

CITY OF RISING SUN ZONING ORDINANCE

152 GENERAL PROVISIONS

The Zoning Ordinance of the City of Rising Sun, Indiana establishing comprehensive zoning regulations and districts within the jurisdiction of the Rising Sun Advisory Plan Commission of Rising Sun, Indiana, providing for the administration thereof under the authority granted by Indiana Code 36-7-4-600 as amended, and all acts amendatory thereto, by the General Assembly of the State of Indiana.

152.1 Purposes of the Zoning Ordinance

The purposes of this zoning ordinance are to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger. The additional purposes are to lessen and avoid congestion on public ways and promote the public health, safety, comfort, morals, convenience, and general welfare.

The intent of this ordinance is to promote the health, safety, convenience and welfare of the citizens by dividing the City into use districts and regulating therein the uses of the land and the location, construction and use of buildings for the purpose of encouraging the most appropriate use of land in the City of Rising Sun.

It is also the purpose of this ordinance to regulate whatever is injurious to health, indecent, offensive to the senses, or is an obstruction to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property.

152.2 Short Title

This ordinance shall be known and may be cited as "The City of Rising Sun Zoning Ordinance."

152.3 Violations and Penalties

A violation of this ordinance is an infraction, punishable by a fine in an amount set out in the current Building Fee Ordinance. Upon notification of a violation, the party in violation shall have ten [10] normal working days to correct the violation or provide sufficient documentation as to why the violation cannot be resolved within the 10-day period. Any person, firm, or corporation, or anyone acting on behalf thereof who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with city ordinances. Each day a violation is permitted to exist shall constitute a separate offense. The Plan Commission's attorney shall, immediately upon any violation having been called to his/her attention, institute an injunction, to restrain a person from violating this Ordinance and/or institute a mandatory injunction requiring that a structure erected in violation of this Ordinance be removed. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

A structure erected, raised, or converted, or land or premises used, in violation of this zoning ordinance, is a common nuisance and the owner or possessor of the land, like structure, or premises is liable for maintaining a common nuisance.

152.4 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of public health, morals, and safety and the general welfare. Whenever the requirements thereof are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

152.5 Validity

The invalidity of any section provision of this ordinance shall not invalidate any other section provision thereof.

152.6 Saving Provisions - Non Interference with Greater Provisions/Effect of Prior Ordinances IC 36-7-4-612

This ordinance shall not be construed to abate any action now pending, or by virtue of, prior existing zoning ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City of Rising Sun under any section or provision existing at the time of the effective date of this zoning ordinance, or vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City of Rising Sun, except as shall be expressly provided in this zoning ordinance.

152.7 Repealer

Upon adoption of this zoning ordinance, any zoning ordinance that may have been adopted or amended by the City of Rising Sun and any prior zoning maps that may have been adopted or amended are hereby repealed.

152.8 Amendments

To meet the purposes of this zoning ordinance the City of Rising Sun may from time to time amend the text and or the zone map[s] incorporated by reference into this zoning ordinance.

152.9 Geographic Area Covered by the Zoning Ordinance

The geographic area over which planning and zoning jurisdiction is exercised is the incorporated City of Rising Sun.

152.10 Annexed Territory

Annexed territory shall be designated the zone district classification most nearly resembling that of the county zone district. In no case shall the zoning classification of territory annexed be changed without notification to the owner of the annexed territory.

152.11 Interpretation of Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

152.11.1 Centerlines of Streets and Boundaries

Unless otherwise indicated, the district boundary lines are the centerlines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

152.11.2 Existing Lines

Boundaries indicated, as approximately following section lines, half-section and quarter-section lines, Municipal corporate limit lines, or platted lot lines shall be construed as following such lines.

152.11.3 Shore Lines and Waterways

Boundaries indicated on the zone map as following a shoreline of a water body shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerlines of streams, creeks, lakes, or other bodies of water shall be construed to follow such centerlines.

152.11.4 Vacations and Relocation

The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever proper authority vacates any right-of-way, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

152.11.5 Lines Splitting Lots

Where a district boundary line divides a lot that was in single ownership at the time of adoption of this update to the zoning ordinance, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty [50] feet beyond the district boundary line into the remaining portion of the lot.

152.11.6 Use of Scale on Zone Map

Boundaries indicated as parallel to or extensions of features indicated in subsections 152.11.1 through 152.11.5 shall be so construed. The scale of the Map shall determine distances not specifically indicated on the Zone Map.

152.11.7 Board May Determine

Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered herein, the Board of Zoning Appeals shall interpret the district boundaries.

152.12 Zone Map Incorporated by Reference

The Zone Map, which accompanies and is hereby declared to be a part of this zoning ordinance, shows the boundaries of the area covered by the districts.

Notations, references, indications, and other matters shown on the Zone Map are as much a part of this zoning ordinance as if they were fully described herein.

152.13 Establish Districts

To accomplish the purposes of this ordinance the territory within the jurisdiction of the Rising Sun Advisory Plan Commission is hereby classified and divided into twelve [12] districts with the following names and designations:

District Designation	District Type
R-1	Single Family Residence
R-2	General Residence
R-1C	Mobile Home Park
MSB-1	Main Street Business
B-1	General Business
B-2	Roadside Business
I-1	Light Industrial
RF	Riverfront
PR	Park & Recreation
FP	Flood Plain
PUD	Planned Unit Development
PU-GR	Planned Unit Gaming

152.14 Application of District Regulations

The regulations set forth in this amended zoning ordinance within each district shall be minimum regulations, and they shall apply uniformly to every kind of structure, use, or land, except as may be herein provided:

152.14.1 Regulations Apply

No building, structure, or lot shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with this zoning ordinance.

152.14.2 Lot Areas and Yards May Not be Encroached Upon

No building or structure shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per dwelling, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building or structure is located, or in any other manner contrary to the provisions of this zoning ordinance.

152.14.3 Yards Are Separate

No part of a yard, or other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this zoning ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

152.14.4 No Reduction in Yards

No yard or lot existing at the time of passage of the amended zoning ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this amended zoning ordinance shall meet at least the minimum requirements established by this amended zoning ordinance.

152.14.5 Front Lot Line

- A. For residential uses where twenty-five percent (25%) or more of the lots in the block frontage or occupied by buildings, the average setback of such buildings determines the dimensions of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case.
- B. In business and industrial districts where twenty-five percent (25%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the B-2 district.
- C. Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.
- D. On through lots, a front yard is required on each street.

152.14.6 Setback Conflict

In case of conflict with the front setback requirements of the zoning districts, special exceptions, contingent uses, or other applicable provisions of this zoning ordinance, the most restrictive requirements shall govern.

152.15 Designation of Districts that may be Subdivided and Exclusive Control of Plats IC 36-7-4-701

Property in any zone district may be subdivided in conformance with the City of Rising Sun Subdivision Control Ordinance.

152.16 Non-Conforming Use, Structure, Lot, or Agricultural Use

The lawful use of a building, structure, lot, or premise, existing at the time of the passage of this amended zoning ordinance, may be continued although such use does not conform to all the provisions of this zoning ordinance, subject to the following conditions:

152.16.1 Extension of Use Limited

A nonconforming use may be extended throughout a building provided the size of the structure is not increased.

152.16.2 Limitation of Change

A nonconforming use may be changed only to a use within the same or more restrictive zoning district classification, provided any nonconforming structure is not expanded.

152.16.3 Use Cannot be Changed to Non-Conforming Use

Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

152.16.4 Non-Conforming Lot

A lot lawfully existing at the effective date of the zoning ordinance that does not meet the minimum requirements of this amended zoning ordinance.

152.16.5 No Building Erected on a Lot Used for Non-Conforming Use

No building shall be erected upon any lot devoted to a nonconforming use, except in conformance with this zoning ordinance.

152.16.6 Temporary Nonconforming Use

The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one [1] year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district.

152.16.7 Discontinuance of Nonconforming Use

In the event that a nonconforming use of any building, lot, or premises is discontinued for a period of at least one [1] year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which is deficient in ground floor area, and which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this zoning ordinance.

152.16.8 Damage to Non-Conforming Building, Structure, or Use

Any nonconforming building or structure damaged more than sixty [60] percent of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed or used as before such happening. However, if less than sixty [60] percent damaged above the foundation, it may be restored, reconstructed or used as before, provided that it be done within six [6] months of such happening. However, if the building is a single-family dwelling and damaged more than sixty [60] percent of its then fair market value it may be rebuilt to at least the same ground floor area only once.

152.16.9 Vested Right In Previous Permits

Nothing herein contained shall require any change in the approved plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently pursued within ninety [90] days of the date of such Permit, and which entire building shall be completed according to such plans filed within eighteen [18] months of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

152.16.10 Unsafe Buildings

Nothing in this amended zoning ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by a governmental proper authority. A dwelling defined by this zoning ordinance as unfit for human habitation is also considered an unsafe building.

152.16.11 Non-Conforming Use or Building Resulting from Amendment of this Zoning Ordinance

Provisions of this zoning ordinance apply in the same manner to a use that may become a nonconforming use as a result of an amendment to this zoning ordinance.

152.16.12 Non-Conforming Use in Flood Plain District

Any building, structure, or use of land in the [FP] Flood Plain District that is not in conformance with the requirements of this amended zoning ordinance constitutes a nonconforming use. All applications to repair, extend, or enlarge a nonconforming use in the FP District shall be forwarded to the Indiana Department of Natural Resources for review and comment. All terms and

conditions imposed by the Indiana Department of Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit [or Building Permit] issued by the Building and Zoning Inspector.

152.16.13 Non-Conforming Lot Areas and Widths

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership, or a single parcel included in a subdivision of record on or before October 10, 1961, even though the lot does not meet minimum requirements specified for the district, provided that the lot size and lot width meet the minimum standards of the Ohio County Health Department.

152.17 Principal Buildings and Principal Uses

There shall be only one principal building or one principal use permitted on any lot.

152.18 Accessory Uses and Structures

152.18.1 Permitted Accessory Buildings and Structures

The following uses and structures of a like nature are allowed by right and without a permit in all districts subject to the provisions of any and all recorded restrictive covenants running with the land and in accordance with the provisions of this section.

- A. Bird baths and bird houses
- B. Mail box
- C. Curbs
- D. Driveways
- E. Fences

Fences and hedges provided that, in any residence district, ornamental fences and hedges shall not exceed three (3) feet in height in the required front yard, except that open type fences may be erected to four (4) feet in height provided that there is sufficient vision clearance at driveway, intersections, or corners, or as provided in this zoning ordinance

Fences used for agricultural purposes, or the public safety shall not be regulated by this zoning ordinance.

Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:

Fences shall be allowed in side and rear yards up to a height of six (6) feet.

No setback shall be required for fences in side and rear yards.

Fences shall be allowed to extend along side property lines provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3½) feet in height.

Fences shall not be permitted to block passage along existing sidewalks.

Front yard fences within the building setback line shall not exceed six (6) feet in height.

Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.

Fences in business (B-1 and B-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any green strip or buffer area.

Fencing intended for decorative purposes only may be allowed anywhere on a parcel, provided it does not exceed three and one-half (3½) feet in height.

Every outdoor swimming pool, which is more than eighteen (18) inches in depth, shall be surrounded by a fence not less than four (4) feet in height. Such fence shall be either of chain link type and style or of a type of style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when pool is not in actual use, or left unattended.

F. Screening and Minor Accessible Uses

Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.

Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

G. Intersection and Driveway Visibility

See definition in 152.19 "vision clearance"

H. Storage

No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this zoning ordinance. Recreational boats and trailers are to be considered as recreational vehicles for the purpose of storage.

Excluding recreational vehicles, permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one (1) week period.

Two recreational vehicles owned by the occupant of a lot. One recreational motor home may be placed on a lot for no more than seven days while visiting the occupants of the lot.

Storage or parking of recreational vehicles in the open subject to the following conditions:

- i. In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
- ii. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
- iii. Not more than two recreational vehicles will be permitted to be parked or stored in the open on residential property at any one time; provided, however, that one additional such vehicle be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year.
- iv. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in © above.
- v. Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period.

Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.

- I. Lamp posts
- J. Address of the property
- K. Name plates not exceeding two square feet
- L. Exempted signs and signs in conformance with section 152.02 of the Rising Sun Code of Ordinances
- M. Required parking spaces
- N. Satellite and antenna receiving systems, excluding antenna towers for cellular or wireless personal telecommunication are permitted as an accessory use
- O. Public utility installations for local service [such as poles, lines, hydrants, and telephone booths, excluding cellular or personal communication towers, antennas or facilities]
- P. Outdoor fire places
- Q. Dog house and similar domestic pet shelters not to exceed housing for more than four [4] animals
- R. Children's Play Equipment

- S. Required off-street motor vehicle parking and loading areas, as set forth in this zoning ordinance provided, however, for residential uses, not more than one such space shall be provided for a commercial vehicle of more than three [3] tons capacity [manufacturer's rating]. Such vehicle shall not be parked in such a manner to obstruct vision clearance at driveways, intersections or corners

152.18.2 Accessory Uses

Permitted accessory uses are those uses identified in each district description and those listed below.

- A. Garden plots or the growing of vegetation, provided it is not for sale, is allowed without a permit
- B. The keeping of domestic pets, provided it is not for more than four domestic pets and not construed as a kennel
- C. Residential occupancy by domestic employees employed on the premises
- D. Foster family care where children unrelated to the residents by blood or adoption is cared for, provided that no sign shall be displayed

152.18.3 Requirements of Accessory Building, Structures or Use

- A. An accessory use or structure shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot
- B. The accessory use or structure shall be operated and maintained under the same ownership and on the same lot as the principal use
- C. An accessory use or structure shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served
- D. The accessory use or structure shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this section
- E. All accessory uses and structures must meet the following requirements:
 - a. An accessory use shall be operated and maintained under the same ownership and use as the principal structure or use and shall be a permitted use in the zoning classification in which they are located
 - b. All residential accessory structures and uses in a rear or side yard, not attached to or part of the main structure or use, shall be located at least five [5] feet from any lot line, at least five [5] feet from any street or alley right-of-way, at least five [5] feet from the main structure
- F. Shall not be erected prior to the principal use or structure
- G. Shall not be located in a required front yard
- H. Drainage installations, retaining walls or similar structures are not accessory uses and shall be approved by the Plan Commission prior to issuance of an Improvement Location Permit. A site development plan shall be submitted for review of the Plan Commission in compliance with this zoning ordinance

152.18.4 Swimming Pools

- A. No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Building Inspector. An application for such permit shall be filed with the Building Inspector, on a form furnished by him, together with the plans and specifications for such pool. The Inspector shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this chapter. If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.
- B. The Building Inspector is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.
- C. For the purpose of this Subsection the phrase "FAMILY SWIMMING POOL" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.

No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:

The pool shall be permitted to be constructed only in the rear yard but not closer at any point than ten feet from the building itself;

The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line;

A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point. Every outdoor swimming pool, which is more than 18 inches in depth, shall be surrounded by a fence not less than four feet in height. Such fence shall be either a chain-link height and style or a type of style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked all is not in actual use, or when the pool is left unattended.

The surface area of the pool may not exceed 25% of the area of the rear yard.

- D. When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:

No part of the pool shall be located forward of the setback line of the owner's dwelling;

No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;

No pool shall be built across any property line regardless of the ownership thereof;

If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.

- E. It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.

- E. Lights to illuminate any pool shall be so arranged and shaded as to prevent light from being cast away from adjoining premises and streets. In no case may the lighting create discomfort glare, trespass onto adjoining properties or be a nuisance.

152.19 Definitions

Definitions and intention of certain words as used in this ordinance are as follows and apply to all definitions unless otherwise specified.

Words in the present tense include the future tense. The singular includes the plural.

1. The word "person" includes a corporation as well as an individual
2. The word "lot" includes the word "plot" or "parcel"
3. The term "shall" is always mandatory
4. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or designed to be used or occupied

For the purpose of this ordinance the following terms shall have the meaning indicated, unless otherwise specifically stated in this ordinance

ABUTTING PROPERTY OWNERS - Owner of record [based on the tax records of the Ohio County Auditor's office] of property adjoining at any point the subject property [property of the applicant for change in zoning, contingent use, special exception, variance or off-street parking requirement waiver]; of property directly across any public right-of-way, railroad, stream or creek, easement, alley, and the like from subject property; of property which adjoins at any point the adjoining property or the property directly across the public right-of-way, railroad, stream or creek, easement, alley, and the like, provided such abutting property is not more than five hundred [500] feet from the subject property.

ACCESS - A way of entering or exiting a property by way of public way, street or thoroughfare; however, in no case is entry or exit for business access through a

residentially zoned area permitted except for entry and exit to uses permitted in a residential zone.

ACCESSORY BUILDING OR STRUCTURE - A building or structure, including an exempted sign, that is subordinate to another building or structure, the use of which is incidental to that of the dominant use of the principal building, structure or land; which is located on the same lot as the principal building or structure; which does not change or alter the character of the premises; and which is not used for human occupancy.

ACCESSORY USE - A use which is clearly incidental to a principal use, which is located on the same lot with the principal use, which does not change or alter the character of the premises, and which is not used for human occupancy.

ADULT BUSINESS – An inclusive term used in this zoning ordinance to describe collectively: sex oriented businesses, adult motion picture theater, adult media store, adult cabaret, adult bath house, adult massage shop, adult modeling studio, and/or sex shop and similar uses.

AGRICULTURE - Land devoted to one or more of the following

1. Tillage of soil in production of crops common to the area
2. Production and/or maintenance of hay and pasture crops
3. Husbandry and production of livestock and poultry, other than confined feeding and their products, excluding dogs and other animals commonly kept as household pets
4. Growing of trees for the production of timber or timber products, erosion control and other similar agricultural purposes commonly found in the area

ALLEY - A public or private way which is other than a street, road, crosswalk, or easement; and which is not designed for general travel but is designed to provide only a secondary means of access to the side or rear of premises, where principal frontage is on some other street.

APARTMENT BUILDING - A building containing three [3] or more separate living units with private bath and kitchen facilities comprising an independent self-contained dwelling including units that are located one over the other.

APARTMENT COMPLEX - A group of inter-related apartment buildings with common parking and support facilities such as laundry and/or recreational facilities.

APPEALS BOARD - The Rising Sun Board of Zoning Appeals.

APPLICANT- The fee simple owner of land who makes application to the Rising Sun Plan Commission for action by said Plan Commission or by the Rising Sun Board of Zoning Appeals thereby affecting that land.

AUTOMATED TELLER MACHINE – An electronic hardware device owned or operated by or on behalf of a financial institution or retailer that is capable of dispensing currency and responding to balance inquiries through the use of a magnetic stripe card issued by or on behalf of the division for distribution of assistance through an Electronic Benefits Transfer [EBT] system.

AUTOMOBILE REPAIR [GARAGE REPAIR] - Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered including: [a] spray painting; [b] body, fender, clutch, transmission, differential, axle, and frame repairs; [c] major engine requiring removal there from of cylinder-head or crankcase pan; [d] repair of radiator requiring the removal of radiator there from; and [e] complete process of tire recapping [installation of

recaps allowable; however, recapping of tires is not permitted]. All repair work to be entirely done within the confines of the garage area and not on the drive or parking areas exposed to public view

AUTOMOBILE SERVICE STATIONS - A building where gasoline [stored only in underground tanks], kerosene, lubricating oil or grease for operation of automobiles, trucks, or boats, are offered for sale directly to the public on the premises, and including minor accessories and service, but not including such major repairs as, among others, any of the following: [a] spray painting; [b] body, fender, clutch, transmission, differential, axle, and frame repairs; [c] major overhauling of engine requiring removal there from of cylinder-head or crankcase pan; [d] repair of radiator requiring the removal of radiator there from; and [e] complete process of tire recapping [installation of recaps allowable; however, recapping of tires is not permitted]. All work to be entirely done within the confines of the garage area and not on the drive area exposed to public view.

AUTOMOBILE WRECKING YARD - Any place where two or more motor vehicles not in running condition or inoperable or not having a current license are stored or any parts there from are stored in the open and are not being restored to operate; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts there from and not being restored to operating condition; and including the commercial salvage of any other goods, articles or merchandise.

BASEMENT - Any story below the first story of a building in which the surface of the floor is more than four feet below the adjacent ground elevation at all points and shall not be included as a story for the purpose of height measurements.

BED AND BREAKFAST UNIT- A room or group of rooms forming a single habitable unit used or intended to be used for transient accommodations where the owner lives in the facility and which are rented on a nightly basis for periods of less than a week. Meals, when provided, are for guests only and are provided by the owner or manager. No room or group of rooms may be used by renters for cooking or eating. There shall be no more than five guestrooms providing overnight accommodations to transient guests for compensation.

BLOCK - A tract of land bounded by streets or by a combination of streets and routes [such as railroad right-of-way], waterways, public open spaces [cemetery or park], or other barrier, and not transversed by a through street.

BOARD - The Board of Zoning Appeals of the City of Rising Sun, Indiana.

BOARDING HOUSE – A building, not available for transients, in which meals are regularly provided for compensation for inhabitants, the owner occupant, and where only one kitchen shall exist, no room or group of rooms being used by tenants for cooking or eating. Also known as a lodging house.

BOARDING HOME FOR SPECIAL POPULATIONS AND CARE - A nonprofit or profit boarding home for the sheltered care of a maximum of six persons with special needs which in addition to providing shelter may provide food, social or counseling services. These may be for homeless sheltered care, assisted living, community residences for the developmentally disabled, and shelters for the victims of domestic violence.

BOARDING KENNEL- A place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets, and are at least four months old.

BUFFER - Any trees, shrubs, walls, fences, berms, or related features required under this Ordinance or the Subdivision Regulations to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.

BUILDABLE AREA -The portion of the lot remaining after required yard setback lines, or visibility requirements on corner lots, have been provided. Buildings may be placed in any part of the buildable area, but if there are limitations on the amount of the lot which may be covered by buildings, some open space may be required within the buildable area.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, or materials of any kind.

BUILDING AREA - The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING, ATTACHED - A one family dwelling attached to two or more one-family dwellings by one or more common vertical walls. Typical residential attached buildings include patio homes, duplexes, quadplex, townhouses, and row houses.

BUILDING COMMISSIONER – See INSPECTOR

BUILDING, DETACHED - See DETACHED BUILDING.

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

BUILDING HEIGHT - The vertical distance from the finished grade to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and ridge level for gable, hip, and gambrel roofs.

BUILDING LINE -The line defining the buildable area of a lot and being the point nearest the property line that a building or structure may be placed as a result of required yards or setback lines. Also known as the building setback line.

BUILDING PERMIT - Written permission issued by the Administrator for the construction, repair, alteration, or addition to a structure.

BUSINESS - An enterprise that occupies time, attention, and materials or wherein merchandise may be exhibited, purchased, bartered, exchanged, or sold.

BUSINESS PARK - A special or exclusive type of planned business area designed and equipped for a community of businesses.

CAMP, PUBLIC - Any area or tract of land used or designed to accommodate two or more automobile recreational vehicles, either towed vehicles or motorized, house trailers, mobile homes, or two or more camping parties, including cabins, tents, or other camping outfits.

CAR WASH - An enterprise located within a building, or portion thereof, where automobiles are washed, blower or steam-cleaned by production line methods or other mechanical devices.

CELLULAR TOWER/CELL TOWER - See PERSONAL WIRELESS SERVICE.

CELLAR - See BASEMENT.

CEMETERY - Property used for the interring of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY - A written document issued stating that the required constructions, inspections, tests, or notices have been performed and comply with applicable requirements of the building code and zoning ordinance.

CHILDCARE - An establishment providing for the care, supervision, and protection of children. Kinds of childcare are:

UNLICENSED EXEMPT CHILD CARE - is where care is provided for 5 or fewer unrelated children in a residence that may or may not be licensed, but is not inspected by any governmental agency unless licensed. Unlicensed exempt homes that serve children on voucher programs are subject to local health and safety requirements.

LICENSED CHILD CARE HOME - provider cares for at least 6 children [not including the children for whom the provider is a parent, stepparent, foster parent, guardian, custodian, or other relative], in a residential structure for more than 4 hours but less than 24 hours and health and safety review is required once each year by the county office of Family and Children, of the State of Indiana office of Family Social Services Administration [FSSA] and is licensed by FSSA.

Class I Licensed Child Care Home – provider cares for at least 6 children but not more than any combination of 12 full-time and part-time children at any one time plus 3 children during the school year only who are enrolled in at least grade 1.

Class II Licensed Child Care Home – provider cares for more than 12 children but not more than any combination of 16 full-time and part-time children at any one time.

LICENSED CHILD CARE CENTER is licensed by FSSA and is a private business or religious organization providing care for child for more than 4 hours but less than 24 hours per day in a non-residential building. The FSSA inspects for compliance with staff ratio, capacity, safety, staff qualifications, and program requirements; for compliance with health, building safety, nutrition, food, and sanitation requirements; and is inspected by the State Fire Marshall for compliance with applicable fire regulations.

REGISTERED CHILD CARE MINISTRY – Childcare operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code and cares for children for fewer than 24 hours a day. The facility is inspected by FSSA for compliance with minimal sanitation requirements and by the State Fire Marshall for compliance with applicable fire regulations for the primary use of the building.

CHURCH – Church owned for a non-profit purpose by a recognized and legally established sect solely for the purpose of worship. Includes temple, synagogue, church, mosque, cathedral.

CITY-The City of Rising Sun, Indiana.

CLINIC OR MEDICAL HEALTH CENTER - An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, chiropractors, or other licensed medical practitioners, medical personnel, psychologists or social workers.

CLUB OR LODGE, PRIVATE - A non-profit association of persons who are organized for a common purpose to pursue social, cultural, educational or religious goals and interests. Bona fide members pay annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The operation and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. It shall be permissible to serve food and meals on such premises providing facilities approved by the appropriate governmental agency are procured prior to food functions. The sale of alcoholic beverages to members and their guests shall be allowed

provided it is secondary and incidental to the promotion of some other common law, and local laws.

COMMERCIAL CLUBS - An association of people who are organized for a common purpose to pursue social, cultural, educational or religious goals and interests. Bona fide members pay annual dues, which owns, hires, or leases a building, or portion thereof, the use of such restricted to members and their guests. The operation and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. It shall be permissible to serve food and meals on such premises providing facilities approved by the appropriate governmental agency are procured prior to food functions. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the club or lodge, and further that sale of alcoholic beverages is in compliance with all applicable State, Federal, and Local-laws.

COMMERCIAL - See BUSINESS.

COMMISSION - The Advisory Plan Commission of the City of Rising Sun.

COMPREHENSIVE PLAN - The complete plan, or any of its parts, for the development of the City of Rising Sun, prepared by the Rising Sun Plan Commission and adopted in accordance with applicable statutes, as amended, as is now or may hereafter be in effect.

CONDOMINIUM - A form of tenure for real estate authorized by the 1963 Horizontal Property Act, Chapter 349 of the Acts of the State of Indiana, and amendments thereto.

CONTINGENT USE - The authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meets the specified requirements, and upon application and after a public hearing, is specifically authorized by the Board of Zoning Appeals.

CORNER LOT - A lot at the junction of and abutting two or more intersecting public ways having a designated space [known as the sight triangle, or vision clearances] in which nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersecting public ways.

COUNTY - Ohio County, Indiana.

CULTURAL FACILITIES - Those facilities, either public or semipublic [i.e., nonprofit], which may serve to enhance the appreciation of community residents of their cultural heritage. Such uses may include, but are not restricted to, museums, art galleries, and arboretums.

DAY CARE CENTER - See CHILDCARE.

DAY CARE HOMES - See CHILDCARE.

DETACHED BUILDING - A building having no structural connection with another building on the same-zoned lot or any other lot. A detached building may be an accessory building to the principal building and, as such, shall conform to the definition on accessory building.

DISTRICT - A section of the City for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DRIVE-IN ESTABLISHMENTS - An establishment which is designed to provide service, either wholly or in major part, to customers, while in their automotive vehicles, upon the zoned premises, excluding drive-in theaters.

DUPLEX - A building containing two single family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.

DWELLING - A building substantially affixed to the land or portion thereof, used primarily as a place of abode for one or more human beings and meeting the definition of building, but among other things not including hotels, motels, lodging or boarding homes, tents, buses, vans, tourist or "bed and breakfast" homes, or recreational vehicles.

DWELLING, SINGLE-FAMILY - A detached building designed for or occupied by one family exclusively.

DWELLING, TWO FAMILY- A detached building designed for or occupied by two [2] families.

DWELLING, MULTI-FAMILY - A building designed for or occupied by three or more families, exclusively for dwelling purposes.

DWELLING, PATIO HOME - A one family dwelling on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar houses on adjacent lots and still meet this definition, in which case they are known as zero lot line homes.

MANUFACTURED HOME –A manufactured home is a structure, constructed after January 1, 1981 and exceeds 950 square feet of occupied space. A manufactured home is a dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal manufactured housing construction and safety standards wall of 1974 as may be amended.

A manufactured home shall meet all requirements applicable to single-family homes and shall be subject to all zoning, building and occupancy permits of the City of Rising Sun. The manufactured home shall be permanently attached to a solid foundation extending down below the frost line, a minimum of 30 inches, or permanently attached on basement walls. The space between the floor joists of a manufactured home and the excavated area under floor grade shall be completely enclosed with a permanent perimeter foundation or basement wall, except for required openings.

A manufactured home shall be covered with an exterior material of one of the following types: horizontal aluminum or vinyl laps siding, cedar or wood siding, stucco, brick or stone, and other materials as may be approved by the Plan Commission.

A manufactured home shall have a roof composed of materials customarily used on site built residential dwellings, such as single shingles or tile, which shall be installed on to a surface appropriately pitched for the material used. Manufactured homes shall meet the terms of this zoning ordinance and shall be permitted only after receiving a conditional use permitted by the Board of Zoning Appeals or when the home is to be located in an existing or approved mobile home park.

MOBILE HOME a mobile home is a vehicle, including the equipment sold as part of a vehicle, that meets the following conditions: is constructed for use as a conveyance upon public streets or highways by either self propelled or not self-propelled means, is designed, constructed, or reconstructed, or added to by means of an enclosed building or room, to permit the occupancy as a permanent dwelling unit for at least one person, does not have a foundation other than wheels, jacks, skirting, or other temporary supports.

A travel trailer or recreational vehicle shall not be construed as a mobile home. Truck bodies, bus bodies, railroad cars, shacks, and improvised shelters which may be moved by truck, tractor, automobile, or horses or can be carried, transported, or towed from one place to another without the use of regular house moving equipment, unless such living quarters shall include the requirements previously noted in this definition, shall not be construed as a mobile home.

A person who permits a mobile home to be placed on any land, which he owns, processes, or controls shall report that fact to the Township Assessor of the township in which the land is located within ten days after the mobile home is placed on the land. A mobile home may not be moved from one location to another unless the owner or the occupant obtains a permit to move the mobile home from the Ohio County Treasurer.

DWELLING UNIT - A dwelling unit consists of one or more rooms that are arranged, designed, and used as the cooking, living and sleeping quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall always be included in a dwelling unit.

EASEMENT - An authorization grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose and officially recorded.

FAMILY - Two [2] or more persons related by blood, marriage, or legal adoption and/or a group of not more than five [5] persons [excluding servants] who need not be related by blood or marriage living together in a dwelling unit.

FARM - An area used for bona fide agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

FENCE - Any construction of wood, metal, masonry, or other material erected for the purpose of enclosing, assuring privacy or protection. In no case shall the fence or their materials resemble junk [as described in this section] or are assembled from junk.

FLOOD HAZARD AREA - Those flood plains which have not been adequately protected from flooding caused by the Regulatory Flood, and are shown on the zoning map and/or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps from the Indiana Natural Resources Commission.

FLOOD PLAIN - The area adjoining the river or stream, which has been or may hereafter be covered by floodwater from the Regulatory Flood.

FLOOR AREA - For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include the basement area, elevator shafts, stairwells at each floor, penthouse, attic space having headroom of seven feet four inches or more, interior balconies, interior accessory uses [such as but not limited to closets], and floor space used for mechanical equipment, open or enclosed space, and located on the roof. Any space devoted to off-street parking or loading shall not be included in floor area.

The floor area of structures devoted to bulk storage or materials shall be determined on the basis of height in feet [i.e. ten feet in height shall equal one floor]. Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths, for any use, shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within working or selling space such as counters, racks, or closets, and any

basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking shall not include: floor area devoted primarily to storage purposes [except as otherwise noted]; floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing, processing of goods, or to business or professional offices.

GARAGE, PRIVATE - An accessory building, including a carport, with capacity for not more than three motor vehicles per family, which may be the family's boat or trailer for transportation of the boat, no more than one vehicle of which may be a commercial vehicle of not more than one and one half [1½] ton capacity. A garage designed to house two motor vehicles for each family housed in an apartment shall be classified as a private garage.

GARAGE, PUBLIC - Any building, or premises, 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.

GENERAL BUSINESS - Businesses serving the county or region as well as the City.

GREENHOUSE, COMMERCIAL - A greenhouse having over two hundred [200] square feet of ground floor. Any greenhouse having less than this square footage does not fall under this ordinance.

GROUND FLOOR 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, detached garages, and exterior stairways.

GROUP HOME - A dwelling or boarding house used as living quarters established as a home for housekeeping by a group of people having a reduced ability to cope with and function in the everyday world.

HARDSHIP - A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

HEAVY INDUSTRIAL USE - See MANUFACTURING.

HEIGHT - With respect to a building, the vertical distance from the lot ground levels to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

HOME OCCUPATION - Any use conducted entirely within a dwelling and participated in solely by members of the family occupying the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof and in connection with which there is no commodity sold upon the premises, which use shall have advertising or any other display which will indicate from the exterior that the building is being used for any purpose other than that of a dwelling, which use shall occupy no more than ten percent of the floor area, basement area and attached

garage area combined, and which use shall involve no mechanical equipment except that permissible for purely domestic purposes.

HOSPITAL- is a building or institution for the reception of the sick or injured in which they are given medical or surgical care.

HOTEL OR MOTEL - A building or group of buildings on the same parcel in which lodging is provided and offered on a more-or-less temporary basis. The building shall contain sleeping rooms usually occupied singly to the public for compensation and which is open to transient guests, as in contradistinction to a boarding house. No provisions shall be made for cooking within any individual room; however, maid service, the furnishing and laundering of linens, bellboy, desk service, and the upkeep of the furnishings are provided.

EXTENDED STAY HOTEL/MOTEL is hotel or motel where accommodations include living/bedroom area or separate living room and bedroom areas, fully equipped kitchen and laundry facilities and offering at least weekly housekeeping services and rented or leased for a period of at least five consecutive days.

IMPROVEMENT LOCATION PERMIT - A permit provided by City ordinance stating that the proposed development, either the development or alteration, building construction of any sort, either alteration or enlargement are within the provisions of the comprehensive plan.

INDUSTRIAL PARK - A special or exclusive type of planned industrial area designed and equipped for a community of industries.

INSPECTOR - The officer appointed by means /or delegated the responsibility for the administration of these regulations by the Plan Commission.

INTERESTED PARTIES -Those parties who are owners of properties adjoining or adjacent to the property for which a zoning map change, contingent use or special exception is being sought.

INTERIOR LOT- A lot other than a CORNER LOT or THROUGH LOT.

JUNK - means waste or old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junk, dismantled, or wrecked automobile, boat, motorcycles, truck, mobile home for their parts, or other vehicles that are unlicensed and inoperable, steel, or other old scrap ferrous or nonferrous material discarded or salvaged materials that are used, bought, sold, baled, packed, disassembled or handled, including automobile parts and inoperable or currently unlicensed vehicles, used furniture, household equipment, used or salvaged materials from manufacturing equipment, operations, or motor vehicles, and such other materials as may from time to time be designated by the Rising Sun Plan Commission.

JUNK YARD – An establishment or place of business that is either indoors or outdoors that maintains, operates, stores, keeps, buys, maintains, or sells junk, as defined above, for the maintenance or operation of an automobile graveyard. The term includes garbage dumps and sanitary landfills. This term does not include a scrap metal or processing center.

KENNEL[s]- See BOARDING KENNEL.

LAND AREA - The total area within the lot or project boundaries.

LEGISLATIVE BODY - The City Council of Rising Sun, Indiana.

LIGHT INDUSTRIAL USER - Manufacturing, processing, attraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within

enclosed buildings and for which all loading and unloading facilities are enclosed by a fence, wall, buffer, berm, or other visual barrier.

LOADING AND 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 at least twelve [12] feet in width by fifty [50] feet in length per loading space with a height clearance of fourteen [14] feet.

LOCAL BUSINESS - Businesses serving the community on a neighborhood scale and not generating traffic from outside the adjacent residential area.

LOT - A parcel, tract, or area of land accessible by means of a public way or place and of sufficient size to meet minimum zoning requirements.

LOT COVERAGE - The percentage of the lot area that is represented by the building area.

LOT DEPTH - The horizontal distance from the midpoint of the front line to the midpoint of the rear lot line.

LOT GROUND LEVEL - The ground level of a lot shall be as follows:

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

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.

LOT LINES:

FRONT LOT LINE - In the case of an INTERIOR LOT, a line separating the lot from the street or place; and in the case of a CORNER LOT a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the FRONT LOT LINE.

REAR LOT LINE - A lot line which is opposite and most distant from the FRONT LOT LINE and, in the case of an irregular or triangularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the FRONT LOT LINE.

SIDE LOT LINE - Any lot boundary line not a FRONT LOT LINE or a REAR LOT LINES.

LOT OF RECORD - A lot which is part of a recorded subdivision, planned unit development and recorded in the Ohio County Recorders Office, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH - The horizontal distance between side lot lines of a lot measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard [building line], especially on irregular shaped lots.

MANUFACTURING or HEAVY INDUSTRIAL USE - Enterprises engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This term covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process.

MINERAL EXTRACTION - [1] Mining or quarrying, or [2] removal of earth materials.

MOBILE HOME PARK - An area of land on which two [2] or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

A mobile home park shall be in the personal charge of an adult attendant or caretaker designated by the owner or operator of a mobile home park at times when mobile homes in the mobile home park are occupied by tenants. The caretaker present at the time of a violation of this ordinance is equally responsible with the owner or operator of a mobile home park or any violation of this zoning ordinance.

NON-CONFORMING LOT - A single lot of record prior to the effective date of this Ordinance that fails to meet the area or dimensional requirements for lots within the zoning district in which it lies.

NON-CONFORMING STRUCTURE - Existing improvements which do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs and other regulations for the district in which they are situated.

NON-CONFORMING USE- Any building or land lawfully occupied by a use at the time of the passage of this Ordinance or amendment thereto which does not conform after the adoption of this Ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements that do not meet required lot size, setback lines, height, intensity, off street parking and loading, signs, and other regulations for the district in which they are situated, are not non-conforming uses as defined herein.

NUISANCE - A structure erected, raised, or converted, or land or premises used, in violation of this zoning ordinance is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining such common nuisance.

Except as conforming to this definition, additionally a nuisance is whatever is injurious to health, indecent, offensive to the senses or an obstruction to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property.

Agricultural, industrial or public use airport operation or any of its appurtenances does not become a nuisance, private or public, by any changed conditions in the vicinity of its location after the agricultural or industrial operation, as may be the case, has been in operation continuously at that site for more than one year if: there is no significant change in the hours of operation, there's no significant change in the type of operation, and the operation would not have been a nuisance at the time the agricultural or industrial operation began on that locality.

OCCUPIED SPACE - Means the total area of earth horizontally covered by a structure, excluding accessory structures such as, but not limited to, garages, patios, and porches.

OPEN SPACE - Outdoor area of a lot or tract, which is designed and used for outdoor living, recreation, or pedestrian access. Such areas may be ground or roof space 75% open to the sky, balconies a minimum of five [5] feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space.

OPEN USE - The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

PARKING AREA, PUBLIC - Any open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles, when available for public use, whether free or for compensation, 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 each parking space being not less than nine [9] feet wide and eighteen [18] feet long, exclusive of passageways.

PERMANENT FOUNDATION - means a structural system that meets the following conditions: transfers loads imposed by a mobile home to the earth, has a lower surface placed below the frost line, is attached to the mobile home in such a way to secure the mobile home to the foundation that the mobile home becomes part of the real property, and is assessed for taxation as the improvement to the real property

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

PERSONAL WIRELESS SERVICE - Commercial mobile services, unlicensed wireless services, and common carrier exchange access services including facilities other than direct to home satellite services.

PLACE - Any open, unoccupied space other than a street, or alley, or public way that is permanently reserved for use as the principle means of access to abutting property.

PLAN COMMISSION - Refers to the City of Rising Sun Advisory Plan Commission as established by the 200 series—Commission Establishment and Membership. [IC 36-7-200, as added by Acts 1981, P.L. 309, Section 23].

PLANNED UNIT DEVELOPMENT - A zoning district that specifies uses or a range of uses with development requirements, limitations and specifications for that area of land that is under the unified control, planned and designed as a combination of uses or single use planned for a tract of land to be developed as an integrated unit.

PLAT - A map indicating the subdivision or re-subdivision of land filed or intended to be filed for record with the Ohio County Recorder.

PRINCIPAL BUILDING - A building in which is conducted the main or principal use of the lot on which the building is affixed. Where an accessory building is attached to the main building in a substantial manner, as with a wall or roof, such accessory building shall be considered part of the main building and shall be counted as a part of the principal building.

PRIVATE SCHOOL - Any school not considered a public school.

PROFESSIONAL OFFICE - Office of a member or members of recognized professions, such as an architect, accountant, attorney, artist, dentist, engineer, musician, physician, surgeon, or other professional person.

PUBLIC IMPROVEMENT - Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. [All such improvements shall be properly bonded.]

PUBLIC PLACE - Includes any tract owned by a federal, state or local political subdivision.

PUBLIC WAY - Includes any highway, street, avenue, boulevard, road, lane, or alley.

REFUSE DISPOSAL FACILITY - A refuse disposal facility is deemed to include sanitary landfill incineration, grinding or any other process oriented to disintegration or recycling of solid waste material, provided, however, that salvaging of scrap or junk shall not be permitted in any refuse disposal facility.

REGULATORY FLOOD - That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred [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 one percent [1%] in any given year.

RESIDENTIAL BUILDING - Any structure which shall be: [a] permanently and securely affixed to the land; [b] has one or more floors [stories] and a roof, the roof being supported by columns or walls, for the shelter, support, enclosure, or protection of persons, chattels, or property; [c] is bounded by either open space or the lot lines of a tract; and [d] when separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure. A residential building shall not include, among others: tents, tanks of any type, lunch wagons, buses, vans, dining cars, trailers manufactured for recreation, or other roofed structures on wheels, or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A building shall not include such structures as billboards, fences, television towers, or radio towers, or structures with interiors not normally accessible for human use.

RESIDENCE or RESIDENTIAL - A home abode, or place where an individual is actually living at a specific time applies to a lot, a structure, a building, or a portion of a structure, which is used for any of the uses permitted in the residential districts.

REST HOME, NURSING HOME, CONVALESCENT HOME - A health care facility where persons are housed and furnished with meals and continuing care for compensation.

ROOMING HOUSE - See BOARDING HOUSE.

SETBACK - The minimum distance between the property line and the building or structure, excluding projections specifically permitted.

SHALL - This term is mandatory.

SHOPPING CENTER - A group of commercial establishments planned, developed and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of commercial establishments to the trade area, which the shopping center serves.

SIGN - Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities.

SIGN, OUTDOOR ADVERTISING - A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located. Also known as a billboard or off-premises sign.

SIGN, PORTABLE - A freestanding on-premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie-down straps or stakes.

SPECIAL EXCEPTIONS - The authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meets special conditions, and upon application and after a public hearing is specifically authorized by the Advisory Board of Zoning Appeals.

STREET - A public way established or dedicated by duly recorded plat, deed, grant, and governmental authority or by operation of law.

STRUCTURE - Anything constructed or erected of a combination of materials to form a structure for use, occupancy, or ornamentation whether installed on, above, or below. Not all structures are buildings; among others a structure includes buildings, signs, parking lots, etc.

STRUCTURAL ALTERATION - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

SUBDIVISION - Means the division of a parcel of land into lots, parcels, in the manner prescribed by subdivision control ordinance adopted by the legislative body of Rising Sun.

TELECOMMUNICATION FACILITY – Any portion of all of a telecommunication facility including but not limited to a tower, transmitter, cellular antenna tower or alternative cellular antenna tower structure, transmitter, cabinet, equipment, or all other associated components including but not limited to equipment, structures, buildings, transmitters antenna or accessory use or structure associated with telecommunication facility for cellular telecommunications services, broadband, PCS system, specialized mobile radio or wireless personal communication services.

TEMPORARY SUPPORTS OR TEMPORARY FOUNDATION means a structural system that meets the following conditions: transfers loads imposed by a mobile home to the earth and has a lower surface placed above the frost line

THOROUGHFARE - Means a public way or public place including the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

THROUGH LOTS - A lot having frontage on two parallel or approximately parallel streets.

TOURIST HOME - Refer to BED AND BREAKFAST.

TRADE, VOCATIONAL OR BUSINESS SCHOOL - Vocational or business school or college when not publicly owned or not owned or under the sponsorship of a religious, charitable, or nonprofit organization; or a school conducted as a commercial enterprise for teaching trade or business technology, including, but not limited to: instrumental music, dancing, barbering or hairdressing, drafting, or for teaching industrial or technical arts, including but not limited to automotive, heating, air-conditioning, and computer technology.

UNDERFLOOR SPACES - Spaces between the bottom of the floor joints and the earth.

UNFIT DWELLING - means a dwelling unfit for human habitation when the dwelling is dangerous or detrimental to life or health because any one of the following: want or needed repair, defects in the drainage, plumbing, lighting, ventilation, or construction, infected with contagious disease, the existence on the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling. An unfit dwelling is considered a nuisance.

USE - Purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

OPEN USE - The use of a lot without a building or including a building if it is incidental to the open use.

VARIANCE - A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards [such as height, bulk, yards] that the Ordinance otherwise prescribes. Changes in area requirements [e.g., minimum lot area, minimum floor area, dwelling unit densities, maximum lot coverage, requirements for off-street parking and off-street loading spaces in number and area,

maximum sign numbers and area] that otherwise would not be permitted by this Ordinance except by zoning map amendment.

VISION CLEARANCE ON CORNER LOTS AND DRIVEWAYS- A triangular-space at the corner of any public way or public or private corner lot shall be free from any kind of obstruction to vision between the heights of 3 and 6 feet above the normal grade, determined by a diagonal line connecting two points measured 25 feet from the corner along each property line.

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

FRONT YARD - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.

REAR YARD - A yard extending across the full width of the lot between the rear of the main building and the rear lot line [refer to appropriate zone district requirements].

SIDE YARD - A yard between the main building and the side lot line, extending from the front yard or 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 degrees with the side lot line, from the nearest part of the main building.

STREET SIDE YARD - A "side yard" facing a street.

TRANSITIONAL YARD - A yard in effect when a non-residential zone district abuts or is adjacent to a residential zone district.

ZONE MAP- The Zoning District map of the City of Rising Sun.

ZONING ORDINANCE – The zoning ordinance of the City of Rising Sun adopted under I.C. 36-7-4, Series 600 and includes all zoning maps incorporated by reference into the ordinance.

153 DISTRICT REGULATIONS

The purpose of this chapter is to establish standards for how real property is developed, maintained, and used in a zoning district. Including the following:

153.1 Single Family Residence District R-1

153.1.1 Purpose and Intent of the R-1 District

The purpose of this district is to permit medium to low-density single-family residential development and limited public uses by contingent use or special exception.

153.1.2 Uses Permitted by Right in an R-1 District

- A. Detached one-family dwelling, condominium or patio home with zero lot line
- B. Manufactured home
- C. Architect, doctor, attorney at law, certified public accountant, dentist, artist, engineer, or similar professional permitted only as a home occupation
- D. Dressmaking or millinery shop, permitted only as a home occupation
- E. Tax preparation and bookkeeping, permitted only as a home occupation
- F. Convent, parsonage or parish house
- G. Registered Child Care Ministry
- H. Unlicensed Exempt Child Care Home
- I. Park or playground less than 1 ½ acre
- J. Agricultural uses excluding spraying
- K. Private individual home owner swimming pool
- L. Temporary seasonal displays

153.1.3 Uses Permitted in an R-1 District Only if Approved as a Contingent Uses by the Board of Zoning Appeals

- A. Church or Temple
- B. Apartment in single family dwelling or business
- C. Municipal buildings, administrative and offices
- D. Rooming house
- E. Dance academy
- F. Vocational or industrial training facilities, data processing or analysis

153.1.4 Uses Permitted in an R-1 District Only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Vehicle repair, including auto, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:

Repair is conducted wholly within an enclosed building

Not more than one-third of the lot or parcel is used for outdoor display or storage

- a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- B. Licensed child care home class I or II
- C. Civic and community building
- D. Convenience goods and services related to marine or river uses
- E. Greenhouse, not exceeding 1,000 square feet
- F. Home occupation
- G. Hospitals, sanitariums, clinic or hospice facility
- H. Nursing, convalescence or assisted living homes
- I. Philanthropic use with required parking area
- J. Public library
- K. Linear or greenway park
- L. Public, private or parochial school or academy and playground area with required parking area and if approved by the Indiana State Department of Education
- M. Studios, art, interior decorating, music, etc.
- N. Swimming pool provided:
 - a. Homeowners association or club operated and maintained swimming pool provided the pool is solely intended and used for the enjoyment of the members, family of members, and guests of members of the club a specific residential community having a homeowners association
 - b. The swimming pool and all of the area used by the swimmer shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six [6] feet in height and maintained in good condition

153.1.5 Accessory Uses

- A. Uses and buildings in section 152.18 of the zoning ordinance
- B. Club house, community center, and similar common assembly or sacred facilities where the facility is an integral part of a residential development and membership is limited to residents of the development
- C. Accessory units to include one apartment within a single family dwelling or accessory structure only if the unit is used for family or employee[s] of a principally permitted use and under common ownership

153.1.6 Uses Prohibited In R-1 Districts

- A. B-2 use, excluding B-1 permitted uses
- B. Industrial I-1 uses
- C. Telecommunication facilities including cellular antenna tower for wireless communication
- D. Child Care Center
- E. Mobile home on temporary supports
- F. Mobile home park
- G. No motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCVW) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.

153.1.7 Temporary Uses

Temporary buildings incidental to construction.

153.1.8 R-1 District Standards

Dimension	Measurement
<i>Single Family or Manufactured Dwelling</i>	
Minimum lot area	12,000 square feet
Minimum lot area per dwelling	12,000 square feet
Minimum ground floor area	950 square feet
Minimum lot width	60 feet
Maximum lot coverage	25%
Minimum depth of front yard	25 feet
Minimum depth of rear yard	25 feet
Minimum width of each side yard	10 Feet
Aggregate side yards as a percent of total lot width	25%
Maximum height in feet and stories	35 feet or 2 ½ stores
Maximum density	3.5 dwelling units/acre
<i>Uses Other than Residential</i>	
Minimum lot area	20,000 square feet
Minimum lot area per structure	12,000 square feet
Minimum ground floor area	950 square feet
Minimum lot width	100 feet
Minimum depth of front yard	25 feet
Minimum depth of rear yard	25 feet
Minimum width of each side yard	10 feet

Dimension	Measurement
Aggregate side yards as a percent of total lot width	25%
Maximum height in feet and stories	35 feet or 2 ½ stories
Maximum density	2.1 structures per acre

153.1.9 Signage Permitted

See section 152.02 of the City of Rising Sun Code of Ordinances

153.1.10 Lighting Permitted

Lighting shall be not permitted to cause a nuisance due to light trespass, spill or glare, reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157 of the zoning ordinance

153.1.11 Parking Permitted

See section 156 of the zoning ordinance

153.2 R-2 General Residential

153.2.1 Purpose and Intent of the R-2 District

This district is intended for single, two family uses and limited public and quasi-public uses. This district does not make provision for businesses that generate significant population from well beyond the corporation limits of the City of Rising Sun in an effort to avoid heavy traffic. This district does not accommodate businesses that require outdoor storage or outdoor display of merchandise.

153.2.2 Uses Permitted by Right in an R-2 District

- A. Uses permitted in R-1 Districts
- B. Duplexes
- C. Multiple family dwelling
- D. Townhouse
- E. Home occupation
- F. Licensed Child Care Center
- G. Licensed Child Care Home - Class I or Class II
- H. Neighborhood or community parks from 1½ to 10 acres

153.2.3 Uses Permitted in an R-2 District Only if Approved as a Contingent Uses by the Board of Zoning Appeals

- A. Church or temple
- B. Apartment in single family dwelling or business
- C. Municipal building, administrative and offices
- D. Rooming house

- E. Dance academy
- F. Vocational or industrial training facilities, data processing or analysis

153.2.4 Permitted Uses in an R-2 District Only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Bed and breakfast dwelling
- B. Cemetery or mausoleum
- C. Group home for special populations
- D. Hospice facility
- E. Public library
- F. Philanthropic uses
- G. Civic and community building
- H. Public, private or parochial school or academy and playground area with required parking and if approved by the Indiana Department of Education
- I. Linear or greenway park
- J. Convenience goods and services related to marine or river uses
- K. Bus, taxi passenger station
- L. Greenhouse, not exceeding 1000 square feet
- M. Vehicle repair, including auto, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- N. Neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage
- O. Self store-it or mini warehouses
- P. Studios, art, interior decorating, music, etc.
- Q. Swimming pool provided:
 - a. Homeowners association or club operated and maintained swimming pool provided the pool is solely intended and used for the enjoyment of the members, family of members, and guests of members of the club a specific residential community having a homeowners association
 - b. The swimming pool and all of the area used by the swimmer shall be walled or fenced to prevent uncontrolled access. Said fence or wall

shall not be less than six [6] feet in height and maintained in good condition

153.2.5 Prohibited Uses in an R-2 District

- A. Businesses other than those specifically or specially permitted and industrial uses
- B. Utility transmission facilities including cellular towers and antenna for personal wireless communications
- C. No motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCVW) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.
- D. All other uses except as specifically permitted herein

153.2.6 R-2 District Standards

Dimension	Measurement
Minimum lot area for single family dwelling unit	9,000 square feet
Minimum lot area per manufactured dwelling	9,000 square feet
Minimum lot area per unit in duplex	6,000 square feet
Minimum lot area per unit in multiple unit dwelling	3,000 square feet
Minimum lot area per other use	12,000 square feet
Minimum ground floor area for single family unit	950 square feet
Minimum ground floor area per manufactured housing unit	950 square feet
Minimum ground floor area per duplex unit	950 square feet
Minimum ground floor area per multiple family unit	1,250 square feet
Minimum ground floor area per other use	1,250 square feet
Minimum lot area per single family unit	1,250 square feet
Minimum lot width for single family unit	80 feet
Minimum lot width for manufactured home	80 feet
Minimum lot width per duplex	60 feet
Minimum lot width per multiple family unit	100 feet
Minimum lot width per other use	100 feet
Maximum lot coverage for single family unit	35%
Maximum lot coverage manufactured dwelling	35%
Maximum lot coverage per unit in duplex	40%
Maximum lot coverage per unit in multiple unit dwelling	45%
Maximum lot coverage per other use	45%
Minimum depth of front yard	25
Minimum depth of rear yard	25
Minimum width of each side yard single family dwelling unit	8
Minimum width of each side yard manufactured dwelling unit	8
Minimum width of each side yard duplex	10

Dimension	Measurement
Minimum width of each side yard multiple family unit	10
Minimum width of each side yard other use	10
Aggregate of side yards as a percent of Total Lot Width	25%
Maximum Height	40 feet or 3 1/2 stories

153.2.7 Signage Permitted

See section 152.02 of the Rising Sun Code of Ordinances

153.2.8 Lighting Permitted

Lighting will not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157 of the zoning ordinance

153.2.9 Parking Permitted

See section 156 of the zoning ordinance, except, no motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCWV) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.

153.3 Mobile Home Park [R-1C District]

153.3.1 Purpose and Intent

This district is intended for commercial leasing, rental, and location of mobile home and manufactured home parks and the regulations and control of mobile homes and manufactured homes within the mobile home park. It is further intended that mobile home parks be well designed and adheres to high standards of development to insure compatibility with surrounding areas and safety of occupants of mobile homes.

153.3.2 Purpose of Standards

The purpose of these standards is to regulate the establishment and operation of mobile home parks in order to provide occupants of mobile homes with a suitable living environment. These standards are based upon the premises that the use of mobile homes, buildings, and structures and improvements are necessary to occupants of a mobile home park. It is also the purpose of these standards to encourage the development and landscaping of mobile home parks so as to provide a park-like setting for the mobile home occupants and a harmonious relationship with adjacent land uses.

153.3.3 Uses Permitted by Right in a R-1C District

- A. Architect, doctor, attorney at law, certified public accountant, dentist, artist, engineer, or similar professional permitted only as a home occupation
- B. Licensed child care center
- C. Licensed child care home – Class I

- D. Registered childcare ministry
- E. Unlicensed exempt childcare home
- F. Civic and community building
- G. Park or playground less than 1 ½ acres
- H. Community park - 1½ to 10 acres
- I. Dressmaking or millinery shop permitted only as a home occupation
- J. Tax preparation and bookkeeping, permitted only as a home occupation
- K. Home occupation
- L. No mobile home, manufactured home or building or structure, or part thereof, shall be installed, erected, altered, or used, or land used, in whole or in part, or other than one or more of the following specified permitted uses:
 - One family manufactured or mobile home unit for a residential purpose only
 - Indoor or outdoor recreation areas not less than ten percent [10%] of the gross site area
- M. Business uses permitted in the B-1 zone only if the business is supplying essential goods or services for the exclusive use of park occupants, subject to the following restrictions:
 - Such establishment and the parking area primarily related to the operation shall not occupy more than ten percent [10%] of the total area of the park
 - Shall be subordinate to the residential use and character of the parks
 - Shall be located and designed and intended to serve frequent trade or service needs for persons residing in the park
 - Shall present no visible evidence of their business nature to areas outside the park
- N. Temporary seasonal display
- O. Private individual home owner swimming pool
- P. Uses accessory to the above, which, in the judgment of the commission are similar to, and not more objectionable to the general welfare than the uses listed

153.3.4 Permitted Uses in an R-1C District only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Agricultural uses excluding spraying used by individual residential uses
- B. Church or temple
- C. Municipal buildings, administrative and offices
- D. Dance academy
- E. Vocational or industrial training facilities, data processing or analysis

153.3.5 Permitted Uses in an R-1C District only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Vehicle repair, including auto, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- B. Bus, taxi passenger station
- C. Convenience goods and services related to marine or river uses
- D. Licensed childcare home class II
- E. Indoor amusements, bowling, billiards, dance, commercial swimming pools, racket sports and the like
- F. Greenhouse, not exceeding 1,000 square feet
- G. Linear or greenway park
- H. Philanthropic uses
- I. Neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage
- J. Self store it or mini warehouses
- K. Studios, art, interior decorating, music, etc.
- L. No motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCVW) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.
- M. Swimming pool provided:
 - Homeowners association or club operated and maintained swimming pool provided the pool is solely intended and used for the enjoyment of the members, family of members, and guests of members of the club a specific residential community having a homeowners association
 - The swimming pool and all of the area used by the swimmer shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than six [6] feet in height and maintained in good condition

153.3.6 Prohibited Uses in an R-1C District

Any use not specifically permitted in this section is prohibited.

153.3.7 Limitation of Uses

The area planned for a mobile home park shall be a minimum of five [5] gross acres. Such acres may be developed in two [2] or more stages, provided that said stages conform in all respects with the overall mobile home park design and are developed within the prescribed period of time. No mobile home site shall be leased in any mobile home park for a term of less than thirty [30] days.

153.3.8 Approval of Mobile Home Park

No mobile home shall be located, or site prepared, nor shall any permission for use be issued thereof, unless and until the necessary mobile home park development plans are officially approved by the Plan Commission. A mobile home shall be located and maintained in full conformity with the mobile home site plan as approved for in each R-1C district. In addition to compliance with the requirements set forth herein, and in conformity with all applicable ordinances and laws of the state of Indiana, each mobile home park shall also meet the requirements provided by the Indiana Mobile Home Park Act of 1955 and all amendments thereto; and the Indiana State Board of Health regulations and all amendments thereto.

153.3.9 Preliminary Site Plan

An applicant desiring the approval of a mobile home park shall submit to the commission a preliminary site plan. The preliminary site plan shall be drawn on a scale of not less than one hundred [100] feet to one [1] inch on a sheet twenty-four [24] by thirty-six [36] inches, except that when the drawings of the scale require more than two [2] sheets plans may be drawn on a scale of two hundred [200] feet to one [1] inch and should contain the following information:

- A. Proposed name of Mobile or Manufactured Home Park
- B. Legal description showing location of the Mobile or Manufactured Home Park
- C. Name and address of property owners
- D. Graphic scale, north point and date
- E. Existing Conditions:
 - a. Boundary lines of proposed park indicated by solid heavy line
 - b. Location, width, and name of all existing streets or other public ways, railroads and utility right-of-ways, permanent buildings or structures, sections in municipal corporate lines within or adjacent to the tract
 - c. Location of existing sewers, waterlines, culverts, or other underground facilities, indicating pipe sizes and grades within and adjoining the proposed park
- F. Boundary lines of adjacent land showing adjoining streets, easement, and owner's name
- G. Existing and proposed topography, contour intervals not to exceed five [5] feet, except where such interval is impractical
- H. Location of street lights

- I. Location and width of sidewalks, if street lights are installed on only one side of the street the sidewalk shall be installed on the same side of the street as the lights
- J. Location of fire hydrants
- K. Location of dumpsters
- L. In the case of a revised site plan, all description of the original site lines being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plan, the new site plan being shown in a solid line so as to avoid ambiguity and confusion
- M. Proposed Conditions:
 - a. Layout of streets, their names and width and also the width of alleys, walkways and easements
 - b. The name of the streets shall conform as far as practicable to names of corresponding streets existing in the vicinity of the mobile home park
 - c. The name of the new streets, not an extension or correspondent of any existing street, shall not duplicate or be similar to that of any existing street in the city or county
 - d. Layout, dimensions and number of mobile home park sites
 - e. Parcels of land to be dedicated or reserved for public use
 - f. Buildings set back lines showing dimensions
 - g. Location site of recreational areas, businesses, service facilities, parking areas, other structures, driveways, landscaping, street lights, sidewalks, fire hydrants, signs and sewers, water and storm drainage

153.3.10 Approval of Preliminary Site Plans

- A. Public hearings shall be held in accordance with the administrative rules of the Plan Commission
- B. Plan Commission Action: After public hearings, the Plan Commission shall give its approval to the preliminary site plan. Such approval shall be governed by the following qualifications:
 - a. The approval of the preliminary site plan by the Plan Commission indicates the general acceptance of the layout as submitted
 - b. The Plan Commission may introduce such changes or revisions as deemed necessary in the interest and need of the community
 - c. Preliminary approval shall be in effect for a maximum period of three [3] months. The Plan Commission may, provided good cause is shown and upon application, grant one [1] extension for a period of thirty [30] days; such application for extension shall be filed with the Plan Commission ten [10] days prior to expiration of the aforesaid three [3] month period. If the final site plans have not been approved within this time, the preliminary plans must again be submitted to the Plan Commission for approval

- d. Any person feeling himself aggrieved at any action of the Plan Commission upon any proposed site plan, may apply in writing to the Plan Commission prior to its next meeting for modification of such action
- e. If the Plan Commission disapproves of the site plan, it shall set forth its reasons in its own record and provide the applicant with a copy

153.3.11 Approval of Final Site Plans

After the approval of the preliminary site plans by the Plan Commission and the fulfillment of the requirements of these regulations:

- A. The final site plan must be submitted in the form of an original tracing with waterproof ink on standard tracing cloth or approved equivalent and three [3] prints thereof submitted to the Plan Commission. The final site plan so submitted may include the entire area of the preliminary site plan as approved or such portion of it that shall provide consecutive development units. The final site plan shall be prepared at the same scale as preliminary site plan as approved or such portions of it, which will provide consecutive development units and shall contain that information provided in the preliminary site plan. All final site plans shall be prepared by a registered engineer or land surveyor duly registered to practice in the state of Indiana with his seal affixed hereto and must have certification endorsed thereof by the City Street Superintendent and City Plan Commission staff that all streets, sidewalk curbs, gutters, sanitation and storm drainage facilities meet current City's standards as to such facilities
- B. The final site plan shall be acted upon at the first meeting of the Plan Commission following its submittal, provided such plan has previously received preliminary approval, provided the final site plan is submitted to the Plan Commission not less than ten working days prior to such meetings. If the Plan Commission recommends the final site plan to the City Council for approval, it shall forward the final site plan to the City Council for final review and approval
- C. If the Plan Commission disapproves of the site plan, it shall set forth its reason in its own records and provide the applicant with a copy
- D. Upon approval of a final site plan by the Plan Commission, the applicant shall pay by check or money order payable to the Plan Commission, or cash the sum set out in the fee ordinance
- E. All final site plans shall be recorded in the office of the Recorder of Ohio County, Indiana

153.3.12 Area

A Mobile or Manufactured home park shall have a minimum lot size of five [5] acres. Each site upon which a mobile home is located shall conform to the following requirements:

- A. Each mobile home site shall be a minimum of five thousand [5,000] square feet in area per mobile or manufactured home and shall have a minimum width of forty [40] feet at the building line

- B. The combination area occupied by mobile home and appurtenances shall not exceed thirty percent [30%] of the total area of this site and shall have a minimum floor area of six hundred [600] square feet
- C. No mobile or manufactured home site, building, structure or parking area shall be closer than:
 - a. Fifty [50] feet to the right-of-way line of any arterial or collector street, as defined by the Rising Sun Comprehensive Plan
 - b. Twenty-five [25] feet to the exterior property line of a mobile home park
- D. Each mobile home sit shall front on to a street or right-of-way

153.3.13 Yards

Each mobile home site shall be subject to the following yard requirements:

- A. Front yard shall be not less than fifteen [15] in depth. If the mobile home site faces two or more public access roadways [i.e., excludes freeways and alleys], the front yard setback shall be observed for each yard facing the street
- B. Side yards on each side of the mobile home shall be not less than five [5] feet and no mobile home shall be located closer than ten [10] to the adjoining mobile home unit. If the mobile home site is a corner lot, the front yard setback shall be observed for any side yard facing a street
- C. Each mobile home site shall be a rear yard of not less than fifteen [15] feet in depth

153.3.14 Pad and Skirting

Each mobile home shall be provided with a standard consisting of either a solid concrete slab or other adequate support of a thickness and size adequate to support the maximum anticipated load during off-season. When concrete ribbon is used the area between the ribbons shall be provided with a minimum of six [6] anchor rings for each mobile home. Each mobile home unit shall have the undercarriage completely enclosed by skirting.

153.3.15 Lawns and Ground Cover

- A. Lawns and ground cover provided where needed to prevent erosion of swales and slope in other areas to obtain unusable yard
- B. Lawn or ground cover shall be appropriate for the use and location

153.3.16 Lot Markers

The boundary of each mobile home site shall be permanently and visibly marked on the ground by flush stakes, markers, or other suitable means approved by the Plan Commission. Each mobile home shall numbered.

153.3.17 Storage

Suitable storage of goods and the useful effects of the park's residents will be contained in the central waterproof structure available to all mobile home sites or in single waterproof structures at each mobile home site. Each individual storage structure shall contain a minimum of ninety-six [96] cubic feet. Central

waterproof structures shall provide ninety-six [96] cubic feet for each mobile home site that it serves.

153.3.18 Water and Sewage

Each mobile home site shall be connected with the municipal water and sewer system if such systems are adjacent to the park or within one hundred and fifty [150] feet thereof. In the event such systems are not adjacent to or within the required distance, then it shall be connected to a water system and sewage treatment and disposal system approved by the Ohio County Health Department and the Indiana State Board of Health.

153.3.19 Utilities

All interior utility lines, including, but not limited to, electric, communications, street lighting, and cable television shall be placed underground. Individual antennas for television may be installed on each mobile home site, but centralized antenna shall be encouraged.

153.3.20 Common Walks

Common walks at least three [3] feet in width shall be provided in locations where pedestrian traffic is concentrated, for example, to the entrance, and to the office and other important facilities. No walks required herein shall be used as drainage way.

153.3.21 Streets

Access to the mobile home park shall be from a public street. The number and location of the access street shall be controlled by traffic safety and protection of surrounding properties. No mobile home site, recreation area or service area shall be designed for direct access to a street outside the boundaries of the mobile home park. All streets within the mobile home park shall have a minimum right-of-way of forty [40] feet in width and shall be surfaced according to the standards adopted the City of Rising Sun or Ohio County, Indiana. In the event streets are not dedicated, the mobile home park owner shall provide the final approval, provide written certification that lease and rental agreements contain regulations to prohibit street parking in such a manner that impedes the movement of an emergency vehicle.

153.3.22 Grading and Drainage

Prior to construction, drainage plans shall be submitted to the Building and Zoning Inspector for approval. All storm drainage must be situated underground. Mobile home parks shall be graded and drained given due consideration to the protection of the proposed development from inundating of flood hazard from water course or to provide for the conveyance of storm waters, both those originating outside or inside the proposed mobile home park, through the development of the facilities of sufficient capacity to permit the upstream tributary areas, and discharge storm water accordingly within the mobile home park or convey through the mobile home park on downstream adjacent land to return flows to as near predevelopment conditions as possible. This does not imply that the developer make extensive or unreasonable improvements of existing inadequate drainage facilities on adjoining properties other than necessary for satisfactory operation of the drainage facility and proposed development.

153.3.23 Illumination of Park

All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting height and at such locations within the park so as to provide safe movement of pedestrians and vehicles. Such lights shall be located at all entrances and exits and shall be located in shield as to prevent direct illumination of any area outside the mobile home park.

153.3.24 Fire Protection

The mobile home park shall meet the standards of fire protection established by the National Fire Protection Association NFPA #501a and all amendments thereof. No open fires shall be permitted at any time or place within the mobile home park.

153.3.25 Trash and Refuse Storage

Storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly tight, water tight, rodent proof containers, then shall be located not more than one hundred and fifty [150] feet from any mobile home site. Containers shall be provided in sufficient number to assure proper storage of all refuse. Refuse collection stands shall be so designed as to prevent containers from being tipped to minimize spillage and container deterioration and to facilitate cleaning around them. Garbage and trash, when not collected by municipal sponsored collection service shall be collected at least twice a week during the months of June, July, August and September and at least once a week during the other months of the year. Where suitable collection service is not available from municipal or private agencies the mobile home park operator shall dispose of the refuse by incineration or transferring to disposal sight outside the park area. Refuse incinerators, if provided, shall be constructed in accordance with specification of the Indiana State Health Department. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park, when not conflicting with other statues, ordinances, or regulations.

153.3.26 Location of Building or Structures Within a Mobile Home Park

The location of buildings and structure within a mobile park shall be subject to the following regulations:

- A. No building or structures not located upon a mobile home sight shall be closer than ten [10] feet to any side lines
- B. Swimming pools and related faculties and all recreational areas shall be located not less than one hundred [100] from the boundary of the mobile home park

153.3.27 Abandonment and Expiration

In the event a mobile home park is abandoned for a period of one [1] year, or if upon expiration of three [3] years from the zoning change so enacted, the mobile home park has not been substantially completed, as determined by the Plan Commission, the land so rezoned shall be again rezoned by the Plan Commission, after proper zoning application has been filed by the commission

to its former zoning classification. The commission may, provided good cause has been shown upon application and public notice has been published as required by law, grant one [1] extension for the period of one [1] year. Such application for extension shall be filed with the commission six [6] months prior to the expiration of the aforesaid three [3] years.

153.3.28 Parking Permitted

See section 156 of the zoning ordinance

153.4 Main Street District MSB-1

153.4.1 Purpose and Intent

The purpose of the Main Street District is to continue to maintain Main Street as a shopping, community, and civic space, for gathering, recreation and entertainment. The intent is to encourage the continuation of retail commercial uses and to insure the economic vitality of the downtown. The Main Street District is designed to address local and tourist shopping needs.

Additional purposes are to assure that future development is compatible and complimentary with the existing appearance and character of the Main Street District. The district is also intended to maintain the natural view characteristics of Main Street and the Ohio River.

153.4.2 Objectives

In order to achieve the Main Street concept, the following objectives shall be realized:

- A. Maintain and encourage the pedestrian environment in the Main Street District that is essential to the future of Main Street and Rising Sun
- B. Vehicular circulation and parking should be accommodated keeping pedestrian movements in mind
- C. Assure that the appearance and character of new and renovated structures are compatible with the existing appearance of the Main Street District
- D. The size and scale of structures in the Main Street District should continue be complementary to a pedestrian environment

153.4.3 Applicability

These regulations are applicable to the Main Street zone district as shown on the official zone map of the City of Rising Sun. Applications for new structures or modification or replacement of existing structures, including signs, shall be subject to the requirements of this section. All applications for new building construction and building exterior renovations/modifications, which require a building permit, with the exception of single-family dwellings and their accessory uses, shall be subject to this section.

- A. Sidewalks shall be provided in the Main Street District to promote pedestrian usage
- B. Adequate measures shall be provided to reduce vehicular/ pedestrian circulation conflicts

- C. Lighting shall not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort
- D. The character of Main Street shall be maintained and encouraged
- E. Signs shall be of a scale, height, material, and illumination that reflect the concepts being promoted in the Main Street District

153.4.4 Uses Permitted by Right in a MSB-1 District

- A. Any use permitted by right in a B-1 zone, except drive-in restaurants and convenience grocery store with self-service gasoline pumps
- B. Unlicensed exempt childcare home
- C. Convent
- D. Detached one family dwelling
- E. Home occupation
- F. Commercial, public and private marina
- G. Motel or hotel with parking lots adequately screened from any adjoining residential use
- H. Park or playground less than 1 ½ acres
- I. Legally established nonconforming uses at the time of adoption of this zoning ordinance

153.4.5 Uses Permitted in an MSB-1 District Only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Church or temple
- B. Apartment in single family dwelling or business
- C. Municipal buildings, administrative and offices
- D. Rooming house
- E. Dance academy
- F. Vocational or industrial training facilities, data process or analysis

153.4.6 Uses Permitted in an MSB-1 District Only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Vehicle repair, including auto, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- B. Bus, taxi passenger station

- C. Cemetery or mausoleum
- D. Indoor amusement, bowling, billiards, dance, commercial swimming pools, racket sports and similar entertainment entirely within an enclosed building
- E. Publicly owned entertainment facilities including bandstand, outdoor theater, amphitheater, or similar facilities
- F. Funeral home
- G. Greenhouse, exceeding 1,000 square feet
- H. Assembly hall
- I. Convenience goods and services related to marine or river uses
- J. Marine sales, charter or rental of marine or river vessels
- K. Marine or river launches, slips, moorings and docking facilities
- L. Resort facilities including hotel or motel
- M. Water slides, water parks, amusement parks
- N. Commercial auto parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use
- O. Linear or greenway park
- P. Outdoor amusements, recreation, or sports facilities that or not a nuisance or hazardous to adjacent properties
- Q. Pet shop
- R. Philanthropic uses
- S. Public, private or parochial school or academy and playground area with required parking and if approved by the Indiana Department of Education
- T. Neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage
- U. Convenience grocery store with self-service gasoline pumps
- V. Paint Store
- W. Equipment and appliance service and sales including radio, television, computer and similar electric appliances
- X. Convention center
- Y. Sports bar
- Z. Tavern, bar or nightclub with live entertainment and only in conformity with requirements of laws or ordinances governing such use

153.4.7 MSB-1 District Standards

DIMENSION	MEASUREMENT
<i>Main Street</i>	
Minimum lot area	5,000 square feet

DIMENSION	MEASUREMENT
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	0 feet
Minimum depth of rear yard ¹	15 feet
Minimum width of each side yard ¹	0 feet
Aggregate of side yards as a percent of total lot width	20%
Maximum height	35 feet
<i>Second and Fourth Streets</i>	
Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	20 feet
Minimum depth of rear yard ¹	15 feet
Minimum width of each side yard ¹	5 feet
Aggregate of side yards as a percent of total lot width	20%
Maximum height	35 feet

153.4.8 Site Plan Required

153.4.8.1 Pre-Application Meeting

The applicant is encouraged to have a pre-application meeting with the Planning Commission to discuss the proposed development and requirements of this section. A simple sketch plan may be presented at the pre-application meeting. The site plan requirements shall be discussed at the pre-application meeting.

153.4.8.2 Site Plan

A site plan shall accompany an application for a building permit for new construction, addition, enlargement, or expansion. The site plan shall be consistent with the zoning ordinance and this section.

Unless waived by the Plan Commission or Board of Zoning Appeals, as the case may be, the applicant shall submit the following:

- A) Diagram of signs, including location, height, area, lighting, and colors. To further understand or clarify the application, the Plan Commission or Board of Zoning Appeals may request additional information

¹ Where a lot in the MSB-1 zone district abut upon a lot in an R zone district, and as lot dimensions permit a side yard or rear yard shall be increased by five feet to include a five foot buffer strip of landscaping or solid decorative fencing.

¹ Where a lot in the MSB-1 zone district abut upon a lot in an R zone district, and as lot dimensions permit a side yard or rear yard shall be increased by five feet to include a five foot buffer strip of landscaping or solid decorative fencing.

- B) The Plan Commission or Board of Zoning Appeals may request samples of exterior material or other information as may be appropriate to further an understanding of the application
- C) Lighting diagram including proposed height of poles, types of fixtures, wattage, and any method to prevent lighting from causing a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort
- D) The Plan Commission may require a light level plan, also known as a photometric report, showing light levels, evenness and pattern of light distribution, and lamp type
- E) The Plan Commission may request a chart of colors for exterior structures, signs, and light standards and fixtures

153.4.8.3 Waiver of Requirements of the Site Plan Required by this Section

The Plan Commission or the Board of Zoning Appeals may, at its discretion, judge that certain requirements of the site plan are not applicable in its review of an application and therefore, may allow the applicant to submit only those elements which it deems necessary to its review of the particular application.

Any waiver shall be by official action of the Plan Commission or Board of Zoning Appeals, as may be the appropriate case, prepared in writing and bear the signature of the President and secretary of the Plan Commission or the Board of Zoning Appeals, as may be the case.

153.4.9 Signs in MSB-1 Zone District

153.4.9.1 Purpose

The purpose of these standards is to promote signs that are visually compatible with their surroundings and which avoid inappropriate materials and design.

153.4.9.2 Applicability

At any time that there is a new sign, a modification, or a replacement of an existing sign in the Main Street District, the following standards shall apply. These sign requirements shall be considered a supplement to those standards in section 152.02 of the Rising Sun Code of Ordinances. In all cases where there is a conflict, these standards shall take precedence over section 152.02 Rising Sun Code of Ordinances.

153.4.9.3 Permitted Signs

The following signs shall be permitted in the Main Street District.

- A) Where yard widths permit, freestanding monument [ground] signs, having a setback of 10 feet from the street right-of-way or public easement
- B) Façade wall, not covering more than 30% of the wall area
- C) Window, not covering more than 60% of the window area

- D) Directional signs
- E) Vintage wall signs having the size, copy, and colors that existed prior to the adoption of this zoning ordinance. Temporary signs not exceeding 30 consecutive days
- F) Temporary signs exceeding 30 days with a sign permit issued by the Building and Zoning Inspector and in no case exceeding three consecutive months or three months per year
- G) Small temporary signs, including art easels, menu signs in front of the premises which the sign refers to and in the city rights-of-way provided such sign does not constitute a safety hazard as determined by the Zoning Inspector

153.4.9.4 Signs Permitted with the Approval of a Special Exception by the Board of Zoning Appeals

- A) Awning and canopy signs
- B) Any copy change of vintage wall signs
- C) Marquee
- D) Changeable Copy
- E) One A-frame type sidewalk sign not exceeding two faces and not exceeding 6 square feet per face

153.4.9.5 Prohibited Signs

- A) Billboard
- B) Off premise, including snipe signs tacked, nailed, posted, glued, or otherwise attached to trees, poles, stakes, fences or other objects
- C) Moving or mobile signs
- D) Portable
- E) Roof and roof integral
- F) Wind blown signs, except as may be permitted for a temporary event
- G) Truck or vehicle side billboards whether moving or stationary
- H) Rotating signs or signs with rotating beam, beacon, or searchlight
- I) Flashing, blinking, rotating, or chasing lights associated with any sign
- J) Searchlights used as an attraction or associated with any permanent sign or event
- K) No copy of immoral, obscene, seditious, or unlawful copy or character shall be used, posted, painted or displayed upon any sign or sign structure
- L) Flags with commercial message

- M) Animated signs
- N) Electronic variable message signs, excluding time and temperature

153.4.9.6 Minimum Sign Performance Requirements

The following performance requirements shall apply to signs in the Main Street District:

153.4.9.6.1. MATERIALS

- a) Ground signs shall be constructed with materials used in the principal building and shall be compatible with the area
- b) Facade signs shall be made of wood or signboard, carved and/or sandblasted and finished with gold leaf or paint stains. Uniform material shall be used for signs on buildings that are connected by common walls, located in a common plaza, or otherwise associated as a single group
- c) Directional signs shall be of materials compatible with facade signs
- d) Temporary signs exceeding 30 days may be of cloth or vinyl plastic or material approved by the Building and Zoning Inspector

153.4.9.6.2. FREESTANDING SIGN HEIGHT

The height of freestanding signs shall not exceed 20 feet.

153.4.9.6.3. NUMBER, DIMENSIONS AND LOCATION

The requirements for the sign shall be in conformance with section 152.02 of the Rising Sun Code of Ordinances.

153.4.9.6.4. ILLUMINATION

- a) Sign lighting shall minimize glare and meet the lighting requirements of this zoning ordinance
- b) Any legally established nonconforming sign shall be permitted without alteration in size or location
- c) All signs, sign structures and components shall be kept in good repair, in an acceptable state of maintenance and shall continually be in a sanitary condition
- d) No sign or sign structure shall be permitted to obscure vision at any corner, intersection, or driveway
- e) The Plan Commission may require a signed and sealed certification from an Indiana registered

engineer attesting to the adequate engineering and design of the sign and all of its components and the structural integrity of the sign and all of its components

- 153.4.9.6.5. LOGO
In the event that a picture logo is displayed on a sign, it shall be incorporated into the permitted sign area. All colors associated with a logo may be permitted.
- 153.4.9.6.6. COLORS
Colors shall match or complement the color of the principal building.
- 153.4.9.6.7. SIGN SETBACKS
The requirements for the sign shall be in conformance with regulations for B-1 zones in section 152.02 of the Rising Sun Code of Ordinances.
- 153.4.9.6.8. NUMBER OF SIGNS
The requirements for the sign shall be in conformance with regulations for B-1 zones in section 152.02 of the Rising Sun Code of Ordinances.

153.4.10 Pedestrian and Streetscape Amenities

153.4.10.1 Purpose

The purpose of this section is to promote pedestrian use of the Main Street District and reduce the need for vehicular movements within the Main Street District. To accomplish this purpose the development shall provide:

- A) Paved or hard surface walkways, driveways, curb cuts and ramps meeting ADA requirements
- B) Shared landscaped parking lots may be permitted that meet the requirements of the zoning ordinance
- C) Street furniture including benches, sufficient street trees, and canopies or other appropriate method to provide shade
- D) Trash containers and other appropriate amenities

153.4.10.2 Applicability

The standards in this section are applicable to all actions proposed within the Main Street District. In addition to the materials regularly submitted for development plan review, the following items shall be incorporated into plans and details for a project located in the Main Street District.

153.4.10.3 Minimum Performance Criteria for Pedestrian and Streetscape Amenities

The following minimum performance criteria shall be utilized for site designs within the Main Street District. The Plan Commission is authorized to consider variations in the criteria to allow for flexible design concept.

153.4.10.3.1. SIDEWALKS

- a) Sidewalks shall be constructed in accordance with the Standard Specifications of the City of Rising Sun
- b) Sidewalks may be privately owned and maintained. They may be comprised of concrete, pavers, or other materials acceptable to the Plan Commission

153.4.10.3.2. LIGHTING

- a) Lighting shall be in conformance with section 157 of the zoning ordinance and shall be shown on the site plan. Lighting in public areas shall be the cut off type
- b) Pole mounted lighting in private areas shall not exceed a total height of 18 feet from finished grade to top of fixtures

153.4.10.3.3. AMENITIES

Amenities shall be required and shown on the site plan. The plan shall include, but not be limited to, benches and trash receptacles. These amenities shall be provided on the private portion of the development plan and will be privately owned and maintained.

153.4.10.3.4. PARKING

- a) Parking shall be landscaped and comply with the standards established in section 155 of the zoning ordinance and off-street parking shall be designed to minimize traffic and, when reasonable, utilize space through combined access. Parking may be shared
- b) Screening shall be applied in the parking lot design along parcel boundaries in order to maintain aesthetic quality. Acceptable screening materials include fencing, berms, and vegetation
- c) Setbacks and signage for parking areas shall follow existing zoning regulations
- d) Parking areas shall be landscaped with trees, tree groupings, shrubs and appropriate planting material as required by section 155 of the zoning ordinance

153.4.10.3.5. LANDSCAPING

Landscaping shall be included on each site in order to maintain an aesthetic quality in the Main Street District and to provide screening for parking, loading, and storage areas. Landscaping internal to the parking area as well as adjacent to it at property lines shall be considered in the overall parking lot design. Plant materials shall be selected with respect to scale and allotted amount of space.

153.4.11 Application Procedures

153.4.11.1 *Material to be Submitted*

Applications subject to site plan review shall meet the requirements of this the zoning ordinance. The applicant shall submit such other information as the Building and Zoning Inspector may require promoting understanding of the applicant's compliance with the minimum performance criteria of this section.

In those instances where the application is for only a sign, unless otherwise specified by the Building and Zoning Inspector, the applicant shall provide a sign detail only showing location, size, lighting, color, materials, and design.

153.4.11.2 *Modifications and Variances*

The Board of Zoning Appeals may approve a variance to one or more of the specific requirements of this section upon satisfaction of the application requirements for a variance in section 162 of the zoning ordinance. The Board of Zoning Appeals shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such variance shall have the burden of showing that the proposed project with such variance shall have a minimum negative effect on aesthetics and compatibility with the Main Street concept.

153.4.12 Appearance Review Standards

153.4.12.1 *Purpose*

The purpose of these standards is to achieve an aesthetically integrated appearance and visual environment consistent with the Main Street concept.

153.4.12.2 *Applicability*

With the exception of single-family dwellings and their accessory uses, this section is applicable to all new building construction and building exterior additions or modifications that require a building permit in the Main Street District.

153.4.12.3 *Minimum Appearance Performance Criteria*

In order that new building construction or building exterior additions or modifications contribute to a harmonious aesthetic effect and

promote a cohesive appearance throughout the Main Street District, the following minimum performance criteria shall apply:

153.4.12.3.1. COLORS

Colors utilized for building exteriors shall be compatible and shall visually reflect the aesthetic concept of the Main Street District.

153.4.12.3.2. MATERIALS

Traditional materials including masonry, wood and stone, however contemporary materials such as glass, steel, concrete and plastic/vinyl siding may be considered if they are treated in a manner complementary to the concept of the Main Street appearance.

153.4.12.3.3. MECHANICAL EQUIPMENT

Mechanical equipment shall be screened appropriately and consistent with the materials used in the principal structure.

153.4.12.3.4. APPEARANCE FEATURES AND DETAILS

- a) In new structures or additions and modifications, exterior facades, including eaves, columns, pilasters, cornices, windows, window surrounds, door balusters, canopies, fascias, and roofs, shall be proportionate with the existing building or if new, surrounding buildings and consistent with the Main Street concept. The scale of new construction, including the arrangement of windows, doors and other openings within the building facade shall be compatible with surrounding buildings in the Main Street District
- b) Compatible finishes and colors shall relate to the Main Street concept. Inappropriate materials, which are deemed not to be consistent with or not to blend well with the context of the Main Street concept, are prohibited on building facades. To the extent practicable, accessory structures shall conform to the finishes and colors established for the principal building

153.4.13 Advisory Appearance Review Committee

153.4.13.1 Duties

An Appearance Review Advisory Committee shall be established when needed, but in no case greater than 30 days after the submission of a site plan, to review applications for new structures, additions, demolitions or expansions. As needed the Advisory Appearance Review Committee shall review proposed building construction, development, or building exterior modifications within the Main Street District. The Advisory Appearance Review

Committee shall make advisory recommendations to the Plan Commission or Board of Zoning Appeals with respect to consistency of a building or development with the minimum appearance performance standards of the Main Street District.

153.4.13.2 Membership

The Appearance Review Committee shall consist of seven members. Members shall include:

- A) One member shall be appointed by the Mayor
- B) One member shall be appointed by the City Council
- C) One member shall be a member from the Advisory Plan Commission
- D) One member shall be from the Board of Zoning Appeals
- E) One member shall be from the Redevelopment Commission
- F) One member shall be appointed by the Main Street organization
- G) The Convention and Tourism Bureau shall appoint one member
- H) The Building and Zoning Inspector shall be a non-voting advisory member

153.4.13.3 Application Procedures

In the Main Street District, the Building and Zoning Inspector shall call meetings of the Advisory Appearance Review Committee to review the site plan for construction, renovation, and/or modification of a building exterior. The called meeting shall be within one week after the establishment of the Advisory Appearance Review Committee, which shall be within 30 days after the submittal of the site plan. Incomplete submittals shall not be reviewed.

153.4.13.4 Application Material to be Submitted

The Advisory Appearance Review Committee may require such additional information on the site plan that promotes further understanding of the applicant's compliance with the minimum performance criteria:

- A) Diagrams of the exteriors of buildings, specifying dimensions and materials
- B) Details of ornamentation that includes, but is not limited to, windows, roofs, facades and other building features
- C) A color rendering that depicts actual colors, textures, and building scale
- D) Samples of materials and colors of building components

153.4.13.5 Modification and Waivers

The Advisory Appearance Review Committee may, at its discretion, judge that certain requirements of the appearance plan are not applicable in its review of an application and, therefore, may allow

the applicant to submit only those elements which it deems necessary to its review of the particular application.

153.4.13.6 Variance or Special Exception

The Board of Zoning Appeals may approve or deny any special exception, special use, contingent use or conditional use from the development standards or terms of this section and the zoning ordinance. The Board of Zoning Appeals may impose any reasonable conditions as part of its approval.

153.4.13.7 Action on Application

- A) Upon reaching its decision, but in no more than 45 days from receipt of a complete application and establishment of the Advisory Appearance Review Committee, the Appearance Review Committee shall provide its written recommendation with respect to compliance with the minimum performance criteria
- B) The Plan Commission or Board of Zoning Appeals may accept the report of the Appearance Review Committee as a condition of its approval of the Development Plan. Upon showing of undue hardship by the applicant, one or more of the specific recommendations of the Appearance Review Committee may be waived, however, it shall be the minimum waiver necessary to allow the application to be approved. The applicant requesting the waiver shall have the burden of showing that the proposed project shall have minimum negative effect on aesthetics and compatibility with neighborhood character
- C) Any decision of the Appearance Review Committee or the Building and Zoning Inspector may be appealed to the Board of Zoning Appeals
- D) Any decision of the Plan Commission may be appealed to the City Council

Any decision of the Board of Zoning Appeals may be reviewed by certiorari

153.4.14 Lighting Permitted

Lighting will not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157 of the zoning ordinance

153.4.15 Parking Permitted

See section 156 of the zoning ordinance, however, no motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCVW) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.

153.5 Neighborhood Business District B-1

This purpose to this district is to provide “neighborhood” retail goods and services for the convenience of residents living near their location. Uses that provide non-durable goods and personal services are considered by this zoning ordinance as “neighborhood commercial uses” appropriate in the district. Although limited in area occupied these districts are important to the economic welfare of the community by placing convenience goods close to the customer.

153.5.1 Uses Permitted by Right in a B-1 District

Business uses shall be conducted within buildings and so constructed that no nuisance is created, including no noise of any kind produced therein shall be audible beyond the confines of the building.

- A. Fire station
- B. Police station
- C. Post office
- D. Public library
- E. Parsonage or parish house
- F. Civic and community building
- G. Nonprofit recreation or social clubs
- H. Philanthropic uses
- I. Greenhouse, exceeding 1000 square feet
- J. Greenhouse, not exceeding 1000 square feet
- K. Community park 1 ½ to 10 acres
- L. Professional offices including or similar to:
 - a. Doctor
 - b. Lawyer or Attorney at Law
 - c. Dentist
 - d. Certified Public Accountant
 - e. Engineers
 - f. Architects
 - g. Artist
- M. Restaurants [café, coffee shop, cafeteria, delicatessen, drive-in and full service] intended to serve the immediate neighborhood and not generate traffic from the larger community. Places or premises used for sale, dispensing or service of food or beverage outdoors, or where customers carry out and consume the food, refreshments or beverages on the premises must have adequate outdoor convenience trash containers, a decorative fence or wall of not less than six feet in height on the rear and any side lot line that adjoins a residential use.
- N. Vehicle quick lubrication

- O. Bank, branch bank, ATM
- P. Tax preparation and bookkeeping
- Q. Dry cleaning – method of dry cleaning shall not utilize perchloroethylene [PERC] due to the toxicity of the solvent
- R. Self-service launderette or laundry mat
- S. Antique shops, art stores, art galleries, bicycle sales, china, crockery and kitchen accessory shops
- T. Arcade
- U. Billiard room or pool hall
- V. Bowling alley
- W. Pharmacy or drugstore
- X. Bed and breakfast
- Y. Pet shop
- Z. Book store
- AA. Apparel shop
- BB. Barber shop or beauty shop
- CC. Dressmaking or millinery
- DD. Flower or garden shop
- EE. Gift shop
- FF. Hobby, art, and school supply store
- GG. Jewelry store
- HH. Music, tape, video, CD rental or sales
- II. News dealers
- JJ. Shoe store or repair shop
- KK. Tailor and pressing shop
- LL. Toy store
- MM. Meat market
- NN. Computer sales and service
- OO. Convenience grocery store with or without self-service gasoline pumps
- PP. Copy store
- QQ. Hardware store
- RR. Office supply store
- SS. Showroom and sales area for articles to be sold at retail
- TT. Variety store
- UU. Studio for interior, decorating, music, etc.

VV. Tavern or bar without live entertainment and only in conformity with requirements of laws or ordinances governing such use

WW. Temporary seasonal displays

153.5.2 Uses Permitted in a B-1 District Only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Church or temple
- B. Apartment in single family dwelling or business
- C. Municipal buildings, administrative and offices
- D. Fraternity and sorority houses
- E. Rooming house
- F. Lodging house
- G. Dance academy
- H. Vocational or industrial training facilities, data processing or analysis

153.5.3 Uses Permitted in a B-1 District Only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Vehicle repair including automobile, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- B. Bus, taxi passenger station
- C. Cemetery or mausoleum
- D. Funeral home
- E. Municipal garage and storage associated with the operation and maintenance of streets, utilities or Parks and Recreation
- F. Commercial automobile parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use
- G. Indoor amusements, bowling, billiards, dance, commercial swimming pools, racket sports and similar entertainment entirely within an enclosed building
- H. Water slides, water parks, amusement parks
- I. Outdoor amusements, recreation, or sports facilities that are not a nuisance or hazardous to adjacent properties

- J. Publicly owned entertainment facilities including bandstand, outdoor theaters, amphitheater or similar facilities
- K. Linear or greenway parks
- L. Bait sales
- M. Commercial, public and private marina
- N. Convenience goods and services related to marine or river uses
- O. Marine or river launches, slips, moorings and docking facilities
- P. Veterinarian hospital
- Q. Hospice facilities
- R. Hospital, sanitarium or clinic
- S. Mental health facilities
- T. Nursing, convalescence or assisted living homes
- U. Physical rehabilitation facilities
- V. Motel or hotel with parking lots adequately screened from any adjoining residential use
- W. Business park or business subdivision
- X. Radio or television station or studio excluding antenna or tower
- Y. Public, private or parochial school or academy and playground area with required parking area and if approved by the Indiana Department of Education
- Z. Roadside business
- AA. Neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage
- BB. Self store-it or mini warehouses
- CC. Outlet mall
- DD. Paint store
- EE. Supermarket
- FF. Equipment and appliance service and sales including radio, television, computer and similar electric appliances
- GG. Sports bar

153.5.4 Uses Prohibited in a B-1 District

- A. Manufacturing or heavy industrial uses
- B. Sale rental or storage of new or used motor vehicles, boats, trailers, tractors, or other similar merchandise, products or equipment
- C. Exterior display or storage of oil, antifreeze, batteries, tires, and other merchandise or products
- D. Utility transmission facilities including cellular tower or antenna
- E. Outdoor storage

- F. Laundry
- G. Auto repair
- H. Auto parts or supplies sales, storage or display
- I. Dog kennel
- J. Storage or operations handling petroleum products or chemicals of an explosive or flammable nature including hazardous chemicals, fluids, gases, vapors, solids and solutions, and similar substances
- K. All other uses except as specifically permitted herein

153.5.5 B-1 District Standards

DIMENSION	MEASUREMENT
Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	20 feet
Minimum depth of rear yard ¹	15 feet
Minimum width of each side yard ¹	5 feet
Aggregate of side yards as a percent of total lot width	20%
Maximum height	35 feet

153.5.6 Signage Permitted

See section 152.02 of the Rising Sun Code of Ordinances

153.5.7 Lighting Permitted

Lighting will not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157 of the zoning ordinance

153.5.8 Parking Permitted

See section 156 of the zoning ordinance

153.6 General Business B-2

153.6.1 Purpose and Intent

The purpose of this district is to accommodate a variety of businesses, determined not to be a nuisance or detrimental to adjacent land uses. This district accommodates general types of business and services and is designed to provide for the development of community wide businesses to serve the City and additional populations outside the City. This district provides for retail goods and services and typically will feature traffic generators such as motels, discount retailers, department stores and the like. This district requires access from major thoroughfares and certain permitted uses may have limited outdoor activities.

¹ Where a lot in the B-1 zone district abut upon a lot in an R zone district, as lot dimensions permit a side yard or rear yard shall be increased by five feet to include a five foot buffer strip of landscaping or solid decorative fencing.

153.6.2 Uses Permitted by Right in a B-2 District

The following uses are permitted in a B-2 district if they conform to the development standards.

- A. Uses permitted in B-1 zone
- B. Automobile, boat, recreational vehicle, tractor, lawn, equipment and truck sales, lease or rental, providing vision clearance on corner lots are not infringed upon and a decorative fence or wall of not less than six feet in height on the rear and any side lot line that adjoins a residential use and not more than seventy-five percent of the lot or parcel is used for outdoor display, storage, and/or sales.
- C. Mobile home or manufactured home sales
- D. Vehicle repair, including automobile, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- E. Bus, taxi passenger station
- F. Electric and telephone substations excluding antenna and towers
- G. Contractor sales or contractor storage yard provided outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- H. Lumber yard
- I. Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material
- J. Municipal garage and storage associated with the operation and maintenance of streets, utilities or Parks and Recreation facilities
- K. Commercial automobile parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use
- L. Business park or business subdivision
- M. Child care center within a planned business subdivision
- N. Cemetery or mausoleum
- O. Funeral home
- P. Commercial, public and private marina

- Q. Bait sales
- R. Hospice facility
- S. Hospital, sanitarium or clinic
- T. Mental health facilities
- U. Nursing, convalescence or assisted living homes
- V. Physical rehabilitation facilities
- W. Motel or hotel with parking lots adequately screened from any adjoining residential use
- X. Resort facilities including hotel or motel
- Y. Community park 10-24 acres
- Z. Regional or special park over 25 acres
- AA. Indoor amusements, bowling, billiards, dance, commercial swimming pools, racket sports and similar entertainment entirely within an enclosed building
- BB. Water slides, water parks, amusement parks
- CC. Outdoor amusements, recreation, or sports facilities that are not a nuisance or hazardous to adjacent properties
- DD. Dog kennel, provided any outdoor runs or facilities are screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance if a corner parcel or lot, except located adjoining any residential use.
- EE. Veterinarian hospital
- FF. Radio or television station or studio excluding antenna or tower
- GG. Roadside business requiring drive-in facilities related to a street or highway and each lot so used shall have at least one hundred [100] feet of frontage on a street
- HH. Department store or discount store
- II. Dry cleaning – method of dry cleaning may utilize perchloroethylene [PERC]
- JJ. Outlet mall
- KK. Paint store
- LL. Supermarket
- MM. Sports bar
- NN. Neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage
- OO. Indoor storage of boats, recreational vehicles, automobiles, trucks or equipment
- PP. Self store-it or mini warehouse

QQ. Equipment and appliance service and sales including radio, television, computer and similar electric appliances

153.6.3 Uses Permitted in a B-2 District Only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Apartment in single family dwelling or business
- B. Church or temple
- C. Municipal buildings, administrative and offices
- D. Rooming house
- E. Lodging house
- F. Dance academy
- G. Vocational or industrial training facilities, data processing or analysis

153.6.4 Uses Permitted in a B-2 District Only if Approved as Special Exception by the Board of Zoning Appeals

- A. Overnight camping trailer facilities
- B. Compost facility
- C. Recycling collection points and garment/furniture drop-off centers
- D. Publicly owned entertainment facilities including bandstand, outdoor theaters, amphitheater or similar facilities
- E. Sports complex
- F. Heliport
- G. Assembly hall
- H. Convenience goods and services related to marine or river uses
- I. Marine or river launches, slips, moorings and docking facilities
- J. Linear or greenway park
- K. Pawn shop or quick check cashing establishment
- L. Tattoo parlor
- M. Massage parlor
- N. Bail bondsman
- O. Tattoo parlor
- P. Sale or display of used merchandise provided all of the following are met: wholesale business or retail building material and lumber sales provided outdoor storage is screened by a solid decorative fence or wall not less than six feet in height and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance if a corner parcel or lot
- Q. Convention center
- R. Tavern, bar or nightclub with live entertainment and only in conformity with requirements of laws or ordinances governing such use

- S. Cold storage lockers for individual use
- T. Screened outdoor storage

153.6.5 Uses Prohibited in a B-2 District

- A. Contractors plant or storage
- B. I-1 uses
- C. Manufacturing, industrial assembly
- D. Storage or operations handling petroleum products or chemicals of an explosive or flammable nature including hazardous chemicals, fluids, gases, vapors, solids and solutions, and similar substances
- E. All other uses except as specifically permitted herein

153.6.6 B-2 District Standards

DIMENSION	MEASUREMENT
Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	20 feet
Minimum depth of rear yard	10 feet
Minimum width of each side yard	5 feet
Aggregate of side yards as a percent of total lot width	20%
Maximum height	35 feet

153.6.7 Signage Permitted

See section 152.02 of the Rising Sun Code of Ordinances

153.6.8 Lighting Permitted

See section 157 of the zoning ordinance

153.6.9 Parking Permitted

See section 156 of the zoning ordinance

153.7 Industrial District – I-1

153.7.1 Purpose and Intent

This district includes manufacturing, wholesaling and warehousing uses with minimum nuisances that can be screened or buffered from non-industrial uses and the entire operation is within a completely closed building. No storage of raw materials, manufactured products, or any other materials permitted in a non-screened open space around the building. Loading and unloading berths are completely enclosed or shielded by solid screening.

153.7.2 Uses Permitted by Right in an I-1 District

- A. Agricultural uses excluding spraying used by individual residential uses
- B. Bus, taxi passenger station

- C. Utility transmission facilities excluding cellular telecommunications facilities for personal wireless service facilities
- D. Child care center or adult day care within a planned industrial subdivision
- E. Cleaning, testing or repairing goods, materials or products
- F. Compost facility
- G. Contractor sales or contractor storage yard provided outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- H. Lumber yard
- I. Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material
- J. Municipal garage and storage associated with the operation and maintenance of streets, utilities or Parks and Recreation facilities
- K. Greenhouse, exceeding 1,000 square feet
- L. Light manufacturing including processing and fabrication
- M. Manufacturing assembly
- N. Commercial, public and private marina
- O. Marine or river launches, slips, moorings and docking facilities
- P. Marine sales, charter or rental of marine or river vessels
- Q. Business park or business subdivision
- R. Commercial automobile parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use
- S. Industrial parks
- T. Indoor storage of boats, recreational vehicles, automobiles, trucks or equipment
- U. Dog kennel, provided any outdoor runs or facilities are screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance if a corner parcel or lot, except located adjoining any residential use.
- V. Radio or television station or studio excluding antenna or tower
- W. Cold storage lockers for individual use
- X. Self store-it or mini warehouse
- Y. Convenience grocery store with self-service gasoline pumps
- Z. Dry cleaning – method of dry cleaning may utilize perchloroethylene [PERC]
- AA. Temporary seasonal displays

- BB. Wholesaling, warehousing, packaging, storage or distribution facilities without outdoor storage
- CC. Wholesaling, warehousing, packaging, storage or distribution facilities with screened outdoor storage

153.7.3 Uses Permitted in an I-1 District Only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Church or temple
- B. Municipal buildings, administrative and offices
- C. Dance academy
- D. Vocational or industrial training facilities, data processing or analysis

153.7.4 Uses Permitted in an I-1 District Only if Approved as Special Exception by the Board of Zoning Appeals

- A. Vehicle quick lubrication shop
- B. Vehicle repair, including automobile, truck, recreational vehicle, marine or motorcycle, provided all of the following are met:
 - Repair is conducted wholly within an enclosed building
 - Not more than one-third of the lot or parcel is used for outdoor display or storage
 - a. Outdoor storage is screened by a solid decorative fence or wall not less than six feet in height, and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance at a driveway, intersection or a corner
- C. Equipment and appliance service and sales including radio, television, computer and similar electric appliances
- D. Telecommunications facilities including cellular antenna tower for wireless communications
- E. Distribution center
- F. Greenhouse, not exceeding 1000 square feet
- G. Heliport
- H. Airport
- I. River port
- J. Convenience goods and services related to marine or river uses
- K. Linear or greenway park
- L. Screened outdoor storage
- M. Unscreened outdoor storage
- N. Storage or operations handling petroleum products or chemicals of an explosive or flammable nature including hazardous chemicals, fluids, gases, papers, solids and solutions, and similar substances, warehousing with outdoor storage, provided outdoor storage is screened by a solid

decorative fence or wall not less than six feet in height and to a distance from the front line not less than then the front building line of the primary structure and not infringing on the vision clearance if a corner parcel or lot

- O. Wholesaling, warehousing, packaging, storage or distribution facilities without screened outdoor storage

153.7.5 I-1 District Standards

DIMENSION	MEASUREMENT
Minimum lot area	5,000 square feet
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	20 feet
Minimum depth of rear yard	10 feet
Minimum width of each side yard	5 feet
Aggregate of side yards as a percent of total lot width	20%
Maximum height	35 feet

153.7.6 Signage Permitted

See section 152.02 of the Rising Sun Code of Ordinances.

153.7.7 Lighting Permitted

Lighting will not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157 of the zoning ordinance

153.7.8 Parking Permitted

See section 156 of the zoning ordinance

153.8 Uses Prohibited in All Zones, Except as May be Permitted by the Board of Zoning Appeals in the Industrial District [I-1],

Provided, however that the following uses shall not be authorized within 2,640 ft. of any actual use on adjacent property. Distance shall be measured in a straight line without regard to intervening structures, topography or zoning.

1. Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, blacking or polish, brick, terra-cotta, tile or pottery [except in handicrafts], cement, gypsum, lime, plaster of paris, coke, creosote, dextrin, glucose, starch, sugar, disinfectant or insecticide, dye, explosives or fireworks or storage in excess of 500 pounds fertilizer, gas [fuel for illuminating] in excess of one thousand cubic feet per day or storage in excess of 10,000 cubic feet, except in a municipal or public service plant, gelatin or glue or size from animal refuse or offal, hair, hydrochloric, nitric, picric, sulfuric, or sulphurous acid, lamp black, linoleum, matches, oil, paint or shellac, oil or rubber cloth, paper or pulp printing ink, pyroxylin or articles thereof or storage in excess of 500 pounds, unless in a vault approved by the state fire marshal, rubber or treatment thereof involving offensive odor, salt, soda, or soda compounds, soap, tar, turpentine, or varnish, blast furnace, coal, junk, or wood yard, drop forge, fat, grease, lard, or

tallow manufacture, refining or rendering, flour, grain or grist mill, hot rolling mill, incineration, reduction

2. Dumping of dead animals, garbage offal, or refuse except by the City or its agents or when accumulated and consumed on the same premises without the emission of odor, lumber yard or planing mill, metal or ore reduction or smelting, petroleum, and its by products or other inflammable liquids or the production, refining or storage above ground in excess of 12,000 gallons, slaughtering or stockyards except as permitted by the State Board of Health, tanning, curing or storage of raw hides or skins, tire recapping, wool scouring, any other use detrimental to a neighborhood because of emission of odor, fumes, dust, smoke, vibration, or noise, or other cause, or hazardous because of danger of fire or explosion
3. Storage or operations handling petroleum products or chemicals of an explosive or flammable nature including hazardous chemicals, fluids, gases, vapors, solids and solutions, and similar substances
4. Adult or sex oriented business, however, adult uses are prohibited within 2,640 feet of any childcare center, library, religious or cultural activity or use or any agricultural or residential zone district boundary. No adult business use shall be within 2,640 feet of any other adult business use. Adult uses shall not be permitted as a home occupation

153.9 Riverfront Zone District RF

153.9.1 Purpose

The purpose of this district is to guide the future development of the riverfront and preserve as a riverfront park. The intent is to promote the existing river related development theme to be reflected in permitted uses, public spaces, and public rights-of-way. Further, the purposes are to create opportunities for access to the Ohio River, promote green space, and focus on the open visual characteristics of the riverfront for the enjoyment of the citizens of Rising Sun. A related purpose of the district is to support tourist attraction, destination opportunities, and encourage revitalization of Main Street.

153.9.2 Uses Permitted by Right in a RF District

- A. Agricultural uses, excluding spraying used by individual residential uses
- B. Overnight camping trailer facilities
- C. Publicly owned entertainment facilities including bandstand, outdoor theaters, amphitheater, or similar facilities
- D. Greenhouse, not exceeding 1000 square feet
- E. Commercial, public and private marina
- F. Convenience goods and services related to marine or river uses
- G. Marine or river launches, slips, moorings and docking facilities
- H. Marine sales, charter or rental of marine or river vessels
- I. Business park or business subdivision only if associated with river port
- J. Regional or special park over 25 acres
- K. Community park 10 to 24 acres
- L. Community park 1 ½ to 10 acres

- M. Park or playground less than 1 ½ acres
- N. Linear or greenway park
- O. Water slides, water parks, amusement parks
- P. Philanthropic uses
- Q. Temporary seasonal displays

153.9.3 Uses Permitted in a RF District Only if Approved as a Contingent Use by the Board of Zoning Appeals

- A. Church or temple
- B. Municipal buildings, administrative and offices
- C. Dance academy
- D. Vocational or industrial training facilities, data processing or analysis

153.9.4 Uses Permitted in a RF District Only if Approved as a Special Exception by the Board of Zoning Appeals

- A. Indoor amusements, bowling, billiards, dance, commercial swimming pools, racket sports and similar entertainment entirely within an enclosed building
- B. Outdoor amusements, recreation, or sports facilities that are not a nuisance or hazardous to adjacent properties
- C. Greenhouse, exceeding 1000 square feet
- D. Heliport
- E. Civic and community building
- F. Convention center
- G. Commercial automobile parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use

153.9.5 District Development Standards

Scale of developments shall be complementary to the city's character, natural setting and visually compatible

153.9.5.1 Signage Permitted

Refer to section 152.02 of the Rising Sun Code of Ordinances.

153.9.5.2 Lighting Permitted

Lighting will not cause a nuisance due to light trespass, spill or glare or reflected glare or visual discomfort regardless of standards of the Illuminating Engineering Society of North America [IESNA] and meet the requirements of section 157.

153.9.5.3 Height

The height of any structure shall not obscure the open view of the Ohio River from the riverbank in Rising Sun

153.9.5.4 Parking Permitted

See section 156 of the zoning ordinance

153.10 Park and Recreation District PR

153.10.1 Purpose and Intent

This District is intended solely for publicly owned property used for recreational purposes open to the general public. A full range of recreation and associated entertainment uses are appropriate as well as supportive retail uses solely for the enjoyment of those using the recreational facilities. Although the property must remain publicly owned, the public may lease land or franchise supportive uses; however, under no circumstances shall the lease of land be made to private individuals or entities to circumvent the requirement of proper zoning for private uses as required for other zoning districts.

153.10.2 Uses Permitted by Right in a PR District

- A. Agricultural uses excluding spraying used by individual residential uses
- B. Overnight camping trailer facilities
- C. Municipal garage and storage associated with the operation and maintenance of streets, utilities or Parks and Recreation facilities
- D. Greenhouse, not exceeding 1000 square feet
- E. Civic and community building
- F. Commercial, public and private marina
- G. Marine or river launches, slips, moorings and docking facilities
- H. Marine sales, charter or rental of marine or river vessels
- I. Regional or special parks over 25 acres
- J. Community park 10 to 24 acres
- K. Community park 1 ½ to 10 acres
- L. Park or playground less than 1 ½ acre
- M. Linear or greenway park
- N. Indoor amusements, bowling, billiards, dance, commercial swimming pools, racket sports and similar entertainment entirely within an enclosed building
- O. Publicly owned entertainment facilities including bandstand, outdoor theaters, amphitheater or similar facilities
- P. Outdoor amusements, recreation or sports facilities that are not a nuisance or hazardous to adjacent properties
- Q. Water slides, water parks, amusement parks
- R. Public swimming pools
- S. Sports complex
- T. Philanthropic uses

U. Temporary seasonal displays

153.10.3 Uses Permitted in a PR District Only if Approved as a Contingent Use by the Board of Zoning Appeals

A. Church or temple

B. Municipal buildings, administrative and offices

C. Dance academy

D. Vocational or industrial training facilities, data processing or analysis

153.10.4 Uses Permitted in a PR District Only if Approved as a Special Exception by the Board of Zoning Appeals

A. Bowling alley

B. Greenhouse, exceeding 1000 square feet

C. Heliport

D. Assembly hall

E. Convenience goods and services related to marine or river uses

F. Commercial automobile parking lots and garages excluding the parking of inoperative or abandoned vehicles and providing they are properly screened if adjoining a residential use

G. Resort facilities including hotel or motel

H. Convention center

153.10.5 PR District Standards

DIMENSION	MEASUREMENT
Minimum lot area	No minimum lot area, except when restrooms are provided in areas without sanitary sewer collection and treatment, then the minimum lot area shall be 10 acres
Minimum depth of front yard	50 feet
Minimum depth of rear yard	50 feet
Minimum width of each side yard	50 feet
Maximum height	35 feet

153.10.6 Signage Permitted

See section 152.02 of the Rising Sun Code of Ordinances

153.10.7 Lighting Permitted

See section 157 of the zoning ordinance

153.10.8 Parking Permitted

See section 156 of the zoning ordinance

153.11 Flood Plain District FP

153.11.1 Statutory Authorization

The Indiana Legislature granted the power to local units of government [IC 36-7-4] to control land use within their jurisdiction in order to accomplish the following.

153.11.2 Purpose and Intent of the FP District

The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the City of Rising Sun hereby adopts the following floodplain management regulations in order to accomplish the following:

- A. To prevent unwise developments from increasing flood or drainage hazards to others
- B. To protect new buildings and major improvements to buildings from flood damage
- C. To protect human life and health from the hazards of flooding
- D. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations
- E. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas

- F. To make federally subsidized flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program

153.11.3 Definitions

For the purpose of this ordinance, the following definitions are adopted:

- A. Building - see “structure”
- B. Development - any man-made change to improved or unimproved real estate including but not limited to:
 - a. Construction, reconstruction, or placement of a building or any addition to a building
 - b. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days
 - c. Installing utilities, erection of walls and fences, construction of roads, or similar projects
 - d. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.
 - e. Mining, dredging, filling, grading, excavation, or drilling operations
 - f. Construction and/or reconstruction of bridges or culverts
 - g. Storage of materials
 - h. Any other activity that might change the direction, height, or velocity of flood or surface waters

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

- C. Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed [including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads] is completed before the effective date of this ordinance
- D. Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed [including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads]
- E. FBFM - Flood Boundary and Floodway Map
- F. FEMA - Federal Emergency Management Agency
- G. FHBM - Flood Hazard Boundary Map
- H. FIRM - Flood Insurance Rate Map

- I. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source
- J. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts
- K. Flood Protection Grade or the "FPG" - the elevation of the regulatory flood plus two feet at any given location in the SFHA
- L. Floodway - the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream
- M. Floodway fringe - those portions of the floodplain lying outside the floodway
- N. Letter of Map Amendment [LOMA] - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area [SFHA]. A LOMA is only issued by FEMA
- O. Letter of Map Revision [LOMR] - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations
- P. Lowest Floor - means the lowest of the following:
 - a. The top of the basement floor
 - b. The top of the garage floor, if the garage is the lowest level of the building
 - c. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings
 - d. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - i. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings [in addition to doorways and windows] having a total area of one [1] square foot for every two [2] square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one [1] foot above grade
 - ii. Such enclosed space shall be usable for the parking of vehicles and building access
- Q. Manufactured Home –In regards to this section a manufactured home is defines 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. The term "manufactured home" does not include a "recreational vehicle"

- R. New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed [including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads] is completed on or after the effective date of this ordinance
- S. Recreational Vehicle - means a vehicle which is [1] built on a single chassis; [2] four hundred [400] square feet or less when measured at the largest horizontal projections; [3] designed to be self-propelled or permanently towable by a light duty truck; and [4] designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use
- T. Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure, which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in ordinance. The "Regulatory Flood" is also known by the term "Base Flood
- U. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the City of Rising Sun that are subject to inundation by the regulatory flood. The SFHAs of the City of Rising Sun are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated October 18, 1983. The SFHAs of those parts of unincorporated Ohio County that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Ohio County by the Federal Emergency Management Agency and dated September 4, 1987
- V. Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days
- W. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent [50%] of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure"

153.11.4 Duties of the Administrator

The Building and Zoning Inspector shall implement this ordinance and hereafter be referred to as the Building and Zoning Inspector. The Building and Zoning Inspector for the City of Rising Sun is appointed to review all development and

subdivision proposals to ensure compliance with this ordinance, including but not limited to the following duties:

- A. Ensure that all development activities within the SFHAs of the jurisdiction of the City meet the requirements of this ordinance
- B. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques
- C. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to this ordinance, and maintain a record of such authorization [either copy of actual permit or letter of recommendation]
- D. Maintain a record of the “as-built” elevation of the top of the lowest floor [including basement] of new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction
- E. Maintain a record of the engineer’s certificate and the “as-built” floodproofed elevation of all buildings subject to this ordinance
- F. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program
- G. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment [LOMA], Letters of Map Revision [LOMR], copies of DNR permits and letters of recommendation, federal permit documents, and “as-built” elevation and floodproofing data for all building constructed subject to this ordinance
- H. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA

153.11.5 Regulatory Flood Elevation

This ordinance’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- A. The regulatory flood elevation and floodway limits for the SFHAs of the Ohio River, Dry Branch Creek, and Buck Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the City and the corresponding [FBFM/FIRM] dated October 18, 1983 prepared by the Federal Emergency Management Agency. And the [FBFM/FIRM] dated September 4, 1987 for Ohio County prepared by the Federal Emergency Management Agency
- B. The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation [or depth] delineated on the Flood Insurance Rate Map of the City
- C. The regulatory flood elevation for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of the City

shall be according to the best data available as provided by the Department of Natural Resources

153.11.6 Improvement Location Permit

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Building and Zoning Inspector. The Building and Zoning Inspector shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

- A. The application for an Improvement Location Permit shall be accompanied by the following:
 - a. A description of the proposed development
 - b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams
 - c. A legal description of the property site
 - d. A site development plan showing existing and proposed development locations and existing and proposed land grades
 - e. Elevation of the top of the lowest floor [including basement] of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 [NGVD] or North American Vertical Datum [NAVD]. In either case the conversion formula should be included
- B. Upon receipt of an application for an Improvement Location Permit, the Building and Zoning Inspector shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined
 - a. If the site is in an identified floodway the Building and Zoning Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway

Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building

No action shall be taken by the Building and Zoning Inspector until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once the Natural Resources Commission has issued a permit, the Building and Zoning Inspector may issue the local Improvement Location Permit, provided the provisions contained in this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission

- b. If the site is located in an identified floodway fringe, then the Building and Zoning Inspector may issue the local Improvement Location Permit provided the provisions contained in this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade [FPG]
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Building and Zoning Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment

The Building and Zoning Inspector shall take no action until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources

Once the Building and Zoning Inspector has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in this ordinance have been met

- d. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Building and Zoning Inspector shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site

Upon receipt, the Building and Zoning Inspector may issue the local Improvement Location Permit, provided the provisions contained in this ordinance have been met

153.11.7 Preventing Increased Damages

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- A. Within the floodway identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis as provided in this ordinance, the following standards shall apply
 - a. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood
 - b. For all projects involving channel modifications or fill [including levees] the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data

- B. Within all SFHAs identified as A Zones [no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided] the following standard shall apply:
 - a. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth [0.1] of one foot and will not increase flood damages or potential flood damages
- C. Public Health Standards in all SFHAs
 - a. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood proofed storage tank or building constructed according to the requirements of this ordinance
 - b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight

153.11.8 Protecting Buildings

In addition to the damage prevention requirements of this section, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- A. This building protection requirement applies to the following situations:
 - a. Construction or placement of any new building having a floor area greater than four hundred [400] square feet
 - b. Structural alterations made to:
 - i An existing [previously unaltered] building, the cost of which equals or exceeds fifty percent [50%] of the value of the pre-altered building [excluding the value of the land]
 - ii Any previously altered building
 - c. Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent [50%] of the market value of the building [excluding the value of the land] before damage occurred
 - d. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage
 - e. Installing a travel trailer or recreational vehicle on a site for more than 180 days
- B. This building protection requirement may be met by one of the following methods. The Building and Zoning Inspector shall maintain a record of compliance with these building protection standards as required in this ordinance

- a. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 - i The fill shall be placed in layers no greater than one [1] foot deep before compacting to ninety-five percent [95%] of the maximum density obtainable with the Standard Proctor Test method
 - ii The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG
 - iii The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three [3] horizontal to one [1] vertical
 - iv The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties
 - v The top of the lowest floor including basements, [see definition of lowest floor in Section 3. Definitions] shall be at or above the FPG

- b. A residential or nonresidential building may be elevated in accordance with the following:
 - i The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - ↪ Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings [in addition to doorways and windows] having a total area of one [1] square foot for every two [2] square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one [1] foot above grade
 - ↪ Any enclosure below the elevated floor is used for storage of vehicles and building access
 - ii The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris
 - iii All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor [including basement] and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG

- c. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

- i The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site
 - ↪ Outside a manufactured home park or subdivision
 - ↪ In a new manufactured home park or subdivision
 - ↪ In an expansion to an existing manufactured home park or subdivision
 - ↪ In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood
 - ii This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement
- d. Recreational vehicles placed on a site shall either
- i Be on the site for less than 180 consecutive days
 - ii Be fully licensed and ready for highway use [defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions]
 - iii Meet the requirements for “manufactured homes” in paragraph [3] of this section
- e. A non-residential building may be floodproofed to the FPG [in lieu of elevating] if done in accordance with the following:
- i A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice
 - ii Flood proofing measures shall be operable without human intervention and without an outside source of electricity

153.11.9 Other Development Requirements

- A. The Building and Zoning Inspector shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as

defined else where by ordinance. If the Building and Zoning Inspector finds the subdivision to be so located, the Building and Zoning Inspector shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Building and Zoning Inspector shall require appropriate changes and modifications in order to assure that:

- a. It is consistent with the need to minimize flood damages
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards
 - d. On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood
- B. Developers shall record the one hundred [100] year flood elevation on all subdivision plats containing lands [identified elsewhere by this ordinance] within a flood hazard area prior to submitting the plats for approval by the Plan Commission
- C. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with and approved by the appropriate community emergency management authorities

153.11.10 Variances

- A. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
- a. There exists a good and sufficient cause for the requested variance
 - b. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant
 - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances
- B. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
- a. No variance or exception for a residential use within a floodway subject to this ordinance may be granted
 - b. Any variance or exception granted in a floodway subject to this ordinance will require a permit from Natural Resources
 - c. Variances or exceptions to the Building Protection Standards of this zoning ordinance may be granted only when a new structure is to be

located on a lot of one-half [1/2] acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade

- d. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects
- e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction
- f. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums

153.11.11 Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. This ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully there under.

153.11.12 Violations

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance for the City of Rising Sun.

- A. A separate offense shall be deemed to occur for each day the violation exists
- B. The Rising Sun Advisory Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended
- C. Nothing herein shall prevent the City of Rising Sun from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible

153.11.13 Abrogation and Greater Restrictions

This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the City Council shall assure that

all National Flood Insurance Program regulations and laws [310 IAC 6-1-1, IC 14-28-1 and IC 14-28-3] are met.

154 DEVELOPMENT PLAN REQUIREMENTS

The purposes of the development plan are to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger. The additional purposes are to lessen and avoid congestion on public ways and promote the public health, safety, comfort, morals, convenience, and general welfare.

Further the intent of the development plan is to promote the health, safety, convenience and welfare of the citizens and to the most appropriate use of land in the City.

The development plan is required to determine and demonstrate compliance with the zoning ordinance. Every request for a rezoning, variance, special exception, use variance, or contingent use shall require the submittal of a development plan in conformance with this section.

154.1 Applicable Zone Districts

A development plan is required for every zone district except R-1C. Developments in R-1C zone districts shall comply with the R-1C district requirements.

154.2 Development Plans for Rezoning, Variance, Special Exception, and Contingent Use

Although not required, prior to preparing a development plan the owner is encouraged to have a pre-meeting with the Plan Commission or BZA as appropriate. The purpose of the pre-meeting is to advise the applicant of the review procedure and requirements and also to discuss any initial concerns. The pre-meeting will determine if the proposed development will be required to adhere to the minor or major development plan requirements.

The applicant shall submit eight copies with the application for rezoning, variance, special exception, or contingent use. The applicant shall submit development plan documentation and supporting information to the Plan Commission by the first Tuesday of the month prior to the Plan Commission meeting when it will be reviewed.

154.3 Development Plan Exclusions

1. Single family residential unit
2. Single business structure except in MSB-1 zone
3. No utility extension is required
4. Less than one [1] acre of grading proposed

154.4 Minor Development Plan

A minor development plan shall be required if the proposed development meets all of the following:

1. One [1] to five [5] acres of grading
2. Five [5] to ten [10] parking spaces are created
3. There is more than twenty-five percent [25%] expansion of the square footage of the existing principal structure

4. No new curb cuts, access points or loading areas

154.5 Major Development Plan Threshold if the Proposed Development Meets Any of the Following:

1. The proposed development requires utility construction to the site
2. There is more than one [1] acre of grading
3. An industrial use is proposed
4. There are more than ten [10] parking spaces created
5. There will be a new curb cut or access point

154.6 Minor Development Plan Requirements

The minimum requirements of a minor development plan are as follows:

1. Dimensions and size of the site [boundary description]
2. Location, name and width of any public streets, easements
3. Proposed and existing use of the lot
4. Location and parking layout
5. Landscaping
6. Outdoor lighting plan if more than five [5] exterior light fixtures are proposed
7. Signs in accordance with section 152.02 the Rising Sun Code of Ordinances
8. Lot size
9. Names of adjoining property owners
10. Square footage and height of all proposed structures, ground floor area, lot coverage
11. Location and size of all utility lines [sanitary sewer, storm sewer, water, electric, cable television line, others as may be appropriate]
12. Width of all driveways
13. Angle of all parking spaces and aisle widths
14. Drainage
15. North arrow and scale
16. Name, address, fax number and telephone number of owner, land surveyor and/or engineer
17. Drawn to a scale sufficient for review
18. Vicinity map
19. Zoning of the lot and adjoining lots
20. Proposed restriction or covenants, if any
21. Any unique qualities the applicant wants the Plan Commission or BZA to be aware of

154.7 Major Development Plan Requirements

1. All the requirements for a minor development plan

2. Estimate of the average number of vehicles per weekday entering and leaving the proposed development and the a.m. and p.m. peak hours
3. Internal vehicle and pedestrian circulation
4. Building setbacks
5. Landscaping plan
6. Location of all above ground and underground storage tanks
7. Signage plan and detail of all signs, including area, type, height and commercial message
8. Location and screening material of dumpsters
9. Lighting plan and detail of fixtures

154.8 Scope of Plan Commission Review

The Plan Commission shall review a development plan to determine if the development plan meets the following:

1. Is consistent with the comprehensive plan
2. Satisfies the development requirements specified in the zoning ordinance

The Plan Commission may also do the following:

1. Impose conditions on the approval of the development plan if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance for approval of the development plan
2. Provides that approval of a development plan is conditioned on furnishing to the plan commission a bond or written assurance that:
 - a. Guarantees a timely completion of a proposed public improvement in the proposed development
 - b. Is satisfactory to the plan commission
3. Permit or require the owner of real estate to make the written commitment concerning the development

154.8.1 Written Findings

The Plan Commission shall make written findings concerning each decision to approve or disapprove the development plan. The president of the Plan Commission shall be the designated official who is responsible for signing written findings of the Plan Commission.

Except, as may be provided in this zoning ordinance, the decision of the Plan Commission approving or disapproving a development plan is a final decision of the Plan Commission that may be reviewed only by certiorari.

155 PARKING SPACE: LOADING AND UNLOADING BERTHS

Every building hereafter erected shall provide off-street parking space and loading and unloading berths as specified hereinafter for the use to which such building is to be used.

155.1 Existing Off-Street Parking and Loading

1. When the use of any building, structure or premises shall be increased through additional dwelling units, gross floor area, seating capacity or other units of measurement, required parking or loading facilities as herein required shall be provided for such an increase and density of use
2. Any off-street parking or loading space established prior to the effective date of this amended zoning ordinance which is used or intended to be used in conjunction with any main building, structure or use of any space delineated and intended to comply with the requirements of this section for any such building, structure, or use erected after such effective date shall hereafter be maintained so long as said building, structure, or use remain unless the owner provides and maintains in another location an equivalent number of car spaces which conforms to all provisions of this zoning ordinance

155.2 Location of Accessory Off-Street Parking

All parking spaces shall be on the same lot with the building, structure or use that they serve. Except, the Board of Zoning Appeals, may permit the required number of parking spaces to be on any lot within three hundred [300] feet of the premises they are to serve provided, however; the Board of Zoning Appeals shall hold a public hearing and review the plans and made findings that:

1. Requirements for granting a variance as set forth in this zoning ordinance are met
2. A development plan that meets the requirements of this zoning ordinance are met
3. There is common ownership of the lot or a ten [10] year lease
4. The site of the parking facility is reasonably certain to continue
5. The off-street parking facility will be maintained at all times during the life of the proposed use or building
6. Access to all parking facilities provided shall be directly accessible from a street or an alley. Access alleys and driveways shall be sufficient width for convenient maneuvering of cars for each space and shall be accessible without driving over or through any other parking space

155.3 Parking Requirements

This section does not apply to any building in the MSB-1 district, whether existing or erected within 300 feet of a municipal parking lot, except in the case of requiring conformance with ADA regulations.

155.3.1 Number of Off Street Spaces Required

The following are the minimum number of off-street parking spaces that shall be provided and satisfactorily maintained for each building, structure or use that

exists or is hereafter erected, enlarged or altered for any of the following purposes.

In the case of mixed use in the same building or structure, the total requirement of off-street parking facilities shall not be considered as providing required parking facilities for any other uses.

Collective off-street parking facilities for two [2] or more buildings, structures, or uses shall not be less than the sum of the requirements for the various individual uses computed separately as provided for in this section.

Use	Minimum Parking Requirement
Airport or Heliport	One per 100 square feet of waiting and lobby area plus one for each three air craft tie-downs, plus one per five aircraft storage areas.
Commercial fishing lake or pond of three or more acres.	20 parking spaces per acre of water surface
Adult Business or Sex Oriented Business	One per 200 square feet of gross floor space
Amusement Center	One space for each 50 square feet of gross floor area
Amusement Park	One per 200 square foot of area within enclosed buildings, plus one space for every three persons that the facility is designed to accommodate when the facility is used to the maximum capacity.
Athletic Field	Twenty spaces per athletic field
Automatic Teller Machine	One per teller machine
Auction House	Two per 100 square feet of leasable area
Auditorium	One space per 30 feet of gross floor area
Auto Body Shop	One and one half per service bay
Auto Parts Store	One space per 300 square feet of gross floor area
Auto Rental	One per 400 square feet of gross floor area
Automobile Repair	Three spaces per service bay
Automobile Sales	3.5 spaces per 1,000 square feet of sales and show room area
Bait Shop	Five for every 1,000 square feet of gross floor area
Bank	One per 200 square feet of gross floor area and four stacking spaces for the first drive up window and three stacking spaces per additional drive up lane.
Bar or Tavern	Ten spaces per 1,000 square feet of gross floor area
Barber Shop	2 spaces per station
Bed and Breakfast	One per guest room plus two for the resident owner/manager
Beauty Parlor	2 spaces per station
Billiard Hall	One per 100 square feet of gross floor area
Bingo Parlor	One per 100 square feet of gross floor area
Boarding House	Two for the owner and one space of each rental

Use	Minimum Parking Requirement
	unit
Bookstore	4.5 spaces per 1,000 square feet of gross floor area
Bowling Alley	Two spaces per lane, in addition to spaces required for restaurant facilities, or billiards if they are provided
Campground	One dust free space per 30' X 30' space for every campsite
Camp/RV Park	One for every 2 dormitory units, plus additional spaces as determined by the Building & Zoning Inspector based on number of employees and vehicles judged to be customarily used in the operation of the use
Cartage, Express and Parcel Delivery, Post Office	One space for each 500 square feet of gross floor area
Car Wash, Full Service	Three spaces per the capacity of the car wash as measured by eleven feet per car in the car wash tunnel
Car Wash Self Service	One per wash bay plus two stacking spaces per bay
Church, Synagogue or place of worship	One space for each three seats based on the fire rated capacity
Club or Lodge	One for every three persons allowed within the maximum occupancy load as established by the local or state fire code
College or University	3.3 spaces per 1,000 gross square feet of floor area
Community Center	Four spaces per 1,000 square feet of gross floor area
Contractor's Yard	0.5 space per 1,000 square feet of lot area
Convalescent Center or Nursing Home	One space per five beds based on design capacity
Convenience Store	Five spaces per 1,000 square feet of gross floor area
Convent	One space per 1,000 square feet of gross floor area
Convention Center	Ten spaces for each 200 square feet of floor space
Correctional Facility	Two spaces per 25 inmates based on design capacity of facility
Crematorium	0.75 space per seat in chapel and one per two employees
Licensed Day Care Center or Day Care Ministry	One space for every four persons of licensed capacity plus one off street passenger loading place for every eight pupils the facility is designed to serve
Dentist	One space per 250 square feet gross floor area
Doctor	One space per 200 square feet gross floor area
Dormitory	One space for each five beds based on fire rated

Use	Minimum Parking Requirement
	capacity
Drive-in Restaurant i.e. Fast Food or Bank Drive In, Drive-In Dry Cleaning and other similar drive in facilities as determined by the Building and Zoning Inspector	One space for each 40 square feet of gross floor area, with no less than 25 parking spaces plus two lanes for stacking
Drug and Alcohol Treatment Center	One space per 150 square feet of gross floor area
Elderly Housing or assisted living complex	0.75 per dwelling unit and one per 200 feet of office, lobby, and maintenance are.
Employment Agency	Five spaces for every 1,000 square feet of gross floor space
Equipment Sales or Rental	See Machinery Sales/Rental
Fire Station	One per each 200 square feet of space plus one per vehicle
Fraternity or Sorority	Two spaces for each bedroom
Funeral Home or Mortuary	One space for every 100 feet of gross floor area
Furniture Store	Two spaces for 1,000 square feet of gross floor area
Gasoline Station, Full Service	One for each nozzle plus one space for each grease rack
Gas Station, Self-Service	1.5 spaces per fuel nozzle plus one per 50 feet of cashier and office areas
Golf Course	Three spaces per golf hole
Three par golf course	25 spaces per nine holes
Golf Driving Range	1.5 spaces for every tee, but no less than a total of five
Grocery Store	One per 200 square feet
Group Home	One per 400 square feet
Gymnasium	One space per 100 square feet
Hardware Store	One per 400 square feet
Headquarters, Corporate	2.5 spaces per 1,000 square feet
Health or Fitness Club [Private or Commercial]	One per 200 square feet of floor area
Horse Stable	One space for each two stalls
Hospital	2.25 spaces per bed at design capacity
Junkyard	Two spaces per acre
Kennel	One space per 400 square feet
Landfill	One space per employee and one loading/unloading space
Laundromat	One space per 200 square feet of space
Library	One per each 300 square feet of floor area
Liquor Store	One per 400 square feet of floor area
Lumberyard	4.5 for each 1,000 square feet of floor area
Machinery Sales or Rental,	One per 400 square feet of enclosed sales/rental

Use	Minimum Parking Requirement
including trucks, boats, farm machinery, lawn equipment, construction equipment, and similar items	space, plus one per 1,500 square feet of open sales/rental display lot area
Manufactured or Mobile Home Park	Two per mobile home and one per 200 square feet of office, laundromat, clubhouse or similar space
Manufacturing, assembly or Industrial	1 space for each 600 square feet of manufacturing floor space and 1 per 200 square feet of office or administrative space
Massage Parlor	One per 200 square feet of floor area
Miniature Golf Course	1.5 per hole
Motorcycle Sales or Service	One space for each 400 square feet of space
Movie Theater	One space per 4 seats or 10 spaces per 1,000 square feet
Museum or Art Gallery	One space for each 150 square feet of floor area
Night Club or Sports Bar	One space for each 300 square feet of floor area
Office	One per 300 square feet of floor area
Oil Change Shop	Two per 200 square feet plus 2 per service bay
Outdoor Theater	One per 400 square feet of site area
Park	Two spaces per acre
Pawn Shop	One space per 300 square feet of floor area
Photography Studio	One for each 400 square feet of floor area
Plumbing or Heating Supply	One space per 200 square feet of floor space
Police Station	One per 200 square feet of space plus one per vehicle
Post Office	Four per 1,000 square feet of floor area
Printing or publishing	One space per 600 square feet of floor area
Produce Stand	Three per 1,000 square feet of floor area
Public Assembly Hall	See Convention Center
Radio or Telephone Station	One space per 300 square feet of floor space
Research and Development	One per 300 square feet of floor area
Recreation Vehicle Park	1.5 spaces per vehicle space
Recycling Center	One space per 500 square feet of floor space and a minimum of 5 spaces
Repair shop	One space per 300 square feet of floor area
Restaurant, family sit down	One space per 150 square feet
Restaurant, fast food	One space per 100 square feet of floor space, but no less than 25
Outdoor Retail or Roadside Business	One space per 500 square feet of display area
Retail store	Five spaces per every 1,000 square feet of floor area

Use	Minimum Parking Requirement
School, Dance	One space per 200 square feet of floor area
School, Elementary	1.5 spaces per classroom plus one per 200 of office and administrative square feet
School, Junior High	Two spaces per class room plus one per 200 of office and administrative square feet
School, High School	Seven spaces per classroom plus one per 200 of office and administrative square feet
Shopping Center 14,999 square feet or less	Five spaces per 1,000 square feet
Shopping Center between 15,000 & 399,999 square feet	4.5 spaces per 1,000 square feet
Shopping Center between 400,000 and 599,999 square feet	Four spaces per 1,000 square feet of floor area
Shopping Center over 600,00 square feet	Five spaces per 1,000 square feet of floor space
Skating Rink	One space per 250 square feet of floor area
Stadium	One per 75 square feet of assembly area
Swimming pool, public or commercial	Two spaces for every 100 square feet of water area, plus one per 200 square feet of accessory building area
Television Station	One per 500 square feet of gross floor space
Travel Agency	Four for each 1,000 square feet of floor area
Truck terminal	One per 1,000 square feet of floor area
Utility including Substation, Telecommunications or Cellular Facility for Wireless Personal Service	One space for each 4000 square feet of gross floor area used for office and one per 800 square feet of area for other use, but not less than one for maintenance personnel
Veterinarian	One space per 500 square feet of floor area

155.3.2 Accessible Parking

All owners of off-street parking facilities intended for public use shall have a number of level parking spaces as set forth in the following table, with each space identified by an above grade sign as reserved for physically handicapped persons. Each reserved parking space shall be so designated by striping and shall be either thirteen [13] feet wide or eight [8] feet wide with a five [5] foot attached designated walkway. The five [5] foot adjacent walkway may be contiguous to, and shared by, two [2] eight [8] feet wide parking spaces. In addition to the normal handicapped parking spaces, there shall be one "van accessible" handicapped parking space per eight "normal handicapped" space. Such "van accessible" handicapped parking space shall be so designated by striping, and shall be eight [8] feet wide with an eight [8] foot attached designed walkway on the right side of the vehicle to be parked.

ACCESSIBLE PARKING SPACES

<i>Total Parking in Lot</i>	<i>Require Number of Accessible Spaces</i>
Up to 3	Optional
4 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 1000	2% of total
Over 1000	20 plus 1 for each 200 over 1000

155.3.3 Location of Accessible Parking

Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

155.3.4 Accessible Parking Signage, Pavement Markings and Wheel Stops

Accessible parking spaces shall be striped, and posted with appropriate accessible parking signage, pavement marking and wheel stops.

155.4 Parking Improvements

155.4.1 Surface

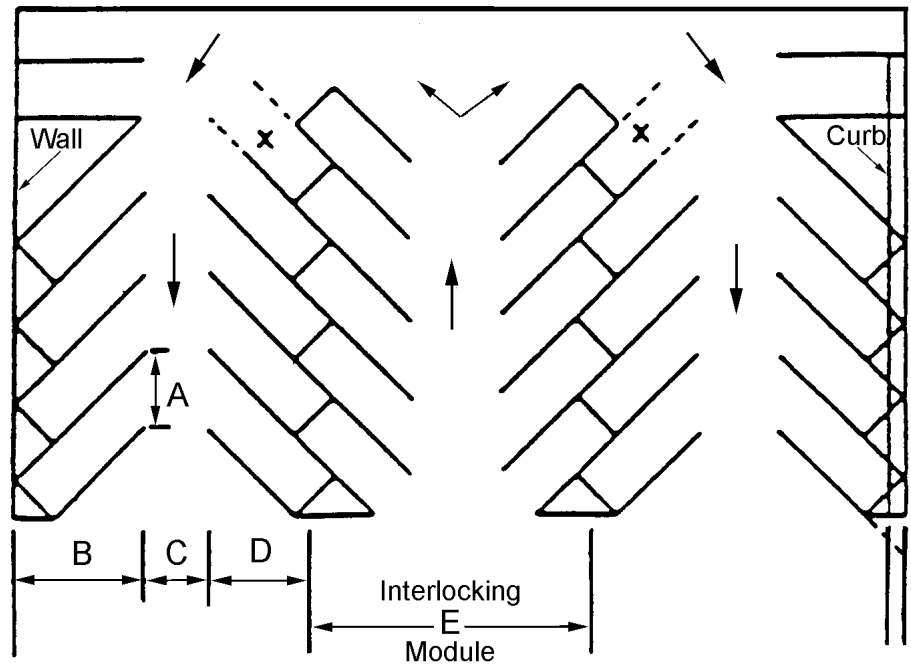
All parking areas, except accessory parking to a single-family detached dwelling, shall be striped and improved with a compact aggregate base with surface treatment [seal-coat] or asphalt, so as to achieve an all-weather, dustless surface. All parking spaces except accessory parking to a single-family detached dwelling shall be hard surface, lined and have wheel stops secured to the ground.

155.4.2 Dimensions

Each parking space except those required to meet Americans with Disability Act requirements shall be a minimum of nine [9] feet wide and eighteen [18] feet long, exclusive of walkways and aisles. Minimum aisle width shall be twenty-four [24] feet for a ninety [9] degree angle parking space.

Minimum parking space requirements for less than perpendicular parking are as follows:

Parking Angle		A	B	C	D	E	
		Space Width Parallel to Aisle	Space Depth to Wall	Space Depth to Interlock	Aisle Width	Wall to Wall	Interlock to Interlock
45 degree							
9.0 ft	Space	12.7	17.5	15.3	12	47	33
60 degree							
9.0 ft	Space	10.4	19.0	17.5	16	54	51
75 degree							
9.0 ft	Space	9.3	19.5	18.8	23	62	61
90 degree							
9.0 ft	Space	9.0	18.5	18.0	24	60	60



X = Space not accessible in certain layouts

For parking areas of business uses located within or that adjoin an "R" district, a solid wall or compact evergreen screen or uniformly painted board fence with no openings or a combination thereof having a height of not less than forty-two [42] inches or more than six [6] feet shall be erected and maintained in the side and rear yards between the parking area and "R" district.

Any light used to illuminate the parking area or driveway shall be installed so as to reflect the light away from or shield any adjoining property or public roads. Trespass glare shall not be permitted.

155.4.3 Off-Street Loading and Unloading Requirements

On the same premises with every building, structure or part thereof, hereafter erected, established, enlarged or occupied for any use involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained space for vehicles standing, loading, and unloading as follows:

- A. One [1] off-street loading space twelve [12] feet by fifty [50] feet [exclusive of aisle and maneuvering space] and fourteen [14] feet in height for every twenty thousand [20,000] square feet or fraction thereof in excess of three thousand [3,000] square feet of floor area for any of the above purposes provided, however, that in no case, such required off-street loading space be part of the area used to satisfy off-street parking requirements of this section
- B. For any off-street loading area within three hundred [300] feet of an "R" district, and is not obstructed from view from the "R" district by a physical barrier, the area shall be screened by a solid wall, compact evergreen screen or uniformly painted board fence [with no openings] or combination thereof having a height not less than six [6] feet which shall be erected and maintained in the side and rear yards between the off-street loading area and "R" district
- C. No motor vehicle, whether self-propelled, pulled as a trailer or any combination thereof, having a gross vehicle weight (GVW), a gross combination vehicle weight (GCVW) or being licensed for 26,000 pounds or greater, excluding RV's, shall be stored or parked in a Residential District, except for the sole purpose of loading or unloading.

156 LIGHTING

156.1 Purpose

The purpose of this section is to promote safety, security, aesthetic, harmonious development, and prevent nuisances associated with lighting; glare and sky glow while enhancing visual processes needed for good visibility and safety within Rising Sun.

It is recognized that inappropriate and poorly designed or installed outdoor lighting causes unsafe conditions, aesthetic nuisance, and results in unnecessary use of electric power. However, it is also recognized that some outdoor lighting is appropriate in certain areas. Lighting is only one element of an effective well-planned security system that may include among other elements gates, locks, detection devices, guards, and surveillance devices such as videos. These regulations are established to ensure appropriate lighting while minimizing its undesirable side effects.

156.2 Permit Required

On all properties except one [1] and two [2] family residential structures, the installation or replacement of eight [8] or more, and as provided by this section, outdoor lighting fixtures shall require a permit. Said permit shall not be issued unless the proposed installation is found by the Building and Zoning Inspector to conform to all applicable provisions of this section.

156.3 General Requirements

156.3.1 Design Standards

- A. Lighting shall not be confused with warning, emergency, or traffic signals
- B. Background spaces such as parking lots and similar uses shall be lighted for adequate safety and as unobtrusively as possible to meet functional safety needs and protect people and property
- C. Foreground spaces such as building entrances, sitting areas and similar uses shall utilize local lighting that lights the area without glare or creation of a nuisance
- D. Outdoor display lots for vehicle sales and leasing shall comply with this section. In addition, display fixtures illumination shall be reduced within 30 minutes after closing so that the remaining illumination levels are sufficient for safety and security purposes only
- E. In any case, the Building and Zoning Inspector may require shields, reflectors, louver, lens, or other modifications if visual discomfort nuisance or glare results from the lighting or if glare is caused by a combination of lighting and surrounding darkness

156.3.2 Development Plan

When the outdoor lighting installation or replacement is part of a proposal for which a development plan approval is required by this zoning ordinance, the Building and Zoning Inspector shall review and approve the lighting installation as part of the development plan approval. In the event a development plan is not required, an exterior lighting plan in conformance with this section shall be submitted for review of the Building and Zoning Inspector.

156.3.3 Replacement of Eight or Fewer Fixtures

Outdoor lighting installations involving the installation or replacement of five or fewer lighting fixtures [free standing or facade mounted] may be approved by the Building and Zoning Inspector, provided that no single lamp [bulb] exceeds one hundred and fifty [150] watts, and that the total wattage of all bulbs in all fixtures does not exceed three hundred [300]. The Building and Zoning Inspector must review for appropriate approval all other installations.

156.3.4 Exterior Lighting Plan

The applicant shall submit to the Building and Zoning Inspector sufficient information, in the form of an overall exterior lighting plan, to enable the Building and Zoning Inspector to determine that the applicable provisions of this section will be satisfied. The lighting plan shall include at least the following:

- A. The lighting plan shall be drawn to a scale sufficient for showing buildings, any proposed landscaping, parking areas, and all proposed exterior lighting fixtures
- B. Specifications shall be submitted with the lighting plan for all proposed lighting fixtures including photometric data, designation as IESNA "cut-off" fixtures, Color Rendering Index [CRI] of all lamps [bulbs], and provide other descriptive information on the fixtures as may be reasonably required by the Building and Zoning Inspector
- C. Proposed mounting height of all exterior lighting fixtures
- D. A photometric report sufficient for analyses with luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section
- E. Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the luminance levels of the walls, and the aiming points for any remote light fixtures

156.3.5 Timers, Dimmers, Sensors

Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate lighting not needed for safety and security.

156.3.6 Modifications, Expansions, Replacements

Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

156.3.7 Electrical Service

Electrical to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles. In cases of lighted signage, the height, wiring, supports, and any use of glass shall be installed, operated and maintained in a safely and adequately.

156.3.8 Light Installations Not Covered

Proposed lighting installations that are not covered by the special provisions in this section may be approved only if the Building and Zoning Inspector finds that they are designed to minimize glare, do not direct light beyond the

boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.

156.3.9 Mounting Height

For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture [i.e. luminary]. In the case of earth mounding inconsistent with the grade level of land surrounding the fixture, which increases the elevation of the fixture, shall be included in the measurement of the fixture height.

156.3.10 Holiday Lighting

Holiday lighting shall be exempt from the provisions of this section, provided that such lighting does not create a nuisance, or glare on adjacent streets, properties, or sky glow.

156.4 Parking Lot Lighting

Parking lot lighting shall be designed to provide sufficient lighting to ensure adequate vision, safety, and comfort in parking areas, while not causing glare or direct illumination onto adjacent properties or streets or creating sky glow.

156.4.1 Cut-Off Lights

All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America [IESNA].

156.4.2 Parking Area Lighting Standards

Fixtures shall be cut off fixtures and shall not exceed twenty [20] feet in height, except in the I-1 zone district the height shall not exceed twenty-five [25] feet.

156.5 Street Lighting

156.5.1 General Street Lighting Standards

- A. General levels of illumination shall be consistent with guidelines published by the Illuminating Engineering Society of North America [IESNA].
- B. Fixed lighting shall be designed and installed, in a manner that provides for adequate safety, avoids glare that affects driving performance or nuisance to adjacent properties.
- C. Mounting heights shall not exceed thirty [30] feet

156.5.2 Fixtures

All street lighting fixtures shall be standard fixtures used by the Rising Sun Utility Department. If necessary, as determined by the Building and Zoning Inspector, fixtures shall include house side shields to minimize up light, spill light, glare, sky glow, and unnecessary diffusion of light on adjacent properties.

156.5.3 Location

- A. Streetlights shall be in the public right-of-way
- B. If the street has a sidewalk along one side, the streetlights shall be located on the side of the street with the sidewalk

- C. Unless otherwise required by the Building and Zoning Inspector, target light levels shall be determined by procedures developed by the Illuminating Engineering Society of North America [IESNA]. In any event, the Building and Zoning Inspector shall determine the adequacy of the target light level. The Building and Zoning Inspector may require shields, reflectors, louver, lens, or other modifications if visual discomfort nuisance, or glare results from the lighting or if glare is caused by a combination of lighting and surrounding darkness. Light standards shall not exceed thirty [30] feet in any zone district. Spacing of streetlights shall be six hundred [600] feet or as may required by the Rising Sun subdivision ordinance or an amendment thereto, in the case of any subdivision of land

156.6 Lighting of Gasoline Stations/Convenience Store Aprons and Canopies

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall be adequate for safety and security but not as illumination such that brilliant light is used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.

156.6.1 Lighting of Areas Used for Parking or Storage

Unless otherwise require for safety or security, areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

156.6.2 Lighting Associated with Pump Islands Under Canopies

Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal luminance at grade level is at least one [1] foot-candle and no more than five and one half [5.5] foot-candles. The uniformity ratio [ratio of average to minimum luminance] shall be no greater than 4:1, which yields an average illumination level of no more than twenty-two [22.0] foot-candles.

156.6.3 Light Fixtures Mounted on Canopies

Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface [ceiling] of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

156.6.4 An Alternative [or Supplement] to Recessed Ceiling Lights on Canopies

As an alternative [or supplement] to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

156.6.5 Fascia Lights

Lights shall not be mounted on the top or sides [fascias] of the canopy, and the sides [fascias] of the canopy shall not be illuminated.

156.7 Lighting of Exterior Display/Sales Areas

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. The Building and Zoning Inspector must review and approve this designation.

156.7.1 Parking or Vehicle Storage Area

Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.

156.7.2 Exterior Displays or Sales Area

Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal luminance at grade level is no more than five [5.0] foot-candles. The uniformity ratio [ratio of average to minimum luminance] shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

156.7.3 Cut-Off Light Fixtures

Light fixtures shall meet the IESNA definition of cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

156.7.4 Height of Fixtures

Fixtures shall be mounted no more than twenty-five [25] feet above grade, and mounting poles shall be located either inside the illuminated area or no more than ten [10] feet away from the outside edge of the illuminated area.

156.8 Lighting of Outdoor Recreation, Performances, Amusement Facilities, Events, and Similar Uses

Outdoor nighttime uses or events [concerts, amusement facilities, recreation including athletic contests, etc.] have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this section are intended to allow adequate lighting for such uses while minimizing sky glow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption. In no case shall safety or security be compromised.

156.8.1 Design Plan

An exterior lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

156.8.2 Dual System

The main lighting of the event [spotlighting or floodlighting, etc.] shall be turned off no more than one [1] hour after the end of the event.

156.8.3 Primary Play Area

Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within

the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

156.8.4 Parking Area

Lighting for parking areas shall meet the requirements suggested in the section titled "Parking Lot Lighting."

156.8.5 Pedestrian Area

Areas intended solely for pedestrian circulation shall be provided with a minimum level of illumination that provides safety.

156.8.6 Security Lighting

Security lighting shall meet the requirements suggested elsewhere in this section.

156.9 Security Lighting

The purpose of and need for security lighting [i.e. lighting for safety of persons and property] must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. Lighting shall not be the sole source of providing security. In no case shall safety or security be compromised.

156.9.1 Additional Application Materials

In addition to the application materials set forth in the general provisions of this section, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a development plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

156.9.2 Shielding of Light Fixtures

All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

156.9.3 Security Lighting of Vertical Surfaces

Security lighting may illuminate vertical surfaces [e.g. building facades and walls] up to a level nine [9] feet above grade or nine [9] feet above the bottoms of doorways or entries, whichever is greater.

156.9.4 Security Lighting Fixtures

Security lighting fixtures may be mounted on poles located no more than ten [10] feet from the perimeter of the designated secure area.

156.9.5 Perimeter Security Lighting

Unless otherwise necessary, security lights intended to illuminate a perimeter [such as a fence line] shall include motion sensors and be designed to be off unless triggered by an intruder located within five [5] feet of the perimeter.

156.10 Lighting of Building Facades and Landscaping

With the exception of structures having exceptional symbolic [i.e. churches and/or public buildings] or historic significance in Rising Sun, exterior-building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, the Building and Zoning Inspector shall review and as appropriate approve a site or development plan. Such site or development plan shall conform to the following provisions:

156.10.1 Maximum Illumination

Unless documentation is provided to the Plan Commission that additional foot candles are needed the maximum illumination on any vertical surface or angular roof surface shall not exceed five [5.0]-foot candles.

156.10.2 Lighting Fixtures Location and Direction of Light

Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.

To the extent practicable, lighting fixtures shall be directed downward [i.e. below the horizontal] rather than upward.

156.10.3 Landscape Lighting Plan

When landscaping is proposed by an applicant and will be illuminated, the Plan Commission shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

156.11 Illuminated Signs

Illumination of signs shall be in conformance with the stricter of this zoning ordinance or Section 152.02 of the zoning ordinance titled "Sign Regulations." Signs may be illuminated only during those hours that the business being advertised is open for business. It is the intent of this section to allow illuminated signs but to ensure that they do not create glare, other nuisance or unduly illuminate the surrounding area. The applicant shall provide the Building and Zoning Inspector with sufficient technical and design information to demonstrate that the following provisions are met.

156.11.1 Externally Illuminated Signs

- A. Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties

- B. Light fixtures illuminating signs shall be of a type such that the light source or bulb is not directly visible from adjacent streets, roads, or properties
- C. To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward [i.e. below the horizontal]

157 PLANNED UNIT DEVELOPMENT

The Planned Unit Development District [PUD] district is intended to provide more development flexibility than is possible through the customary application of the Rising Sun Zoning Ordinance. The PUD District Ordinance recognizes the rapid changes in design and technology applicable to the building industry and it is the intent of this ordinance to meet these changes in a manner that will be consistent with the best interests of the City.

157.1 Purpose of the PUD District

The purpose of the PUD District is to achieve flexibility and incentives for the development of all permitted land uses in the jurisdiction of the Rising Sun Plan Commission, to serve the general neighborhood and City, and which will produce a wider range of choices in satisfying the changing needs of the City. It is the purpose and intent of this ordinance to accomplish the following:

1. Provide for the designation of any parcel within the jurisdiction of the Rising Sun Plan Commission as a Planned Unit Development [PUD] district
2. Specify uses or a range of uses permitted in a PUD district
3. Specify development standards and requirements in a PUD district
4. Specify plan documentation and supporting information required for consideration of a PUD district request
5. Specify any limitations applicable to a PUD district
6. Specify procedures for petition and consideration of a PUD district request
7. Establish procedures to govern and administer PUD districts, including regulations, review considerations for approval and modifications to PUD districts
8. Provide a flexible alternative in accomplishing the purposes of the Rising Sun Zoning Ordinance and Rising Sun Subdivision Regulations

157.2 PUD District Zone

Any parcel of property within the jurisdiction of the Rising Sun Plan Commission may be zoned PUD district if the application, procedure, and use are consistent with this ordinance.

157.2.1 Permitted Uses

Any use permitted by the Rising Sun Zoning Ordinance may be permitted in a PUD district.

157.2.2 PUD District Development Requirements

Generally, development requirements of the PUD district shall promote and encourage:

- A. Creative approaches to land, building, site and development planning related to building set backs, building, structure and improvement coverage of lot or parcel, building or structure separation, height, scale, material and style of buildings, structures and improvements
- B. Achieve flexibility in development patterns that produce efficient and desirable uses of land and recreation and open space

- C. Diversity in physical development patterns relating to arrangement of structures and mixture of compatible land uses and uses of landscaping
- D. Permit special consideration of development of property with unique features such as size, topography, or shape
- E. Achieve efficient traffic patterns and flow through design and location of proposed streets and highway access points in such a manner and in such locations that will minimize safety and congestion. Ensure that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the PUD district development. Ensure that entrances, streets, and internal traffic circulation facilities in the PUD district development are compatible with existing and planned streets and adjacent developments

157.2.3 PUD Development Plan Requirements

The PUD District plan documentation is intended to identify the location of existing and proposed primary structures and accessory structures, existing and proposed utilities including the location and capacity of all sanitary and storm drainage facilities that will serve the development, existing and proposed signage, existing and any proposed landscaping. The documentation must be sufficient to determine the nature and intensity of all uses in the PUD district development and adjoining properties. The documentation must be sufficient to determine the condition and size of all public thoroughfares and parking areas. The PUD plan documentation shall at a minimum include the following:

- A. Proof of ownership including a copy of the deed, the owner's name, address, and telephone number. If the owner is not the developer, proof of site control must be provided, as well as the name, address and telephone number of the developer, representative or agent
- B. Name of proposed PUD district development
- C. Location by address, street name and number
- D. Legal description including total size in acres of the proposed PUD district
- E. Date, scale, north point, use of all existing structures, location of all easements and any restrictions or existing covenants associated with the parcel
- F. If the Planned Unit Development is to supersede an original plat being vacated, the original shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines
- G. Present zoning classification[s] of the parcel and adjoining parcels of property
- H. Location and size of all proposed use[s] in the PUD district
- I. Areas of front, side and rear yards, courts, open spaces and total parcel and lot areas
- J. Proposed building and structure separations, setbacks, lot or parcel coverage of buildings and structures, height, scale, materials, and style of buildings, structures, and improvements
- K. Indicate site conditions including topography or any unusual site features

- L. Indicate the location and size of proposed signs, outdoor lighting, parking lots, ponds, any proposed landscaping, fills, and all utilities, including sewage, water, fire hydrants, storm drainage, electric, gas, telephone, cable and any other utility line or easement
- M. Indicate the width, turning radii, and names of all rights-of-way of adjacent public ways or railroads. Indicate the width of all adjacent private drives
- N. Distance and relationship to arterial streets, roads and highways
- O. Indicate names, rights-of-way widths, and turning radii of proposed public ways. Indicate the widths of all private drives
- P. Indicate paved width of all public ways and private drives adjacent to or to be located in the proposed PUD district
- Q. Indicate size and dimensions of all lots and parcels within the proposed PUD district and adjoining property, buildings, open space, lots and other elements basic to the proposed use in relationship to site conditions
- R. The location of all existing trees with a diameter of eighteen inches or more, measured from four feet from the ground
- S. The location, size, material and arrangement of all proposed landscaping including all plantings, lawns, trees and site screening
- T. The contours and spot elevations of the finished grade, directions and proposed method of handling storm water runoff
- U. Proposed plan for handling vehicular and pedestrian traffic circulation, parking, sewage collection, water supply, site perimeter treatment and other pertinent development features
- V. A statement expressing the order and estimated time of development
- W. Any proposed commitments for the development of the PUD district
- X. Assurances
 - The following assurances shall accompany the petition for the PUD district proposal.
 - a. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting
 - b. Adequate provision shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the PUD district development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes
 - c. Common facilities, which are not dedicated to the public, shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the

public shall be operated and maintained at no expense to any governmental unit

157.2.4 Review Procedures

The PUD Development Plan review procedure shall be conducted in two phases, a preliminary phase, and a secondary stage. The preliminary review procedure shall commence with the submittal of the petition by the applicant in conformance with the Rising Sun Zoning Ordinance.

157.2.5 Special Expert Consultants and Costs

On a case-by-case basis and as needed, the Planning Commission may retain special expert consultants through the regular procurement process of the City to provide assistance in the review of site location alternatives analysis. Application fees may be established to cover the costs of special expert consultant review of a request filed under this Section.

The procedure for consideration of a PUD district proposal shall commence with the applicant petitioning the Plan Commission in conformance with the Rising Sun Zoning Ordinance.

157.2.6 Sketch Plan Procedure

However, in an effort to save the proposed applicant time and money a sketch plan may be submitted to the Plan Commission before preparing the preliminary PUD District Plan. Before submitting a petition for review of a preliminary PUD District Plan the applicant may appear before the Plan Commission to discuss the contemplated PUD district development and sketch preliminary plan. No fee or formal application is required, but notification should provide sufficient time for the matter to be placed on the Plan Commission agenda. The applicant shall be prepared to discuss the details of the proposed petition. The sketch plan may be drawn as a free hand pencil sketch and does not require precise dimensions. Sheet size should be adequate for presentation and may be used to illustrate the location, transportation accesses, general features, and land uses. The sketch plan is not required and shall not take the place of any portion of the procedure established by this ordinance for PUD district review and approval.

157.2.7 Preliminary Review Procedure

The Plan Commission shall follow the following procedure after receipt of the petition:

- A. The preliminary plan shall be filed with the Plan Commission no later than the first Tuesday of the month proceeding the month the Plan Commission holds a public hearing on the preliminary plan
- B. The Plan Commission shall review the proposal at the public hearing and may impose conditions and allow or require written commitments as part of the Plan Commission's preliminary approval. Such conditions and/or commitments shall be included in the recommendation and certification to the City Council
- C. If approved, the preliminary PUD District Plan with amendments, if any, shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the officers of the Plan Commission and one copy shall be permanently retained in the offices of the Plan Commission

- D. Within fourteen [14] days after the Plan Commission has determined its recommendation [if any] the preliminary PUD District Plan shall be certified to the City Council

157.2.8 Secondary Review

The certified Approved Preliminary PUD Development Plan shall then be reviewed by the City Council for consideration for adoption as a PUD district pursuant to the laws governing amendment of zoning ordinances. The procedure for the secondary review as completed by the City Council shall be as follows:

- A. At the first regular meeting of the City Council after the PUD district proposal is certified or at any subsequent regular meeting within ninety [90] days, the City Council may adopt or reject the proposal. The City Council shall give notice of it's intent to consider the PUD District proposal at that meeting
- B. If the City Council adopts the proposed PUD district as certified by the Plan Commission, it takes effect as other ordinances of the City Council
- C. If the City Council rejects the proposal as certified by the Plan Commission, it is defeated
- D. If the City Council fails to act within ninety [90] days after certification, it is defeated
- E. The City Council may impose conditions on the development of the proposed PUD district
- F. The City Council may designate conditions on the issuance of an improvement location permit or the furnishing of a bond or a satisfactory written assurance guaranteeing the timely completion of the proposed public improvements in PUD District or serving a PUD district
- G. The City Council may require written commitments in the manner described herein

157.2.9 Preliminary Review Criteria

The Plan Commission shall conduct the preliminary review to determine if the proposed PUD district satisfies the following criteria:

- A. The PUD district proposal satisfies the development plan requirements of this ordinance
- B. The required documentation has been submitted with the petition and meets the requirements of this ordinance, and if it is adequate, whether the general development requirements of this ordinance are satisfied
- C. The Plan Commission shall give consideration to the Rising Sun Comprehensive Plan, during the review of the proposed PUD district
- D. The Plan Commission shall review the preliminary PUD district to determine if the general terms of the development meet the review criteria, intent and purpose of this ordinance
- E. In addition, when considering PUD district proposals, the Plan Commission and City Council shall pay reasonable regard to current conditions, and character of current structures and uses, the most

desirable use for which the land is adapted, the conservation of property values throughout the City, and responsible development and growth

157.2.10 Secondary Review Criteria

The City Council in accordance with the procedures established in the Rising Sun Zoning Ordinance shall then conduct secondary approval of the proposed PUD District Plan. The City Council shall consider the proposed PUD District Plan to determine the following:

- A. Whether applicable development requirements expressed in general terms are satisfied
- B. Whether applicable requirements of the zoning ordinance are satisfied

157.2.11 Commitments

- A. Commitments can either restrict or mandate actions to be taken regarding a PUD district development
- B. Commitments may be required by the Plan Commission or City Council as an ingredient for stability and longevity of the PUD District Plan, and may set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions may include specific remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the entire City, and in such event the City shall take those remedial steps provided for in such provision
- C. The Plan Commission or City Council may require the recording of commitments for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the current Comprehensive Plan. Such commitments shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the commitments shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed site plan for such land consistent with the approved Preliminary Planned Unit Development. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire PUD District Plan
- D. Commitments are binding on the owner of the parcel, subsequent owners of the parcel and any person who acquires an interest in the parcel
- E. Commitments may be enforced by the Plan Commission, City Council or owners of property adjoining the PUD district to a depth of two ownership's, but not exceeding six hundred sixty [660] feet from the perimeter of the PUD district. The identity of the owners shall be determined from the Ohio County Assessors office
- F. The Plan Commission has the perpetual right to modify or terminate commitments by decision of the Plan Commission at a public hearing so long as the PUD district is in existence. Commitments shall automatically

terminate upon a rezoning of the property to a different zoning classification

- G. The Plan Commission or City Council may require the recording of commitments for any other reasonable purpose, including but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
- a. Lot area
 - b. Uses
 - c. Floor area
 - d. Area in which structures may be built [buildable area]
 - e. Recreation or Open space
 - f. Setback lines and minimum yards
 - g. Building separations
 - h. Height of structures
 - i. Signs
 - j. Off-street parking and loading space
 - k. Design standards
 - l. Phasing of development
 - m. Outdoor lighting
 - n. Landscaping, if proposed by the applicant
 - o. Element of design related or associated with public safety
 - p. Other elements determined by the Plan Commission or City Council to be required

157.2.12 Action After Secondary Approval

Upon approval by the City Council, the PUD District Plan shall be returned to the Plan Commission that shall thereafter exercise continuing jurisdiction. Before any development takes place, the Plan Commission shall approve a detailed site plan consistent with the PUD District Plan given Secondary approval by the City Council.

157.2.13 Detailed PUD Plan Approval

The detailed PUD Plan shall specify the exact location, composition, and general engineering features of all features, parcels, lots, uses, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other site development features including general locations and architectural features of proposed structures and buildings. Such approval shall be conditional upon a finding by the Plan Commission that the detailed site plan is consistent with the Approved Planned Unit Development given Secondary approval by the City Council. The approved detailed site plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the officers of the Plan Commission and one copy shall be permanently retained in the offices of the Plan Commission.

- A. Approval of a detailed site plan shall be obtained within one year after adoption by the City Council, unless the Plan Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided however, only the "Approved Detailed Planned Unit Development" shall be required within the said one year period, and final platting for recording purposes of all or an appropriate part of the Planned Unit Development may be undertaken in sections or phases at a later time
- B. A refusal by the Plan Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation in the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval
- C. In the event that approval of a detailed site plan is not obtained within the one year period or an approved extension of time, the Plan Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned into the category or categories it held before being zoned as a PUD district
- D. The Plan Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit partial detailed site plans that correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Planned Unit Development
- E. Where a platting, re-platting or vacation of streets within all or a portion of the land involved is contemplated, the Plan Commission shall handle such matters in accordance with its regular procedures and in accordance with the law
- F. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications have been submitted to the Plan Commission at least 48 hours in advance, and the petitioner has notified the Plan Commission of his intention to begin such work in order that inspections may be made as the work progresses
- G. In the exercise of its continuing jurisdiction, the Plan Commission may from time to time approve modifications. A modification may be allowed only for changed circumstances and conditions unforeseen at the time of original approval. A modification must be consistent with the intent of the PUD District Plan given secondary approval by the City Council
- H. All development within the PUD district shall be in conformity with the approved detailed Planned Unit Development. In the exercise of its continuing jurisdiction, the Plan Commission shall be cognizant of any material deviations from the approved detailed Planned Unit Development and take appropriate enforcement action
- I. Approval by the Plan Commission shall expire after a period of five [5] years from the approval of a detailed Planned Unit Development unless the development is fifty percent [50%] completed in terms of public improvements including streets, parks, walkways and utility installations in which instance an extension of time may be granted by the Plan

Commission not to exceed five [5] successive periods of two [2] years each

- J. All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of detailed Planned Unit Development

158 ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES, BROADBAND PCS SYSTEM, SPECIALIZED MOBILE RADIO OR WIRELESS PERSONAL COMMUNICATION SERVICE

158.1 Purpose

The purpose of this ordinance is to provide a basis for decision-making regarding the placement, construction, and modification of personal wireless facilities.

158.2 Policy

The policy for the location of a telecommunication facility is to encourage the co-location of facilities. Any request for review of a proposal to construct such telecommunication facility shall be made only in accordance with this ordinance. This ordinance applies to petitions for new locations and for co-location of a telecommunication facility on an existing structure, building, or site.

158.3 Definitions

1. Commercial mobile services means cellular telephone services regulated by Part 22 of the Federal Communication Commission's [FCC] rules, and special radio [SMR] services regulated under part 90 of the FCC's rules, and personal communication systems [PCS] regulated under Part 24 of the FCC's rules 47 CFR section 20.9 as may be amended
2. Personal wireless service facilities means facilities for the provision of personal wireless services
3. Personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access service
4. Unlicensed wireless service means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does mean the provision of direct-to-home satellite services
5. Telecommunication facility includes any portion or all of a telecommunication facility including but not limited to a tower, transmitter, cellular antenna tower or alternative cellular antenna tower structure, transmitter, cabinet, equipment, or all other associated components including but not limited to equipment, structures, buildings, transmitters, antenna or accessory use or structure associated with telecommunication facility for cellular telecommunications services, broadband, PCS system, specialized mobile radio or wireless personal communication services
6. Parcel means the total tract of land, which may include a site on which a telecommunication facility is located or is proposed to be located
7. Site means that part of a parcel on which a telecommunication facility exists or is proposed to be located

158.4 Location

Telecommunications facilities may be permitted by special exception in the I-1 zoning district in accordance with this section and with application filing procedures to ascertain its

agreement with the Comprehensive Plan, zoning district regulations, and the requirements for special exceptions in conformance with this zoning ordinance.

158.5 Application Requirements

An application for a special exception filed for review of a proposal to construct or co-locate any telecommunication facility shall include the following:

1. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment and a copy of the holders FCC license to locate at least one antenna or transmitter on the applicant's telecommunication facility
2. A listing of the present sites and locations and co-locations of the applicant's or proposed lessee's telecommunications facilities in Rising Sun, Ohio County and adjoining counties in Indiana and Ohio
3. A copy of the build out plan of the applicant or lessee of telecommunications facilities within Rising Sun, Ohio County and adjoining counties in Indiana and Ohio. With each application, the applicant shall provide any changes to the build out plan that have occurred since the previous application filing or verify the continued accuracy of the plan submitted
4. A pictorial representation, such as a silhouette drawing, computer image, or photograph of the proposed telecommunications facility from a point 500 feet from the existing or proposed telecommunication facility in each of the four compass directions showing the relationship of the telecommunication facility against the massing of surrounding structures, trees, and other visual masses
5. Proof property taxes are current
6. Copy of any existing or proposed deed restrictions or covenants
7. List and status of all required regulatory approvals and permits
8. A development plan of sufficient scale containing the following:
 - a. Title box with tax map number, township, owners name, address, and telephone number, engineer or surveyors involved in preparing the development plan, name address, telephone number, name of telecommunication company, and address of parcel
 - b. Vicinity map showing parcel and site
 - c. Name, signature, license number and address of engineer, certifying the site plan meets all applicable regulations and that the telecommunication facility is structurally sound
 - d. North arrow and scale
 - e. Arrangement of all buildings and structures on the parcel including the site of the existing and proposed telecommunication facility
 - f. Size of parcels and ownership of adjacent property[s]
 - g. Land use of all property within five hundred [500] feet of property boundary
 - h. Zone district of parcel and adjoining parcels
 - i. Size and metes and bounds description of the parcel and the telecommunication facilities site

- j. Location and dimension of all existing or proposed driveways, ingress and egress points, street, road, or highway on the parcel and site
- k. Arrangement, size and location of all existing or proposed easements for utilities including but not necessarily limited to sanitary sewer, water, storm water, cable television, fiber optics on the parcel and the site
- l. Names of all property owners of each parcel adjacent to the parcel and within five hundred [500] feet of the parcel and those across any street, road, or highway
- m. Size and zoning district of all property adjacent to the parcel and within five hundred [500] feet of the parcel and those across any street, road, or highway
- n. Spot and finished elevations at all corners of the parcel and the site, and telecommunication facility
- o. Two foot contours of parcel and site
- p. Location of any wooded area or wetlands
- q. Size and percentage of parcel and site that is presently impervious and the size and percentage of the area of the parcel and site that is proposed to be impervious
- r. Existing drainage of parcel and site and proposed method of storm water management on parcel and site. Drainage calculations may be required
- s. Location of all existing and proposed lighting
- t. Landscape, screening, or buffering plan for the site
- u. Signage plan including the location of each sign and sign message including owners name and contact information for emergencies
- v. Parking plan for maintenance vehicles showing driveway or curb cuts, driveway and parking spaces for construction and maintenance or service vehicles

158.5.1 Certification for New Telecommunication Facilities

- A. Unless co-locating, certification supported by documentation, that the co-location of the proposed telecommunications facility with an existing approved telecommunication facility or existing telecommunication facility site cannot be accommodated
- B. This certification shall include a listing of all existing telecommunication facilities and sites based on the table below, a description of each existing telecommunication facility and site, and a discussion of the ability or inability to co-locate on each according to the following table
- C. The applicant shall submit certification supported by documentation based on height and radius as follows:

Height in Feet	Radius in Miles of the Proposed Site
200	1.5
100 but less than 200	1
Less than 100	0.5

158.5.2 Documentation for Not Co-Locating on an Existing Telecommunication Facility

The applicant shall submit a certification and documentation as follows:

The following shall be addressed, however reasons for not co-locating on a telecommunication facility may not be limited to the following:

- A. No existing telecommunication facility are located within the above radius of the site
- B. Existing telecommunication facility or facilities are not of sufficient height to meet the applicant's engineering requirements
- C. The existing telecommunication facility or facilities do not have sufficient structural strength to support applicant's proposed telecommunication facilities
- D. Applicant's existing or proposed telecommunication facilities would cause radio frequency interference with other existing or planned telecommunication facility on the existing telecommunication facility which cannot be reasonably prevented
- E. Unwillingness of the owner of the existing telecommunication facility to permit a co-location
- F. Existing telecommunication facilities do not provide an acceptable location for requisite coverage for the applicant's communication network

158.5.3 Documentation for Not Co-Locating on an Existing Telecommunication Facility Parcel or Site

- A. Potential sites and locations that shall be considered [in order from most preferred to least preferred] include: existing telecommunication or existing utility sites, highway right-of-ways, industrial districts, industrially used buildings, commercial districts, commercial centers, commercial buildings, government center, government buildings, and office buildings in the I-1 zone district
- B. The applicant shall address the following reasons for not locating on a potential site shall include the following, however the Board may request additional information:
 - a. Unwillingness of the parcel owner to allow a co-location of a telecommunication facility
 - b. Topographic limitations of the site
 - c. Adjacent impediments that would obstruct adequate cellular telephone or telecommunications services, personal wireless, commercial mobile services, PCS service, broad band mobile radio, common carrier wireless exchange access service or personal communications transmissions
 - d. Physical site constraints that would preclude the construction of a telecommunications facility
 - e. Technical limitations of the telecommunications facility
 - f. Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network

158.5.4 Comprehensive Plan

A justification statement demonstrating that the proposed telecommunication facility is in agreement with the Comprehensive Plan.

158.5.5 Previous Special Exceptions Variance or Contingent Use

- A. If the parcel or site is subject to a previously approved special exception, contingent use or variance, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the application for telecommunication facilities request filed pursuant to this section
- B. The parcel owner shall be responsible for making alternative provisions for any alteration of the site plan or requirements of any previous special exception or variance affected by the location of the telecommunication facility on the site

158.5.6 State or Federal Agency Required Changes in Location

- A. If the parcel or site is subject to a previously approved special exception, contingent use or variance, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the application for telecommunication facilities request filed pursuant to this section
- B. The parcel owner shall be responsible for making alternative provisions for any alteration of the site plan or requirements of any previous special exception or variance affected by the location of the telecommunication facility on the site

158.6 Notices

1. Notice of any request filed under this section shall be sent by the applicant by first class mail to the owner of every parcel of property within 500 feet of the telecommunication facility, to the owner of every parcel of property adjoining at any point on the parcel on which the applicant proposes to create the telecommunication facility site, and to the owner of every parcel of property directly across the street from said property
2. Such notices shall include the address of the Board of Zoning Appeals office and a statement that the recipient has that right to submit testimony to the Board of Zoning Appeals, either in writing or by appearance at any Board of Zoning Appeals meeting scheduled for review of the request. Such notices by first class mail shall be mailed no sooner than the date of acceptance of the application by the Board of Zoning Appeals and later than two – calendar days subsequent to that application. The applicant shall certify within five [5] days of mailing that the required notices have been sent
3. The applicant shall furnish to the Board of Zoning Appeals at the time of filing of the petition a copy of the required notices and the names and addresses of the owners of the property to whom the required notices will be sent. Records maintained by the Ohio County Auditor may be relied upon to determine the identity and address of said owners
4. Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunication facility and in a visible location on the

nearest public road at the same time that the notice by registered first class mail is sent.

5. The applicant shall certify that the postings have been made. The notices shall remain until the Board of Zoning Appeals issues its final decision. The posting shall be as follows:
 - a. Each notice sign shall be at least two [2] feet by four [4] feet in size; the sign, posted on the proposed site shall state: [name of applicant]. The applicants file is available for review at the offices of the Rising Sun Board of Zoning Appeals, City Hall, Rising Sun, Indiana
 - b. In both posted notices the words “proposes to construct or co-locate a telecommunications facility on the site” shall be printed in letters at least four [4] inches in height. Both signs shall be constructed of durable, weatherproof material

158.7 Performance Bond or Security

1. To assure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request shall, at the time of approval of the request, deposit with the Board of Zoning Appeals and to the benefit of the Board of Zoning Appeals a performance bond, or other security acceptable to the Board of Zoning Appeals in the amount equal to the cost of demolition and removal of the telecommunications facility
2. An applicant having multiple telecommunication facilities within Rising Sun may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications facility it owns which would cost the most to demolish and remove until such time as the number of its multiple telecommunications facilities exceeds three [3] such facilities, both existing and projected within the current calendar year
3. At such time as the approved number of one applicant’s multiple telecommunications facilities exceeds three [3] such facilities, the applicant shall increase the amount of deposit to an amount equal to the cost of the most costly demolition and removal times thirty-three percent [33%] of that applicant’s total number of telecommunications facilities both existing and projected within the next calendar year. Any guarantee submitted shall be irrevocable and shall provide for the Board of Zoning Appeals to collect the full amount of the guarantee if the applicant fails to maintain the guarantee

158.8 Special Expert Consultants and Costs

The Board of Zoning Appeals may retain special expert consultants, as it deems necessary, to provide assistance in the review of site location alternatives analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of any request filed under this section.

158.9 Development Standards

At the time of filing of a request the applicant shall provide information demonstrating compliance with the requirements listed below.

158.9.1 Yard Setbacks

Front, rear and side yard setback distances shall be at least the height of the tallest point of the telecommunication facility.

158.9.2 Finish Color

Any monopole, guyed, lattice, or similar type cellular antenna or telecommunication facility and any alternative cellular tower structure similar to these, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used only when the federal aviation administration [FAA] finds that none of the alternatives to such marking are acceptable.

158.9.3 Maximum Height

- A. A communication facility may be constructed to a maximum height of two hundred [200] feet regardless of the maximum allowed height for the district in which it is located
- B. Any telecommunication facility to be installed, located or constructed on the roof of a building, shall be limited in height to the overall height of the telecommunication facility measured from the grade to the highest point. A signed and sealed certification from an engineer registered in the state of Indiana shall certify to the structural integrity of the installation, telecommunication facility and building

158.9.4 Variance

Upon application and review in conformance with the zoning ordinance, the Board of Zoning Appeals may consider granting a variance to the development standard requirements of this section.

158.9.5 Engineer Certification

The petitioner shall provide a signed and sealed certification from an engineer licensed in the state of Indiana attesting to the structural integrity and adequate engineering and design of the telecommunication facility.

158.9.6 Lighting

- A. Except for lighting required during maintenance, a telecommunication facility may be artificially lighted ONLY with steady-burning red obstruction light [FAA type L-810] or flashing red obstruction lights [FAA type L-864] flashing no faster than twenty [20] flashes per minute, medium intensity flashing within obstruction lights [FAA type L-865 or L-866] high intensity flashing white lights [FAA type L-856 or L-857], or dual flashing red obstruction lights and medium intensity flashing white obstruction lights [FAA types L-864/L-865] may be used ONLY when the FAA specifies that the specific lighting pattern is the only lighting pattern acceptable to promote aviation safety
- B. Lighting shall not cause glare, reflected glare, or visual discomfort
- C. Lighting shall not trespass onto adjacent property

158.9.7 Staffing

The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repair. To accommodate such visits, access shall be only from access points approved by the Board of Zoning Appeals and there shall be provided on site an area at least 24" X 18" to accommodate the parking of two [2] service vehicles.

158.9.8 Security Fencing

A security fence at least eight [8] feet high shall enclose the telecommunication facility site. The fence may be located in any required yard; however, the fence shall not be located within twenty [20] feet of the yard boundary through which access is provided. The fence shall not obstruct vision clearance at any corner, driveway, intersection, or access point of the site or parcel.

158.9.9 Lot Size

Any site to be used or leased for the installation of a telecommunication facility and ancillary accessories shall comply with the minimum lot size requirements of the district in which the site is located and meet the yard requirements of this ordinance.

158.9.10 Federal Communication Commission Regulations

The applicant shall provide a written affidavit that the telecommunication facility complies with the FCC's regulations concerning radio frequency emissions.

158.9.11 Discontinued Use

- D. If the use of any telecommunication facility is discontinued, the owner shall provide the Board of Zoning Appeals with a copy of the notice to the FCC of intent to cease operations. Such notice shall be submitted to the Board of Zoning Appeals concurrently with the notice to the FCC.
- E. The applicant shall have thirty [30] days to obtain a demolition permit from the Building and Zoning Inspector
- F. The applicant shall have ninety [90] days from the time of ceasing operations to completely remove the telecommunication facility[s]
- G. If any part of the telecommunication facility is to be reused at an approved site, the owner of the parcel shall immediately submit an application to the Board of Zoning Appeals for the review of the new telecommunications facility
- H. A telecommunication facility that receives an approval from the Board of Zoning Appeals for reuse but is not reused within six [6] months of the approval date shall be presumed abandoned
- I. If the owner fails to completely remove a telecommunication facility or any of its components, the Board of Zoning Appeals may cause the demolition and removal of the antenna or the telecommunication facility and all of its components and recover its cost of demolition and removal from the guarantee deposited by the applicant pursuant to this section

158.9.12 Signs

The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed eight [8] square feet in area.

158.10 Recording of Deed Restrictions or Covenants

If the application is approved by the BZA the applicant shall record any deed restrictions or covenants in the Ohio County Recorders office by the applicant. Proof of recordation shall

be provided to the office of the Plan Commission within seven days of application approval.

158.11 Conditions

The Board of Zoning Appeals may impose reasonable conditions as part of its approval.

159 ADMINISTRATIVE

159.1 Location Permit

1. An Improvement Location Permit shall be required for the construction, reconstruction, and enlargement or moving of any building or structure, and shall be applied for in writing and issued by an authorized employee of the Plan Commission
 - a. No permit shall be issued by an authorized employee of the Plan Commission unless the proposed construction, reconstruction, enlargement or moving the building or structure conforms to all the provisions of this Ordinance
 - b. Application for said permit shall be made upon forms prescribed by the Plan Commission and shall be attached to plans and specification of significant detail to ensure the staff to determine whether the proposed improvements are in compliance with this zoning ordinance. A Development Plan shall accompany all application for any and all uses in all zone districts
 - c. The applicant shall post said permit in a prominent place and protect it from destruction on the site prior to and during the period of construction
 - d. The permit may be revoked if active work is not commenced within sixty [60] days after the date of its issue, or if work has started and then stopped for a period of six [6] months
 - e. The authorized employee of the Plan Commission may revoke said permit if work is not proceeding according to the detailed statement, plans and specifications filed with the permit application, or is perceived in violation of this Ordinance. It shall be his duty to give notice thereof to the owner or his agent requiring that the same shall be immediately rectified
 - f. In the event that a dwelling within a Plan Commission approved and recorded plat is occupied prior to the completion of the improvement serving the dwelling [as shown in the subdivision improvement plans], or if such improvements are completed but not operational, the authorized employee of the Plan Commission shall not issue any additional Improvement Location Permits within said subdivision until all improvements are approved by the Commission, certifying them as complete and operational

159.1.1 Buildings Under Construction

This Ordinance shall require no change in the plans, construction or intended use of any building or structure, which was legally started before the effective date of this Ordinance. Said building or structure may be completed and used in accordance with plans and specification, provided however, the construction of such buildings or structures shall be completed within one [1] year after the effective date of this Ordinance.

159.1.2 Special Expert Consultants and Costs

The Planning Commission may retain special expert consultants, as it deems necessary, to provide assistance in the review of site location alternatives analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of a request filed for any application including a petition for a rezoning, special exception, variance or contingent use

160 REZONING/CHANGE ZONE MAP PROCEDURE AND REVIEW IC 36-7-4-602 & 608

All petitions for rezoning shall be filed in eight [8] copies with the Plan Commission. Each petition shall consist of an application, location map, development plan, and proposed ordinance. The complete application and the other elements which are required by this section, shall be submitted at the Plan Commission office no later than the first Tuesday of each month for consideration by the Plan Commission the following month.

The petitioner shall mail a copy of this petition to all owners of record of real estate, which are contiguous to subject real estate, whether separated by any street, alley, easement, or any other public way. The owners of record shall be those shown on the record of the Auditor of Ohio County. Said mailing shall not be less than ten [10] days before said petition is set for a public hearing before the Plan Commission. The property subject to the petition for rezoning shall be posted and provide the date and time of the public hearing, state that the petition pertains to the original zoning ordinance, that written and verbal objections to the petition will be heard by the Plan Commission.

The petitioner or his attorney shall file with the Plan Commission by the first Tuesday of the month prior to the public hearing of said petitioner, an affidavit showing the names and addresses of the contiguous property owners and the date that a copy of the petition was mailed to them. The affidavit shall become part of the record pertaining to the petition.

Notice of the public hearing of any petition shall be advertised at least ten [10] days prior to the public hearing in the legal newspaper of general circulation published within the City.

In preparing and considering proposals under I. C. 36-74-603, as may be amended, the Plan Commission, and the legislative body shall pay reasonable regard to:

1. The Rising Sun Comprehensive Plan
2. Current conditions and the character of current structures and uses in each district
3. The most desirable use for which the land in each district is adapted
4. The conservation of property values throughout the jurisdiction
5. Responsible development and growth

161 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have all powers and duties as provided by IC 36-7-4-900.

161.1 Creation, Appointment and Organization

A prior zoning ordinance has created a Board of Zoning Appeals. Said Board shall consist of five members as prescribed in IC 36-7-4-900, as amended. The Board shall elect a chairman from its membership, shall appoint a secretary, and shall prescribe rules of procedure for the conduct of its affairs.

161.2 Appeals Jurisdiction

The Board of Zoning Appeals shall hear and determine:

Administrative Appeals

- A. Any order, requirement, decision, or determination made by an inspector, administrative official, hearing officer, or staff member under the zoning ordinance
- B. Any order, requirement, decision, or determination made by administrative board or other body except a plan commission in relation to the enforcement of the zoning ordinance
- C. Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location or occupancy permit. [IC 36-7-4-918.1, as added by P.L. 357-1983, § 10]

161.2.1 Appeals from the Zoning Ordinance

The Board of Zoning Appeals shall also approve or deny all the following from the terms of the zoning ordinance, but only as specified in the zoning ordinance.

- A. Special exceptions
- B. Variances
- C. Contingent uses

Special uses

161.3 Contingent Uses Permitted

Contingent uses as set forth below, including accessory buildings and uses, shall be permitted in districts indicated herein subject to the provisions herein and its resulting ordinance:

CONTINGENT USE	ZONE DISTRICT
Apartment in single family dwelling or business	R-1, R-2, MSB-1, B-1 and B-2
Rooming house	R-1, R-2, MSB-1, B-1 and B-2
Lodging house	B-1 and B-2
Church or temple	All except FP
Fraternity, sorority, and student co-ops	B-1
Municipal, county or governmental building	All except FP
Dance academy	All except FP
Vocational or industrial training facilities, data processing or analysis	All except FP
Agricultural uses	R-1C

161.3.1 Other Requirements for Contingent Uses

- A. Front yard setback and side yard requirements for contingent uses shall be as follows:
 - a. For contingent uses proposed to be located in the R-1, R-1C and R-2 districts, the requirement shall be the same as those for single-family dwelling
 - b. For contingent uses proposed to be located in the B-1 district, the requirements shall be the same as those for multifamily dwelling
 - c. For contingent uses proposed to be located in the B-2 district, the requirements shall be the same as those for a roadside business use in the B-2 district, provided that the special exception procedure shall not apply to a contingent use
- B. For contingent uses proposed to be located in the FP district the Zoning and Building Inspector shall determine the adequacy of the setback distances
- C. Height requirements shall be those set forth in the zone district where the contingent use is proposed
- D. Off street parking requirements are set forth in section 156 of the zoning ordinance
- E. Sign requirements are set forth in section 152.02 of the Rising Sun Code of Ordinances
- F. Ground floor area for a farmhouse or farm dwelling shall be the same as that required for a single-family dwelling

161.4 Special Exceptions

A special exception, if approved by the Board of Zoning Appeals, gives the owner authority to put property to a use not expressly permitted in the zoning ordinance.

Authorization of a special exception shall be voided after one [1] year from the date of authorization or such lesser time as authorization may specify unless said use or substantial construction has taken place. The Board of Zoning Appeals may, upon written request, extend authorization for a period not to exceed one [1] year, provided however, that the written request is received one [1] month prior to its expiration.

If at any time the person who has been issued a special exception permit carries on an operation which is not in accord with the standards required for an approval of a special exception, or interferes with the general welfare of the surrounding area, the Board of Zoning Appeals shall have cause to terminate that special exception.

Special exceptions to the zoning ordinance may be approved only upon a determination in writing by the Board of Zoning Appeals that:

1. The approval will not be injurious to the public health, safety, morals and general welfare of the community
2. The use and value of the area adjacent to the property included in the special exception will not be affected in a substantially adverse manner
3. The need for the variance arises from some condition peculiar to the property involved
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the special exception is sought
5. The approval does not interfere substantially with the Rising Sun Comprehensive Plan
6. The Board of Zoning Appeals may impose reasonable conditions as part of its approval of a special exception from the zoning ordinance

161.5 Variances of Use from Terms of the Zoning Ordinance

If approved by the Board of Zoning Appeals, a variance permits the property owner to use property in a manner otherwise not allowed by the zoning ordinance. Through a variance the Board of Zoning Appeals may allow the owner to vary or adapt the strict application of any terms of this zoning ordinance. The Board of Zoning Appeals shall grant no variance, in the strict application of any provisions of this ordinance, unless it finds in writing 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 the variance is sought
- E. The approval does not interfere substantially with the Comprehensive Plan adopted by the City of Rising Sun

161.6 Variance from Development Standards

The Board of Zoning Appeals may approve or deny variance from the development standards [such as height, bulk, or area]. The determination of the Board of Zoning Appeals shall be based only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property and is not a self created hardship as opposed to the strict application of the zoning ordinance

161.7 Conditions and Commitments

1. The Board of Zoning Appeals may add reasonable conditions to granting a variance, use, or special exception, or contingent use so as to accomplish the intent and purpose of this ordinance
2. The Board of Zoning Appeals may permit or require the owner to make written commitments concerning the use or development of the parcel
3. Commitment shall be recorded in the office of the Ohio County Recorder and take effect upon the approval of the exception, variance, or contingent use
4. Commitments are binding on
 - a. The owner of the parcel
 - b. A subsequent owner of the parcel
 - c. A person who acquires an interest in the parcel
5. The commitment is binding on the owner, even if it is not recorded
6. Conditions imposed on the granting of an exception, a use, or a variance are not subject to the rules applicable to a commitment

161.8 Procedure

The Board of Zoning Appeals shall act in strict accordance with the procedure specified by law, the Board's adopted procedure and by this ordinance. All appeals and applications shall be in writing, on forms prescribed by the Board. The Board of Zoning Appeals shall render its decision of each case by resolution. Such resolution shall contain the full record of findings, and shall be filed in the offices of the Board and shall be open to public inspection.

162 LAND USE CHART¹

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
Agricultural uses excluding spraying used by individual residential uses	P	P	C	.			P	P	P	P
Architect, doctor, attorney at law, certified public accountant, dentist, artist, engineer, or similar professional ²	P	P	P	P	P	P				
Automobile & vehicle - automobile, boat, RV, tractor, lawn, equipment and truck sales, lease or rental						P				
Automotive & vehicle - vehicle quick lubrication shop				P	P	P	S			
Automotive & vehicle - vehicle repair, including auto, truck, recreational vehicle, marine or motorcycle, in conformance with this zoning ordinance	S	S	S	S	S	P	S			
Banks - bank, branch bank, or ATM				P	P	P				
Bus, taxi passenger station		S	S	S	S	P	P			
Camping - overnight camping trailer facilities						S			P	P
Cell towers - electric and telephone substations excluding antenna and towers						P				
Cell towers - telecommunications facilities including cellular antenna tower for wireless communications							S			
Cell towers - utility transmission facilities excluding cellular telecommunications facilities for personal wireless service facilities							P			
Cemetery or mausoleum		S		S	S	P				

P = Permitted uses

C = Permitted as Contingent Use only if approved by the Board of Zoning Appeals

S = Permitted as Special Exception only if approved by the Board of Zoning Appeals

¹ Regardless of this chart, all land uses shall conform to all provisions and requirements of this zoning ordinance

² Permitted only as a home occupation in R-1, R-2, and R-1C districts

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
Childcare - childcare center within a planned business subdivision						P				
Childcare - childcare center or adult day care within a planned industrial subdivision							P			
Childcare – licensed childcare center		P	P							
Childcare - licensed childcare home class I	S	P	P							
Childcare - licensed childcare home class II	S	P	S							
Childcare - registered childcare ministry	P	P	P							
Childcare - unlicensed exempt childcare home	P	P	P	P						
Church or temple	C	C	C	C	C	C	C		C	C
Church - convent	P	P		P						
Church - parsonage or parish house	P	P		P	P	P				
Cleaning, testing or repairing goods, materials or products							P			
Compost facility						S	P			
Contractor sales or contractor storage yard conforming to this zoning ordinance						P	P			
Contractors sales - lumber yard						P	P			
Distribution center							S			
Dwelling - condominium	P	P								
Dwelling - detached one family dwelling	P	P		P						
Dwelling - duplex		P								
Dwelling - multiple family dwelling or apartment complex		P								
Dwelling - patio home with zero lot line	P	P								
Dwellings - apartment in single family dwelling or business	C	C		C	C	C				
Dwellings - townhouse		P								
Engineering or research laboratories, laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material						P	P			
Entertainment - adult or sex oriented businesses							S			
Entertainment - arcade				P	P	P				

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
Entertainment - billiard room or pool hall				P	P	P				
Entertainment - bowling alley				P	P	P			S	
Entertainment - indoor amusements, dance, commercial swimming pools, racket sports and the like			S	S	S	P			P	S
Entertainment - publicly owned entertainment facilities including bandstand, outdoor theaters, amphitheater, or similar facilities				S	S	S		S	P	P
Entertainment - sports complex						S			P	
Funeral home				S	S	P				
Government - fire station				P	P	P				
Government - municipal buildings, administrative and offices	C	C	C	C	C	C	C		C	C
Government - municipal garage and storage associated with the operation and maintenance of streets, utilities or Parks and Recreation facilities					S	P	P		P	
Government - police station				P	P	P				
Government - post office				P	P	P				
Greenhouse, exceeding 1000 square feet				S	P	P	P	S	S	S
Greenhouse, not exceeding 1000 square feet	S	S	S	P	P	P	S		P	P
Group home for special populations		S								
Heliport						S	S	S	S	S
Home occupation	S	P	P	P						
Launderette - self service launderette or laundry mat				P	P	P				
Library - public library	S	S		P	P	P				
Lodges - assembly hall				S		S			S	
Lodges - civic and community building	S	S	P	P	P	P			P	S
Lodges – fraternity and sorority					C					
Lodges - nonprofit recreation or social clubs centers or lodges				P	P	P				
Manufacturing - light manufacturing including processing and fabrication							P			

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
Manufacturing - manufacturing assembly							P			
Marine or fishing - bait sales					S	P				
Marine or fishing - commercial, public and private marina				P	S	P	P	P	P	P
Marine or fishing - convenience goods and services related to marine or river uses	S	S	S	S	S	S	S		S	P
Marine or fishing - marine or river launches, slips, moorings and docking facilities				S	S	S	P		P	P
Marine or fishing - marine sales, charter or rental of marine or river vessels				S			P	S	P	P
Medical - hospice facility	S	S			S	P				
Medical – hospital, sanitarium or clinic	S				S	P				
Medical - mental health facilities					S	P				
Medical - nursing, convalescence or assisted living homes	S				S	P				
Medical - pharmacy or drugstore				P	P	P				
Medical - physical rehabilitation facilities					S	P				
Mobile or manufactured - manufactured home	P	P	P							
Mobile or manufactured - manufactured or mobile home park			P							
Mobile or manufactured - mobile home on temporary supports			P							
Mobile or Manufactured - mobile home or manufactured home sales						P				
Motel or hotel				P	S	P				
Motel or hotel - rooming house	C	C		C	C	C				
Motel or hotels - lodging house					C	C				
Motel or hotels - resort facilities including hotel or motel				S		P			S	
Motel or hotels- bed and breakfast		S		P	P	P				
Park or recreation - business park or business subdivision					S	P	P			P ³
Park or recreation - regional or special park over						P		P	P	P

³ Permitted only if associated with a river port

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
25 acres										
Park or recreation - water slides, water parks, amusement parks				S	S	P			P	P
Parking lots - commercial auto parking lots and garages in conformance with this zoning ordinance				S	S	P	P	S	S	S
Parks - community park – 10 to 24 acres						P		P	P	P
Parks - community park 1½ to 10 acres		P	P	P	P	P		P	P	P
Parks - industrial parks							P			
Parks or recreation - linear or greenway park	S	S	S	S	S	S	S	S	P	P
Parks or recreation - outdoor amusements, recreation, or sports facilities that are not a nuisance or hazardous to adjacent properties				S	S	P			P	S
Parks or recreation - park or playground < 1½ acres	P	P	P	P				P	P	P
Pet care - dog kennel, meeting requirements of this zoning ordinance						P	P			
Pet care - pet shop				S	P	P				
Pet care - veterinarian hospital					S	P				
Philanthropic uses	S	S	S	S	P	P		S	P	P
Radio or television station or studio excluding antenna or tower					S	P	P			
Recycling collection points & garment/furniture drop-off centers						S				
Restaurant - café or coffee shop				P	P	P				
Restaurant - cafeteria or delicatessen				P	P	P				
Restaurant - drive-in					P	P				
Restaurant - full service				P	P	P				
River port							S			
Schools or training - public, private or parochial school or academy if approved by the Indiana Department of Education	S	S		S	S					
Schools or training - dance academy	C	C	C	C	C	C	C		C	C
Schools or training - vocational or industrial training facilities, data processing or analysis							C		C	C

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
	C	C	C	C	C	C				
Shops - book store				P	P	P				
Shops - antique shops, art stores, art galleries, bicycle sales, china, crockery and kitchen accessory shops				P	P	P				
Shops - apparel shop				P	P	P				
Shops - barber shop or beauty shop				P	P	P				
Shops - dressmaking or millinery shop ⁴	P	P	P	P	P	P				
Shops - flower shop or garden shop				P	P	P				
Shops - gift shop				P	P	P				
Shops - hobby, art, and school supply store				P	P	P				
Shops - jewelry store				P	P	P				
Shops - massage parlor							S			
Shops - music, tape, video, CD rental or sales				P	P	P				
Shops - news dealer				P	P	P				
Shops - pawn shop						S	S			
Shops - roadside business					S	P				
Shops - shoe store or repair shop				P	P	P				
Shops - tailor and pressing shop				P	P	P				
Shops - tattoo parlor						S	S			
Shops - toy store				P	P	P				
Shops - meat market				P	P	P				
Storage - cold storage lockers for individual use						S	P			
Storage - neighborhood storage rental facility primarily for convenience of adjoining residential use, excluding outdoor storage		S	S	S	S	P				
Storage - indoor storage of boats, RVs, automobiles, trucks or equipment						P	P			
Storage - screened outdoor storage						S	S			
Storage - storage or operations handling of petroleum products or chemicals of an explosive or flammable nature including hazardous							S			

⁴ Permitted only as a home occupation in R-1, R-2, and R-1C districts

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
chemicals, fluids, gases, papers, solids and solutions, and similar substances										
Storage - unscreened outdoor storage							S			
Storage - self store it or mini warehouses		S	S		S	P	P			
Stores - computer sales and service				P	P	P				
Stores - convenience grocery store with self-service gasoline pumps				S	P	P	P			
Stores - convenience grocery store without fuel or gasoline tanks				P	P	P				
Stores - copy store				P	P	P				
Stores - department store or discount store						P				
Stores - dry-cleaning not using the PERC method				P	P	P	P			
Stores - dry-cleaning using the PERC method						P	P			
Stores - hardware store				P	P	P				
Stores - office supply store				P	P	P				
Stores - outlet mall					S	P				
Stores - paint store				S	S	P				
Stores - showroom and sales area for articles to be sold at retail				P	P	P				
Stores - sale or display of used merchandise meeting the requirements of this zoning ordinance						S				
Stores - supermarket					S	P				
Stores - variety store				P	P	P				
Stores - equipment and appliance service and sales including radio, television, computer and similar electric appliances				S	S	P	S			
Stores - convention center				S		S			S	S
Studio, for interior, decorating, music etc.	S	S	S	P	P	P				
Swimming pools - private swimming pool operated and maintained by a homeowners or other organized association for enjoyment of members	S	S	S							
Swimming pools – individual homes	P	P	P							

USE	R-1	R-2	R-1C	MS B-1	B-1	B-2	I-1	FP	PR	RF
Swimming pools - public swimming pool									P	
Tavern or bars - sports bar				S	S	P				
Tavern or bars - tavern or bar without live entertainment				P	P	P				
Tavern or bars - tavern, bar or nightclub with live entertainment				S		S				
Tax preparation and bookkeeping ⁵	P	P	P	P	P	P				
Temporary seasonal displays	P	P	P	P	P	P	P		P	P
Travel - airport							S			
Wholesaling, warehousing, packaging, storage or distribution facilities without outdoor storage							P			
Wholesaling, warehousing, packaging, storage or distribution facilities with screened outdoor storage							P			
Wholesaling, warehousing, packaging, storage or distribution facilities without screened outdoor storage							S			

⁵ Permitted only as a home occupation in R-1, R-2 and R-1C districts

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