

Zoning - Mentone

TENTATIVE REPORT
ZONING ORDINANCE
A PART OF THE MASTER PLAN
FOR THE
TOWN OF MENTONE, INDIANA

9/11/61

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ORDINANCE NO. _____

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE TERRITORY WITHIN THE JURISDICTION OF THE MENTONE TOWN PLAN COMMISSION, TOWN OF MENTONE, INDIANA.

BE IT ORDAINED by the Town Board of Trustees of the Town of Mentone, Indiana, under authority of Chapter 174, Acts of 1947, and all acts amendatory or supplemental thereto, General Assembly of the State of Indiana.

Section 1.

SHORT TITLE. This Ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter as the "Zoning Ordinance of Mentone, Indiana - 1961".

Section 2.

INTERPRETATION. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.

Section 3.

NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, not to interfere with, or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, except, that where this Ordinance imposes a greater restriction upon the Use of Buildings or land, or upon the height of Buildings, or requires larger open spaces or greater Lot area per Family, than are required or imposed by such easements, covenants or agreements between parties or by such ordinances, rules, regulations or permits, the provisions of this Ordinance shall control.

Section 4.

IDENTIFICATION. Wherever the word "TOWN" appears in this Ordinance, it shall be deemed to refer to the Town of Mentone, Indiana; the words "TOWN BOARD" refer to the Town Board of Trustees of the Town; the word "COMMISSION" refers to the Town Plan Commission; the word "BOARD" refers to the Board of Zoning Appeals; the word "JURISDICTION" refers to the territory

within the jurisdiction of the Commission, described on a map entitled, "Mentone, Indiana, Jurisdictional Area", and filed with the County Recorder of Kosciusko County, Indiana; the word "DISTRICT" refers to a section of the Town and Jurisdiction 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; the words "ZONE MAP" refer to a map entitled, "Mentone, Indiana, Zone Map, Sheets 1 and 2", of 2, dated 1961, and any amendments thereto; the words "MASTER PLAN" refer to the complete plan, or any of its parts, for the development of the Town, prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as amended, as is now or may hereafter be in effect.

Section 5.

DEFINITIONS. For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "Building" includes the word "Structure" and vice-versa; the word "shall" is mandatory and not directory.

ACCESSORY BUILDING AND USE - A Building or Use subordinate to another Structure or Use located on the same Lot and which does not change or alter the character of the premises and which is not used for human occupancy; and public utility communication, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy-wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

ALLEY - A permanent public service way providing a secondary means of access to abutting lands.

BLOCK - A unit of property bounded by streets, or by streets and/or railroad rights-of-way, waterways or other barriers.

BLOCK FRONTAGE - Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting Street and railroad right-of-way, waterway, or other barrier.

BOARDING HOUSE - A Building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over 30 persons regularly; a lodging house.

BUILDING - A Structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such a Building shall be considered a separate Structure.

BUILDING, DETACHED - A Building having no structural connection with another Building.

BUILDING, FRONT LINE OF - The line of the face of the Building nearest the Front Lot Line.

BUILDING, HEIGHT OF - The vertical distance measured from the Lot Ground Level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL - A Building in which is conducted the main or principal Use of the Lot on which said Building is situated. Where a part of an Accessory Building is attached to the Principal Building in a substantial manner, as by a roof, such Accessory Building shall be counted as a part of the Principal Building.

BUILDING AREA - The maximum horizontal projected area of the Principal and Accessory Building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet beyond the wall of the Building.

BUILDING LINE - BUILDING SETBACK LINE - The line nearest the front, or side, of and across a Lot establishing the minimum yard to be provided between the Building or Structure and the Lot Line.

BUSINESS - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP, PUBLIC - Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

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

CERTIFICATE OF OCCUPANCY - A certificate signed by the Building Commissioner stating that the occupancy and Use of land or a Building or Structure referred to therein complies with the provisions of this Ordinance.

CLINIC OR MEDICAL-HEALTH CENTER - An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists, and their professional associates.

DEVELOPMENT PLAN - A drawing, including a legal or site description of the real estate involved which shows the location and size of all existing and proposed Buildings, structures and yards; location and dimension of Building Lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining Streets; all of which presents a unified or organized arrangement of Buildings and service facilities and other improvements such as planting areas, and Public Parking Areas, which shall have a functional relationship to the real estate comprising the proposed shopping center and to the Uses of properties immediately adjacent to the proposed development.

DWELLING - A Building or portion thereof, used primarily as a place of abode for one or more human beings, but not including Hotels or Motels, Lodging or Boarding Houses or Tourist Homes.

DWELLING UNIT - A Dwelling or a portion of a Dwelling used by one Family for cooking, living and sleeping purposes.

FAMILY - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a Hotel, Club, Nurses Home, Fraternity or Sorority House.

FARM - A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops; pasturage; the production of live stock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including Accessory Buildings essential to the operation of the Farm. Accessory buildings may include barns; equipment and animal sheds; farm residences for the owner, operator, or farm assistants; roadside sales structure for the sale of products of the Farm; and signs displaying subject matter directly related to the name or the products of the particular Farm; but not including industrial or Business operations or structures.

FILLING STATION - Any establishment supplying and selling motor fuel or oil direct to motor vehicles.

FLOOR AREA, GROSS - The total area, computed on a horizontal plane, within the outside dimensions of a building.

FLOOR AREA, GROUND - 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, breeze-ways, terraces, garages, and exterior stairways.

FLOOR AREA, NET - The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

GARAGE, PRIVATE - An Accessory Building with capacity for not more than three (3) motor vehicles per Family, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons GVW. A garage designed to house two (2) motor vehicles for each Family housed in a Multi-family Dwelling shall be classed as a Private Garage.

GARAGE, PUBLIC - Any Building, 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.

GROUND FLOOR AREA - The square foot area of a Dwelling within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages, and exterior stairways.

HOME OCCUPATION - Any Use conducted entirely within a Dwelling and participated in solely by members of the Family, which Use is clearly incidental and secondary to the Use of the Dwelling for Dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, provided that no sign, other than a nameplate, nor exceeding three (3) square feet in area, is displayed, and provided further that such nameplate is attached to the Building.

HOTEL - A Building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a Boarding or Lodging House.

IMPROVEMENT LOCATION PERMIT - A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of this Ordinance and such other ordinances as may be applicable.

JUNK YARD - Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

KENNEL - Any Lot on which four (4) or more dogs, or small animals, at least four (4) months of age are kept.

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 a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance, paved with a suitable dust preventive or hard surface.

LOT - A parcel, tract or area of land accessible by means of a Street or Place. For residential Uses as set forth in this Ordinance, the lot shall abut upon a Street or Place at least fifty (50) percent of the Lot Width prescribed for the District in which the Lot is located. It may be a single parcel separately described in a deed or Plat which is recorded in the Office of the County Recorder of Kosciusko County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining Lot area and boundary lines no part thereof within the limits of a Street shall be included.

LOT, CORNER - A Lot at the junction of and having frontage on two or more intersecting Streets.

LOT COVERAGE - The percentage of the Lot area covered by the Building Area.

LOT, DEPTH OF - The mean horizontal distance between the Front Lot Line and the Rear Lot Line, measured in the general direction of the Side Lot Lines.

LOT GROUND LEVEL - For Buildings having walls adjoining one Street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street; and 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, INTERIOR - A Lot other than a Corner Lot or Through Lot.

LOT LINE, FRONT - 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 frontage of the Lot from the Street, except in cases where deed restrictions in effect specify another Street right-of-way line as the Front Lot Line.

LOT LINE, REAR - A Lot Line which is opposite and most distant from the Front Lot Line and, in the case of an irregular or triangular-shaped Lot, a line ten (10) feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line.

LOT LINE, SIDE - Any Lot boundary line not a Front Lot Line or a Rear Lot Line.

LOT, THROUGH - A Lot having frontage on two parallel or approximately parallel Streets.

LOT, WIDTH - The dimension of a Lot, measured between Side Lot Lines on the Building Line.

MOBILE HOME - Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon Streets by either self-propelled or non self-propelled means which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a Dwelling or sleeping place for one or more persons, which is both used and occupied as a Dwelling or sleeping place having no foundation other than wheels, jacks, skirting, or other temporary supports.

MOBILE HOME PARK - An area of land upon which two or more Mobile Homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any Building, Structure, vehicle or enclosure used or intended for use as a part of the equipment of such Mobile Home Park.

MOTEL - A Building or a Detached Building, usually not more than one story in height, used as Dwelling Units containing bedroom, bathroom and closet space, and each unit has convenient access to a Parking Space for the Use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the Use of automobile transients and no cooking facilities are offered. The site of the Motel has direct and convenient access to an Arterial Thoroughfare or Feeder Thoroughfare.

PARKING AREA, PUBLIC - An 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, or as an accommodation for clients or customers, paved with a suitable dust preventive or hard surface.

PARKING SPACE - 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 9 feet wide and 20 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, or persons.

PLACE - An open, unoccupied, officially designated space other than a Street or Alley, permanently reserved for Use as the principal means of access to abutting property.

PLAT - A Map or Chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PRIVATE SCHOOL - Private preprimary, primary, grade, high or preparatory school or academy.

PROFESSIONAL OFFICE - An office in the Dwelling of a member of a recognized profession, such as an architect, attorney, dentist, engineer, physician, surgeon, or other such professional person, provided that the professional service is performed by a member or members of the family occupying such Dwelling and that not more than one additional person, not a member of the family is employed in rendering such service, and provided further that not more than fifty (50) percent of the floor area is devoted to such Use and provided also that no sign, other than a nameplate attached to the building, not exceeding three (3) square feet in area, is displayed..

PUBLIC UTILITY INSTALLATIONS - The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.

SIGN - Any advertising sign, billboard, or board, device, or Structure or part thereof, or device attached thereto or painted or represented thereon, used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing Street names or traffic directions or regulations for other governmental purposes shall not be included.

STREET - A right-of-way or Thoroughfare, other than an Alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

STRUCTURE - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

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.

TOURIST HOME - A Building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

TRADE OR BUSINESS SCHOOL - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental

music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

USE - The employment or occupation of a Building, Structure or land for a Person's service, benefit or enjoyment.

USE, NONCONFORMING - A lawful existing Use of land or Building which fails to comply with the requirements set forth in this Ordinance applicable to the District in which such Use is located.

VARIANCE - A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VISION CLEARANCE ON CORNER LOTS - A triangular space at the street corner of a Corner Lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the intersection of the property lines or the property lines extended at the corner of the Lot using each of the street right-of-way lines.

YARD - A space on the same Lot with a Principal Building, open, unoccupied and unobstructed by Structures, except as otherwise provided in this Ordinance.

YARD, FRONT - 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 Front Lot Line and the Building Line.

YARD, REAR - A Yard extending across the full width of the Lot between the rear of the Principal Building and the Rear Lot Line unoccupied other than by Accessory Buildings which do not occupy more than 30 per cent of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the Rear Lot Line and the rear of such Principal Building.

YARD, SIDE - A Yard between the Principal Building and the Side Lot Line, extending from the Front Yard or from the 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° with the Side Lot Line, from the nearest part of the Principal Building.

Section 6.

ESTABLISHMENT OF DISTRICTS, ZONE MAP AND DESCRIPTION OF DISTRICTS

- A. The Town of Mentone and the Jurisdiction are hereby classified and divided into seven (7) Districts designated as follows:

R-1 - Residence District

R-2 - Residence District

R-3 - Residence District

B-1 - Business District

B-2 - Roadside Business District

I-1 - Industrial District

I-2 - Industrial District

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

Section 7.

DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES

- A. 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 and Jurisdiction.
- B. Where uncertainty exists as to the exact boundaries of any District as shown on the Zone Map, the following rules shall apply:
1. In unsubdivided 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 Zone Map.
 2. In the case of further uncertainty, the Board shall interpret the intent of the Zone Map as to the location of the boundary in question.

Section 8.

PROCEDURE RELATING TO ANNEXED OR VACATED AREAS

- A. Territory which may hereafter be annexed to the Town shall remain as zoned unless changed by amendment to this Ordinance.
- B. Whenever any Street, Alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the Districts adjoining each side of such Street, Alley, public way, railroad right-of-way, or similar areas shall be extended

automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended Districts. In the event of a partial vacation, the adjoining District, or District nearest the portion vacated, shall be extended automatically to include all of the vacated area.

Section 9.

USE. No Building or land shall be used and no Building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a Use which is permitted and specified in a District in which such Building or Land is located.

Section 10.

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 11.

YARD, LOT AREA AND SIZE OF BUILDING. No Building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the Yards, Lot area per Family, Ground Floor Area of residential Buildings, or Lot Coverage regulations, established and specified for the Use and the District in which such Building is located.

Section 12.

LOTS. Every Building hereafter erected shall be located on a Lot. In no case shall there be more than one Principal Building used for residential purposes, and its accessory buildings, located on one Lot.

Section 13.

PARKING SPACE; LOADING AND UNLOADING BERTHS. Every Building hereafter erected shall provide Parking Space for motor vehicles and Loading and Unloading Berths as specified hereinafter for the Use to which such Building is to be devoted.

Section 14.

RESIDENTIAL USES & REQUIREMENTS

- A. The Residential Uses defined below, including Accessory Buildings and Uses, are permitted in the Districts indicated in Figure 1 when complying with the requirements listed therein, subject to the provisions of paragraph B, herein.

RESIDENTIAL USES AND REQUIREMENTS

REQUIREMENTS	TYPE OF RESIDENTIAL USE		
	Single-Family Dwelling	Two-Family Dwelling	Multi-Family Dwelling
District in which use is permitted	R1, R2, R3, B1, B2, I1 & I2	R1, R2, R3, B1, B2, I1 & I2	R3, B1, B2 & I1
Minimum lot size in square feet per dwelling unit in districts indicated	R1, B2 & I2 _____ 20,000 R2 _____ 12,000 R3, B1 & I1 _____ 7,000	R1 & I2 _____ 20,000 R2 & B2 _____ 10,000 R3, B1 & I1 _____ 3,500	R3 _____ 2,500 B1 & I1 _____ 2,000 B2 _____ 10,000
Minimum lot width in feet in districts indicated	R1, B2 & I2 _____ 100 R2 _____ 70 R3, B1 & I1 _____ 48	R1 & I2 _____ 200 R2 & B2 _____ 100 R3, B1 & I1 _____ 48	R3, B1 & I1 _____ 48 B2 _____ 100
Maximum Building height in feet in districts indicated	R1, R2, B2 & I2 _____ 25 R3, B1 & I1 _____ 35	R1, R2, B2 & I2 _____ 25 R3, B1 & I1 _____ 35	R3, B2 & I1 _____ 35 B1 _____ 45
Minimum front yard in per cent of average depth of lots in block	20	20	20
Minimum side yard (one)	5 feet	5 feet	5 feet
Minimum side yards (both or two) in per cent of lot width	20	20	20
Minimum rear yard in feet	20	15	15
(Minimum ground floor area in square feet in districts indicated.)	<u>ONE STORY</u> R1, R2, B2 & I2 _____ 720 R3, B1 & I1 _____ 672 <u>TWO STORY</u> R1, R2, B2 & I2 _____ 672 R3, B1, & I1 _____ 672	R1, R2, B2 & I2 _____ 1200 R3 _____ 1000 B1 & I1 _____ 900	First two units, same as "two family dwelling", plus additional area per unit: R3 & I1 _____ 300 B1 _____ 200 I1 _____ 400
Number of vehicle parking space to be provided on the lot	One	Two	One for each dwelling unit
Maximum lot coverage in per cent of lot	35	35	40
Vision clearance on corner lot	Yes	Yes	Yes

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FIGURE 1

1. A Single-family Dwelling is a Detached Building designed for or occupied by one Family exclusively.
2. A Two-family Dwelling is a Detached Building designed for or occupied by two Families.
3. A Multi-family Dwelling, is a Building designed for or occupied by three or more Families, exclusively for Dwelling purposes.

B. Other provisions for Residential Uses are as follows:

1. Area and Width

A Single-family Dwelling may be located on any Lot in any District in which Single-family Dwellings are permitted if the Lot was a single parcel in single ownership, or a single parcel separately described or included in a deed or Plat which was of record in the office of the County Recorder of Kosciusko County, Indiana, at the time of passage of this Ordinance even though the Lot does not have the minimum Lot Width or the minimum Lot Area specified for the District.

2. Rear Yard

One-half of an Alley abutting the rear of the Lot may be included in the required Rear Yard.

3. Accessory Buildings and Uses

- a. Accessory Buildings are permitted in all Districts, but not prior to the erection of the Principal Building.
- b. No Accessory Building shall be located closer to a Side Lot Line than 3 feet nor exceed 18 feet in height and, if detached from the Principal Building, shall be set back at least 75 feet from the Front Line of the Lot.
- c. Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required Front, Side or Rear Yard.
- d. A private swimming pool may be permitted as an Accessory Use but located only within the Side or Rear Yard, and which shall be enclosed with a fence of not less than five (5) feet in height so as to prevent access by children or animals. If any side or sides of said swimming pool shall lie within ten (10) feet of abutting residential Use, a solid planting screen shall be provided which shall grow to a height of eight (8) feet and a depth of six (6) feet, or a solid screen of other suitable material to a height of eight (8) feet, which will act as a sound barrier on said side or sides.

- e. Quarters for bonafide servants employed by the occupants of the Dwelling may be permitted as an Accessory Use on the same lot as the Dwelling, but only on the second floor of the Building. One guest house with cooking facilities may be permitted as an Accessory Building on Lots containing not less than one acre.

4. Front Yard

- a. Where 25% or more of the Lots in the Block are occupied by Buildings, the average setback of such Buildings determines the dimension of the Front Yard in the Block.
- b. Building Lines or Building Set-back Lines established in a recorded subdivision shall establish the dimension of Front Yards in such subdivisions, except when such Building Setback Lines may be less restrictive as provided in Section 3 of this Ordinance.
- c. On Through Lots a Front Yard is required on each Street.

5. Tapered Yard

Where a reversed Interior Lot abuts a Corner Lot, or an Alley separating such Lots, an Accessory Building located on the Rear Lot Line of a Corner Lot shall set back from the side street as far as the Dwelling on the reversed Interior Lot. For each foot that such Accessory Building is placed from the Rear Lot Line toward the Front Lot Line of the Corner Lot, the Accessory Building may be set 4 inches closer to the side street line, but in no case closer than five (5) feet.

6. Height

In the Districts limiting height to 25 feet, a Dwelling may be increased in height not to exceed 35 feet provided the required Side Yards are increased an additional foot for each foot such structure exceeds 25 feet in height.

Section 15.

BUSINESS USES AND REQUIREMENTS. The Business Uses defined below are permitted in the Districts indicated in Figure 2, when complying with the requirements specified in Figures 2, 3 and 4, subject to the provisions of Paragraph C, herein.

- A. A General Business Use is one which includes retail, service, wholesale and storage Uses, and is classified in the following categories:

BUSINESS USES AND REQUIREMENTS

REQUIREMENTS	TYPE OF BUSINESS USE	
	General Business	Roadside Business
District(s) in which use is permitted	B1, B2 & I1	B2
Minimum front yard in feet in districts indicated	B1 _____ None B2 _____ 60 I1 _____ 15	B2 _____ 60
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a residential district	5	10
Minimum side yard in feet where a business district adjoins a residential district within the block	5	10
Minimum side yard in blocks not including a residential district	None	5
Maximum building height in feet in districts indicated	B1 _____ 45 B2 _____ 35 I1 _____ 60	B2 _____ 35
Minimum rear yard in feet	15	15
Maximum lot coverage in per cent of lot	90	80
Vision clearance on corner lots	Yes	Yes

FIGURE 2

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BUSINESS USES - PARKING SPACES REQUIRED

TYPE OF USE	PARKING SPACES REQUIRED
GENERAL BUSINESS & ROADSIDE BUSINESS USES:	
Automobile and Truck Repair	One for each 200 square feet of floor area
Category 2 listed under Paragraph A , Section 15	One for each 500 square feet of floor area
Categories 3 through 7 and categories 8c and 8e under Paragraph A , Section 15	One for each 125 square feet of floor area
Indoor theater	One for each 6 seats
Bowling Alley	Three for each lane plus one for each 6 spectator seats
Dancing Academy	One for each 200 square feet of floor area
Private club or Lodge	Space to accommodate 50 per cent of the active membership at one space per each 3 members
Department Store	One for each 200 square feet of floor area
Hotel	One for each 3 employees plus one for each 2 sleeping rooms
Motel	One for each 3 employees plus one for each unit.
Storage Warehouse and Wholesale Establishment	One for each 3 employees or occupants. The maxi- mum number of employees or occupants to be used in determining spaces.
Motor Bus or Railroad Passenger Station	One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 em- ployees.
Veterinary Hospital for Small Animals or Kennel	One space for each 3 animals to be confined in tem- porary or permanent pens or cages
Category 19 under Paragraph B , Section 15	As determined by the Board

FIGURE 3

BUSINESS USES - LOADING AND UNLOADING BERTHS REQUIRED

TYPE OF USE	GROSS FLOOR AREA (Sq. Ft.)	LOADING & UNLOADING BERTHS REQUIRED
Retail Stores, Department Stores, Wholesale Establishments, Storage Uses and Other Business Uses	3,000 to 15,000	1
	15,001 to 40,000	2
	Each 25,000 Additional	1 Additional
Office Buildings	100,000 or Less	1
	100,001 to 336,000	2
	Each 200,000 Additional	1 Additional

FIGURE 4

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1. Automobile Service - including but not limited to the following:
 - a. Filling Station
 - b. Commercial Parking Structure
 - c. Commercial Parking Lot
 - d. Open Automobile or Mobile Home Sales Area
 - e. Automobile or Mobile Home Sales Room
 - f. Automobile and Truck Repair, entirely within enclosed Building(s).
2. Business Service - including but not limited to the following:
 - a. Bank
 - b. Office Building
 - c. Postal Station
 - d. Telegraph Office
 - e. Utility Company Business Office
3. Clothing Service - including but not limited to the following:
 - a. Laundry Agency
 - b. Self-Service Laundry
 - c. Dry Cleaning Establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 40 lbs. using cleaning fluid which is non-explosive and non-flammable.
 - d. Dressmaking
 - e. Millinery
 - f. Tailor and Pressing Shop
 - g. Shoe Repair Shop
4. Equipment Service - including but not limited to the following:
 - a. Radio or Television Shop
 - b. Electric Appliance Shop
 - c. Record Shop
5. Food Service - including but not limited to the following:
 - a. Grocery
 - b. Meat Market
 - c. Supermarket
 - d. Restaurant
 - e. Delicatessen
 - f. Cold Storage Lockers, for individual use
 - g. Bakery
 - h. Roadside Sales Stand

6. Personal Service - including but not limited to the following:
 - a. Barber Shop
 - b. Beauty Shop
 - c. Reducing Salon
 - d. Photographic Studio
7. Retail Service, Retail Stores Generally - including but not limited to the following:
 - a. Drug Store
 - b. Hardware
 - c. Stationer
 - d. Newsdealer
 - e. Show Room, for articles to be sold at retail
 - f. Commercial Greenhouse not exceeding 1,000 square feet in area
 - g. Apparel Shop
 - h. Flower Shop
 - i. Gift or Antique Shop
8. Business Recreational Uses - including but not limited to the following:
 - a. Indoor Theater
 - b. Bowling Alley
 - c. Billiard Room
 - d. Dancing Academy
 - e. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use.
9. Private Club or Lodge
10. Department Store
11. Hotel or Motel
12. Sign
13. Storage Warehouse
14. Wholesale Establishment
15. Newspaper Publishing
16. Motorbus or Railroad Passenger Station
17. Radio and Television Studios

18. Veterinary Hospital for small Animals & Kennel
 19. Any Business Use not specifically stated or implied elsewhere in this ordinance and complying with the above definition.
- B. A Roadside Business Use is a Business Use primarily of a retail or service nature and includes all General Business Uses.
- C. Other Provisions and Requirements for Business Uses are as follows:
1. Parking spaces shall be provided on the Lot, as indicated in Figure 3, or within 300 feet thereof on a site approved by the Board.
 2. Loading and Unloading Berths shall be provided on the Lot as indicated in Figure 4.
 3. Parking requirements shall not apply in a Block where 50% or more of the area was occupied by Business or Industrial Structures at the time of passage of this Ordinance.
 4. Groups of uses requiring Parking Space may join in establishing group parking area with capacity aggregating that required for each participating Use.
 5. Public Parking Area and Loading and Unloading Berths shall be paved with a dustproof or hard surface.
 6. One-half of an Alley abutting the rear of a Lot may be included in the Rear Yard, but such Alley space shall not be included for Loading and Unloading Berths.
 7. Where 25 per cent 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.
 8. Loading and Unloading Berths shall not be required for Business Uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.
 9. Parking and Accessory Uses are permitted in the required Front Yard in the Business Districts.
 10. The maximum Building Height requirement in Figure 2 may be increased if Buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum Building Height requirement.
 11. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

12. No business operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943, as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the State of Indiana.
13. In all Business Districts it is permissible to erect more than one Principal Building on a Lot.

Section 16.

INDUSTRIAL USES AND REQUIREMENTS. The Industrial Uses defined below, including Accessory Buildings and Uses, are permitted in the Districts indicated in Figure 5 in accordance with the requirements of this Section.

- A. A Light Industrial Use is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed Buildings, does not use the open area around such Buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between Buildings; provides for enclosed Loading and Unloading Berths; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.
- B. An Industrial Use is one which requires both buildings and open area for manufacturing, fabricating processing, repairing, dismantling, storage or disposal of raw materials, manufactured products, or wastes, which is not injurious to health or safety of humans or animals, or injurious to vegetation, and which is not noxious or offensive by reason of emission of smoke, dust, gas, fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

Included in this classification are all industrial uses fully complying with the above definition, plus:

1. Automobile wrecking or junk storage as a Special Exception, permitted in accordance with the procedure specified in Section 18.
2. Poultry Slaughtering and Wholesaling.
3. Truck Storage Yard.
4. Bulk Storage of inflammable fluids in above ground tanks, but not oil refinery tanks.
5. Truck Terminal.

INDUSTRIAL USES AND REQUIREMENTS

REQUIREMENT	TYPE OF USE	
	LIGHT INDUSTRIAL	INDUSTRIAL
District(s) in which use is permitted	B1, B2, I1 & I2	I1 & I2
Minimum front yard in feet	B1 _____ None B2 _____ 60 I1 _____ 15 I2 _____ 40	I1 _____ 15 I2 _____ 40
Side Yard required in feet	B1 & I1 _____ None B2 _____ 5 I2 _____ 10	I1 _____ None I2 _____ 10
Minimum side yard in feet, if provided	B1 & I1 _____ 5	I1 _____ 5
Minimum rear yard in feet	B1, B2, I1 & I2 _____ 15	I1 & I2 _____ 15
Maximum building height in feet	B1 _____ 45 I1 _____ 60 B2 & I2 _____ 35	I1 _____ 60 I2 _____ 35
Maximum lot coverage in per cent of lot	B1 & I1 _____ 90 B2 _____ 70 I2 _____ 50	I1 _____ 90 I2 _____ 50
Vision clearance on corner lots	Yes	Yes

FIGURE 5

LOADING AND UNLOADING BERTH REQUIREMENTS

GROSS FLOOR AREA OF INDUSTRIAL USE IN SQUARE FEET	NUMBER OF BERTHS REQUIRED
15,000 or Less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 Additional	1 Additional

FIGURE 6

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6. Railroad Freight House.
 7. Utilities Storage Yard.
 8. Coal, Coke or Wood Yard.
 9. Lumber Yard.
 10. Contractor's Plant or Storage Yard.
 11. Bus Line Shops or Garage.
 12. Building Material Storage Yard.
 13. Carting, Express, Hauling or Storage Yard.
- C. Water Pollution - No industrial operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943, as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the State of Indiana.
- D. Other Provisions and Requirements for Light Industrial and Industrial Uses are as follows:
1. Each Use shall provide Parking Space for each 3 employees thereof located on the same Lot as the Use, or within 300 feet on a site approved by the Board.
 2. Each Industrial Use shall provide Loading and Unloading Berths located on the same Lot as the Use, as specified in Figure 6.
 3. Parking Space requirements may be waived by the Board where 50 per cent or more of the area in a Block was occupied by Business or Industrial Structures at the time of passage of this Ordinance.
 4. Groups of uses requiring Parking Space may join in establishing group public or employee parking areas with capacity aggregating that required for each participating Use.
 5. One-half of an Alley abutting the rear of a Lot may be included in the Rear Yard, but such Alley space shall not be included for Loading and Unloading Berths.
 6. The Building Height requirement in Figure 5 may be increased if the Buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum Building Height requirements.

7. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
8. In all Industrial Districts it is permissible to erect more than one Principal Building on a Lot.

Section 17.

CONTINGENT USES AND REQUIREMENTS. Contingent Uses defined below, including Accessory Buildings and Uses, are permitted in the Districts indicated in Figure 7, subject to the provisions herein.

- A. A Contingent Use is one which is likely or liable, but not certain, to occur, and which is not inappropriate to the principal Use of the District in which it may be located. When so located it shall conform to the requirements of the District in which the Contingent Use is permitted, except that the number of Parking Spaces to be provided shall conform to the requirements of Figure 7. The required number of Parking Spaces shall be provided on the same Lot with the Use, or within 300 feet thereof on a site approved by the Board.
- B. The Building Height for Contingent Uses shall be as provided in Figure 8.
- C. Other Provisions and Exceptions for Contingent Uses are as follows:
 1. The Building Height requirement in Figure 8 may be increased if Buildings are set back from front and rear property lines, one foot for each two feet of additional height above the Building Height requirement.
 2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
 3. A Church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Board, utilize such facilities in lieu of providing their own parking facilities.
 4. Public Parking Area shall be paved with a dustproof or hard surface.
- D. An existing Use which is listed herein as a Contingent Use, and which is located in a District such Contingent Use may be permitted is a conforming Use. Any expansion of such Contingent Use involving the enlargement of the Buildings, Structures and land area devoted to such Use, shall be subject to the procedure described in this Section.

CONTINGENT USES AND REQUIREMENTS

TYPE OF USE	DISTRICT(S) IN WHICH USE IS PERMITTED	NUMBER OF PARKING SPACES TO BE PROVIDED
Boarding or Lodging House	R3, B1, B2 & I1	One for each three occupants
Church or Temple	All	One for each 6 seats in main auditorium
College or university	All	One for each 3 students and staff
Farm	All	Not applicable
Fraternity, sorority and student co-operatives	All except R1	One for each 3 occupants
Home Occupation	All	One additional
Lodge or private club (which is of a non-commercial character)	R3, B1, B2 & I1	One for each 125 square feet floor area of building(s)
Mortuary	R3, B1, B2 & I1	One for each 6 seats in main auditorium
Municipal or governmental building	All	One for each 125 square feet floor area of building(s)
Nursing home or homes for the aged	R3, B1, B2 & I1	One for each 7 persons
Professional Office in residence of practicing professional person	All	Two additional
Plant Nursery	All	None required
Public Utility Installations	All	None required
School, public or parochial	All Except I1	One for each 3 members of staff plus one for each 8 seats in auditorium
Temporary Sign, pertaining to lease, hire or sale of a building or premises	All	Not applicable

FIGURE 7

CONTINGENT USES - MAXIMUM HEIGHT

DISTRICT(S) IN WHICH USE IS PERMITTED	MAXIMUM BUILDING HEIGHT IN FEET
R1, R2, B2, & I2	25
R3	35
B1 & I1	45

FIGURE 8

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Section 18.

SPECIAL EXCEPTIONS, REQUIREMENTS AND PROCEDURE

- A. The Special Exceptions listed in Figure 9 and their Accessory Buildings and Uses may be permitted by the Board in the Districts indicated therein, in accordance with the procedure set forth in this Section and the requirements listed in Figure 9.
- B. Upon receipt of an application for an Improvement Location Permit for a Special Exception by the Building Commissioner it shall be referred to the Commission for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Master Plan. The Commission shall report the results of its study to the Board within forty-five days following receipt of the application. If no such report has been filed with the Board within this time period, the Board may proceed to process the application.

The Board shall then proceed with a hearing on the application in the manner prescribed in Section 21. Following the hearing, and upon an affirmative finding by the Board that:

1. The proposed Special Exception is to be located in a District wherein such Use may be permitted, and
2. The requirements set forth in Figure 9 for such Special Exception will be met, and
3. The Special Exception is consistent with the spirit, purpose and intent of this Ordinance, will not substantially and permanently injure the appropriate Use of neighboring property, and will serve the public convenience and welfare.

The Board shall order the Building Inspector to issue an Improvement Location Permit for the Special Exception.

- C. An Existing Use which is listed herein as a Special Exception, and which is located in a District in which such Special Exception may be permitted, is a Conforming Use. Any expansion of such Special Exception involving the enlargement of Buildings, Structures and land area devoted to such Use shall be subject to the procedure described in this Section.

Section 19.

NONCONFORMING USE SPECIFICATIONS. The lawful use of a Building or premises, existing at the time of passage of this Ordinance, may be continued although such Use does not conform to all the provisions of this Ordinance, except as hereinafter provided.