

## TITLE XV: LAND USAGE

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## GENERAL PROVISIONS

### § 150.01 SHORT TITLE.

This chapter, and ordinances supplemental or amendatory thereto, shall be known and cited as the zoning code, formerly chapter 70 of the city code of 1967. (Ord. 1978-4, passed 3-21-78)

### § 150.02 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

“ABUTTING.” Bordering.

“ACCESSORY BUILDING AND USE.” A building or use subordinate to another structure or use located on the same lot, and which does not change or alter the character of the premises, and which is not used for human occupancy, such as: private garages, utility sheds, public utility installations, electric distribution and secondary power lines, gas, water, and sewer lines, their supports and poles, guy wires, small transformers, wire or cable and incidental equipment, and public telephone booths.

“AGRICULTURE.” The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding, and management of livestock tillage, husbandry, and farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man’s use and their disposal by marketing or otherwise. In this broad use it includes farming, horticulture, forestry, dairying, sugar making.

“AIRPORT.” A use devoted to the takeoff, landing, and storing of aircraft.

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

“ALLEY LINE.” A lot line bordering on an alley.

“APARTMENT.” A building or portion thereof designed for or occupied by more than 2 families; a multifamily dwelling.

“AUTOMOBILE OR TRAILER SALES AREA.” An open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

“BASEMENT.” A story, wholly or partly underground, which, unless subdivided into

rooms and used for tenant purposes, shall not be included as a story for the purposes of height measurement.

“BOARD.” The city board of zoning appeals.

“BOARDING HOUSE.” A building where meals are regularly served for compensation, for 3 or more persons, but not exceeding 12 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

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

“BLOCK FRONTAGE.” Property having frontage on one side of a street and lying between the 2 nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

“BUILDING.” Includes “STRUCTURE.” A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or other property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure. At no time shall the definition of a “BUILDING” be construed to include mobile homes.

“BUILDING, DETACHED.” A building having no structural connection with another building.

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

“BUILDING, HEIGHT OF.” The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

“BUILDING INSPECTOR.” The designated and appointed building inspector for the city, appointed by the mayor.

“BUILDING, PRINCIPAL.” A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, the accessory building shall be counted as a part of the principal building.

“BUILDING AREA.” The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than 2 feet.

“BUILDING LINE” or “BUILDING SETBACK 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 front lot line.

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

“CAMP, PUBLIC.” Any area or tract of land used or designated to accommodate 2 or more camping parties, including cabins, tents, or other camping outfits.

“CAMPING OR TRAVEL TRAILER.” A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified as “CAMPING OR TRAVEL TRAILER” by the manufacturer of the trailer; and when factory equipped for the road, it shall have a body width not exceeding 8 feet and a body length not exceeding 32 feet.

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

“CERTIFICATE OF OCCUPANCY.” A certificate issued by the building inspector stating that the codes and ordinances of the city have been met and that the subject structure may be occupied.

“CLUB.” Buildings and facilities owned or operated by a person or organization for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

“COMMERCIAL FARM ENTERPRISE.” An operation or use inherent in or closely associated with a farm or agriculture, such as the buying, selling, or distribution of livestock, or farm or agricultural products, or products essential to farm operation; but not including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries and poultry processing plants, the manufacture of commercial fertilizers, and similar enterprises which are of an industrial nature.

“COMMISSION.” The city plan commission.

“CONFORMING USE.” An existing or proposed use of land or building which is in compliance with the requirements set forth in this chapter applicable to the district in which such use is or is proposed to be located.

“CONTINGENT USES.” A contingent use is a use which is not inappropriate to the principal uses of the district in which it may be located. “CONTINGENT USES” shall be allowed only after the review procedure for a special exception has been met by the applicant.

“COVENANTS.” A written agreement or promise under seal between 2 or more parties

for the performance of some action pertaining to real property, which qualifies for recordation in the Adams County Recorder's Office.

"DECIBEL." A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are called calibrated in decibels.

"DEVELOPMENT PLAN." A drawing, including a legal or site description, of the real estate involved, which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from the real estate; location of all adjacent or adjoining streets; service facilities, and other improvements such as planting areas.

"DEVELOPMENT PLAN, RESIDENTIAL." A plan proposed to use a tract of land for residential development in accordance with the requirements of this chapter, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the district or districts in which the residential development is proposed to be located.

"DWELLING." A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses, or tourist homes.

"DWELLING UNIT." One or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

(A) "SINGLE-FAMILY DWELLING." A building on a lot designed and occupied exclusively as a residence for one family.

(B) "TWO-FAMILY DWELLING." A building on a lot designed and occupied exclusively as a residence for 2 families.

(C) "DUPLEX." A building designed as 2 separate single-family residences, having a party wall in common separating or dividing the 2 residences.

(D) "MULTIPLE-FAMILY DWELLING." A building on a lot designed and used exclusively as a residence for 3 or more families living independently of one another.

"EDUCATIONAL INSTITUTION." Public or parochial preprimary, primary, grade, junior high, high, preparatory school or academy, junior college, college, or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

“FAMILY.” One or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.

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

“FENCE.” A barrier intended to prevent escape or intrusion or to make a boundary. This barrier may be constructed of posts, wire, boards, concrete, or stone.

“FILLING STATION.” Any building, structure, premises or enclosure, or other place used for the dispensing, sale, or offering for sale at retail, of fuels or oils for motor vehicles. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

“FLASH POINT.” The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily, using the closed cup method.

“FLOOD” or “FLOODWATER.” The water of any watercourse which is above the banks and/or outside the channel and banks of such watercourse.

“FLOOD HAZARD AREA.” Any floodway or floodway fringe district or any combination thereof as shown on the zoning map, provided the area, for the purpose of participation in the National Flood Insurance Program under the Federal Insurance Administration includes any area designated as such on the flood boundary floodway maps and flood insurance rate maps dated July 2, 1981, and any revision thereto as prepared by the Federal Insurance Administration.

“FLOOD PROTECTION GRADE.” The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. However, if a commercial or industrial building is floodproofed as hereinafter defined, the term “FLOOD PROTECTION GRADE” applies to the water surface elevation for which the building is protected.

“FLOODPROOF BUILDING.” A commercial or industrial building so designed and constructed as to exclude floodwaters from the interior of the building. All floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the regulatory flood.

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

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

“FREE-BURNING.” A rate of combustion described by a material which burns actively and easily supports combustion.

“FRONTAGE.” All the property on one side of a street between 2 intersecting streets (crossing or terminating) measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

“GARAGE, PRIVATE.” An accessory building with capacity for not more than 3 motor vehicles per family, not more than one of which may be a commercial vehicle of not more than 3 tons capacity. A garage designed to house one or 2 motor vehicles for each family housed in a multifamily dwelling shall be classed as a “PRIVATE GARAGE.”

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

“GRADE” (also, “LOT GROUND LEVEL”.)

(A) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(B) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(C) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street.

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

“GROUP HOUSE.” A group of dwellings constructed in a row, with the dwelling units separated by vertical party walls without openings. Also a multifamily dwelling.

“HOME OCCUPATION.” An accessory use which:

(A) Is clearly incidental to or secondary to the residential use of a dwelling unit or rooming unit; and

(B) Is carried on within a dwelling unit, rooming unit, or accessory building by one or more occupants of such dwelling unit or rooming unit, except that, in connection with the practice of a profession, one person not residing in such dwelling unit or rooming unit may be employed; and

(C) Occupies not more than 25% of the total floor area of such dwelling unit, rooming unit, or accessory building, and, in no event more than 500 square feet of floor area.

“HOSPITAL.” An institution licensed by the state department of health and providing health services primarily for inpatient medical or surgical care of the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices, which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of, a licensed physician. Types of hospitals include general, mental, chronic disease, and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

“HOTEL.” A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

“IMPROVEMENT LOCATION PERMIT.” A permit which must be issued by the superintendent of zoning of the city prior to the alteration, change, placement, erection, or location on any platted or unplatted lands of a structure, improvement, or use of land.

“INDUSTRIAL PARK.” A single structure or group of structures for industrial operations, forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design and industrial management.

“INDUSTRIAL USE, ENCLOSED.” The manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, conducted entirely within the enclosed buildings, in a district permitting an enclosed industrial use, and in compliance with the standards and specifications of such district.

“INDUSTRIAL USE, OPEN.” The manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, conducted in both buildings and open area, or open area only, in a district permitting open industrial use, and in compliance with the standards and specifications of such district.

“INTENSE BURNING.” A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

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

“KENNEL.” Any lot on which 4 or more dogs or small animals at least 4 months of age are kept.

“LOADING OR UNLOADING BERTHS.” The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this ordinance is held to be a 12- by 45- foot loading space with a 14-foot height clearance, except that, if more than one berth is provided, the 12-foot dimension shall be 10 feet.

“LODGING HOUSE.” A building where lodging only is provided, for compensation, to 3 or more, but not exceeding 12 persons, not open to transients, in contradistinction to a hotel, which is open to transients.

“LOT.” A parcel, tract, or area of land. It may be a single parcel separately described in a deed or plat which is recorded in the office of the county recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the office of the county recorder, provided the part to be used is adequate in size to meet all yard requirements of the zoning code; or it may include parts of a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of the street or any private access serving more than one main building shall be included.

“LOT, CORNER.” A lot at the junction of and abutting 2 or more intersecting streets.

“LOT COVERAGE.” The percentage of the lot area covered by the building area.

“LOT, DEPTH OF.” The main horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

“LOT, INTERIOR.” A lot other than a corner lot or through lot.

“LOT LINE, FRONT.” In the case of an interior lot, a line separating the lot from the street or place. In the case of a corner lot, a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way as the front lot line.

“LOT LINE, REAR.” A lot line which is opposite and most distant from the front lot

line and, in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

“LOT, REVERSED INTERIOR.” An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

“LOT, THROUGH.” A lot having frontage on 2 parallel or approximately parallel streets.

“LOT, WIDTH.” The dimension of a lot measured between side lot lines on the building line.

“MOBILE HOME.” A one-family structure designed for transportation, after fabrication, on the streets and highways on its own wheels or on a flatbed or trailer, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connecting to utilities, and the like.

“MOBILE HOME PARK.” An area of land upon which 2 or more mobile homes are harbored for the purpose of being occupied either free of charge or in consideration of the payment of rental for the mobile home or the site upon which it rests, and within which area a mobile home may be supported either by its wheels or by a foundation of any sort.

“MOBILE HOME TIE-DOWNS: SCHEDULE A.” Sufficient anchorage to resist flotation, collapse, or lateral movement of any mobile home. At a minimum, the anchorage shall consist of the following.

(1) Over-the-top ties shall be provided at each of the 4 corners of the mobile home, with 2 additional ties per side at intermediate locations. Mobile homes less than 50 feet long shall require only 1 additional tie per side.

(2) Frame ties shall be provided at each corner of the home with 5 additional ties per side at intermediate points. Mobile homes less than 50 feet long shall require 4 additional points and 4 additional ties per side.

(3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(4) Any additions to the mobile home shall be similarly anchored.

“MODERATE-BURNING.” A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

“MODULAR HOME.” A one-family structure designed in standardized units for transportation, after fabrication, to its destined site. A modular home usually involves 2 or more standardized units which are built to meet all minimum building code requirements and which are designed to be permanently affixed to a foundation on the site. This definition also includes a double-wide mobile home so affixed to a foundation with undercarriage and hitch removed.

“MOTEL.” A building or a detached building used as dwelling units containing bedroom, bathroom, and closet space; and each unit having convenient access to a parking space for the use of the unit’s occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

“MOTORIZED HOME.” A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

“NATURAL RESOURCES.” The Indiana Natural Resources Commission.

“NONCONFORMING USE.” An existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which such use is located.

“NURSING HOME.” A facility licensed by the state board of health, which provides the services listed below. Such facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the criteria above, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

- (A) Provides nursing services on a continuing basis;
- (B) Admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services;
- (C) Provides for licensed physicians’ services or supervision;
- (D) Maintains medical records.

“NURSING HOME CONVERSIONS.” A dwelling which is converted for the use of a nursing home and licensed by the state board of health.

“OCTAVE BAND.” A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into 8 octave bands.

“OCTAVE BAND ANALYZER.” An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

“PARKING AREA, PUBLIC.” An open area, other than a street or alley, designed for use or used for the temporary parking of more than 4 motor vehicles, when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

“PARKING SPACE.” A space other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle and, unless otherwise designated herein, being not less than 9 feet wide and 20 feet long, exclusive of passageways.

“PARTICULATE MATTER.” Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

“PERMIT.” A written warrant or license granted by the building inspector, superintendent of zoning, board of zoning appeals, city plan commission, the common council, or other authorized official of the city.

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

“PICKUP COACH.” A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

“PLACE.” An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

“PLAT.” A map or chart indicating the subdivision or resubdivision of land intended to be filed for record.

“PREMISES.” A lot or plot, including buildings thereon, if any.

“PRIVATE SCHOOL.” Private primary, grade, high, or preparatory school or academy.

“PROFESSIONAL OFFICE.” Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

“PROFESSIONAL OFFICE CENTER.” An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this chapter.

“PROFESSIONAL OFFICE IN RESIDENCE.” An office in the dwelling of a member of a recognized profession, as defined by the United States Bureau of the Census, provided that the professional service is performed by a member or members of a family occupying such

dwelling and no more than one additional person is employed in rendering such service, provided, further, that not more than 25% of the gross floor area is devoted to such use, and provided also that no sign, other than a nameplate attached to the building, not exceeding 2 square feet in area, is displayed.

“PUBLIC NUISANCE.” An annoying, unpleasant, obnoxious, or unsafe thing or practice, further clarified and defined in chapter 92. For the purpose of this chapter “PUBLIC NUISANCES” shall be those described in chapter 92.

“PUBLIC UTILITY INSTALLATIONS.” The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface, or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire-alarm boxes, police-call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

“RECREATIONAL EQUIPMENT.” As used in this chapter recreational equipment shall consist of camping or travel trailers, pickup coaches, or motorized homes.

“REGULATORY FLOOD.” That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of 1% in any given year.

“REGULATORY FLOOD PROFILE.” A longitudinal profile along the thread of a stream, showing the maximum water surface attained by the regulatory flood.

“RESTRICTIVE COVENANT.” A written agreement or promise under seal, restricting present or future property owners to certain uses or practices on a tract of land. Usually, restrictive covenants set minimums and maximums that may or may not be more strict than the district requirements set forth in this chapter.

“RINGELMANN NUMBER.” The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the United States Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann O.

“SHOPPING CENTER.” An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets, and circulatory ways for vehicles and pedestrians, landscape reservations and plantations, and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities, and which

conforms to the requirements of this chapter.

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

“SLOW-BURNING OR INCOMBUSTIBLE.” Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for 5 minutes to a temperature of 1200°F.

“SMOKE.” A suspension of fine particles, excluding water droplets, in a gaseous plume, which more or less obscure the transmission of light.

“SMOKE UNIT.” The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

“SPECIAL EXCEPTION.” Special exceptions are uses publicly operated and those uses traditionally affected with a public interest, and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

“SPECIAL SCHOOL.” Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional children or adults, such that the usual statutory educational requirements expressly or implicitly do not apply.

“STORY.” That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

“STORY, HALF.” That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least 2 opposite exterior walls of which are not more than 3 feet above the floor level of such half-story.

“STREET.” A right-of-way or thoroughfare, other than an alley or place, dedicated or otherwise legally established to the public use, affording the principal means of access to the abutting property.

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

“STRUCTURAL ALTERATION.” Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, substantial change in the exterior walls or the roof, substantial change in the electrical, plumbing, heating, air conditioning, or ventilation system or service, serving a building.

“SUBSTANTIAL ENLARGEMENT.” The increase of the exterior size, bulk, or dimensions of a building. Such a substantial enlargement is considered to occur when the first significant alteration of any wall, ceiling, floor, or other structural element of that building commences.

“SUPERINTENDENT OF ZONING.” The superintendent is responsible for enforcement of the zoning code on a day-to-day basis. The superintendent may or may not be the same person as the building inspector. The superintendent shall be appointed by the Mayor.

“SWIMMING POOL, PRIVATE.” A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

“TOURIST HOME.” A building in which one but not more than 5 rooms are used to offer private or overnight accommodations to transient guests for compensation.

“TRADE OR BUSINESS SCHOOL.” Secretarial or business school or college when not publicly owned or conducted by or under the sponsorship of a religious, charitable, or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, or hair dressing, drafting, or for teaching industrial or technical arts.

“USE.” The employment or occupation of a building, structure, or land for a person’s service, benefit, or enjoyment.

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

“VIBRATION.” Oscillatory motion transmitted through the ground.

“VISION CLEARANCE ON CORNER LOTS.” A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements; and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

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

“YARD, FRONT.” A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

“YARD, REAR.” A yard extending across the full width of the lot between the rear of the principal building and the rear lot line, unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

“YARD, SIDE.” A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the principal building, except in cases where irregular or pie-shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building, measured horizontally at 90° with the side lot line. (Ord. 1978-4, passed 3-21-78; Am. Ord. 1981-5, passed 6-16-81)