

	DISTRICT(S) IN WHICH USE MAY BE PERMITTED	REQUIREMENT DESIGNATION
Airport or Heliport	R1, B2 & I2	b6 (Heliport), b12 (Airport), g, h2, i1 (Airport), i2 (Heliport), j1, k1, l2, n2, p, r1, s, t, u2, v, w
Artificial Lake of 3 or more acres	All	c1, i1, j1, p, r1, u1, v, w
Cemetery or Crematory	All except B1	b11, c2, p, q, r1, v, w
Clinic or Medical Health Center	R3, B1, B2 & I1	b1, c3, h4, j1, k3, l1, r1, v, w, y
Country Club or Golf Course	All	c1, d3, j1, k5, l1, p, r1, v, w
Greenhouse, Commercial	All	b4, c6, f2, h1, k7, m4, n1, r1, v, w, y
Hospital	All	b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v, y
Industrial Park	All	a1, b10, c7, d3, g, h3, j2, k10, l2, m6, n2, o, p, q, r1, s, t, v, w, y
Junk Yard	I1 & I2	c1, e, h1, i4, k11, l5, m2, n3, r1, v, w, y
Kindergarten or Day Nursery	All	b3, c8, f3, h1, i3, j1, k12, p, r1, v, y
Mineral Extraction, Borrow Pit, Top Soil Removal and their Storage Area	R1, B2 & I2	c9, e, h1, i5, j1, n3, r1, s, t, u3, v, w
Mobile Home Park	B2, I1 & I2	b8, c6, d2, g, h1, j1, k13, l2, o, p, q, r1, s, u1, v, w, y
Outdoor Theater	R1, B1, B2, I1 & I2	c6, i6, k11, p, r1, s, t, v, w, y
Outdoor Commercial Recreational Enterprise	All	c4, d1, g, h1, i1, j3, k14, l2, n1, p, r2, s, t, v, w, y
Penal or Correctional Institution	I1 & I2	b12, c10, e, g, k15, l5, n3, p, r1, y
Power Transmission Line	All	p
Practice Golf-Driving Range	R1, B1, B2, I1 & I2	c6, i7, j3, k16, l2, r1, v, y
Private Recreational Development	All	c4, g, h1, j3, k2, l2, r1, v, w, y
Produce Terminal, Wholesale	B1, B2, I1 & I2	b10, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t, v, w, y
Public Camp	R1, B1, B2, I1 & I2	b7, c6, d1, g, h1, j3, k17, l2, r1, u1, v, w, y
Public or Commercial Sanitary Fill or Refuse Dump	I1 & I2	b7, c11, e, i9, j5, r1, u1, v, w
Public or Commercial Sewage or Garbage Disposal Plant	I1 & I2	b11, c11, e, k19, r1, u1, v, w
Public or Employee Parking Areas	All except R1 & B2	b2, p, r1, s, t, v, x, y, z
Public Park or Public Recreational Facility	All	c4, g, h1, j2, k21, l2, t, v, w
Radio or Television Tower	All	k19, p, r1, v
Railroad Right-of-Way and Uses Essential to Railroad Operation	All	h1, k20, r1, v
Raising and Breeding of Non-Farm Fowl and Animals, Commercially, except Kennel	B1, B2, I1 & I2	b7, c10, h1, j1, k7, l2, m1, n2, r1, v, w, y
Riding Stable	R1, B1, B2 & I2	b5, c10, h1, j1, k21, m1, r1, v, w, y
Seasonal Fishing or Hunting Lodge	All	b1, c1, f4, k22, v, w, y
Stadium or Coliseum	All	b7, c2, j1, k24, l2, m2, n1, p, r2, s, t, v, y
Tourist Home	All except R1 & I2	b1, c1, f1, h1, k26, r1, v, y
Truck Freight Terminal	B1, B2, I1 & I2	c1, e, j1, k25, l4, n2, p, r1, s, t, v, w, y

If the nature of the Special Exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Special Exception which most closely relates to the primary use; provided that the requirements of all the related uses will be met.

FIGURE 9. SPECIAL EXCEPTIONS AND REQUIREMENTS

MENTONE 9/11/61

NOTE: Use of # Symbol in the Figure indicates that the requirements of the District apply to the Special Exception where located.

Reqmt. Desig.	REQUIREMENT	Reqmt. Desig.	REQUIREMENT
a.	CLASSIFICATION OF USE PERMITTED 1. Light Industrial 2. Local Business	3.	Industrial
b.	MINIMUM LOT AREA 1. # 2. 1500 sq. ft. 3. 110 sq. ft. per child 4. 25,000 sq. ft. 5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over four (4) horses 6. One acre 7. 5 acres	8.	5 acres including 2500 sq. ft. per mobile home stand 9. 6 acres 10. 20 acres 11. 40 acres 12. 80 acres 13. 320 acres 14. Two times requirement for Single-Family Dwelling 15. 2 acres
c.	MINIMUM YARDS (Feet) Front Side (each) Rear 1. # # # 2. # 50 50 3. # 10 30 4. # 40 40 5. # -- -- 6. 100 40 40	7.	100 Abutting Residential = 75 Abutting Other Use = 35 8. # 20 # 9. 150 150 150 10. 100 100 100 11. 300 300 300
d.	BUILDING SETBACK FROM CENTER LINE OF INTERIOR ROAD (Feet) 1. 40 2. 50 3. 85		
e.	USE PERMITTED NOT CLOSER THAN 300 FEET TO A RESIDENTIAL USE		
f.	MINIMUM GROSS FLOOR AREA OF PRINCIPAL BUILDING(S) (Square Feet) 1. # 2. Over 1000 3. Determined by Number of Children to be Accommodated 4. 400 5. Two times Single-Family Dwelling 6. 672		
g.	PLAN OF LANDSCAPE DEVELOPMENT TO BE SUBMITTED WITH APPLICATION		
h.	MAXIMUM HEIGHT OF STRUCTURE (Feet) 1. # 2. As required by appropriate State or Federal Agency 3. Same as Light Industrial 4. 45 5. 70 6. 25		
i.	FENCE 1. 6-foot wire mesh where accessible to the public 2. 6-foot wire mesh when located at ground level 3. 4-foot wire mesh around play area 4. Solid wall or solid painted fence 8 feet high 5. 4-foot wire mesh abutting Residential Use 6. Painted board fence 8 feet high 7. Adequate to protect abutting use 8. 6-foot wire mesh 9. 6-foot solid painted for Refuse Dump 10. 6-foot wire mesh abutting Residential Use		
j.	SCREEN PLANTING WHERE ABUTTING RESIDENTIAL USE (Tight screen, effective at all times) 1. 6-foot height by 6-foot width 2. 25 feet abutting Residential District or Use 3. 8-foot height by 6-foot width 4. Adequate to screen Power Substation from Street View 5. 6 feet high along streets for Refuse Dump		
k.	PARKING SPACES 1. 1 per 2 employees plus 1 per 4 seats in waiting room 2. 1 per 2 customers or members 3. 1 per 2 employees plus 3 per doctor 4. 1 per 3 employees plus 1 per 6 students 5. 30 6. 1 per 3 employees per shift 7. 1 per 3 employees plus 1 per 125 square feet of sales area 8. 1 additional 9. 1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle 10. 1 per 2 employees on largest shift 11. 1 per 2 employees	12.	1 per 2 employees plus 1 per 5 children to be accommodated 13. 1 per 2 employees plus 1 per mobile home stand 14. 1 per 3 employees plus 1 per 500 square feet of use area 15. 1 per 3 employees plus 1 per 10 inmates at estimated capacity 16. 1 per 3 employees plus 1 per driving tee 17. 1 per camp site and 1 per cabin 18. Telephone Exchange - 1 per employee 19. 1 per employee per shift 20. 1 per 2 employees where headquartered 21. 1 per 5000 square feet 22. One 23. 1 per 60 square feet of sales area 24. 3 per 4 employees plus 1 per 4 seats 25. 1 per 2 employees plus 4 for customers 26. 1 per employee plus 1 per sleeping accommodation 27. Two 28. 1 per employee plus 1 for each 6 seats in main auditorium
		l.	DISTANCE OF PARKING AREA FROM RESIDENTIAL USE (Feet) 1. 10 2. 25 3. 50 4. 100 5. 300
		m.	NUMBER OF LOADING AND UNLOADING BERTHS (Shall Not Face on Bordering Highway) 1. 1 2. 2 3. Per Development Plan 4. 15,000 square feet - 1; Over 15,000 feet - 2 5. Up to 200 beds - 1 200 to 500 beds - 2 over 500 beds - 3 6. Per Figure 6
		n.	DISTANCE OF LOADING AND UNLOADING BERTH FROM RESIDENTIAL USE (Feet) 1. 50 2. 100 3. 300
		o.	PLAT APPROVED BY THE COMMISSION TO BE SUBMITTED WITH APPLICATION
		p.	DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION
		q.	COVENANT BY OWNERS TO PERPETUATE MAINTENANCE AND APPROVE FUTURE IMPROVEMENTS
		r.	MAXIMUM NUMBER OF PRINCIPAL ENTRANCES FROM MAJOR THOROUGHFARE 1. 1 2. 2
		s.	ACCEPTABLE RELATIONSHIP TO MAJOR THOROUGHFARE
		t.	THOROUGHFARES MUST BE ADEQUATE TO CARRY ADDITIONAL TRAFFIC ENGENDERED BY USE
		u.	OTHER AUTHORITY APPROVAL REQUIRED 1. State Board of Health 2. Aeronautics Commission of Indiana 3. Planning Act - Section 58-1/2
		v.	OUTDOOR ADVERTISING SIGNS AND OUTDOOR ARTIFICIAL LIGHTING SHALL BE APPROVED BY THE COMMISSION
		w.	DISPOSAL OF LIQUID AND OTHER WASTES SHALL MEET THE APPROVAL OF THE STATE BOARD OF HEALTH
		x.	NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT
		y.	NO PARKING IN THE FRONT YARD, EXCEPT AS PROVIDED IN SECTION 15.
		z.	EXCEPT FOR APPROVED EXITS AND ENTRANCES, A MASONRY WALL 4- FEET IN HEIGHT AND 6-INCHES THICK ERECTED AT REQUIRED FRONT LINE OF BUILDING AND MAY BE REQUIRED ALONG BOUNDARIES OF PARKING AREA AS DETERMINED BY THE COMMISSION FOR THE PROTECTION OF RESIDENTIALLY ZONED OR USED PROPERTY

MENTONE 9/11/61

- A. A Nonconforming Use may be extended throughout a Building provided no Structural Alterations are made therein, except those required by law.
- B. A Nonconforming Use may be changed to another Nonconforming Use of the same or greater restrictions, provided no Structural Alterations are made in the Building. Whenever a Nonconforming Use has been changed to a Conforming Use or to a Use permitted in a District of greater restrictions, it shall not thereafter be changed to a Nonconforming Use of a less restricted one.
- C. No Building shall be erected upon any premise devoted to a Nonconforming Use, except in conformance with regulations of this Ordinance.
- D. The Board may authorize, by written permit, in any Residence District for a period of not more than one (1) year from the date of such permit, a temporary Building for Business or Industrial Use incidental to the residential construction and development of said District.
- E. Nothing herein contained shall require any change in the plans, construction or designated Use of a Building for which a building permit or Improvement Location Permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire Building shall be completed according to such plans filed within three (3) years from the date of passage of this Ordinance.
- F. In the event that a Nonconforming Use of any Building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the Uses permitted in the District in which it is located.
- G. Nothing in this Ordinance shall prevent the restoration of a Building or Structure destroyed less than 50% of its assessed valuation at the time of such destruction (exclusive of the value of the lot) by explosion, fire, flood, earthquake, windstorm, Act of God, riot, or act of the public enemy, subsequent to the passage of this Ordinance; or shall prevent the continuance of the Use of such Building, Structure or part thereof, as such Use existed at the time of such impairment of such Building, Structure, or part thereof. The extent of the damage to the structure shall be determined by the Board and its decision shall be final, subject only to Judicial review in the event of an arbitrary abuse of discretion of said Board.
- H. These provisions apply in the same manner to a Use which may become a Non-conforming Use due to a later amendment to this Ordinance.

Section 20.

ADMINISTRATION. The Building Commissioner is hereby designated and authorized to enforce this Ordinance, and it is hereby declared that the intent of the permit requirements of this Ordinance shall not prevail with respect to a Farm.

1. 4 (32)

A. Any Person, which shall make application for an Improvement Location Permit shall, at the time of making such application, furnish the Building Commissioner with a site plan or Development Plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived by the Building Commissioner. Said site plan shall be drawn to scale showing the following items:

1. Legal or site description of the real estate involved.
2. Location and size of all Buildings and Structures.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads or highways.

B. Site plans so furnished to the Building Commissioner shall be filed by the Building Commissioner and shall become a permanent record.

C. The Building Commissioner shall issue an Improvement Location Permit for a Special Exception only following receipt of notice from the Board that the application therefor has been approved by the Board.

D. No land shall be occupied or used and no Building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the Building and Use comply with all of the provisions of this Ordinance applicable to the Building or premises or the Use in the District in which it is to be located.

Upon completion of the improvement covered by the Improvement Location Permit, the Building Commissioner shall inspect the premises, and, if his inspection shall reveal that the improvement has been completed in substantial conformity with the site plan submitted pursuant to Paragraphs A and C of this Section, he shall issue a Certificate of Occupancy.

E. No change shall be made in the use of land (except farm) or in the use of any Building or part thereof, (except farm, municipal or governmental buildings and public utility installations) now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this Ordinance.

F. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such Building or other Improvement of the land shall have been completed.

- G. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any Person having a proprietary or tenancy interest in the Building or land affected.
- H. No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration, of any Building, before application has been made for a Certificate of Occupancy.

Section 21.

BOARD OF ZONING APPEALS. A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with Section 66 to 69 inclusive of Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

- A. At the first meeting of each year, the Board shall elect a chairman and a vice-chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the Town Board.
- B. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.
- C. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of all examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be of public record.
- D. Any decision of the Building Commissioner in the enforcement of this Ordinance may be appealed to the Board by any Person claiming to be adversely affected by such decision.
- E. The Board shall have the following powers and it shall be its duty to:
 - 1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Ordinance.
 - 2. Hear and decide on permits for Special Exceptions or other Uses upon which the Board is required to act under this Ordinance.
 - 3. Authorize upon appeal in specific cases such Variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.
- F. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion

ought to be done in the premises and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken.

- G. Every decision of the Board shall be subject to review by certiorari.
- H. No Variance in the application of the provisions of this Ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find:
 - 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and District.
 - 2. That such Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and District but which is denied to the property in question.
 - 3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and District in which the property is located.
 - 4. That the granting of such Variance will not alter the land use characteristics of the vicinity and District, diminish the marketable value of adjacent land and improvements or increase the congestion in the Streets.
- J. Prior to the determination of an appeal or a decision on a permit for a Special Exception, the Board shall fix a reasonable time for a hearing. Public notice shall be given at least ten (10) days prior to the date set for the hearing by publishing a notice thereof in a newspaper of general circulation in the City setting forth the time and place of the hearing and by giving due notice to the interested parties in accordance with the rules of the Board.

The Board shall require the party taking the appeal to assume the cost of public notice and due notice to the interested parties.

Section 22.

AMENDMENTS. All amendments to this Ordinance shall be in conformance with Sections 64 and 37 to 42 inclusive of Chapter 174 of the Acts of the Indiana General Assembly of 1947.

Section 23.

FILING FEES. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees hereinafter specified.

- A. For each application for a Certificate of Occupancy, the sum of One Dollar (\$1.00) shall be paid to and collected by the Building Commissioner, provided that for an application for an "Accessory Building and Use" the sum of One Dollar (\$1.00) shall be paid and collected by the Building Commissioner, when not applied for coincidentally for a "Use" other than an "Accessory Building and Use".
- B. For each petition for an appeal from the decision of the Building Commissioner to the Board, a fee of Ten Dollars (\$10.00) -- to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition.
- C. For each application for the approval by the Board of a Special Exception, a fee of Two Dollars and Fifty Cents (\$2.50) -- to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition.
- D. For each petition for an amendment to this ordinance, a fee of Five Dollars (\$5.00) -- to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition.
- E. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.
- F. All fees collected as provided herein shall be deposited in the General Fund of the Town of Mentone, Indiana.

Section 24.

REMEDIES:

- A. The Commission, the Board, the Building Commissioner, or any designated enforcement official, or any Person jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Kosciusko County to restrain an individual or a governmental unit from violating the provisions of this Ordinance.
- B. The Commission or the Board may also institute a suit for mandatory injunction directing any Person or a governmental unit to remove a Structure erected in violation of the provisions of this Ordinance.
- C. Any Building, erected, raised, or converted, or land or premises used in violation of any provisions of this Ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

Section 25.

INVALIDITY OF PORTIONS. Should any Section or provision of this Ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity

of the Ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

Section 26.

WHEN EFFECTIVE. This Ordinance shall be in full effect from and after its passage.

Passed by the Town Board of Trustees of the Town of Mentone, Indiana, this _____ day of _____, 1961.

President,
Town Board of Trustees, Town of Mentone,
Indiana

ATTEST:

Clerk-Treasurer

M E N T O N E

I N D I A N A

Z O N E M A P

1961

LEGEND OF DISTRICTS

-  R 1 RESIDENCE
-  R 2 RESIDENCE
-  R 3 RESIDENCE
-  B 1 BUSINESS
-  B 2 ROADSIDE BUSINESS
-  I 1 INDUSTRY
-  I 2 INDUSTRY



MENTONE

INDIANA

KOSCIUSKO COUNTY

JURISDICTIONAL AREA

ZONE MAP

LEGEND OF DISTRICTS

-  R 1 RESIDENCE
-  R 2 RESIDENCE
-  R 3 RESIDENCE
-  B 1 BUSINESS
-  B 2 ROADSIDE BUSINESS
-  I 1 INDUSTRY
-  I 2 INDUSTRY

-  AREA BEYOND JURISDICTION
-  CITY OF MENTONE

1961

