

**BOARD.** The Board of Zoning Appeals established by this chapter.

**CLINIC.** Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.

**CLUB.** An establishment operated for social, recreational or educational purposes but open only to members and not to the general public.

***COMPATIBILITY STANDARDS FOR MANUFACTURED HOUSING.***

(1) The main body of the house shall be rectangle.

(2) The main roof shall be pitched, rather than flat.

(3) The house shall face the street. Usually, this means that the long axis will be parallel to the street.

(4) The exterior walls shall look like wood or masonry, regardless of their actual composition.

(5) The main roof shall be shingled.

(6) The foundation shall form a complete enclosure under exterior walls.

(7) Apparent bulk shall be about the same throughout the neighborhood. There is no objection to an occasional larger house, but none shall be permitted that looks substantially smaller than the general run.

**COVERAGE.** The percentage of the lot area covered by principal and accessory use structures.

**DWELLING, MULTIPLE-FAMILY.** A residential building designed for two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE FAMILY.** A detached residential dwelling unit, other than a mobile home, designed for and occupied by not more than one family only.

**DWELLING, TWO-FAMILY.** A detached residential building containing two dwelling units, designed for and occupied by not more than two families.

***DWELLING UNIT.***

(1) Any structure or part of a structure designed or used as the living quarters for one family and containing culinary facilities, private and complete bathroom facilities and appropriate water, sewage, heating and lighting facilities and used exclusively for residential occupancy. It shall not include a hotel, motel, lodging house or tourist home.

(2) Any structure, whether conventionally built or manufactured shall have a minimum width of 23 feet and exceed 950 square feet of occupied space. It shall be so constructed as to be a permanent foundation.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, stream or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

**FAMILY.** One or more persons occupying a premise and living as a single housekeeping unity as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**FOUNDATION, PERMANENT.** Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe, bearing capacity of the supporting soil.

**FRONT YARD.** The space not containing any structures between a structure and thoroughfare right-of-way line.

**HOME OCCUPATION.** An occupation carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character of the unit as a dwelling.

**LOT.** A parcel of land occupied or capable of being occupied by one or more structures.

**LOT, DEPTH OF.** A mean horizontal distance between the front and rear lot lines.

**LOT, MINIMUM AREA OF.** The horizontally projected area of a lot computed exclusive of any portion of the rights-of-way of any public thoroughfare.

**LOT OF RECORD.** Any lot which individually or as a part of a subdivision, has been recorded in the office of Recorder of Deeds of the County.

**LOT, WIDTH OF.** The mean width measured at right angles to its depth.

**MANUFACTURED HOMES.** A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction Safety Standards Code and all acts amendatory thereto, as promulgated by the Indiana Administrative Building Council and its successors. In addition, said manufactured homes are further defined as a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. A manufactured home does not include a recreational vehicle, but specifically includes a modular home as further defined in this chapter.

**MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE.** Title IV of the *1974 Housing and Community Development Act* (42 USC 5401 *et seq.*), as amended and previously known as the federal *Mobile Home Construction and Safety Act*), rules and regulations adopted thereunder, which include H.U.D.-approved information supplied by the home manufacturer and regulations and interpretations of the code by the Indiana Administrative Building Council.

**MANUFACTURING, GENERAL.** The manufacturing, processing, assembling, fabrication or repairing of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor or fire hazard which will disturb or endanger neighboring property and where some operations and storage may be in open areas.

**MANUFACTURING, LIGHT.** The manufacturing, processing, assembling, fabrication or repairing of certain materials or products where no process involved will produce noise, vibration, heat, glare, waste matter, odor or fire hazard which will disturb or endanger neighboring property and where all operations and storage are entirely within enclosed buildings or area.

**MOBILE HOME.** A transportable structure larger than 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 or more occupied mobile homes.

**MODULAR HOME.** A factory fabricated transportable building designed to be used alone or to be incorporated with similar units at a building site designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation.

**MULTIPLE WIDE UNIT.** A manufactured housing unit manufactured to be connected to produce a unit over 23 feet in width and over 39 feet or more of its length.

**NONCONFORMING STRUCTURE.** A structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting the use in the location.

**NONCONFORMING USE.** Any use or arrangement of land or structures legally existing on or after February 1, 1975, which does not conform to the provisions of this chapter.

**OCCUPIED SPACE.** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garaged, patios and porches.

**ONE- AND TWO-FAMILY DWELLING CODE, INDIANA.** The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

**PERSON.** An individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

**PUBLIC LAW 360, ACTS OF 1971.** Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair or maintenance of factory-constructed one- or two-family residential dwellings.

**SINGLE WIDE UNIT.** A manufactured housing unit, not counting tip-outs, whose width is less than 23 feet.

**SPECIAL EXCEPTION PERMITS.** A device for permitting a use within a district other than a principally permitted use.

**STRUCTURE.** Anything constructed or erected, the use of which requires a fixed location on the ground, including, in addition to buildings, billboards, carports, porches and other building features, but not including things such as sidewalks, drives, fences and patios.

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

**UNDERFLOOR SPACE.** That space between the bottom of the floor joists and the earth.

**WIDTH AND LENGTH.** In structures having right angles, **WIDTH** is the shorter axis in linear measurement from side to side of the structure and measures at right angles to the longest axis of the structure, which is the **LENGTH**. An axis of a structure is not a rectangle in shape, then the **WIDTH** shall be the measurement determined by dividing the occupied space by the **LENGTH**.

('66 Code, § 3-1-7-1) (Ord. 1510, passed - -; Am. Ord. 1549, passed 7-12-82; Am. Ord. 1623, passed 8-5-85; Am. Ord. 1623, passed 5-6-96; Am. Ord. 1980, passed 5-6-02)

### § 153.03 AUTHORITY.

This chapter is adopted pursuant to Chapter 174 of the Acts of the General Assembly of Indiana, 1947, and all acts supplemental and amendatory thereto.

(I.C. 36-7-4) ('66 Code, § 3-1-1-2) (Ord. 1172, passed 10-3-66)

### § 153.04 JURISDICTION.

This chapter shall apply to all incorporated land within the city and any unincorporated land as provided by state law.

('66 Code, § 3-1-1-4) (Ord. 1172, passed 10-3-66)

### **§ 153.05 APPLICATION.**

It is not intended by this chapter to interfere with, abrogate or amend any existing easements, covenants or other agreements between parties, relating to the use of buildings or premises. Where this chapter imposes a greater restriction upon the use of buildings or premises than imposed or required by existing provisions of law or by regulations, agreements or covenants, the provisions of this chapter shall control, but where private covenants, agreements or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.  
(‘66 Code, § 3-1-1-5) (Ord. 1172, passed 10-3-66)

### **§ 153.06 COMPLIANCE.**

No structure shall be located, erected, constructed, reconstructed, moved, converted or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this chapter and after the lawful issuance of the permits required by this chapter.  
(‘66 Code, § 3-1-1-3) (Ord. 1172, passed 10-3-66) Penalty, see § 10.99

### **§ 153.07 AMENDMENTS.**

(A) The Council may introduce and consider amendments to this chapter and to the zone maps as proposed by Council, by the Plan Commission or by a petition by the owners of 50% or more of the area involved in, or defined by, the petition. (‘66 Code, § 3-1-6-1)

(B) Petitions for amendment shall be filed with the Clerk-Treasurer, and the petitioner at the time of filing shall pay the required filing fee in accordance with § 153.73. If the Plan Commission originates a petition, it shall not pay a filing fee. The petitioner shall assume the cost of any required public notice. (‘66 Code, § 3-1-6-2)

(C) Any proposed amendment not originating from the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by Council. The Plan Commission shall hold a public hearing, as prescribed by law and report its findings and recommendations in writing to the Council within the reasonable time after the public hearing as the Council may specify in the referring action. (‘66 Code, § 3-1-6-3)

(D) After receiving the Plan Commission's report, City Council may proceed to take action on the proposed amendment. In the event the report of the Plan Commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by an affirmative vote of at least 75% of the members of Council. Failure of Council to pass the proposed amendment ordinance by the affirmative vote within 90 days after its rejection by the Plan Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Plan Commission or Council until the expiration of one year after the date of its original rejection by the Plan Commission. (‘66 Code, § 3-1-6-4)  
(Ord. 1172, passed 10-3-66)

***DISTRICT REGULATIONS*****§ 153.20 ADOPTION OF COMPREHENSIVE PLAN.**

A map entitled "The Elwood Comprehensive Plan" is hereby adopted as part of this chapter with the map subject to modification by reason of annexation or other changes to the city boundaries subsequent to the original adoption of the map in 1975.

('66 Code, § 3-1-2-1) (Ord. 1172, passed 10-3-66)

**§ 153.21 ZONING DISTRICTS ESTABLISHED.**

The city and its unincorporated jurisdictional areas are divided into the districts stated in this section as shown by the district boundaries on the zone maps. The districts are:

- (A) C-1, Conservation;
- (B) A-1, Agriculture-Low Density Residential;
- (C) R-1, Medium Density Residential;
- (D) R-2, Medium-High Density Residential;
- (E) R-3, High Density Residential;
- (F) B-1, Limited Business;
- (G) B-2, Central Business District;
- (H) B-3, General Business;
- (I) I-1, Light Industrial; and
- (J) I-2, Heavy Industrial.

('66 Code, § 3-1-2-2) (Ord. 1172, passed 10-3-66)

**§ 153.22 DISTRICT BOUNDARIES.**

District boundaries shown within the lines of streets, streams and transportation rights-of-way shall be deemed to follow their centerline. The vacation of streets shall not effect the location of the district boundaries. When the Zoning Administration cannot definitely determine the location of a district

boundary by the centerline, by the scale or dimensions stated on the zone map or by the fact that it clearly coincides with a property line, he shall refuse action and the Board of Zoning Appeals upon appeal shall interpret the location of the district boundary with reference to the scale of the zone map and the purposes set forth in all relevant provisions of this chapter.

('66 Code, § 3-1-2-3) (Ord. 1172, passed 10-3-66)

#### **§ 153.23 C-1 CONSERVATION.**

The district designated for conservation, C-1, is limited to agricultural, recreational and certain other open land uses. Residential and related uses may be permitted if approved by the Board of Zoning Appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil condition, periodic flooding or other natural features.

('66 Code, § 3-1-2-4) (Ord. 1172, passed 10-3-66)

#### **§ 153.24 A-1 AGRICULTURE.**

The district designed for agriculture, low density residential use, A-1, is intended to preserve and protect agricultural land from desirable urban growth while permitting limited residential development on large size lots which provide adequate space for private water and sewerage facilities. Planned residential subdivisions with smaller size lots may be approved by the Board of Zoning Appeals if the development provides for common utilities systems and meets the requirements of § 153.50 of this chapter.

('66 Code, § 3-1-2-5) (Ord. 1172, passed 10-3-66)

#### **§ 153.25 RESIDENTIAL DISTRICTS.**

Districts designed for residential use, R-1, R-2 and R-3, are limited to dwellings and public and/or semi-public uses which are normally associated with residential neighborhoods. The purpose of these three districts is to create an attractive, stable and orderly residential environment. However, the families per dwelling and the lot and yard requirements are different in the three districts to provide for the various housing needs and desires of the citizens.

('66 Code, § 3-1-2-6) (Ord. 1172, passed 10-3-66)

#### **§ 153.26 BUSINESS DISTRICTS.**

The districts designed for business, B-1, B-2 and B-3, are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located.

('66 Code, § 3-1-2-7) (Ord. 1172, passed 10-3-66)

**§ 153.27 INDUSTRIAL DISTRICTS.**

The districts designated for industry, I-1 and I-2, provide suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications and yard regulations are set forth in this chapter in order to insure safe industrial development that is compatible with adjacent uses. The locations of the districts are near railroads or highways in order to meet the transportation needs of industry. The light industrial district, provides space for industries which do not cause conditions that would be objectionable to neighboring properties. I-2, the heavy industrial districts, provides space for certain intensive industrial operations which may have some objectionable characteristics. Greater separation is required between the industries in the I-2 district and the residential or business uses than is necessary in the I-1 district.  
(‘66 Code, § 3-1-2-8) (Ord. 1172, passed 10-3-66)

**§ 153.28 PERMITTED USES AND SPECIAL EXCEPTIONS.**

(A) The permitted uses for each district are shown below. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in § 153.02. Uses not specifically listed or defined to be included in the categories under this section shall not be permitted.

(B) The special exceptions for each district that may be permitted by the Board of Zoning Appeals are shown below. The Board of Zoning Appeals shall follow the provisions of § 153.71 and any other applicable sections when considering any application for a special exception.

(1) *C-1 Conservation District.*

(a) *Permitted uses.*

1. Agriculture;
2. Public parks;
3. Public playgrounds;
4. Game reserves;
5. Essential services; and
6. Accessory uses.

(b) *Special exceptions.*

1. Single-family dwellings;



2. Riding stables;
3. Churches;
4. Swimming pools;
5. Cemeteries;
6. Golf courses;
7. Water and sewage treatment plants; and
8. Commercial recreation.

(2) *A-1 Agriculture Low Density Residential District.*

(a) *Permitted uses.*

1. Agriculture;
2. Single-family dwellings;
3. Public schools;
4. Parochial schools;
5. Public parks;
6. Public playgrounds;
7. Churches;
8. Essential services; and
9. Accessory uses.

(b) *Special exceptions.*

1. Commercial recreation;
2. Nursery schools;
3. Hospitals and clinics;
4. Public utility buildings;

5. Swimming pools;
6. Fire stations;
7. Municipal buildings and libraries;
8. Planned unit residential projects;
9. Cemeteries;
10. Rest homes;
11. Mobile homes;
12. Mobile home parks;
13. Golf courses;
14. Parking lots;
15. Private clubs;
16. Home occupations;
17. Greenhouses; and
18. Water and sewage treatment plants.

(3) *R-1 Medium Density Residential District.*

(a) *Permitted uses.*

1. Single-family dwellings;
2. Public and parochial schools;
3. Public parks and playgrounds;
4. Churches;
5. Essential services; and
6. Accessory uses.

(b) *Special exceptions.*

1. Nursery schools;
2. Hospitals and clinics;
3. Public utility buildings;
4. Swimming pools;
5. Fire stations;
6. Municipal buildings and libraries;
7. Planned unit residential projects;
8. Private clubs;
9. Parking lots;
10. Home occupations;
11. Cemeteries;
12. Water and sewage treatment plants; and
13. Nursing homes.

(4) *R-2 Medium-High Density Residential District.*

(a) *Permitted uses.*

1. Single-family dwellings;
2. Two-family dwellings;
3. Public and parochial schools;
4. Churches;
5. Public parks and playgrounds;
6. Essential services; and

7. Accessory uses.

(b) *Special exceptions.*

1. Multiple-family dwellings;
2. Nursery schools;
3. Hospitals and clinics;
4. Public utility buildings;
5. Swimming pools;
6. Fire stations;
7. Planned unit residential projects;
8. Municipal buildings and libraries;
9. Nursing homes;
10. Private clubs;
11. Parking lots;
12. Home occupations;
13. Funeral homes;
14. Cemeteries;
15. Water and sewage treatment plants; and
16. Boarding house.

(5) *R-3 High Density Residential District.*

(a) *Permitted uses.*

1. Single-family dwellings;
2. Two-family dwellings;
3. Multiple-family dwellings;

4. Public and parochial schools;
5. Churches;
6. Public parks and playgrounds;
7. Parking lots;
8. Essential services; and
9. Accessory uses.

**(b) *Special exceptions.***

1. Nursery schools;
2. Hospitals and clinics;
3. Public utility buildings;
4. Water and sewage treatment plants;
5. Swimming pools;
6. Fire stations;
7. Planned unit residential projects;
8. Municipal buildings and libraries;
9. Private clubs;
10. Home occupations;
11. Funeral homes;
12. Mobile homes;
13. Mobile home parks;
14. Cemeteries; and
15. Nursing homes.

(6) *B-1 Limited Business District.*

(a) *Permitted uses.*

1. Retail business, no auto service;
2. Eating and drinking establishments, no drive-ins;
3. Offices and banks;
4. Personal and professional services;
5. Fire stations and municipal buildings;
6. Public parks and playgrounds;
7. Parking lots;
8. Essential services;
9. Accessory uses;
10. Churches;
11. Single-family dwellings;
12. Two-family dwellings;
13. Multiple-family dwellings; and
14. Funeral homes.

(b) *Special exceptions.*

1. Planned unit business projects;
2. Wholesale business;
3. Hotels and motels;
4. Commercial schools;
5. Commercial recreation;
6. Public utility buildings;

7. Printing shops;
8. Veterinary hospitals;
9. Schools, public and parochial;
10. Cleaning and laundry;
11. Private clubs; and
12. Hospitals and clinics.

**(7) B-2 Central Business District.**

**(a) Permitted uses.**

1. Retail business, no auto service;
2. Eating and drinking establishments, no drive-ins;
3. Offices and banks;
4. Personal and professional services;
5. Fire stations and municipal buildings;
6. Public parks and playgrounds;
7. Parking lots;
8. Hospitals and clinics;
9. Essential services; and
10. Accessory uses.

**(b) Special exceptions.**

1. Planned unit business projects;
2. Single-family dwellings;
3. Multiple-family dwellings;

4. Automobile sales, service and repair;
5. Hotels and motels;
6. Commercial recreation;
7. Public utility buildings;
8. Churches;
9. Schools, public and parochial;
10. Private clubs;
11. Drive-in restaurants;
12. Wholesale business;
13. Commercial schools;
14. Funeral homes;
15. Veterinary hospitals;
16. Printing shops;
17. Cleaning and laundry plants; and
18. Theaters.

(8) *B-3 General Business District.*

(a) *Permitted uses.*

1. Retail business;
2. Eating and drinking establishments;
3. Offices and banks;
4. Personal and professional services;
5. Fire stations and municipal buildings;
6. Public utility buildings;



7. Parking lots;
8. Public parks and playgrounds;
9. Accessory uses;
10. Essential services;
11. Automobile sales, service and repair;
12. Motels and hotels;
13. Cleaning and laundry plants;
14. Private clubs;
15. Drive-in restaurants; and
16. Veterinary hospitals.

(b) *Special exceptions.*

1. Theaters;
2. Supply yards;
3. Commercial recreation;
4. Planned unit business;
5. Dairies;
6. Single-family dwellings;
7. Multiple-family dwellings;
8. Wholesale businesses;
9. Printing shops;
10. Warehouses;
11. Commercial schools;
12. Churches;

13. Schools, public and parochial;
14. Hospitals and clinics;
15. Funeral homes;
16. Farm implement sales, service and repair;
17. Mobile home parks;
18. Public transportation terminals; and
19. Mobile home sales.

(9) *I-1 Light Industrial District.*

(a) *Permitted uses.*

1. Research and testing laboratories;
2. Offices;
3. Warehouses;
4. Parking lots;
5. Light manufacturing;
6. Essential services;
7. Accessory uses;
8. Wholesale businesses; and
9. Public utility buildings.

(b) *Special exceptions.*

1. Motels;
2. Planned unit industrial projects;
3. Restaurants;
4. Truck and railroad terminals;

5. Supply yards;
6. Agriculture;
7. Fire stations and municipal buildings;
8. Water and sewage treatment plants;
9. Airports; and
10. Retail businesses.

(10) *I-2 Heavy Industrial District.*

(a) *Permitted uses.*

1. Agriculture;
2. Research and testing laboratories;
3. Offices;
4. Warehouses;
5. Parking lots;
6. General manufacturing;
7. Essential services;
8. Accessory uses;
9. Wholesale businesses;
10. Grain elevators;
11. Supply yards;
12. Truck and railroad terminals; and
13. Public utility buildings.

(b) *Special exceptions.*

1. Planned unit industrial projects;

2. Restaurants;
3. Stockyards and slaughterhouses;
4. Fire stations and municipal buildings;
5. Water and sewage treatment plants;
6. Airports;
7. Mineral excavation;
8. Junkyards;
9. Bulk fuel storage;
10. Concrete mixing;
11. Manufacture and processing of explosive materials; and
12. Retail business.

('66 Code, §§ 3-1-2-9 and 3-1-2-10) (Ord. 1172, passed 10-3-66; Am. Ord. 2165-B, passed 3-4-13)

#### **§ 153.29 YARD AND LOT REQUIREMENTS.**

(A) The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard and minimum depth of rear yard for each district shall be as shown on the table on the following page.

<i>Minimum Requirements</i>						
<i>District</i>	<i>Lot Area</i>	<i>Lot Area Per Family</i>	<i>Lot Width</i>	<i>Front Yard Depth</i>	<i>Side Yard Width**</i>	<i>Rear Yard Depth*</i>
	Square feet	Square feet	Feet	Feet	Feet	Feet
C-1	80,000	80,000	200	40	20	20
A-1	20,000	20,000	100	35	15	20
R-1	9,500**	9,500	75	35	10	20
R-2	7,200**	3,600	60	30	8	10
R-3	6,000**	2,000	50	20	8	10
B-1	7,200**	3,500	60	30	8	10
B-2	3,000**	3,500	30	0	0	10
B-3	10,000**	3,500	100	30	10	10
I-1	20,000	N/A	100	30	20	20
I-2	80,000	N/A	200	40	20	20
<b><u>Notes to table</u></b>  * - Principal structures  ** - The minimum lot area shall be 20,000 square feet if the lot is not served by a community sanitary sewer system approved by the State Board of Health.  N/A - Not applicable						

(B) Lots which abut on more than one thoroughfare shall provide the required front yards along every thoroughfare, except alleys.

(C) No portion of a principal structure, whether open or enclosed including garages, porches, carports, balconies, roofs or platforms have normal grade level, shall project into any minimum front, side or rear yard. Accessory structures may not be located closer than five feet to the rear and side property lines.

(D) In any residential district where at least 25% of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.

('66 Code, § 3-1-2-11) (Ord. 1172, passed 10-3-66) Penalty, see § 10.99

**§ 153.30 HEIGHT REGULATIONS.**

No principal structure shall exceed 35 feet in height above the average ground level and no accessory structure shall exceed 16 feet in height above ground level unless approved by the Board of Zoning Appeals. In any district, the Board may authorize a variance to this height regulation if:

(A) All front and side yard depths are increased one foot for each additional foot of height; or

(B) The structure is any of the following and does not constitute a hazard to an established airport, television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, silos, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smoke-stacks, conveyors and flagpoles.

('66 Code, § 3-1-2-12) (Ord. 1172, passed 10-3-66) Penalty, see § 10.99

***GENERAL REGULATIONS*****§ 153.45 NONCONFORMING USES.**

The following provisions shall apply to all nonconforming uses.

(A) A nonconforming use may be continued but may not be extended, expanded or changed unless to a conforming use, except as permitted by the Board of Zoning Appeals in accordance with the provisions of this chapter.

(B) Any nonconforming structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if reconstruction is performed within 12 months of the casualty and if the restored structure has no greater coverage and contains no greater cubic content than before the casualty.

(C) In the event that any nonconforming use, conducted in a structure or otherwise ceases for whatever reason, for a period of one year or is a domed for any period the nonconforming use shall not be resumed except with the approval of the Board of Zoning Appeals.

(D) In the event that the ownership of any of any nonconforming use changes, it shall terminate the use.

('66 Code, § 3-1-3-1) (Ord. 1172, passed 10-3-66; Am. Ord. 1376, passed 6-4-96)

**§ 153.46 ACCESSORY USES.**

Accessory uses and structures such as private garages, tool sheds, fences, retaining walls and landscaping are permitted in all districts in conjunction with a primary use or structure provided the

accessory use does not change the character of the district in which it is located. A private swimming pool may be permitted as an accessory use if it is surrounded by a wall or fence so as to prevent uncontrolled access by children.

('66 Code, § 3-1-3-2) (Ord. 1172, passed 10-3-66)

#### **§ 153.47 OFF-STREET PARKING.**

Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, **except the B-2 District**, whenever any new use is established or existing use is enlarged.

(A) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Zoning Appeals.

(B) Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

(C) Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" district.

<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
Residential	Two per dwelling unit
Church and school	One per six seats in principal assembly room
Hotels, motels and boarding houses	One for each living or sleeping unit
Private club or lodge	One per four members
College residence hall or fraternity	One per four occupants
Theater	One per four seats
Hospitals and rest homes on maximum working shift	One per three beds and one for each two employees
Professional offices, wholesale houses and medical clinics	One for every 250 square feet of floor space
Retail businesses, eating and drinking places and personal service establishments	One for every 100 square feet of floor space

**USE****PARKING SPACES REQUIRED**

Bowling alleys

Five for each alley

Recreational or assembly places; e.g. dance  
halls, night clubs, funeral homes

One for every 100 square feet of floor space

Industrial

One for each two employees on the maximum  
working shift

('66 Code, § 3-1-3-3) (Ord. 1172, passed 10-3-66) Penalty, see § 10.99