

St. Leon Zoning Ordinance

Effective November 1, 2010



ST. LEON ZONING ORDINANCE
November 1, 2010

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TOWN OF ST. LEON ZONING ORDINANCE

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ARTICLE 1 GENERAL PROVISIONS

Section 100 - TITLE

The official title of this Ordinance is the “Zoning Ordinance of the Town of St. Leon, Indiana.”

Section 110 - PURPOSE

This ordinance, and supplemental or amendatory thereto, establishes a Zoning Ordinance for St. Leon, Indiana and provides for the administration, enforcement, and amendment thereof in accordance with the provisions of I.C. 36-7-4-et seq.; and for the repeal of all ordinance in conflict herewith.

Section 115 - COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, converted or enlarged, nor shall any structure or land be used or designed to be used, except in full compliance with all provisions of this Zoning Ordinance and after lawful issuance of permits required by this Zoning Ordinance.

Section 125 - AUTHORITY

This Ordinance is adopted pursuant to I.C. 36-7-4-et seq.; and all acts supplemental and amendatory thereto.

Section 130 - SEVERABILITY

If any provision of this Ordinance or application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

Section 140 - REPEALING PROVISIONS

All ordinances or parts of ordinances in conflict with provisions of this Ordinance shall be repealed by the passage of this Ordinance, except where such repeal is specifically not designated by this Ordinance.

Section 145 - APPLICATION

1. It is not intended by this Ordinance to interfere with, abrogate, or amend any existing easements, covenants or other agreements between parties, nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or Ordinances not specifically repealed by this Ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions, provisions of this Ordinance shall control, but where such private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.
2. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Section 150 - JURISDICTION

This Ordinance shall apply to all land within the jurisdiction of the Town of St. Leon Advisory Plan Commission, including all lands within the Town limits and any lands outside of the Town limits but within the jurisdiction of the Plan Commission consistent with the provisions of IC 36-7-4-205.

Section 160 - EFFECTIVE DATE

This Zoning Ordinance shall be in full force and in effect from and after its passage, approval and publication according to law. Approved the 1st day of November, 2010 by the Town Board of St. Leon, Indiana.

ARTICLE 2 ADVISORY PLAN COMMISSION

Section 200 CREATION OF ORDINANCE ENFORCEMENT

The Town Board shall appoint a designee to enforce this Ordinance, and in support of such authority shall:

1. Issue all permits and keep permanent records thereof;
2. Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the terms of this Ordinance;
3. Issue violation notices for violations of the provisions of this Ordinance;
4. Maintain permanent and current records of this Ordinance, including all maps, amendments, special exceptions, variances, and records of hearings thereon;
5. Provide and maintain public information relative to all matters arising under this Ordinance;
6. Provide interpretation of this Ordinance, when necessary, and such technical and clerical assistance as the Board of Zoning Appeals and Plan Commission may require;
7. Review all proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by local, Federal or State law; and

Section 210 PLAN COMMISSION

1. General

In accordance with State law, a Plan Commission shall be appointed which may adopt rules to govern its procedures. The Plan Commission shall hold meetings, keep minutes and, pursuant to notice, conduct public hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by State law. When permitted, the Plan Commission may impose such conditions and requirements as it deems necessary for the protection of adjacent property and the public welfare.

2. Powers and Duties

The Plan Commission shall have the power to:

- a. Review and administer all matters upon which it is required to act under this Ordinance;

- b. Review periodically the effectiveness of this Ordinance and initiate amendments or make recommendations in conjunction therewith;
- c. Consider such other matters and take such further actions as may be permitted by law; and

3. Rules of Procedure

The Plan Commission shall adopt rules for the administration of the affairs of the Plan Commission and for the conducting of public hearings, recording of minutes, and for the retaining and administration of public records. The following include minimum procedures:

- a. At the first meeting of each year the Commission shall elect a President and a Vice-President from its members.
- b. Appoint a Secretary, who is not required to be a member of the Commission, and establish the Secretary's duties.
- c. All meetings shall be open to the public.
- d. The Commission shall keep minutes of its proceedings showing the vote of each member for each question, or if absent, or failing to vote indicating such.
- e. The Commission shall also keep records of its examinations and other official actions, all of which shall be of public record, and be immediately filed in the office of the Plan Commission.

4. Conflict of Interest

A member of the Plan Commission may not participate in a hearing or decision of the board concerning a zoning matter in which he has a direct or indirect financial interest. The Commission shall enter in its records the fact that a regular member has such a disqualification and the name of the alternative member, if any, who participates in the hearing or decision. The Town Board shall appoint any participating alternate member.

5. Findings and Decisions

All decisions of the Board on all matters within their jurisdiction and authority shall be in writing, supported by specific findings of fact on each material element pertaining to the matter under consideration.

ARTICLE 3 BOARD OF ZONING APPEALS

SECTION 300 BOARD OF ZONING APPEALS

1. General

In accordance with IC 36-7-4-901, a Board of Zoning Appeals shall be appointed which may adopt rules to govern its procedures. The Board of Zoning Appeals shall hold meetings, keep minutes and, pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. When permitting any appeal, variance, special exception, or temporary use, the Board of Zoning Appeals may impose such conditions and requirements as it deems necessary for the protection of adjacent property and the public welfare.

2. Powers and Duties

The Board of Zoning Appeals shall have the power to:

- a. Hear and determine administrative appeals from any order, requirement, decision, or determination made by the Town Boards designee, or his/her delegate charged with the enforcement of this Ordinance;
- b. Hear and decide special exceptions to the terms of this Ordinance;
- c. Authorize, or deny, upon appeal in specific cases, variances from the terms of this Ordinance; and
- d. Approve extensions of temporary uses.

3. Rules of Procedure

The Board of Zoning Appeals shall adopt rules for the administration of the affairs of the Board and for the conducting of public hearings recording of minutes and the retaining and administration of public records. The following include minimum procedures:

- a. At the first meeting of each year the Board shall elect a Chairman and a Vice- Chairman from its members.
- b. Appoint a Secretary, who is not required to be a member of the board, and establish the Secretary's duties.
- c. All meetings shall be open to the public.
- d. The Board shall keep minutes of its proceedings showing the vote of each member for each question, or if absent, or if failing to vote, indicating such.
- e. The board shall keep records of its examinations and other official actions, all of which shall be of public record and be immediately filed in the office of the Plan Commission.

4. Conflict of Interest

A member of the Board of Zoning Appeals may not participate in a hearing or decision of the board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that a regular member has such a disqualification and the name of the alternative member, if any, who participates in the hearing or decision. The Town Board shall appoint any participating alternate member.

5. Findings and Decisions

All decisions of the Board on all matters within their jurisdiction and authority shall be in writing and be supported by specific findings of fact on each material element pertaining to the matter under consideration.

6. Judicial Review

Every decision of the Board of Zoning Appeals shall be subject to review by certiorari.

SECTION 305 ADMINISTRATIVE APPEALS

1. The Board of Zoning Appeals shall have the power to consider administrative appeals from any order, requirement, decision, grant or refusal made by the Board Designee, or his representatives, charged with the administration and enforcement of this Ordinance.
2. The Board of Zoning Appeals shall establish procedures for applications, public notice, hearings, and other procedures as may be prescribed from time to time by the Board in its "Rules of Procedure."

SECTION 310 VARIANCES

1. General

- a. The Board of Zoning Appeals shall have the power to approve or deny variances from the requirements of this Ordinance. In approving an application for variance, the Board may attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- b. A variance may be permitted if the granting of same will not be contrary to the public interest and, where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice be done.

2. Development (Dimensional) Variance Standards

No variance shall be granted by the Board of Zoning Appeals in any case unless the Board finds specifically that:

- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- c. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

3. Use Variance Standards

The Board of Zoning Appeals shall consider applications for variances from the permitted uses of this Ordinance. As to each variance that is granted, the Board may impose such conditions on the approval of the variance as it may deem advisable. Use variances granted by the Board of Zoning Appeals are not transferable from the owner of property petitioning for the use variance to subsequent property owners. In no case shall an existing non-conforming use of neighboring land or structure in the same district, or permitted or non-conforming use of lands or structures in other districts, be considered grounds for the issuance of a use variance. A use variance may be approved under this section only upon a determination that:

- a. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- c. The need for the variance arises from some condition peculiar to the property involved;
- d. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which variance is sought; and
- e. The approval does not interfere substantially with the Comprehensive Plan.

4. Application

Application for variances shall be filed with the Town Board Designee in such form as may be prescribed from time to time by the Board of Zoning Appeals in its "Rules of Procedure."

5. Public Hearing

- a. The Board of Zoning Appeals shall hold a public hearing on each application for a variance. At least ten (10) days prior to the date set for such hearing, public notice of the time, date and place thereof, advising the location and nature of the subject appealed or petitioned, shall be given publication in a newspaper of general, daily, circulation in Dearborn County and, in addition, actual notice of such hearing shall be given to all parties interested in such hearing as specified in the Board's "Rules of Procedure." The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay all the costs of notification. Records maintained by the County Assessor's Office shall be used as the official record to determine the identity and address of property owners. Said legal notice shall specifically refer to a commonly known street address of the parcel, if previously assigned.

- b. The applicant shall also serve notice to property owners within six hundred (600) feet of the affected area, or two (2) property owners, whichever is greater, by certificate of mailing, in a form provided by the Board, not less than ten (10) days prior to the date set for such meeting, advising the location and nature of the subject appealed or petitioned, and the date, place and time of the hearing, or have notice served as specified in the Board's "Rules of Procedure." The applicant shall provide the Board with a complete list of the above mentioned owners, together with their last known addresses, from the County Auditor's office, along with proof of notice served, and shall assume the cost of said notice. The applicant shall certify, by notary public, that notification of surrounding property owners has been accomplished as required.

SECTION 320 SPECIAL EXCEPTIONS

The Board shall have the power to authorize a special exception if the following requirements are met:

- 1.** The use shall be specifically identified as a special exception in this Ordinance for the zoning district in question;
- 2.** The special exception can be served with adequate utilities, access roads, drainage and other necessary facilities;
- 3.** The special exception shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with any and all design development standards for the use identified in this Ordinance;
- 4.** The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and property;
- 5.** The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- 6.** The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood;
- 7.** The special exception shall preserve the purpose of this Ordinance, and shall not interfere substantially with the Comprehensive Plan.

ARTICLE 4

NON-CONFORMING USES

SECTION 400 PURPOSE

Lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments, and which do not conform to the regulations of the district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a means whereby nonconforming uses can be gradually eliminated and re-established in more suitable locations throughout the jurisdiction.

SECTION 410 CONTINUANCE & ALTERATION OF NONCONFORMING USES

1. Expansion

If a lawful use of land, structure, or land and structure in combination exists on the effective date of adoption or amendment of this Ordinance that would not be permitted in the district under the terms of this Ordinance, that use may be continued pursuant to requirements listed herein and subject to the following provisions:

- a. No existing land or 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 land or structure to a use permitted in the district in which it is located.

2. Extension

Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, but shall not be expanded to occupy any land outside such building.

3. Change in Use

- a. A nonconforming use of a lot or structure may not be changed to another nonconforming use. Change of use for nonconforming uses shall be limited to those uses permitted by right in the district in which the nonconforming lot or structure is located, or to those uses allowed by Special Exception. Once a nonconforming use is changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- b. Any land, structure, or land and structure in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such land or structure is located, and the nonconforming use may not thereafter be resumed.

4. Repair

A nonconforming parcel may be maintained, and a nonconforming structure may be repaired or maintained; provided, however, that no nonconforming parcel or structure may be altered in a way which increases its nonconformity, but any parcel, structure, or portion thereof, may be altered to decrease its nonconformity.

5. Damage, Destruction, or Razing

- a. Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is undertaken within eighteen (18) months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.
- b. If a nonconforming structure is voluntarily razed by the property owner, or if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 420 DISCONTINUANCE OR ABANDONMENT

When a nonconforming use of land, structure, or land and structure in combination is discontinued or abandoned for twelve (12) consecutive months, the structure, land, or structure and land in combination shall not thereafter be used except in conformance with regulations of the district in which it is located.

SECTION 430 NON-CONFORMING LOTS OF RECORD

- 1. Any lot of record existing at the effective date of this Ordinance and at that time held in separate ownership different from ownership of adjoining lots may be used for the erection of a structure, even though the lot area, road frontage, and lot width are less than the minimum requirements of this Ordinance, as long as all other regulations contained in this Ordinance are met.

ARTICLE 5 ZONING MAP AND TEXT AMENDMENTS

ARTICLE 500 MAP AMENDMENTS

- a. This Ordinance may be amended by action of the St. Leon Town Board provided, however, that any proposed amendment shall be considered by the Plan Commission, and a recommendation made thereon, before any final action is taken by the Town Board.
- b. Map amendments to this Ordinance may be initiated by a request from the Town Board to the Plan Commission, as a petition by the Plan Commission, or by petition by the affected property owners of fifty percent (50%) or more of the area involved in the petition. Petitions shall be filed with the Plan Commission on forms prescribed by the Plan Commission.
- c. The Plan Commission shall hold a public hearing within sixty (60) days of submission of the petition before final recommendation to the Town Board.
- d. Notice Requirements
 - i. At least ten (10) days prior to the date set for such hearing, public notice advising the location and nature of the subject petitioned, time, date and place thereof, shall be given by publication in a newspaper of general, daily circulation in Dearborn County. Notice must also be given as set forth in the "Rules of Procedure" of the Plan Commission. The applicant shall be responsible for preparing a legal notice of the public hearing on a form provided by the Commission and shall assume the cost of said notice and submit proof of its publication at the hearing. Said legal notice shall specifically refer to the commonly known street address of the parcel, if previously assigned.
 - ii. The applicant shall also serve notice to property owners within six hundred (600) feet of the affected area, or two (2) property owners, whichever is greater, by certificate of mailing, in a form prescribed by the Board, not less than ten (10) days prior to the date set for such meeting, advising the location and nature of the subject appealed or petitioned, and the date, place and time of the hearing, or have notice served as specified in its "Rules of Procedure." The applicant shall provide the Commission with a complete list of the above mentioned owners, together with their last known addresses, from the County Auditor's office, along with proof of notice served, and shall assume the cost of said notice. The applicant shall certify, by notary public, that notification of surrounding property owners has been accomplished as required.

- iii. The applicant shall also post, in a conspicuous place on the subject property, a notice prescribed by the Board explaining the action being sought.
- e. During the public hearing, the Plan Commission may require or allow a written commitment for a petition submitted under IC 36-7-4-608 (zoning map change), to the extent allowed by applicable law. When rezoning commitments are accepted, those commitments shall be incorporated into the Plan Commission recommendation and forwarded to the Town Board in the form accepted.
- f. Following the public hearing, the Plan Commission shall make its recommendation which shall be certified within ten (10) business days by the secretary and presented by the secretary or a member of the Plan Commission at a meeting of the Town Board after the Plan Commission has made its recommendation. The Plan Commission may make a favorable, unfavorable, or no recommendation.
- g. During Town Board review, it shall be within the discretion of the Board to approve a petitioner's request to amend a petition, or alter commitments, in a manner which either increases or decreases the density or intensity of use. If amended, the Board shall require the revised petition to be re-heard by the Plan Commission. In such case, there shall be a requirement for the same notification and advertisement as for the original Plan Commission public hearing, with costs for said notification and advertisement to be paid by the petitioner.
- h. Any petitioner for rezoning shall be required to notify interested parties of the date of the Town Boards' review of the rezoning petition, whether or not commitments are offered with the petition. If there is a proposed change in the petitioner's commitments as forwarded from the Plan Commission to the Town Board, the petitioner shall notify, by Certificate of Mailing, all persons required to be notified of the prior Plan Commission hearing. If the petition does not include offered commitments, or if there is no change in the petitioner's commitments as forwarded from the Plan Commission to the Town Board, the petitioner shall notify, by Certificate of Mailing, only those persons registered as speaking at the prior Plan Commission hearing.
- i. The Town Board shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Board may adopt or reject the proposal by a majority vote of the full membership of the Board.
 - i. If the Town Board adopts the proposal, it takes effect as other ordinances of the Town Board.
 - ii. If the Town Board rejects the proposal, it is defeated.
- j. If the Town Board fails to act on the proposal within ninety (90) days after certification of a favorable recommendation, the ordinance takes effect as if it has been adopted ninety (90) days after certification.

- k. If the Town Board fails to act on the proposal within ninety (90) days after certification of an unfavorable recommendation, it is defeated.
- l. The Plan Commission shall not reconsider a defeated proposal until the expiration of one hundred eighty (180) days after its defeat.
- m. A commitment accepted by the Town Board shall be recorded in the Office of the County Recorder and takes effect upon the latter of the adoption of the rezoning ordinance or the recording of the commitment. Unless a commitment is modified or terminated in accordance with this ordinance, a commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and a person who acquires an interest in the parcel. An unrecorded commitment is binding on the owner of the parcel. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the commitment.
- n. Written commitments approved by the Town Board may be enforced jointly and severally by the Town Board, Plan Commission, and the owners of all parcels of land to which required notice of the Plan Commission public hearing was mailed.
- o. Approved commitments shall not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.
- p. A written commitment that is permitted or required by the Plan Commission, and approved by the Town Board, may be modified or terminated only after a public hearing before the Plan Commission and forwarding of a recommendation to the Town Board for decision. Notice for the Plan Commission public hearing shall follow notice and advertisement requirements as for any other hearing before the Commission. The request for modification or termination may be initiated by the property owner or by the Plan Commission.
- q. A commitment made and approved by procedures contained in this ordinance automatically terminates if, after approval of the rezoning, the zoning of the parcel is further changed after another rezoning hearing.
- r. In conflicts between this Section and IC 36-7-4-600 series, the Indiana Code shall govern.

SECTION 510 TEXT AMENDMENTS

- a. This Ordinance may be amended by action of the Town Board provided, however, that any proposed amendment shall be considered by the Plan Commission and a recommendation made thereon before any final action is taken by the Town Board.

- b. Text amendments to this Zoning Ordinance may be initiated by a request from the Town Board to the Plan Commission, or by a request from the Plan Commission, the Board Designee, or any owner of property (or their representative) in the jurisdiction of the St. Leon Plan Commission.
- c. The Plan Commission shall hold a public hearing within sixty (60) days of receiving or initiating the proposal before making a recommendation to the Town Board. At least ten (10) days prior to the date set for such hearing, public notice of a summary of the subject matter contained in the proposal, along with time, date, and place of the hearing, shall be given by publication in a newspaper of general circulation in Dearborn County.
- d. Following the public hearing, the Plan Commission shall make its recommendation, which shall be certified by the secretary or member of the Plan Commission, at a meeting of the Town Board after the Plan Commission has made its recommendation. The Plan Commission may make a favorable, unfavorable or no recommendation.
- e. The Town Board shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal.
- f. If the proposal receives a favorable recommendation from the Plan Commission:
 - i. At the first regular meeting of the Town Board after the proposal is certified, the Town Board may adopt, reject, or amend the proposal by a majority vote of the full membership of the Board. The Board shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
 - (A). If the Town Board adopts the proposal, it takes effect as other ordinances of the St. Leon Town Board.
 - (B). If the Town Board fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted ninety (90) days after certification.
 - (C). If the Town Board rejects or amends the proposal, it shall be returned to the Plan Commission for its consideration with a written statement of the reasons for the rejection or amendment. The Plan Commission has forty-five (45) days in which to consider the rejection or amendment and report to the Town Board as follows:
 - (1). If the Plan Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the Town Board as of the date of the filing of the Commission's report of approval with the Town Board or the end of the forty-five (45) day period.

- (2). If the Plan Commission disapproves the rejection or amendments, the action of the Town Board on the original rejection or amendment stands only if confirmed by another majority vote of the Town Board within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Board fails to confirm its action under this clause, the ordinance takes effect in the manner provided in subparagraph (B).
- g. If the proposal receives an unfavorable or no recommendation from the Plan Commission:
- i. At a regular meeting of the Town Board after the proposal is certified, the Town Board may adopt, reject, or amend the proposal by a majority vote of the full membership of the St. Leon Town Board. The Board shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
 - (A). If the Town Board adopts the proposal, it takes effect as other ordinances of the St. Leon Town Board.
 - (B). If the Town Board rejects the proposal or fails to act on it within ninety (90) days after the certification, it is defeated. Failure of the Board to pass such proposed amendment after its rejection by the Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Commission or Town Board until the expiration of one (1) year after the date of original rejection.
 - (C). If the Town Board amends the proposal, it shall be returned to the Plan Commission for its consideration with a written statement of the reasons for the amendment. The Plan Commission has forty-five (45) days in which to consider the amendment and report to the Town Board as follows:
 - (1). If the Plan Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the Town Board as of the date of filing of the Commission's report of approval with the Town Board or at the end of the forty-five (45) day period.
 - (2). If the Plan Commission disapproves the amendment, the action of the Town Board on the original amendment stands only if confirmed by another majority vote of the St. Leon Town Board within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Board fails to confirm its action under this clause, the ordinance is defeated as provided in subparagraph (B).

SECTION 520 ESTABLISHMENT OF ZONING DISTRICTS

The Town is divided into the districts stated in this Ordinance as shown by district boundaries on the zoning maps. The districts are:

- A-1, Agricultural District
- R-1, Single-Family Residential District
- R-2, Multi-Family Residential District
- R-3, Mobile Home District
- B-1, Neighborhood Business District
- B-2, Community Business District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- CO, Corridor Overlay District

SECTION 530 ZONING MAP

- a. A zoning map of St. Leon is hereby adopted as part of this Ordinance. Zoning maps shall be kept on file and available for examination at the St. Leon Town Offices.

SECTION 540 ZONING DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of various districts as shown on the zoning map, the following rules shall apply:

- a. District boundaries shown within lines of streets, streams or shorelines, transportation rights-of-way, lot lines, or municipal corporation lines, shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries.
- b. Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located. Where a zoning district boundary line divides a lot and where distances from the boundary line to property lines are not specifically indicated on the zoning map, the exact boundary line location shall be determined by measurement, using the scale of the zoning map.

- c. When the Designated Official cannot ascertain the location of a district boundary by centerlines, by the scale or dimensions of the zoning map, or by other methods, he shall refuse action, and upon appeal, the Board of Zoning Appeals shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Ordinance.

ARTICLE 6 PERMITS, VIOLATIONS AND FEES

SECTION 600 PERMITS REQUIRED

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this Ordinance, or unless a written order is received from the Board of Zoning Appeals, Town Board, or a Court of competent jurisdiction.

1. Location Improvement Permit

An Location Improvement Permit is required for all proposed construction or other development, including the placement of manufactured homes. Additionally, an Location Improvement Permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If an Location Improvement Permit is issued, the applicant shall apply for an Occupancy Permit, which shall not be issued until the structure is complete and compliance with this Ordinance is in evidence, including the installation of permanent corner markers as indicated in the Subdivision Control Ordinance. An Location Improvement Permit shall be obtained for any of the following items, none of which may be included in only one permit; separate permits being required for each construction or alteration:

- a. Construction, reconstruction, moving, enlarging, or structurally altering any structure in excess of two-hundred (200) square feet, or any structure placed on a permanent foundation;
- b. Connecting to the storm or street drainage system;
- c. Locating a mobile home; or
- d. Making any significant alterations to features such as, but not limited to, reservoirs, lakes, ponds, roadside ditches, or sand or gravel excavations.

In reviewing applications for Location Improvement Permits for compliance with the requirements of this Ordinance, the Planning Director, or his designee, shall ensure that all necessary permits from other State, Federal, and local agencies have been obtained.

2. Flood Hazard Determination

- a. The Planning Director, or his designee, shall review all applications for Location Improvement Permits for new construction, additions to existing construction, or other development to ascertain whether the proposed construction, addition, or development lies in a flood hazard area.
 - i. If the construction lies in an identified floodway, the applicant shall forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources to apply for a permit for construction in a floodway.

- ii. If the construction lies in a floodway fringe, the building inspector may issue a local building permit with the condition that the lowest floor, including the basement of the structure(s), is at least two (2) feet above the one hundred year flood elevation.
 - iii. In a floodplain district, the Planning Director, or his designee, will require such modifications to the design and materials as may be deemed necessary to prevent flotation, collapse, or lateral movement of the structure in order to minimize potential future flood damage.
- b. Manufactured homes to be placed in manufactured home parks or subdivisions are required to be elevated to the recommended flood protection grade of that district and be properly anchored in accordance with the requirements of this Ordinance.

3. Occupancy Permit

An Occupancy Permit shall be obtained before any person may:

- a. Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or structurally altered;
- b. Change the use of a structure or land to a different use; or
- c. Change the nature of a non-conforming use to a permitted use.

4. Temporary Occupancy Permit

A Temporary Occupancy Permit may be issued for a period not exceeding six (6) months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as are necessary to protect the safety of occupants and the public.

5. No Permit Required

No Location Improvement Permit shall be required for:

- a. Routine maintenance, repair or remodeling of existing structures not involving any change of use, additional lot coverage, or increase in structure size;
- b. Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment and landscaping;
- c. Structures less than two-hundred (200) square feet in area and not on a permanent foundation.

SECTION 610 VIOLATIONS AND PENALTIES

1. Penalty

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in, or any provisions of, this Ordinance or of any regulation enacted hereunder by the Commission or Board. When it is determined that any structure or use is in violation of this Ordinance, the owner of the structure or land shall be deemed guilty of an Ordinance violation and, upon judgment, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00). Each day the violation continues shall constitute a separate offense. The fines may include reimbursement for reasonable attorney fees at the Town's discretion.

2. Investigation and Enforcement

The Planning Director, or his designee, shall be the recipient of information alleging possible violation of the Zoning Ordinance. If it is established by a reasonable belief that a violation has occurred, the Board of Zoning Appeals may file a complaint against the person(s) and prosecute the alleged violation.

3. Judicial Actions

- a. The following actions may be instituted when violations of this Ordinance occur:
 - i. The Board of Zoning Appeals or its enforcement officer may institute a suit for injunction to restrain any individual or entity from violating the provisions of this Ordinance.
 - ii. The Board of Zoning Appeals or its enforcement officer may institute a suit for mandatory injunction directing any individual or entity to cease an illegal use, or remove a structure erected in violation of the provisions of this Ordinance.
 - iii. Nothing herein contained shall prevent the Town from taking other lawful action necessary to prevent or remedy any violation.

SECTION 620 FEES

1. The fee schedule shall be amended only by action of the Town Board.
2. Until all applicable fees have been paid in full, no action shall be taken on any petition or application. No part of any fee paid pursuant to this Section shall be refundable, unless specifically authorized by the Town Board or its designee.
3. The schedule of fees for permits and procedures identified within this Ordinance shall be as adopted by the St. Leon Town Board.
4. The Plan Commission, Town Board, and governmental agencies, shall be exempt from such fees.
5. Refunds or waivers of fees are determined by the Town Board or its designee.

ARTICLE 7 ZONING DISTRICT REGULATIONS

- A-1, Agricultural District
 - R-1, Single-Family Residential District
 - R-2, Multi-Family Residential District
 - R-3, Mobile Home District
 - B-1, Neighborhood Business District
 - B-2, Community Business District
 - I-1, Light Industrial District
 - I-2, Heavy Industrial District
 - CO, Corridor Overlay District
-

Required Front Setback (in feet) by Zoning District

District	Arterial (CL)*	Arterial (PL)**	Collector (CL)*	Collector (PL)**	Local (CL)*	Local (PL)**
A-1	75'	50'	65'	40'	55'	30'
R-1	75'	50'	65'	40'	55'	30'
R-2	70'	45'	60'	35'	50'	25'
R-3	70'	45'	60'	35'	50'	25'
B-1	75'	50'	65'	40'	60'	35'
B-2	75'	50'	65'	40'	65'	40'
I-1	75'	50'	65'	40'	65'	40'
I-2	75'	50'	65'	40'	65'	40'

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

***Indicates the minimum distance required from the front of a proposed structure to the front yard property line(s)*

ARTICLE 9 AGRICULTURAL DISTRICT

SECTION 900 PURPOSE

The purpose of the A-1, Agricultural District is to accommodate agricultural operations and practices. In addition, the A-1, Agricultural District preserves and protects agricultural land, the rural character of areas in the Town of St. Leon, and the agricultural tradition of the area. The intent of this district is to allow agricultural development by reason of location and the availability of natural resources and infrastructure system.

SECTION 910 PERMITTED USES

The following uses are permitted within the A-1, Agricultural District:

- a. Agricultural operations
- b. Single-family dwellings
- c. Public parks and playgrounds
- d. Cemeteries
- e. Essential services
- f. Accessory uses
- g. Temporary roadside agricultural produce stands no closer than 50' to the right of way of any street or highway. Adequate temporary parking must be provided and all goods sold must be locally grown.
- h. Feed mills and fertilizer sales
- i. Grain elevators
- j. Child care services for 5 or fewer children
- k. Dairies
- l. Public and parochial schools
- m. Religious institutions
- n. Federal, state, county, or municipal buildings
- o. Meeting halls for and offices for agricultural, rural or conservation public agencies and non-profit voluntary societies and associations
- p. Golf courses and related structures

SECTION 920 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the A-1, Agricultural District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. Accessory apartments
- b. Child care homes
- c. Child care centers
- d. Bed & breakfast homes
- e. Public or private utility structures
- f. Public swimming pools

- g. Nursing homes
- h. Mobile homes required by farmers
- i. Private clubs
- j. Private camps
- k. Mineral excavation
- l. Sanitary landfills
- m. Veterinary hospitals
- n. Public or Private air strips
- o. Kennels and veterinary clinics
- p. Cellular communications facilities
- q. Colleges or junior colleges on 10 acres or more
- r. Hospitals and health facilities on 5 acres or more
- s. Privately owned or operated outdoor recreation areas, including swimming pools, provided the principal and accessory buildings are located more than 200' from any residentially zoned or used property
- t. Sawmills provided they are located on a minimum of 10 acres and at least 200' from any residentially zoned or used property

SECTION 930 LOT AND YARD REQUIREMENTS

The following development standards shall apply within the A-1, Agricultural District:

- a. Minimum Lot Density

All lots of record within the A-1, Agricultural District may be split provided that the resulting parcels, including the lot of record, shall not average a lot density of greater than one (1) lot per three (3) acres.

b. Yard Requirements

The following lot and yard requirements shall apply within the A-1, Agricultural District:

Uses where applicable	All permitted uses and special exceptions identified in A-1, Agricultural District.
Minimum Lot Size	1 acre
Minimum Road Frontage	100 feet
Maximum Lot Coverage	25 percent
Minimum Yard Requirements:	
Front Yard Setback	Arterial: 75' Collector: 65' Local: 55'
Side Yard Setback	30 feet
Rear Yard Setback	30 feet
Maximum Building Height	45 feet; except for structures associated with agricultural and religious uses, where the maximum building height is 50 feet.
Minimum Ground Floor Area for Principal Use	1200 square feet for single-story structures, 900 square feet for two or more stories.

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

ARTICLE 10 RESIDENTIAL DISTRICTS

SECTION 1000 R-1, RESIDENTIAL

SECTION 1002 PURPOSE

The purpose of the R-1, Single-Family Residential District is to provide for a maximum residential development at a density of one (1) dwelling unit per acre. Development of major subdivisions in the R-1 District shall be limited to sites served by public sanitary sewer systems. They should be limited to sites, which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the St. Leon Comprehensive Plan; and are generally best located immediately adjacent to Agricultural and Residential Zoning Districts.

SECTION 1004 PERMITTED USES

- a. One-family dwellings
- b. On any contiguous property with a minimum of two (2) acres or more, one non-household, undomesticated animal per acre may be kept; the keeping of as many as four (4) animals customarily considered domesticated, household pets is also permitted—provided that such animals are not vicious, and provided that these animals do not present unsanitary conditions, as determined by the Dearborn County Department of Health. Any building in which five (5) or less non-household, undomesticated animals are kept shall be located not less than one hundred (100) feet from any lot line. Any building in which more than five (5) non-household, undomesticated animals are kept shall be located not less than two hundred and fifty (250) feet from any other adjoining property line(s), recorded residential subdivision or lot containing a dwelling other than a farm dwelling. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the private keeping of any number of fish in aquaria;
- c. Property owners containing less than 2 contiguous acres may keep as many as four (4) animals customarily considered domesticated, household pets, provided that such animals are not vicious, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the private keeping of any number of fish in aquaria;
- d. Public parks and playgrounds
- e. Cemeteries
- f. Essential services
- g. Accessory uses

- h. Agricultural Uses on 5 acres or more
- i. Home occupations
- j. Child care services for 5 or fewer children
- k. Public and parochial schools
- l. Religious institutions
- m. Federal, state, county, or municipal buildings

SECTION 1006 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the R-1, Single-Family Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. Accessory apartments
- b. Two-family dwellings; Duplexes
- c. Child care homes
- d. Child care centers
- e. Hospitals
- f. Public and private utility structures
- g. Public swimming pools
- h. Private clubs
- i. Private camps
- j. Golf courses
- k. Nursing homes
- l. Cellular communications facilities
- m. Assisted living centers

SECTION 1008 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the R-1, Single-Family Residential District:

Use	Single-Family Dwellings	All other permitted uses and special exceptions identified in R-1 Single-Family Residential District
Minimum Lot Size	1 acre	1 acre
Minimum Road Frontage	80 feet	120 feet
Maximum Lot Coverage	30 percent	40 percent
Minimum Yard Requirements:		
Front Yard Setback	Arterial: 75' Collector: 65' Local: 55'	
Side Yard Setback	10 feet	30 feet
Rear Yard Setback	20 feet	30 feet
Maximum Building Height	45 feet	45 feet; except for structures associated with agricultural uses, where the maximum building height is 50 feet.
Minimum Ground Floor Area for Principal Use	1000 square feet for single-story; 900 square feet for two or more stories.	1000 square feet for single-story; 900 square feet for two or more stories.

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

SECTION 1010 R-2, MULTI-FAMILY RESIDENTIAL

SECTION 1012 PURPOSE

The purpose of the R-2, Multi-Family Residential District is to encourage multi-family residential development at a density of up to ten (10) dwelling units per acre while allowing for one- and two-family residential development at a density of one and one-third (1.33) dwelling units per acre. Development should be limited to sites which are located adjacent to major collectors, minor arterials, or major arterials, as defined in the St. Leon Comprehensive Plan.

SECTION 1014 PERMITTED USES

The following uses are permitted within the R-2, Multi-Family Residential District:

- a. Multi-family dwellings
- b. One-family dwellings
- c. Two-family dwellings
- d. Property owners containing less than 2 contiguous acres may keep as many as four (4) animals customarily considered domesticated, household pets, provided that such animals are not vicious, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the private keeping of any number of fish in aquaria;
- e. Public parks and playgrounds
- f. Essential services
- g. Accessory uses
- h. Home occupations
- i. Child care services for 5 or fewer children
- j. Public and parochial schools
- k. Federal, state, county, and municipal buildings

SECTION 1016 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the R-2, Multi-Family Residential District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. Child care homes

- b. Child care centers
- c. Hospitals
- d. Public and private utility structures
- e. Public swimming pools
- f. Nursing homes
- g. Private clubs
- h. Private camps
- i. Funeral homes
- j. Assisted living centers
- k. Religious institutions

SECTION 1018 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the R-2, Multi-Family Residential District:

Use	Multi-Family Dwellings	Single-Family and Two-Family Dwellings	All other permitted uses and special exceptions within the R-2 Multi-Family Residential District
Minimum Lot Size	1.5 acres	.75 acres	1.5 acres
Minimum Road Frontage	100 feet	50 feet	50 feet
Maximum Lot Coverage	60 percent	35 percent	60 percent
Minimum Yard Requirements:			
Front Yard Setback	Arterial: 70' Collector: 60' Local: 50'		
Side Yard Setback	20 feet	10 feet	10 feet
Rear Yard Setback	20 feet	20 feet	20 feet
Maximum Building Height	45 feet	45 feet	45 feet
Minimum Ground Floor Area for Principal Use	750 square feet	900 square feet	750 square feet

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

SECTION 1020 MOBILE HOME PARK DISTRICT

SECTION 1022 PURPOSE

The purpose of the R-3, Mobile Home Park District is to provide for the placement of mobile homes within a large-scale unified development under single ownership. Specific standards are included to promote developments that are one-family residential in character and which minimize incompatibilities with surrounding land uses.

SECTION 1024 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the R-3, Mobile Home Park District:

Use	All permitted uses and special exceptions identified in the R-3, Mobile Home Park District.
Minimum Lot Size	5,000 square feet
Minimum Road Frontage	50 feet
Minimum Front Yard Setback	Arterial: 70' Collector: 60' Local: 50'
Minimum Side Yard Setbacks	7 feet per side yard with two (2) side yards; 14 feet between structures
Minimum Rear Yard Setback	20 feet
Maximum Structure Height	30 feet
Lot Coverage For Structures	30 percent by mobile home, 40 percent by all structures

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public roadway(s). Minimum setbacks from private driveways are referenced in Section 1028c.*

SECTION 1026 PERMITTED USES

The following uses are permitted within the R-3, Mobile Home Park District:

- a. Mobile homes qualifying as H.U.D. code manufactured dwellings.
- b. Community buildings specifically designed and operated to serve the development, including child day care centers, dry cleaning and laundry, neighborhood commercial uses, and indoor recreation facilities.
- c. Mobile home sales and management offices, when located in the interior of the park and limited to three percent (3%) of the total park area.
- d. Home occupations
- e. Public parks and playgrounds
- f. Accessory uses

SECTION 1028 DEVELOPMENT CONDITIONS

- a. General Requirements
 - i. It shall be unlawful for any person to park, place, locate or permit the parking, placing or locating of any occupied mobile home within the Town except in a mobile home park district, with the exception of a mobile home required by a farmer, which may be approved as a Special Exception in the A-1 zoning district.
 - ii. It shall be unlawful for any person to park, place or locate, or permit the parking, placing or locating of any unoccupied mobile home within the Town except on a mobile home sales lot.
 - iii. It shall be unlawful for a person to establish, construct, alter or enlarge a mobile home development on land located in the Town unless such land is zoned R-5. Prior to construction or issuance of a permit, a final development plan shall be submitted to the Plan Commission for review and approval at a public hearing.
- b. Site Conditions
 - i. No mobile home shall be used for any purpose other than that of a one-family dwelling or office for the developer. Further, no commercial enterprise shall be carried on within the confines of the mobile home park other than specifically enumerated under the conditions of the development plan.
 - ii. Minimum area of a mobile home park shall be fifteen (15) acres with the first phase not less than five (5) acres. The maximum density shall be five (5) mobile homes per acre.
 - iii. Individual mobile home sites within a mobile home park shall not be sold or transferred; however, the entire park may be sold or transferred to a new owner.
- c. Standards for Mobile Home Developments
 - i. Landscaping
 - (A). The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall consist of a greenbelt strip, not less than thirty (30) feet in width, located along all development boundaries. Existing plant material may serve in whole or in part as the required buffer upon approval of the final development plan.
 - (B). Each mobile home lot shall include two (2) trees with a minimum trunk diameter of two (2) inches at a height of twelve (12) inches above the ground at planting.

- ii. Mobile Home Spaces
 - (A). Mobile home parks shall be divided into lots with permanent markers indicating the corners of each lot.
 - (B). Setback lines, yard requirements and lot coverage.
 - (1). All mobile homes shall be set back at least fifty (50) feet from any public right-of-way outside the development and at least twenty (20) feet from any private drive or public street within the development.
 - (2). No mobile home or structure shall be located closer than forty (40) feet to the boundaries of the development.
- iii. Recreation
 - (A). In all parks there shall be one or more recreation areas which shall be accessible to all residents. The size of such recreation areas shall not be less than ten (10) percent of the gross site area, and shall not include water bodies, detention or retention ponds, or slope lands having an average slope in excess of fifteen (15) percent.
 - (B). Recreation facilities, such as playgrounds, swimming pools and community buildings, should be provided to the extent necessary to meet the anticipated needs of the residents of the park.
 - (C). Recreation areas shall be centrally located and away from traffic hazards.
- iv. Street and Drive Requirements
 - (A). Entrances to a mobile home park shall abut a public street and shall be designed to allow free movement of traffic onto such public street. Entrance ways shall have radii adequate for safe and convenient ingress and egress.
 - (B). All streets shall be constructed to Town specifications.
 - (C). Names shall be assigned to all streets and drives appearing on the final plan and shall be approved by the Director or his designee. All mobile home stands shall be systematically identified as they appear on the final plan.

(D). Driveway Requirements

- (1). Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings.
- (2). Driveways shall be a minimum of ten (10) feet wide.
- (3). All driveways shall be hard surfaced and dustless.

v. Parking Requirements

- (A). At least two (2) off-street parking spaces nine (9) feet by eighteen (18) feet each shall be provided on each mobile home lot.
- (B). No parking shall be permitted on any street or drive.
- (C). The developer shall provide a minimum of one (1) visitor parking space for every five (5) home lots. Visitor spaces may be located in one centrally located site or may be equally distributed throughout the development.

vi. Mobile Home Stands

- (A). Each mobile home stand shall be either:
 - (1). A reinforced concrete pad of suitable thickness to support the home and appurtenances or the runners with rebar rods, but shall not be less than four (4) inches thick; or
 - (2). A foundation on suitable concrete footings at least thirty-six (36) inches below grade with suitable cross-bracing provided and all remaining open spaces filled with sand or gravel or other suitable material.
- (B). Adequate drainage grading away from the mobile home shall be provided.

vii. Permanent Structures

- (A). Buildings shall comply with applicable zoning and building regulations and be approved by the Plan Commission.
- (B). A separate area shall be provided, which shall be fenced, screened or otherwise enclosed, for the storage of residents' camping trailers, boats, snowmobiles and other similar items. These items shall not be stored in any other area of the mobile home park.

viii. Dependent Mobile Homes and Occupied Travel Trailers Prohibited

A mobile home without bath and kitchen facilities is prohibited in all mobile home parks.

ix. Pedestrian Ways

- (A). A common concrete walk system shall be provided and maintained on both sides of all streets within the park. Such common walk shall have a minimum width of four (4) feet.
- (B). All mobile homes shall be connected to common walks or parking areas by concrete or paved individual walks with a minimum width of three (3) feet.
- (C). All walkways shall conform to the Americans with Disabilities Act (ADA) standards.

x. Mobile Home Installation

- (A). The mobile home shall be anchored and tied down in compliance with industry standards, and in a manner sufficient to resist flotation, collapse, or lateral movement of the home.
- (B). Mobile homes located in Flood Hazard Areas shall be anchored in accordance with industry standards or standards established by FEMA, whichever are more restrictive.
- (C). All mobile homes shall have permanent skirting.

xi. Storage

Each lot shall have a minimum of fifty (50) square feet of storage area, whether it be in a central building or in an enclosed accessory structure on the lot.

xii. Utilities

All utilities shall be underground except control instrumentation and substations, which must be screened by planting or ornamental walls.

xiii. Lighting

Street lights shall be provided at all intersections and a minimum five-hundred (500) foot spacing as needed between intersections.

**SECTION 1030 PROCEDURE FOR ZONING AND DEVELOPMENT
APPROVAL**

a. Preliminary Filing

Any developer proposing a mobile home park in the Town shall submit to the Plan Commission a legal description of the property and a preliminary development plan of the proposed development. The preliminary filing is to permit staff the opportunity to review and comment on the proposed plans prior to filing.

b. A final development plan shall be filed with the rezoning application.

c. Final Development Plan

Twelve (12) copies shall be submitted and shall include the following items:

- i. Name and address of applicant, name and address of owner of property, name and address of person preparing the plan.
- ii. Location map and legal description of development.
- iii. Development plan of proposed area containing the following information:
 - (A). Proposed name of development;
 - (B). Date, scale and north arrow;
 - (C). Contour information at vertical intervals of not less than two (2) feet, with reference to U.S. Geodetic Survey (USGS) datum;
 - (D). Indication of gross land area of the development and a computation of the density of the development;
 - (E). Drawing indicating how surface water drainage will be handled;
 - (F). Drawing indicating location of available sanitary sewers, how sewage will be treated and how domestic water will be supplied, and how the park will be served;
 - (G). Location of all proposed fire hydrants;
 - (H). Statement of restrictions contemplated, if any, such as:
 - (1). Placement of oil tanks, storage sheds, fences and patios;
 - (2). Skirting;
 - (3). Pets;

- (4). Parking;
- (5). Boats and outside storage.
- (I). Elevation of water table, percolation data and description of soil type;
- (J). Layout and width of all streets;
- (K). Service building and maintenance building;
- (L). Playgrounds;
- (M). Mobile home space and mobile home stands;
- (N). Parking spaces, driveways and sidewalks;
- (O). Boundaries, fencing and screen planting, including types of plant materials;
- (P). Street lighting;
- (Q). Landscaping;
- (R). Typical lot detail;
- (S). Tentative letter from the State Department of Health and the Indiana Department of Environmental Management as to sanitary sewer and water distribution system;
- (T). Statement of review and tentative approval by the Town Engineer of all access onto public streets; and
- (U). Any other information deemed necessary by the Plan Commission.

d. Submission to Plan Commission and Town Board

- i. The development plan shall be reviewed and approved by the Plan Commission and the Town Board as part of the zoning application in accordance with this Ordinance. As a condition of approval either the Plan Commission or the Town Board may require modifications to the development plan to ensure compliance with the standards of this Ordinance and to promote the purpose of this district.
- ii. Following rezoning by the Town Board, construction of the mobile home park shall be in accordance with the approved development plan.

e. Amendments to Approved Development Plan

The Director or his/her designate may review and approve proposed minor amendments provided that the changes:

- (A). Maintain the purpose and intent of the approved plan; and
- (B). Do not result in the addition, deletion, or relocation of approved curb cuts onto public streets or cross access drives onto adjoining properties; increase the density or size of the mobile home park; reduce or alter the perimeter treatment of the site; add to the approved uses of the park; reduce approved setbacks for buildings, homes, structures, and other site elements; or create a significant impact on surrounding properties.

- ii. All other amendments shall be deemed major and must be reviewed and approved by the Plan Commission following a public hearing.

ARTICLE 11 BUSINESS DISTRICTS

SECTION 1100 B-1, NEIGHBORHOOD BUSINESS

SECTION 1102 PURPOSE

The purpose of the B-1, Neighborhood Business District is to provide a mix of small commercial, office, and public uses designed to serve the convenience purposes of a neighborhood market. The scale of development within the B-1, Neighborhood Business District shall be compatible with surrounding residential development that the neighborhood business district is designed to serve.

SECTION 1104 PERMITTED USES

The following uses are permitted within the B-1 Neighborhood Business District:

- a. Retail sales establishments not exceeding 50,000 square feet in gross floor area.
- b. Bakeries
- c. Barber and beauty shops
- d. Delicatessens
- e. Florists
- f. Laundromats
- g. Medical and dental offices and clinics
- h. Restaurants
- i. Taverns
- j. Theaters
- k. Dry cleaners
- l. Offices, banks, financial institutions, and insurance agencies
- m. Personal and professional services
- n. Federal, State, county, or municipal buildings
- o. Public parks and playgrounds
- p. Contractor's office, excluding contractor's yard
- q. Essential services
- r. Museums
- s. Religious institutions
- t. Accessory uses
- u. Home occupations
- v. Public swimming pools
- w. Funeral homes
- x. Assisted living centers
- y. Nursing homes
- z. Public and parochial schools

- aa. Temporary roadside agricultural produce stands no closer than 50' to the right of way of any street or highway. Adequate temporary parking must be provided and all goods sold must be locally grown.
- bb. Construction trailers and sales offices on 10 acres

SECTION 1106 SPECIAL EXCEPTION

The following special exceptions shall be permitted within the B-1, Neighborhood Business District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. One-family dwellings
- b. Two-family dwellings
- c. Multi-family dwellings
- d. Auto sales, service and repair
- e. Commercial recreation facilities
- f. Private clubs
- g. Cellular communications facilities
- h. Child care centers

SECTION 1108 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the B-1, Neighborhood Business District.

Use	All permitted uses and special exceptions identified in B-1 Neighborhood Business District, excluding One-, Two-, and Multi-family dwellings	Multi-family dwellings	One- and Two-family dwellings
Minimum Lot Size	11,000 square feet	1.5 acres	.75 acres
Maximum Lot Coverage	60 percent	60 percent	35 percent
Minimum Road Frontage	75 feet	100 feet	50 feet
Minimum Yard Requirements:			
Front Yard Setback	Arterial: 75' Collector: 65' Local: 60'		
Side Yard Setback	20 feet	30 feet	10 feet
Rear Yard Setback	20 feet	30 feet	20 feet
Maximum Building Height	45 feet	45 feet	45 feet
Minimum Ground Floor Area for Principal Use	750 square feet	750 square feet	900 square feet

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

SECTION 1110 B-2, COMMUNITY BUSINESS

SECTION 1112 PURPOSE

The purpose of the B-2, Community Business District is to provide a mix of commercial, office, public, and small-scale industrial uses which meet the needs of a community wide market.

SECTION 1114 PERMITTED USES

The following uses are permitted within the B-2, Community Business District:

- a. Retail sales establishments
- b. Bakeries
- c. Barber and beauty shops
- d. Delicatessens
- e. Florists
- f. Accessory uses
- g. Laundromats
- h. Medical and dental offices and clinics
- i. Restaurants
- j. Taverns
- k. Dry cleaners
- l. Offices, banks, financial institutions, and insurance agencies
- m. Personal and professional services
- n. Federal, State, county, or municipal buildings
- o. Public parks and playgrounds
- p. Contractor's office, excluding contractor's yard
- q. Essential services
- r. Museums
- s. Religious institutions
- t. Auto sales, service and repairs
- u. Hotels and motels
- v. Private clubs
- w. Drive-in businesses
- x. Veterinary hospitals
- y. Kennels
- z. Theaters
- aa. Hospitals
- bb. Farm implement sales, service, and repair
- cc. Home occupations
- dd. Public swimming pools
- ee. Funeral homes
- ff. Printing shops
- gg. Mini storage buildings
- hh. Assisted living centers

- ii. Nursing homes

SECTION 1116 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the B-2, Community Business District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of the Ordinance.

- a. Building supply store, including lumber sales
- b. Commercial recreation facilities
- c. Multi-family dwellings
- d. Wholesale businesses
- e. Commercial schools
- f. Public transportation terminals
- g. Mobile home sales
- h. Drive-in businesses
- i. Truck stops
- j. Cellular communications facilities
- k. Recreational vehicle parks

SECTION 1118 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the B-2, Community Business District:

Use	Multi-family dwellings	All permitted uses and special exceptions identified in B-2 Community Business District, except multi-family dwellings
Minimum Lot Size	1.5 acres	.5 acre
Maximum Lot Coverage	60 percent	60 percent
Minimum Road Frontage	100 feet	120 feet
Minimum Yard Requirements:		
Front Yard Setback	Arterial: 75' Collector: 65' Local: 65'	
Side Yard Setback	30 feet	30 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	45 feet	45 feet
Minimum Ground Floor Area for Principal Use	750 square feet	750 square feet

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

ARTICLE 13 INDUSTRIAL DISTRICTS

SECTION 1300 I-1, LIGHT INDUSTRIAL

SECTION 1302 PURPOSE

The purpose of the I-1, Light Industrial District is to accommodate limited manufacturing uses having a minimal impact on surrounding areas. The intent is to allow manufacturing development by reason of location and the availability of adequate transportation and infrastructure systems, while protecting the surrounding uses from negative external effects.

SECTION 1304 PERMITTED USES

The following uses are permitted within the I-1, Light Industrial District:

- a. Federal, State, county, or municipal buildings other than schools
- b. Contractor's office, including contractor's yard
- c. Essential services
- d. Research and testing labs
- e. Warehouses
- f. Public parking lots
- g. Offices, banks, financial institutions, and insurance agencies
- h. Auto sales, service, and repair
- i. Manufacturing (enclosed), with allowance for 10% retail floor area (gross)
- j. Assembly, warehousing, and distribution of previously prepared material
- k. Accessory uses
- l. Wholesale businesses
- m. Service businesses providing support services to manufacturing activities
- n. Automobile and truck repair shops, including painting, upholstering, reconditioning, and body repair when performed entirely within a building
- o. Machine, tool, and die shops, excluding presses and similar equipment
- p. Equipment rental facilities
- q. Building supply store, including lumber sales
- r. Agriculture except confined feeding lots
- s. Home occupations
- t. Truck stops
- u. Religious institutions

SECTION 1306 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the I-1, Light Industrial District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. Communication, television, and radio towers
- b. Airports and heliport landing fields
- c. Truck, tractor, trailer or bus storage, parking lot or yard, or garage
- d. Stadiums, auditoriums, arenas
- e. Public or private utility structures
- f. Cellular communications facilities
- g. Public transportation terminals
- h. Adult entertainment businesses
- i. Restaurants
- j. Hotels and motels
- k. Motor freight terminals
- l. Supply yards
- m. Public and parochial schools

SECTION 1308 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the I-1, Light Industrial District:

Use	All permitted uses and special exceptions identified in I-1 Light Industrial District.
Minimum Lot Size	23,000 square feet
Maximum Lot Coverage	65 percent
Minimum Road Frontage	100 feet
Minimum Yard Requirement:	
Front Yard Setback	Arterial: 75' Collector: 65' Local: 65'
Side Yard Setback	50 feet
Rear Yard Setback	50 feet
Maximum Building Height	45 feet
Minimum Ground Floor Area for Principal Use	Not applicable

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

SECTION 1310 I-2, HEAVY INDUSTRIAL

SECTION 1312 PURPOSE

The purpose of I-2, Heavy Industrial District is to accommodate a broad range of industrial activities, diverse in products, operational techniques, and size, which have a greater impact on the surrounding environment than the I-1, Light Industrial District. The uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable to the occupants of adjoining properties and which, for that reason, must be grouped in areas where similar industrial uses are now located or where the permitted uses will be best located in accordance with the St. Leon Comprehensive Plan.

SECTION 1314 PERMITTED USES

The following uses are permitted within the I-2, Heavy Industrial District:

- a. Federal, State, county, or municipal buildings other than schools
- b. Contractor's office
- c. Auto sales, service, and repair
- d. Contractor's yard
- e. Essential services
- f. Public transportation terminals
- g. Research and testing labs
- h. Warehouses
- i. Public parking lots
- j. Assembly, warehousing, and distribution of previously prepared material
- k. Accessory uses
- l. Wholesale businesses
- m. Service businesses providing support services to manufacturing activities
- n. Automobile and truck repair shops, including painting, upholstering, reconditioning, and body repair when performed entirely within a building
- o. Machine, tool, and die shops
- p. Outdoor storage facilities
- q. Equipment rental facilities
- r. Building supply store, including lumber sales
- s. Livestock auctions
- t. Motor freight terminals
- u. Agriculture, including confined feeding lots
- v. Manufacturing
- w. Grain elevators
- x. Supply yards

- y. Truck and railroad terminals
- z. Processing plants
- aa. Home occupations
- bb. Truck stops
- cc. Religious institutions

SECTION 1316 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the I-2, Heavy Industrial District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. Communication, television, and radio towers
- b. Truck, tractor, trailer or bus storage, parking lot or yard, or garage
- c. Stadiums, auditoriums, arenas
- d. Stockyards and slaughter houses
- e. Public or private utility structures
- f. Airports and heliport landing fields
- g. Mineral excavation, including gravel pits
- h. Junk yards
- i. Bulk fuel storage
- j. Concrete mixing
- k. Manufacture and processing of explosive material
- l. Cellular communications facilities
- m. Adult entertainment businesses
- n. Restaurants
- o. Hotels and motels
- p. Kennels
- q. Public and parochial schools

SECTION 1318 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the I-2, Heavy Industrial District:

Use	All permitted uses and special exceptions identified in I-2 Heavy Industrial District.
Minimum Lot Size	40,000 square feet
Maximum Lot Coverage	65 percent
Minimum Road Frontage	100 feet
Minimum Yard Requirements:	
Front Yard Setback	Arterial: 75' Collector: 65' Local: 65'
Side Yard Setback	50 feet
Rear Yard Setback	50 feet
Maximum Building Height	45 feet
Minimum Ground Floor Area for Principal Use	Not applicable

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

ARTICLE 14 HIGHWAY INTERCHANGE DISTRICT

SECTION 1400 H-1, HIGHWAY INTERCHANGE

SECTION 1402 PURPOSE

The purpose of the H-1, Highway Interchange District is to provide a mix of uses and activities which depend on good vehicular accessibility, visibility, and generate large amounts of traffic. Uses within this district tend to serve regional or major community trade areas as well as local business needs. Sites will be of suitable lands, which can be appropriately buffered from surrounding uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1404 PERMITTED USES

The following uses are permitted:

- a. Eating and drinking establishments, including alcoholic beverages, and pizza delivery, including drive-thru facilities;
- b. Grocery stores and supermarkets, convenience stores, liquor beverage drug and proprietary stores;
- c. Department stores, mail order houses, direct retail selling organizations of general merchandise;
- d. Gasoline filling stations, including automotive repair facilities and car wash facilities;
- e. Hotels and motels, including convention facilities;
- f. Welfare and charitable services;
- g. Music, video and game rental stores;
- h. Household appliances, china, glassware and metal ware
- i. Stores with retail sales of meat, fish, seafood, dairy and poultry products, fruit and vegetable stores; bakeries, candy nut and confectionery stores;
- j. Banking and financial services savings and loan associations, credit unions and other credit services; business and personal credit services and title services, security brokers investment services and finance companies;
- k. Office supplies and equipment, copy centers, and small print shops;

- l. Insurance carriers and agents, accounting, auditing and bookkeeping services, travel agents and agencies, detective and protective services;
- m. Real estate operators, agents, lessors and real estate subdividing and developing services, operative builders and related services, real estate agents brokers and management services;
- n. Real estate management services and builders offices (excluding any outside storage equipment and the like);
- o. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities;
- p. Physician and dental services including medical, dental laboratories and clinics;
- q. Legal, engineering, architectural, education and scientific research services, charitable and social services administration offices;
- r. Professional, social, fraternal, civic and business associations and organizations with all meetings and activities being conducted indoors;
- s. Veterinary services and pet grooming services but not including the boarding of animals;
- t. Garden and landscape sales, including greenhouses and lawn furniture;
- u. Beauty and barber services and tanning salons, and massage;
- v. Group Child Care Centers;
- w. Writing and publishing of newspapers, periodicals and books;
- x. Bed and Breakfast Inns;
- y. Laundering, dry cleaning and dyeing services including self-service, alteration and garment repair and custom tailoring, shoe repair, shoe shining and hat cleaning services;
- z. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trades;
- aa. Photography studios, retail sales of cameras and accessories, photo finishing services and supplies, picture framing;
- bb. Art and craft galleries and similar exhibit spaces;
- cc. Sales and repair of computers, radios, television, VCR's, clocks, pianos, and jewelry sales and repairs;

- dd. Hardware and home improvement stores, paint, glass and wallpaper stores and related products;
- ee. Draperies, curtains, upholstery and floor coverings, carpet and rugs and related household products;
- ff. Furniture and bedding stores, antiques and used merchandise and other specialty stores, art, craft and hobby supplies and products, gifts and novelties, pawn shops;
- gg. Book, newspaper, magazine and card stores;
- hh. Colleges, junior colleges, universities, including fraternity and sorority houses and dormitories, business colleges and trade schools, boarding nursery schools, preschools, libraries, and museums;
- ii. Florists including greenhouses;
- jj. Auto parts and accessories stores, gasoline filling stations excluding car wash facilities;
- kk. Movie theaters and cinemas (indoor);
- ll. Sporting goods sales, fitness and recreation centers including gymnasiums, clubs and similar indoor athletic uses, including indoor shooting ranges;
- mm. Churches, synagogues, temples and other places or religious assembly for worship;
- nn. Self storage facilities;
- oo. Equipment, tool, automobile, truck rental and leasing services.
- pp. Art, music, dancing, karate or similar schools;
- qq. Hospitals, assisted living centers, adult care facilities, nursing and rest homes, clinics and institutions for the care of the aged and for children, and other similar and related residential uses;
- rr. Police and fire stations or ambulance services.

SECTION 1406 SPECIAL EXCEPTIONS

The following special exceptions shall be permitted within the H-1, Highway Interchange District only as specifically authorized by the Board of Zoning Appeals in accordance with the regulations of Section 320 of this Ordinance:

- a. One and Two-family dwellings
- b. Multi-family dwellings
- c. Airports, bus terminals, or other transportation facilities
- d. Truck stops, wash, and repair facilities
- e. Flea markets and similar uses
- f. Drive-in movie theater and similar uses
- g. Stadiums, arenas, field houses, and both vehicle and animal race tracks
- h. Fairgrounds, arcades, bowling alleys, skating rinks, miniature golf courses, water parks, go-cart tracks, and skateboard facilities
- i. Funeral homes and crematoriums including cemeteries or mausoleums
- j. Telephone exchange stations, radio broadcasting studios, television broadcasting studios and other communication centers and offices *excluding* any relay, transmitting or receiving towers or similar equipment
- k. Wireless telecommunications facilities
- l. Planned Light Industrial (I-1) developments on tracts of 10 acres or more in area.

SECTION 1408 LOT AND YARD REQUIREMENTS

The following lot and yard requirements shall apply within the H-1, Highway Interchange District.

Use	Multi-family dwellings	All permitted uses and special exceptions identified in B-2 Community Business District, except multi-family dwellings
Minimum Lot Size	1.5 acres	None
Maximum Lot Coverage	60 percent	60 percent
Minimum Road Frontage	100 feet	120 feet
Minimum Yard Requirements:		
Front Yard Setback	Arterial: 75' Collector: 65' Local: 65'	
Side Yard Setback	30 feet	30 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	45 feet	45 feet
Minimum Ground Floor Area for Principal Use	750 square feet	None

**Indicates the minimum distance required from the front of a proposed structure to the centerline of the adjacent public and private roadway(s)*

ARTICLE 15 REGULATIONS APPLICABLE TO SPECIFIC USES

Section 1510 SWIMMING POOLS

Swimming pools and hot tubs, as defined by this Ordinance, shall be permitted as accessory structures subject to the following provisions:

1. The structure, or the yard in which it is located, or any part thereof, shall be enclosed with a fence or protective barrier of a minimum of five (5) feet in height, measured on the exterior of the fence. All gates within such a fence shall be self-closing and self-locking. In lieu of such an enclosure, the structure may be protected with a secured cover meeting ASTM requirements.

2. Construction and operation shall meet all appropriate municipal, County or State requirements.

Section 1520 HOME OCCUPATIONS

A home occupation shall comply with the following:

1. The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.

2. The home occupation shall be carried on wholly within the principal structure and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five (25) percent of the gross floor area of any dwelling unit shall be used for a home occupation.

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Signage is to be approved by the Plan Commission and shall be limited to a size of 24" x 24".

4. Levels of noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare in amounts greater than those normally associated with domestic use shall not be produced.
5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restrictive materials shall be used or stored on the site in amounts greater than those normally associated with domestic use.
6. Vehicles associated with the home occupation shall be limited to the following:
 - a. Not more than one (1) vehicle shall be used for the purposes of the home occupation.
 - b. Such vehicle shall not be any commercially licensed vehicle larger than a one (1) ton truck.
7. No traffic, including deliveries and/or pickups of goods, shall be generated by such use in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance.

SECTION 1530 AMATEUR RADIO SUPPORT STRUCTURES

Amateur radio support structures shall be permitted as accessory uses provided they do not violate the requirements of this Ordinance. The structures shall be constructed and/or installed in accordance with all applicable requirements of the National Electric Code as well as the manufacturer=s specifications. All structures must be properly grounded. The support structure shall be made of non-corrosive hardware. The installation of guy wires and support anchor structures may be permitted in the required setback areas. The Planning Director may require submission of documentation to verify compliance will all applicable codes and requirements as well as any other information which may pertain to the installation of such structures. No amateur radio support structures shall exceed seventy-five (75) feet in height above average ground level.

SECTION 1540 COMMUNICATIONS FACILITIES

Express standards and criteria for considering special exception approval for communications facilities shall be as follows:

1. Proposed communications facilities shall be located only in the following zoning districts, but not in a Corridor Overlay District within such district: B-1, B-2, I-1, and I-2. Proposed new communications towers must gain special exception approval by the St. Leon Board of Zoning Appeals. Proposed antenna additions to existing structures need not gain special exception approval; however, all other applicable requirements of this Section shall be imposed for such antenna additions.

2. Any applicant proposing a new communications tower shall demonstrate that efforts have been made to obtain permission to mount an antenna or antennae on an existing building, public utility transmission structure, or communications tower rather than erect a separate tower. The applicant shall contact, by certified mail, all owners of potentially suitable structures within a one mile radius of the proposed site. If utilization of an existing structure is not an option, the applicant shall provide written proof to this effect which shows that one of the following situations exists:
 - a. The proposed equipment would exceed the structural capacity of the existing building, public utility transmission or storage structure, or communications tower, and reinforcement of the existing structure cannot be accomplished.

 - b. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that existing structure and the interference cannot be prevented.

 - c. Existing buildings, public utility transmission structures, or communications towers do not have adequate space, access, or height to accommodate the proposed equipment.

 - d. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emissions standards.

 - e. A reasonable business arrangement cannot be achieved.

3. The applicant shall submit evidence that the facility or tower, and its method of installation, has been designed to accommodate multiple antennae, in order to allow for future co-location, and must allow future co-location arrangements.
4. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility. At any time during the calendar year that an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Town of St. Leon Plan Commission within thirty (30) days of issuance.
5. Proof shall be provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the FCC. In the event that the FCC imposes more stringent standards at a later date, those standards shall apply.
6. Proof shall be provided that the communications facility has been reviewed, and has not been determined to be a hazard, by the Federal Aviation Administration (FAA). The communications tower shall meet all FAA regulations.
7. The applicant shall submit evidence that the facility, tower, or an antenna addition to an existing tower or structure, and its method of installation, has been designed by a civil or structural engineer registered in the State of Indiana and is certified by that engineer to be structurally sound and able to withstand wind and other loads in accordance with applicable building codes.
8. The owner of any communications facility shall be required to conduct periodic inspections of the facility to ensure structural integrity. Inspections shall be conducted by an engineer licensed by the State of Indiana. The cost of the inspection shall be borne by the tower owner. The result of the inspection shall be provided to the St. Leon Plan Commission. Such inspections shall be required as follows:
 - a. Monopole towers - at least once every ten (10) years.
 - b. Self-supporting towers- at least once every five (5) years.
 - c. Guyed towers - at least once every three (3) years.

9. Adequate access by means of a public street or an access easement to a public street shall be provided to facilitate periodic visits by maintenance workers. Said access drive shall be composed of an all-weather, dust proof surface.
10. The distance between the base of the communications tower and any property line shall at least equal the height of the tower. If the facility is erected on a leased parcel taken from a parent tract, this distance may be measured to the property line of the parent tract. In addition, self-supporting towers shall be sited no closer than one thousand (1,000) feet to any residence. An accessory structure erected in connection with the facility shall meet required setbacks for the district in which it is located.
11. The applicant shall demonstrate that the proposed height of the communications facility is the minimum height necessary to function effectively.
12. For communications facilities other than those added to existing structures, enclosure by a chain-link or similar fence at least six (6) feet in height shall be required. Said fence shall have a self-latching gate to limit accessibility to the general public.
13. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be a minimum of five (5) feet from any property line.
14. Landscaping shall be installed and maintained by the owner of any communications tower as necessary for proper screening of associated equipment storage or maintenance buildings. The Board of Zoning Appeals may determine the extent of screening during special exception approval.
15. All lighting, other than that required by the FAA, shall be shielded and reflected away from adjoining properties.
16. The facilities which are erected to maintain a communications facility may not include offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses that are not needed to send or receive signals, unless such facilities are permitted uses in the zoning district.

17. Approval under this Section will automatically lapse if the communications facility is not used for six (6) continuous months. In such case, all portions of the communications facility will be removed by the party responsible for erecting the facility, or the property owner, with costs of removal to be borne by that party. The Town of St. Leon may, at its discretion, require bonds at the time of permit issuance to insure that abandoned towers are removed.

ARTICLE 17 PLOT PLAN REVIEW

SECTION 1700 – Intent

The purpose of this article is to provide plot plan regulations that will enhance the Location Improvement Permitting process. Plot plans are required for single-family residential uses, additions, accessory uses, and any other structure that requires a Location Improvement Permit.

SECTION 1705 – Authority

The purpose of Plot Plan Review is to protect the public health, safety and general welfare of St. Leon. The provisions and requirements in this article are written and shall be administered to ensure orderly growth and development of St. Leon. No building shall be erected, expanded or improved, on any lot, site, or parcel for uses where Plot Plan Review is required except in accordance with the regulations in this Zoning Ordinance and with the requirements stated in this article. All such Plot Plans shall be reviewed by the Planning Department and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable, articles of this order.

The Planning Department shall not be permitted to reject any Plot Plan, which is in full conformance with the requirements, terms and conditions of this article and Zoning Ordinance. Nor can additional regulations be imposed which are not included within this order. All approved Plot Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Plot Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Plot Plans shall be subject to the provisions of Section **1735**.

SECTION 1710 – Procedure

Before submitting an application for Plot Plan Review each applicant, property owner, or developer is encouraged to read the following categories to determine which level your construction proposal matches. If a determination can not be ascertained you are encouraged to have a pre-application meeting with the Dearborn County Plan Commission staff. Both Minor Plot Plan Review and Major Plot Plan Review are described below.

Minor Plot Plan: A plot plan that requires no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), no additional access points or curb cuts, and no status as a residential living unit. Typically this review pertains to the construction of accessory uses and minor additions.

Major Plot Plan: A plot plan that involves exterior utility construction (e.g., storm sewer, water, sanitary sewer, septic sites, etc.), any parcel within close proximity of flood zones A and B, access points or curb cuts, and buildings constructed as a residential living unit. Furthermore, this review involves any additions to utility construction, access points or curb cuts. Typically this review pertains to the construction of a single family residence, mobile home, and manufactured home. The Planning Director or Designee will determine the allowable distance from flood zones A and B that are exempt from flood certification.

SECTION 1715 – Application and Approval

An applicant, property owner, or developer is required to file an application with the Dearborn County Planning Department. Action in the form of approval or denial of a Minor Plot Plan or Major Plot Plan by the Planning Commission's Staff shall occur within 7 working days of when the plan is officially submitted to the Planning Department's office in complete form. Any incomplete Plot Plan or Application may result in delays.

An appeal of the Staff denial of a Minor / Major Plot Plan is possible before the Board of Zoning Appeals at its next regularly scheduled meeting after written notification is made by the applicant to the Planning Director within thirty (30) calendar days of the Staff denial. The Board of Zoning Appeals shall make final action for approval or denial on the appeal of a Minor / Major Plot Plan. Reasons for denial of a Minor / Major Plot Plan by the Board of Zoning Appeals shall be given to the applicant in written form.

SECTION 1720 - Plot Plan Requirements

All Minor Plot Plans submitted to the Dearborn County Plan Commission shall be in accordance with this article and shall contain the following information:

1. A complete and accurate application form,
2. Three (3) copies are required. They will be distributed (after approval and stamped by the Planning and Zoning Department and Health Department) as follows
 - One (1) copy to the Building Department,
 - One (1) copy to the Planning and Zoning Department,
 - One (1) copy to the property owner;**
3. In order that all the required plot plan information be properly documented and correctly designed, it is necessary that all minor plot plans be technically drawn to a scale of no less than 1" = 50'. The plans should be submitted on standard paper sizes. In situations where the scaled lot is larger than the preferred paper size a large scale plot plan with a close up view of the major features is acceptable;
4. A graphic scale shall be noted on the plot plan along with the date and north arrow;
5. A description of the proposed use for the structure;
6. Dimensions of parcel or lot;
7. Location and width of all public and private streets, driveways, and other vehicular circulation areas adjacent to the property;
8. Location of all existing and proposed structures;
9. Approximate location of all existing utilities (e.g., sewer lines, water lines, septic tanks, electric lines, gas lines, and so on);
10. Square footage and height of proposed building or addition;
11. Dimensional tie downs from all four corners of the proposed structure(s) to the appropriate property lines;

All Major Plot Plans submitted to the Dearborn County Plan Commission in accordance with this article shall contain the following information (multiple lots may be submitted at one time for subdivisions that have proceeded through the subdivision review process):

1. A complete and accurate application form;
2. Four (4) copies are required. They will be distributed (after approval and stamped by the Planning and Zoning Department and Health Department) as follows:
 - One (1) copy to the Building Department,
 - One (1) copy to the Health Department,
 - One (1) copy to the Planning and Zoning Department,
 - One (1) copy to the property owner;
3. It is necessary that all major plot plans be drawn to a scale of no less than 1" = 50'. The plans should be submitted on a standard paper size. In situations where the scaled lot is larger than the preferred paper size a large scale plot plan with a close up view of the major features is acceptable;

4. A graphic scale shall be noted on the plot plan along with the date and north arrow;
5. A description of the proposed use for the structure;
6. Property boundaries of the parcel or lot identified according to surveys or recorded deeds;
7. Location and width of all public and private streets, driveways, and other vehicular circulation areas adjacent to the property and the distance to the nearest intersecting roadway;
8. Recorded easements identified;
9. Location of all existing and proposed structures;
10. Exterior dimensions of structure (including decks or porches and overhang measurements);
12. Positive drainage away from structures must be shown, assumed elevation may be used unless flood elevations are an issue;
13. Elevation of basement and ground floor noted on plan;
14. Dimensional tie downs from all four corners of the proposed structure(s) to the appropriate property lines;
15. Square footage and height of proposed building or addition;
16. Acreage of the lot;
17. Location of structures on adjacent lots, when a different building setback line exists other than the current ordinances;
18. Approximate location of all utilities (e.g., sewer lines, water lines, septic tanks, electric lines, gas lines, telephone lines, laterals, water meters, and so on);
19. Location of the driveway and size of culvert according to the INDOT STANDARDS;
20. Width of pavement and the Construction material of the road shall be denoted on the drawing;
21. Primary and Secondary On-Site Sewage Disposal System areas identified meeting the applicable setback requirements of the health department;
22. Health Department Note:
 - This plot plan has been reviewed by _____ Environmental Health Specialist with the Dearborn County Health Department.
_____ (Signature)
23. Approximate boundaries of the 100-year flood plain using the Flood Insurance Rate Maps and Floodway Maps for Dearborn County. Properties located within the floodplain shall provide written documentation from the Indiana Department of Natural Resources regarding the Flood Protection Grade and location of the floodway;
24. Any variances requested must be submitted with the plot plans and follow the procedures of the Board of Zoning Appeals.

25. Sight Distance Note (Major Subdivisions that have proceeded through Primary, Improvement, and Secondary Plat Review may be exempt from this note if proper certification has already been performed);
- a. On _____ Day of _____, 200__ there are _____ feet of sight distance in the (easterly, westerly, northerly, southerly) direction and _____ feet of sight distance in the opposite (easterly, westerly, northerly, southerly) direction measured to meet the minimum sight distance requirements of this Ordinance.
26. Title Block – Lower right hand corner containing: Township name, Section, Township, Range, Map Number, Parcel Number, Subdivision Name and Lot number if applicable, and property owner.

SECTION 1725 – Expiration, Extension, and Completion of Approval Period

If the work described in a zoning permit has not been initiated within one (1) year from the date it was issued, the permit shall expire. The permit shall also expire if the described work has not been substantially completed within two (2) years of the date it was issued. If, for any reason, the Zoning Permit expires, all work must be stopped immediately until a new permit has been obtained. The Planning Director or designee may grant an extension on a Zoning Permit, if the applicant can demonstrate a good cause for such an extension, prior to the date of expiration.

SECTION 1735 – Changes or Amendments

Any changes made to the approved Plot Plan before the development of the site or building shall require the approval of the Plan Commission staff. Any variations to an approved Site Plan that occurred in the development of the site or building will require that an “as built” Site Plan be submitted for review to the Planning Department. Depending on the extent of the changes, a new application may be required by the Planning Director or designee. If the “as built” site plan does not conform to the requirements in the Ordinance or if a Certificate of Occupancy is not granted it will be handled as a violation of the ordinance under Article 6.

ARTICLE 20 SIGNS

SECTION 2000 PURPOSE

The use of signs to identify uses, advertise business and provide general orientation in St. Leon is a recognized need and right of property owners within appropriately zoned districts. It is the purpose of this Section to provide a balanced system of signage to facilitate communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic safety, property values, community appearance, and the economic vitality of St. Leon.

SECTION 2010 PERMIT REQUIRED

1. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the St. Leon Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Planning Director.
2. Application for a permit shall be made to the Department on forms provided by the Department, and shall include, and be accompanied by, the following information:
 - a. Name and address of the property owner of the premises on which the sign is located or is to be located;
 - b. Name and address of the owner of the sign;
 - c. Consent from the property owner;
 - d. Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs for which a construction permit is required, when such signs are on the same premises;
 - e. Drawings showing dimensions, construction supports, sizes, electrical wiring and components, materials of the sign, method of attachment, and character of structural members to which attachment is made. If required by the Planning Director, engineering data shall be supplied on submitted plans and certified by a duly licensed engineer;
 - f. A statement, in writing, that the applicant has obtained all necessary licenses and/or approvals from other affected governmental agencies pertaining to any sign proposed to be erected, constructed, altered, repaired, improved, maintained, converted, or manufactured adjacent to, or visible from, any State or Federal roadway.

3. The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit:
 - a. The changing of advertising copy or message on an approved sign.
 - b. Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure, unless a structural change is involved.

SECTION 2015 EXEMPT SIGNS

The following incidental signs are exempt from other requirements of this Section, except for the noted requirements:

1. Business Identification Sign

An identification sign on or near a building entrance or service entrance to a business in a business, commercial, or industrial zoning district is permitted, provided such signs state only the street address number and name of the business or building. Such sign shall be mounted flush against the wall, and shall not exceed four (4) square feet.

2. Damaged Sign

A conforming sign erected under a legally obtained permit which is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign of different size, shape, or location from the original sign shall require a permit.

3. Integral Signs

Names of building, dates of erection, monumental citations, commemorative tablets and the like, when carved into stones, concrete, or similar material, or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

4. Parking Signs

Signs for public and private parking shall be permitted. Such signs shall be subject to a three (3) foot setback from the right-of-way, and shall not be used for advertising purposes. Signs shall be no greater than six (6) feet in height and no greater than six (6) square feet in area. Such signs shall be installed so as not to present a hazard to traffic entering or leaving the premises.

5. Private Traffic Directional Signs

Signs directing traffic movement onto or within a premise. Illumination of these signs shall be permitted in accordance with Section 6-101-5.H, Performance Standards. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no greater than three (3) feet in height and no greater than six (6) square feet in area.

6. Public Signs

Signs of a non-commercial nature and in the public interest erected by, or on the order of, a public officer(s) in performance of his/her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public to public and quasi-public facilities, or signs on public buildings or structures and the like.

7. Name Plate

A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family or row-structure. Such nameplate shall state nothing other than the name and/or address of the occupant. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house numbering plate for identification.

8. Historical Markers

9. Window Signs

Signs located in or on windows do not require a permit as long as such signs are located on the inside of the building.

10. Accessory Signs

Matter appearing on gasoline pumps, newspaper vending boxes, automatic teller machines, and vending machines, or matter appearing on or adjacent to entry doors such as "Push", "Pull", "Open" or "Closed" signs, or matter appearing on display windows or doors identifying hours of operation, credit cards accepted, and similar information.

11. Special Event Signs

Special event signs shall comply with the sign requirements of the underlying zone district except that a maximum of two (2) banners (which may be double-faced) shall be permitted and the total combined area of all faces shall not exceed 100 square feet in area. **All signs shall be removed within 24 hours of cessation of the special event.**

12. Signs for public, non-profit or religious institutions

One (1) free-standing sign not over thirty-two (32) square feet in area may be located on the premises of said institutions.

SECTION 2020 GENERAL PROVISIONS

The following general provisions shall apply to all signs in all zoning districts:

1. No portion of any sign may be erected within five (5) feet of a street right-of-way.
2. The first permanent sign on any property shall include within the sign area the street address number of the property. The number shall be discernible from the traveled portion of the adjacent right-of-way. The letters and numbers shall be a minimum of four (4) inches in height.
3. Permitted free-standing signs shall include the following types of signs:
 - a. Pole. A sign which is supported by one or more uprights in the ground, with the sign surface mounted at a specified height above grade level to the bottom of the sign.
 - b. Ground. Any sign, other than a pole sign, in which the entire bottom is in contact with or is closely associated with the ground and is independent of any other structure.
 - c. Monument. A ground sign that is supported by a base that is connected directly to the ground with a maximum height of four (4) feet.
4. Free-standing signs shall be located no closer to the side property line than the Building Setback Line. Free-standing signs shall also be located at least five (5) feet outside of the State or Town road right-of-ways.
5. The bottom edge of any free standing pole sign (excluding entrance signs) erected in or above any area used for vehicular movement or parking shall be at least ten (10) feet above the paved level of such area. This height may be increased in a case where tractor-trailer or other large vehicle traffic would require a greater height clearance. Unless otherwise permitted, no sign advertising goods or services shall exceed one (1) story or fifteen (15) feet in height, whichever is lower;
6. No portion of any sign may be erected so as to obstruct sight lines along any right-of-way or so as to obstruct sight lines to traffic control devices, street name signs at intersections, directional signs, or signals and/or railroad grade crossings, and shall maintain required vision clearance requirements as stipulated by Section 6-101-5.F of this Ordinance.
7. A landscaping area equal to the total sign area shall be installed at the base of all free-standing signs, with the exception of billboards. A landscaping plan shall be submitted with each sign permit application for a free-standing sign, such landscaping plan to be approved by the Plan Commission or its designee.

SECTION 2025 MAINTENANCE

1. All signs shall be maintained in a good state of repair, including, but not limited to, repair of defective parts, painting and cleaning. The replacement of the structural members of a non-conforming sign for the purpose of extending the life of such non-conforming sign, shall not constitute maintenance as defined in this Section, but shall be considered as new construction and must, therefore, satisfy all requirements of this Ordinance.
2. The owner of any property on which a sign is located, and those responsible for maintenance of the sign, shall be jointly responsible for the maintenance of the area in the vicinity of the sign and shall be required to keep this area mowed in accordance with Town standards and maintained in a safe, clean and sanitary condition, free of noxious or offensive substances and rubbish.
3. When any sign or adjacent area is not maintained within the provisions of this Ordinance, or determined otherwise unsafe, the Planning Director or authorized representative shall send written notice to both the owner of the property on which such sign is located and the sign owner. Notice shall direct the owners to remove, repair or alter the sign or to maintain the property in accordance with Town standards. If said sign is not removed, replaced, or altered, or the property not properly maintained within thirty (30) days, the Planning Director, or authorized representative, shall cause the sign to be removed, repaired, or altered, or the property to be maintained at the expense of the property and/or sign owner in accordance with the procedures of this Ordinance. For temporary or portable signs, the Planning Director, or authorized representative, shall provide a three (3) day notice for removal of the sign. The representative may remove a sign immediately and without notice if, in his/her opinion, the condition or location of the sign is such as to present a threat to the safety of the public.

SECTION 2027 NON-CONFORMING SIGNS

Any sign lawfully established prior to the effective date of this Ordinance that does not conform to the regulations herein shall be deemed a non-conforming sign and may be continued except under the following provisions:

1. If there is an increase in the size of the sign face or an increase in the height of the sign;
2. If the sign is relocated from its original place of installation;
3. If there is a complete replacement of the sign;
4. If the sign is covered under a variance, granted by the Board of Zoning Appeals, which has expired;
5. If the sign is destroyed to an extent equal to or greater than fifty percent (50%) of its value; and/or
6. If the sign is considered an obsolete sign as defined under subsection G, Prohibited Signs, of this Section.

SECTION 2035 PROHIBITED SIGNS

The following signs are prohibited. It shall be unlawful to erect and maintain:

1. Any sign which is not included under the types of signs permitted or exempted in this Section.
2. Any portable or moveable sign, except in compliance with the provisions of this Section.
3. Any sign that projects over or into a public right-of-way.
4. Off-premises signs, except as expressly permitted in this Section.
5. Flashing signs.
6. Pennants, propellers, pinwheels, streamers, balloons, and similar small objects, except as temporary signs.
7. Signs imitating or resembling official traffic or government signs or signals.
8. Signs located within a public right-of-way, other than traffic or government signs or signals located permanently or temporarily for public safety.
9. Tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on buildings, barns, sheds, trees, towers, utility poles, posts, fences, benches, trash containers, parking meters or other structures.
10. Business signs that advertise an activity, business, product, project, or service no longer conducted or available on the premises upon which the sign is located within three (3) months of the end of business activity.
11. Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on the same or nearby property. This includes vehicles with a sole apparent purpose to advertise business. Motor vehicles with the primary purpose of the cartage of goods are exempt from this restriction.
12. Signs which bear or contain statements, words or pictures of an obscene, pornographic, or immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.
13. Signs painted on, or attached to, any fence or wall which is not structurally a part of a building, except to identify a residence or residential structure by means of posting the name of the occupant or structure and the street address.
14. Signs which operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements; or signs which have visible moving parts or give the illusion of movement, except as permitted in this Section.
15. Signs which emit audible sound, odor, or visible matter.

16. Signs which purport to be, or are an imitation of, or resemble, an official traffic sign or signal, or which bear the words “Stop”, “Go Slow”, “Caution”, “Danger”, “Warning” or similar words, except as permitted in subsection F of this Section.
17. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or roadway sign, signal or device.

SECTION 2037 TEMPORARY SIGNS

Temporary signs shall be permitted at any location and shall be required to have a permit unless otherwise specified. The following conditions apply to temporary signs:

1. Portable Signs (including “a-frame” and “arrow” signs)

One (1) portable sign per lot may be permitted for a period not to exceed sixty (60) days per calendar year. Said sign is not to exceed forty (40) square feet in area or six (6) feet in height.

2. Banners

One (1) banner per lot may be permitted for a period not to exceed sixty (60) days per calendar year. Said sign is not to exceed forty (40) square feet in area or six (6) feet in height.

3. Political Campaign Signs

Temporary political signs must be placed outside public street right-of-way. The signs shall be removed within one week after the election. No permit shall be required.

4. Garage Sale Signs

Signs advertising the sale of miscellaneous household items for the purpose of a residential “garage” or “yard” sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one (1) week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. No permit shall be required.

5. Construction Signs

During a construction period, construction signs which identify the owner, architect, engineer, contractor and other individual or firm involved with construction, but not including any advertisement of any product; and signs announcing the character of the building enterprise or the purpose of the building. Said signs shall be a maximum of thirty-two (32) square feet for each project. Said sign shall be set back at least ten (10) feet from a public right-of-way. The sign shall be confined to the site of construction and shall be removed within thirty (30) days after the end of construction. No permit shall be required.

6. Real Estate Signs

One real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, shall not exceed four (4) square feet in residential districts and thirty-two (32) square feet in business or industrial districts. Such sign shall be removed within fourteen (14) days of the sale, rental or lease. Such sign shall be set back from the street right-of-way at least ten (10) feet. Signs shall reflect no advertising other than to indicate the party listing the property for sale, rental or lease. No permit shall be required.

7. Subdivision or Multi-Family Signs

One (1) temporary subdivision or multi-family project identity sign indicating only the name and/or address of the premises and/or the name of the management and builder(s). Such a sign shall not exceed thirty-two (32) square feet in area and shall be located at least ten (10) feet from a public right-of-way. The maximum approval period shall be twelve (12) months from the date the permit is issued. Such approval may be extended for another twelve (12) months or until the project is eight-five (85) percent completed or is occupied, whichever occurs first.

7. Inflatable Signs

Inflatable signs shall not be permitted on residentially zoned or used properties, except for displays intended for celebratory events of short duration, as in the case of birthdays. Such signs may be displayed for no more than fourteen (14) days during a calendar year on any lot in a business or industrial district, limited to one (1) such sign per lot. Such sign shall not exceed the permitted building height by more than twenty (20) feet.

10. Produce Signs

One (1) temporary sign shall be permitted which advertises the sale of produce or crops grown on the premises, provided that the sign does not exceed thirty-two (32) square feet in area and is placed at least ten (10) feet from the street right-of-way. This provision does not include "arrow signs". No permit shall be required.

SECTION 2040 ILLUMINATION OF SIGNS

1. Sign illumination shall be designed so as not to cause glare which may result in traffic hazards or which may interfere with the customary use of nearby residences.
2. For signs which are externally illuminated, such lighting shall be mounted on top of the sign and directed downward towards the copy in order to prevent spillover onto surrounding uses and into the night sky.
3. In residential districts, only nameplates, bulletin boards used by churches or public buildings, and permanent, on-site subdivision identity signs may be illuminated. In non-residential districts, all signs may be illuminated provided they meet other provisions established in this Ordinance.
4. Signs displaying electronically changing or animated messages are permitted, provided:
 - a. Such signs do not create a traffic hazard to vehicular traffic on thoroughfares along which the sign is oriented;
 - b. Such signs may not be placed closer than thirty-five (35) feet to a public right-of-way;
 - c. The area containing the changing or animated messages shall not exceed thirty (30) percent of the total sign area;
 - d. No more than one (1) such sign shall be permitted per lot.

SECTION 2050 AGRICULTURAL AND RESIDENTIAL DISTRICTS

This section shall apply to the following zoning districts: A-1, R-1, R-2, and R-3.

- a. For each duplex and/or multi-family building, one (1) nameplate per dwelling unit, not to exceed two (2) square feet in area, is permitted.
- b. One (1) free-standing sign for a church, school, municipal building or other public building, not exceeding thirty-two (32) square feet in area, and one (1) wall sign, not exceeding one and one-half (1½) square feet in area for each lineal foot of building frontage shall be permitted; however, in no instance shall the total wall sign area exceed fifty (50) square feet.
- c. Signs listed under Exempt Signs and Temporary Signs are permitted; however, portable signs, including “a-frame” and “arrow” signs, are prohibited.

- d. One (1) free-standing identity sign for a subdivision or multi-family project is permitted. Such sign shall not exceed thirty-two (32) square feet in area. In the event there is more than one entrance or the subdivision or multi-family project fronts onto more than one road, additional signage may be permitted at the discretion of the Planning Director.

SECTION 2060 BUSINESS AND INDUSTRIAL

This section shall apply to the following zoning districts: B-1, B-2, I-1, and I-2.

- a. Free-Standing Buildings, not in an unenclosed shopping center or enclosed shopping mall, including free standing buildings located at unenclosed and enclosed shopping centers:
 - i. One (1) free-standing sign shall be permitted for each lot. The sign shall not exceed thirty-two (32) square feet in area.
 - ii. Wall sign

No specific limit is imposed on the number of wall signs; however, the total maximum sign area for all wall signs on a given building frontage shall be two (2) square feet in area for each lineal foot of building frontage. In no instance shall the total sign area for all signs for a single business exceed one hundred (100) square feet in area. A free standing building which is situated on more than one (1) street may have wall signs located on each exposed wall, per the size limitations above.
 - iii. Projecting signs may be used instead of wall or free-standing signs provided they do not project beyond the property line or public right-of-way line and maintain a clearance of ten (10) feet over pedestrian areas.
- b. Unenclosed Shopping Centers
 - i. One (1) free-standing sign shall be permitted for the shopping center, and shall meet the following requirements:
 - (A). Such sign shall have a maximum face area of two hundred (200) square feet.
 - (B). Where a shopping center has in excess of six hundred (600) feet of road frontage, one (1) additional free-standing sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.

ii. Wall sign

No specific limit is imposed on the number of wall signs per business within the unenclosed shopping center; however, the total maximum sign area for all wall signs for a single business shall be two (2) square feet in area for each lineal foot of building frontage. In no instance shall the sign area for all signs for a single business exceed one hundred (100) square feet in area.

c. Enclosed Mall Shopping Centers

i. One (1) free-standing sign shall be permitted for the shopping center, and shall meet the following requirements:

(A). Such sign shall have a maximum face area of three hundred (300) square feet.

(B). Where a shopping center has in excess of six hundred (600) feet of frontage along any street or highway right-of-way, one (1) additional free-standing sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.

ii. Wall signs shall be permitted on each wall facing the enclosed mall shopping center's parking lot. There is no specific limit on the number of wall signs; however, the total maximum sign area for all wall signs shall be two (2) square feet for each linear foot of building frontage. In no instance shall the total sign area for all wall signs exceed four hundred (400) square feet in area for each wall.

d. Business, Commercial and Industrial Parks

i. One (1) free-standing sign shall be permitted for business, commercial or industrial parks, and shall meet the following requirements:

(A). Such sign shall have a maximum face area of three hundred (300) square feet.

(B). Where a business, commercial or industrial park has in excess of six hundred (600) feet of frontage along any street or highway right-of-way, one (1) additional free-standing sign shall be permitted. The distance between signs shall be at least five hundred (500) feet.

ii. Uses and free-standing establishments within a business, commercial or industrial park shall meet the sign regulations under Free Standing Buildings within this Section.

SECTION 2070 OFF-PREMISES SIGNS

Off-premises signs are permitted only along Interstate Highway 74, and shall meet the following requirements:

1. Off-premises signs are permitted along Interstate Highway 74 where the site is located within a business or industrial district.
2. Size, setback, height and area restrictions:

Minimum Setback	Maximum Height	Maximum Area
20 feet (all lot lines)	30 feet	750 square feet for each face of sign

3. The minimum distance between any off-premises signs shall be two-thousand (2,000) feet.
4. Off-premises signs shall be located at least two thousand (2,000) feet from any residential zoning district or residential use.
5. Off-premises signs shall be located at least two-thousand (2,000) feet from any local, State or Federally-created historic district.
6. Off-premises signs shall be permitted within a maximum of six hundred sixty (660) feet from the Interstate Highway 74 right-of-way.
7. Off-premises signs shall be located at least five (500) hundred feet from an interchange or intersection, to be measured along the right-of-way at the beginning or end of pavement widening at the exit from or entrance to the main traveled way.
8. An off-premises sign may be mounted with two (2) faces back-to-back, or “V-ed” at an angle not to exceed sixty (60) degrees.
9. Off-premises signs that are double stacked, one on top of the other, are prohibited.

Section 2075 HIGH-RISE SIGNS

1. For properties having frontage along Interstate 74, signs may be erected, on B-1, B-2, I-1, and I-2 lots, which meet the definition of “High-Rise Signs,” as defined in this Ordinance. A high-rise sign is a sign erected at a minimum height of fifty (50) feet and a maximum height of eighty-five (85) feet above grade level, with a maximum sign square footage of seven hundred fifty (750) square feet, and only one sign may be erected upon the premises of the business being advertised. A minimum of one thousand (1000) feet of separation shall be maintained between high-rise signs, and such signs shall maintain said distance from a residential district, residential use, or local, State, or Federally-created historic district. Minimum setback shall be twenty (20) feet from any property line. A maximum of one (1) high-rise sign may be allowed per parcel.

2. The distance between the base of the high rise sign and any property line shall at least equal the height of the sign. If the facility is erected on a leased parcel taken from a parent tract, this distance may be measured to the property line of the parent tract.

SECTION 2080 ELECTRONICALLY CHANGEABLE MESSAGE BOARDS

The Board of Zoning Appeals may permit an electronically changeable message board as a Special Exception in all business districts. Such message signs must conform to Article 3, Sections 320 of this ordinance, and shall also be subject to the following minimum standards and requirements:

1. The application for a special exception permit shall be accompanied by the following information:
 - i. All of the information required by Section 2010 of this article;
 - ii. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - iii. Number of the nearest milepost on the interstate highway from which the sign will be visible, or distance and direction from the nearest intersection on another thoroughfare;
 - iv. The location of the proposed sign on a U.S. Geological Survey, 1:24,000 scale topographic map and the location of all existing electronically changeable message boards on all streets within one-half mile of the proposed location;

A photograph not less than eight (8) inches by ten (10) inches in size, taken of the proposed location of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked to scale on each photograph.

2. An electronically changeable message board that is permitted as a conditional use, shall conform, at minimum to the following requirements:
 - i. Such message boards will be considered as a part of the permitted freestanding or building mounted signage. Up to 50% of the permitted sign area can be used for an electronically changeable message board.
 - ii. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate or thoroughfare from which the sign will be visible. The distance will be measured from lines through the center of the signs and perpendicular or radial to the centerline.
 - iii. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

ARTICLE 21 OFF-STREET PARKING REQUIREMENTS

SECTION 2100 GENERAL PROVISIONS

Off-street parking and loading provisions of this Section shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations herein.
2. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Section for equivalent new uses.
3. When the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity or use.
4. Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use.
5. Single-family residential structures and uses shall be subject only to subsections of this Article, and the Schedule of Off-Street Parking Space Requirements.
6. Off-street parking facilities required herein shall not be used for the repair, dismantling, or wrecking of any vehicles, equipment or material.
7. Off-street parking and loading spaces shall be provided on the same lot as the use served except as otherwise provided in this Ordinance. Adequate area shall be provided to permit any maneuvering necessary to reach off-street parking and loading areas.
8. 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 requirements for a similar new building or use under the provisions of this Ordinance.

SECTION 2110 PLAN REVIEW

Plans for any off-street parking lots, parking structures, or loading areas required under this Section shall be submitted to the Planning Director for review and approval of applicable regulations. The plan shall show the following:

1. Total number of parking spaces of current, existing, and proposed areas;
2. Parking aisles;
3. Vehicle circulation;
4. Entrances and exits;
5. Sidewalks and pedestrian circulation;
6. Signage;
7. Lighting;
8. Storm water detention areas;
9. Landscaping islands;
10. Landscape and buffer areas with types of vegetation to be planted;
11. Dimensions for features shown on the plan, with distances from property lines and structures noted;
12. Other relevant information requested by the Planning Director.

SECTION 2120 REGULATIONS AND REQUIREMENTS

1. Number of Off-Street Parking Spaces

- a. Except as otherwise noted in this Section, the number of off-street parking spaces for each new principal use shall be provided in accordance with the requirements of this Article.
- b. The parking lot requirements for a use not specifically listed in the chart in the requirements of this Article shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Planning Director.
- c. For determining off-street parking and loading requirements, the sum of the gross horizontal areas of the floors of a building, or portion thereof, devoted to a specific use, shall be calculated. These areas shall include accessory storage areas located within selling space, such as counters, racks or closets; and any basement floor areas devoted to retailing activities, the production or processing of goods, or business or professional offices.

- d. When computing the number of parking spaces, any fraction shall be rounded up to the next highest number.
- e. A maximum of one-hundred thirty percent (130%) of the required number of parking spaces indicated in the requirements of this Article, Schedule of Off-Street Parking Requirements, may be provided for a particular use. Provided the intent and purpose of this Ordinance is not nullified, this maximum may be waived by the Plan Commission or its duly appointed or designated representative in their discretion, for reasons including but not limited to:
 - i. Aesthetics;
 - ii. Amount of pervious area;
 - iii. General vehicular and pedestrian traffic;
 - iv. Internal site circulation;
 - v. Landscaping, and
 - vi. Site design
- f. In determining the number of parking spaces required for a business, industry, institution, or any other concern which encompasses a number of different, yet related activities, the Planning Director may determine the total number of parking spaces required by adding the amount of spaces required for each specific activity as listed in this Article.

2. Location of Parking Facilities

- a. The off-street parking areas required for residential buildings or uses shall be located on the same lot with the building or use served. In major residential subdivisions, the parking requirements for one- and two-family residential uses may not occupy more than fifty percent (50%) of the front yard area.
- b. The required off-street parking spaces for any number of separate buildings, structures, or uses may be provided collectively on one lot, provided the total number of such spaces shall be not less than the sum of requirements for the various individual buildings, structures, or uses computed separately in accordance with this Ordinance.
- c. 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.
- d. Off-street parking areas for any business, industrial, or institutional use shall not be located closer than thirty (30) feet to any lot or parcel located in a residential district or used for residential purposes.
- e. Parking spaces shall not be located within twenty (20) feet of the existing or proposed street right-of-way line. Increased setback distances from residential districts or uses are required, as indicated above.

3. Joint Parking Facilities

- a. Joint use of up to fifty percent (50%) of required parking areas may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the developer or owner can demonstrate to the Planning Director that the uses will not overlap in hours of operation or in demand for shared spaces. This shall be guaranteed by a recorded written agreement from the owner or owners, and binding on all future owners, and shall be submitted to the Planning Director.
- b. Shared parking areas shall be located not more than three-hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
- c. Any subsequent change in land uses among the shared parking users shall require adequate parking as defined in this Article.

4. Access

Driveway entrances and exits to parking lots shall be located a minimum of seventy (70) feet from the centerlines of intersecting streets in order to prevent hazards in the street and impeding the flow of traffic in the parking lot. Entrances shall be designed to allow vehicles entering the site to be stored to prevent backup on the adjacent street. Parking lot entrances and exits shall be consolidated when possible to limit the number of access points to the site. In instances where parking areas are one-hundred (100) feet or more wide, the parking lot entrance shall be a minimum of fifty (50) feet from the nearest existing access drive.

5. Parking Lot Design

- a. All off-street parking areas, driveways, loading areas, and maneuvering access thereto shall be surfaced with an all-weather, dustproof, impervious, hard-surface pavement, and provide drainage which shall meet St. Leon specifications as prescribed by the St. Leon Subdivision Regulations. This surface shall be maintained in good condition and free of weeds, dirt, trash, and debris. Temporary gravel surfacing may be allowed at the discretion of the Plan Commission to allow for settlement of the surface for up to 1 year. A performance bond for 125% of the cost of the paving must be provided to the Plan Commission to insure completion of the paving.
- b. All parking lots for commercial, manufacturing, institutional, and multi-family residential uses shall be paved with concrete, asphalt, or decorative concrete or asphalt pavers.
- c. Required parking spaces for all uses shall be a minimum width of nine (9) feet and a minimum length of eighteen (18) feet, except parallel parking spaces which shall have a minimum length of twenty-two (22) feet.
- d. The number and dimensions of handicapped parking spaces, which shall be located adjacent to the building served, are to be provided in conformance with the requirements of the Americans with Disabilities Act, as follows:

Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces*
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20, plus 1 for each 100 spaces over 1,000 spaces

* For every 8 accessible spaces, at least one must be a van-accessible space.

- e. All parking lots for commercial, manufacturing, institutional and multi-family residential uses shall be separated from adjoining non-paved surfaces with a continuous concrete curb at least six (6) inches in height. All parking lots shall be designed to provide adequate storm water drainage, including onsite detention capabilities. Curbed traffic islands are to be located on both ends of each parking row to facilitate safe traffic circulation within the parking lot.
- f. Required off-street parking spaces shall be so designed, arranged and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any vehicle may be moved without moving another and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way.

- g. All parking areas shall be provided with circulation aisles of adequate dimension to ensure efficient internal circulation. The following standards shall apply:

Angle of Parking Relative to Circulation Aisle	Circulation Aisle Width	One- or Two-Way Circulation
0 degrees (parallel parking)	12 feet	One
30 degrees	12 feet	One
45 degrees	14 feet	One
60 degrees	18 feet	One
90 degrees (perpendicular parking)	24 feet	Two

- h. All signage within parking areas shall conform to the standards within the Sign Regulation section of this Ordinance (Article 20).
- i. Lighting within parking areas shall conform to Section 2570 of this Ordinance.

SECTION 2130 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Accessory off-street parking spaces shall be provided as required for the following uses:

TYPE OF USE	SPACE REQUIREMENTS
Residential Uses	
Single- two-, multi-family, and townhouse dwelling	2 spaces per dwelling unit
Boarding and lodging houses, fraternity, and sorority	1 space per bed
Home occupation	Maximum of 1 space per home occupation (in addition to the space requirements for the dwelling unit)
Commercial Uses	
Automobile, mobile home, truck, recreational vehicle, boat, or farm implement sales	1 space per 300 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Auto service station or repair	1 space per pump plus 2 spaces per service bay
Car wash (self service or automatic)	2 spaces per bay
Convenience retail	1 space per 200 square feet
Greenhouse	1 space per 1,000 square feet

Hotel, motel, or bed-and-breakfast	1 space per room plus 1 space per employee on the largest shift; if conference space, then an additional 1 space per 200 square feet of indoor conference meeting space
Video Rental Store	1 space per every 300 square feet
Movie theater	1 space per 2 seats
Office (Professional, Government, and Business)	1 space per 300 square feet
Plant nursery	1 space per 300 square feet plus 1 space per acre
Rental agency	1 space per 300 square feet plus 1 space per 1,000 square feet of outdoor display area
Restaurant or fast food establishment	1 space per 2.5 seats plus 1 space per employee on the largest shift
Retail sales and services establishment under 150,000 square feet	1 space per 200 square feet
Retail sales and services establishment 150,000 square feet or greater	1 space per 300 square feet
Roadside sales	5 spaces per stand
Shopping center under 150,000 square feet	1 space per 250 square feet
Shopping center 150,000 square feet or greater	1 space per 300 square feet
Tavern or night club	1 space per 100 square feet
Wholesale sales	1 space per 600 square feet plus 1 space per employee on the largest shift

Schools, Churches, Health Care Facilities, and Other Institutions

Religious Institutions	1 space per 4 seats in the main place of assembly plus 1 space per 300 square feet of classroom and meeting areas
Clinic or medical health center	1 space per 300 square feet
Day care or kindergarten	1 space per employee plus 1 space per 6 students
Elementary School	One space per classroom, plus one space per four seats in auditorium and/or gymnasium areas, plus one space per 200 square feet of office area.
High School	One space per six students, based on projected maximum classroom capacity, plus one space per four seats in auditorium and/or gymnasium areas, plus one space per 200 square feet of office area.
College or University	One space per four students, based on projected maximum enrollment, plus one space per four seats in auditorium and/or gymnasium areas, plus one space per 200 square feet of office area.

Trade School, Business School, or Commuter College	One space per two students, plus one space per 200 square feet of office area.
Hospital	1 space per 2 beds plus 1 space per employee on the largest shift
Medical office building	1 space per 250 square feet
Nursing or convalescent facility	1 space per bed plus 1 space per employee on the largest shift
Penal or correctional institution	1 space per employee on the largest shift plus 1 space per 5 cells
Research, medical, or optical laboratory	1 space per 300 square feet

Cultural and Entertainment Facilities

Bowling alley	5 spaces per lane
Carnival, circus, or fair	50 spaces per acre
Golf course	6 spaces per hole
Meeting or party hall, country club, or dance hall	1 space per 200 square feet of indoor space; plus 1 space per 5,000 square feet of outdoor meeting area
Private club or lodge	1 space per 200 square feet plus 1 space per 2 seats in main place of assembly
Race track	1 space per 4 seats or six feet of benches
Riding stable (public)	1 space per stall
Stadium or coliseum	1 space per 3 seats or six feet of benches
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

Manufacturing, Warehouse, and Miscellaneous

Cemetery	1 space per employee on the largest shift
Airport	1 space per employee on the largest shift, plus 1 space for every 1,000 square feet of hangar space or 1 space per outdoor aircraft storage space
Manufacturing establishment	1 space per 500 square feet
Mineral extraction, borrow pit, top soil removal or storage	1 space per employee on the largest shift
Mortuary or crematorium	1 space per 50 square feet of public area
Motor bus or railroad passenger station	1 space per 4 seats in waiting area
Post office	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Sanitary landfill or refuse dump; sewage plant, or recycling plant	1 space per employee on the largest shift plus 1 space per 4 acres
Self-service storage	1 space per 50 storage units plus 1 space per 300 square feet of office space
Truck terminal	1 space per 1,000 square feet of covered building space

Warehouse or storage facility	1 space per 500 square feet of indoor storage plus 1 space per 1,500 square feet of outdoor storage
Water treatment or storage facility	1 space per employee on the largest shift

SECTION 2140 OFF-STREET LOADING REQUIREMENTS

1. Every building which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles shall be required to have off-street loading zones in accordance with requirements of this Ordinance.
2. All required off-street loading facilities which serve a building, structure, or use of land erected, established, altered, enlarged, or intensified after the effective date of this Ordinance shall be located on the same lot as the building, structure, or use of land to be served.
3. All required off-street loading facilities shall be located according to front, side or rear yard requirements of the principal structure or use which it serves. Off-street loading facilities shall be located in a manner to prevent vehicle maneuvering in or blockage of rights-of-way.
4. Areas designated as off-street loading facilities may not be used to satisfy the parking requirements established in this Article, and in the Schedule of Off-Street Parking Requirements.
5. Each loading berth shall have minimum dimensions of not less than twelve (12) feet in width, sixty-five (65) feet in length and fourteen (14) feet vertical clearance, exclusive of access drives, aisles and maneuvering space. The Plan Commission or its designee may approve deviations from this requirement in cases where receipt or distribution of materials or merchandise is accomplished principally or entirely by vehicles comparatively smaller than those requiring a typical loading berth having the dimensions above.
6. All open off-street loading berths shall be improved with concrete pavement or comparable hard surface pavement.

ARTICLE 22 LANDSCAPING AND SCREENING REQUIREMENTS

SECTION 2200 APPLICATION

This section of the Zoning Ordinance shall apply to all zoning districts, and to all uses within those districts, with the exception of one and two-family residential dwellings and property. Landscaping requirements shall be provided for an improved aesthetic quality of development, a visual barrier to partially or completely screen the view of structures or activities, or as an acoustic screen to aid in absorbing or deflecting noise.

SECTION 2210 LANDSCAPE PLAN

Where required by the zoning district regulations, a landscape plan must be submitted to the Planning Director for approval prior to the issuance of a zoning permit. This plan shall be drawn to scale and include the following information:

1. Property owner's name, address, and telephone number;
2. Existing and proposed structures;
3. Parking areas and driveways;
4. Walkways;
5. Location of existing wooded and a tree preservation plan delineating those existing trees or wooded areas that will be preserved;
6. Name, location, size at planting or placement, and number of all landscape materials, both man-made and natural;
7. Contractor's name, address, and telephone number, if contractor has been hired;
8. Any other information deemed necessary and relevant by the Planning Director.

SECTION 2220 LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE USES

1. General Restrictions

Landscape buffers shall be reserved for the planting of materials as required in this Section. No parking, sidewalks, accessory buildings, or other impervious surfaces shall be permitted, unless specifically authorized by this Ordinance. Landscape buffers may be located within required yards as established in the applicable district regulations. Where requirements for buffers and perimeter parking lot landscaping overlap, the more restrictive requirements shall apply. Where existing natural topography or vegetation serves as an adequate buffer, the Planning Director or his designee may, after inspection of the site and documentation of findings, waive the requirements set forth in this Article.

2. Waiver of Requirements

The Planning Director shall have the authority to grant a waiver of any of the requirements of this Article upon receipt of a written request that explains the reasoning for the waiver. The Planning Director shall review each written request, and a waiver will only be granted if an unusual or extreme circumstance exists which causes an unreasonable hardship due to the irregular size or shape of the project site and its associated use. The Planning Director may also approve an alternative approach if it is determined that the purpose and intent of this Article is achieved.

3. Size and Improvement of Landscape Buffers

The size and composition of landscape buffers between various uses shall be as indicated below. Area within the buffer that is not planted with trees or shrubs shall be maintained in grass or other acceptable ground cover.

a. Multi-Family, Mobile Homes, and Business Uses

Where a commercial use abuts a residential district or use, a landscape buffer ten (10) feet in width shall be provided. Within the buffer, the following requirements shall be provided along the entire length of the buffer:

- i. a tree screen, at least fifty percent (50%) of which consists of evergreens—with individual trees to be at least six (6) feet in height at planting and spaced no more than thirty (30) feet apart.
- ii. One (1) row of shrubs of a non-deciduous species, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than four (4) feet apart OR another approved form of screening, such as privacy fencing or a berm.

b. Industrial Uses

Where an industrial use abuts a residential district or use, a landscape buffer twenty (20) feet in width shall be provided. Within the buffer, the following requirements shall be provided along the entire length of the buffer:

- i. a tree screen, at least fifty percent (50%) of which consists of evergreens—with individual trees to be at least six (6) feet in height at planting and spaced no more than thirty (30) feet apart.
- ii. Two (2) rows of shrubs of a non-deciduous species, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than six (6) feet apart OR one (1) row of shrubs of a non-deciduous species, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than four (4) feet apart in combination with another approved form of screening, such as privacy fencing or a berm.

SECTION 2230 PARKING LOT LANDSCAPING

- 1.** A five (5) foot wide landscaping strip shall be provided around the entire perimeter of the parking lot. The landscaping strip shall be planted with canopy trees, shade trees, ornamental trees, and low shrubs. A minimum of one (1) six-foot (6') canopy tree or ornamental tree for every ten (10) parking spaces shall be provided within the landscaping strip. However, if canopy trees, shade trees, ornamental trees, and low shrubs already exist on the site, this vegetation may be counted towards the satisfaction of this Section.
- 2.** A minimum of five percent (5%) of the gross vehicular area of the parking lot shall be landscaped. Plant material within parking lots shall provide for safe visibility and maintain clear sight lines between two (2) and eight (8) feet from the top of the curb. Such landscaping shall be provided in any combination of planting islands, planting peninsulas, and entrance ways, and shall be dispersed so as to define driveway aisles and parking areas.
- 3.** No more than seventy percent (70%) of the length of a perimeter parking lot landscaping area in a rear or side yard may be utilized for placement of a berm or masonry wall. A berm or masonry wall shall not exceed a height of six (6) feet.

SECTION 2240 AREAS TO BE LANDSCAPED

- 1.** Parking areas shall be screened according to this Ordinance, as listed earlier in this document.
- 2.** Roadway rights-of-way shall be landscaped with grass and trees. No walls, fences, or signs shall be permitted in a right-of-way. Landscaping shall not impede visual clearance according to Section 2550 (Visual Clearance on Corner Lots) of this Ordinance.
- 3.** All dumpsters shall be screened with a wall or fence that is architecturally compatible with the primary facility on the property. Gates shall be provided if dumpsters are visible from the public right-of-way or an adjacent property.
- 4.** Freestanding signs and off-premises signs, excluding billboards, shall be landscaped according to the provisions of Article 20 (Signs) of this Ordinance.

SECTION 2250 LANDSCAPING MATERIALS

Landscaping materials selected shall be appropriate to local growing and climatic conditions. Wherever possible, existing trees should be conserved and integrated into the landscaping plan. Landscape materials may be used in any combination unless otherwise specified and include the following:

1. Living Plant Materials

- a. Minimum trunk diameter of deciduous canopy and ornamental trees shall be two and one-half (2½) inches at a height twelve (12) inches above ground. The minimum height of evergreen trees shall be six (6) feet at planting;
 - b. Shrubs or hedges shall have a minimum height of twenty-four (24) inches at planting;
 - c. Grasses or ground cover;
 - d. Vines
2. Non-living materials, indicated below, shall be limited to planting beds and around individual plants and shall not exceed twenty-five percent (25%) of the total square footage of landscaped area:
- a. Rocks, pebbles, or sand;
 - b. Mulch, including stone or bark;
 - c. Lakes, ponds, streams, or fountains;

SECTION 2260 LANDSCAPING INSTALLATION AND MAINTENANCE

1. Installation

All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building occupancy permit if said permit is issued during a planting season, or within six (6) months of the date an Occupancy Permit is issued during a non-planting season.

2. Maintenance

It shall be the responsibility of the owners and their agencies to ensure proper maintenance of the landscaping, in accordance with the standards set by this Ordinance and as indicated on the landscaping plan which has been approved by the Town. This is to include, but not be limited to, replacement of dead plantings with identical varieties or a suitable substitute, and the maintenance of the area free of refuse and debris.

3. Changes after Approval

Any change or deviation to an approved landscaping plan shall require the approval of the Planning Director. Changes that do not conform to this Section shall be subject to the procedures for a variance as established in this Ordinance. Landscaping improvements made on a site that are not in conformance with the approved landscaping or site plan shall be considered a violation of this Section subject to the fines and penalties established herein, provided, however, that landscaping improvements may exceed the minimum requirements as shown on the approved plan.

4. Inspection

The Planning Director, or his or her designee, shall have the authority to visit any lot to inspect the landscaping.

SECTION 2270 FENCES AND WALLS

In a platted major residential subdivision, any fence or wall which is located in a required front yard, including both front yards of a corner lot, shall be subject to the traffic visibility requirements of this Ordinance. For through-lots, a maximum fence height of seven (7) feet shall be allowed in the yard, opposite the front of the house, which abuts a street from which no vehicular access to the lot is allowed.

ARTICLE 23

SITE PLAN REVIEW

SECTION 2300 – Intent

The purpose of this article is to regulate multi-family, commercial, office, industrial and other developments of structures and sites in a manner which considers the impacts to adjacent properties and public infrastructure. Single family residences are exempt from Site Plan Review. Site Plan Review will address specific issues such as parking, landscaping, internal and external access, stormwater runoff and erosion, garbage collection areas and outside storage. Further, this article is written for the benefit of a property owner or developer because it provides the design standards and requirements for developing property within the Town of St. Leon. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.

SECTION 2305 – Authority

The purpose of Site Plan Review is to protect the public health, safety and general welfare of the Town of St. Leon. The provisions and requirements in this article are written and shall be administered to ensure orderly growth and development of the Town of St. Leon. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses where Site Plan Review is required except in accordance with the regulations in this Zoning Ordinance and with the requirements stated in this article. All such Site Plans shall be reviewed by the Planning Department and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable, articles of this order.

The Planning Department shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of this article and Zoning Ordinance, nor can additional regulations be imposed which are not included within this order. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of section 2335. Site Plan Review is required when specified by the individual zoning district, when the proposal is beyond the scope of a Zoning Permit as specified in Article 6, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in Section 2310.

SECTION 2310 – Procedure

Prior to submitting an application for Site Plan Review each applicant, property owner, or developer is encouraged to have a pre-application meeting with the Town of St. Leon Planning Commission staff. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and discuss any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also determine whether the development proposed will follow the Minor Site Plan Review procedure or the Major Site Plan Review procedure. Both types of procedures are described below. Typically new developments on undeveloped land will require Major Site Plan Review.

Minor Site Plan: A Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than 12 parking spaces, no more than a 1,000 square foot increase of the existing building square footage of the primary use or structures, no additional access points or curb cuts, and loading areas that are less than 10,000 square feet.

Major Site Plan: A Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 1,000 square foot increase of the existing building square footage of the primary use or structures, access points or curb cuts, and a loading area in excess of 10,000 square feet. Major Site Plans may be reviewed by the Project Review Committee and other outside agencies in addition to the Planning Commissions Staff.

SECTION 2315 - Application and Approval

An applicant, property owner, or developer is required to file an application with the Dearborn County Department of Planning and Zoning. Action in the form of approval or denial of a Minor Site Plan by the Planning Commission's Staff shall occur within 10 working days of when the plan is officially submitted to the Planning Department's office in complete form.

Action in the form of approval or denial of a Major Site Plan is by the Plan Commission's Staff, in consultation with the Technical Review Committee, and other agencies. Action on the application shall occur within 30 calendar days of when the Site Plan is submitted to the Planning Commission's office in complete form.

An appeal of the Staff denial of a Minor/Major Site Plan is possible before the Planning Commission at its next regularly scheduled meeting after written notification is made by the applicant to the Planning Director within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Minor/Major Site Plan shall be made by the Planning Commission. Reasons for denial of a Minor Site Plan and Major Site Plan by the Planning Commission shall be given to the applicant in written form.

A waiver of any Site Plan requirement can be requested as part of the application for the development. In addition, extensions of the time requirements specified by this Article can be requested with the application for Site Plan Review. All waivers and extensions shall be reviewed by Planning Director and issued only if such waiver/extension is necessary due to unusual or extreme circumstances inherent in the project site and if the requested waiver/extension does not adversely affect the Site Plan requirements of this Article.

SECTION 2320 - Site Plan Requirements

All Minor Site Plans submitted to the Planning Commission office shall be in accordance with this article and shall contain the following information:

1. Dimensions of the site or lot;
2. Location and width of all public and private streets, driveways, and other vehicular circulation areas;
3. Location of all existing and proposed structures;
4. The proposed use at the site;
5. Square footage and height of proposed building or addition;
6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles;
7. Location of any proposed parking spaces and dimensions and access points;
8. Statement declaring that "no storm water detention, grading, or utility construction necessary for construction of building addition or site work".

All Major Site Plans submitted to the Planning Commission in accordance with this article shall contain the following information:

1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark);
2. A scale not smaller than 1 inch equals 100 feet or as approved by the Planning Director or designee;
3. A stamp or seal of an Indiana registered professional engineer, architect, landscape architect or land surveyor (the scope of work performed by such professionals in conjunction with a site plan submission is limited to that permitted by their respective licensing authorities). If grading and/or storm sewer construction work are being proposed, an Indiana registered professional engineer or surveyor shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Indiana registered professional engineer or surveyor is required for grading and stormwater construction work;
4. The present zoning of the subject property and all adjacent properties;

5. All existing and proposed public and private right-of-ways and streets; (See Article 24)
6. All abandoned streets;
7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed 5 feet. If necessary, the Planning Commission may request a geotechnical report of a specific site;
8. Location and height of existing and proposed structures on the property with each existing and proposed use noted;
9. Dimensions of each lot or property boundaries;
10. Proposed housing units proposed on the property depicting location, arrangements, number or units in each building, and where applicable, location and dimensions of all lots;
11. Location and arrangement of all common open space areas and recreational facilities;
12. Location, size, and type of all landscaping features (e.g. berms, walls fences, planting material) including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance. (See Article 22).
13. Location, orientation, lighting, materials, size, and height of signs (See Article 20);
14. Floodplain and/or floodway zone certification and base flood elevation if applicable;
15. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed);
 - a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
 - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quantity of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. Show location of all detention/retention ponds (See Subdivision Ordinance for Design Standards & Detention Requirements);

- d. Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements, if information is available;
 - e. Statement located on the Plan regarding who will maintain the drainage system;
16. Location of all off-street parking, loading and/or unloading and driveway areas, (See Article 21 & 24);
- a. the type of surfacing;
 - b. width, and depth of parking stalls, including disabled stalls;
 - c. driveway width;
 - d. traffic flow areas for one way traffic;
 - e. angle of parking used;
 - f. number of parking spaces and loading spaces;
17. Circulation system details that include the following: (See Article 24)
- a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;
 - b. Streets and driveways including alignment, grades, type of surfacing, width of pavement, and right-of-way and whether public or private;
 - c. Provisions for access management, which may include, but are not limited to:
 - i. a frontage road (public or private);
 - ii. coordination of curb cuts;
 - iii. curb cut connections accessible to adjoining properties;
 - iv. internal and external traffic control measures and traffic circulation patterns; (See Article 21)
 - d. Location of all above ground and underground storage tanks;
 - e. Location of dumpsters;
 - f. Location of outdoor storage areas.
18. Construction or installation details for the following:
- a. paving, curbing, and sidewalk sections;
 - b. wheelchair ramps and/or curbs;
 - c. on-site traffic/vehicular regulatory signs, including disabled parking stall signage,
 - d. curbcuts;
 - e. garbage storage area enclosure or screening;
 - f. site lighting fixtures;

19. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. Show all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage);
20. If the proposed site was part of a zone change request, submit a copy of the approved concept development plan or show the relationship of the location of the proposed structure(s) to the approved zone change request;
21. Each applicant shall be required to submit traffic information estimating at minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Planning Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to be submitted for review by the Plan Commission (See Article 24);
22. Architectural information including the location of main doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design, shall be provided for sites that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval;
23. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archaeological sites;
24. Location of parking lot and driveway lights and their illumination areas on the project site and adjoining properties;
25. Any development which requires that a public improvement be made as part of the development may require a financial surety to cover the cost of the public improvements. The Planning Director shall determine if a surety is needed.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section to the entire development plan.

SECTION 2325 - Expiration and Extension of Approval Period

The approval of a Site Plan shall be for a period not to exceed two years. If no grading work or building construction has begun within two years after approval is granted, the approved Site Plan will be void. Only a single one (1) year extension of an approved Site Plan may be granted upon request to the Planning Commission prior to the two year expiration date.

SECTION 2330 - Completion of Site Plan Construction Work and Requirements

All requirements of the approved Site Plan must be completed within six months of building occupancy unless an extension is granted by the Planning Director upon request. The Planning Commission's Staff will conduct a post-development site inspection after the period specified above or occupancy of the use has begun. The purpose of the site inspection is to verify compliance with the approved Site Plan. Any deviation from the approved Site Plan may require a new application or record drawings. The Technical Review Committee shall make this decision. If no building construction is being proposed, all site construction work, if begun, is to be completed one year from the approval date by the Planning Commission. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been approved by the Planning Commission staff.

SECTION 2335 - Changes or Amendments

Any changes made to the approved Site Plan prior to the development of the site or building shall require the approval of the Technical Review Committee. Depending on the extent of the changes, a new application may be required. Any variations to an approved Site Plan that occurred in the development of the site or building will require that "record drawings" be submitted for review to the Committee. In the event that any person holding an approved site plan permit pursuant to this ordinance has violated the terms of the permit or has implemented site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Commissioner or Planning Director, or their respective designees, may suspend or revoke an approved improvement plan permit and may recommend that the project be addressed further as a violation—in consideration of Article 6 of this order.

ARTICLE 24

TRANSPORTATION MANAGEMENT REGULATIONS

SECTION 2400 – Intent

To promote effective modes of transportation including safe and reasonable access between public roadways and adjacent land, transit service, bicycle, and pedestrian travel. These regulations aim to improve the convenience and ease of movement of travelers on public roads and provide for the reasonable speeds and economy of travel while maintaining the capacity of the roadway. The location and design of transportation facilities shall be in accordance with the following regulations. These regulations shall apply to all existing, planned, or proposed transportation facilities.

SECTION 2402- Provision For Pedestrian Network

Sidewalk connections to adjacent developments and/or public rights-of-way shall be encouraged and provided along public roads. New developments or re-development of existing sites should provide sidewalks along public roads. Where adequate right-of-way does not exist, right-of-way or public sidewalk easements shall be granted. The width of the sidewalks shall be in conformance with the requirements of the St. Leon Subdivision Control Ordinance. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed.

SECTION 2404 - Functional Roadway Classification

The functional classifications of roadways are necessary to differentiate between separate operating systems. The St. Leon transportation system of roadways is classified by operating class. The classification of highways by operating system in the Town is determined by several factors.

- **Geometric Characteristics** – The physical design of the roadway including, lane width, pavement width, grade etc.
- **Traffic Volumes** – the volume of Average Daily Traffic the roadway serves.
- **Connectivity** – the level of connectivity and access the roadway provides. Higher design roadway classifications generally connect inter-county or inter-state roadways. Lower level classifications generally provide local access.
- **Access Control** – the level of access that is permitted on the roadway.

Each roadway in the Town provides a particular function. In general these functions are differentiated by a hierarchy of traffic movements which includes, from highest to lowest function, local access roads, collection systems, distribution facilities and primary movements. Each roadway in the Town is classified by one of these operational functions.

1. ROADWAY CLASSIFICATIONS

The procedure to classify roadways follows a two-phase process.

- 1) *Classification by Access* - A determination made based on the interconnectivity of the roadway and the importance of the route not only within the community but externally as well. This establishes the roadway category; arterial, collector or local roadway.

- 2) *Classification by Traffic Volumes* - Analysis of the Average Daily Traffic (ADT) sub-classifies each facility determining the design parameters appropriate to that level of roadway.

The roadway classifications associated with the Town of St. Leon, along with appropriate design criteria and typical sections for each, are detailed in this Article of the Zoning Ordinance, as well as in the Subdivision Control Ordinance.

A. Arterial System

Arterials are categorized by their linkages to cities or larger towns and they generally provide interstate or inter-county service. They are capable of attracting travel over long distances and have a spacing that is consistent with the population density in the community. All developed areas should generally be within a reasonable distance to an arterial.

Arterial Roadways
I-74 State Road 1 State Road 46

To further classify the roadways in this category, two (2) sub-categories are used based on the ADT volumes on the facilities. A list of these sub-categories is listed in Table 24.1. As each sub-category serves a separate level of traffic, design criteria has been developed separately to accommodate these differences. For example, a high-volume arterial’s design standards will be greater than that of a low-volume arterial. Example typical sections and criteria for each are illustrated in the Subdivision Control Ordinance.

Table 24.1 – Arterial Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Category I	ADT < 5,000
Category II	ADT > 5,000

Along an arterial roadway, the provision of direct access to abutting land is **subordinate** to providing service to through traffic as facilitated through the following conditions:

- a. Direct private access to arterial roadways shall be permitted only when the property in question has no other reasonable access to the public roadway network;
- b. The design and location of allowable private access points must comply with all applicable sections of this regulation;
- c. Direct private access points to arterial roadways may be designated as "Temporary" and all requirements of Section 2460 shall apply.

B. Collector System

The collector system generally serves intra-county travel as opposed to statewide movements. The trips associated with a collector are predominantly shorter than those associated with arterial routes. Consequently, lesser design speeds are used and the design standards are generally less than that of arterial routes. Collector routes provide service to smaller communities and provide connections to the arterial system. They are categorized as serving the more important intra-county routes.

Collector Roadways
<p style="text-align: center;"> Central Drive Church Lane Hilltop Road Old Hickory Road Post 464 Road Schuman Road </p>

In order to further define the collector system the following sub-categories have been developed based on the ADT volumes on the roadway.

Table 24.2 – Collector Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Category I	ADT <1,000
Category II	1,000 < ADT <3,000
Category III	ADT > 3,000

C. Local Roadways

The local roadway system in contrast to the arterial and collector system primarily provides access to adjacent land and to the wider network. It serves principally shorter trips and constitutes all roadways not classified as arterials or collector roads. To further designate this category and the design parameters required a set of sub-categories has been developed based on the roadway traffic volumes. These sub-categories are presented in Table 24.3 below.

Table 24.3 – Local Roadway Sub-Categories

Sub-Category	Average Daily Traffic (ADT)
Category I	ADT <400
Category II	400 < ADT < 3,000
Category III	ADT > 3,000

2. ROADWAY CLASSIFICATION VERIFICATION AND TRAFFIC COUNTS

It is important to note that the Roadway Functional Classifications will need to be continually reviewed and updated by the Town. Functional Classifications can change over time due to new development, changing travel patterns, newly adopted transportation plans, changes in the existing and/or proposed character of lands adjoining the roadway, amended land use plans and zoning classification, and the availability of reasonable access to affected lands. **The Planning Commission may require a 24-hour traffic count be conducted at the expense of the applicant on any roadway where an access point is requested.** The traffic count must be performed by a firm approved by the Planning Director.

SECTION 2406 - Minimum Spacing of Driveways

In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in **Table 24.4**. These minimum spacing requirements may be adjusted slightly to better accommodate minimum sight distance requirements. Local residential streets shall be exempt from the driveway spacing listed below.

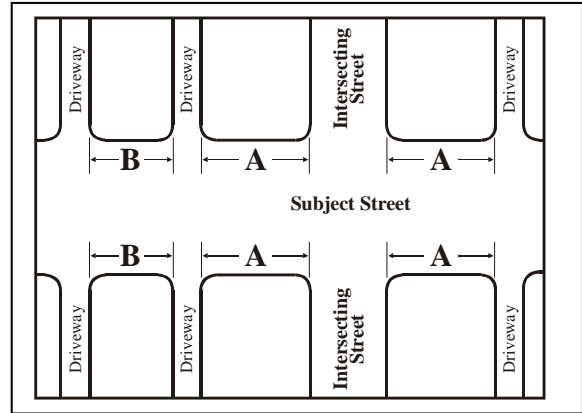
SECTION 2408 - Minimum Corner Clearances of Driveways

Table 24.4 - Minimum Corner Clearances of Driveways

In order to minimize the potential for accidents and delay to through vehicles, all adjacent driveways onto public roadways must be separated by the minimum distance shown in Table 24.4. *These minimum spacing requirements may be adjusted by up to 20% by the Technical Review Committee.* Variance requests exceeding 20% must be reviewed by the Board of Zoning Appeals and must conform, to the extent feasible, to the standards set forth in Article 24 of the Zoning Ordinance and Article 3 of the Subdivision Control Ordinance.

ITEM A			
<i>Type of Intersection</i>	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>
Signalized	230'	175'	50'
Non-Signalized	115'	75'	50'

ITEM B		
<i>Posted Speed Limit</i>	<i>Arterial & Collector Roads*</i>	<i>Local Roads</i>
25 MPH	105'	NA
30 MPH	125'	NA
35 MPH	150'	NA
40 MPH	185'	NA
45 MPH	230'	NA
≥ 50 MPH	275'	NA



Distances shall be measured from edge of pavement

**These standards were derived from the American Association of State Highway Transportation Officials, Geometric Design of Highways & Streets*

SECTION 2410 – Minimum Sight Distances

All driveways and intersecting roadways for residential use shall be designed and located so that the minimum sight distances as shown in **Table 24.5** are provided. The sight distance for speeds not located on the chart should be computed by dividing the speed limit by five (5) and multiplying that number by 35 feet [(speed limit / 5) 35].

All driveways and intersecting roadways for commercial use shall be designed and located so that the minimum sight distances as shown in **Table 24.5** are provided. The sight distance for speeds not located on the chart should be computed by dividing the speed limit by five (5) and multiplying that number by 50 feet [(speed limit / 5) 50].

State Roads must receive an access permit for the Indiana Department of Transportation and meet their standard for sight distance. Any street that does not have a posted speed limit should refer to the Town of St. Leon ordinances for their appropriate speed. The sight distances shall be applied as demonstrated by Figure 24.1

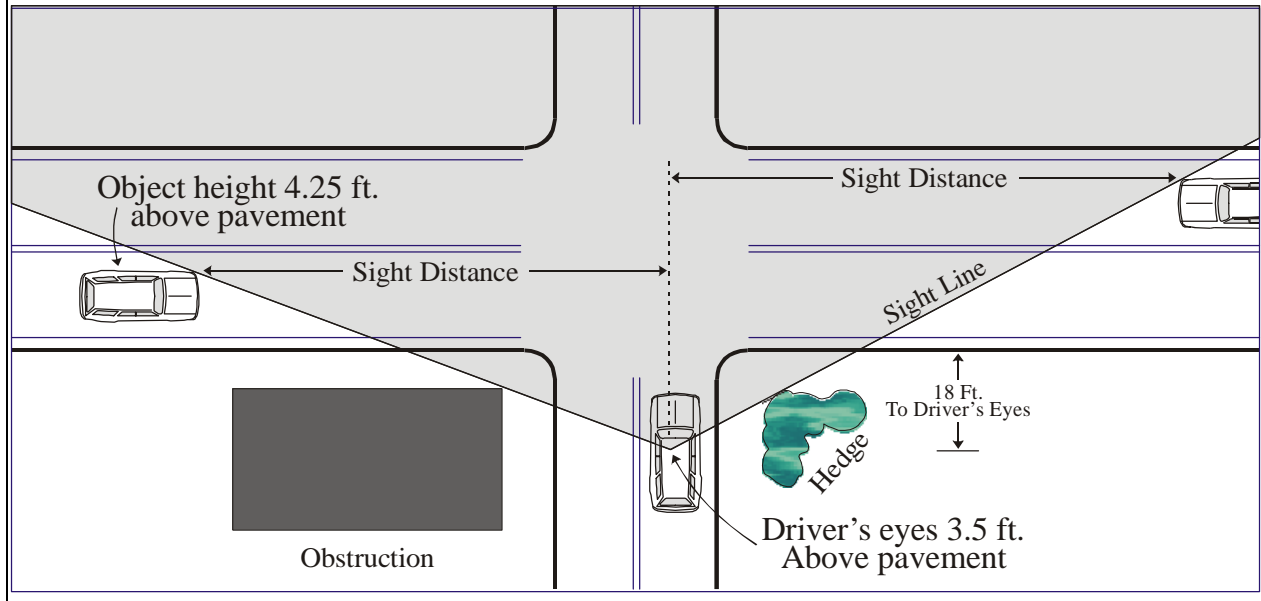
The Technical Review Committee can grant a 20% variance of the required sight distance if the street is; minimally traveled, located on a dead end street, contains little or no development, or is a gravel road.

Table 24.5 – Minimum Sight Distance Requirements

Operating Speed	25	30	35	40	45	50	55	60	65
Residential	175	210	245	280	315	350	385	420	455
Commercial	250	300	350	400	450	500	550	600	650

The chart is based on a numerical equation: for every 5-mph an additional 35 feet for residential or 50 feet for commercial of site distance is required in each direction.

Figure 24.1 - Sight Triangle



SECTION 2412 - Sight Triangle

In addition to the design and location of new access points with adequate sight distance, an adequate sight triangle shall also be maintained. Sight triangles are areas clear of visual obstruction to allow for the safe egress of vehicles from an access point, including an intersecting street onto a roadway. Sight triangles shall conform to the distances detailed in *Figure 24.1*.

SECTION 2414 - Provisions for Maintaining the Level of Service of the Roadway

The Planning Commission may require that all traffic requiring access to and from a development shall operate in such a manner, as to not adversely affect the level of service of the roadway. Provisions for the present or future construction of a frontage road restriction or channelization of turning movements or other improvements may be required, as a condition of approval, in order to maintain the level of service of any adjacent roadway.

SECTION 2416 - Number and Location of Access Points

A driveway permit shall be obtained from the State or Town for the road that is to be accessed. Each existing tract of land is entitled to one access point provided that its location and design fulfill, as a minimum, the requirements of these regulations including the following:

1. Where an undeveloped parcel adjoins another undeveloped parcel on a collector or an arterial roadway, access points shall be located along common property lines of such parcels, providing the potential access meets other applicable portions of these regulations. When the second undeveloped parcel is developed, it shall utilize the common access. Where access is provided along common property lines, an easement granting common access shall be provided. In addition, such access easements shall be of sufficient depth to provide adequate stacking distance for vehicles entering the access point from a public street, and shall also provide for dedication of right-of-way if the access should ever be developed into a public street.
2. Where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations.
3. If a property has frontage on more than one street, access will be permitted only on those street frontages where standards contained in this ordinance and all other regulations can be met.
4. If a property cannot be served by any access point meeting these standards, the Planning Commission will designate one or more access point(s) based on traffic safety, operational needs, and conformance to as much of the requirements of these regulations as possible.

SECTION 2418 - Coordination of Access Points

Access points on opposite sides of roadways shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Planning Commission. In addition, in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with and between adjacent properties developed (present or future) for similar or compatible uses. As a condition of approval for construction, use, or reuse of any access point, the Planning Commission may require that unobstructed and unencumbered access, in accordance with the provisions of this ordinance, be provided from any such access point to adjacent properties if the uses are similar or compatible and such connection is physically possible.

SECTION 2420 - Change in Property Use

Whenever the use of a parcel of land changes, or two or more parcels of land are assembled under one purpose, plan, entity, or usage, the existing access permit(s) shall become void. The Planning Commission may require the reconstruction, relocation, or closure of the access point(s), based on the new property use. Any such new or re-authorized access point must be in compliance with all applicable sections of this regulation, and may require the submission of a traffic study in accordance with Section 2448 of this order.

SECTION 2422 - Existing Access

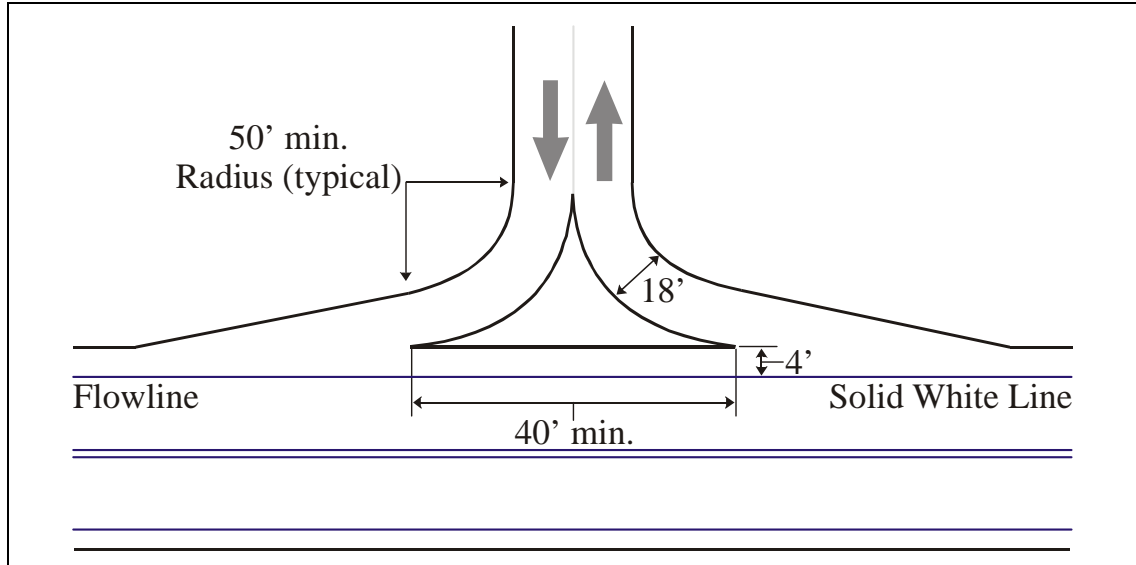
Existing access points even if not in use, may not be relocated, altered, or developed without approval of the Planning Commission.

SECTION 2424 - Temporary Access Points

Any access point that does not comply with one or more sections of this regulation may be designated as “Temporary” upon approval by the Planning Commission. Any access point so designated may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the Planning Commission at such time as the particular use served by an access point changes and/or the property is otherwise provided an alternate means of access via a frontage road, an intersecting street, or a shared common driveway. In all cases where said access points are classified as “temporary”, such designation shall be duly noted on the plan submitted for approval. A driveway permit shall be obtained from the State or Town for whichever road is to be accessed.

SECTION 2426 – Restriction of Turning Movements

Where necessary for the safe and efficient movement of traffic, the Planning Commission may require access points to provide for only limited turning movements (see *Figure 24.2*). Access points with restricted turning movements must still meet requirements for number and location of access points as specified in these regulations.



SECTION 2428 - Construction Access Point

Construction access may be granted to undeveloped property prior to development of a site plan if access is needed for construction or preliminary site access. Construction access points must be approved by the Town Engineer or his designee and must generally conform to the standards depicted in Figures 24.3 and 24.4. These entrances are subject to removal, relocation, or redesign after final zoning permit approval.

FIGURE 24.3: TYPICAL SECTION

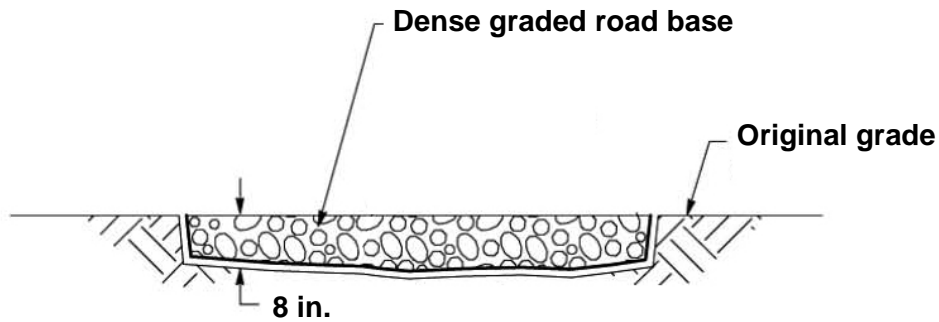
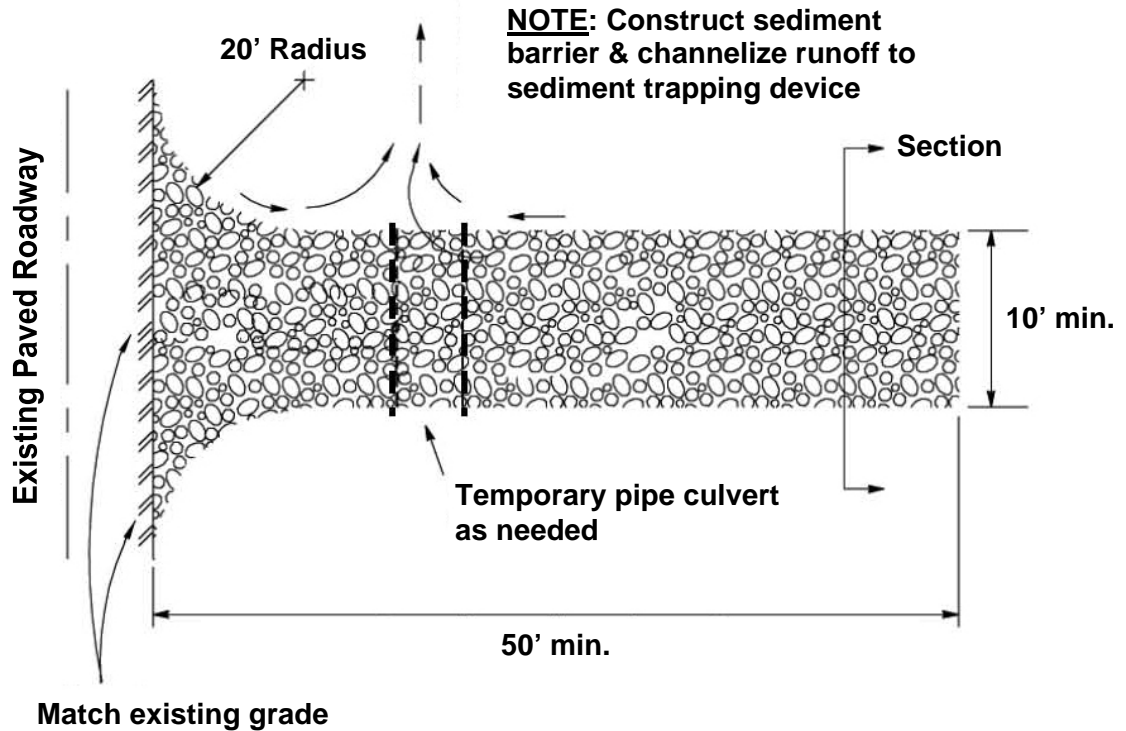


FIGURE 24.4: TYPICAL PLAN VIEW

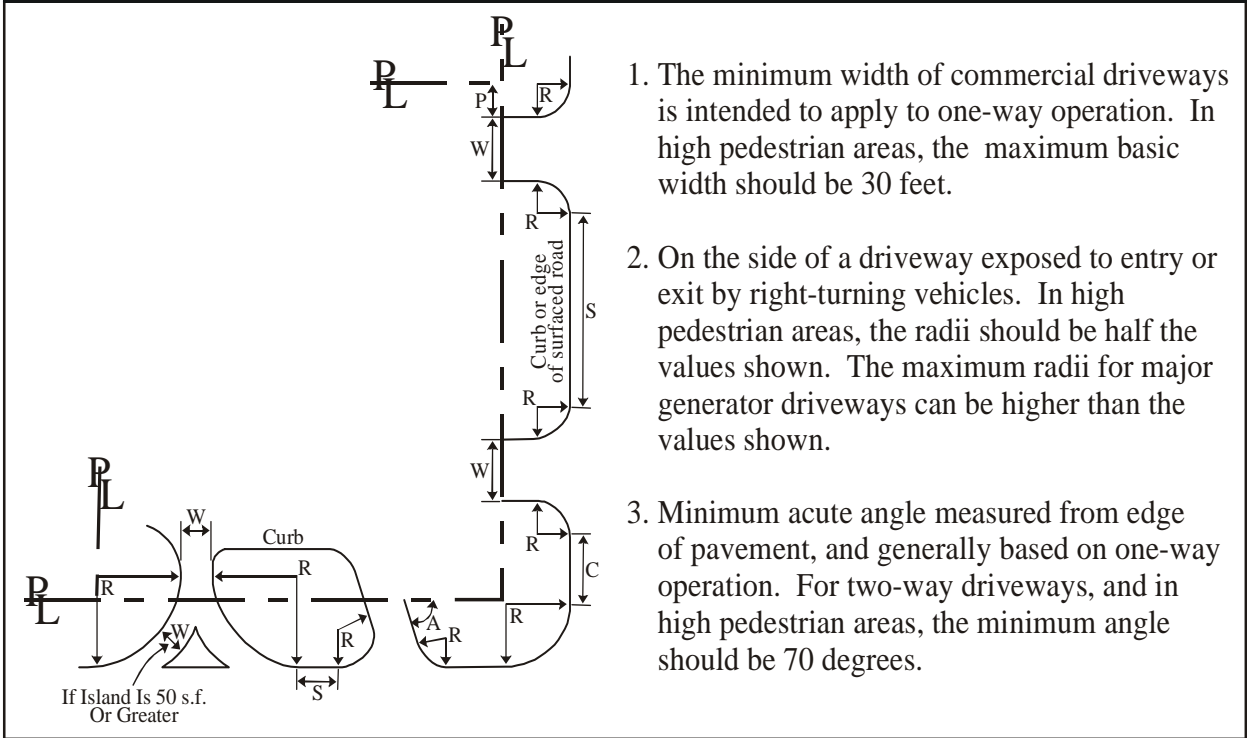


SECTION 2430 - Driveway Design

The design of driveway width, angle, grade, curb radii shall comply with the provisions of this section, **Figure 24.5** and **Figure 24.6** presents the required dimensions and detail for driveway design based on rural or urban conditions. These dimensions shall be adjusted upward as necessary to accommodate design vehicles. If center-channelizing islands are used in a 2-way driveway, clearance widths of 1.5 to 2 feet should be added on both sides of the center island.

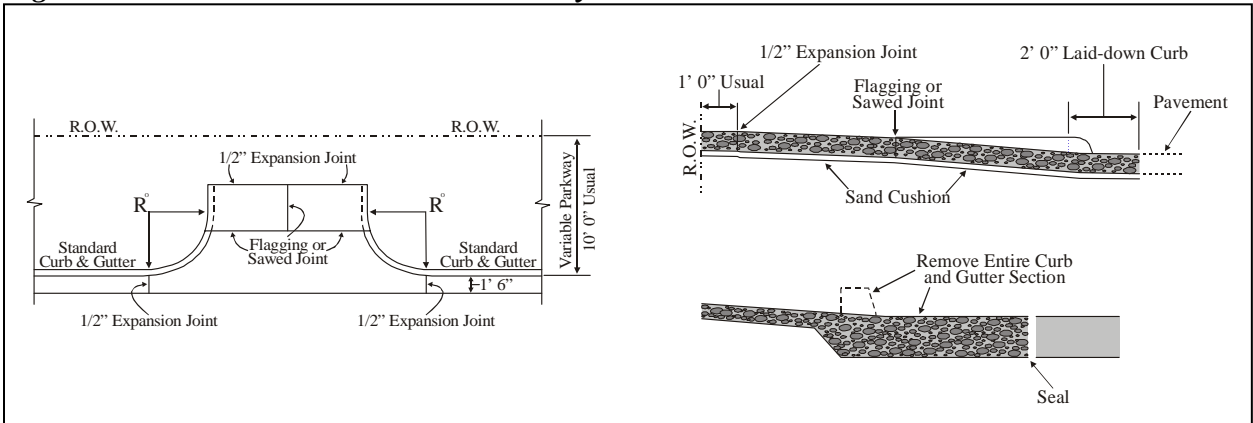
Figure 24.5 - Recommended Basic Driveway Dimension Guidelines

DIMENSION		URBAN			RURAL		
		Res.	Bus.	Manuf.	Res.	Bus.	Manuf.
Width (W) ¹	Minimum	10 ft.	15 ft.	20 ft.	10 ft.	15 ft.	20 ft.
	Maximum	30 ft.	35 ft.	40 ft.	30 ft.	40 ft.	40 ft.
Right Turn Radius (R) ²	Minimum	5 ft.	10 ft.	15 ft.	10 ft.	15 ft.	25 ft.
	Maximum	15 ft.	20 ft.	25 ft.	25 ft.	50 ft.	50 ft.
Angle (A) ³		45 ft.	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.



1. The minimum width of commercial driveways is intended to apply to one-way operation. In high pedestrian areas, the maximum basic width should be 30 feet.
2. On the side of a driveway exposed to entry or exit by right-turning vehicles. In high pedestrian areas, the radii should be half the values shown. The maximum radii for major generator driveways can be higher than the values shown.
3. Minimum acute angle measured from edge of pavement, and generally based on one-way operation. For two-way driveways, and in high pedestrian areas, the minimum angle should be 70 degrees.

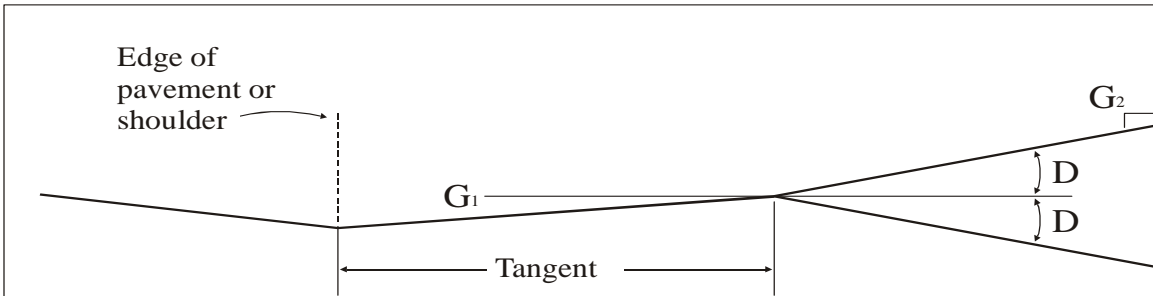
Figure 24.6 - Recommended Basic Driveway Dimension Guidelines



SECTION 2432 - Driveway Grades

In high traffic areas the grade of a driveway should reflect the design illustrated in Figure 24.4. Existing curbing should be completely removed to insure a safe and efficient access to the development. Where drainage of water flowing onto a roadway is anticipated, a trench drain shall be installed as part of the driveway, **Figure 24.5** indicates recommended driveway grades. The value of G1 is limited by shoulder slopes and the presence of a sidewalk. In general G1 should not exceed 8% and the change in grade between the driveway grade and street cross-slope should not exceed 10%. Driveway grades, G2 should not exceed 15% for residential driveways and 8% for commercial or industrial driveways. A level "landing" area should be provided at the approach to the roadway. However, the effect of a vertical curve on sight distances should also be considered. Concrete sidewalk sections are to be provided through curbcuts where existing sidewalks exist or are required.

Figure 24.5 - Recommended Driveway Grades



D = Suggested Max. Grade Ch

Level of Traffic	Desirable	Maximum
High Volume	0%	+/- 3%
Low Volume on Major or Collector Streets	+/- 3%	+/- 6%
Low Volume on Local Streets	+/- 6%	Controlled by vehicle clearance (+/- 15%)

SECTION 2434 - Vehicle Storage/Circulation

No access will be approved for parking or loading areas that require backing maneuvers in a public street right-of-way except for single-family, duplex or townhouse residential uses on local streets. Any parking facility must have full internal vehicular circulation and storage. Vehicular circulation must be located completely within the property. In addition, each portion of the development must have access to all other portions without using the adjacent street system. Where a proposed development includes a truck loading operation, adequate space must be provided such that all truck maneuvering is performed off street, except as permitted by Article 21.

Adequate stacking capacity must be provided for both inbound and outbound vehicles to facilitate safe movement. Inbound vehicle storage areas must be of sufficient size to ensure that vehicles will not obstruct the adjacent street, sidewalk, or circulation within the development. Outbound vehicle storage areas must be provided to eliminate backup and delay of vehicles within the development.

SECTION 2436 - Spacing Restrictions for Signalized Access Points

Access points shall be designed such that those which will warrant signalization shall be spaced a minimum distance of one quarter mile apart. The location and design of the signalized access points shall be determined by a traffic engineering study, as detailed in Section 2448, prepared by the developer and subject to the approval of the Planning Department. If the installation of a traffic signal is approved, the developer may be responsible for the cost of purchasing, installing operating, and maintaining the signal equipment.

SECTION 2438 - Provision of Exclusive Turning Lanes and Deceleration Lanes

At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway. If the roadway in question has bike lanes, the developer shall also include adequate right-of-way for the bike lane and continue the bike lane through the access point.

SECTION 2440 - Provision of Frontage Roads

The Planning Commission may require the use of frontage roads to provide access to property adjacent to arterial and collector roadways. The landowner/developer may be required to construct the frontage road to the side and/or rear property lines or reserve sufficient right-of-way to allow future construction of such road.

As adjacent property develops, the landowner/developer shall be required to interconnect the individual portions of frontage roads as appropriate. Access to the roadway via an intersecting street or a common driveway may be required if the use of a frontage road is not feasible, as may the interconnecting of parking lots.

SECTION 2442 - Approval of Access Points Along State-Maintained Routes

A copy of the plans for all access points to be constructed along a state-maintained or controlled route shall be submitted to the Indiana Department of Transportation (INDOT) for review and approval at the same time as plans are submitted to the Planning Commission. Permission for the construction of access points along state-maintained roadways is subject to the approval of plans by both the local and state agencies. Any requirements within this Article that may be less restrictive or in conflict with INDOT requirements shall follow the INDOT standards. In situations where the requirements of this Article or Ordinance are more restrictive than INDOT requirements the more restrictive standards shall apply if permitted by State Law.

SECTION 2444 - Approval of Access Points

All access to roadways for development purposes requires a zoning permit, site plan or subdivision approval from the Planning Commission, the Town Highway Department official, the Indiana Department of Transportation, or any other agency with appropriate jurisdiction. Access to collector and arterial roadways will only be permitted if no other reasonable access is possible. The Planning Commission will review plans for development to verify compliance with these regulations at the earliest practical stage of application review.

SECTION 2446 – Waiver of Requirements

The Planning Commission may reasonably waive or modify, with conditions, the requirements of this Article, if it is determined that such action is warranted given the nature of an individual project and such action will serve to preserve the purpose and intent of these regulations.

SECTION 2448 - Traffic Studies

Traffic studies may be required by the Planning Commission in order to assess the impact of a development proposal on the existing and/or planned street system. The primary responsibility for assessing the traffic impacts associated with a proposed development will rest with the developer, while the Planning Commission serves in a review capacity.

The traffic study will be the responsibility of the applicant and must be prepared by a professional individual or firm with adequate experience in Transportation Engineering and Planning. Upon submission of a draft traffic study, the Planning Commission will review the study data sources, methods, and findings. Comments will be provided in a written form. The applicant/developer will then have an opportunity to incorporate necessary revisions prior to submitting a final report. All studies must be approved by the Planning Commission before acceptance.

The applicant should be notified at the pre-application stage whether a traffic study will be required provided adequate information is available to the Planning Commission. If the proposed development appears to generate significant impact on the infrastructure, the applicant will be informed that a traffic study is required.

Transportation consultants are required to discuss projects with the Planning Commission prior to starting the study. Topics for possible discussion at such meetings will include trip generation, directional distribution of traffic, trip assignment, definition of the study area, intersections requiring critical lane analysis, methods for projecting build-out volume, and needs analysis of pedestrian/bicycle facilities. Specific requirements will vary dependent upon the specific site location being reviewed. No traffic study will be accepted unless the traffic study requirements of this regulation are met, and the applicant has a pre-application meeting with the Planning Commission.

Table 24.4 - Sample Table of Contents-Site Traffic Access Impact Study Report

Traffic Study Format

In order to provide consistency and to facilitate Staff review of traffic studies, the format that is described in **Table 24.4**, shall be followed by transportation consultants in the preparation of such studies. The analysis shall be presented in a logical sequence with footnotes where appropriate. A detailed description of the content of a study is detailed in Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers. The outline in **Table 24.4** was taken from that document, and indicates the information that shall be included in a transportation study.

I. Introduction and Summary

- A. Purpose of Report and Study Objectives
- B. Executive Summary
 - 1. Site location and study area
 - 2. Development description
 - 3. Principal findings
 - 4. Conclusions
 - 5. Recommendations
- C. Qualifications and experience of firm or individual(s) who prepared the study.

II. Proposed Development (Site and Nearby)

- A. Off-site development
- B. Description of on-site development
 - 1. Land use and intensity
 - 2. Location
 - 3. Site plan
 - 4. Zoning
 - 5. Phasing and timing

III. Area Conditions

- A. Study Area
 - 1. Area of influence
 - 2. Area of significant traffic impact (may also be part of Chapter IV)
- B. Study Area Land Use
 - 1. Existing land uses
 - 2. Existing zoning
 - 3. Anticipated future development
- C. Site Accessibility
 - 1. Area roadway system (a. Existing; b. Future)
 - 2. Traffic volumes and conditions
 - 3. Transit service and Pedestrian/Bicycle facilities
 - 4. Existing relevant transportation system management programs
 - 5. Other as applicable

IV. Projected Traffic

- A. Site Traffic (each horizon year)
 - 1. Trip generation
 - 2. Trip distribution
 - 3. Modal split
 - 4. Trip assignment
- B. Through Traffic (each horizon year)
 - 1. Method of projections
 - 2. Trip generation
 - 3. Trip distribution
 - 4. Modal split
 - 5. Trip Assignment
- C. Total Traffic (each horizon year)

V. Traffic Analysis

- A. Site Access
- B. Capacity and Level of Service
- C. Critical Lane Analysis
- D. Traffic Safety
- E. Traffic Signals
- F. Vehicle~Bicycle|Pedestnan Circulation and Parking

VI. Improvement Analysis

- A. Improvements to accommodate base traffic
- B. Additional improvements to accommodate site traffic
- C. Alternative improvements
- D. Status of improvements already funded programmed₁ or planned
- E. Evaluation

VII. Findings

- A. Site accessibility
- B. Traffic impacts
- C. Need for any improvements
- D. Compliance with applicable local codes

VIII. Recommendations

- A. Site access/circulation plan
- B. Roadway improvements
 - 1. on-site
 - 2. off-site
 - 3. phasing, if appropriate
- C. Transportation System Management Actions
 - 1. off-site
 - 2. on-site operational
 - 3. on-site
- D. Other

IX. Conclusions

The executive summary should be a one or two-page synopsis that concisely summarizes the study purpose, conclusions, and recommendations. Throughout the study, assumptions must be detailed and described. The study should also specify which transportation improvements will be the responsibility of the developer to complete.

ARTICLE 25 GENERAL DEVELOPMENT STANDARDS

SECTION 2500 APPLICABILITY

All uses shall comply with the following development standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

SECTION 2510 ONE PRINCIPAL BUILDING PER LOT

No more than one (1) single-family or two-family dwelling unit shall be constructed on any lot, tract, or parcel of land. Each distinct business use shall occupy a separate lot, excepting strip centers, malls, or buildings containing more than one business.

SECTION 2520 ACCESSORY USES AND STRUCTURES

1. Accessory uses and structures are permitted in all zone districts in accordance with the provisions of this Section. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the property; and shall be operated and maintained under the same ownership and on the same property, or on adjoining property under the same ownership, as the principal use. Except for agricultural buildings on 10 acres or more, accessory uses shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use served, shall not exceed seventy five percent (75%) of the square footage of the principal building. Accessory structures shall not contain a dwelling, habitable room or rooms.
2. Fences, hedges, walls, driveways, curbs, retaining walls, lattice work, screens, trees, flowers, plants, mail boxes, nameplates, lamp posts, bird baths, benches, landscaping, and the like, are permitted in any required front, side, or rear yard, provided they do not violate the requirements of this Ordinance.

SECTION 2530 ESSENTIAL SERVICES

Essential services shall be allowed in any district insofar as permitted, authorized, or regulated by law or other ordinance. Buildings required in conjunction with an essential service may be permitted in any district when approved by the Planning Director. In granting such permission, the Planning Director shall take into consideration the location, size, use, and effect such building will have on adjacent land and buildings.

SECTION 2540 OUTDOOR STORAGE OF JUNK VEHICLES, TRASH AND OTHER MATERIALS

Abandoned and Junk Vehicles

1. It shall be unlawful for any person to keep, park or store any junk or abandoned vehicle(s) or parts thereof, on public or private property, if such vehicle(s), or parts thereof, are not kept in a garage or other approved enclosure or landscaped area. A junk vehicle is a vehicle that is inoperable or incapable of movement by its own locomotive power, or is unlicensed or unregistered with the State of Indiana for more than thirty (30) days.
2. A vehicle shall not be considered an abandoned or junk vehicle if it is stored in a garage or other approved enclosure or within a fenced area which blocks the vehicle from being visible.
3. A garage or other approved enclosure does not include a tarp, plastic sheeting or any other similar material or impermanent means that are used to cover a motor vehicle.
4. Nothing contained in this Ordinance shall be construed to apply to vehicle(s) screened by natural objects, plantings, fences or other appropriate means so as not to be visible.
5. Nothing contained in this Ordinance shall be construed to apply to farm machinery.
6. Nothing contained in this Ordinance shall be construed to apply to vehicle(s) located within areas that are properly zoned, as defined in the Zoning Ordinance, in which vehicles or parts of vehicles are kept, stored or parked as an incident to conducting business.
7. All automotive vehicles larger than a full-sized pickup, full-sized van, boat, trailer, camper, recreational vehicle and the like shall be stored inside of a structure or in the side or rear yard of the property and shall be located at least five (5) feet from an adjoining property line. In situations where the vehicles are not visible from an adjoining property or public roadway, these items can be located in the front yard.

8. In no situation shall vehicles not driven or owned by the residents of the property be permitted to be stored on a property in an Agricultural or Residential Zoning District.

Trash & Junk

1. No person shall permit the accumulation of trash and/or junk –
 - a. In any Residential Zoning District; or
 - b. Within 100 feet of any single-family residence; or
 - c. Where such material is visible from any public road or right-of-way.
2. “Junk,” as referred to in this Section, shall refer to materials, products, appliances, parts, or similar items that have not designed or intended for exposure to inclement weather.
3. It shall be a violation of this Ordinance for the owner, or anyone having a substantial property interest in real property, including open or vacant property, within the Town of St. Leon to deposit or allow to remain on that real property any trash or junk, as defined above, which items might provide food or harborage for insects, rodents, pests, or pose a fire safety hazard.
4. No person shall permit junk or trash to be situated on his or her property so that the material can be carried, by wind, to any highway, right-of-way, easement, or upon the property of any other person.
5. Nothing in this Ordinance shall be deemed to apply to municipally-owned or operated recycling, or salvage operations, or any other operation that is in compliance with the St. Leon Zoning Ordinance.
6. Nothing in the Ordinance shall be deemed to apply to compost and composting.
7. Nothing in the Ordinance shall be deemed to apply to the use of standard containers or dumpsters for the temporary containment of trash or junk awaiting disposal. Trash that attracts animals or rodents must be placed in a vermin-proof and waterproof container with a tight fitting lid. Such containers shall be constructed, handled, and placed in a way that will not promote a safety or health issue.
8. Construction dumpsters or containers that are to be left in an alley or street overnight must receive approval from the St. Leon Town Council and be marked with reflective or lighted barricades or barrels.

SECTION 2560 TEMPORARY USES OF LAND AND STRUCTURES

1. General Regulations

A permit for a temporary structure or land use such as a carnival, revival meeting, construction facility, seasonal sale, or use of a similar nature (not including mobile homes) may be issued by the Plan Commission or its designee provided the following conditions are met:

- a. The use is, in fact, temporary and will terminate at a specific time as determined by the Plan Commission or its designee.
- 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 access and off-street parking facilities shall be provided, at the discretion of the Plan Commission or its designee, which shall not interfere with traffic movement on adjacent streets.
- d. No banners, pennants, or noise-producing devices of a disruptive nature shall be permitted in a residential district.
- e. Outdoor lighting shall be shielded or directed away from adjoining residential property and streets.
- f. Neighboring uses shall not be adversely affected.
- g. The property shall be returned to its original condition, devoid of temporary use remnants, upon termination of the temporary use period.
- h. Sanitary conditions are to be approved by the Dearborn County Board of Health.
- i. Safety standards, dust and noise are to be controlled so as not to constitute a nuisance.

- j. The premises to be restored is to be free of debris and safe from future soil erosion after any permitted use. A bond, at the discretion of the Town Council, is to be posted either in cash or corporate surety to the satisfaction of the Town Council to insure the restoration of the land and surrounding neighborhood to that at least equivalent of the land prior to the temporary use.
- k. The applicant must show the Plan Commission that he has notified the adjoining property owners within 500', that the applicant is going to use the ground for a temporary use and that 10 days must elapse before placement of any temporary or mobile structure.

2. Regulations Specific to Particular Temporary Uses

- a. Sales offices, model homes, or model apartments may be approved for a maximum allowable approval period of twenty-four (24) months. Any requested extension must be submitted for Board of Zoning Appeals review two (2) months prior to the expiration of the original approval. A maximum of two (2) such uses shall be permitted per subdivision section at any one time.
- b. Parking lots designed for a special event in any zoning district may be approved for a maximum of thirty (30) days.
- c. Yard sales for the purpose of relieving a household of goods and wares, operated from residential property, are considered permitted accessory uses to a residence in any zone, provided the sale is held no more than two (2) times in any calendar year per address, nor more than one (1) time in any one month, with a duration of no more than three (3) consecutive days. No permit is required.

3. Temporary Occupancy of Permanent Structures

In cases where a property owner lives in an existing permanent residential structure and wishes to construct a new permanent residential structure on the same property to serve as the same property owner's living quarters, the property owner may continue to reside in the existing residential structure provided that the following conditions prevail:

- i. The applicant intends to build a permanent home on the premises within twelve (12) months. The applicant, in demonstrating the intent to construct a permanent home and as a condition of receiving a building permit for the proposed residence, must:
 - (A). Supply proof of ownership of the premises;
 - (B). Supply a copy of the approval of the existing septic system from the Dearborn County Health Department, or supply a copy of a sewer hook-up permit from the appropriate utility;
 - (C). Certify the notification among landowners within six hundred (600) feet or two (2) property owners, whichever is greater, of the site;
 - (D). Provide a performance bond or other security to the Town, in an amount equal to one hundred (100) percent of the cost of demolition of the existing residential structure, to ensure removal of that structure.
 - (E). Pay fees for all permits according to the fee schedule approved by the Town and County.

- ii. The temporary occupancy permit for the new residence shall expire ninety (90) days after the date of issuance. The old residence shall be removed from the premises by the applicant, and outstanding issues related to the new residence shall be corrected, prior to the expiration of the temporary occupancy permit. A Certificate of Occupancy for the new residence may then be issue.

SECTION 2570 PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

1. Heat

Any operation producing intense heat shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.

2. Radiation Hazards

All operations using or storing radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with all applicable Federal, State and local statutes.

3. Electrical Disturbance

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including, but not limited to, interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

4. Noise

- a. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, shrillness, or vibration, based on the Maximum Permitted Sound Levels table in subsection 5.b., below. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided however, that public safety sirens and related apparatus used solely for public purposes, as well as agricultural uses, athletic events, fairs, concerts, construction activities, fireworks displays, and like events, shall be exempt from this standard.

- b. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute, ANSI S1.2-1962 A American Standards Meter for the Physical Measurement of Sound. @ Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on the boundary of a property in a particular zoning district shall the sound intensity level of any individual operation or plant exceed the decibel levels in the designated octave bands described in the following table. Where the emitting and receiving premises are in different zoning districts, the limits governing the more restrictive district shall apply to any regulated noise entering that district.

Octave Band (Frequency cycles per Second)	Maximum Permitted Sound Level (Decibels)		
	Within Residential Districts	Within Business Districts	Within Industrial Districts
0 to 75	72	75	75
75 to 150	67	70	74
150 to 300	59	63	69
300 to 600	52	57	64
600 to 1200	46	52	58
1200 to 2400	40	45	52
2400 to 4800	34	40	47
Above 4800	32	38	43

5. Vibration

No use shall cause vibrations or concussions detectable beyond property boundary lines without the aid of instruments.

6. Smoke and Particulate Matter

No operation or activity shall be carried out in any district which causes or creates levels of smoke that are determined to be a nuisance to the surrounding areas. The levels of smoke may be measured from any point of emission, and shall use the Ringelmann Smoke Chart published by the United States Bureau of Mines. Smoke not darker or more opaque than No. 0 on the described chart may be emitted except that smoke not darker or more opaque than No. 1 on the described chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to visible grey smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.

7. Water and Waste Pollution

There shall be no discharge, at any point, into any sewerage system, or stream, or into the ground, of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials except in accordance with applicable State and local statutes.

8. Lighting

All exterior lighting shall be shielded to avoid casting light above three tenths (0.3) footcandle or glare upon any property located in a residentially zoned district or used for residential purposes, or above one-half (0.5) footcandle or glare upon any non-residential adjacent property. Exceptions to the above shall apply to temporary events such as fairs, athletic events, fireworks displays, or like uses. For all uses, exterior lighting shall be shielded so as not to cast direct light on street right-of-ways. The intensity of illumination shall be measured at the property line.

9. Permitted Projections in Required Yards

The following projections shall be permitted in required yards, except where easements are located, subject to the conditions and limitations set forth in this Section:

1. Projections Permitted in Front Yards
 - a. Awnings and canopies;
 - b. Chimneys and balconies projecting three (3) feet or less into yard;
 - c. Bay windows projecting three (3) feet or less into yard;
 - d. Overhanging eaves and gutters and arch features projecting three (3) feet or less into yard;
 - e. Handicap access ramps located no further than five (5) feet from the structure;

- f. Open porches or stoops projecting six (6) feet or less into front yard.
2. Projections Permitted in Side Yards
- a. All projections permitted in front yards;
 - b. Outside stairway, open or enclosed, projecting six (6) feet or less into the yard.

SECTION 2580 FRONT SETBACKS FOR DEVELOPED RESIDENTIAL

In situations where the setbacks required by this Ordinance are out of character with established setbacks of existing buildings in older neighborhoods or nonconforming lots, setback reductions can be made by the Planning Director or his designee. The purpose is to allow the proposed use to conform with the established setbacks of structures on either side and in the area.

ARTICLE 27 DEFINITIONS

SECTION 2700 WORD INTERPRETATIONS

For purposes of this Ordinance, the following terms shall have the meaning indicated below:

1. Present tense shall also include the future tense.
2. A singular number shall include plural and plural shall include singular.
3. The word “shall” is mandatory; the word “may” is permissive.
4. The word “used” includes “designated” or “intended to be used.”

SECTION 2710 DEFINITIONS

Certain words used in this Ordinance are defined below. Any words not defined as follows shall be referenced from the APA’s Glossary of Zoning, Development, and Planning, or shall be construed in their generally accepted meanings.

ACCESSORY APARTMENT: A subordinate dwelling, attached to the primary dwelling, that is designed and used specifically as a subordinate use to the primary dwelling unit on a residentially zoned lot. Such a use may be occupied only by a member of the extended family of the occupants of the primary dwelling, or by a bona fide servant; be of an area no greater than thirty percent (30%) of the gross area of the primary residence; be equipped with separate sleeping, bathroom, and kitchen facilities; and include an additional parking space in addition to those required by the primary residence.

ACCESSORY USE OR STRUCTURE: A structure which (1) is subordinate to and serves a principal building or use; (2) is subordinate in area, extent or purpose to the principal building to be served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and (4) is located on the same lot with the building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere.

ADULT ENTERTAINMENT FACILITY: A facility having a significant portion of its function as any of the following, adult entertainment business, adult bookstore, adult movies, adult massages.

AGRICULTURAL LAND: All real property within the boundaries of the Town of St. Leon currently used for agricultural operations or upon which agricultural operations may reasonably be established in the future.

AGRICULTURAL OPERATION: Includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, cultivation, growing, harvesting, and processing of any agricultural commodity, including viticultural, horticultural, or timber; the raising of livestock, fur bearing animals, fish, or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage, to market, or to carriers for transportation to market.

AGRICULTURE: The use of the land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, or husbandry; necessary accessory structures; and for the packing, treating or storage of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

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.

ALTERATION: Any change, addition, or modification in construction. Any change in the structural members of a structure, such as load-bearing walls, columns, beams, or girders.

AMATEUR RADIO SUPPORT STRUCTURES: Poles, master towers and antennas used in the operation of amateur radios licensed by the Federal Communication Commission.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including their heirs, successors, and assigns.

APPROVED: Acceptable to the appropriate authority having jurisdiction, by reason of investigation, accepted principles, or tests by nationally recognized organizations.

ASSISTED LIVING CENTER: An institution which provides for lease or purchase of apartments or condominiums as dwellings for individuals, who because of physical or mental limitations, cannot function independently and/or maintain a household without assistance. Such an institution may provide meals, medical and rehabilitation services, and other services to residents.

AUTOMOTIVE SERVICE STATION: A business establishment that dispenses or offers for sale, fuel for automotive use or repairs, rebuilds, reconditions, or services automobiles or automotive parts including but not limited to any of the following activities: body and paint work, engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on a individual vehicle basis; changing of oil, other fluids, and filters; emissions testing.

BANNER: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

BASEMENT: That portion of a structure having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST HOME: An owner-occupied dwelling, or portion thereof, that contains guest rooms where short-term lodging, with or without food, is provided for compensation.

BLOCK: A unit of land bounded by streets or by a combination of streets and public land, cemeteries, railroad rights-of-way, waterways, boundary lines of municipalities or any other barrier to the continuity of development.

BOARD: The Board of Zoning Appeals of the Town of St. Leon, Indiana.

BUILDING: A structure built for the support, enclosure, shelter, or protection of persons, animals, or moveable property of any kind, whether or not permanently affixed to the land.

BUILDING FRONT: The side(s) of a building that parallels and is visible from the right-of-way of any or all Corridor Streets, as hereinafter defined.

BUILDING HEIGHT: The vertical distance measured from the average grade level to the highest point of a building or structure, excluding chimneys, smokestacks, stage towers, spires, belltowers, water towers, ornamental towers, conveyors, or flag poles. Where the finished grade of a structure is not uniform, the average of all sides of a building or structure shall be used to determine the building height.

BUILDING LINE: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BUILDING, PRINCIPAL: A non-accessory building in which the principal use of the lot, on which it is located, is conducted.

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.

CHILD CARE: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

CHILD CARE CENTER: A facility licensed by the State of Indiana where at least seventeen (17) children receive child care from a provider while unattended by a parent, legal guardian, or custodian for regular compensation for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CHILD CARE HOME: A residential structure licensed by the State of Indiana in which at least five (5) children (not including the children for whom the provider is a parent, stepparent, guardian, or other relative) at any time receive child care from a provider while unattended by a parent, legal guardian, or guardian; for regular compensation; and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

CLINIC: Any establishment where human patients are examined and treated by a doctor or dentist, but not hospitalized overnight.

COMMON OPEN SPACE: A parcel(s) of land, an area of water, or a combination of land and water within a development site, designed or intended for the use or enjoyment of residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants. Street rights-of-way, driveways and parking lots which directly serve dwellings or commercial buildings shall not be counted toward area requirements of common open space. Those structures directly serving recreational areas may be counted toward common open space area requirements, at the discretion of the Plan Commission.

COMMUNICATIONS ANTENNA: Any structure designed for transmitting or receiving radio, television, or telephone communications, including omni-directional or whip antennae, directional or panel antennae, and microwave dish antennae, which may be mounted on an existing building or on a communications tower, and including the accessory equipment cabinet necessary to operate the antennae.

COMMUNICATIONS FACILITY: Any communications antenna or communications tower, as defined by this Ordinance, which is operated by any agency or corporation, including a public utility regulated by the Indiana Regulatory Commission or any agency or franchisee of St. Leon, or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for “receive-only” viewing of satellite programs for private viewing, or radio and TV antennae, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

COMMUNICATIONS TOWER: Any structure, whether freestanding or attached to a building, designed to support multiple communications antennae, including monopole, self-supporting, and guyed towers, and one or more of the following mounts for antennae: rotatable platform, fixed platform, multipoint, side arm and pipe mounts for microwave dishes.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Town of St. Leon, Indiana including all amendments adopted by the Town Board of the St. Leon.

CONDOMINIUM: A single-family attached dwelling unit separately owned and valued for property tax purposes, with common areas under group ownership and property taxes paid by a homeowners association.

CONDOMINIUM ASSOCIATION: The community association that administers and maintains the common property and common elements of a condominium.

CONFINED FEEDING LOT: An area within which the confined feeding of animals for food, fur, or pleasure purposes takes place in lots, pens, ponds, sheds or buildings where all food is supplied by means other than grazing (IC 13-18-10).

CONFINED FEEDING OPERATION: Shall mean (1) any confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl; or (2) any animal feeding operation utilizing a waste lagoon or holding pit; or (3) any animal feeding operation where the operator elects to come under the Act of 1943, or amendments thereto; or (4) any animal feeding operation that is causing violation of Chapter 214 of the Act of 1943, or amendments thereto, as determined by the State office of jurisdiction.

CONTRACTOR’S OFFICE: Any building or structure used as the permanent place of business for a general contractor or tradesman, but where the site does not include the outdoor storage of construction equipment, material, and company vehicles.

CONTRACTOR’S YARD: Any developed or vacant land used as a place of storage for a general contractor or tradesman, including the storage of construction equipment, material, and company vehicles.

CUL-DE-SAC: A minor street with only one outlet.

CORRIDOR GREENBELT: (1) That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of Interstate 74 having a minimum depth of fifty (50) feet from the street right-of-way line; and (2) that portion of the front yard of a lot that is immediately adjacent and parallel to the rights-of-way of State Routes 1 and 46 having a minimum depth of twenty (20) feet from the street right-of-way.

CORRIDOR STREET: Any major or minor arterial, or major or minor collector street, as indicated in the St. Leon Comprehensive Plan, that intersects State Route 1, State Route 46, or Interstate 74 within the boundaries of the Corridor Overlay District.

DAY CARE FACILITIES: See “Child Care Center,” and “Child Care Home.”

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISCARDING: To abandon, deposit, desert, discharge, dispose, drop, dump, eliminate, emit, jettison, leave, pitch, place, put, scrap, spill, throw, or toss any item, any solid waste or derivative thereof, or any inherently waste-like material in a manner such that the discarded substance remains upon the land as solid waste.

DISTRICT: A zoning district as created and defined in the Zoning Ordinance of St. Leon, Indiana.

DUMPING: The discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, refuse, construction and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire and all other items and materials defined as “solid waste” and in IC 13-11-2-205.

DWELLING: A building or structure, which is completely or partly used for residential purposes but does not include commercial hotels, motels or tourist cabins.

DWELLING UNIT: One (1) or more rooms which are arranged, designed or used as living quarters for one family.

DWELLING, MULTIPLE-FAMILY: A dwelling, or portion thereof, containing three (3) or more dwelling units, including condominiums.

DWELLING, SINGLE-FAMILY: A dwelling containing one (1) dwelling unit only.

DWELLING, TWO-FAMILY: A dwelling containing two (2) dwelling units only.

EASEMENT: An authorization or grant by a property owner to a specific person(s) or entity, or to the public to use land for specific purposes, where the ownership of such easement is retained by the granting party.

ENCLOSED MALL SHOPPING CENTER: A commercial real estate development comprised of department, retail and/or commercial stores, the majority of which stores have entrances facing upon a common enclosed mall. This definition shall not include free-standing buildings located at or about such enclosed mall shopping center.

ENFORCEMENT OFFICER: Individual(s) designated by the Town of St. Leon to enforce the regulations within the zoning and subdivision ordinance.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, water transmission drains, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment, for the furnishing of adequate services by such public utilities or municipal or other governmental agencies, but not including buildings. This definition is not intended to include private commercial enterprises such as cellular communications facilities, but only those public facilities necessary for the health, safety, and general welfare of the community. In addition, this definition shall not apply to sewage treatment plants or similar facilities.

EXCAVATION: Any act by which earth, sand, gravel, rock, mineral substances, or organic substances, other than vegetation, is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting there from.

FAMILY: One (1) or more persons, each related to the other by blood, marriage or adoption, or a group of not more than three (3) persons not so related, together with his/their domestic servant(s), maintaining a common household in a dwelling unit. A family may include not more than two (2) roomers, boarders or permanent guests, whether gratuitous or not.

FENCE: A structure partially or completely surrounding a part of, or the whole of, a lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

FLOOR AREA OF A BUILDING: For determining off-street parking and loading requirements, the sum of the gross horizontal areas of the floors of a building or portion thereof devoted to a specific use, including accessory storage areas located within selling space such as counters, racks or closets; and any basement floor areas devoted to retailing activities, the production or processing of goods, or to business or professional offices.

FRONTAGE: See “Lot Line, Front.”

FRONTLIKE FACADE: The exterior portion of a structure which is not the front, but gives the appearance of a frontlike facade by the materials used in construction, architectural style and details.

FOUNDATION, PERMANENT: In-ground support for exterior walls of structures, such support typically composed of wood, concrete, or masonry, designed to safely support imposed loads based on soil type, and generally extending below the frost line.

GARAGES, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to persons not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

GARAGES, PUBLIC: A facility designed and used for the temporary storage of operational automobiles.

GARBAGE: All putrescible animal solid, vegetable solid, and semi-solid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

GRADE: The average level of the finished surface on the ground adjacent to the exterior walls of the building or structure.

GUEST ROOM: Referring only to bed and breakfast establishments, a sleeping room intended to serve no more than two (2) transient guests per night, such room not to contain cooking facilities.

HARDSHIP (AS RELATED TO VARIANCES OF THIS ORDINANCE): The exceptional hardship that would result from a failure to grant the requested the requested variance. The Town of St. Leon, requires that the variance is exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HOME OCCUPATION: A home business that is clearly an incidental and secondary use of the principal dwelling unit and that is conducted entirely within the primary structure. Examples of acceptable home occupations commonly include personal or consulting services, professional offices, or studios that do not necessitate clients coming

to the business, and that do not necessitate either regular deliveries to the residence or the use of tractor-trailers for deliveries to the residence.

HOT TUB: See “Swimming Pool.”

HOTEL OR MOTEL AND APARTMENT HOTEL: A facility that offers transient lodging accommodations on a daily rate to the general public and may provide additional services such as restaurants, conference rooms, and recreational facilities.

INDUSTRIAL, HEAVY: The manufacturing, storage, processing, assembly, fabrication, or repairing of any materials or products where processes involved therein may produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, outdoor storage of materials, odors, or other hazardous or commonly recognized offensive conditions.

INDUSTRIAL, LIGHT: The manufacturing, storage, processing, fabrication, or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger any neighboring property, and where all operations shall be contained within an enclosed area.

INERT SOLID WASTE: Uncontaminated earth, rocks, concrete, bricks, tiles, aged asphalt, natural wood, brush, leaves, wood chips, or sawdust used or intended to be used as fill material within thirty (30) days of accumulation or deposit for that purpose.

INOPERABLE VEHICLE: Any vehicle, licensed or unlicensed, that is partially dismantled or not fully assembled.

INTERIOR GREENBELT: (1) That portion of the front of a lot that is immediately adjacent and parallel to the right-of-way of Interstate 74 Corridor Streets having a minimum depth of twenty-five (25) feet from the street right-of-way; and (2) that portion of the front yard that is immediately adjacent and parallel to the right-of-way of State Routes 1 and 46 Corridor Streets having a minimum depth of ten (10) feet from the street right-of-way line.

INTERIOR PARKING: Those parking spaces located in the interior of a parking lot which create definable parking aisles away from the periphery or edge of the lot.

JUNK YARD: An open area where waste, scrap material or two (2) or more motor vehicles, or parts thereof, not in running or operable condition, and/or not bearing current license plates, are bought, sold, exchanged, stored, baled, packed, disassembled or handled, but excluding uses established entirely within closed buildings, and further excluding outside storage permitted as an accessory use to any lawfully established automobile sales, service or repair facility.

KEEPING OF ANIMALS: The keeping of animals refers to the presence or caring of animals for any length of time.

KENNEL: Any premises, or portion thereof, on which more than four (4) dogs, cats or other household domestic animals over (4) four months of age are kept or on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LONG-TERM STORAGE: The maintenance or containment of solid waste for a period of thirty (30) days or more.

LOT: A parcel of land intended to be separately owned, developed, or otherwise used as a unit. A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for the lot in the zone in which such lot is located and having its principal frontage on a public or approved private street or way.

LOT AREA: The total horizontal area within the lot lines of a lot, excluding any street rights-of-way.

LOT, BUILDABLE AREA: That portion of a lot bounded by the required front, rear, and side setback lines.

LOT, CORNER: A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than one hundred thirty-five (135) degrees in front of the lot. The required setback on all sides bounded by a street, excluding alleys, shall equal the front building setback of the district in which the lot is located. On a corner lot, the rear lot line shall be opposite the side of the house considered by the Department of Planning and Zoning to be the front.

LOT COVERAGE: The total area of earth horizontally covered by the roofed structures, including accessory structures, such as, but not limited to, garages, roofed patios and roofed porches.

LOT DEPTH: The mean horizontal distance between front and rear lot lines, measured at right angles to the front lot line.

LOT, FLAG: A lot approved with less frontage on a public street than is normally required, where a narrow panhandle access corridor leads to the bulk of the lot located behind lots or parcels with normally required street frontage.

LOT LINE, FRONT: The lot lines abutting a street right-of-way, excluding alleys; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR: A lot line or connected lines between the ends of the side lot lines and which is or are parallel to or approximately parallel to the front lot line.

LOT LINE, SIDE: A lot line or connected lot lines commencing at an end of a front lot line and terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to or approximately parallel to the front lot line.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the County Recorder's Office, or a parcel of land, the deed to which was recorded in the Recorder's Office prior to adoption of this Ordinance.

LOT, THROUGH: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. Such lots shall provide the required front setback along each street, except alleys.

LOT WIDTH: The horizontal distance between side lot lines, measured at the established front setback line and measured at right angles to the lot depth.

MANUFACTURED HOME: A factory-fabricated transportable building designed to be used alone or to be incorporated with similar units at a building site and designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation. A manufactured home is a single-family dwelling for the purposes of this Ordinance.

MARQUEE: A permanent roof-like shelter extending from part or all of the building face over a right-of-way (sidewalk), public or private, and constructed of some durable material such as metal, glass, plastic or wood.

MINIMUM GROUND FLOOR AREA: The minimum ground floor area of a proposed structure, exclusive of open porches, attached garages, and accessory structures.

MINIMUM ROAD FRONTAGE: The minimum property on one (1) side of a street measured along the right-of-way of the street between property lines.

MOBILE HOME: A transportable, factory-built structure larger than three hundred and twenty (320) square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

MOBILE HOME PARK: An area of land under single ownership used for the parking of two (2) or more occupied mobile homes.

MOBILE HOME SITE: The area of land in a mobile home park for the parking of one mobile home.

MOBILE HOME SUBDIVISION: A residential subdivision designed exclusively for, and occupied by, mobile homes in which the homes and land are owned by the same person.

NAMEPLATE: A sign which identifies the owner, resident, or address of the premises where the sign is located and contains no other information.

NATURAL RESOURCES: The Indiana Department of Natural Resources (DNR).

NON-CONFORMING LOT: A lot of record which does not conform to the lot area or lot width regulations of this Ordinance.

NON-CONFORMING STRUCTURE: A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting such use or structure in such location.

NON-CONFORMING USE: Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance, or any of its amendments, which does not conform to provisions of this Ordinance.

NURSING HOME: A private home for the care of children or the aged or infirm, or a place of rest and/or therapy for those suffering bodily disorders, but not including facilities for the treatment of injuries or for surgical care.

OCCUPANCY PERMIT: A certificate signed by an official designated by the Town of St. Leon stating that the occupancy and use of land, building, or structure referred to therein complies with the provisions of this ordinance and all other building and local codes which may be applicable. Also referred to as a "Certificate of Occupancy".

OFF-STREET LOADING: An area which is designated permanently for the loading and unloading of vehicles as well as associated egress areas, none of which may lie within a public right-of-way.

OFF-STREET PARKING: The provision of parking spaces on a lot, appropriate in number to accommodate the applicable land use(s), including driveways and maneuvering room, located entirely out of public rights-of-way.

OWNER: An individual or entity having sufficient proprietary interest to seek development of land.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERIPHERAL PARKING: Those parking spaces located at the edge or periphery of a parking lot.

PETS:

Domesticated, Household Pets

Animals smaller than one hundred and fifty pounds (150 lbs.) that are customarily kept within a home or upon its immediate premises for the resident's personal use and enjoyment. These animals are not to be raised for commercial purposes and must be appropriately confined to a dwelling unit or a private boarding stable so as to not create a nuisance to adjoining property owners. Household pets include, but not limited to, domestic dogs, domestic cats, domestic birds, domestic fish, and domestic rodents.

Undomesticated, Non-household Pets

Animals larger than one hundred and fifty pounds (150 lbs.) and / or species that are exotic, wild, or foreign to Dearborn County, that are not customarily kept within a home or upon its immediate premises and that may be used for production, commercial and / or recreational purposes.

PLAN COMMISSION: The Plan Commission of St. Leon, Indiana.

POND: Any inland body of water that has a surface area of five hundred (500) square feet or more, with a depth of no less than 3.5 feet. For the purposes of measuring setbacks under this Ordinance, ponds shall include any made-made supporting structure containing such body of water.

PRINCIPAL BUILDING: The building in which the primary use on the lot is conducted. With regard to school, recreational, or other uses of property which may include several buildings in which activity occurs, the Planning Director shall determine whether or not each building shall be classified as a "principal building." Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

PRINCIPAL USE: The primary use to which the premises is devoted, and the main purpose for which the premises exists, as distinguished from a secondary or accessory use.

PUBLIC SANITARY SEWER SYSTEM: Any system, other than an individual septic tank, tile field, mound system, or similar disposal method, that is operated by a municipality, governmental agency, or public utility for the collection, treatment, and disposal of wastes.

PUBLIC UTILITY STRUCTURE: Electrical and telephone substations and distribution centers, filtration plants, pumping stations, water reservoirs, public or package sewer treatment plants, telephone exchanges, radio and television transmitting or relay stations, antenna towers, and other similar public utility service structures. This definition is not intended to apply to private utilities constructed solely for the use of a specific development.

RECREATIONAL VEHICLE: A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

RECREATIONAL VEHICLE PARK: An area of land used for the parking of two (2) or more recreational vehicles.

RELIGIOUS INSTITUTIONS: An institution that people regularly attend or participate in, or which holds religious services, meetings, and activities typically incidental to such institution, but not including daycare facilities, schools, or commercial uses.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings situated within a controlled access and fenced compound, consisting of small, individual, self-contained units that are leased or owned for the storage of commercial or household goods or supplies.

SETBACK: A line parallel to and equidistant from the relevant lot line (rear, side) between which no buildings or structures above normal grade level may be erected as prescribed in this Ordinance. The minimum required front setback shall be measured from the thoroughfare right-of-way line to any portion of any structure, with the exception of projections allowed by this Ordinance.

SIGN: A single or multi-faced structure or device designed for the purpose of informing or attracting the attention of persons not on the premises on which the structure or device is located.

SIGN AREA:

1. The sign area shall be that area which is enclosed by one (1) rectangle, the sides of which make contact with the extreme points or edges of the sign excluding the supporting structure which does not form part of the sign proper or of the display, or

2. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface and shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

SIGN, AWNING OR CANOPY: Any sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A sign on a marquee is not considered an awning or canopy sign.

SIGN, CONSTRUCTION: A type of temporary sign designed and used to identify construction projects including project owners, contractors, designers, and financial institutions involved in such project.

SIGN, DIRECTIONAL: Any general informational sign that has a purpose secondary and incidental to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” and other similar directives. A sign with a commercial message legible from a position on the street right-of-way outside of the lot boundaries on which the sign is located shall not be considered directional.

SIGN, FREE-STANDING: A sign which is completely or principally self-supported by posts or other supports independent of any building or other structure. The following types of signs shall be considered free-standing signs for the purpose of this Ordinance:

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is closely associated to the ground and is independent of any other structure.

SIGN, MONUMENT: A ground sign that is supported by a base that is connected directly to the ground, with a total height no more than four (4) feet above grade.

SIGN, POLE: Any sign supported by one upright pole, column, or brace placed in or on the ground and not attached to any building or structure.

SIGN, HIGH-RISE: A sign erected at a minimum height of fifty (50) feet and a maximum height of eighty-five (85) feet above grade level, with a maximum sign square footage of seven hundred fifty (750) square feet, and upon the premises of the business being advertised.

SIGN, INFLATABLE: Any temporary sign designed to be inflated and attached to a building or any part of the lot by means of a tether so as to float freely in the air; or a similar sign anchored to a building or lot in any manner.

SIGN, INCIDENTAL: A sign that is incidental to the principal use of a lot; specifically, signs designed and erected to preserve pedestrian and vehicle safety, and signs indicating the hours of operation.

SIGN, INTEGRAL: A sign that is architecturally and structurally integral to a building.

SIGN, OBSOLETE: A sign that no longer correctly directs or exhorts any person, or no longer advertises a bona fide business, lessor, owner, activity conducted, or product available on the premises where such sign is displayed.

SIGN, OFF-PREMISES: A sign identifying and/or providing directions to a business or organization which is located on premises separate from the location of the sign.

SIGN, POLITICAL: Temporary signs announcing candidates seeking political office, issues to be voted upon, including referenda, and other data pertinent thereto.

SIGN, PORTABLE: A sign which by its design and construction is readily movable from one location to another, mounted on wheels or on a small trailer frame, or mounted on a supportive frame which is designed to sit on top of the ground or to be temporarily staked or tied to the ground.

SIGN, PROJECTING: A sign that is wholly dependent upon a building for support and that extends outward therefrom more than eighteen (18) inches, typically in a direction perpendicular to the building wall.

SIGN, REAL ESTATE: Any temporary on-premises sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose or conditions for which it is being offered.

SIGN, ROOF: A sign erected, constructed, and maintained upon the roof of a building.

SIGN, STREET ADDRESS: A sign that indicates the street address of a parcel.

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material, with or without a structural frame, designed or intended to be displayed for announcement of a special event, sale, political campaign, or other activity typified by short duration.

SIGN, WALL: Any sign affixed directly to, painted on, or otherwise inscribed on an exterior wall and confined within the limits of any building.

SIGN, WINDOW: A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

SOLID WASTE: Any yard waste, garbage, refuse, rubbish, sludge, or other discarded or disposed materials, including solids, liquids, semi-solids, or contained gaseous material resulting from any operation, activity, or source.

SPECIAL EXCEPTION: A use that is not listed as a permitted use in the particular zoning district under this Ordinance but which may be compatible with such uses and may promote the realization of the purposes of this Ordinance if such use is restricted as to intensity and location in the district and to such other conditions as may be required by the Board of Zoning Appeals.

STREET: A partially or fully improved public right-of-way which affords the principle means of access to abutting property.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A structure is not necessarily a building, except as further defined by that term. This definition is intended to include signs.

SUBSTANTIAL MODIFICATION: Any alteration, repair, enlargement, or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor, or other structural element of the building commences. This term does not, however include either (1) any project for improvement of a structure to comply with existing health, sanitary, or safety code specifications or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological, and Cultural Sites, Structures, Districts, and Objects.

SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles or similar vehicles.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, or on-ground swimming pools, hot tubs, and spas.

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.

VARIANCE: A dispensation permitted by the St. Leon Board of Zoning Appeals on individual parcels of property as a method of alleviating an unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual circumstances, is denied by the terms of this Ordinance. Two types of variances are provided for within this Ordinance:

VARIANCE, DIMENSIONAL: A type of variance to alleviate dimensional limitations presented by the physical characteristics of a zoning lot.

VARIANCE, USE: A type of variance granted by the Board of Zoning Appeals to property owners to alleviate a hardship by allowing a land use not specifically identified as a permitted use or special exception within the zoning district in which the zoning lot is located. Use variances are not transferable to subsequent owners of the property.

VEHICLE: An automobile, motorcycle, truck, trailer, semitrailer, bus, school bus, recreational vehicle, or motorized bicycle.

WHOLESALE: Business establishments that generally sell commodities and material in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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 by this Ordinance.

YARD, FRONT: A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way.

YARD, REAR: A yard defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

YARD, SIDE: A yard extending along the side of a lot from the front to the rear yard.

YARD SALES: Temporary sales for the purpose of relieving the household of goods and wares, operated from residential property, and considered a permitted accessory use to a residence in any zoning district, provided the sale is held no more than three (3) times in any calendar year per address, nor more than one (1) time in any one month, with a duration of no more than three (3) consecutive days. This definition is also intended to encompass garage sales, rummage sales, or similar activities.

ZONING MAPS: The maps of St. Leon, Indiana showing the zoning districts therein.