

Zoning Ordinance

Delphi, Indiana

1970

Amended October 1, 1979

Amended June 16, 1980

Amended October, 1984

Amended June 1989

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Amended June 2023

Amended July 2023

The law relating to Area Planning and Zoning is found in
Indiana Code 36-7-4-100 through 36-7-4-1213.

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF DELPHI, INDIANA, PROVIDING FOR THE ADMINISTRATION AND PENALTIES FOR VIOLATION THEREOF AND FOR THE REPEAL OF ALL CONFLICTING ORDINANCES.

THIS ORDINANCE is in accordance with a Development Plan and is adopted so that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. This Ordinance is made with reasonable regard to existing conditions, the character of building 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 territory under the jurisdiction of the City of Delphi, Indiana.

Now therefore be it ordained by the Common Council of the City of Delphi under the authority of Chapter 138, Acts of 1957, General Assembly of the State of Indiana and all acts amendatory thereto.

ARTICLE 1

ARTICLE 1. ESTABLISHMENT OF DISTRICTS: ZONING MAP

Section 1. The City is hereby divided into the following districts

U-1, Urban Residential District

U-2, Urban Residential District

B-1, General Business District

B-2, Local Business District

B-3, Central Business District

I-1, Industrial District

I-2, Industrial District

FP, Floodplain Overlay District

which shown on the City Zoning Map which, together with all explanatory matter thereon, is incorporated into and made a part of this ordinance.

The Zoning Map shall be identified by the signature of the Mayor and the seal of the City under the words: "I hereby certify that this is the Zoning Map referred to in Article 1, Section 1 of Ordinance Number ____" together with the date of the adoption of this ordinance.

If any changes are made in the district boundaries or any other matter portrayed on the Zoning Map, such as changes together with the following statement: "On (date) by official action of the Common Council the following change(s), was(were) made in the Zoning Map: (brief description of the nature of change) shall be made on the Zoning Map promptly after the amendment has been approved by the Common Council. The entry shall be signed by the Mayor. No amendment to this ordinance involving anything portrayed on the Zoning Map shall become effective until after such change has been made on the map.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the City Hall is the final authority as to the current zoning status of land and water areas, buildings, and other structures of the Town.

Section 2. Replacement of the Zoning Map.

In the event the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Common Council may

by resolution adopt a replacement which shall replace the drafting or other errors or omissions in the replaced Zoning Map but may not amend the zoning ordinance. The new Zoning Map shall be identified by the signature of the Mayor and the seal of the City under the following words: "I do hereby certify that this Zoning Map supersedes and replaces the Zoning Map adopted on ___ (date of adoption of the map being replaced) as part of Ordinance Number ____" along with the date of the resolution.

Section 3. Interpretation of District Boundaries.

The following rules shall be used in the interpreting of the Zoning Map:

- a. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following corporate, township, or county lines shall be construed as following these lines;
- d. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (c) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map;
- e. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections (a) through (d) above, the Board of Zoning Appeals shall interpret the district boundaries

ARTICLE 2

ARTICLE 2. APPLICATION OF DISTRICT REGULATIONS

Section 1. No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, or reconstructed, moved, or structurally altered unless in conformity with all regulations specified in this ordinance for the district in which it is located.

Section 2. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

Section 3. The regulations established by this ordinance are the minimum requirements for the promotion of the public health, safety, comfort, morale, convenience, and general public welfare. Whenever the requirements of this ordinance are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE 3.

ARTICLE 3. SCHEDULE OF DISTRICT REGULATIONS

Section 1. U-1 Urban Residential District

- a. Permitted Uses and Structures:
 - 1. Single-family dwelling.
 - 2. Public parks, playgrounds recreation areas and public golf courses, and country clubs.
 - 3. Public elementary, junior high, and high schools, and public buildings for town, city, county, State, and Federal Government uses.
 - 4. Churches and community buildings.
 - 5. Planned developments, residential, on tracts of land of 5 acres or more in area in accordance with Article 4, Section 19.
 - 6. Mobile home when located in a mobile home park.
 - 7. Temporary real estate offices for sale or rental of real estate on the premises.
 - 8. Temporary buildings and structures incidental to construction work only for the period of such work.
 - 9. Storage of a continually unoccupied recreational vehicle in a private garage or rear or side yard.
 - 10. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.
 - 11. Owner-Occupied short-term rentals.

- b. Uses permitted as Special Exception by Board of Zoning Appeals:
 - 1. Private clubs and religious and charitable institutions.
 - 2. Home occupations.
 - 3. Nursery schools.
 - 4. Nursing or rest homes.
 - 5. Governmental and public utility uses.
 - 6. Mobile home parks in accordance with the Mobile Home Parks Act of 1955, as amended, Indiana State Board of Health Regulations, as amended, and Article 4, Section 15 of this ordinance.
 - 7. Hospitals and medical clinics.
 - 8. Two-family and multiple-family dwellings.
 - 9. Compact homes in accordance with Article 4, Section 13.
 - 10. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.
 - 11. Bed and Breakfast.

12. Non Owner-Occupied short-term rentals

c. Minimum Lot Sizes:

	Area/dwelling unit (Sq. ft.)	Lot Width (Feet)
Single-family -		
With sanitary sewers	6,000	60
Without sanitary sewers	14,000	80
Two-family -		
With sanitary sewers	4,000	70
Without sanitary sewers	9,000	90
Multiple-family -		
With sanitary sewers	2,500	75
Without sanitary sewers	6,000	100

d. Minimum Yard Sizes:

- Front Yard - 35 ft. along Major and Collector Highways and 25 ft. along all other streets.
- Rear Yard - 20 ft.
- Side Yard - 7 ft. (each side)

e. Maximum Height of Structures:

1. Single-family and two-family dwellings 2-1/2 stories or 35 ft. whichever is lower.
2. Multiple-family dwellings 3 stories or 35 ft. whichever is lower, except this height may be increased provided that for each 1 foot of building height over 35 ft. each required side and rear yard shall be increased by 2 ft.

f. Minimum Off-Street Parking Requirements:

1. Multiple-family dwellings – 1-1/2 spaces for each dwelling unit.
2. Single-family dwelling and mobile homes – 1 space for each dwelling.
3. Public elementary or junior/senior high schools – 1 space for each 3 faculty members and other full-time employees.
4. School and institutional auditoriums and churches – 1 space for each 2 persons employed on the premises, and 1 additional space for each 6 seats based on maximum seating capacity, including fixed and removable seats.
5. Meeting halls and private clubs – spaces equal to 30 percent of the maximum number of people that can be accommodated in accordance with the design capacity.
6. Recreational and community centers – 1 space for each 3 employees, plus adequate spaces as determined by the Board to serve the visiting public.
7. Public utility and public service uses – 1 space for each 2 employees, plus

adequate spaces as determined by the Board to serve the visiting public.

8. Home occupations – 1 space in addition to residence requirements.
9. Planned developments – at least the total number of spaces on the basis of the required spaces for each individual use.
10. Hospital and nursing and rest homes – 1 space per 3 beds and 1 for each 2 employees on the maximum working shift.
11. Mobile Home Park – 1 space for each mobile home site, plus 1 space for each four sites for guest parking.
12. All other permitted or special exception uses – spaces as determined by the Board.

g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply.

h. Bed and Breakfast:

A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes in individual rooms. The operator occupied residence that (1) provides sleeping accommodations to the public for a fee; (2) has no more than fourteen (14) guest rooms; (3) provides breakfast to its guest as part of the fee; and (4) provides sleeping accommodations for not more than thirty (30) consecutive days to a particular guest. This does not include hotels, motels, boarding houses, or food service establishments.

1. The residence shall be occupied as a residence by at least one of the bed and breakfast staff, but not necessarily the property owner.
2. The bed and breakfast use shall be confined to the principal residential structure, and other existing structures which can be successfully converted to bed and breakfast units.
3. No structural additions or enlargements shall be made to accommodate the bed and breakfast use, and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
4. The minimum total floor area of the principal residential structure needed to establish a bed and breakfast use shall be 1,500 sq. ft. Each bed and breakfast unit in excess of one (1) shall require an additional 500 sq. ft. of total floor area.
5. Two off-street parking spaces shall be provided for the residential occupants. One (1) additional off-street parking space shall be provided for each bed and breakfast established; screening and buffering may be required.
6. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast

guests, unless the Board of Zoning Appeals finds that opening the facilities to the public will not have a negative impact on the surrounding area. The Board may set any additional regulations necessary to ensure that public use of the facilities will be in harmony with the surrounding area.

7. There shall be no more than the equivalent of one non-resident full-time employee hired solely for the purpose of working for the bed and breakfast use. However, if the dining and/or other facilities are open to the public, the Board may allow additional employees.
8. The applicant is responsible for obtaining all inspections, permits, licenses, etc. as may be required by law.
9. The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.
10. The Board shall determine that the bed and breakfast use will be compatible with the neighborhood and will not interfere with the reasonable enjoyment of adjoining properties.

Section 2. U-2 Urban Residential District

- a. Permitted Uses and Structures:
 1. The uses permitted and as regulated in number 1, 3, 4, 5, 8, 9, and 11 of U-1 Urban Residential District.
 2. Public parks and playgrounds
 3. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses.
 4. Two-family and multiple-family dwellings.
- b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:
 1. The special exceptions permitted and as regulated in numbers 1, 2, 3, 4, 5, 7, 8, 9, and 12 of U-1 Urban Residential District.
 2. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.
- c. Minimum Lot Size: Lot area per dwelling unit on public sewer:– single-family is 5,000 sq. ft.; two-family is 3,500 sq. ft.; and multiple-family is 1,000 sq. ft.
- d. Minimum Lot Size:
 1. Single-family and two-family
 - Front Yard - 20 ft.
 - Rear Yard - 15 ft.
 - Side Yards - 6 ft. (each side)
 2. Multi-family

- Front Yard - 0 ft.
 - Rear Yard - 15 ft.
 - Side Yards - 0 ft. (each side)
- e. Maximum Height of Structures:
1. Single-family and two-family dwellings: Same as in U-1 Urban Residential District.
 2. Multiple-family dwellings: 3-stories or 45 ft. whichever is higher. Height is measured from the elevation of the centerline of the adjacent roadway and does not include below-grade improvements.
- f. Minimum Off-Street Parking and Loading Requirements: Same as in U-1 Urban Residential District.
- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply

Section 3. B-1 General Business District:

- a. Permitted Uses and Structures:
1. The same uses and structures permitted in District B-2 shall be permitted in District B-1, except garages for storage, repair and servicing of motor vehicles shall not be required within a completely enclosed building.
 2. Farm service centers shall be permitted.
- b. The uses permitted by Special Exception by the Board of Zoning Appeals shall be the same as in District B-2.
- c. There shall be no minimum lot size.
- d. The minimum yard size shall be the same as in District B-2.
- e. The maximum height of structures shall be the same as in District B-2.
- f. The minimum off-street parking and loading requirements shall be the same as in District B-2.
- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply

Section 4. B-2 Local Business District

- a. Permitted Uses and Structures:
1. Retail businesses and customary accessory service activities.

2. Personal, business, financial, and professional services.
 3. Governmental and public utility uses.
 4. A dwelling unit or lodging room as an accessory use in the principal building.
 5. Temporary buildings and structures incidental to construction work only for the period of such work.
 6. Planned developments, business, on tracts of 4 acres or more in area in accordance with Article 4, Section 19 of this ordinance.
 7. Amusement establishments such as bowling alleys, pool halls, dance halls, amusement parks, and other outdoor amusement facilities.
 8. Automobile service stations; boat sales, rentals, storage and repair; greenhouses, retail; machinery sales; monument sales; motor vehicle sales; plumbing and heating showrooms and shops; restaurants and taverns; second-hand stores and rummage shops, excluding building materials or salvage goods; theaters, indoor; trailer sales and rental, for use with private passenger cars; mobile home sales; and drive-in food establishments.
 9. Storage of a continually unoccupied mobile home or recreational vehicle.
 10. Garages for storage, repair, and servicing of motor vehicles, providing such work is conducted within a completely enclosed building.
 11. Clubs and lodges, non-profit; motel.
 12. Parking lots, open and other than accessory and subject to the provisions of Article 4, Section 17 of this ordinance.
 13. Uses, buildings and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.
- b. Uses Permitted as Special Exceptions by the Board of Zoning Appeals:
1. Undertaking establishment.
 2. Veterinary hospital, excluding kennels.
 3. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.
- c. Minimum Lot Size:
None required.
- d. Minimum Yard Sizes:
- | | | |
|------------|---|--|
| Front Yard | - | 25 ft. |
| Rear Yard | - | 20 ft. |
| Side Yards | - | Not required along an interior lot line but, if provided, shall be not less than 5 ft. |

- On a corner Lot adjoining a street – 25 ft.
- Transitional Yards along a side lot line which coincides with a side or rear lot line of a lot in a residence district, a yard shall be provided equal in width to the side yard required for a lot in the residence district.
- e. Maximum Height of Structures:
Three stories or 45 ft.
- f. Minimum Off-Street Parking and Loading Requirements:
1. Off-Street Parking:
 - a. Same as is U-1 Urban Residential District.
 - b. Private clubs and lodges – 1 space for each lodging room and 1 space for each 6 seats in accordance with the design capacity of the main meeting room.
 - c. Motels – 1 space for each dwelling unit.
 - d. Schools, commercial or trade and music, dance or business, – 1 space for each 2 employees, plus 1 space for each 5 students based on the maximum design capacity.
 - e. Bowling alleys – 7 spaces for each alley, plus such additional spaces as may be required herein for affiliated uses.
 - f. Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial – 1 space for each 3 person based upon maximum design capacity plus 1 space for each 5 employees.
 - g. Automobile service stations – 1 space for each employee, plus 2 spaces for each service stall.
 - h. Motor vehicle sales and wholesale stores – 1 space for each 400 sq. ft. of floor area.
 - i. Undertaking establishments – 8 spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises.
 - j. Auto laundries – 1 space for each 3 employees, plus 1 space for the owner or manager and reservoir parking spaces equal in number to 5 times the maximum capacity of the auto laundry.
 - k. Warehouse, storage, and mail order establishments – 1 space for each 2 employees based on the maximum number of persons employed on the premises. Medical and dental clinics – 3 spaces for each examining or treatment room, plus 1 space for each doctor and each employee in the building.
 - l. Restaurants and taverns – 1 space for each 3 persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the design capacity.
 - m. Banks – 1 space for each 300 sq. ft. of floor area.

- n. Business, professional, and public administration or service office buildings – 1 space for each 500 sq. ft. of floor area.
 - o. Furniture and appliance stores – 1 space for each 400 sq. ft. of floor area.
 - p. Other business and commercial establishments – 1 space for each 300 sq. ft. of gross floor area.
 - q. All other permitted or special exception uses – spaces determined by the Board.
2. Off-Street Loading and Unloading:

Use	Gross Floor Area	No. of Berths
Business or commercial uses	5,000 to 10,000 sq. ft.	1 (10' x 25')
	10,000 to 25,000 sq. ft.	2 (10' x 25' each)
	25,000 to 40,000 sq. ft.	2 (10' x 50' each)
	40,000 to 100,000 sq. ft.	3 (10' x 50' each)
	Each additional 200,000 sq. ft. or fraction thereof over 100,000 sq. ft.	1 (10' x 50')
Planned developments, business		The total of the required berths for each individual use.

- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply.

Section 5. B-3 Central Business District

- a. Permitted Uses and Structures:
 - 1. The uses permitted and as regulated in numbers 1, 2, 4, 5, and B-2 Local Business District.
 - 2. Fire and police stations, public buildings, parks and public and private utility uses, but not including outside service or storage yards.
 - 3. Amusement establishments such as bowling alleys, pool halls, dance halls, theaters, and other indoor amusement uses.
 - 4. Automobile, implement, and boat sales and service; plumbing and electrical showrooms and shops; restaurants and taverns; second- hand and rummage stores, excluding building materials or salvage goods; hotels; and commercial schools.
 - 5. Clubs and lodges, non-profit; convention and meeting halls; exhibition halls; charitable institutions; and parking lots, open and other than accessory and subject to the provisions of Article 4, Section 17 of the ordinance.
 - 6. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

- b. Uses Permitted as Special Exceptions by Board of Zoning Appeals:
 - 1. Churches
 - 2. Blue-printing and photo staving, automobile service stations, dry cleaning and laundry establishments, printing and publishing, and garages for repair and servicing.
 - 3. Short-term rentals above the first floor of a structure in accordance with Article 4, Section 21.
 - 4. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

- c. Minimum Lot Size:
None required

- d. Minimum Yard Sizes:
 - Front Yard - None required
 - Rear Yard - None required
 - Side Yards - Not required along an interior lot line, but, if provided, shall be not less than 5 ft.
 - Transitional Yards - rear - along a side lot line which coincides with a side or lot line of a lot in a residence district, a yard shall be provided equal in width to the side yard required for a lot in the residence district.

- e. Maximum Height of Structures:
Three stories of 45 ft.

- f. Minimum Off-Street Parking and Loading Requirements:
Same as in B-2 Local Business District.

- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply

Section 6. I-1 Industrial District

- a. Permitted Uses and Structures:
 - 1. The following uses provided the principal use is conducted within a completely enclosed building and conforms to the performance standards

and general requirements of Article 4, Section 21 of this ordinance:

- a. Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing or repairing of goods, materials, or products.
 - b. Engineering or research laboratories, vocational or industrial training facilities, data processing, or analysis.
 - c. Wholesaling, warehousing, packaging, storage or distribution facilities.
 - d. General offices associated with an industrial use, including service facilities for employees or guests.
 - e. Printing, lithographing, publishing, or photography establishments.
2. Governmental and public utility uses.
 3. Planned developments, manufacturing, on tracts of land of 20 acres or more in area in accordance with Article 4, Section 19.
 4. Lumber yards, building materials, millwork, storage and sale; contractor's storage yard.
 5. Vehicle and implement repair and painting shops.
 6. Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use, including recreational areas for employees, and lodging facilities for owners, guards, or caretakers.
- b. Uses permitted as Special Exceptions by Board of Zoning Appeals:
1. Storage and use of explosive materials, bulk fuel storage.
 2. Trucking terminals.
 3. Grain elevators and supply yards.
 4. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.
- c. Minimum Lot Size:
None required
- d. Minimum Yard Sizes:
- | | | |
|------------|---|---|
| Front Yard | - | 20 ft. |
| Rear Yard | - | Except where abutting a railroad right-of-way, 10 ft. |
| Side Yards | - | 15 ft. (each side), when adjoining an interior lot line; 25 ft. when adjoining a street; and 50 ft. where a side lot line coincides with a side or rear lot line in an adjacent residential or business district. |
- e. Maximum Height of structures:45 ft.
- f. Minimum Off-Street Parking and Loading Requirements:
1. Off-Street Parking

Same as in B-3 Central Business District.

1. Manufacturing, fabricating, processing, assembly, disassembly, cleaning, servicing, testing or repairing of materials, goods, or products – 1 parking space for each 3 employees based upon the working period when the maximum number of persons are employed on the premises.
2. Off-Street Loading and Unloading
Same as in B-3 Central Business District.

Use	Gross Floor Area	No. of Berths
Any manufacturing, fabricating, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products	5,000 to 40,000 sq. ft.	1
	40,000 to 100,000 sq. ft.	2
	Each additional 100,000 sq. ft. or fraction thereof	1
Planned developments, industrial		The total of the required berths for each individual use.

- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply

Section 7. I-2 Industrial District

- a. Permitted Uses and Structures:
 1. The uses permitted in I-1 Industrial District and the following uses provided they conform to the performance standards and general requirements of Article 4, Section 21, of this ordinance.
 2. Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.
 3. Manufacture and assembly of glass, plastic, paper, cloth, jewelry, and leather products.
 4. Manufacture of colors, dye, paint, and other coatings (excluding tar products).
 5. Machine, welding, tool and die shops; electroplating operations.
 6. Manufacture of pharmaceutical, biological, medical, cosmetic, and candy products.
 7. Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical goods, and farm machinery.
 8. Manufacture and assembly of marine, office, and household furniture and appliances; communication and automobile equipment; air conditioning, heating and refrigeration equipment.
 9. Can and container manufacture and processing and milling of forest products.

10. Canning, bottling, processing and packaging of food and beverages; grain elevators; grain processing and starch manufacture.
 11. Dyeing and cleaning works; and services such as freight movers, communication and canteen operations.
 12. Upholstering and feather goods manufacture.
 13. Trucking terminals.
 14. Vehicle and implement repair and painting, storage and sale; contractor's storage yards.
 15. Lumber yards, building materials, millwork, storage and sale; contractor's storage yards.
- b. Uses Permitted as Special Exceptions by Board of Zoning Appeals, provided they conform to the performance standards and general requirements of Article 4, Section 21.
1. Storage, use, or manufacture of explosive materials.
 2. Creosote manufacturing and treatment.
 3. Bulk storage of petroleum products.
 4. Foundries, smelting operations, metal forging, rolling and stamping plants.
 5. Manufacture of detergents and soaps.
 6. Monument works and stone cutting.
 7. Concrete mixing, production of concrete blocks, cinder blocks and similar building materials.
 8. Cement, lime, and gypsum manufacturing; oil processing, refining and manufacturing.
 9. Fat rendering and fertilizer manufacturing; stock yards, slaughtering, and allied food processing; leather curing and tanning.
 10. Tar, Tar paper, and tar products manufacturing and processing; manufacture of matches and fireworks.
 11. Production of emulsified asphalt and asphaltic concrete paving material.
 12. Manufacture of chemicals and gases, poisons and insecticides.
 13. Storage or processing salvage, scrap, or junk.
 14. Uses, buildings, and structures customarily accessory and clearly incidental to the above uses.
- c. Minimum Lot Size:
- | | | |
|-----------|---|---------|
| Lot Area | - | 1 acre |
| Lot Width | - | 150 ft. |
- d. Minimum Yard Sizes:
- | | | |
|------------|---|----------------------------------|
| Front Yard | - | 40 ft. |
| Rear Yard | - | Same as I-1 Industrial District. |

Side Yards - (each side) same as I-1 Industrial District.

- e. Maximum Height of Structures:
Same as I-1 Industrial District.
- f. Minimum Off-Street Parking and Loading Requirements:
Same as I-1 Industrial District.
- g. Sign Standards. The standards set forth in Article 4, Section 12: Sign Standards shall apply.

Section 8. FP Floodplain Overlay District

- a. Purpose:
The purpose of the FP District is to guide development in those areas subject to flooding by the 100-year frequency flood, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. The FP District is superimposed over other districts.
- b. Permitted Uses:
The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Plain Overlay District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment.
 - 1. Agricultural uses such as general farming, pasture grazing, orchards, plant nurseries, and vineyards.
 - 2. Forestry, wildlife areas and nature preserves.
 - 3. Parks and recreational uses, such as golf courses, driving ranges and play areas.
- c. Special Exception Uses:
Those uses which are permitted outright and by special exception in the respective districts upon which the FP District is overlain shall be permitted by special exception in the FP District. The permit issuance process required by subsection d. of this section shall be followed in the granting of such special exception in addition to other requirements of special exceptions set forth elsewhere in this ordinance.
- d. Permits:
An Improvement Location Permit for a use or structure, in the FP District including filling and construction of improvements intended to reduce the danger of flood shall be required before commencement of such use of development.
 - 1. A scale drawing identifying the location, dimensions and elevations related to

USGS datum of the land for which the permit is sought shall be part of the request and shall be provided to the Zoning Administrator by the applicant of such permit.

2. A request for review and written report shall be forwarded by the Zoning Administrator to the Indiana Natural Resources Commission. All terms and conditions imposed by the Natural Resources Commission shall be incorporated into the issuance of any local permit.
3. Requests for variances shall be submitted in the same manner as paragraph 2 of this subsection.

e. Non-Conforming Uses:

Any building, structure or use of land in the Flood Plain District which is not in conformance with this ordinance constitutes a non-conforming use. All application to repair, extend, enlarge, or otherwise modify a non-conforming use shall be forwarded to the Natural Resources for review and comment. All terms and conditions imposed by the Natural Resources Commission shall be incorporated into the issuance of any local permit.

f. Basis for Delineating FP Districts:

The FP District shall conform to those areas identified on the official maps of the Federal Insurance Administration as being subject to a flood having a probability of occurrence of one percent any given year.

g. Disclaimer:

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, the Natural Resources Commission or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decisions lawfully made thereunder.

ARTICLE 4.

ARTICLE 4. SUPPLEMENTARY DISTRICT REGULATIONS

Section 1. Buildings on a Lot:

Except as otherwise provided, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot and in no case shall there be more than one such building on a lot.

Section 2. Division of Lots:

No lot improved with a building or buildings shall hereafter be divided into two or more lots and no portion of any such improved lot shall be sold, unless all improved lots resulting from each such division or sale shall conform to and with all of the bulk regulations of the zoning districts in which the property is located.

Section 3. Access to Public Streets:

Each principal building hereafter erected shall be on a lot which adjoins a public street or a permanent easement of access, at least twenty (20) ft. wide, connecting to a public street.

Section 4. Access to Business or Industrial Districts:

No land which is located in a Residence District shall be used for drive-way or vehicular access purposes to any land which is located in a Business or Industrial District.

Section 5. Visual Clearance on Corner Lots:

On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2-1/2) and ten (10) ft. above the centerline grades of the intersecting streets, in the area bounded by the street right-of-way lines of the corner lot and a line joining two points on the street right-of-way line thirty-five (35) ft. from the point of their intersection.

Section 6. Fences, Walls, and Hedges:

Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided all other provisions of this ordinance are complied with.

Section 7. Accessory Buildings, Structures, and Uses:

- a. Notwithstanding other provisions of this ordinance walks, driveways, curbs , retaining walls, lattice-work screens, trees, shrubs, flowers, plants, mail boxes, name plates, lamp posts, bird baths, benches, and structures of a like nature are permitted in any required front, side, or rear yard provided they do not violate the requirements of Section 5, Article 4.
- b. Accessory buildings, structures, and uses, other than those set forth in a. shall be permitted in any required rear yard provided they are located no closer than five (5) ft. to any property line.
- c. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

Section 8. Essential Services:

The regulations of this ordinance shall not be interpreted so as to limit or interfere with the construction, installations, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephones and telegraph lines, oil pipe lines and sewer mains.

Section 9. Height Modification:

Church spires, belfries, and domes, silos, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, flag poles, television andradio towers, masts and aerials, cooling towers, elevator bulkheads, scenery lofts, tanks, skylights or mechanical appurtenances necessary to the building may be erected above the height limits herein specified.

Section 10. Front Yards:

Where 25% or more of the lots on one side of the street within a block or within a distance of 1,800 ft. whichever is less, are occupied by buildings on the effective date of this ordinance, no building or other structure shall be erected, reconstructed, altered, or moved so as to project closer to the right-of-way line of the street on which it faces than the average building setback line established by such buildings. Where no front yard line has been thus established, the front yard requirements set forth in the Schedule of District Regulations shall be complied with.

Section 11. Projections into Yards:

Every part of a required yard shall be open and unobstructed except for accessory buildings and uses.

Section 12. Signs:

- a. Purpose. The purpose of these sign standards is to avoid the proliferation of signage; to encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the community; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and to promote the health, safety, and welfare of the citizens.
- b. Applicability. These standards apply to all new signs, relocated signs, enlarged signs, and/or structural modifications to any sign in all zoning districts within the jurisdiction unless otherwise noted. Sign maintenance (as defined below in *Subsection 3.ii*) or changing of a sign copy shall not be considered modifying a sign for regulation applicability purposes.
- c. Permit Required.
 1. A permit is required for all permanent signs located, erected, constructed, reconstructed, moved, or structurally altered unless otherwise stated in this section. Temporary signs do not require a permit unless otherwise indicated.
 2. All signs located along state-owned right-of-way shall obtain proper sign permits or written authorization from INDOT (if required) prior to seeking approval for a permit.
- d. Sign Plan Required. A sign plan shall be submitted if Development Plan approval is required.
- e. Sign Inspection, Maintenance, and Removal.
 1. Inspection. Any sign that requires a permit may be inspected periodically by the Administrator for compliance with this ordinance and other codes of this or other jurisdictions.
 2. Sign Maintenance.
 - a. All signs, including the frame, illumination, supporting structures, and all components, shall be properly installed and be kept in a state of good repair. If failure to maintain a sign is determined by the Administrator, a written notice shall be given to the owner, business operator and/or lessee of the property giving a thirty (30) day notice for repair and compliance. Penalties shall be imposed after the thirty (30) day notice.

- b. Sign maintenance that replaces any portion of the sign that does not change any dimension, location, or other feature does not require a permit. If a sign is replaced in whole, a permit is required.
3. Removal of Signs. The Administrator may order the removal of any illegal sign erected or maintained in violation of this ordinance or any previous ordinance. Any cost associated with sign removal pursuant to the provisions of this ordinance, shall be reimbursed by the owner of said sign. Should said sign not be retrieved within ten (10) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator.
- a. Removal of Permanent Signs. A thirty (30) day written notice describing the violation and ordering either the removal of the sign or requiring the sign to be brought into compliance shall be given to the owner and/or business operator. The Administrator may remove a permanent sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.
 - b. Removal of Temporary Signs. No notice shall be given for the removal of temporary signs in violation of this ordinance.
4. Abandoned Signs.
- a. A sign shall be considered abandoned if it is located on a parcel with a use that has not been in operation for three (3) consecutive months or if the sign has not been adequately maintained or repaired.
 - b. All signs, their mountings, and related components shall be removed by the owner or lessee of the premises upon which the signs are located when a business is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Administrator may remove the sign. Any cost associated with sign removal pursuant to the provisions of this ordinance shall be reimbursed by the owner of said sign. Should said sign not be claimed and retrieved within fifteen (15) days of its removal, it may be disposed of in any manner deemed appropriate by the Administrator
- f. Sign Illumination.
- 1. All permanent signs are permitted to be internally or externally illuminated unless otherwise specified in the ordinance; temporary signs shall not be illuminated

2. All illuminated signs must meet National Electrical Code (NEC), as amended, and all lighting requirements outlined in this ordinance in addition to the following standards
 - a. All illuminated signs shall be located, shaded, or shielded so that the light intensity is not impeding to surrounding properties. (Use the 1-foot candle threshold at the property line.)
 - b. No sign shall have blinking, flashing, rotating, revolving, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or gives such illusion.
 - c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - d. All electrical wiring for permanent signs shall be in conduit.
 - e. An exempt sign may be illuminated according to the provisions of this chapter and still considered exempt but may not be flashing or animated.
- g. Electronic Variable Message Signs (EVMS). In addition to the standards for Sign Illumination, all EVMS shall also comply with the following standards:
 1. Messages displayed on the sign must remain unchanged for at least eight
 2. (8) seconds
 3. No sign containing an EVMS as a component shall be located within one hundred fifty (150) feet of any signalized intersection or any property with a residential use or a residential zoning designation. Automatic light intensity sensors to 300 NITS shall be required from dusk to dawn.
 4. Drive-thru menu boards that utilize EVMS are exempt from the above EVMS standards but shall comply with all other applicable sign standards.

- h. Exempt Signs. The following are exempt from all provisions of the sign standards set forth in this section unless specified otherwise. If any exempt sign contains components that would otherwise be regulated in this section, they are not considered exempt sign unless specified otherwise.

Exempt Signs	
Address Signs	Street address sign to provide adequate property identification that does not exceed 2 square feet in total sign structure size
Building or Site Identification Signs	Names of buildings, date of erection, monumental citations, historical interest, commemorative or memorial tablets, and similar identification when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction that are smaller than 2 square feet in total sign structure size
Decorations	Temporary decorations customarily associated with a national, local, or religious holiday and are displayed for less than 30 consecutive days
Flags	Flag of any country, state, unit of local government, institution of higher learning, or similar institutional flags
Non-Visible Signs	Signs that are not visible from any public or private right-of-way or any adjacent parcel
Operational Signs	Operational information such as hours of operations, restroom identification, directional, visitor parking, menus, or similar information and do not exceed 2 square feet in total sign structure size
Political Signs	Political campaign signs in accordance with IC 36-1-3-11
Public Notice, Regulatory, & Safety Signs	Information for the public's interest that are erected by or on the order of a local, state, or federal law or intended to provide a public notice (such as rezoning, government) and regulatory or safety notices (such as no trespassing, directional, ingress/egress, and traffic)) that are smaller than 4 square feet in total sign structure size
Utility Signs	Utility locations, cables, lines, and similar notices for public and private utilities that are smaller than 2 square feet in total sign structure size, except if determined to be a hazard by the Administrator

- i. Prohibited Sign Types. The following types of signs are expressly prohibited in all zoning districts. Any sign that is not expressly permitted in this ordinance is also considered prohibited.

Prohibited Signs	
Animated Signs	Flashing, blinking, fluttering, or using any motion picture, laser, or visual projection of images or copy or that change light intensity or brightness
Emitting Signs	Emit audible sound, odor, or visible matter
Human Signs	Worn or held by a person, unless located outside of the right-of-way and only during business hours
Imitation Signs	Emulate emergency service vehicles, road equipment, or traffic signs (such as Stop, Slow, or Caution)
Moving Signs	Designed to revolve or move in a similar manner by means of electrical or wind power.
Obscene Signs	Display or convey obscene matter as defined in <i>IC 35-49-2</i> .
Roof Signs	Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Vehicle Signs	Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign. This does not include vehicles lawfully parked: <ul style="list-style-type: none"> • Overnight during non-business hours at a driver's residence or business; • While conducting lawful business; and • On a construction site in conjunction with construction operations

- j. Prohibited Sign Locations. The following placement standards shall apply to all signs unless otherwise noted in this ordinance.

Prohibited Sign Locations	
Right-of-Way	Signs within any right-of-way unless authorized by the city, Administrator, and/or INDOT, including signs located on any traffic control device, street sign, tree, utility pole, or similar location
Obstruction	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure or that hide from view any traffic or roadway sign, signal, or device
Vision Clearance	Signs that obstruct a sight clearance or be placed within the sight triangle of any intersection or driveway
Setback	Signs (measured from nearest edge) within ten (10) feet of any property line. Signs are permitted to be located within a required front, side, or rear yard setback.

- k. Permitted Temporary Signs.
1. The following Temporary Signs shall be permitted, provided the respective development standards for the subject zoning district are met.
 2. A permit is not required.
 3. EVMS is not permitted for temporary signs unless otherwise specified.

4. A total of two (2) temporary signs are permitted per parcel.

Permitted Temporary Signs (Total of 2 temporary signs permitted per parcel)			
Sign Type	Permitted Districts	Maximum Size	Duration (whichever is greatest)
Hanging Sign Yard Sign	All Districts	<ul style="list-style-type: none"> • 16 sqft per sign face • 5 feet in height 	<ul style="list-style-type: none"> • Property is for sale or lease; • Project is under construction; or • 30 consecutive days but no more than twice in a calendar year
Awning Sign Banner Sign Ground Sign Inflatable Sign Wall Sign Window Sign	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 32 sqft per sign face • 8 feet in height 	<ul style="list-style-type: none"> • Property is for sale or lease; • Project is under construction; or • 30 consecutive days but no more than twice in a calendar year
Portable Sign	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 32 sqft per sign face • 6 feet in height 	<ul style="list-style-type: none"> • Non-EVMS permitted during business hours • *EVMS Permitted maximum of 2 days within a 6-month period and during business hours

I. Permitted Permanent Signs.

1. The following Permanent Signs shall be permitted, provided the respective development standards for the subject zoning district are met.
2. A permit is required unless otherwise specified.
3. EVMS is not permitted for permanent signs unless otherwise specified.

Permitted Permanent Signs			
<u>Maximum Cumulative Area of All Sign Faces¹</u>			
U-1 & U-2	2 square feet per parcel, except monument signs as permitted below		
B-1, B-2, B-3, & IN	<u>1.5 square feet per 1 linear foot of primary building frontage (200 sqft maximum)²</u>		
I1 & I2	<u>2 square feet per 1 linear foot of primary building frontage (200 sqft maximum)²</u>		
Permitted Permanent Signs			
Sign Type	Permitted Districts	Maximum Size	Maximum Number & Placement
Awning Sign	B-1, B-2, B-3, & IN	<ul style="list-style-type: none"> • 50 sq ft sign face, but cannot exceed 50% of awning area 	<ul style="list-style-type: none"> • Must be placed on primary structure
Mailbox Sign	U-1 & U-2	<ul style="list-style-type: none"> • 1 sq ft per sign face 	<ul style="list-style-type: none"> • Must be placed on a mailbox post
Monument (Ground) Sign	U-1³ & U-2³	<ul style="list-style-type: none"> • 32 sq ft per sign face • 6 feet in height 	<ul style="list-style-type: none"> • 1 double-faced or 2 single-faced sign per vehicular entrance to a residential subdivision, residential complex, or other development³
	B-1, B-2, B-3, & IN	<ul style="list-style-type: none"> • 50 sq ft per sign face • 8 feet in height • EVMS permitted 	
Pole Sign	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 50 sq ft per sign face • 20 feet in height • EVMS permitted 	<ul style="list-style-type: none"> • 1 per parcel

Projecting Sign	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 12 sq ft per sign face • EVMS permitted 	<ul style="list-style-type: none"> • 1 per primary entrance • Minimum 8.5 feet clearance above grade • Maximum extension of 4 feet beyond supporting structure
Wall Sign	U-1 & U-2	<ul style="list-style-type: none"> • 1 sq ft per sign face 	<ul style="list-style-type: none"> • 1 per parcel • Must be placed on primary structure
	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 50 sq ft per sign face 	<ul style="list-style-type: none"> • Must be placed on primary structure
Window Sign	B-1, B-2, B-3, IN, I1, & I2	<ul style="list-style-type: none"> • 50 sq ft sign face, but cannot exceed 50% of window area • 2 sq ft sign face if illuminated 	<ul style="list-style-type: none"> • Must be within window on primary structure

- 1 – Maximum cumulative sign face only includes the sign face and excludes the total sign area/sign structure. See Article 11: Definitions.
- 2 – Total square footage is calculated based on the length of the front elevation of the primary structure (that the structure is addressed off of); additional square footage is not permitted for secondary or side streets.
- 3 – Must be located in a dedicated easement or common area dedicated to a homeowner’s association in a residential subdivision.

Section 13. Compact Homes:

In any district in which compact homes are permitted the following minimum requirements shall apply:

- a. Each compact home shall be located on a lot and shall be the only principal building on the lot.
- b. A compact home shall comply with the minimum lot size, minimum yard sizes, and other single-family dwelling requirements of the district in which it is located.
- c. The wheels shall be removed from each compact home.
- d. All compact homes shall be supported under all exterior walls by a permanent foundation completely enclosing the undercarriage as approved by the Zoning Administrator.
- e. Each compact home shall be oriented on the lot in such manner as is most compatible with other dwelling in the immediate neighborhood.

Section 14. Recreational Vehicle Parks:

In any district in which Recreational Vehicle Parks are permitted the following requirements shall apply:

- a. Recreational vehicle parks shall have direct access to a public street with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park.
- b. Conditions of soil, groundwater level, drainage, geologic structure and

topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding or severe erosion.

- c. The density of a park shall not exceed 17 recreational vehicle spaces per acre of gross site area.
- d. Recreational vehicles shall be separated from each other and from other park buildings or structures by at least 10 ft.
- e. In addition to complying with any required side or rear yard provisions of the district in which the park is located: (1) no recreational vehicle space shall be nearer than 50 ft. to the right-of-way line of a Major or Collector Highway or nearer than 25 ft. to the right-of-way line to other streets; and (2) where the boundary line of a recreational vehicle park coincides with that of a residential district other than along a thoroughfare or alley, a yard of a least 25 ft. in width shall be required.
- f. At least one centrally located recreation area equal in size to 8% of the gross park area shall be provided in each recreational vehicle park. Streets, parking areas and park service facility areas shall not be included in the required recreational area.
- g. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
- h. A dense greenbelt of evergreen trees and/or shrubs, not less than 3 ft. high after one full growing season and which at maturity is not less than 10 ft. high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board to protect occupants from adverse influences outside the park or nearby neighbors from adverse effects of the park.
- i. Recreational vehicle spaces shall be rented by the day or week only and each recreational vehicle occupying a space shall remain in the same park no longer than 120 days.

Section 15. Mobile Home Parks:

In any district in which Mobile Home Parks are permitted the following minimum requirements shall apply:

- a. The minimum area of a mobile home park shall be 2 acres.
- b. No mobile home site shall be rented in any park except for periods of 30 days or longer.
- c. No mobile home shall be nearer than 100 ft. to the right-of-way line of any Major or Collector Highway.
- d. A dense greenbelt of evergreen trees and/or shrubs, not less than 3 ft. high

after one full growing season and which at maturity is not less than 10 ft. high, shall be located and effectively maintained at all times along all park boundary lines where deemed necessary by the Board.

- e. Each park shall provide a recreational area or areas equal in size to at least 8% of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
- f. Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided:
 - 1. They are subordinate to the residential character of the park;
 - 2. They are located, designed and intended to serve only the needs of persons living in the park;
 - 3. The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and
 - 4. The establishments shall present no visible evidence of their commercial nature to areas outside the park.
- g. Each park shall provide either one central water-proof structure available to all mobile home sites or single water-proof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.
- h. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- i. Mobile home sites shall be a minimum of 3,600 sq. ft. in area.
- j. Each mobile home site shall have a minimum width of 40 ft.
- k. The minimum distance between a mobile home and another mobile home or structure shall be 15 ft. Each mobile home shall be located at least 10 ft. from the greenbelt.
- l. Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

Section 16. Temporary Uses of Land or Structures:

A permit for temporary uses such as carnivals, revival meetings and uses of a similar nature may be issued by the Zoning Administrator provided the following conditions are met:

- a. The use is, in fact, temporary and will terminate at a specific time.
- b. The proposed site is of adequate size to accommodate the use without creating congestion in the streets or inadequate circulation for fire and other emergency vehicles.

- c. Adequate parking, both off-street and on-street, is available within 1,400 ft. of the proposed site.
- d. Outdoor lighting will be shielded or directed away from adjoining residential property and streets.
- e. The sign regulations of Article 4, Section 12: Sign Standards for the district in which such temporary use is located shall apply to temporary uses.

Section 17. Off-Street Parking:

The off-street parking provisions of this ordinance shall apply as follows:

- a. All buildings and structures erected and all uses of land established after the adoption of this ordinance shall be provided with off-street parking and loading spaces as set forth for each district in Article 3 - Schedule of District Regulations and in this Section.
- b. When the intensity of use of any building, structure, or premises is increased by additional dwelling units, floor area, seating capacity, or employment, off-street parking and loading spaces shall be provided for such increase in intensity of use.
- c. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this ordinance.
- d. All off-street parking spaces required by this ordinance shall be provided on the same lot with the building, structure, or use unless the Board of Zoning Appeals approves a detached location.
- e. A required off-street parking space shall be at least nine (9) ft. in width and twenty (20) ft. in length, exclusive of access drives or aisles, ramps, columns, or office or work areas.
- f. Off-street parking spaces may be located in any yard except a front yard and a side yard adjoining a street.
- g. The required off-street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one lot providing the total number of such space shall not be less than the sum of requirements for the various individual buildings, structures, or uses computed separately in accordance with Article 3.
- h. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- i. All off-street parking areas required by this ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall

not be used for any kind of loading, sales, servicing, or continuous storage of a vehicle for more than forty-eight (48) hours.

- j. Every parcel of land hereafter used as a public or private off-street parking area capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
 - 1. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed to minimize interference with pedestrian and traffic movement.
 - 2. All required off-street parking areas shall be paved with bituminous, concrete, or other all weather, dustproof surfacing and shall be provided with the bumper guards or barrier curbs where needed.
 - 3. Any lighting used to illuminate a required off-street parking area shall be shielded from residential properties.
 - 4. All open off-street parking areas shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five (5) ft. nor more than eight (8) ft. in height.

Section 18: Off-street Loading:

The off-street loading provisions of this ordinance shall apply as follows:

- a. All required loading berths shall be located on the same lot as the use served. No permitted or required loading berth shall be located within forty (40) ft. of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard.
- b. Unless otherwise specified, a required off-street loading berth shall be at least ten (10) ft. in width by at least fifty (50) ft. in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) ft.
- c. All open off-street loading berths shall be improved with a cement concrete pavement or a comparable hard surface pavement.
- d. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.
- e. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- f. Uses for which off-street loading space is required herein but which are located in buildings of less floor area than the minimum prescribed for such

required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

Section 19. Planned Developments:

The Commission may authorize the unified development of tracts of land when such tracts: (a) are to be developed by a single owner or a group of owners acting jointly, (b) meet the minimum acreage requirements set forth for Planned Developments in Article 3, Schedule of District Regulations, and (c) are located in a U-1, U-2, B-1, I-1, or I-2 District.

In exercising this authority, the Commission may vary the strict application of the district regulations within the planned development on the basis of an approved and recorded plan and program for development as follows:

- a. Uses Exceptions: The Commission may permit in the planned development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Commission shall find:
 1. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
 2. That any business or manufacturing uses permitted by such exception are not of such a nature or so located as to create a detrimental influence on surrounding residential areas, both within and outside of the planned development;
 3. That not more than twenty (20) percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by such exception; and
 4. That in a manufacturing planned development, such additional uses allowed by exception shall conform with the performance standards set forth herein, applicable to the industrial district where the development is located.
- b. Bulk Regulation Exceptions: The Commission may permit exceptions to the applicable bulk regulations of this ordinance within the boundaries of planned developments, provided the Commission shall find:
 1. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate lots;
 2. That the minimum lot area per dwelling unit and the minimum lot width requirements of this ordinance may be reduced by the Plan Commission

in any development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in addition to the amount of public open space required by the subdivision regulations;

3. That the average density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located; and
4. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

The proponent of a Planned Development permit shall submit an Application for Permit to the Secretary of the Plan Commission together with a plat of the area involved in the application which shall show at least the following within the planned development area and within three hundred (300) ft. thereof:

- a. Existing Conditions:
 1. Accurate boundaries of the planned development area.
 2. Existing zoning.
 3. Rights-of-way of existing streets, roads, and easements.
 4. Existing water, sewer, electrical and other utility lines, facilities and easements.
 5. Existing buildings and structures and land and building use.
 6. Topography at a contour interval of five (5) ft. or less and other physical features such as streams, drainageways and other water areas, and wooded areas.
- b. Proposed Future Conditions: The proponent of a planned development shall also submit as part of the application, a plat or plan of development showing within the planned development area and within three (300) ft. thereof the following:
 1. Proposed zoning.
 2. Final grade and topography at a contour interval of five (5) ft. or less and all proposals for surface drainage including addition, alteration or relocation of streams, other drainageways, lakes and other water areas.
 3. Abandonment or relocation of existing utility lines and provision of new water, sewer, electrical and other utility lines and easements.
 4. Location and height of proposed buildings and building groups and the proposed use of each.
 5. Proposed street and lot layout including right-of-way and pavement showing the abandonment or relocation of existing streets and alleys and the provision of new streets, alleys, and easements for pedestrian and vehicular access; also the location capacity and proposed access and

- circulation of off-street parking areas.
- 6. The location of proposed parks, playfields, schools and other common public open space.
- 7. Proposed points of ingress and egress for the planned development.
- c. Additional Information: The proponent of a planned development shall also submit:
 - 1. Evidence of financial ability to carry out such development.
 - 2. Copies of proposed agreements for permanent unified control such as deed restrictions, covenants or other instruments by which development, improvements, or uses are regulated or limited.
 - 3. A realistic time-table within which the improvements contained in the planned development proposal can reasonably be expected to be completed.

The proposed planned development shall conform to the procedures and standards for subdivision approval as set forth in the Subdivision Control Ordinance.

The commission shall review the proposed planned development. Following review, the Commission may approve or reject the proposal. In rejecting, the Commission may recommend modifications or changes in the planned development which shall be a condition of subsequent approval. The effect of approval is as follows:

- a. In the event that no rezoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary plat of development and a favorable recommendation to the Town Board for the rezoning of the planned development area or areas proposed for rezoning. Final plat approval, in this case, is effective upon adoption of an ordinance by the Town Board approving the proposed rezoning.
- b. In the event that a change in zoning is necessary to carry out the planned development, Commission approval shall constitute approval of a preliminary plat of development and a favorable recommendation to the Town Board for the rezoning of the planned development area or areas proposed for rezoning. Final plat approval, in this case, is effective upon adoption of an ordinance by the Town Board approving the proposed rezoning.

Upon final approval of a planned development, it shall be recorded in the Office of the Recorder and shall be binding upon the applicants and owners of all areas contained within the planned development, their successors, heirs and assigns and shall limit and control the issuance and validity of all Certifications of Occupancy, Improvement Location Permits, construction or reconstruction,

location or relocation, use and activity in all land, buildings, and structures located within the planned development area.

Any proposed modifications or amendments to the approved and recorded planned development shall be referred to the Commission and may be approved in the same manner as the original approval of the planned development and through the same procedures.

Failure of the applicant to develop a planned development reasonable within the time schedule submitted and approved as a part of the planned development and through the same procedures.

Section 20. Performance Standards and General Requirements for Industrial Districts.

- a. The storage or manufacture of materials or products which decompose by detonation are permitted only when specifically approved by the Board of Zoning Appeals. Storage or manufacture of such materials shall not be located within 1,000 ft. of the boundary line of any zoning district.
- b. Any use, hereafter established in an Industrial District requiring conformance with performance standards, shall be operated in such a manner as to conform with the regulations set forth in "a" above; other provisions of this ordinance; and applicable performance standards set forth below. No use lawfully established on the effective date of this ordinance shall be so altered or modified as to conflict with such regulations.
 1. Noise:
 - a. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, or beat. Said noise shall be muffled or otherwise controlled so as not to become detrimental. Provided, however, fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
 2. Vibration:
 - a. No industrial operation or activity shall cause at any time or at any point along the nearest adjacent lot line earth-borne vibrations which are detectable without the aid of instruments.
 3. Air Contaminants:
 - a. No person shall cause, let, permit, suffer, or allow to be discharged from any air contaminant source whatsoever any air contaminant for more than three minutes in any hour at the emission point which is:
 1. Greater than the density that is designated as No. 2 smoke on the Ringelmann Chart as published in the U.S. Bureau of Mines Information Circular 6888.

2. If such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in (1) above.

The following exceptions to the above provisions of this Section shall be permitted:

1. Smoke the shade or appearance of which is equal to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating six minutes in any one hour, when cleaning a fire or when building a new fire; or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable;
 2. Where the presence of the uncombined water is the only reason for failure of an emission to meet the limitation of 3. (a), (2) above, such limitation shall not apply. The burden of proof that water is the only cause of violation shall rest with the person violating this ordinance.
- b. The discharge into the outdoor atmosphere of air contaminants so as to cause air pollution and create a public nuisance is contrary to the public policy of the county and the provisions of this ordinance.

No use shall discharge from any air contaminant source whatsoever air contaminants in sufficient quantities and of such characteristics and duration as to cause an injury, detriment, nuisance, or annoyance to any considerable numbers of persons or to the public or which may tend to endanger the comfort, repose, health, or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The escape of such material in addition to constituting a violation of this ordinance is also declared to be a public nuisance and action to abate the same may be taken by the Zoning Administrator.

4. Glare and Heat:
 - a. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Determination of the nuisance factor in regard to glare or heat intensity shall be made by the Zoning Administrator.
- c. Due to the visual characteristics of some commercial and industrial activity sites and their impact upon adjacent, less intensive uses, appropriate

screening, such as vegetation, a wall, uniformly painted fence, or topography may be required.

Section 21. Short Term Rentals.

- a. A short term rental of owner occupied short term rental property is a permitted residential use under any applicable zoning ordinance in a zoning district or classification that permits residential use.
- b. The site shall have no on premise advertising.
- c. The structure shall not be altered in a manner that is not consistent with other structures in the neighborhood.
- d. Permits
 1. An owner shall be required to obtain a permit for each property meeting the definition of short term rental. Only one permit is required for each single family home, two-family or multifamily dwelling, condominium, cooperative, or time share that an owner rents in whole or in part. A permit covers all:
 - a. Dwelling units; and
 - b. Detached accessory structures; located on the permitted property that the owner offers to the to the public as short term rental.
 2. An owner must submit a permit application for each property for which a permit is sought. The permit application shall require the owner to provide the following information:
 - a. The owner's name, street address, mailing address, e-mail address (if applicable), and telephone number. If the owner is a corporation or partnership, the application must require the owner's:
 - i. State of incorporation or organization; and
 - ii. Names, residence addresses, and telephone numbers of the owner's principal officers or partners.
 - b. If a property manager is used, the property manager's name, street address, mailing address, e-mail address (if applicable), and telephone number.
 - c. A short description of how each of the owner's short term rentals on the property are marketed or advertised, including the following:
 - i. The advertised occupancy limits of each short term rental.
 - ii. Whether the short term rental is:
 1. A single family home;
 2. A dwelling unit in a single family home;
 3. A dwelling unit in a two-family or multifamily dwelling;
or
 4. A dwelling unit in a condominium, cooperative, or time share.

3. A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.
 4. If an owner submits a permit application that meets the requirements set forth in the Delphi Zoning Ordinance, the Area Plan Commission shall issue a permit to the owner within thirty (30) days of receipt of the application.
 5. If any information provided by an owner in the permit application changes, the owner shall provide updated information to the Area Plan Commission in writing within thirty (30) business days.
 6. A permit expires one (1) year after the date the permit is issued.
 7. The Area Plan Commission shall recommend a permit fee not exceeding one hundred fifty dollars (\$150) for each of the following:
 - a. An initial permit issued to an owner for the permitted property.
 - b. The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.
 - c. There shall be no permit fee for renewing a permit, including renewal of a permit that has expired.
 8. If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.
 9. An owner that rents a short term rental without obtaining a valid permit commits a Class C infraction.
- e. Revocation of Permit
1. If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the permit for that permitted property may be revoked for a period not more than one (1) year after the date the permit is revoked. The Area Plan Commission shall provide notice and a hearing for revocation.
 2. Revocation of the permits shall be conducted under the notice and hearing procedures of the Area Plan Commission for revocation of other permits issued.
 3. An owner may apply for a permit for a short term rental for which a previous permit of the owner was revoked by the Area Plan Commission. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to use of the short term rental.

ARTICLE 5

ARTICLE 5. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

Section 1. Buildings under construction.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such as demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

Section 2. Non-Conforming Lots of Record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot as shown in the records in the Office of the County Recorder on the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this ordinance.

Section 3. Non-Conforming Uses of Land.

If at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued subject to the following provisions:

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any non-conforming use of land ceases for any reason for a period of more than six consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which the land is located.

Section 4. Non-Conforming Structures.

If a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued subject to the following provisions:

- a. No non-conforming structure may be enlarged or altered in a way which increases its non-conformity;
- b. If a non-conforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it may not be reconstructed except in conformity with the provisions of this ordinance.
- c. If a non-conforming structure is moved for any reason for any distance whatever. It shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 5. Non-Conforming Uses of Structures.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of the adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance; that use may be continued subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed,

reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no use shall be extended to occupy any land outside such building;
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;
- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 6. Repairs and Maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE 6

ARTICLE 6. ADMINISTRATION AND ENFORCEMENT – IMPROVEMENT LOCATION PERMITS AND CERTIFICATES OF OCCUPANCY.

Section 1. Administration and Enforcement.

The administration and enforcement of this ordinance is the responsibility of the Zoning Administrator.

Section 2. Improvement Location Permit.

No building or other structure may be erected, moved, or added to unless an improvement location permit has been issued by the Zoning Administrator in accordance with the provisions of this ordinance. A permit may be issued only if the building or structure for which the permit is sought will comply in all respects with this and all other applicable laws.

Section 3. Application for Improvement Location Permit.

Application for an improvement location permit must be made in duplicate and accompanied by a scale drawing, showing the dimensions and the shape of the lot to be built upon; the size and location of existing buildings; and the location and dimensions of the proposed building or alteration. The application must include any other information necessary for the administration and enforcement of this ordinance, including but not limited to existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; and conditions existing on the lot.

One copy of the application shall be returned to the applicant by the Zoning Administrator after he has indicated his approval or disapproval of it. The second copy, similarly marked, shall be retained by the Zoning Administrator. If an application is not approved, the Zoning Administrator shall state the reasons for his action on the application.

If the application for an improvement location permit is approved, the applicant shall post the permit in a conspicuous location on the site of a new, or altered building or structure, or an addition, or a building or structure moved from another location.

Section 4. Certificates of Occupancy for New, Altered, or Non-Conforming Uses.

It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Zoning Administrator stating that the

proposed use of the building or land conforms to the requirements of this ordinance.

A non-conforming structure or use may be maintained, renewed, changed or extended only after a Certificate of Occupancy has been issued by the Zoning Administrator stating specifically how the non-conforming use differs from the provisions of this ordinance.

A temporary Certificate of Occupancy may be issued for a period not exceeding six (6) months during alteration or partial occupancy of building. The Zoning Administrator may require as a condition precedent safeguards that will reasonably protect the safety of the occupants and the public.

Section 5. Expiration of Improvement Location Permit.

If the work described in an improvement location permit has not been started within 90 days from the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected.

If the work described in any improvement location permit has not been substantially completed within two years of the date it was issued, the permit shall expire and written notice thereof shall be given to the persons affected, together with the notice that all work shall cease until anew permit has been obtained.

Section 6. Construction and Use to be as Provided in Applications, Plans, Permits, and Certifications of Occupancy.

Improvement Location Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangements, or construction.

Section 7. No permits required.

No permit shall be required for the following:

- a. Routine maintenance, repair, or remodeling of existing structures not involving any change of use, additional lot coverage, or building size.
- b. Public utility uses set forth in Section 8, Article 4.
- c. Lots and yards improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment, and landscaping provided they do not violate the requirements of Section 5, Article 4.

ARTICLE 7

ARTICLE 7. BOARD OF ZONING APPEALS

Section 1. Creation.

In accordance with State Law, a Board of Zoning Appeals shall be appointed, which Board may adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law.

Section 2. Powers and Duties.

The Board shall:

- a. Authorize upon appeal in specific cases such variances from the rems of this ordinance that will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
 1. An appeal to the Board requesting a variance shall demonstrate:
 - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c) That the special conditions and circumstances do not result from the actions of the applicant;
 - d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or other buildings in the same district.
 2. No non-conforming use of neighboring land, structure, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 3. In granting the variance the Board may prescribe such conditions and safeguards it deems appropriate in order to achieve the intent of this ordinance. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted, shall void the variance granted and is a violation of this ordinance.
 4. Under no circumstances may the Board grant a variance to allow a use not permitted in Article 3 of this ordinance in the district involved.

In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Zoning Administrator.

ARTICLE 8

ARTICLE 8: AMENDMENTS

The Common Council may, from time to time, amend, supplement or change the regulations and districts fixed by this ordinance. Any such amendments, supplements, or changes shall only be made in accordance with the provisions of Chapter 138, of the Acts of the Indiana General Assembly 1957, as amended.

A proposed ordinance for the amendment or repeal of the zoning ordinance to rezone an area or to change the regulations must be referred to the Area Plan Commission for consideration and report before any final action is taken by the legislative body. On receiving or initiating such change, the Commission shall, within thirty (30) days, hold a public hearing and publish notice at least ten (10) day before such hearing. The applicant for rezoning shall post a sign provided by the Administrator and place t on the property at least ten days before the hearing, so as to give reasonable notice to neighboring landowners of the proceedings.

ARTICLE 9

ARTICLE 9: FEES AND EXPENSES FOR NOTICE

SECTION 1. Each application for an improvement location permit shall be accompanied by a check payable to the County in amount of on (\$1) per thousand of the estimated cost of the improvement. Such check shall be for not less than five (\$5) dollars nor more than five hundred (\$500) dollars.

SECTION 2. The applicant shall bear the expense of any notice required to be published.

ARTICLE 10

ARTICLE 10: ENFORCEMENT

Section 1. Violations a Common Nuisance. Any Building or structure erected, raised or converted or land or premises use in violation of any provision of this ordinance is hereby declared to be a common nuisance and the owner of the building or structure, land or premises liable for maintaining a common nuisance.

Section 2. Injunction. The commission, the Board or the Zoning Administrator may institute a suit for injunction in the Circuit Court of the county to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Commission or the Board may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

Section 3. Penalty. A person who violates any provision of this ordinance shall be guilty of a Class C Infraction, and upon conviction, shall be fined not more than five hundred dollars (\$500). Each day that a violation is permitted to exist is a separate offense.

ARTICLE 11

ARTICLE 11. DEFINITIONS

For the purpose of this ordinance, the following terms have the meanings indicated below:

The present tense includes the future tense.

The singular number includes the plural and the plural includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The word "used" includes "designed" or "intended to be used."

Any words not defined as follows shall be construed in their general accepted meaning as defined by Webster's Dictionary.

Accessory Building, Structure or Use – One which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and (d) is located on the same loty as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

Agriculture – The use of a tract of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses of tenant housing and for packing, treating, or storing the produce; provided however that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Air Contaminant - Dust, fumes, gas, mist, smoke, or vapor, or any combination thereof.

Air Contaminant Source – Any word and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; buildings and other structures of all types, including single and multiple-family residences, apartments, houses, office

buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; automobiles, trucks, tractors, buses, and other motor vehicles; garages and vending and service locations and stations; railroad locomotives; ships, boats and other waterborne craft; portable fuel-burning equipment; incinerators of all types, indoor and outdoor; refuse dumps and piles; and all stack and other chimney outlets from any of the foregoing.

Air Pollution – Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

Alley – A public right-of-way which normally affords a secondary means of access to abutting property.

Bed and Breakfast - A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes in individual rooms. The operator occupied residence that (1) provides sleeping accommodations to the public for a fee; (2) has no more than fourteen (14) guest rooms; (3) provides breakfast to its guest as part of the fee; and (4) provides sleeping accommodations for not more than thirty (30) consecutive days to a particular guest. This does not include hotels, motels, boarding houses, or food service establishments.

Block – A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally-owned lands, railroad rights-of-way, rivers and lakes, and other lines of demarcation.

Board – The Board of Zoning Appeals.

Building – A structure built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

Building Height – The vertical distance from the curb level to the highest point of the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof.

Bulk – The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings; (c) gross floor area

of buildings in relation to lot area; (d) all open spaces allocated to buildings; and (e) amount of lot area and lot width provided per dwelling unit.

Business – An occupation, employment, or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold, or where services are offered.

Commission – Carroll County Area Plan Commission.

Compact Home – A portable structure, designed for year-round living, 23 or more feet wide in its narrowest dimension, excluding expand rooms and accessory structures and 1200 or more square feet, with the four outside walls supported by a permanent foundation.

Curb Level – The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the pavement elevation at the street centerline similarly measured, or the mean elevation of the finished grade of the surface of the ground or pavement immediately adjacent to a building shall be considered the “curb level.”

Dusts – Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, dulling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

Dwelling – A permanent building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels or lodging houses. The building shall be 23 or more feet wide at its narrowest dimension and 1200 or more square feet.

Dwelling Unit – One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall be included for each “dwelling unit.”

Dwelling, Single Family – A dwelling containing one dwelling unit only.

Dwelling, Two-Family – A dwelling containing two dwelling units only.

Dwelling, Multiple-Family – dwelling or portion thereof, containing three or more dwelling units.

Family – One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than three persons not all so related, together with his or their domestic servant, maintaining a common household in a dwelling unit. A family may include not more than two roomers, boarders, or permanent guests – whether or not gratuitous.

Floor Area of a Building – (for determining off-street parking and loading requirements) The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use, including accessory storage areas located within selling or working space such as counters, racks, or closets; and any basement floor area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.

Fumes – Minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

Garage, Private – An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the private passenger vehicles of the family or families resident upon the premises.

Gas – An aeriform fluid having neither independent shape nor volume, but tending to expand indefinitely.

Governmental and Public Utility Uses – Electric and telephone substations and distribution centers; filtration plant, pumping station and water reservoir; public or package treatment plants; fire stations; telephone exchange; radio and television transmitting or relay stations; antenna towers and other similar governmental and public utility service uses.

Grade – The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation – An occupation or activity conducted entirely within a dwelling, solely by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and in connection with which:

- a. There is no display of goods or outside storage of goods or equipment nor commodity sold on the premises

- b. Not more than one (1) person not a resident on the premises is employed;
- c. Not over 25 percent of the first floor of the dwelling is occupied by such use;
- d. No internal or external alterations to the dwelling are required to accommodate the use.

Junk Yard – An open area where waste or scrap materials or three or more motor vehicles not in running or operable condition or parts thereof are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, but excluding uses established entirely within enclosed buildings.

Kennel – Any premises or portions thereof on which more than four dogs, cats, or other household domestic animals over four month of age are kept, or on which more than two such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

Lot of Record – A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder; or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the adoption of this ordinance.

Lot – A tract or parcel of land of at least sufficient size to meet minimum zoning requirements for use and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or a permanent easement of access, at least twenty (20) feet wide, connecting to a public street.

Lot, Corner – A lot situated at the intersection of two or more streets.

Lot, Through – A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. Both street lines shall be deemed front lot lines.

Lot Depth – The mean horizontal distance between the street right-of-way line and the rear lot line of a lot, measured within the lot boundaries.

Lot Width – The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth at the established front building line.

Mists – Minute liquid particles generated by any of the methods listed for dusts, or fumes or by the spraying of liquids.

Mobile Home – A portable structure having a living area of 480 square feet or more and designed or used for year-around living.

Mobile Home Park – An area of land used for the parking of two or more mobile homes.

Mobile Home Site – The area of land in a mobile home park for the parking of one mobile home.

Performance Standards – A criterion established to control noise, smoke, toxic or noxious matter, vibration, or glare or heat generated by, or inherent in uses of land or buildings.

Planned Development – A tract of land, under single ownership or control, which contains two or more principal buildings and may contain more than one principal use in a unified development where specific requirements of a given zoning district may be modified..

Public Way – A sidewalk, alley, street, or limited access highway.

Recreational Vehicle – A temporary dwelling for travel, recreation and vacation use including, but not limited to:

Travel Trailer: A vehicle, identified by the manufacturer as a travel trailer, having a living area of less than 480 square feet and designed to move on the highway.

Pick-up Coach: A structure designed to be mounted on a truck chassis or cut-down car.

Motor Home: A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle.

Camping Trailer: A canvas, folding structure, built on a chassis with wheels and designed to move on the highway.

Tent: A collapsible shelter of canvas or other material stretched and sustained by poles and use for camping outdoors.

Recreational Vehicle Park – An area of land used for the parking of two or more recreational vehicles.

Ringelman Chart – One which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

Setback – The minimum horizontal distance between the front line of a building or structure and the street right-of-way line.

Short Term Rental – The rental of:

- a. A single family home;
- b. A dwelling unit in a single family home;
- c. A dwelling unit in a two-family or multifamily dwelling; or
- d. A dwelling unit in a condominium, cooperative, or time share;

Short Term Rental Platform – An entity that:

- a. Provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant; and
- b. Collects consideration for the rental from the occupant.

Sign. Any name, number, symbol, identification, description, display, graphic, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a structure or parcel, visible from any public right-of-way which directs attention to an object, product, place, activity, person, institution, organization, or business. This definition includes backlighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity.

SIGN, ABANDONED. A sign that is:

- 1) Associated with an abandoned use;
- 2) Remains after the termination of the business; and/or
- 3) On its immediate premises but not adequately maintained or repaired.

SIGN, AREA. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN, ELECTRONIC VARIABLE MESSAGE (EVMS). A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

SIGN, FACE. The surface intended for the display of information on the sign.

SIGN, HEIGHT ABOVE GROUND. The vertical measurement from the ground to the top of the sign. The height of all signs shall be measured from the established grade line to the highest point of the sign or its frame/support.

SIGN, ILLUMINATED. Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

SIGN, LEGAL NON-CONFORMING. A pre-existing, legally permitted sign, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

SIGN, PERMANENT. A sign attached to structure or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign. The use of anchor bolts, ropes, stakes, chains, glue, or similar anchoring are not methods recognized by this ordinance as a permanent foundation.

SIGN, STRUCTURE. The supporting unit of a sign face, including but not limited to frames, braces cabinets, and poles.

SIGN, TEMPORARY. Any sign that is temporarily used for a specific and shorter duration of time and is not affixed to a permanent foundation or structure. A temporary sign is used for the purpose of conveying information, knowledge, or ideas to the public about activities on the premises. These signs are intended to be on-site for the duration of an event (such as property for sale, special events, grand openings, sales, etc.) or a short period of time.

Sign Types. For the purposes of this UDO, the following sign types are defined:

ANIMATED SIGN. Any sign that uses movement or change of artificial and natural lighting or noise to depict action or create a special effect or scene. This includes any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever. Different from an "electronic sign," an animated sign produces the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through using the characteristics of one (1) or both of the following classifications:

- 1) Flashing, animated, or animated portions of a sign where the cyclical period between on-off phases of illumination is less than four (4) seconds;
- 2) Patterned illusionary movement in which animated signs or portions of signs whose illumination is characterized by simulated movement.

AWNING SIGN. A sign that is attached to an awning or other fabric that serves as a structural protective cover over a window or entrance.

BANNER SIGN. A sign made of flexible materials and supported by any combination of staples, tape, wires, ropes, strings, poles, posts or rods or other

materials that are not built as a permanent foundation for the sign. Banner Signs include wave banner signs.

HANGING SIGN. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface, such as a single post or the underside of a ceiling or canopy. Also known as a canopy or swing sign.

INFLATABLE SIGN. Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

MAILBOX SIGN. A sign that is either mounted under a mailbox or placed on a mailbox surface but does not extend past the mailbox or mailbox supporting structure in any dimension.

MONUMENT (GROUND) SIGN. A freestanding sign in which the bottom edge of the sign is in contact with or is close to the ground. Also known as a ground, site, or pylon sign.

MURAL SIGN. A picture, scene, diagram, text, artwork, or graphic applied on the exterior of a building, wall, or structure. For the purposes of this UDO, a mural is considered a wall sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; benches; menu or sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

- 1) **BENCH SIGN.** A type of portable sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair.
- 2) **HUMAN SIGN.** A type of portable sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.
- 3) **SIDEWALK / SANDWICH BOARD SIGN.** A type of portable, temporary freestanding display located on the sidewalk or similar area that is typically adjacent to a roadway or storefront.
- 4) **VEHICLE SIGN.** A type of portable sign that is permanently affixed to the body of, an integral part of, or a fixture of a motor vehicle that is parked or left standing so that it is visible from a public street for a period of more than seventy-two (72) continuous hours for the intent of being used as advertisement. For the purpose of this definition, "permanently affixed" shall mean it is painted directly on the body of a vehicle and/or

applied as a decal on the body of a vehicle.

POLE SIGN. A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports. The sign is not attached to or dependent for support from any building and the sign area is not in close proximity to the ground. Billboards would be considered Pole Signs.

PROJECTING SIGN. A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from that building. Also known as a blade sign.

ROOF SIGN. Any sign partially or fully erected on or above the roof line of a structure.

WALL SIGN. Any sign attached to, erected against, or painted on the wall, façade, or exterior of a structure with the exposed display surface of the sign in a plane parallel (or relatively parallel) to the plane of the structure. See also MURAL.

WINDOW SIGN. Any sign directly attached to the window of a structure or erected on the inside or outside of the window, which at the determination of the Administrator, is legible from any part of a public right-of-way or adjacent property. For purposes of this window sign definition, a "window" is defined as an opening in the wall or roof of a structure that is fitted with glass or other transparent material in a frame to admit light or air and to allow people inside to see out. Also known as a façade sign.

YARD SIGN. Small signs, typically under waist height that are usually supported by metal wire or small stakes driven directly into the ground.

Smoke – Small gas and air-borne particles consisting essentially of carbonaceous material in sufficient number to be observable.

Story – That portion of a building included between the surfaces of any floor and the surface of the floor next above or if there is no floor above, the space between the floor and the ceiling next above. A basement having more than one-half the clear floor-to-ceiling height above curb level shall be considered a story.

Story, Half – A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet above the top level of the story below.

Street – A partially or fully improved public right-of-way which affords the

principal means of access to abutting property.

Structure – Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, except public utility communication and electrical transmission lines and equipment and facilities supporting the same and/or incidental thereto.

Structural Alteration – A change, other than incidental repairs, which would prolong the life of the supporting members of a building, columns, beams, girders, or foundations.

Use – The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Vapors – The gaseous form of substances which are normally in the solid or liquid state and which can be changed to these states by increasing the pressure or decreasing the temperature.

Yard – An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted.

Yard, Front – A yard extending along the full length of the street right-of-way line between the side lot lines.

Yard, Rear – A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side – A yard extending along the side lot line from the front yard to the rear yard.

ARTICLE 12

ARTICLE 12. SEPARABILITY

The provisions of this ordinance are considered separable. If any provision of this ordinance is found to be unconstitutional it is the intent of the Town Board that the remainder have full force and effect.

ARTICLE 13

ARTICLE 13. REPEAL OF CONFLICTING ORDINANCES

All ordinances op part of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.