO	MHP	B-1	B-2	B-3	IB-1	I-1	I-2	OPS
23	Office, General						●		●	●	●				
24	Office, Professional				S	●	●		●	●	●				
25	Personal Services						●		●	●	●				
26	Printing Services						●		●	●	●	●			
27	Radio and TV Stations						●			●		●	●		
28	Restaurant, Fast Food											●			
29	Restaurant, Non Fast Food						●			●	●				
30	Schools (Trade and Business)						S		S		●		●	●	
31	Telephone Exchange										●		●	●	
32	Theaters, Not Drive In									●	●				
33	Theaters, Drive In										●		●		
34	Tire Recapping												●	●	
35	Veterinary Service								●		●		●		
36	Warehouse										●	●	●	●	
37	Warehouse, Mini										●	●	●	●	
B.	Industrial Non-Processing														
1	Junk Yards														S
2	Mining and Mineral Extractions														S
3	Bus & Truck Repair												●	●	
4	Railroad Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	
5	Warehouse, Storage										●		●	●	
	Institutional														
A.	Public, Qusi-Public														
1	Airports, Heliport	S					S				S	S	S	S	
2	Cemeteries (Mausoleums)			C	C	C	C		C		C				
3	Cultural Facilities				●	●	●		●	●	●				
4	Lodge Halls								S	S	S				
5	Schools	C	C	C	C	C	C		C	C	C				●
6A	Municipal Buildings (Administrative)		C	C	C	C	●		●	●	●		●	●	●
6B	Municipal Buildings (Garage/Repair/Storage)	C				C	C		C		C	●	●	●	●
7	Fire and Police Stations	C	C	C	C	C	●		●	●	●	●	●	●	●
8	Public Assembly Hall						●		●		●				
9	Religious Organizations	C	C	C	C	C	C		C	C	C				
10	Parks & Playgrounds	●	●	●	●	●	●	●	●	●	●				●
11	Civic and Community Clubs	S	S	S	S	S	S		S	S	●				
12	Day Care Centers				C	C	●	C	●	●	●		●	●	
13	Correctional Facilities									S	S			S	
B.	Utilities														
1	Communication, Transmission	S	S	S	S	S	S	S	S	S	S	S	S	S	
2	Storage												●	●	

		A	R-1	R-2	R-3	RPO	GO	MHP	B-1	B-2	B-3	IB-1	I-1	I-2	OPS
	Use Permitted														
C.	Commercial Wholesale														
1	Building Material												●	●	
2	Farm Products										●		●	●	
3	Farm Supplies												●	●	
4	Food Products										●		●	●	
5	Household Goods										●		●	●	
	Industrial Manufacturing														
A.	Manufacturing/Processing														
1	Apparel												●	●	
2	Bakery, Dairy Products, Confectionary												●	●	
3	Beverage Bottling												●	●	
4	Chemicals and Chemical Products													S	
5	Clock, Scientific Instruments												●	●	
6	Drugs and Pharmaceuticals												●	●	
7	Electronic Equipment												●	●	
8	Furniture												●	●	
9	Grain Mills												●	●	
10	Machinery, Tool and Die												●	●	
11	Meat, Poultry, Seafood, Slaughtering/Dressing													S	
12	Meat, Poultry, Seafood, Processing/Freezing												●	●	
13	Medical Equipment												●	●	
14	Metal Fabrication													●	
15	Millwork, Veneer, Sawmill													●	
16	Musical Instruments												●	●	
17	Paper Products												●	●	
18	Paving and Concrete Block													S	
19	Printing/Newspapers												●	●	
20	Research Laboratories						●						●	●	
21	Service and Distribution Uses										●		●	●	
22	Sporting Goods, Toys, Novelties												●	●	
C.	Medical Facilities														
1	Clinics and Services					●	●		●	●	●				
2	Doctor & Dentist Offices					●	●		●	●	●				
3	Hospitals & Sanitariums		S	S	S	S	S		S		S				
4	Nursing Homes			C	●	C	C				●				
5	Rehabilitative Facilities (Physical)					●	●				●				
6	Mental Health Facilities						S				●				

Summary of Dimensional Requirements

Zone	Minimum Lot Size	Minimum lot area per dwelling unit	Maximum Height	Maximum Lot Width	Front Minimum	Side Minimum	Rear Minimum	Floor Area Ratio	Maximum Lot Coverage
Residential	3 acres	3 acres	35 ft	150 ft	25 ft	15 ft	25 ft	0.05	0.25
Non Residential	3 acres	n/a	No Restriction	150 ft	50 ft	50 ft	50 ft		0.25
R-1									
Single Family Detached	7,200 sq ft	7,200 sq ft	25 ft	60 ft	30 ft	5 ft	20 ft	Note A	0.35
Non Residential	10,000 sq ft	n/a	25 ft	100 ft	30 ft	20 ft	20 ft	0.5	0.35
R-2									
Single Family Detached	6,000 sq ft	6,000 sq ft	35 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Single Family Attached	6,000 sq ft	6,000 sq ft	35 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Two Family Duplex	6,000 sq ft	3,630 sq ft	35 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Milti-Family	6,000 sq ft	3,630 sq ft	35 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Non Residential	10,000 sq ft	n/a	35 ft	100 ft	25 ft	20 ft	20 ft	Note A	0.35
R-3									
Single Family Detached	6,000 sq ft	6,000 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Single Family Attached	6,000 sq ft	3,630 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Two Family Duplex	6,000 sq ft	3,630 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Milti-Family	6,000 sq ft	2,420 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	0.35
Non Residential	10,000 sq ft	n/a	25 ft	100 ft	25 ft	20 ft	20 ft	0.5	0.35
RPO									
Single Family Detached	6,000 sq ft	6,000 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	35 %
Single Family Attached	6,000 sq ft	6,000 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	35%
Two Family Duplex	6,000 sq ft	3620 sq ft	25 ft	50 ft	25 ft	5 ft	20 ft	Note A	35%
Professional Office	10,000 sq ft	n/a	25 ft	100ft	25 ft	20 ft	20 ft	.5	25%

Zone	Minimum Lot Size	Minimum lot area per dwelling unit	Maximum Height	Maximum Lot Width	Front Minimum	Side Minimum	Rear Minimum	Floor Area Ratio	Maximum Lot Coverage
GO									
Office or other Non Residential	10,000 sq ft	n/a	35 ft	100 ft	20 % of lot depth but not less than 25 ft	20 ft	20 ft	.5	25 %
B-1 Business	10,000 sq ft	n/a	35 ft	50 ft	15 ft	5 ft	15 ft	.5	50 %
B-2 Residential	6,000 sq ft	3,630 sq ft	35 ft	60 ft	10 ft	0 lot line	5 ft	Note A	95%
B-2 Business	2,500 sq ft	3,630 sq ft	35 ft	25 ft	10 ft	0 lot line	5 ft	.5	95%
B-3 Business	10,000 sq ft	n/a	35 ft	100 ft	25 ft	20 ft	20 ft	.5	50%
IB-1 Interstate Business	10,000 sq ft	n/a	50 ft	100 ft	25 ft	10 ft	20 ft	1.0	50%
I-1 Industrial	10,000 sq ft	n/a	125 ft	100 ft	25 ft	10 ft	20 ft	1.0	50%
I-2 Industrial	10,000 sq ft	n/a	NONE	100 ft	25 ft	10 ft	30 ft	1.0	50%

Note: A) Minimum Floor Area

Single family detached dwelling	1,200 sq ft
Single family attached dwelling (duplex, row house, townhouse)	1,200 sq ft
Multi family dwelling	
One bedroom	768 sq ft
two bedroom	900 sq ft
three or more bedrooms	1,000 sq ft

ZONING MAP

The Zoning Map is found in the envelope in the back of the document and is hereby incorporated by reference into this ordinance.

SECTION TWO

DISTRICT REQUIREMENTS AND USES

Section 2.1 - Agriculture (A District)

2.1.1 – Purpose and Intent

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

2.1.2 - Use Regulations

2.1.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered, or used, in the whole or in part, for other than one or more of the following specified areas

- (1) Agricultural crops.
- (2) Commercial Greenhouses.
- (3) Farm Products (i.e., produce).
- (4) Livestock Raising.
- (5) Parks and Playgrounds.
- (6) Single-family Dwellings.

2.1.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Fire and Police Stations.
- (2) Municipal Buildings (Garage/Repair/Storage).
- (3) Religious Organizations.
- (4) Schools.

2.1.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Airport/Heliport.
- (2) Civic and Community Clubs.
- (3) Railroad Yards
- (4) Utility Communication and Transmission Equipment.

2.1.3 - Minimum Lot Area

- (1) Every lot (whether for an agricultural, residential, or nonresidential use) on which a structure is hereinafter erected, shall front on a dedicated road, street, or public right-of-way and shall have a minimum area of three (3) acres per dwelling unit (or per structure or per farm or business), a minimum lot width of one hundred (100) feet, and a minimum street frontage of sixty (60) feet. The maximum lot coverage for nonresidential uses shall not exceed twenty-five (25) percent and the maximum floor area ratio (i.e., ratio of gross floor area in structure to lot area) shall not exceed 0.5.
- (2) Where a lot has less width or area than herein required and was a lot of record (or contract sale), prior to the effective date of this Ordinance, such lot may be occupied by any use permitted in the "A" District.

2.1.4 - Yards

- (1) Front Yard
 - (a) Every lot used for a one-family dwelling shall have a front yard not less than twenty-five (25) feet in depth.
 - (b) Every lot used for a non-residential use shall have a front yard not less than fifty (50) feet in depth.
- (2) Side Yards
 - (a) Every lot used for a one-family dwelling shall have a side yard not less than fifteen (15) feet in width.
 - (b) Every lot used for a non-residential use shall have a side yard not less than fifty (50) feet in width.
- (3) Rear Yard
 - (a) Every lot used for a one-family dwelling shall have a rear yard not less than twenty-five (25) feet in depth.
 - (b) Every lot used for a non-residential use shall have a rear yard not less than fifty (50) feet in depth.

2.1.5 - Height

- (1) No residential building shall be erected or altered to a height exceeding two and one-half (2-1/2) stories, or thirty-five (35) feet.
- (2) No height restriction on non-residential structures.

2.1.6 - Minimum Floor Area

The minimum floor area of a one-family dwelling shall be nine-hundred fifty (950) feet.

2.1.7 - Exceptions for Agricultural Uses

Nothing contained in these regulations shall impose restrictions with respect to land to be used for agricultural purposes, or with the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures which are to be used for agricultural purposes.

Section 2.2 - Single Family Residences (R-1 District)

2.2.1 - Purpose and Intent

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

2.2.2 - Use Regulations

2.2.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than one or more of the following uses:

- (1) Day Care Homes.
- (2) Manufactured Modular Homes: Shall include but not limited to these characteristics: asphalt shingle roof, a roof pitch of at least 4" by 12", house-type windows, 950 square feet of occupied space, or siding, and must be placed on a permanent foundation of a minimum exposed three block high on a spread footer.
- (3) Parks and Playgrounds.
- (4) Single-family detached dwelling units.

2.2.2.2 - Contingent Uses

The following uses are permitted subject to the conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Church or temple.
- (2) Fire and Police Stations.
- (3) Municipal Buildings (Administrative).
- (4) Public, private, or parochial schools: Private or parochial schools shall be approved by the Indiana State Department of Education.

2.2.2.3 Special Exceptions

The following uses are permitted subject to conditions set forth in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Airports and Heliports.
- (2) Civic and community clubs.
- (3) Hospitals and Sanitariums.
- (4) Radio and TV towers.
- (5) Railroad Yards.
- (6) Utility Transmission Equipment

2.2.3 - Area

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

(1) Residential Use

(a) The lot area for residential uses shall be a minimum of seven thousand two hundred (7,200) square feet with a minimum width of sixty (60) feet; and there shall not be less than 7,200 square feet of lot area per dwelling unit (i.e., a maximum density of 6.05 dwelling units per acre of lot area).

(2) Non-Residential Use:

(a) The lot area shall be a minimum of ten thousand (10,000) square feet per dwelling unit with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.

(3) Where a lot has less width or area than herein required and was a lot of record (or contract sales) prior to the effective date of this Ordinance, such lot may be occupied by one dwelling unit that is a "use permitted by right" (Section 2.2.2. 1) in the R-1 District. The aggregate width of side yards may be reduced to twenty percent (20%) of the width of the lot, but not

less than five (5) feet on each side.

2.2.4 – Yards

(1) Front Yard or Street Side Yard:

- (a) Every lot shall have a front yard facing a public access roadway not less than thirty (30) feet. If the lot faces two or more public access roadways (i. e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street.

(2) Side Yard:

- (a) Every lot used for a single-family dwelling shall have a side yard on each side, each of which shall be at least five feet. In the case of a corner lot, the front yard set back shall be observed for any side yard facing a street.
- (b) Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

(3) Rear Yard:

- (a) Every lot shall have a rear yard of not less than twenty (20) feet in depth.

2.2.5 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding twenty-five (25) feet.

2.2.6 - Minimum Floor Area

A one-family dwelling shall have a minimum floor area of twelve hundred (1200) square feet.

2.2.7 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty five (35) percent.

2.2.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.2.9 - Sign Requirements

Refer to Section 2.15.

2.2.10 - Landscaping Requirements

Refer to Section 2.16.

Section 2.3 - Single and Two-Family Residences (R-2 District)

2.3.1 - Purpose and Intent

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

2.3.2 - Use Regulations

2.3.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in the whole or in part, for other than one or more of the following specified uses:

(1) Any "use of right" permitted in an R-1 District, subject to the use regulations specified in said District.

(2) Two-family dwellings (Duplexes).

2.3.2.2 - Contingent uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

(1) Any "contingent use" permitted in an R-1 District, subject to the use regulations specified in said District.

(2) Cemeteries/Mausoleums.

(3) Fraternities and Sororities.

(4) Funeral Homes/Parlors.

(5) Group Homes.

(6) Nursing Homes.

(7) Rooming/Lodging Houses.

2.3.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Any "special exception" permitted in an R-1 district, subject to the use regulations specified in said District.
- (2) Apartment complex or Multi-Family dwellings.
- (3) Single Family Attached dwellings (Townhomes).

2.3.3 - Area

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

(1) Residential Use:

Single-Family Attached dwellings (Townhouses).

- (a) The lot area for single-family detached-dwelling uses shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than six thousand (6,000) square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).
- (b) The lot area for single-family attached-dwelling uses (townhouses) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than six thousand (6,000) square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).
- (c) The lot area for two-family dwelling uses (duplexes) and multi-family dwelling uses shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 3,630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area).

(2) Non-Residential Use:

- (a) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet (where sanitary sewers are available). The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.
- (3) Where a lot has less width or area than herein required, and was a lot of record (or contract sales) prior to the effective date of this Ordinance, such lot may be occupied by one dwelling unit that is a "use permitted by right" (Section 2.2.2.1(a) in this District.

[The lot area and width exception of this subsection does not apply to new or converted structures for two-family dwellings (duplexes), single-family attached dwellings (townhouses) or multi-family dwellings]. The aggregate width of said yards may be reduced to ten percent (10%) of the width of the lot, but not less than five (5) feet on each side.

2.3.4 - Yards

(1) Front Yard and Street Side Yard:

(a) Every lot shall have a front yard not less than twenty-five (25) feet. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street.

(2) Side Yard:

(a) Every lot used for a one-family or two-family dwelling shall have a side yard on each side, each of which shall be at least five (5) feet. In the case of a corner lot, the front yard setback shall be observed for any side yard facing a street. In the case of single-family attached dwellings (townhouses), the end dwelling unit shall observe only one side yard.

(b) Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

(3) Rear Yard

(a) Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater.

2.3.5 – Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet.

2.3.6 - Minimum Floor Area

The minimum floor area for a single-family detached or single-family attached (duplex, rowhouse or townhouse) dwelling unit shall be twelve hundred (1200) square feet. The minimum floor area for a multi-family dwelling unit shall be as follows:

-one-bedroom	768 sq.ft.
-two-bedroom	900 sq.ft.
-three or more bedrooms	1000 sq.ft.

2.3.7 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty five (35) percent.

2.3.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.3.9 - Sign Requirements

Refer to Section 2.15.

2.3.10 - Landscaping Requirements

Refer to Section 2.16.

2.3.11 - Minimum Usable Open Space Requirement

The minimum usable open space shall be six hundred (600) square feet per dwelling unit.

Section 2.4 - Single, Two and Multi-Family Residences (R-3 District)

2.4.1 - Purpose and Intent

This district is intended for single-family, two-family, and multi-family uses by right and limited public and quasi-public uses by "contingent use" or "special exception" permits.

2.4.2 - Use Regulations

2.4.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in the whole or in part, for other than one or more of the following specified uses:

- (1) Any "use of right" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.
- (2) Cultural Facilities
- (3) Fraternities and Sororities
- (4) Group Homes
- (5) Multi-Family Dwellings
- (6) Nursing Homes

- (7) Rooming/Lodging Houses
- (8) Single-family Attached Dwellings (Townhouses).

2.4.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Any "contingent use" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District.
- (2) Day-Care Centers.

2.4.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Any "special exception" permitted in an R-1 or R-2 District, subject to the use regulations specified in said District
- (2) Professional Office

2.4.3 - Area

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

(1) Residential Use:

- (a) The lot area for a single-family detached-dwelling uses shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 6,000 square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).
- (b) The lot area for a single-family attached-dwelling uses (townhouses) and two-family dwelling uses (duplexes) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 3,630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area).
- (c) The lot area for a multi-family attached dwelling uses (i.e. apartment building or complex) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall be not less than 2,420 square feet of lot area per dwelling unit (i.e., a maximum density of eighteen (18) dwelling units per acre of lot area).

(2) Non-Residential Use:

- (a) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet (where sanitary sewers are available).

The maximum lot area coverage shall not exceed thirty-five (35) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.

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

2.4.4 - Yards

- (1) Front Yard and Street Side Yard:

- (a) Every lot shall have a front yard not less than twenty-five (25) feet. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street.

- (2) Side Yard:

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

- (b) Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

- (3) Rear Yard:

- (a) Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater.

2.4.5 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet.

2.4.6 - Minimum Floor Area

The minimum floor area for a single-family detached or single-family attached (duplex, row house or townhouse) dwelling unit shall be twelve hundred (1200) square feet. The minimum floor area for a multi-family dwelling unit shall be as follows:

-one-bedroom	768 sq.ft.
-two-bedroom	900 sq.ft.
-three or more bedrooms	1000 sq. ft.

2.4.7 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty-five (35) percent.

2.4.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.4.9 - Sign Requirements

Refer to Section 2.15.

2.4.10 - Landscaping Requirements

Refer to Section 2.16.

2.4.11 - Minimum Usable Open Space Requirement

The minimum usable open space shall be six hundred (600) square feet per dwelling unit.

Section 2.5 - Residential/Professional Office (RPO District)

2.5.1 - Purpose and Intent

This district is intended to provide specific areas where professional office functions, and certain public and semi-public uses may be developed with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt the establishment of an attractive, cohesive grouping of permitted uses. Since these professional office and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this district can serve as a protective zone between residential areas and shopping districts. Equally, this district shall be compatible with adjacent residential areas as is possible.

2.5.2 - Use Regulations

2.5.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in the whole or in part, for other than one or more of the following specified uses:

- (1) Any "use of right" permitted in an R-1 or R-2 District.
- (2) Accessory uses and structures: Only those required by the primary structure. All such structures must meet the design requirements of this Ordinance.
- (3) Cultural facilities such as museums, art galleries, arboretums.
- (4) Medical or dental clinics and laboratories.
- (5) Professional offices, such as doctors, dentists, attorneys, certified public accountants and real estate agencies.
- (6) Rehabilitative Facilities (Physical).

2.5.2.2 - Contingent Uses

- (1) Any "contingent use" permitted in an R-1 or R-2 District.
- (2) Day-Care Centers.
- (3) Municipal Buildings (Garage/Repair/Storage)

2.5.2.3 - Special Exceptions

- (1) Any "special exception" permitted in an R-1 or R-2 District, except multi-family dwelling units.

2.5.3 - Area

Every lot upon which a structure is hereafter erected shall front onto a dedicated street or public right-of-way and shall conform to the following minimum lot area width requirements of R-2 District.

(1) Residential Use:

- (a) The lot area for a single-family detached dwelling uses and single-family attached-dwelling uses (townhouses) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 6,000 square feet of lot area per dwelling unit (i.e., a maximum density of 7.26 dwelling units per acre of lot area).
- (b) The lot area for two-family dwelling uses (duplexes) shall be a minimum of six thousand (6,000) square feet with a minimum width of fifty (50) feet; and there shall not be less than 3,630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area).

(2) Non-Residential Use:

- (a) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet . The maximum lot area coverage shall not exceed twenty-five (25) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.

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

2.5.4 - Yards

(1) Front Yard and Street Side Yard:

- (a) Every lot shall have a front yard not less than twenty-five (25) feet. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street.

(2) Side Yard:

- (a) Every lot used for a one-family or two-family dwelling shall have a side yard on each side, each of which shall be at least five (5) feet. In the case of a corner lot, the front yard setback shall be observed for any side yard facing a street. In the case of single-family attached dwellings (townhouses), the end dwelling unit shall observe only one side yard.
- (b) Every lot used for a non-residential use shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

(3) Rear Yard:

- (a) Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater.

2.5.5 - Height

The maximum height of building and structures shall be twenty-five (25) feet.

2.5.6 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed thirty five (35%) percent for residential uses and twenty-five (25%) percent for nonresidential uses.

2.5.7 - Performance Standards

All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards.

- A) Vibration - No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
- B) Smoke, dust, and particulate matter - Smoke, dust, particulate matter, and airborne material shall be subject to the standards and regulations of the Indiana Air Pollution Control Board.
- C) Noxious matter - No use shall discharge across the lot lines, noxious, toxic, or corrosive matter, fumes or gases in such a concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- D) Odor - No use shall emit across lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety and welfare or cause injury to property.
- E) Sound - No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness, or vibration.
- F) Heat and glare - No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- G) Waste matter - No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Clark County Health Department, and the Indiana Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

2.5.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.5.9 - Sign Requirements

Refer to Section 2.15.

2.5.10 - Landscaping Requirements

Refer to Section 2.16.

Section 2.6 - General Office (GO District)

2.6.1 - Purpose and Intent

This district is designed to provide specific areas where general office functions, compatible office-type businesses, and certain public and semi-public uses may be developed with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt the establishment of an attractive, cohesive grouping of the permitted uses. Since these office and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this district can serve as a buffer between residential areas and shopping districts. Equally, this district, with its offices and other buffer-type functions, is designed for use along certain thoroughfares where a gradual transition from existing residential use to commercial use is occurring or should occur.

2.6.2 - Use Regulations

2.6.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in the whole or in part, for other than one or more of the following specified uses:

- (1) Accessory uses and structures: only those required by the primary structure. All such structures must meet the design requirements of this Ordinance.
- (2) Banks/savings and loans.
- (3) Business services.
- (4) Cultural Facilities.
- (5) Day-Care Centers.
- (6) Doctor and Dentist Offices and Clinics.
- (7) Drugstore.
- (8) Fire and Police Stations.
- (9) Gasoline Service Stations/Convenience Stores. Provided, however, that the service station and center functions, services, operations, and sales shall not include the following:
 - (a) Outdoor operation other than the dispensing of gasoline, oil, antifreeze, other similar products and the performing of minor repair and/or services for customers.
 - (b) Major exterior displays which restrict traffic visibility, impede vision clearance or cover lots, in any way or impede the movement of vehicles on the service or center driveway or public right-of-way, or located in or in anyway conflicting or interfering with pedestrian walks, off street

parking area, or required landscaped yard. Any exterior display shall be maintained in an orderly manner.

- (c) Dismantling or wrecking of automobiles or other vehicles or the storage of inoperable, damaged or wrecked vehicles.
- (d) Junk yards;

but shall have:

- (a) A driveway so located and constructed that it permits traffic movement completely around and behind the service station or service center structure (except where necessary to provide adequate access to the off street parking area, building, storage tank:, trash containers, etc., or to adjacent commercial properties. or in the case of a service or service center structure designed to provide service on all sides).
 - (10) General Offices.
 - (11) Hotel-Motel.
 - (12) Municipal Buildings (Administrative Offices only).
 - (13) Parks and Playgrounds.
 - (14) Personal Services.
 - (15) Printing Services.
 - (16) Professional Offices.
 - (17) Public Assembly Halls.
 - (18) Radio/Television Stations. Rehabilitative Facilities (Physical)
 - (19) Research Laboratories.
 - (20) Restaurants.

2.6.2.2 - Contingent Uses

- (1) Cemeteries/Mausoleums.
- (2) Funeral Homes/Parlors.
- (3) Municipal Buildings (Garage.-Repair/Storage).
- (4) Nursing Homes.
- (5) Religious Organizations.

- (6) Schools.

2.6.2.3 - Special Exceptions

- (1) Airports/Heliports.
- (2) Artificial Lakes, Commercial.
- (3) Auto Parking.
- (4) Civic and Community Clubs.
- (5) Hospitals and Sanitariums.
- (6) Mental Health Facilities.
- (7) Railroad Yards.
- (8) Schools (Trade and Business).
- (9) Utility Transmission Equipment.

2.6.3 - Area

Every lot upon which a structure is hereafter erected shall front onto a dedicated street or public right-of-way and shall conform to the following minimum lot area width requirements of R-2 District:

- (1) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet (where sanitary sewers are available). The maximum lot area coverage shall not exceed twenty-five (25) percent and the maximum floor area ratio (i.e., the ratio of the gross floor area to the lot area) shall not exceed 0.5.

2.6.4 - Yards

- (1) Front Yard and Street Side Yard:

- (a) Every lot shall have a front yard not less than twenty-five (25) feet. If the lot faces two or more public access roadways (i.e., excludes freeways and alleys), the front yard setback shall be observed for each yard facing a street.

- (2) Side Yard:

- (a) Every lot used shall have a side yard on each side, each of which shall be at least twenty (20) feet in width.

- (3) Rear Yard:

- (a) Every lot shall have a rear yard not less than twenty (20) feet in depth from property line or right-of-way, whichever is greater.

2.6.5 - Height

The maximum height of building and structures shall be thirty-five (35) feet.

2.6.6 - Maximum Lot Coverage

The ratio of the building area (i.e., building footprint) to lot area shall not exceed twenty five (25) percent.

2.6.7 - Performance Standards

All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards.

- A) Vibration - No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
- B) Smoke, dust, and particulate matter - Smoke, dust, particulate matter, and airborne material shall be subject to the standards and regulations of the Indiana Air Pollution Control Board.
- C) Noxious matter - No use shall discharge across the lot lines, noxious, toxic, or corrosive matter, fumes or gases in such a concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- D) Odor - No use shall emit across lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety and welfare or cause injury to property.
- E) Sound - No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness, or vibration.
- F) Heat and glare - No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- G) Waste matter - No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Clark County Health Department, and the Indiana Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

2.6.8 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.6.9 - Sign Requirements

Refer to Section 2.15.

2.6.10 - Landscaping Requirements

Refer to Section 2.16.

2.6.11 - District Development Plan Requirements

District development plans are required for all uses in the GO District to determine and demonstrate compliance with the zoning regulations. Refer to Section 3.7 for further requirements.

Section 2.7 - Mobile Home Parks (MHP District)

2.7.1 - Purpose and Intent

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

2.7.2 - Purpose of Standards

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

2.7.3 - Use Regulations

2.7.3.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered, or used, or land used, in whole or in part, or other than one or more of the following specified permitted uses.

- (1) One family mobile home unit for a residential purpose only.
- (2) Indoor or outdoor recreation areas not less than ten percent (10%) of the gross site area.
- (3) Commercial use supplying essential goods or services for the exclusive use of park occupants, subject to the following restrictions:
 - (a) Such establishment and the parking area primarily related to the operation shall not occupy more than ten percent (10%) of the total area of the park;
 - (b) Shall be subordinate to the residential use and character of the parks;

- (c) Shall be located and designed and intended to serve frequent trade or service need for persons residing in the park; and
 - (d) Shall present no visible evidence of their commercial nature to areas outside the park.
- (4) Uses accessory to the above which, in the judgment of the commission are similar to, and not more objectionable to the general welfare than the uses listed.

2.7.3.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Day-Care Centers.

2.7.3.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Railroad Yards.
- (2) Utility Communication and Transmission Equipment.

2.7.4 - Limitation of Uses

The area planned for a mobile home park shall be a minimum of five (5) gross acres. Such acres may be developed in two (2) or more stages, provided that said stages conform in all respects with the overall mobile home park design and are developed within the prescribed period of time. No mobile home site shall be leased in any mobile home park for a term of less than thirty (30) days.

2.7.5 - Approval of Mobile Home Park

No mobile home shall be located, or site prepared, nor shall any permission for use be issued thereof, unless and until the necessary mobile home park plans are officially approved by the commission. All mobile homes shall be located and maintained in full conformity with the mobile home site plan as approved for in each MHP district. In addition to compliance with the requirements set forth herein, and in conformity with all applicable ordinances and law of the State of Indiana, each mobile home park shall also meet the requirements provided by the Indiana Mobile Home Park Act of 1955 and all amendments thereto; and the Indiana State Board of Health regulations and all amendments thereto.

2.7.6 - Preliminary Site Plan

A person desiring the approval of a mobile home park shall submit to the commission a preliminary site plan. The preliminary site plan shall be drawn on a scale of not less than one hundred (100) feet to one (1) inch on a sheet twenty-four (24) by thirty-six (36) inches and should contain the following information:

- (1) Description:
 - (a) Proposed name of mobile home park.
 - (b) Legal description showing location of the park.
 - (c) Name and address of property owners.
 - (d) Graphic scale, north point and date,
- (2) Existing Conditions:
 - (a) Boundary lines of proposed park indicated by solid heavy line.
 - (b) Location, width, and name of all existing streets or other public ways, railroads and utility right-of-ways, permanent buildings or structures, sections in municipal corporate lines within or adjacent to the track.
 - (c) Location of existing sewers, waterlines, culverts, or other underground facilities, indicating pipe sizes and grades within and adjoining the proposed park.
 - (d) Boundary lines of adjacent land showing adjoining streets, easement, and owner's name.
 - (e) Existing and proposed topography, contour intervals not to exceed five (5) feet, except where such interval is impractical.
 - (f) In the case of a revised site plan, all description of the original site lines being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plan, the new site plan being clearly shown in solid line so as to avoid ambiguity and confusion.
- (3) Proposed Conditions:
 - (a) Laying out of streets, their names and width and also the width of alleys, walkways and easements.
 - (i) The name of the streets shall conform as far as practicable to names of corresponding streets existing in the vicinity of the mobile home park.
 - (ii) The name of the new streets, not an extension or correspondent of any existing street, shall not duplicate or be similar to that of any existing street in the town or county.

- (b) Lay out, dimensions and number of mobile home park sites.
- (c) Parcels of land to be dedicated or reserved for public use.
- (d) Buildings set back lines showing dimensions.
- (e) Location site of recreational areas, commercial, service facilities, parking areas, other structures, driveways, landscaping, street lights, fire hydrants, signs and sewers, water and storm drainage within the park.

2.7.7 - Approval of Preliminary Site Plans

- (1) Public hearings shall be held in accordance with the administrative rules of the Plan Commission.
- (2) Plan Commission Action: After public hearings, the Plan Commission shall give its approval to the preliminary site plan. Such approval shall be governed by the following qualifications:
 - (a) The approval of the preliminary site plan by the Plan Commission indicates the general acceptance of the layout as submitted.
 - (b) The Plan Commission may introduce such changes or revisions as deemed necessary in the interest and need of the community.
 - (c) Preliminary approval shall be in effect for a maximum period of three (3) months. The Plan Commission may, provide good cause is shown and upon application, grant one (1) extension for a period of thirty (30) days; such application for extension shall be filed with the Plan Commission ten (10) days prior to expiration of the aforesaid three (3) month period. If the final site plans have not been approved within this time, the preliminary plans must again be submitted to the Plan Commission for approval.
 - (d) Any person feeling himself aggrieved at any action of the Plan Commission upon any proposed site plan, may apply in writing to the Plan Commission prior to it's next meeting for modification of such action.
 - (e) If the Plan Commission disapproves of the site plan, it shall set forth its reasons in its own record and provide the applicant with a copy.

2.7.8 - Approval of Final Site Plans

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

- (1) The final site plan must be submitted in the form of an original tracing with waterproof ink on a standard Mylar tracing or approved equivalent and three (3) prints thereof, resubmitted to the Commission. The final site plan so submitted may include the entire area of the preliminary site plan as approved or such portion of it which shall provide consecutive development units. The final site plans shall be prepared at the same scale as preliminary site plan as approved or such portions of it which will provide consecutive development units and shall contain that

information provided in the preliminary site plan. All final site plans shall be prepared by a registered engineer or land surveyor duly registered to practice in the state of Indiana with his seal affixed hereto and must have certification endorsed thereof, by the Town Street Superintendent or County Highway Superintendent, and the County Surveyor that all streets, sidewalks, curbs, gutters, sanitation and storm drainage facilities meet current Town or County standards as to such facilities.

- (2) The final site plans shall be acted upon at the first meeting of the Plan Commission following its submittal, provided such plans have previously received preliminary approval, provided the final site plan is submitted to the director of the Plan Commission not less than seventy-two (72) hours prior to such meetings. If the Commission recommends the final site plans to the Town Council for approval, it shall forward the final site plan to the Town Council for final review and approval.
- (3) If the commission disapproves of the site plan, it shall set forth its reason in its own records and provide the applicant with a copy.
- (4) Upon approval of a final site plan by the commission, the applicant shall pay by check or money order payable to the commission, or cash the sum of \$100.00 (One Hundred Dollars) plus \$3.00 (Three Dollars) per site thereafter in the mobile home park to the cost checking and verifying the final site plan. The director shall surrender the checks, money order or cash to the Clerk Treasurer for deposit in the general fund of the city.
- (5) All final site plans shall be recorded in the office of the Recorder of Clark County, Indiana.

2.7.9 - Area

A mobile home park shall have a minimum lot size of five (5) acres. Each site upon which a mobile home is located shall conform with the following minimum requirements:

- (1) Each mobile home site shall be a minimum of five thousand (5,000) square feet in area per mobile home and shall have a minimum width of forty (40) feet at the building line.
- (2) The combination area occupied by mobile home and appurtenances shall not exceed thirty percent (30%) of the total area of this site and shall have a minimum floor area of six hundred (600) square feet.

No mobile home site, building, structure or parking area shall be closer than:

- (a) Fifty (50) feet to the right-of-way line of any expressway or arterial, as defined by the Indiana Highway Department Official Road and Street Classification.
- (b) Twenty-five (25) feet to the exterior property line of a mobile home park.
- (3) Each mobile home site shall front on to a street or right-of-way.

2.7.10 - Yards

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

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

2.7.11 - Pad and Skirting

Each mobile home shall be provided with a standard consisting of either a solid concrete slab or other adequate concrete support of a thickness and size adequate to support the maximum anticipated load during off season. Each concrete ribbon are used the area between the ribbons shall be filled with a layer of crushed stone or asphalt. Each concrete stand shall be provided with a minimum of six (6) anchor rings for each mobile home. Each mobile home unit shall have the undercarriage completely enclosed by skirting.

2.7.12 - Landscaping

- (1) Lawns and ground cover provided where needed to prevent erosion of swales and slope in other areas to obtain unusable yard.
- (2) Lawn or ground cover shall be appropriate for the use and location.

2.7.13 - Lot Markers

The boundary of each mobile home site shall be permanently and visibly marked on the ground by flush stakes, markers, or other suitable means approved by the Plan Commission Each mobile home shall be numbered.

2.7.14 - Storage

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

2.7.15 - Water and Sewage

Each mobile home site shall be connected with the municipal water and sewer system if such systems are adjacent to the park or within one-hundred and fifty (150) feet thereof. In the event such systems are not adjacent to or within the required distance, then it shall be connected to a water system and sewage treatment and disposal system approved by the Clark County Health Department and the Indiana State Board of Health.

2.7.16 - Utilities

All interior utility lines, including, but not limited to electric, communications, street lighting, and cable television shall be placed underground. Individual antennas for television may be installed on each mobile home site, but centralized antenna shall be encouraged.

2.7.17 - Common Walks

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

2.7.18 - Streets

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

2.7.19 - Grading and Drainage

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

2.7.20 - Illumination of Park

All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting height and at such locations within the park so as to provide safe movement of pedestrians and vehicles. Such lights shall be located at all entrances and exits shall be located in shield as to prevent direct illumination of any area outside the mobile home park.

2.7.21 - Fire Protection

The mobile home park shall meet the standards of adequate fire protection established by the National Fire Protection Association NFPA #501 a and all amendments thereof No open fires shall be permitted at any time or place within the mobile home park.

2.7.22 - Trash and Refuse Storage

Storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, water tight, rodent proof containers, then shall be located not more than one-hundred and fifty (150) feet from any mobile home site. Containers shall be provided in sufficient number to combat these hazards properly store all refuse. Refuse collection stands shall be so designed as to prevent containers from being tipped to minimize spillage and container deterioration and to facilitate cleaning around them. Garbage and trash, when not collected by municipal sponsored collection service shall be collected at least twice a week during the months of June, July, August and September and at least once a week during the other months of the year. Where suitable collection service is not available from municipal or private agencies the mobile home park operator shall dispose of the refuse by incineration or transferring to disposal sight outside the park area. Refuse incinerators, if provided, shall be constructed in accordance with specification of the Indiana State Health Department. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park, when not conflicting with other statutes, ordinances, or regulations.

2.7.23 - Location of Building or Structures Within a Mobile Home Park

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

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

2.7.24 - Abandonment and Expiration

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

Section 2.8 - Local Business (B-1 District)

2.8.1 - Purpose and Intent

This district is intended to provide "neighborhood" retail goods and services for the convenience of residents near residential areas. Uses that provide nondurable goods and personal services are considered "neighborhood" commercial uses appropriate in the district. Although limited in area occupied, these districts are important to the economic welfare of the community in placing "convenience" and "impulse" goods shops close to the customer.

2.8.2 - Use Regulations

2.8.2.1 - Uses Permitted by Right

No business or structure, or part thereof, shall be erected, altered or used, or land used in whole or in part, for other than one or more of the following specified uses in accordance with the limitations thereafter specified.

- (1) Bakery.
- (2) Banks.
- (3) Bars or taverns without live entertainment.
- (4) Business services.
- (5) Cultural Facilities.
- (6) Day-Care Centers.
- (7) Doctor and Dentist Offices and Clinics.
- (8) Drugstores.
- (9) Farm Products (i.e., Produce).
- (10) Fire and Police Stations.
- (11) Gasoline Service Stations/Convenience Stores.
- (12) Grocery Store.
- (13) Hotel/Motel.
- (14) Indoor Amusements.
- (15) Liquor Store.
- (16) Laundry and Dry-Cleaning Services.

- (17) Municipal Buildings (Administrative Offices)
- (18) Newspaper distributions, charitable institutions, donation pick-up stations or boxes, primary or accessory in function.
- (19) Nursing Homes.
- (20) Offices.
- (21) Parks and Playgrounds.
- (22) Printing Services.
- (23) Public Assembly Halls.
- (24) Radio and Television Stations.
- (25) Rehabilitation Facilities (Physical).
- (26) Research Laboratories.
- (27) Restaurants.
- (28) Shopping or nondurable goods establishments, including but not limited to shoe repair; antique stores; apparel stores; fabric shops; stationary; gift shops; florists; photographic supplies; office supplies; hobby shops; pet stores, including grooming shops and obedience schools; music, recording, video, musical instrument stores; sporting goods; bicycle shops; small appliances; paint, and wallpaper, floor covering, variety stores, hardware, newspaper dealers.
- (29) Temporary, seasonal use such as Christmas tree sales, nursery plants, fruit stands completely under shelter, provided however that such uses and accessory off street parking spaces shall not reduce or encroach upon the minimum off street parking area of any other commercial use or vision clearance on corner lots.
- (30) Temporary structures incidental to development of land, during construction.
- (31) Veterinary Services.
- (32) Other uses: other uses or enterprises similar to the above, which in the judgment of Commission or similar to and not more objectionable to the general welfare, than the uses listed. "Other uses" so determined shall be regarded as listed uses. In no instance, however, shall the Commission determine nor the regulations be so interpreted, that a use shall be permitted in a district when such use is specifically listed as first permissible in a lesser restricted district.

2.8.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Agricultural Crops.
- (2) Cemeteries/Mausoleums.
- (3) Church or Temple.
- (4) Funeral Homes/Parlors.
- (5) Gun Club/Skeet Range.
- (6) Municipal Buildings (Garage/Repair/Storage).
- (7) Schools.

2.8.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Airport/Heliport.
- (2) Artificial Lakes, Commercial (3 acres or more).
- (3) Auto Parking.
- (4) Camps and Resorts.
- (5) Civic and Community Clubs.
- (6) Correctional facilities.
- (7) Golf Driving Range.
- (8) Hospitals and Sanitariums.
- (9) Lodge Halls.
- (10) Mental Health Facilities.
- (11) Railroad Yards.
- (12) Schools (Trade and Business).

(13) Seasonal Fish and Hunting Lodges.

(14) Utility Transmission Equipment.

2.8.3 - Area

(1) Lot

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

(2) Use

(a) No single establishment shall exceed twenty one thousand (21,000) square feet in total gross area.

(b) All uses in operation except off street loading and off-street parking shall be conducted within completely enclosed buildings except otherwise specifically permitted.

(c) No outdoor storage shall be permitted other than trash containers, provided that the trash containers exceeding six (6) cubic feet shall be behind or beside the primary structure and be screened from public view and providing access to equipment to service such containers.

(d) No vending machines shall be permitted on or near the exterior of any building on the premises except where containing in a shelter stall or other area so located as not to interfere materially with adjacent property.

(e) Minor displays of merchandise shall be placed outdoors provided such displays are:

(1) Accessory to primary use.

(2) Located immediately adjacent to the primary structure, but not within a required minimum front yard.

(3) Not more than two hundred (200) square feet in total area.

(4) Maintained in an orderly manner.

2.8.4 - Yards

(1) Front Yard

(a) Every lot shall have a front yard of not less than fifteen (15) feet in depth.

(b) Where a lot in a B-1 District abuts upon a lot in an "A" (agricultural) or "R" (residential) District in the same block frontage, the front yard requirements of the "A" or "R" District shall extend into the B-1 District for the first two-hundred (200) feet (or first intersection)

for building setbacks and for the first one hundred (100) feet (or first intersection) for parking areas and signs setbacks.

(2) Side Yard

(a) Every lot shall have a side yard not less than five (5) feet in width.

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

(3) Street Side Yard

(a) A street side yard shall observe the front yard requirements.

(4) Rear Yard

(a) Every lot shall have a rear yard not less than fifteen (15) feet in depth.

2.8.5 - Height

Maximum height of buildings and structures shall be thirty five (35) feet.

2.8.6 - Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent.

2.8.7 – Off Street Parking and Loading Requirements

Refer to Section 1.27.

2.8.8 - Sign Requirements

Refer to Section 2.15.

2.8.9 - Landscaping Requirements

Refer to Section 2.16.

Section 2.9 - Central Business (B-2 District)

2.9.1 - Purpose and Intent

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

2.9.2 - Use Regulations

2.9.2.1 - Uses Permitted by Right

No building or structure, or part thereof shall be erected, altered, or used or land use in whole or in part for other than one or more of the following specific permitted uses in accordance with the limitation thereafter specified.

- (1) Any commercial uses permitted by right in a B-1 District, except auto parking.
- (2) Accessory living quarters may be provided with any structure used for a permitted use.
- (3) Antique shops.
- (4) Apparel shops
- (5) Bakery.
- (6) Banks, credit agencies, security, commodity broker and service, insurance carrier, insurance agents, broker, and services, real estate, holding and other investment companies.
- (7) Bars or taverns without live entertainment.
- (8) Bicycle sales and service.
- (9) Civic and community clubs, lodges, fraternal or religious associations.
- (10) Custom dressing, tailor, millinery shop.
- (11) Day care centers.
- (12) Department/Discount store.
- (13) Funeral home.

- (14) Furniture, and major or small appliance stores.
- (15) Hotels and motels.
- (16) Indoor commercial amusement, recreation and establishments, including but not limited to theater, bowling allies, billiard parlor, gymnasium, tennis facilities, fitness center, health club, roller or ice skating rink, private clubs or lodges.
- (17) Liquor store.
- (18) Medical facilities such as hospitals and sanitariums (excluding mental health), rehabilitative facilities and nursing homes (excluding mental health facilities).
- (19) Office uses or complexes, including but not limited to professional business and government office, banks, savings and loans offices.
- (20) Paint, glass and wallpaper store.
- (21) Personal services shop, beauty shop, beauty salons, shoe repair shops, tex return preparation, formal wear rental, dress makers, health and reducing clubs, clothing and rental costume, wedding chapels.
- (22) Physician offices, dentist offices, osteopathic physician office, chiropractor offices, optometrist office, legal services, social services, engineering and architect services, accounting, auditing and bookkeeping, public finance.
- (23) Photographic studio.
- (24) Post office includes storage or delivery vehicles, provided such storage area is screened by solid decorative fence or wall not less than six (6) feet in height.
- (25) Public and semi-public uses such as libraries, museums, churches, civic or community centers, exhibition halls, galleries, civic clubs, philanthropic institutions, auditoriums, assembly halls, fire stations, police stations.
- (26) Radio and television stations.
- (27) Residential - attached or detached multi-family dwellings (subject to all standard requirement and regulations of the dwelling district codes of this Ordinance) including single-family attached (townhouse), and multi-family dwelling units; rooming/lodging houses; fraternities and sororities; group homes; and bed and breakfast (tourist) homes. Single-family detached dwellings and two-family dwellings (duplexes) are prohibited.
- (28) Retail stores of the following kind: art supply, book and stationary, confectionery or ice cream, drugs, newsstand or sundries, florist, fruit or vegetables, bakery, gifts, home appliance, jewelry, package liquor, meat market, or delicatessen, music, photographic supplies, shoe, clothing, variety, furniture, paint.
- (29) Schools, parks and playgrounds,
- (30) Telephone exchange, minor electrical substations, provided telephone exchange and/or minor

electrical substations are adequately screened with a combination of fencing and landscaping and is of size and character appropriate and compatible in appearance to the district.

- (31) Theaters without "adult entertainment".
- (32) Used merchandise stores.
- (33) Video, television, and phonograph sales and service,
- (34) Miscellaneous business services, advertising agencies, outdoor advertising services, radio and T. V. advertising, miscellaneous advertising, credit reporting and collection, direct mail advertising, blueprint and photocopying, commercial photographic/art, steno duplicating, news syndicates, computer software services, data processing service, computer related services, research and development labs, management and public relations, detective/protection service, photo finishing, trading stamp services, appraisers, auctioneers, interior decorating, interior design.
- (35) Other uses: other uses or enterprises similar to the above, which in the judgment of Commission or similar to and not more objectionable to the general welfare, than the uses listed. "Other uses" so determined shall be regarded as listed uses. In no instance, however, shall the Commission determine nor the regulations be so interpreted that a use shall be permitted in a district when such use is specifically listed as first permissible in a lesser restricted district.

2.9.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "conditional use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Greenhouse, Commercial.
- (2) Religious Organizations.
- (3) Schools

2.9.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Auto Parking Garages and Lots
- (2) Civic and Community Clubs
- (3) Correctional Facilities
- (4) Lodge Halls
- (5) Railroad Yards

2.9.3 - Area

- (1) For nonresidential uses, the lot area shall be a minimum of two thousand five hundred (2500) square feet per structure with a minimum width of twenty-five (25) feet. The maximum lot area coverage shall not exceed ninety-five (95) percent, and the floor area ratio (i.e., the ratio of gross floor area to lot area) shall not exceed 2.0. [Note: A floor area of any basement or attic is included in the total gross floor area.]
- (2) For residential uses, the lot area shall be a minimum of six thousand (6000) square feet, with a minimum width of sixty (60) feet; and there shall be not less than 3630 square feet of lot area per dwelling unit (i.e., a maximum density of twelve (12) dwelling units per acre of lot area).
- (3) All lots shall be served by sanitary sewers.

2.9.4 - Yards

(1) Front Yard:

(A) The minimum required front yard shall be not less than the smaller of the front yards of the two buildings immediately adjacent (on either side) of the proposed use, or ten (10) feet from the ultimate right-of-way of the street, whichever is greater.

(B) For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or twenty-five (25) feet, whichever is greater, to ensure adequate visibility at intersections.

(2) Side Yard: Zero-lot line.

(3) Rear Yard: 5 feet minimum.

2.9.5 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty five (35) feet.

2.9.6 - Maximum Lot Coverage

Not more than ninety-five (95%) percent of any lot area may be covered by buildings and/or impervious paving materials, and not more than forty (40%) percent of any lot area may be occupied by buildings. A minimum of twenty (20%) percent of each lot shall be landscaped.

2.9.7 - Off Street Parking and Loading Requirements

See Section 1.27

2.9.8 - Sign Requirements

2.9.8.1 - Intent

Within this district the intent of sign regulation is to ensure visual compatibility with the scale and character of the surrounding architecture. The signage must also be readable by pedestrians and people in slow-moving vehicles.

2.9.8.2 - Number

There shall be no more than three (3) types of signs employed per building, regardless of number of occupancies. (e.g. free-standing, awning, window, or wall, window, and awning). Each ground floor occupant of a building may display two (2) signs. Each occupant in an upper level of a building may display one sign.

2.9.8.3 - Materials

All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium density overlay ("MDO") board.

2.9.8.4 - Location

- (1) Signs should be concentrated near the pedestrian level.
- (2) The upper facades of buildings should not be cluttered with signs.
- (3) Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices.
- (4) Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band shall be confined to the vertical distance separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is lesser.
- (5) Signs on adjacent storefronts within the same building shall be coordinated in height and proportion, and should be encouraged to use the same signing format.

2.9.8.5 - Colors

Colors should be chosen to complement, not clash with the facade color of the building. Signs should normally not contain more than three colors, except in instances of an illustration. Dark backgrounds with light-colored lettering shall generally be required, as this is traditional. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Preferred lettering colors are ivory, white or gold. "Day-glow" colors are prohibited.

2.9.8.6 - Size

The size of signs should be restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than one and a half square feet (1.5 sq. ft.) of total signage area will be permitted per linear foot of storefront.

2.9.8.7 - Preferred Sign Types

- (1) Free-standing only as a multiple sign or with large building setback.
- (2) Wall.
- (3) Window
- (4) Projecting.
- (5) Awning.
- (6) Landmark.
- (7) Marquee.

2.9.9 - Landscaping Requirements

2.9.9.1 - Landscape Planting

Shade trees and other plant materials shall be provided along the street frontage occupied by developments in the Central Business District, in other unpaved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with drivers' sight distances at driveway interchanges.

2.9.9.2 - Buffer Requirements

- (1) Along a side or rear property line, the owner shall place and maintain a planting area 25 feet in width containing hedge, evergreens, and shrubbery, or suitable vegetation of sufficient planted density to produce a total visual screening consistent with the topography, the existing vegetation, and the use of the adjacent land. Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography.
- (2) All evergreen vegetation to be installed shall not be less than five feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.
- (3) All deciduous material to be installed shall not be less than eight feet in height and two-inch caliper.
- (4) All plant material shall be guaranteed for two years. All plant material that dies within that time shall be replaced by applicant.
- (5) Trash and refuse shall either be stored inside the building or within an opaque screened area, which shall be at least six feet high.

Section 2.10 - General Business (B-3 District)

2.10.1 - Purpose and Intent

This district accommodates all types of business and service uses including warehouse and storage facilities.

2.10.2 - Use Regulations

2.10.2.1 - Uses Permitted by Right

No building or structure, or part thereof shall be erected, altered, or used or land use in whole or in part for other than one or more of the following specific permitted uses in accordance with the limitation thereafter specified.

- (1) Any commercial use permitted by right in a B-1 District.
- (2) Auto Parking.
- (3) Auto Parts/Supplies.
- (4) Auto Sales.
- (5) Auto service and repair, provided:
 - (a) Any major repair service is conducted within closed building.
 - (b) Not more than 85% of the developed area of the premises is used for outdoor display, storage, and/or sales.
 - (c) Outdoor storage shall be screened by a solid decorative fence or wall not less than six (6) feet in height, and to a distance from the front line not less than the front building line of the primary structure.
- (6) Bus Terminal.
- (7) Civic and Community Clubs.
- (8) Department/Discount Store.
- (9) Dog Kennel.
- (10) Farm Products (Wholesale).
- (11) Food Products.
- (12) Funeral Homes/Parlors.
- (13) Furniture and Large Appliance Store.

- (14) Home Improvement Store.
- (15) Household Goods.
- (16) Marine Sales.
- (17) Mental Health Facilities.
- (18) Motorcycle Sales.
- (19) Schools (Trade and Business).
- (20) Service and Distribution Uses.
- (21) Telephone Exchanges.
- (22) Theaters.
- (23) Theaters, Drive-In.
- (24) Used Merchandise.
- (25) Warehouses.
- (26) Those uses that are similar in appearance, type, and intensity to the above list of uses than to uses listed elsewhere in this Zoning Ordinance.

2.10.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Any "contingent use" found in a B-1 District. Commercial
- (2) Greenhouses.

2.10.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Any "special exception" found in a B- I District.
- (2) Bar or Tavern with Live Entertainment.
- (5) Outdoor Amusements.

2.10.3 - Limitation of Uses

- (1) All activities including sales, displays, preparation and storage shall be conducted entirely within the completely enclosed building (except those that may be permitted by the Board).

- (2) All products shall be sold at retail on the premises.

2.10.4 - Area

- (1) The lot area shall be a minimum of ten thousand (10,000) square feet per structure with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed fifty (50%) percent, and the floor area ratio (i.e., the ratio of gross floor area to lot area) shall not exceed 0.5. [Note: A floor area of any basement or attic is included in the total gross floor area.
- (2) All lots shall be served by sanitary sewers.

2.10.5 - Yards

- (1) The following yard requirements shall be observed:
 - (a) Front Yard: Twenty-five (25) feet. Where a lot in a B-3 District abuts upon a lot in an "A" (agricultural) or "R" (residential) District in the same block frontage, the front yard requirements of the "A" or "R" District shall extend into the B-3 District for the first two-hundred (200) feet (or first intersection) for building setbacks and for the first one hundred (100) feet (or first intersection) for parking areas and signs setbacks.
 - (b) Side Yard: Twenty (20) feet. Where a lot in the B-3 district abuts upon a lot in an "A" (agricultural) or "R" (residential) district, a side yard of at least twenty (20) in width and a minimum width of ten (10) feet of landscape buffer shall be required on the side adjacent to any said "R" district. The side yard requirement may be reduced by one half (1/2) the width of any alley right-of-way adjacent thereto, but shall not be less than ten (10) feet in width.
 - (c) Rear Yards 20 feet minimum.

2.10.6 - Height

Buildings shall have a maximum height of thirty-five (35) feet.

2.10.7 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.10.8 - Sign Requirements

Refer to Section 2.15.

2.10.9 - Landscaping Requirements

Refer to Section 2.16.

Section 2.11 - Interchange Business (IB-1 District)

2.11.1 - Purpose and Intent

This district is intended to accommodate businesses primarily serving interstate traffic. Since these uses may generate large quantities of traffic, they are segregated from adjoining land uses. Among uses permitted in this district are truck stops and fast-food restaurants.

2.11.2 - Use Regulations

2.11.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered, or used or land used in whole or in part for other than one or more of the following:

- (1) Auto Sales
- (2) Auto Parking
- (3) Auto Parts/Supplies
- (4) Auto Repairs
- (5) Bar or Tavern without Adult Entertainment
- (6) Bus Terminal
- (7) Farm Equipment
- (8) Fire and Police Stations
- (9) Gasoline Service Stations/Convenience Stores
- (10) Golf Driving Range
- (11) Hotel/Motel
- (12) Municipal Buildings (Garage/Repair/Storage)
- (13) Printing Services
- (14) Radio and Television Stations
- (15) Restaurant, Fast Food
- (16) Warehouse

2.11.2.2 - Contingent Uses

The following uses are permitted subject to conditions set forth in Section 3.5 and the granting of a "Contingent Use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Gun Club/Skeet Range

2.11.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "Special Exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Airports/Heliports
- (2) Railroad Yards
- (3) Utility Transmission Equipment

2.11.3 - Area

- (1) The lot area shall be a minimum of ten thousand (10,000) square feet per structure with a minimum width of one hundred (100) feet. The maximum lot area coverage shall not exceed fifty (50) percent, and the floor area ratio (i.e., the ratio of gross floor area to lot area) shall not exceed 1.0 [Note: A floor area of any basement or attic is included in the total gross floor area].
- (2) All lots shall be served by sanitary sewers.

2.11.4-Yards

- (1) The following yard requirements shall be observed:
 - (a) Front Yard: Twenty-five (25) feet. Where a lot in an IB-1 District abuts a lot in an "A" (agricultural) or "R" (residential) District in the same block frontage, the front yard requirements of the "A" or "R" District shall extend into the IB-1 District for the first two hundred (200) feet (or first intersection) for building setbacks and for the first one hundred (100) feet (or first intersection) for parking areas and signs setbacks.
 - (b) Side Yard: Ten (10) feet. Where a lot in the IB-1 district abuts upon a lot in an "A" (agricultural) or "R" (residential) district, a side yard of at least twenty (20) feet in width and a minimum width of (10) feet of landscape buffer shall be required on the side adjacent to any said "R" district. The side yard requirement may be reduced by one half (1/2) the width of any alley right-of-way adjacent thereto, but shall not be less than ten (10) feet in width.
 - (c) Rear Yard: Twenty (20) feet minimum.

2.11.5 - Height

Buildings shall have a maximum height of fifty (50) feet.

2.11.6 - Off-Street Parking and Loading Requirements

Refer to Section 1.27

2.11.7 - Sign Requirements

Refer to Section 2.15

2.11.8 - Landscape Requirements

Refer to Section 2.16

Section 2.12 - Light Industry (I-1 District)

2.12.1 - Purpose and Intent

This district includes manufacturing, wholesaling, and warehousing uses with minimum nuisances, that can be screened or buffered from nonindustrial uses, and that can be enclosed within a building.

2.12.2 - Use Regulations

2.12.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used or land used in whole or in part for other than one or more of the following uses:

- (1) The following retail establishments: auto, truck, motorcycle, mobile home, and marine sales, auto parts and supplies, dairy products, bakery, farm equipment.
- (2) The following commercial establishments: auto repairs, auto storage yard, bars and taverns, bus and truck repair, bus terminal, dog kennel, furniture repair, gasoline service stations, trade and business schools, telephone exchanges, tire recapping, parking garages, drive-in theaters, warehouses.
- (3) The construction of the following:
 - (a) Operative builders, industrial building and warehouses, and non-residential buildings.
 - (b) Road contractors, bridge/tunnel contractors, utility pipeline construction, and other heavy construction.
 - (c) Special trade contractors, excavators, wrecking and demolition, insulation and erecting a building equipment, erection and structural steel, water well drilling, concrete work, and uses similar and comparable in character to the above permitted uses.
- (4) The manufacturing of the following:
 - (a) Food and kindred products including but not limited to meat packaging plants (except slaughtering the meat or preparation of fish), sausage, prepared products, creamery, cheese, processed dairy products, ice cream and frozen desserts, liquid milk, canned specialties, canned preserves, jams, jellies, dried fruit, vegetables, soup mixes, fruits, vegetable seasoning, sauces, frozen fruits, juices, vegetables, frozen specialties, flour and grain meal products, cereal breakfast foods, rice

milling, prepared flour mixes, dough, bread products except cookies, crackers, cookies and crackers, frozen bakery products except for breads, cane sugar refining, beet sugars, candy and other products, chocolates and cocoa products, chewing gum, salt, roasted nuts, seeds, soft drinks, water (canned/bottled), flavoring extracts, syrups, fresh roasted coffee, potato, corn chip and snacks, manufactured ice and macaroni and noodles.

- (b) Apparel and other textile products, including but not limited to shirt, coat, overcoats, male; shirts except work shirts, male; underwear, nightwear, male; neckwear, male; separate trousers, slacks, male; working clothes, male; male clothing, blouses, shirts, female; dresses, female; suits, shirts, coat, male; outerwear, female; underwear, nightwear, female, child; bras, girdles, garments, hats, caps and millinery, dresses, blouses, shirts, child's; child outer wear, fur goods, gloves, no-knit, leather, robes and dressing gowns, waterproof outer wear, leather sheep lined clothing, apparel belts, apparel and accessories, curtains and draperies, house furnishings, textile bags, canvas and related products, decorative stitching (trade), auto trim/apparel findings, machine embroideries, fabric textile products.
- (c) Paper and allied products, including but not limited to dye-cut paper, cardboard, sanitary paper products, envelopes, stationery, related products. converted paper box products.
- (d) Printing and publishing including but not limited to newspaper, periodicals, books, miscellaneous publication, lithographic commercial printing, commercial printing, manifold business forms, greeting cards, blank books, loose leaf binders, book binding and related work, typesetting, plate making and related services.
- (e) Leather and leather products, including but not limited to boot, shoe cut stock, findings, house slippers, men's footwear excluding athletic, women's footwear excluding athletics, footwear excluding rubber, leather gloves and mittens, luggage, women's handbags, purses, personal leather goods, leather goods.
- (f) Industrial machinery and equipment, including but not limited to electronic computers, computer storage devices, computer terminals, computer peripherals, calculating machines excluding computers and office machines.
- (g) Jewelry and precious metals.
- (h) Silver, plated, or stainless steel ware.
- (l) Musical instruments.
- (j) Dolls and stuffed toys.
- (k) Games and toys.
- (l) Sporting and athletic goods.
- (m) Pens, mechanical pencils and parts.

- (n) Lead pencils and artist's materials.
- (o) Fasteners, buttons, needles, pins.
- (p) Brooms and brushes.
- (q) Signs and advertising.
- (r) Accessory use in structures.
- (s) Other uses: other industrial uses or enterprises similar to the above which is in the judgment of the Commission are similar to and not objectionable to the general welfare than the uses listed. "Other uses" so determined shall be regarded as listed uses. In no incident, however, should the Commission determine nor the regulation to be interpreted, that a use shall be permitted in a district when such use is specifically listed as first permissible in a less restrictive district.

- (5) Day-Care Centers.
- (6) Fire and Police Stations.
- (7) Municipal Buildings.
- (8) Utility Equipment Storage.

2.12 2.2 - Contingent Uses

The following uses are permitted subject tot conditions set forth in Section 3.5 and the granting of "contingent use" permit by the Board of Zoning Appeals after a public hearing:

- (1) Gun Club/Skeet Range.
- (2) Schools.

2.12.2.3 - Special Exceptions

The following uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals after a public hearing:

- (1) Airports/Heliports.
- (2) Railroad Yards.
- (3) Seasonal Fish and Hunting Lodge.
- (4) Utility Transmission Equipment.
- (5) Waste Treatment Plants

2.12.3 - Area

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

2.12.4 - Yards

- (1) Front Yard.
 - (a) There shall be a front yard not less than twenty-five (25) feet. The required front yard shall be landscaped.
 - (b) Where a lot in the I-1 District abuts a lot in any "A" (agricultural) District or "R" (residential) District in the same block frontage, the front yard requirements of the "A" or "R" District shall extend into the I-1 District for the first two hundred (200) feet (or first intersection) for building setback and for the first one hundred (100) feet for parking area and signs setback.
- (2) Side Yard.
 - (a) Every lot shall have a side yard not less than ten (10) feet in width.
 - (b) When a lot in the I-1 District abuts on a lot in any "A" (agricultural) or "R" (residential) District, there shall be a side yard not less than thirty (30) feet in width and a minimum width often (10) feet of landscape buffer shall be required on the side adjacent to said "R" district. The side yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall be not less than ten (10) feet in width.
- (3) Street Side Yard.
 - (a) A street side yard shall observe the front yard requirements.
- (4) Rear Yard.
 - (a) Every lot shall have a rear yard of not less than twenty (20) feet in depth.
 - (b) Where there is a lot in the I-1 District abutting upon a lot in any "R" (Residential) district, a rear yard of at least twenty (20) feet in depth shall be provided. That the rear yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto.

2.12.5 - Height

The maximum height for buildings and structures in the District is one hundred twenty-five (125) feet.

2.12.6 - Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent.

2.12.7 - Off-Street Parking and Loading Requirements

Refer to Section 1.2 7.

2.12.8 - Sign Requirements

Refer to Section 2.15.

2.12.9 - Landscaping Requirements

Refer to Section 2.16.

Section 2.13 - Heavy Industry (1-2 District)

2.13.1 - Purpose and Intent

This district includes the full range of manufacturing, wholesaling, and warehousing uses in an urban area. It includes uses that are difficult to screen and buffer from nonindustrial uses and that have operations which cannot normally be enclosed within a building.

2.13.2 - Use Regulations

2.13.2.1 - Uses Permitted by Right

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than one or more of the following specified manufacturing uses:

- (1) Any use permitted by right in the I-1 District.
- (2) Metal Fabrication.
- (3) Sawmill.
- (4) Those uses that are similar in appearance, type, and intensity to the above list of uses than to uses listed elsewhere in this Zoning Ordinance. These uses, if approved by the Plan Commission after a public hearing, shall be considered as listed uses.

2.13.2.2 - Contingent Uses

- (1) Any use permitted as a contingent use in the I-1 District.

2.13.2.2 - Special Exceptions

The following "hazardous, objectionable and obnoxious" uses are permitted subject to conditions enumerated in Section 3.6 and the granting of a "special exception" permit by the Board of Zoning Appeals:

- (1) Acetylene gas manufacturing.
- (2) Acid manufacturing.
- (3) Adult Book and Video Stores
- (4) Ammonia bleach powder.
- (5) Arsenal.
- (6) Asphalt manufacturing or refining.
- (7) Bars and taverns with Adult Entertainment.
- (8) Chemicals and Chemical Products.
- (9) Coke ovens.
- (10) Correctional Facilities.
- (11) Creosote treatment or manufacturer.
- (12) Distillation of bones, coal or wood.
- (13) Fat and or animal renderings.
- (14) Fireworks or explosives manufacturing or storage.
- (15) Glue manufacturing.
- (16) Gunpowder manufacturing or storage.
- (17) Incinerators, municipal or private, and solid wasteland fill.
- (18) Junk, salvage, auto, wrecking yard.
- (19) Meat, fish slaughtering and processing.
- (20) Mining - shaft or strip.
- (21) Paint, oil, shellac, turpentine, lacquer or varnish manufacturing.
- (22) Petroleum or petrol products, refining, and storage.

- (23) Rock crushing.
- (24) Smelters.
- (25) Stockyards or feeding lots.
- (26) Stone quarries.
- (27) Sulfuric, nitrate, hydrochloric, or picric acid manufacturing.
- (28) Tar distillation or manufacturing.
- (29) Vinegar manufacturing.
- (30) Yeast plant.
- (31) And, in general, those uses which have been declared a nuisance in any court records or which are or may be unreasonable, obnoxious, or offensive in the opinion of the Plan Commission, by reason of emission of odor, vapor, smoke, gas or noise.

2.13.3 Area

(1) Lot

- (a) The lot area shall be a minimum of ten thousand (10,000) square feet with a minimum width of one hundred (100) feet where sanitary sewers are available. The maximum lot area coverage shall not exceed fifty (50%) percent, and the floor area ratio shall not exceed 1.0.

2.13.4 - Yards

(1) Front Yard.

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

(2) Side Yard

- (a) Every lot shall have a side yard not less than ten (10) feet in width.

- (b) When a lot in the 1-2 District abuts on a lot in any "A" (agricultural) or "R" (residential) District, there shall be a side yard not less than thirty (30) feet in width and a minimum width of ten (10) feet of landscape buffer shall be required on the side adjacent to said "R" district. The side yard requirement may be reduced by one-half (1/2) the width of any alley right-of-way adjacent thereto, but shall be not less than ten (10) feet in width.

(3) Street Side Yard

- (a) A street side yard shall observe the front yard requirements.

(4) Rear Yard

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

2.13.5 - Height

There shall be no required height limitation, except that may be required by other laws or ordinances.

2.13.6 - Maximum Lot Coverage

The maximum lot coverage shall not exceed fifty (50%) percent.

2.13.7 - Smoke

No heavy industrial use may emit more than sixty smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any 6-hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten smoke units and during that time it may emit smoke up to and including Ringelmann No. 3.

2.13.7.1 - Definitions

"Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0; and "smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

2.13.8 - Particulate Matter

2.13.8.1 - Emission Rate

The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of three pounds per hour per acre for a general industrial use, of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh).

2.13.8.2 - Emission Height

The allowance for height of emission is found in the table on the next page (interpolate for intermediate values):

Height of Emission above Grade (ft.)	Emission Height Allowances	
	Correction for Light Industrial Use ^v (pounds per hour per acre)	Correction for General Industrial Use (pounds per hour per acre)
50'	0.01	0.02
100'	0.06	0.12
150'	0.10	0.20
200'	0.16	0.32
300'	0.30	0.60
400'	0.50	1.00
500' and above	0.50	1.50

2.13.8.3 - Emission Velocity

The allowance for velocity of emission is as follows (interpolate for intermediate values):

Emission Velocity Allowances		
Exit Velocity Up (feet per second)	Emission Velocity Allowances	
	Correction for Light Industrial Use (pounds per hour per acre)	Correction for General Industrial Use (pounds per Hour per acre)
0'	0	0
20'	0.03	0.06
40'	0.09	0.18
60'	0.16	0.32
80'	0.24	0.48
100' and above	0.50	1.00

2.13.8.4 - Other Pollutants

Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.

2.13.8.5 - Definitions

As used in this subsection, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.

2.13.9 - Odor

No general industrial use may release an unreasonably objectionable odor that is detectable in the neighborhood.

2.13.10 - Toxic Materials

The emission of toxic and nontoxic materials may not produce any concentration at a residence or business district boundary line exceeding 30 percent of the threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists.

2.13.11 - Glare and Heat

No heavy industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle.

2.13.11.1 - Definitions

As used in this subsection, the term "foot candle" means a unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candlepower.

2.13.12 - Vibration

No heavy industrial use may cause at any B or I District boundary continuous earthborn vibrations higher than the limits set forth in column I of the following table. Nor may in cause at any agricultural or residential district boundary continuous earthborn vibrations higher than the limits set forth in column II.

Maximum Permitted Vibrations

Frequency (cycles per second)		I Displacement (inches)	II Displacement (inches)
More Than	But Not More Than		
0	10	.0020"	.0004"
10	20	.0010"	.0002"
20	30	.0006"	.0001"

30	40	.0004"	.0001"
40	50	.0003"	.0001"
50		.0002"	.0001"

Discrete pulses that do not exceed one hundred impulses per minute may not produce higher than twice the displacement specified in the table.

2.13.12.1 - Definitions

"Resultant displacement" means the maximum amount of motion in any direction as determined by any three-component measuring system (a simultaneous measuring system approved by the commission).

"Three-component measuring system" means instrumentation that can measure earthborn vibrations in a horizontal as well as a vertical plane.

2.13.13 - Noise

At no boundary of a residence or business district may the sound pressure of any heavy industrial use (except for background noises produced by sources not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the following decibel.

Maximum Noise Limitations

Octave Band Frequency (cycles per second)		I Maximum Permitted Sound Levels (in decibels) Along Residence District Boundaries	II Maximum Permitted Sound Levels (in decibels) Along Businesses District Boundaries
More Than	But Not More Than		
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800		32	39

The prescribed limits of column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are each reduced by six decibels.

2.13.14 - Fire Hazards

Solid substances ranging from free or active burning to intense burning may be stored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2.13.14.1

The storage, utilization or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's Office, stating that the plans and specifications for a heavy or general industrial use comply with the rules and regulations of the State Fire Marshall shall accompany the application for an Improvement Location Permit.

2.13.14.2 - Definitions

"Free burning" means a rate of combustion described by a substance that burns actively and easily supports combustion.

"Intense burning" means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

2.13.15 - Detonation Materials

No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Department of Fire Prevention and Building Safety.

These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

2.13.16 - Exceptions

Subsections 2.13.6 through 2.13.15 do not apply to:

- site preparation or construction, maintenance, repair, alteration, or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
- the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
- conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
- safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or

- processes for which there is no known means of control.

Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

2.13.17 - Elimination of Uses

There shall be no elimination of uses, except that no use shall be permitted that may, in the opinion of the Plan Commission, endanger the health, safety or welfare of the community.

2.13.18 - Off-Street Parking and Loading Requirements

Refer to Section 1.27.

2.13.19 - Sign Requirements

Refer to Section 2.15.

2.13.20 - Landscaping Requirements

Refer to Section 2.16.

Section 2.14 - Open Public Space (OPS District)

2.14.1 - Purpose and Intent

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

2.14.2 - Use Regulations

2.14.2.1 - Uses Permitted by Right

No building or structure or part thereof shall be erected, altered, or used, or land use, in whole or in part for other than one or more of the following uses:

- (1) Active outdoor recreation uses and facilities such as playgrounds, tennis, basketball, and volleyball courts; football, rugby, soccer, baseball, softball, tee-ball fields; trails or tracks for running, biking, walking, horseback riding, skiing, and off road vehicles; target and field archery ranges; golf courses; swimming pools; arenas and stadiums; model boat ponds and model plane airfields
- (2) Passive outdoor recreation uses such as camping, picnicking, fishing, and nature watching/investigation.

- (3) Fire and Police Stations.
- (4) Indoor recreation facilities for skating, bowling, swimming, and court sports including recreation centers and gymnasiums.
- (5) Institutional and cultural facilities such as libraries, museums, art galleries, nature centers, arboretum, zoos, public assembly halls, aquariums, planetariums, etc.
- (6) Municipal Buildings.
- (7) Religious organizations, civic and community clubs, provided such activities meet in publicly owned structures.
- (8) Schools.
- (9) Entertainment facilities such as bandstands, outdoor theaters, waterslides, water parks, and amusement parks.
- (10) Limited supportive retail uses for the primary benefit of the open space users including concessions; gift shops, athletic equipment and athletic clothes in association with public golf courses; restaurant in association with institutional and cultural facilities, golf course or resort.
- (11) Overnight camping trailer facilities (but not trailer parks for permanent residence) and resort facilities including a resort hotel or motel.

2.14.2.2 - Contingent Uses

None.

2.14.2.3 - Special Exceptions

None.

2.14.3 - Area

There shall be no minimum lot area except when restrooms are provided in an area without sanitary sewers; then, the three-acre minimum lot area must be observed.

2.14.4 - Yards

All structures shall be a minimum of fifty (50) feet from any property line.

2.14.5 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet.

Section 2.15 - Signs

2.15.1 - Purpose and Intent

The purpose of the sign regulation is to permit signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, and morals; and to permit and regulate signs in such a way as to support and complement objectives and guidelines of the Comprehensive Plan,

2.15.2 - Exempt Signs

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

- (1) Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground.
- (2) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or home service which are not part of an otherwise existing attached or freestanding sign.
- (3) Signs required by law or flags and insignia of any duly constituted governmental body.
- (4) Signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.
- (5) Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.
- (6) Temporary holiday decorations.
- (7) Signs placed within the interior of a building which area attached to and/or visible through windows or doors provided the sign occupies no more than one-fourth the total square footage of the window door.
- (8) Legal notices, identification information, or directional signs erected by or by order of governmental bodies.
- (9) Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts or moving lights.
- (10) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.
- (11) Political advertisement signs, on private property, may be erected no more than thirty (30) days prior to the election and are to be removed within twenty-four (2.1) hours after said election.

2.15.3 - General Sign Provisions

- (1) In any district, except as noted, the provisions of this subsection shall be applied to effect the safety of motorists and facilitate traffic movement.
 - (a) No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
 - (b) No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
 - (c) No exterior sign shall be permitted to display flashing, intermittent, revolving, rotating or animated lighting or illumination, nor any illumination which simulates or displays motion.
 - (d) All signs not expressly exempted or permitted by this Ordinance are prohibited.
 - (e) No sign shall be placed in a manner visible from any public street, alley, right-of-way, sidewalk or other public easement except as provided herein nor shall any sign be placed in or extend over any required yard in any district or be placed in or extend over any street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein.
 - (f) All signs allowed hereunder shall be constructed and placed so as not to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian rights-of-way and driveways.
 - (g) No sign shall be allowed to be illuminated except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the Plan Commission shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall be non-flashing and shall be constant in intensity and color, except that signs which display time and temperature are allowed in the B-1, B-2, I-1 and I-2 zones.
 - (h) The maximum allowed area for all signs other than freestanding business signs shall be determined by drawing four or fewer straight lines encompassing the extremities of the sign within the smallest possible areas, except that outdoor advertising signs are allowed extensions and embellishments beyond the rectangular sign.
 - (i) The maximum allowed area for freestanding business signs shall be measured by drawing eight (8) or fewer straight lines encompassing the extremities of the sign within the smallest possible area, provided, however, that the area of a freestanding sign shall not include poles, supports or other structures which are solely for support and which do not contain any advertising and, the area of a freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board portion, provided that these portions are separated by a distance of more than two (2) feet and no small freestanding sign is located on the lot.

- (j) No sign shall have more than four faces.
- (k) One freestanding rent/sale sign per site not exceeding twelve (12) square feet in area shall be allowed in any district. On lots abutting more than one street, one such rent/sale sign shall be allowed for each abutting street. Such signs shall be removed not later than ten (10) days after closing of sale or consummation of lease.
- (l) One sign identifying persons or business firms engaged in the construction of a building on site, is allowed, provided that the sign shall not exceed twelve (12) square feet in area or fifteen (15) feet above ground in height. All such signs must be removed within twenty (20) days following issuance of a certificate of occupancy for the building.
- (m) A back-to-back or V-shaped sign constitutes one sign if it has a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

2.15.4 - On-Premise Signs

- (1) In the R-1, R-2, R-3, and RPO Districts, the provisions of this subsection shall apply:
 - (a) One freestanding subdivision identification sign not exceeding sixty (60) square feet in area or fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines of the subdivision during construction, for not more than sixty (60) days prior to the commencement of construction, and after construction until such time as eighty percent (80%) of the lots are sold. Thereafter, one subdivision identification sign not exceeding fifteen (15) feet in height shall be allowed at each dedicated street entrance within the building lines.
 - (b) One freestanding or attached community facility identification sign not to exceed thirty (30) square feet in area and not exceeding ten (10) feet in height facing each bordering street is allowed on the premises of any community center, church, school, library, museum or similar institution. A church sign may be illuminated if it is less than eighteen (18) square feet in area and less than eight (8) feet in height, provided that, if the church is located in a district for which a larger business sign would be allowed, then the size of the sign shall conform to the size allowed in that district.
 - (c) For institutional and residential uses not otherwise defined herein one sign facing each bordering street not to exceed six (6) square feet in area is allowed on each site. Any such sign if freestanding must not exceed six (6) feet in height,
 - (d) One illuminated or non-illuminated multi-family residential identification sign attached flat on the face of the building and extending no more than twelve (12) inches from the surface of such building is allowed to face each street bordering on the site on which a multi-family dwelling is located. Said signs may not exceed twelve (12) square feet in area. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor of the building. In the alternative one freestanding sign which shall not extend into any required yard is allowed to face each street bordering the site provided that such freestanding signs shall not exceed a height of six (6) feet above ground nor exceed an area of six (6) square feet.

- (e) One illuminated or non-illuminated office building identification sign attached flat on the face of the building and extending not more than twelve (12) inches from the surface of such building is allowed to face each street bordering the site on which an office building is located. Said signs may not exceed twelve (12) square feet in area. In no event shall an attached sign be located more than three (3) feet above the ceiling of the first floor of the building. In the alternative one freestanding sign, which shall not extend into any required yard is allowed to face each street bordering the site, provided that such freestanding signs shall not exceed a height of six (6) feet above ground nor exceed an area of six (6) square feet.

(2) In the GO, B-1, B-2, I-1 and 1-2 Districts, the provisions of this subsection shall apply.

(a) Wall-Mounted Signage

- i) In single use buildings, each building is permitted one attached "tenant identification" sign in letters and one attached "business logo" sign on each building facade facing a public access roadway, provided that the total area of signage on a facade shall not exceed that stated below and that no more than two facades shall have wall-mounted signs. Fully controlled access roadways (i.e, expressways and freeways) are not considered "public access roadways". If the "tenant identification" and "business logo" are combined into a single sign, there shall be only one attached sign on the facade; and no more than two street-facing facades shall have signs.
- ii) In multiple use buildings with separate entrances for each tenant, each building may have one attached "tenant identification" sign in letters and one attached "business logo" sign for the primary tenant on each building facade facing a public access roadway, and one additional attached sign (either a letters sign or a combination letters and logo sign) for each secondary tenant with a separate entrance that shall be installed in a predestinated space adjacent to the secondary tenant's entrance, provided that the total area of signage on a facade shall not exceed that stated below and that no more than two facades shall have wall-mounted signs for the primary tenant. Fully controlled access roadways (i.e., expressways and freeways) are not considered "public access roadways". If the "tenant identification" and "business logo" are combined into a single sign for the primary tenant, there shall be only one attached sign on the facade; and no more than two street-facing facades shall have signs.
- iii) In the case of multiple use buildings with only one primary exterior entrance, exterior signs for secondary tenants shall be incorporated into the freestanding sign.
- iv) In single use buildings any "tenant identification" attached sign (i.e., letters sign) shall not exceed 80 square feet, any separate "business logo" sign shall not exceed 25 square feet and 5 feet in height, and any

combination "tenant identification" (letters) and business "logo" sign shall not exceed 120 square feet, subject to the following total sign area limitations per facade:

- 20% of building facade area if facade area is less than 500 square feet.
- 100 square feet plus 10% of the amount by which the building facade exceeds 500 square feet if the facade area is greater than or equal to 500 square feet but less than 700 square feet.
- 120 square feet if the facade area is equal to or greater than 700 square feet.

v) In multiple use buildings with separate entrances for each tenant, any primary "tenant identification" attached sign (i.e., letters sign) shall not exceed 80 square feet, any separate "business logo" sign for the primary tenant shall not exceed 25 square feet and 5 feet in height, and any combination "tenant identification" (letters) and "business logo" sign for the primary tenant shall not exceed 120 square feet; and each secondary tenant may have an attached "tenant identification" (letters) sign or attached combination "tenant identification and business logo" sign that shall not exceed 10 square feet, subject to the following total sign area limitations per facade for signage:

- 20% of building facade area if facade area is less than 500 square feet.
- 100 square feet plus 15% of the amount by which the building facade exceeds 500 square feet if the facade area is greater than or equal to 500 square feet but less than 1,000 square feet.
- 175 square feet plus 5% of the amount by which the building facade exceeds 1,000 square feet if the facade area is greater than or equal to 1,000 square feet but less than 3,500 square feet.
- 300 square feet if the facade area is equal to or greater than 3,500 square feet.

vi) No sign shall be mounted on any roof.

vii) No sign shall extend above a line eighteen inches (18") below the top of the building parapet and no attached sign shall extend to a height greater than twenty-five feet (25') above ground.

viii) Attached signs shall not project beyond eighteen inches (18") from the face of wall.

ix) Letters shall be individual, and shall not exceed two feet (2') in height for

the primary tenant identification sign and one foot (1') in height for the secondary tenant identification sign.

- x) All signage attached to buildings shall consist of individual letters and shall be attached parallel to the facade.
- xi) Signage shall be devoid of advertising.
- xii) Painted signs shall not be used, and no sign shall be painted on a building surface.

(b) Freestanding Building Signage

- i) Only freestanding on premises signs are permitted. Off premises signs (commonly known as billboards) and small freestanding signs (other than those freestanding signs and freestanding directional) are prohibited.
- ii) Each lot is permitted one freestanding sign of the maximum height and area specified below fronting on a public access roadway. Fully controlled access roadways (i.e., expressways and freeways) are not considered "public access roadways".
- iii) No freestanding sign shall be higher than twenty feet (20') at the property line in the B-1 District, but may be increased in height one foot for every five feet set back from the property line in the B-2, I1 and 1-2 Districts provided the maximum sign height shall not exceed twenty-five (25) feet.
- iv) No freestanding sign shall encroach into a required yard.
- v) The maximum area of one face of any freestanding sign shall not exceed 80 square feet in the B-1 District, and shall not exceed the 20% of the square of height of the sign in the B-2, I-1 and 1-2 Districts provided that remaining sign area shall not exceed 125 square feet.
- vi) No sign shall have more than two faces.
- vii) Portable or temporary signs are not acceptable.
- viii) Signage shall be devoid of advertising.
- ix) Painted signs shall not be used.
- x) A lot fronting on two public streets shall be allowed to have two freestanding signs. If two signs are to be used, the total maximum combined area of the two signs shall not exceed the maximum sign area of the one freestanding sign allowed on lots

fronting on only one public street.

- xi) The maximum area of each face of a freestanding sign as calculated above may be increased by twenty percent (20%) if the sign is located on a lot with more than three hundred (300) feet of frontage on a public street, by thirty five percent (35%) if the sign is located on a lot with more than four hundred fifty (450) feet of frontage on a public street and by fifty percent (50%) if the sign is located on a lot with more than six hundred (600) feet of frontage on a public street. In the alternative, a lot with more than four hundred fifty (450) feet of public street frontage shall be allowed to have one additional freestanding sign, but if such additional sign is placed on the lot the maximum area of the combination of both freestanding signs shall be calculated above for a single freestanding sign and the maximum area of each such sign shall not be embellished by the foregoing sentence.
- xii) An outdoor advertising sign shall not be counted in determining compliance with the above.
- xiii) No lot shall have a freestanding sign unless the building situated on that lot is set back at least ten (10) feet from the front and street side property line.

(c) Freestanding Directional Signs

Freestanding directional signs, i.e., signs used primarily to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum height of three (3) feet, with a maximum area of five (5) square feet. Such signs shall not be counted toward the number of freestanding signs allowed on a lot. One single faced "Menu Board" type sign is allowed for a "drive through" facility and shall not be counted toward the number of freestanding signs allowed, provided such sign is no larger than sixteen (16) square feet.

(d) Projecting Signs

Buildings on lots which contain no freestanding sign (other than a freestanding directional sign) may not have more than one sign which projects perpendicularly from the facade (but not the roof) of the building providing that the sign does not exceed thirty-two (32) square feet in area, does not extend below nine (9) feet above the ground or sidewalk, or more than seven (7) feet from the facade of the building, or closer than two (2) feet to the abutting roadway.

2.15.5 - Outdoor Advertising Signs

- (1) Outdoor advertising signs shall be allowed in the I-1 and 1-2 district.
- (2) Outdoor advertising signs shall be separated by one thousand (1,000) feet in all directions, and pertaining to the Interstate and limited access highways, no outdoor advertising sign may be located adjacent to or within five hundred (500) feet of an interchange, at-grade intersection, or rest area, said five hundred (500) feet shall be measured from the right-of-way line.
- (3) No outdoor advertising sign shall be permitted if it is located within three hundred (300) feet of land that has been platted for residential use or is zoned R-1, R-2, R-3, RPO, GO, B-1, or B-2.

- (4) No outdoor advertising sign structure shall contain more than two facings and no facings shall display more than two (2) signs.
- (5) The maximum area for any one sign shall be 1,000 square feet and the maximum width 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

2.15.6 - Portable Signs

- (1) All signs are to be considered portable or movable, either lighted or non lighted, if they are capable of being moved either by vehicle, on a vehicle, or such sign does contain its own wheels and axle, or is not permanently affixed to a permanent structural device. Further, signs that are permanent in nature are exempt from this subsection provided that such signs meet all regulations of the pertinent subsections relating to permanent signs, and is approved and permit fees are paid in the Building Commissioner's office.
- (2) Any signs illuminated shall not flash, be intermittent in light source which exhibits changing effects by means of animation, or be externally-mounted intermittent light source; such as direction arrow, which are also defined as flashing signs. Permanent automatic changing signs such as time, temperature, date, or electronically controlled message counters are classified as "Changing Signs", not "Flashing Signs".
- (3) No sign or sign structure shall be erected at any location so as to interfere or obstruct traffic view at intersections of either public or private drive intersecting with a public right-of-way. Setback of said signs shall be a minimum of 20'-0" from curb at all intersections and shall not be placed in a public right-of-way.
- (4) No sign shall be confused with any authorized traffic sign, signal, or device. No rotating beam, beacon, or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "STOP", "LOOK", or "DANGER", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- (5) Signs shall be allowed in size up to a maximum of 64 square feet of advertising space for double faced signs. Sign shall be permitted by purchasing a sign permit in the Building Commissioner's office. A permitted sign shall be allowed at one location or address for a period of thirty (30) days from the issue of said permit. Sign shall be removed on the thirty-first (31st) day, and a sign shall not be located at the same location or address for a period of one hundred eighty (180) days at which time another permit may be obtained for an equal period of thirty (30) days.
- (6) Any person, business, or applicant allowing said sign to remain beyond the thirty (30) day period shall be subject to a fine not exceeding \$2,500.00 for each offense. Each subsequent day which such sign shall remain in place shall constitute a separate offense. The Town of Sellersburg may prosecute any such offense in the Sellersburg Town Court, or any other Court in Clark County of equal or greater civil jurisdiction.
- (7) Illuminated signs or signs that are electrified in nature shall be connected by an outdoor cord not to exceed 12'-0" in length from power source of the appropriate wire size pursuant to National Electric Code (Table 310) and shall be connected to a ground fault

receptacle pursuant to section 210-8 (A) (3). Under no circumstances shall extension cords be permitted. The Building Commissioner shall have the duty to enforce this requirement. Failure to meet this regulation will give the Building Commissioner the authority to disconnect said sign for safety of the general public. Failure of the applicant to obey these safety regulations may force the removal of said sign, and the permit being voided with no refund allowed. Sign shall also bear UL approval label affixed to unit.

- (8) Only one (1) sign shall be allowed at each single business address or parcel of property In the GO, B-1, B-2, I-1 or 1-2 District during each thirty (30) day period of time. Further, should said sign be used for "not-for-profit" use such as: church functions, service organizations, service clubs, or bona fide "not-for-profit" organizations, said sign shall be permitted for 1/2 permit fee under same regulations set forth in this Ordinance and shall be allowed in any district.

Section 2.16 - Landscaping Requirements

2.16.1 - Application

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

2.16.2 - Landscape Buffer Areas

- 2.16.2.1 - Where a multifamily or business use abuts a single or two-family use there shall be a ten (10) foot wide landscape buffer all along the rear and abutting sides.
- 2.16.2.2- Where an industrial use abuts any other type of use other than another industrial use, there shall be a ten (10) foot wide landscape buffer area all along the rear and abutting sides.
- 2.16.2.3 - All multi-family, business, and industrial uses shall have decorative landscaping along the front property line.
- 2.16.2.4- The landscape buffer area width shall not be greater than any required side or rear yard requirement. A landscape buffer area is to be free from development to accommodate the required landscaping and buffering materials. No structures (including buildings, parking lots, loading/unloading areas, or storage areas) are allow within the landscape buffer area except access ways, fences, walls, signs, lighting standards, or structures attendant to public utility service.
- 2.16.2.5 - In as much as there is no front yard setback in the B-2 district, the property owner is required to provide and maintain street trees in the public right-of-way.
- 2.16.2.6- A landscape Plan shall be submitted for approval.

2.16.3 - Spacing and size of Large Trees

- 2.16.3.1 - Large shade trees shall be planted a minimum of fifty feet (50') on center along all property lines. If an abutting property has large shade trees meeting this requirement along the common property line, this requirement may be waived by the Plan Commission.
- 2.16.3.2 - Large shade trees shall be defined by Group A of the Plant List attached. Other species of trees may be approved by the Plan Commission provided such trees are winter-hardy, high quality, low maintenance or improved select indigenous variety.
- 2.16.3.3 - Shade trees shall be a minimum of eight feet (8') in height with a 2-1/2 inch caliper trunk at the time of planting.

2.16.4 - Evergreen Spacing

- 2.16.4.1 - In lieu of the requirements of 2.16.3, the Plan Commission may allow the use of evergreen shrubs to serve as the landscape buffer. The Plan Commission must determine that the use of shrubs instead of trees shall not cause any adverse impacts to either affected property.
- 2.16.4.2- Evergreen shrubs shall be a minimum of thirty-six (36) inches tall, and when planted three feet (3') center-to-center, they shall have an opacity of 85%.
- 2.16.4.3 - Evergreen shrubs hall be defined by Group B of the Plant List attached.

Other evergreens deciduous shrubs may be approved by the Plan Commission provided such shrubs meet opacity requirements, are winter hardy, high quality, low maintenance or improved select indigenous variety.

2.16.5 - Continuous Hedge, Wall, Solid Fence or Earthen Berm

- 2.16.5.1 - In addition to the large trees required above, a six-foot high continuous hedge, wall, solid wooden fence or earthen berm shall be required along the side or rear property line when a multi-family or single-family attached dwelling abuts a single family detached dwelling, a multi-family use abuts a single-family attached dwelling, a nonresidential use adjoins a residential use, when an industrial use adjoins a non-industrial use, a business or office use adjoins a residential use or a institutional use adjoins a residential use.
- 2.16.5.2- In addition to the large trees required above, a six-foot high continuous hedge, wall, solid wooden fence or earthen berm shall be required along any street frontage of an industrial use or a use in the I-1 and I-2 zoning districts.

SECTION THREE **ADMINISTRATIVE AND ENFORCEMENT**

Section 3.1 - Improvement Location Permit

- (1) An Improvement Location Permit shall be required for the construction, reconstruction, enlargement or moving of any building or structure, and shall be applied for in writing and issued by an authorized employee of the Commission.
- (2) No permit shall be issued by an authorized employee of the Commission unless the proposed construction, reconstruction, enlargement or moving of the building or structure conforms with all the provisions of this Ordinance.
- (3) Application for said Permit shall be made upon forms prescribed by the Plan Commission and shall be attached to plans and specification of significant detail to ensure that the staff be able to determine whether the proposed improvements are in compliance with this Ordinance. A District Development Plan (see Section 3.7) shall accompany all uses in the RPO, GO, "B", M HP, and "I" Districts.
- (4) The applicant shall post said Permit in a prominent place and protect it from destruction on the site prior to and during the period of construction.
- (5) The permit may be revoked if active work is not commenced within sixty (60) days after the date of its issue, or if work has started and then stopped for a period of six (6) months.
- (6) The authorized employee of the Commission may revoke said permit if work is not proceeding according to the detailed statement, District Development Plans and specifications filed with the permit application, or is perceived in violation of this Ordinance. It shall be his duty to give notice thereof to the owner or his agent requiring that the same shall be immediately rectified.

- (7) In the event that a dwelling within a Commission approved and recorded plat is occupied prior to the completion of the improvement serving the dwelling (as shown in the subdivision improvement plans), or if such improvements are completed but not operational, the authorized employee of the Plan Commission shall not issue any additional Improvement Location Permits within said subdivision until all improvements are approved by the Commission, certifying them as complete and operational.

Section 3.2 - Buildings Under Construction

This Ordinance shall require no change in the plans, construction or intended use of any building or structure, which was legally started before the effective date of this Ordinance. Said building or structure may be completed and used in accordance with plans and specification, provided however, the construction of such buildings or structures shall be completed within one (1) year after the effective date of this Ordinance.

Section 3.3 - Fees

Applications and petitions of concern to the provision of this Ordinance shall be accompanied by a filing fee.

- (1) Fees shall be set by the Town Council. If the fees as established by the Town Council do not meet the operating expenses of the Plan Commission, the Plan Commission may request a fee increase from the Town Council.
- (2) The following are exempt from the above fees:
 - (a) Government bodies.
 - (b) Government owned or operated utilities.
 - (c) Construction or reconstruction for agricultural purposes.

Section 3.4 - Petition

3.4.1 - Contingent Uses

- (1) Application for a contingent use shall be filed with the Board of Zoning Appeals no later than the first Tuesday of each month, for the meeting to be held the following month. Applications shall be submitted on a form of available at the Plan Commission Office (Town Hall), shall be completed by the applicant or his agent, and shall include a District Development Plan in accordance with Section 3.7.

3.4.2 - Special Exceptions and Variances

- (1) Application for a variance or special exception shall be filed with the Board of Zoning Appeals no later than the first Tuesday of each month, for the meeting to be held the following month. Applications shall be submitted on a form of available at the Plan Commission Office (Town Hall), shall be completed by the applicant or his agent, and shall include a District Development Plan in accordance with Section 3.7.
- (2) Copies shall be submitted to the Plan Commission office.

3.4.3 - Publication

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

3.4.4 - Rezoning

- (1) All petitions for rezoning shall be filed in seven (7) copies. Each petition shall consist of an application, location map and district development plan (refer to Section 3.7), and proposed ordinance and shall be filed with the Plan Commission (Town Hall) no later than the first Tuesday of each month for the meeting of the following month.
- (2) The petitioner shall mail by certified mail a copy of this petition to all owners of record of real estate which are contiguous to subject real estate, whether separated by any street, alley, easement, or any other public way. Owner of record shall be those shown on the record of the Auditor of Clark County. Said mailing shall not be less ten (10) days before said petition is set for a public hearing before the Plan Commission.
- (3) The petitioner or his attorney shall file with the Plan Commission at least seven (7) days prior to the public hearing of said petitioner, an affidavit showing the names and addresses of the contiguous owners and the date that a copy of the petition was mailed to them. The affidavit shall become part of the record pertaining to the petition. Applicant shall submit certified mail receipts at the meeting.
- (4) Notice of public hearing of any petition shall be advertised at least ten (10) days prior to the public hearing in a daily newspaper of general circulation published within the county.
- (5) In preparing and considering proposals under IC 36-7-4-603, the Plan Commission and the legislative body shall pay reasonable regard to:
 - (a) The comprehensive plan;
 - (b) Current conditions and the character of current structures and uses in each district;
 - (c) The most desirable use for which the land in each district is adapted;

- (d) The conservation of property values throughout the jurisdiction; and
- (e) Responsible development and growth.

3.4.5 - General Parking Waiver

All petitions for General Parking Waiver shall be filed in seven (7) copies. Each petition shall consist of an application, location map and District Development Plan (refer to Section 3.7), and proposed ordinance and shall be filed with the Plan Commission (Town Hall) no later than the first Tuesday of each month for the meeting of the following month.

Section 3.5 - Contingent Uses

3.5.1 - Purpose

The following regulations are provided to govern contingent uses which may be approved by the Board of Zoning Appeals after a public hearing.

3.5.2 - Agricultural Greenhouse, Commercial

3.5.2.1 The Board of Zoning Appeals shall issue a contingent use permit for agricultural crops in the B-2 and B-3 Districts after first holding a public hearing to determine compatibility with the surrounding development.

3.5.2.2 The site size shall be a minimum of one-half acre.

3.5.2.3 The temporary display of items shall not intrude into the front yard setback or landscape buffer areas. All material storage shall be screened from public view from the street or abutting properties, or shall be inside a building.

3.5.3 - Cemeteries and Mausoleums

3.5.3.1 - Location

A cemetery or mausoleum may be granted a contingent use permit by the Board of Zoning Appeals to locate in the R-2, R-3, RPO, GO, B-1, and B-3 zones.

3.5.3.2 - Site Plan

Any proposal for a cemetery or mausoleum shall be accompanied by a general district development plan showing all ingress, egress, building sites, external road system, and such other information as may be required by the Board of Zoning Appeals

3.5.3.3 - Accessory Uses

Accessory uses included on the site must be clearly defined and all such accessory uses must be compatible with the surrounding uses and be no more objectionable than the principal use.

3.5.3.4 - Area

Any new cemetery shall be located on a site containing not less than twenty acres.

3.5.3.5 - Setback

All structures including but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than thirty-five feet from any property line or street right-of-way line, and all graves or burial lots shall be set back not less than twenty-five feet from any property line or street right-of-way.

3.5.3.6 - Landscaping

All required yards shall be landscaped and maintained, and shall comply with Section 2.16. For purposes of security, a six-foot high fence or wall shall be provided on all property lines.

3.5.3.7 - Compatibility

The proposed use must be entirely compatible with adjacent land uses.

3.5.3.8 - Access

Access to the proposed site must be adequate in order that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations.

3.5.4 - Day Care Centers and Kindergartens

3.5.4.1 - Location

A day care center or kindergarten may be granted a contingent use permit in the R-3, RPO, and MHP zones when located not less than twenty (20) feet from any other lot in an "A" District or "R" District, provided that there is established, maintained, and used for the children at play in connection therewith, one or more completely and securely fenced play lots.

3.5.4.2 - District Development Plan

Any proposed day care center or kindergarten shall provide a general District Development Plan showing all ingress and egress, parking, structure site, and playing area.

3.5.4.3 - Total Area

The total lot area of any day care center or kindergarten shall not be less than fifteen thousand square feet.

3.5.4.4 - Play Area

All day-care centers or kindergartens shall provide a fenced play area of one thousand square feet for the first ten children with seventy-five additional square feet for each additional child. No portion of the play area shall be closer than thirty-five feet from any public street.

3.5.4.5 - Parking Requirements

Parking facilities required by this title have been provided (see Section 1.27.5).

3.5.4.6 - Other Regulations

Any state and local regulations for day care centers and kindergartens must be followed.

3.5.5 - Fire and Police Stations

3.5.5.1 The Board of Zoning Appeals shall issue a contingent use permit for fire and police stations in the A, R-1, R-2, R-3, and RPO Districts after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.5.2 Each site must be proposed in accordance with the Comprehensive Plan of Sellersburg.

3.5.5.3 Fire and Police stations can be located in the specified zones provided adequate access is provided to such facility.

3.5.6 - Fraternities and Sororities

3.5.6.1 - Location

The Board of Zoning Appeals shall issue a contingent use permit for fraternities and sororities in the R-2 and RPO Districts after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.6.2 - Parking Requirements

All roads and parking areas shall be surfaced with a hard and durable material and properly drained. Minimum parking areas in the ratio of one space for each two occupants of the fraternity or sorority shall be provided.

3.5.6.3 - Architecture

The design and architecture of the building shall be compatible with surrounding uses.

3.5.7 - Funeral Homes/Parlors

3.5.7.1 - Location

Funeral homes and parlors may be permitted in the R-2, R-3, RPO, and GO Districts where the premises are located on an arterial or collector street designated by the Comprehensive Plan. Principal access is prohibited to local neighborhood streets.

3.5.7.2 - Minimum Site Size

The site shall be of fifty thousand square feet of area or larger.

3.5.7.3 - Parking Requirements

The off-street parking area shall include fifteen parking spaces plus five spaces for each room (in excess of three) which can be used as a parlor or chapel. No off street parking shall be located between the street and the building. The parking area and all driveways will be surfaced with an all weather, hard and durable material and properly drained.

3.5.7.4 - Landscaping

The auto parking area shall be screened by a dense evergreen shrub screen with a minimum height of six feet, or a wall constructed of brick, stone, or woven wood with a minimum height of six feet.

3.5.7.5 - Architecture

The design and architecture of the building shall be compatible with surrounding residential uses.

3.5.8 - Group Homes

3.5.8.1 - Location

The Board of Zoning Appeals shall issue a contingent use permit for group homes in the R-2 District after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.8.2 - Parking Requirements

The minimum parking requirements shall be two (2) parking spaces per dwelling unit.

3.5.9 - Municipal Buildings (Administrative)

3.5.9.1 The Board of Zoning Appeals shall issue a contingent use permit for administrative municipal buildings in the R-1, R-2, R-3, and RPO Districts after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.9.2 Each site must be proposed in accordance with the Comprehensive Plan of Sellersburg.

3.5.9.3 Administrative municipal buildings can be located in the specified zones provided adequate access is provided to such facility.

3.5.10 - Municipal Buildings (Garage/Repair/Storage)

3.5.10.1 The Board of Zoning Appeals shall issue a contingent use permit for municipal buildings used for purposes such as storage in the A, RPO, GO, B- 1, and B-3 Districts after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.10.2 Each site must be proposed in accordance with the Comprehensive Plan of Sellersburg.

3.5.10.3 These municipal buildings can be located in the specified zones provided adequate access is provided to such facility.

3.5.11 - Nursing Homes

3.5.11.1 -Location

Nursing homes may be permitted in the R-2, RPO, and GO Districts where the premises are on an arterial or collector street as designated by the Comprehensive Plan. All buildings and structures shall conform to the front, street side and rear yard requirements of the district in which they are located and shall be located at least thirty feet from any side property line.

3.5.11.2 - Signs

One sign, not to exceed sixty square feet in area, may be placed at each of the major entrances, superseding Section 2.15.4(1)(c).

3.5.11.3 - Parking Requirements

All roads and parking areas shall be surfaced with a hard and durable material and properly drained. Minimum parking areas in the ratio of two spaces for each five beds plus one space for every two employees per peak shift shall be provided.

3.5.12 - Religious Organizations

3.5.12.1 The Board of Zoning Appeals shall hold a public hearing before issuing a contingent use permit for a church, temple, synagogue, or other structure for religious activities in the "A" Districts, the "R" Districts, and the "B" Districts. Such a hearing shall determine that:

- a) the design of the structure is compatible with the surrounding neighborhood;
- b) off street parking meets requirements of Section 1.27.5;
- c) adequate access is provided to an arterial or collector street and traffic is not required to travel through a residential neighborhood; and
- d) building setbacks for the side and rear yards shall be increased an additional five feet for each story in excess of two stories except in the B-2 district.

3.5.13 Rod and Gun Club-Skeet Range

3.5.13.1 - Location

The Board of Zoning Appeals may issue a contingent use permit for rod, archery and/or gun club or skeet range in the B-3, IB-1, I-1, and I-2 zones.

3.5.13.2 District Development Plan

A general District Development Plan shall show all property boundaries, building location, and shooting ranges.

3.5.13.3 - Noise

Adequate data shall be provided relative to noise level produced by the activity.

3.5.13.4 - Access

Access shall be at least to a collector road and adequate parking shall be provided.

3.5.13.5 - Additional Restrictions

The Board of Zoning Appeals may impose such restrictions as are deemed necessary to protect surrounding uses from any offensive noise or traffic.

3.5.14 - Rooming/Lodging Houses

3.5.14.1 –Location

The Board of Zoning Appeals shall issue a contingent use permit for rooming/lodging houses in the R-2 and RPO Districts after a public hearing to determine compatibility with the surrounding development and conformities.

3.14.2 - Parking Requirements

There shall be a minimum of one (1) parking space per occupant plus two (2) spaces for the resident owner.

3.5.15 - Schools

3.5.15.1 The Board of Zoning Appeals shall issue a contingent use permit for schools in the "A" Districts, the "R" Districts, and the "B" Districts, after first holding a public hearing to determine compatibility with the surrounding development and conformities.

3.5.15.2 Each site must be proposed in accordance with the Comprehensive Plan of Sellersburg.

3.5.15.3 Elementary schools can be located in the specified zones provided adequate access is provided to such facility.

Section 3.6 - Special Exceptions

- (1) Special exceptions of this Ordinance may be permitted, enlarged or altered upon authorization of the Board of Zoning Appeals in accordance with the standards and procedures as set forth in this section.
- (2) The Board may authorize a special exception as defined herein, provided the evidence presented at the public hearing is such as to establish beyond a reasonable doubt:

(a) That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or communities.

(b) That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of the person residing or working in the vicinity, or injurious to property value or improvements in the vicinity.

(c) The proposed use will comply with regulations and conditions specified in this Ordinance for such use and with the stipulation and condition made a part of the authorization granted by the board.

(3) Time Limits

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

(4) Granting of Use

The grant of a special exception by the Board shall be by resolution and shall not be by ordinance (meaning the Zoning Ordinance) after a public hearing.

(5) Notice Posting

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

(6) The Plan Commission or BZA shall send copies of the agenda or minutes for meetings to the Town Council of Sellersburg, Indiana.

3.6.1 - Purpose

The following regulations are provided to establish specific criteria and conditions which shall be met before the Board of Zoning Appeals may grant a special exception permit after a public hearing for any uses listed in Section 3.6.

3.6.2 - General Regulations and Conditions

3.6.2.1 - Investigation

The Board of Zoning Appeals shall request a recommendation from the plan commission or their agent which shall investigate each proposed use to determine that it is properly related to adjacent land uses and with other uses permitted in the zone.

3.6.2.2 - Hearing

The Board of Zoning Appeals shall hold a public hearing on each requested use.

3.6.2.3 - Special Conditions

The Board of Zoning Appeals may impose such conditions and restrictions deemed necessary to ensure compatibility with the surrounding area.

3.6.2.4 - Landscaping

The Board of Zoning Appeals shall determine that adequate landscaping and buffering are provided where appropriate.

3.6.2.5 - General Restrictions

Those uses which in the judgment of the Board of Zoning Appeals would constitute an objectionable use of property due to potential noise, increased pedestrian and vehicular traffic or any other conditions which might interfere with the general welfare of the surrounding area should not be granted special exception permits.

3.6.2.6 – Abatement

If, at any time, the person who has been issued a special exception permit carries on an operation which is not in accord with the above standards or interferes with the general welfare of the surrounding area, the board of zoning appeals shall have cause to terminate this special permit.

3.6.3 - Airports

3.6.3.1 The Board of Zoning Appeals shall issue a special exception permit for an airport or heliport in the A, GO, B-3, 1B-1, I-1, and 1-2 Districts and the "I" Districts after first holding a public hearing to determine compatibility with the surrounding development.

3.6.3.2 Each site must be proposed in accordance with the comprehensive plan of Sellersburg.

3.6.3.3 Direct access shall be provided to an arterial street without passing through any residential area.

3.6.3.4 There shall be no noise sensitive uses (e.g., residential, institutional and medical uses) within the 65 Ldn noise contours of the airport.

3.6.3.5 All structures shall be at least one hundred (100) feet from all property boundaries.

3.6.3.6 All property boundaries shall be landscaped in accordance with Section 2.16.5.

3.6.4 - Artificial Lakes

3.6.4.1 - Location

The Board of Zoning Appeals shall issue a special exception permit for artificial lakes in the B-3 districts after first holding a public hearing to determine compatibility with the surrounding development.

3.6.4.2 - Parking, Signing, and Landscaping Requirements

The parking requirements of Section 1.27.5, the signing requirements of Section 2.15, and landscaping requirements of Section 2.16 shall be met.

3.6.5 - Auto Parking

3.6.5.1 - Location

Auto parking areas may be permitted in the GO, B-1, and B-2 districts provided the off street parking area:

- a) will serve a building for which insufficient off-street parking space has been provided,
- b) will materially relieve traffic congestion on the street,
- c) will not introduce significant traffic passing through a residential area,
- d) will be used exclusively for transient parking of motor vehicles, and
- e) will be compatible with surrounding development.

3.6.5.2 - Yard Requirements

The entire area shall have a landscape buffer, and the edge of pavement for parking shall be no closer than five (5) feet to any property line.

3.6.5.3 - Landscaping

The auto parking area shall be screened by a dense evergreen shrub screen with a minimum height of six feet, or a wall constructed of brick, stone, or woven wood with a minimum height of six feet.

3.6.5.4 - Parking Area Surface

The parking area and all driveways s will be surfaced with an all-weather, hard and durable material and properly drained.

3.6.6 - Bars and Taverns with Adult Entertainment (Includes Adult Book and Video Stores)

3.6.6.1 -Location

Bars and Taverns with Adult Entertainment may be permitted only in the 1-2 District and only upon licensure by the appropriate jurisdictions and agencies having regulatory authority. The adult entertainment shall be totally enclosed within a building, and no adult entertainment activity shall be visible (e.g., through doors, windows or other openings) from the public right-of-way or any abutting property.

3.6.6.2 - Signing

All signing shall comply with the Section 2.15.4(2), and shall not contain wording or pictures that would be considered objectionable as defined by the "ADULT ENTERTAINMENT" definition.

3.6.6.3 - Landscaping and Off Street Parking Requirements

All landscaping requirements of Section 2.16 and off street parking requirements of Section 1.27.5 shall be met, and no waivers of these requirements shall be made by the Board of Zoning Appeals.

3.6.7 - Bars and Taverns with Live Entertainment

3.6.7.1 - Location

Bars and Taverns with Live Entertainment may be permitted in the B-3 District and only upon licensure by the appropriate jurisdictions and agencies having regulatory authority. No live entertainment activity (inside or outside) shall be visible (e.g., through doors, windows or other openings) from the public right-of-way or any abutting property. Any outdoor live entertainment may be subject to limitations regarding the hours of operation, and sound and light beyond the property line.

3.6.7.2 - Parking, Signing and Landscaping

The parking requirements of Section 1.27.5, signing requirements of Section 2.15.4(2) and landscaping requirements of Section 2.16 shall be met.

3.6.8 - Camps and Resorts

3.6.8.1 - Location

The Board of Zoning Appeals shall issue a special exception permit for camps and resorts in the "B-3" District after first holding a public hearing to determine compatibility with the surrounding development.

3.6.8.2 - Parking, Signing and Landscaping

The parking requirements of Section 1.27.5, signing requirements of Section 2.15.4(2) and landscaping requirements of Section 2.16 shall be met.

3.6.9 - Civic and Community Clubs

3.6.9.1 The Board of Zoning Appeals shall hold a public hearing before issuing a special exception permit for civic or community clubs in the A, R-1, R-2, R-3, RPO, GO, B-1, and B-2 Districts. Such hearing shall determine that:

- a) the design of the structure is compatible with the surrounding neighborhood;
- b) off street parking meets requirements of Section
- c) adequate access is provided to a major thoroughfare and tram is not required to travel through a residential neighborhood; and
- d) the civic or community club is organized as a not-for-profit, service-oriented association.

3.6.10 - Correctional and Mental Facilities

3.6.10.1 - Location

Correctional and mental facilities may be permitted by special exception of the Board of Zoning Appeals in the following zones:

- a) Correctional facilities in B-2, B-3 and 1-2 zones;
- b) Mental health facilities in GO and B-3 zones.

3.6.10.2 – Access

Adequate access is provided and the use is located on a street designated at least as a collector.

3.6.10.3 - Safety

The safety of the surrounding area will not be impaired and the use is compatible with adjacent and surrounding uses.

3.6.10.4 - Parking

Parking facilities have been provided in accordance with Section. 1.27.5 as required for hospitals.

3.6.11 - Hazardous, Objectionable, and Obnoxious Uses

3.6.11.1 - Location

The following "hazardous, objectionable and obnoxious" uses may be permitted in the I-2 District upon approval of a "special exception" permit by the Board of Zoning Appeals:

- (1) Acetylene gas manufacturing.
- (2) Acid manufacturing.
- (3) Ammonia bleach powder.
- (4) Arsenal.
- (5) Asphalt manufacturing or refining.
- (6) Bars and taverns with Adult Entertainment.
- (7) Chemicals and Chemical Products.
- (8) Coke ovens.
- (9) Correctional Facilities.
- (10) Creosote treatment or manufacturer.
- (11) Distillation of bones, coal or wood.
- (12) Fat and/or animal renderings.
- (13) Fireworks or explosives manufacturing or storage.
- (14) Glue manufacturing.
- (15) Gunpowder manufacturing or storage,
- (16) Incinerators, municipal or private, and solid wasteland fill.
- (17) Junk, salvage, auto, wrecking yard.
- (18) Meat, fish slaughtering and processing.
- (19) Mining - shaft, or strip.
- (20) Paint, oil, shellac, turpentine, lacquer or varnish manufacturing.
- (21) Paying and Concrete Blocks.
- (22) Petroleum or petrol products, refining, and storage.
- (23) Rock crushing.

- (24) Smelters.
- (25) Stockyards or feeding lots.
- (26) Stone quarries.
- (27) Sulfuric, nitrate, hydrochloric, or picric acid manufacturing.
- (28) Tar distillation or manufacturing.
- (29) Vinegar manufacturing.
- (30) Yeast plant.
- (31) And, in general, those uses which have been declared a nuisance in any court records or which are or may be unreasonable, obnoxious, or offensive in the opinion of the Plan Commission, by reason of emission of odor, vapor, smoke, gas or noise.

3.6.11.2 - General Conditions for All Hazardous Uses

- (1) The Board of Zoning Appeals shall review the Comprehensive Plan, the plans and statements of the applicant, and shall not permit such buildings, structures, or uses until it has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons.
- (2) All special exceptions must comply with the requirements of subsections 2.13.6 to 2.13.15.

3.6.11.3 - Special Conditions for Junk, Wrecking, and Automobile Storage Yards

- (1) No processing or metal salvage may be permitted in the I-1 zones. All other waste processing shall be entirely within an enclosed building. No processing operation shall be permitted closer than three hundred feet from any established residential district.
- (2) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front, side, and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street, or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
- (3) One access driveway shall be permitted on any single street frontage.
- (4) The applicant shall deposit cash, certified check, or bond with surety with the Board of Zoning Appeals to insure proper compliance with these regulations before any operations are commenced. This deposit shall be returned upon the cessation of the activity.

3.6.11.4 - Special Conditions for Mining, Mineral Extraction, Excavation, Filling and Disposal Operations

- (1) The normal excavation or filling of earth not to exceed eight acre-feet per acre of disturbed area for the construction of buildings is exempted from this section and shall be subject only to the improvement location permit.
- (2) The extraction or filling in excess of eight acre feet per acre of disturbed area; extraction and development of oil, gas, and other hydrocarbons; and the excavation and development of earth products, mineral and other natural resources (including coal, sand, gravel, quarries, borrow pits); filling with non-combustible or inorganic material; and refuse disposal operations (where by landfill' incineration) shall be subject to "special use" permit.
- (3) No mining, extraction or filling shall be within 300 feet of a state highway or within 150 feet of any other public way or within fifty (50) feet of any property boundary. No building or structure, except fencing, shall be located closer than 30 feet from any site boundary line. No incinerators shall be located closer than two hundred (200) feet of any site boundary.
- (4) All roads and parking areas shall be surfaced with a hard and durable material and properly drained, except for temporary roads used for the extraction or filling of materials.
- (5) For excavation, filling and refuse disposal operations, a plan drawn at a scale of not less than one hundred feet to the inch shall be submitted showing the following:
 - (a) The exact boundaries of the site and access to public ways.
 - (b) Present and proposed use of land, the arrangement of all existing and proposed buildings, structures, roads, drives, parking areas, loading spaces, water, sewer, power and other utility lines, sanitary facilities, surface drainage, landscaping, signing, fencing, and other features and facilities to be installed or used in connection with the proposed operation.
 - (c) Topography at two-foot intervals.
 - (d) Cross sections at critical points to illustrate the methods to be employed in the process of excavation or fill.
 - (e) Locations where the excavation and filling operations will commence and the procedural sequence of operations.
 - (h) The names and addresses of all adjoining properties and the name of the engineer who prepared the plan.
 - (f) Methods to be employed for surface drainage during and after completion of operations.
 - (g) The volumes of materials to be excavated and filled for each location on the site where operations are to be carried out.
- (5) Side slopes for excavations and fills in earth, sand or gravel shall not exceed a slope of one foot vertical for two feet horizontal and shall be blended into undisturbed existing surfaces.

- (6) A chain link fence of six feet in height with three stands of barbed wire over the top shall be installed along the boundaries of excavated, filled or drilling areas; shall be provided with gates that shall remain locked at all times when active operations are not taking place, and shall be properly maintained until all operations are completed and all disturbed surfaces have been restored.
- (7) Provision shall be made for the disposal of surface water falling on or crossing the site at all times during and after completion of operations so as not to disturb the normal flow of any public drain, or abrogate the riparian rights of any other party.
- (8) The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
- (9) A layer of clean earth, at least two feet thick, shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application. The finished surface of the site shall blend into to the adjoining properties
- (10) In no event will the premises be used for salvage operations of any kind without special approval within the permit.
- (11) No materials defined as hazardous by the Indiana Department of Natural Resources will be allowed as fill material.
- (12) No more than one well for the extraction of hydrocarbons shall be permitted for each five acres of land.
- (13) Within ninety days after the drilling of each well has been completed and production started, the derrick and all other drilling equipment shall be removed from the site.
- (14) Any derrick erected for servicing operations shall be of a portable type.
- (15) After a well has been brought into production, no earthen sumps shall be used for the storage of petroleum or its by-products.
- (16) Firefighting equipment, as required and approved by the fire department concerned, shall be maintained on the premises at all times during drilling and production operation.
- (17) Any scarring of hillsides resulting from construction operations shall be landscaped and replanted to native plant materials.
- (18) No plant for the refining of petroleum products from such operations shall be permitted on the site.
- (19) All drilling, excavation, filling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration, and obnoxious odors, in accordance with the best accepted practices incident to drilling for, and production of, oil, gas, and other hydrocarbon substances and the extraction of sand, gravel and minerals.
- (20) In the event oil or gas is not produced in paying quantities all material, equipment, and structures used in the drilling operations shall be completely removed from the site, and the well properly abandoned within one hundred twenty days after drilling operations cease.
- (21) Upon completion of drilling, Re-drilling, or conditioning operations, and on abandonment of the well, all earthen sumps shall be drained and backfilled to the

natural grade. Subject to the above conditions, a new sump may be constructed upon resumption of conditioning or re-drilling operations.

- (22) The applicant shall deposit cash, certified check, or bond with surety with the Board of Zoning Appeals to insure proper compliance with these regulations before operations are commenced. The deposit shall be returned upon cessation of the activity.

3.6.12 - Hospitals

3.6.12.1 - Location

Hospitals may be permitted in the R-1, R-2, R-3, RPO, GO, B-1, and B-3 Districts where the premises are on an arterial or collector street as designated by the Comprehensive Plan. All buildings and structures shall conform to the front, street side and rear yard requirements of the district in which they are located and shall be located at least thirty feet from any side property line.

3.6.12.2 - Signs

One sign, not to exceed sixty square feet in area, may be placed at each of the major entrances, superseding Section 2.15.4(l) (c).

3.6.12.3 - Parking Requirements

All roads and parking areas shall be surfaced with a hard and durable material and properly drained. Minimum parking areas in the ratio of two spaces for each five beds plus one space for every two employees per peak shift shall be provided.

3.6.13 - Lodge Halls

3.6.13.1 - Location

Lodge halls may be permitted in the B-1, B-2, and B-3 Districts. No live entertainment activity (inside or outside) shall be visible from the public right-of-way or any abutting property. Any outdoor live entertainment may be subject to limitations regarding the hours of operation, and sound and light beyond the property line.

3.6.13.2 - Yard Requirements

The side and rear yard requirements shall be twenty (20) feet.

3.6.13.3 - Parking/Landscaping Requirements

At least one parking space per two hundred (200) square feet of building shall be provided off of the street. The parking area shall be in an area to the rear of the premises, so that the off street parking area shall not be between a street and the building. The parking area shall not be within ten (10) feet of the side and rear property lines Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of six feet, or a wall constructed of brick, stone, or woven wood with a minimum height of six feet.

3.6.13.4 - Signing Requirements

The signing requirements of Section 2.15.4(2) shall apply for this use

3.6.14 - Outdoor Amusements

3.6.14.1 - Location

The Board of Zoning Appeals shall issue a special exception permit for outdoor amusements in the B-3 District after first holding a public hearing to determine compatibility with the surrounding development.

3.6.14.2 - Parking, Signing and Landscaping

The parking requirements of Section 1.27.5, signing requirements of Section 2.15.4(2) and landscaping requirements of Section 2.16 shall be met.

3.6.15 - Professional Offices

3.6.15.1 - Location

Professional offices of not more than five persons may be permitted in the R-3 District where the premises abut on an arterial or collector street designated by the Comprehensive Plan.

3.6.15.2 - Signs

There shall be allowed one non-illuminated identification sign indicating the name and occupation, which sign shall comply with Section 2.15.4(1)(e).

3.6.15.3 - Building Exterior

The building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character with the immediate neighborhood, so that there is no evidence from the street that the uses is other than residential (except for the sign).

3.6.15.4 - Building Size

The building shall contain at least eight-hundred square feet, but not more than two thousand square feet of floor area.

3.6.15.5 - Parking/Landscaping Requirements

At least one parking space per two hundred (200) square feet of building space or one parking space per employee, whichever is greater, shall be provided off of the street in an area to the rear of the premises, so that the off-street parking area shall not be between a street and the building. Said parking area must be paved by asphalt or concrete and shall be screened by a dense evergreen shrub screen with a minimum height of six feet, or a wall constructed of brick, stone, or woven wood with a minimum height of six feet.

3.6.16 - Railroad Yards

3.6.16.1 - Location

Railroad equipment may be permitted in any zone as a special exception after a public hearing by the Board of Zoning Appeals.

3.6.16.2 -Need

The railroad shall show a need for the equipment at the location proposed and further show that locations proposed will best serve the planned development of the area which it is intended to serve

3.6.16.3 - Landscaping Requirements

All railroad equipment shall be screened from adjacent uses with a permanent landscape screen.

3.6.17 Residential - Single-Family Attached Dwelling (Townhouse)

3.16.17.1 -Location

The Board of Zoning Appeals may issue a special exception single-family attached dwellings (townhouses or row houses) in the R-2 and RPO Districts.

3.16.17.2 - Conditions

- (a) The minimum lot area, dwelling unit density, yard and lot coverage standards of the R-2 District shall be observed.
- (b) The landscaping required in Section 2.16.5 shall be observed.
- (c) No parking shall be permitted in the front yard nor in front of the structures if it abuts residential or other uses without parking in front of the front building line.

3.6.18 Residential - Multi-Family Dwelling

3.6.18.1 - Location

The Board of Zoning Appeals may issue a special exception for multi-family dwellings in the R-2 District.

3.6.18.2 - Conditions

- (a) The minimum lot area, dwelling unit density, yard and lot coverage standards of the R-2 District shall be observed.
- (b) The landscaping required in Section 2.16.5 shall be observed for both the perimeter and vehicle use areas.

- (c) No parking shall be permitted in the front yard nor in front of the building if there are any structures without parking in front of the building line in the block.

3.6.19 - Schools (Trade and Business)

3.6.19.1 - Location

The Board of Zoning Appeals shall issue a special exception permit for trade and business schools in the GO and B-1 Districts after first holding a public hearing to determine compatibility with the surrounding development.

3.6.19.2 - Parking, Signing and Landscaping

The parking requirements of Section 1.27.5, signing requirements of Section 2.15.4(2) and landscaping requirements of Section 2.16 shall be met.

3.6.20 - Seasonal Fish and Hunting Lodge

3.6.20.1 - Location

The Board of Zoning Appeals shall issue a special exception permit for a seasonal fish and hunting lodge in the B-3 District after first holding a public hearing to determine compatibility with the surrounding development.

3.6.20.2 - Parking, Signing and Landscaping

The parking requirements of Section 1.27.5, signing requirements of Section 2.15.4(2) and landscaping requirements of Section 2.16 shall be met.

3.6.21 - Utility Transmission Equipment

3.6.21.1 - Location

Utility transmission equipment may be permitted in any zone as a special exception after a public hearing by the Board of Zoning Appeals.

3.6.21.2 - Need

The utility company shall show a need for the equipment at the location proposed and further show that locations proposed will best serve the planned development of the area which it is intended to serve.

3.6.21.3 - Landscaping Requirements.

All utility transmission equipment shall be screened from adjacent uses with a permanent landscape screen.

Section 3.7 - District Development Plan Requirements

3.7.1 - Purpose

The District Development Plan is necessary to determine and demonstrate compliance with the zoning regulations per IC 36-7-4-601(d)(3), IC 36-7-4-613 and IC 36-7-4-921.

3.7.2 - Application

- (1) District Development Plans are required for all Districts involving a petition for rezoning, contingent uses, special exceptions, variances, and /or parking waivers.
- (2) District development plans are required for all uses in the RPO, GO, "B", MHI and "I" Districts involving an application for an Improvement Location Permit in accordance with Section 3.1.
- (3) Section 2.4 defines the site plan requirements for the Mobile Home Park (MHP) District.

3.7.3 - Requirements

- (1) Elements of District Development Plan

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

- (a) Existing topography, with a contour interval of two (2) feet and not greater than five (5) feet on steep slopes unless specifically waived by the Plan Commission. Existing topography with a contour interval less than two (2) feet based on field survey may be required by the Commission for all or part of the subject property as existing topographic conditions warrant. Proposed contours with the same contour interval and finished grade spot elevations are also required,
- (b) Vicinity map with measurements to existing streets;
- (c) Boundary description, including area and bearings and dimensions of all property lines;
- (d) Names of all adjoining property owners;
- (e) Lot size and location, height, floor area, and arrangement of proposed and existing buildings;
- (f) Proposed use of structures on the subject property, or, at the Plan Commission's discretion, the categories of uses proposed for the subject property;
- (g) Existing tree masses, significant rock out-cropping, streams, flood plains, and other natural features;

- (h) Provisions for screening and buffering, landscaping, recreational, and open space area;
- (i) The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways;
- (j) Provisions for handling surface water drainage and utilities information, where appropriate, such as proposals for gas, water, electricity, telephone service, sewage lines, fire hydrants, and similar information, and the location and dimensions of other existing or proposed easements;
- (k) Demonstration of compliance With land use intensity requirements;
- (l) Proposed stages of development, if applicable, and the anticipated time required to develop each stage;
- (m) The location of any burial grounds or cemeteries; wetlands, or hazardous material dumpsites;
- (n) North Arrow,
- (o) Other such information the Plan Commission deems appropriate;
- (p) All site plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan.
- (q) Sanitary sewer facilities shall be designed to the latest Indiana Department of Environmental Management and Ten States Standards, and storm drainage facilities shall be designed to the latest Storm Water System Design Criteria adopted by the town. Engineering computations must be submitted.

(2) Scope of Plan Commission Review

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

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;
- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
- (c) The provision of sufficient open space (scenic and recreation) to meet the needs of the proposed development;
- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

(e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

(f) Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.

(3) Developer Commitment

In accordance with IC 36-7-4-613 and IC 36-7-4-921, the Plan Commission (or Board of Zoning Appeals) may require the owner of a parcel of property to make a written commitment concerning the use and development of the subject property.

SECTION FOUR

BOARD OF ZONING APPEALS

Section 4.1 - Establishment: Membership: Term

(1) The Board of Zoning Appeals is hereby established as a part of the Sellersburg Plan Commission, under the provisions of IC 36-7-4-902(a).

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

- (a) Three (3) citizen members appointed by the Town Council President of Sellersburg, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
- (b) One (1) appointed by the Town Council of Sellersburg, who must not be a member of the Plan Commission.
- (c) One (1) citizen member appointed by the Plan Commission, who must be a member of the Plan Commission other than the member appointed under the subsection (a).

(3) The terms of the office shall be as follows:

- (a) One (1) member for a term of one (1) year. One (1) member for a term of two (2) years. One (1) member for a term of three (3) years. Two (2) members for a term of four (4) years.
- (b) Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.
- (c) Thereafter, as a term expires, each new member shall be appointed for a term of four (4) years. Each member is eligible for reappointment.

- (4) If a vacancy occurs among the membership, the original appointing authority shall appoint a new member for the unexpired term
- (5) The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership at the first meeting of the year. The vice-chairman shall have the authority to act as chairman during the absence of or disability of the chairman.
- (6) The majority of the entire membership of the BZA shall constitute a quorum. No action is official, however, unless authorized by a majority of the members of the Board.

Section 4.2 - Powers of the Board of Zoning Appeals

The Board of Zoning Appeals shall have all the powers and duties as provided under the provision of IC (36-7-4-900 series) as amended.

4.2.1 - Appeals

The Board of Zoning Appeals shall hear and determine appeals from and review [IC 36-74-918.1]:

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

4.2.2 - Special Exceptions and Contingent Uses

The Board of Zoning Appeals shall approve or deny all:

- (1) special exceptions; and
- (2) contingent uses;

from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The Board may impose reasonable conditions as a part of its approval.

4.2.3 - Variances of Use

The Board of Zoning Appeals shall approve or deny variances of use from the terms of the Zoning Ordinance.

4.2.4 - Variances from Development Standards of Zoning Ordinance

The Board of Zoning Appeals shall approve or deny variances from the development standards of the Zoning Ordinance.

Section 4.3 - Grant of Variances

As a matter of public policy, the standards by which variances are approved by the Board of Zoning Appeals shall be strictly adhered.

4.3.1 - Written Findings

A use variance may be approved under subsection 4.2.3 and a variance from the development standards of the Zoning Ordinance may be approved under subsection 4.2.4 only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, and
- (3) The need for the variance arises from some condition peculiar to the property involved, such condition not being found in common with other properties in the vicinity that are in the same zoning district and such condition not having been created by the applicant for the variance; and such condition will result in practical difficulties;

In addition to the three determinations above, a use variance may be approved under subsection 4.2.3 and a variance from development standards of the Zoning Ordinance other than dimensional variances may be approved under subsection 4.2.4 only upon a determination in writing that the following additional requirements have been met:

- (1) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary economic hardship if applied to the property for which the variance is sought; and
- (2) The variance shall be the minimum necessary to permit the proposed development such that the substantial intent and purpose of the ordinance shall be preserved.

The Board of Zoning Appeals may add reasonable conditions to the granting of a variance so as to accomplish the ends stated in this subsection.

4.3.2 - Status of Variance

The granting of a variance shall not be an ordinance amending the Zoning Ordinance, and no action by the board shall be taken or decision made except after a public hearing.

Section 4.4 - Time Limit

- (1) Any variance approved by the Board shall expire six (6) months from the date of such action, unless an Improvement Location Permit incorporating a variance has been obtained within said six (6) months or the provisions of the variance have been adhered to within said six (6) months.

- (2) Whenever the Board has taken action to approve or deny a variance application, the Board shall not consider any further variance application on any part of the same property for a period of one (1) year from the date of such action.

Section 4.5 - Application for Variance

Application for Variance shall be subject to Section 3.4.2 of this Ordinance.

Section 4.6 - Notice Posting

- (1) Upon the filing of an application for a variance, contingent use, special exception, rezoning, or parking requirement waiver, the applicant or his attorney shall post a sign upon the real estate affected by the action in a conspicuous place which is visible at all times to all persons passing said premises. The applicant shall protect the sign from destruction on the site until the action is approved or denied by the Board. The sign shall be at least 18" x 24" with 1-1/2" lettering. The content shall state the purpose, date, time, and location of the public hearing.
- (2) The sign shall be placed thereon not less than ten (10) days prior to the public hearing of the Board, and said sign shall remain posted until approved or denied by the Board.

SECTION FIVE

VIOLATION AND PENALTIES

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

SECTION SIX

SEPARABILITY

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