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**Article One**

**Basic Provisions**

1. **Title**
   This Ordinance shall be cited and referred to as the Town of Leo-Cedarville Zoning Ordinance.

2. **Defined Words**
   Words used in a special sense in this Ordinance are defined in Article Eighteen.

3. **Authority**
   Pursuant to the authority under State of Indiana law 36-7-4 et seq, this Ordinance is adopted by the Town. Indiana codes cited in this ordinance that have been amended or superseded are deemed amended or superseded by reference.

4. **Purpose**
   This Ordinance is intended to encourage the growth and development of the Town in accordance with the Town of Leo-Cedarville Comprehensive Plan and for the following purpose.
   
   A. To secure adequate light, air, and convenience of access; and that safety from fire, flood, and other dangers;
   
   B. To promote the public health, safety, comfort, convenience, morals and general welfare;
   
   C. To plan for the future development of the Town to the end:
   
   1. That the community grows only with adequate public way, utility, health, educational, and recreational facilities;
   
   2. That the needs of agriculture, industry, and business be recognized in future growth;
Compliance

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

Severability

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

Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

Jurisdiction Area

This Ordinance shall apply to all land within the corporate limits of the Town of Leo-Cedarville, Indiana upon adoption by the Leo-Cedarville Town Council.

Application

It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances (other than previous zoning ordinances), or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

Saving Provision

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

Amendments

In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

The legislative body, Plan Commission, or at least fifty percent of the affected property owners may initiate a petition to change the zoning maps according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission rules.

In its review of the text and zone map amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

A. The most recently adopted Comprehensive Plan.
B. Current conditions and the character of structure and uses in each district.
C. The most desirable use for which the land in each district is adapted.
D. The conservation of property values throughout the jurisdiction.
E. Responsible development and growth.

Effective Date

This Ordinance shall be effective March 20, 2007. The effective date is based on the passage and notice of adoption as required by law.

Certified by the Plan Commission of Leo-Cedarville, Indiana

______________________________
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3. That residential areas provide healthful surroundings for family life; and
4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds.
Article Two
General Zoning Districts

2.1 Establishment of Districts

For the purpose of this Ordinance, the Town is divided into the following zoning districts for the general purposes as stated:

- **R1—Estate Residential:** This district includes those areas within the Town of Leo-Cedarville which are proposed for large size lots and medium to large homes for single family detached uses.

- **R2—Low Density Residential:** This district includes those areas within the Town of Leo-Cedarville which are proposed for medium size lots and medium size homes for single family detached use.

- **R3—Medium Density Residential:** This district includes areas for a wide range of dwelling unit types including single, two, and multifamily dwellings.

- **R4—Old Town Neighborhood Residential:** This district has been specially developed for the existing older neighborhoods in Leo-Cedarville.

- **R5—Multifamily Residential:** This district is established for multifamily units and special single family developments.

- **MP—Mobile Home Park:** This district is established for manufactured home parks that meet the base-line Federal and State of Indiana regulations for manufactured homes.

- **NC—Neighborhood Commercial:** This district is intended for small scale businesses that provide products and services dominantly to local neighborhoods.

- **OC—Office Commercial:** This district is generally intended for small to moderate scale office uses with provisions for some complementary uses.

- **DC—Downtown Commercial:** This district is intended to provide a land use category for small retail, office food sales, and other commercial uses customary to small town downtown areas.

- **C1—Small to Medium Scale General Commercial:** This district is generally intended for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale.
2.2 Planned Development Districts

The provisions of this ordinance allow the R1, R2, R3, R5, OC, C1, and C2 districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.

On the Official Zoning Map a planned development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate labels for Planned Development Districts: PD-R1, PD-R2, PD-R3, PD-R5, PD-OC, PD-C1, and PD-C2.

The provisions that regulate Planned Developments can be found in Article Nine.

2.3 Land Uses for Districts

In the following three Articles each of the Zoning Districts have a two-page spread that describes the permitted uses, special exceptions and building standards for that district. To determine if a use is permitted, non-permitted, or a special exception, first find the two-page spread for the subject district. Next review the Permitted Use and Special Exception Columns for the desired land use. If the land use is not listed it is a Non-permitted use. If it is listed in the Permitted Use column it is a permitted use. And if it is listed in the Special Exception column, it is permitted if approved through the Special Exception process. These following three articles represent three categories of Zoning Districts. They are:

Residential Zoning Districts, Article 3;
Commercial Zoning Districts, Article 4; and
Agricultural Zoning Districts, Article 5.

2.4 Unlisted or Questionable Land Uses

Any land use not listed as a Permitted Use or Special Exception is considered non-permitted unless the Plan Commission makes a determination otherwise. The Plan Commission may determine into which category any questionable use is to be placed if not specifically listed. If the proposed land use is similar to another use that is Permitted it may, with approval, be accepted as a Permitted Use. If the proposed land use is similar to another use that is Special Exception it may, with approval, be accepted as a Special Exception. Any determination by the Plan Commission may be appealed to the Board of Zoning Appeals.
3.2 “R1” District Standards

Minimum Lot Area:
• 22,000 square feet

Minimum Lot Width:
• 100 feet

Minimum Lot Frontage:
• 60 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 40 feet when adjacent to a Primary Arterial Road
• 35 feet when adjacent to a Secondary Arterial Road
• 30 feet when adjacent to a Collector Road
• 30 feet when adjacent to a Local Road

Minimum Side Yard:
• 10 feet

Minimum Rear Yard:
• 30 feet for the Primary Structure
• 10 feet for Accessory Structures

Additional Standards that Apply

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R.O.W. = As Defined on Thoroughfare Plan
3.3 “R2” District Intent, Permitted Uses, and Special Exception Uses

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| The R2 District, Low Density Residential, is intended to provide a land use category for medium sized lots and medium to large single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Leo-Cedarville for existing and future housing growth. | Residential  
- dwelling, single-family  
- accessory structures  
- decks attached or free standing  
- private swimming pool | Residential  
- bed and breakfast facility  
- boarding or lodging house  
- child care home (owner occupied home)  
- manufactured home  
- residential facility for the developmentally disabled  
- residential facility for the mentally ill  
- home occupation  
Institutional/Public Facilities  
- church, temple or mosque  
- community center  
- fire station  
- public park/recreation center  
- school, public/private  
Communication/Utilities  
- cellular/communication/radio/television tower  
- pipeline pumping station  
- public wells  
- telephone exchange  
- utility substation  
Miscellaneous  
- artificial lake |

Leo-Cedarville's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.

3.4 “R2” District Standards
Minimum Lot Area:
- 14,000 square feet

Minimum Lot Width:
- 80 feet

Minimum Lot Frontage:
- 40 feet on a Public Street with access from said Public Street

Minimum Front Yard:
- 25 feet when adjacent to a Primary Arterial Road
- 30 feet when adjacent to a Secondary Arterial Road
- 30 feet when adjacent to a Collector Road
- 20 feet when adjacent to a Local Road

Minimum Side Yard:
- 7 feet

Minimum Rear Yard:
- 25 feet for the Primary Structure
- 10 feet for Accessory Structures

Additional Standards that Apply

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3.5 “R3” District Intent, Permitted Uses, and Special Exception Uses

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| The R3 District, Medium Density Residential, is intended to provide a land use category for small to medium sized lots and medium single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Leo-Cedarville for existing and future housing growth. Leo-Cedarville's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses. | **Residential**  
- dwelling, single-family  
- institutional/public facilities  
- public park/recreation center  
- miscellaneous  
- accessory structures  
- decks attached or free standing  
- private swimming pool | **Residential**  
- bed and breakfast facility  
- boarding or lodging house  
- child care home (owner occupied home)  
- children’s home  
- group home  
- manufactured home  
- residual facility for the developmentally disabled  
- residual facility for the mentally ill  
- home occupation  
**Institutional/Public Facilities**  
- church, temple or mosque  
- community center  
- fire station  
- library  
- post office  
- school, public/private  
**Communication/Utilities**  
- cellular/communication/radio/television tower  
- pipeline pumping station  
- public wells  
- telephone exchange  
- utility substation  
**Miscellaneous**  
- artificial lake |
Minimum Lot Area:
• 9,000 square feet

Minimum Lot Width:
• 70 feet

Minimum Lot Frontage:
• 30 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 30 feet when adjacent to a Primary Arterial Road
• 30 feet when adjacent to a Secondary Arterial Road
• 30 feet when adjacent to a Collector Road
• 30 feet when adjacent to a Local Road

Minimum Side Yard:
• 7 feet

Minimum Rear Yard:
• 25 feet for the Primary Structure
• 7 feet for Accessory Structures

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<td>• HO-01</td>
</tr>
</tbody>
</table>
| See Article 8 for all Standards
| Landscaping (LS)        | • LS-01  |
| • LS-02                 |          |
| Buffering (BF)          | • BF-01  |
| • BF-02                 |          |
3.7 “R4” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The R4 District, Old Town Neighborhood Residential, is intended to provide a land use category for small lots and small to medium single family detached homes. The provisions that regulate this land use district should protect, maintain and promote where possible the “old town” areas in Leo-Cedarville.</td>
<td>Residential • dwelling, single-family&lt;br&gt;• Institutional/Public Facilities&lt;br&gt;• public park/recreation center&lt;br&gt;Miscellaneous • accessory structures&lt;br&gt;• decks attached or free standing&lt;br&gt;• private swimming pool</td>
<td>Residential • dwelling, multifamily, duplex&lt;br&gt;• bed and breakfast facility&lt;br&gt;• boarding or lodging house&lt;br&gt;• child care home (owner occupied home)&lt;br&gt;• children’s home&lt;br&gt;• group home&lt;br&gt;• manufactured home&lt;br&gt;• residential facility for the developmentally disabled&lt;br&gt;• residential facility for the mentally ill&lt;br&gt;• home occupation&lt;br&gt;Institutional/Public Facilities • church, temple or mosque&lt;br&gt;• community center&lt;br&gt;• fire station&lt;br&gt;• library&lt;br&gt;• post office&lt;br&gt;• school, public/private&lt;br&gt;Communication/Utilities • cellular/communication/radio/television tower&lt;br&gt;• pipeline pumping station&lt;br&gt;• public wells&lt;br&gt;• telephone exchange&lt;br&gt;• utility substation&lt;br&gt;Miscellaneous • artificial lake</td>
</tr>
</tbody>
</table>
3.8 “R4” District Standards

Minimum Lot Area:
• 5,000 square feet

Minimum Lot Per Family:
• 5,000 square feet

Minimum Lot Width:
• 40 feet

Minimum Lot Frontage:
• 40 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 20 feet when adjacent to a Primary Arterial Road
• 20 feet when adjacent to a Secondary Arterial Road
• 20 feet when adjacent to a Collector Road
• 20 feet when adjacent to a Local Road

Minimum Side Yard:
• 7 feet

Minimum Rear Yard:
• 15 feet for the Primary Structure
• 3 feet for Accessory Structures

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LY-01</td>
<td>EN-01</td>
</tr>
<tr>
<td>HT.04</td>
<td>Lighting (LG)</td>
</tr>
<tr>
<td>AC-01</td>
<td>Parking (PK)</td>
</tr>
<tr>
<td>AC-02</td>
<td>Loading (LD)</td>
</tr>
<tr>
<td>TU-01</td>
<td>Entrance/Drive (ED)</td>
</tr>
<tr>
<td>TU-02</td>
<td>ED-01</td>
</tr>
<tr>
<td>HO-01</td>
<td>Vision Clearance (VC)</td>
</tr>
<tr>
<td>LS-01</td>
<td>VC-01</td>
</tr>
<tr>
<td>LS-02</td>
<td></td>
</tr>
<tr>
<td>FS-01</td>
<td></td>
</tr>
</tbody>
</table>

See Article 8 for all Standards
3.9 “R5” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| The R5 District, Multifamily Residential, is intended to provide a land use category for small to medium scale multifamily developments. The provisions that regulate this land use district should protect, promote and maintain areas in Leo-Cedarville for existing and future multifamily housing growth. | Residential  
- dwelling, multifamily  
- dwelling, multifamily, duplex  
- dwelling, multifamily, apartment  
- accessory structure  
- decks attached or free standing  
- private swimming pools  
- nursing home  
- retirement community  
- home occupation  

Institutional/Public Facilities  
- public park/recreation center  
- church, temple or mosque  
- cemetery  
- community center  
- fire station  
- government office  
- library  
- police station  
- post office  
- school, public/private  | Communication/Utilities  
- cellular/communication/radio/television tower  
- pipeline pumping station  
- public wells  
- telephone exchange  
- utility substation  
Miscellaneous  
- artificial lake |

Leo-Cedarville’s Plan Commission and Board of Zoning Appeals should strive to use this district as a buffer between other residential districts, and the NC, OC, DC, C1, and C2 Commercial Districts. This district should be within close proximity to parks, open space, services and retail in possible. Avoid locating near conflicting land uses.
Minimum Lot Area:
• 30,000 square feet

Minimum Lot Per Family:
• 8,500 square feet

Minimum Lot Width:
• 200 feet

Minimum Lot Frontage:
• 100 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 60 feet when adjacent to a Primary Arterial Road
• 50 feet when adjacent to a Secondary Arterial Road
• 50 feet when adjacent to a Collector Road
• 50 feet when adjacent to a Local Road

Minimum Side Yard:
• 25 feet

Minimum Rear Yard:
• 30 feet for the Primary Structure
• 20 feet for Accessory Structures

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LY-01</td>
<td>EN-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>Lighting (LG)</td>
</tr>
<tr>
<td>HT-01</td>
<td>UL-01</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>Parking (PK)</td>
</tr>
<tr>
<td>AC-01</td>
<td>PK-01</td>
</tr>
<tr>
<td>App-06</td>
<td>Loading (LD)</td>
</tr>
<tr>
<td>Temporary Uses (TU)</td>
<td>none</td>
</tr>
<tr>
<td>TU-01</td>
<td>Entrance/Drive (ED)</td>
</tr>
<tr>
<td>TU-02</td>
<td>ED-01</td>
</tr>
<tr>
<td>Home Occupations (HO)</td>
<td>Vision Clearance (VC)</td>
</tr>
<tr>
<td>HO-03</td>
<td>VC-01</td>
</tr>
<tr>
<td>Landscaping (LS)</td>
<td>See Article 6 for all Standards</td>
</tr>
<tr>
<td>LS-01</td>
<td></td>
</tr>
<tr>
<td>LS-02</td>
<td></td>
</tr>
</tbody>
</table>
### “MP” District

#### 3.11 “MP” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The “MP” (Mobile Home Park) District is intended to provide a land use category for mobile home parks that comply with all State and Federal Statutes, Regulations, and Case Law.</td>
<td><strong>Residential</strong> • dwelling, manufactured home • dwelling, mobile home • dwelling, single-family • accessory structure • private swimming pools</td>
<td><strong>Institutional/Public Facilities</strong> • church, temple or mosque • community center • fire station • school, public/private <strong>Communication/Utilities</strong> • cellular/communication/radio/television tower • pipeline pumping station • public wells • telephone exchange • utility substation</td>
</tr>
<tr>
<td>This district should be within close proximity to parks, open space, services, and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</td>
<td><strong>Institutional/Public Facilities</strong> • church, temple or mosque • community center • fire station • school, public/private <strong>Communication/Utilities</strong> • cellular/communication/radio/television tower • pipeline pumping station • public wells • telephone exchange • utility substation</td>
<td></td>
</tr>
</tbody>
</table>

See definition of Mobile and Manufactured Home: [Dwelling, Manufactured Home](#) [Dwelling, Mobile Home](#)

#### 3.12 “MP” District Standards
Minimum Lot Area:
• 5,500 square feet

Minimum Lot Width:
• 35 feet

Minimum Lot Frontage:
• 35 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 45 feet when adjacent to a Primary Arterial Road
• 45 feet when adjacent to a Secondary Arterial Road
• 40 feet when adjacent to a Collector Road
• 35 feet when adjacent to a Local Road

Minimum Side Yard:
• 10 feet (plus buffer yard)

Minimum Rear Yard:
• 8 feet for the Primary and Accessory Structures (plus buffer yard)

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LY-01</td>
<td>EN-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>Lighting (LG)</td>
</tr>
<tr>
<td>HT-01</td>
<td>LS-01</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>Parking (PK)</td>
</tr>
<tr>
<td>AC-03</td>
<td>PK-01</td>
</tr>
<tr>
<td>Buffering (BF)</td>
<td></td>
</tr>
<tr>
<td>BF-01</td>
<td></td>
</tr>
</tbody>
</table>

See Article 8 for all Standards
Article Four

Commercial Zoning Districts

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### “NC” District

#### 4.1 “NC” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| The “NC” (Neighborhood Commercial) District is intended to provide a land use category for small scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly nonconflicting with neighborhoods in Leo-Cedarville. | **Business: Retail**  
- drug store  
- flower shop  
- news dealer/bookstore  
**Business: Auto Sales/Services**  
- auto sales/service  
**Business: Food Sales/Service**  
- bakery, retail  
- convenience store  
- delicatessen  
- grocery/supermarket  
**Business: Personal Service**  
- barber/beauty shop  
- day care  
- fitness center/gym  
**Business: Recreation**  
- video store  
**Business: Office/Professional**  
- bank machine/ATM  
**Institutional/Public Facilities**  
- public park/recreation center  
- accessory use structure | **Residential**  
- dwelling, single-family (upper stories)  
- dwelling, multifamily, (upper stories)  
**Institutional/Public Facilities**  
- church, temple or mosque  
- community center  
- government office  
- library  
- police/fire station  
- post office  
- recycling collection point  
- school, public/private  
- Communication/Utility  
- telephone exchange  
- utility substation  
- public well |

Leo-Cedarville's Plan Commission and Board of Zoning appeals should strive to use this district sparingly and appropriately as needed in the community.

The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from the “NC” district that are not family oriented or that have an adverse effect on the existing or future adjacent neighborhoods.

#### 4.2 “NC” District Standards
Minimum Lot Area:
• 7,000 square feet

Minimum Lot Width:
• 60 feet

Minimum Lot Frontage:
• 60 feet on a Public Street with access from said Public Street

Minimum Front Yard:
• 20 feet when adjacent to a Primary Arterial Road
• 20 feet when adjacent to a Secondary Arterial Road
• 20 feet when adjacent to a Collector Road
• 20 feet when adjacent to a Local Road

Minimum Side Yard:
• 15 feet (plus buffer yard)
(0 feet if neighboring yard is commercial)

Minimum Rear Yard:
• 15 feet for the Primary and Accessory Structures (plus buffer yard)

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LY-01</td>
<td>EN-01</td>
</tr>
<tr>
<td>LY-02</td>
<td>EN-02</td>
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</table>

<table>
<thead>
<tr>
<th>Height Standards (HT)</th>
<th>Parking (PK)</th>
</tr>
</thead>
<tbody>
<tr>
<td>HT-01</td>
<td>PK-01</td>
</tr>
<tr>
<td>HT-02</td>
<td>PK-02</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory Uses (AC)</th>
<th>Loading (LD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC-01</td>
<td>LD-01</td>
</tr>
<tr>
<td>AC-02</td>
<td>LD-02</td>
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</table>

<table>
<thead>
<tr>
<th>Temporary Uses (TU)</th>
<th>Home Occupations (HO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TU-01</td>
<td>HO-01</td>
</tr>
<tr>
<td>TU-02</td>
<td>HO-02</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscaping (LS)</th>
<th>Parking (PK)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LS-01</td>
<td>PK-01</td>
</tr>
<tr>
<td>LS-02</td>
<td>PK-02</td>
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</table>

<table>
<thead>
<tr>
<th>Buffering (BF)</th>
<th>Loading (LD)</th>
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<tbody>
<tr>
<td>BF-01</td>
<td>LD-01</td>
</tr>
</tbody>
</table>

See Article II for all Standards
4.3 “OC” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The “OC” (Office Commercial) District is intended to provide a land use category for low impact office commercial uses. The provisions that regulate this land use district should make the district compatible with all residential districts. This district can be used as a buffer between any residential district and high impact or conflicting land uses. Leo-Cedarville’s Plan Commission and Board of Zoning appeals should strive to use this district sparingly. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, large parking lots, traffic generation, traffic conflicts, and noise generation in the “OC” District.</td>
<td><strong>Business: Office/Professional</strong>&lt;br&gt;• architecture&lt;br&gt;• bank/credit union/ATM&lt;br&gt;• design services&lt;br&gt;• insurance office&lt;br&gt;• planning offices&lt;br&gt;• professional offices&lt;br&gt;• real estate office&lt;br&gt;• secretarial service&lt;br&gt;• service organization offices&lt;br&gt;<strong>Institutional/Public Facilities</strong>&lt;br&gt;• government office&lt;br&gt;• library&lt;br&gt;• police/fire station&lt;br&gt;• post office&lt;br&gt;• public park/recreation center&lt;br&gt;• school, public/private&lt;br&gt;<strong>Business: General Business</strong>&lt;br&gt;• clinic/medical/dental&lt;br&gt;• advertising agency&lt;br&gt;<strong>Miscellaneous</strong>&lt;br&gt;• accessory structures</td>
<td><strong>Residential</strong>&lt;br&gt;• dwelling, single-family (upper floors)&lt;br&gt;• dwelling, multifamily, (upper floors)&lt;br&gt;<strong>Institutional/Public Facilities</strong>&lt;br&gt;• church, temple or mosque&lt;br&gt;• community center&lt;br&gt;<strong>Miscellaneous</strong>&lt;br&gt;• recycling collection point</td>
</tr>
</tbody>
</table>

4.4 “OC” District Standards
Minimum Lot Area:
- 9,000 square feet

Minimum Lot Width:
- 70 feet

Minimum Lot Frontage:
- 50 feet on a Public Street with access from said Public Street

Minimum Front Yard:
- 30 feet when adjacent to a Primary Arterial Road
- 30 feet when adjacent to a Secondary Arterial Road
- 30 feet when adjacent to a Collector Road
- 30 feet when adjacent to a Local Road

Minimum Side Yard:
- 12 feet (plus buffer yard)

Minimum Rear Yard:
- 12 feet for the Primary and Accessory Structures (plus buffer yard)

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Standards</th>
<th>Articles/Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot/Yard Standards (LY)</td>
<td>LY-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>HT-01</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>AC-01, AC-02</td>
</tr>
<tr>
<td>Temporary Uses (TU)</td>
<td>TU-01</td>
</tr>
<tr>
<td>Home Occupations (HO)</td>
<td>HO-01</td>
</tr>
<tr>
<td>Landscaping (LS)</td>
<td>LS-01, LS-02</td>
</tr>
<tr>
<td>Buffering (BF)</td>
<td>BF-01</td>
</tr>
<tr>
<td>Environmental (EN)</td>
<td>EN-01</td>
</tr>
<tr>
<td>Lighting (LG)</td>
<td>LG-01</td>
</tr>
<tr>
<td>Parking (PK)</td>
<td>PK-01</td>
</tr>
<tr>
<td>Loading (LD)</td>
<td>LD-01</td>
</tr>
<tr>
<td>Entrance/Drive (ED)</td>
<td>ED-01</td>
</tr>
<tr>
<td>Vision Clearance (VC)</td>
<td>VC-01</td>
</tr>
</tbody>
</table>

See Article 8 for all Standards
The “DC” (Downtown Commercial) District is intended to provide a land use category for small retail, office, food sales and other commercial uses typical to small town downtowns. The provisions that regulate this land use district should make the district compatible with the “R5” residential districts, and “DC” and “C1” commercial districts.

Leo-Cedarville’s Plan Commission and Board of Zoning appeals should strive to use this district only in the historic downtown area and its immediate surroundings.

The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.

<table>
<thead>
<tr>
<th>“DC” District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.5 “DC” District Intent, Permitted Uses, and Special Exception Uses</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The “DC” (Downtown Commercial) District is intended to provide a land use category for small retail, office, food sales and other commercial uses typical to small town downtowns. The provisions that regulate this land use district should make the district compatible with the “R5” residential districts, and “DC” and “C1” commercial districts. Leo-Cedarville’s Plan Commission and Board of Zoning appeals should strive to use this district only in the historic downtown area and its immediate surroundings. The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.</td>
<td><strong>Residential</strong></td>
<td><strong>Business: Personal Service</strong></td>
</tr>
<tr>
<td></td>
<td>• dwelling, single-family (upper floors)</td>
<td>• bed and breakfast facility</td>
</tr>
<tr>
<td></td>
<td>• dwelling, multifamily, (upper floors)</td>
<td>• boarding or lodging house</td>
</tr>
<tr>
<td></td>
<td><strong>Business: Retail</strong></td>
<td><strong>Business: Personal Service</strong></td>
</tr>
<tr>
<td></td>
<td>• antique shop</td>
<td>• coin laundry</td>
</tr>
<tr>
<td></td>
<td>• apparel shop</td>
<td>• dry-cleaning service</td>
</tr>
<tr>
<td></td>
<td>• drug store</td>
<td><strong>Business: Recreation</strong></td>
</tr>
<tr>
<td></td>
<td>• fabric shop</td>
<td>• dance/aerobics/gymnastics studio</td>
</tr>
<tr>
<td></td>
<td>• flower shop</td>
<td>• karate studio</td>
</tr>
<tr>
<td></td>
<td>• gift shop</td>
<td>• lodge or private club</td>
</tr>
<tr>
<td></td>
<td>• hardware store</td>
<td>• theater, indoor</td>
</tr>
<tr>
<td></td>
<td>• jewelry store</td>
<td>• video store</td>
</tr>
<tr>
<td></td>
<td>• music store</td>
<td><strong>Business: General Business</strong></td>
</tr>
<tr>
<td></td>
<td>• news dealer/bookstore</td>
<td>• print shop</td>
</tr>
<tr>
<td></td>
<td>• shoe sales</td>
<td><strong>Institutional/Public Facilities</strong></td>
</tr>
<tr>
<td></td>
<td>• sporting goods</td>
<td>• church, temple or mosque</td>
</tr>
<tr>
<td></td>
<td>• variety store</td>
<td>• museum</td>
</tr>
<tr>
<td></td>
<td>• office supplies</td>
<td>• public park/recreation center</td>
</tr>
<tr>
<td></td>
<td>• resale shop</td>
<td>• public/private parking area</td>
</tr>
<tr>
<td></td>
<td>• printing shop</td>
<td><strong>Permitted Uses (continued)</strong></td>
</tr>
<tr>
<td></td>
<td>• lawn, landscape, garden store</td>
<td><strong>Business: Office/Professional — Cont’d.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Business: Food Sales/Service</strong></td>
<td>• planning offices</td>
</tr>
<tr>
<td></td>
<td>• bakery retail</td>
<td>• professional offices</td>
</tr>
<tr>
<td></td>
<td>• convenience store</td>
<td>• real estate office</td>
</tr>
<tr>
<td></td>
<td>• delicatessen</td>
<td>• secretarial service</td>
</tr>
<tr>
<td></td>
<td>• farmers market</td>
<td>• service organization offices</td>
</tr>
<tr>
<td></td>
<td>• restaurant</td>
<td>• travel agency</td>
</tr>
<tr>
<td></td>
<td><strong>Business: Personal Service</strong></td>
<td>• clinic medical, dental office</td>
</tr>
<tr>
<td></td>
<td>• barber/beauty shop</td>
<td><strong>Business: Auto Sales/Service</strong></td>
</tr>
<tr>
<td></td>
<td>• shoe repair</td>
<td>• automobile parts sales (new)</td>
</tr>
<tr>
<td></td>
<td>• tailor/pressing shop</td>
<td><strong>Miscellaneous</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Business: Office/Professional</strong></td>
<td>• accessory structures</td>
</tr>
<tr>
<td></td>
<td>• advertising agency</td>
<td>• self storage</td>
</tr>
<tr>
<td></td>
<td>• architecture</td>
<td><strong>Institutional/Public Facilities</strong></td>
</tr>
<tr>
<td></td>
<td>• bank/credit union</td>
<td>• community center</td>
</tr>
<tr>
<td></td>
<td>• bank machine</td>
<td>• government office</td>
</tr>
<tr>
<td></td>
<td>• design services</td>
<td>• police/fire station</td>
</tr>
<tr>
<td></td>
<td>• insurance office</td>
<td>• post office</td>
</tr>
</tbody>
</table>

| 4.6 “DC” District Standards |
Minimum Lot Area:
• 3,500 square feet

Minimum Lot Width:
• 25 feet

Minimum Lot Frontage:
• 25 feet on a Public Street

Minimum Front Yard:
• 5 feet when adjacent to a Primary Arterial Road
• 5 feet when adjacent to a Secondary Arterial Road
• 5 feet when adjacent to a Collector Road
• 5 feet when adjacent to a Local Road

Minimum Side Yard:
• 0 feet when adjacent to commercial property
  (New commercial development side yard buffering may have additional setback regulations and
  administrative review)

Minimum Rear Yard:
• 0 feet for the Primary
• 0 feet for the Accessory Structures

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• LY-01</td>
<td>• Ey-01</td>
</tr>
<tr>
<td>• HT-01</td>
<td>• LG-01</td>
</tr>
<tr>
<td>• AC-03</td>
<td>• Parking (PK)</td>
</tr>
<tr>
<td>• Accessory Uses (AC)</td>
<td>• PK-02</td>
</tr>
<tr>
<td>• TU-01</td>
<td>• PK-04</td>
</tr>
<tr>
<td>• TU-03</td>
<td>• PK-05</td>
</tr>
<tr>
<td>• LD-03</td>
<td>• Loading (LD)</td>
</tr>
<tr>
<td>Home Occupations (HO)</td>
<td>• none</td>
</tr>
<tr>
<td>• HO-03</td>
<td>• Entrance/Drive (ED)</td>
</tr>
<tr>
<td>Landscaping (LS)</td>
<td>• ED-01</td>
</tr>
<tr>
<td>• LS-01</td>
<td>• Vision Clearance (VC)</td>
</tr>
<tr>
<td>• LF-01</td>
<td>• VC-01</td>
</tr>
<tr>
<td>Buffering (BF)</td>
<td>• BF-01</td>
</tr>
<tr>
<td></td>
<td>See Article 8 for all Standards</td>
</tr>
</tbody>
</table>
### District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| **The “C1”** (Small to Medium Scale General Business) District is intended to provide a land use category for most general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the residential districts. Leo-Cedarville's Plan Commission and Board of Zoning appeals should strive to use this district with the “C2” district to encourage a strong and stable area for commerce. | **Business: Retail**  
- apparel shop  
- antique shop  
- drug store  
- electrical supplies  
- fabric shop  
- floor coverings  
- flower shop  
- furniture store  
- gift shop  
- hardware store  
- jewelry store  
- liquor sales  
- music store  
- news dealer/bookstore  
- office supplies  
- paint store  
- satellite dish sales/service  
- shoe sales  
- sporting goods  
- variety store  
- **Business: Auto Sales/Services**  
  - automobile part sales (new)  
  - automobile sales  
  - automobile body shop (enclosed)  
  - automobile repair/repair (enclosed)  
  - automobile service station  
  - automobile wash (automatic and self)  
- filling/gas station  
- oil change service  
- **Business: Food Sales/Service**  
- farmers market  
- roadside food stand  
- **Business: Personal Service**  
- day care  
- **Business: Recreation**  
- adult uses  
- lodge or private club  
- miniature golf  
- public docks  
- theater, outdoor |  
- farmers market  
- roadside food stand  
- **Business: Personal Service**  
- day care  
- **Business: Recreation**  
- adult uses  
- lodge or private club  
- miniature golf  
- public docks  
- theater, outdoor  
- barber/beauty shop  
- coin laundry  
- dry-cleaning service  
- fingernail salon  
- shoe repair  
- tailor/pressing shop  
- tanning salon  
- bar/night club  
- billiard/arcade room  
- bowling alley  
- dance/aerobics/gymnastics studio |
4.8 “C1” District Standards

- bakery retail
- convenience store
- delicatessen
- drive-in restaurant
- grocery/supermarket
- meat market
- restaurant
- theater, indoor
- video store

Business: Office/Professional
- bank/credit union
- bank/ATM
- insurance office
- real estate office
- travel agency

All Professional and Medical Offices

Minimum Lot Area:
- 35,000 square feet

Minimum Lot Width:
- 25 feet

Minimum Lot Frontage:
- 25 feet on a Public Street with access from said Public Street

Minimum Front Yard:
- 5 feet when adjacent to a Primary Arterial Road
- 5 feet when adjacent to a Secondary Arterial Road
- 5 feet when adjacent to a Collector Road
- 5 feet when adjacent to a Local Road

Minimum Side Yard:
- 5 feet (plus buffer yard)

Minimum Rear Yard:
- 5 feet for the Primary/Accessory Structure (plus buffer yard)

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Lot/Yard Standards (LY)</th>
<th>Lighting (LG)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LY-01</td>
<td>LG-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>Parking (PK)</td>
</tr>
<tr>
<td>HT-01</td>
<td>PK-02</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>PK-03</td>
</tr>
<tr>
<td>AC-03</td>
<td>PK-04</td>
</tr>
<tr>
<td>AC-04</td>
<td>PK-05</td>
</tr>
</tbody>
</table>

Temporary Uses (TU)
- TU-01
- TU-02

Loading (LD)
- none

Entrance/Drive (ED)
- ED-01

Vision Clearance (VC)
- VC-01

Audio Use (AU)
- AU-01
“C2” District

4.9 “C2” District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| **The “C2” (Business Park/Light Industrial) District** is intended to provide a land use category for most low to moderate impact business park and light industrial facilities. This district can be used adjacent to all other commercial districts, agriculture districts, and residential districts. Leo-Cedarville’s Plan Commission and Board of Zoning appeals should strive to use the “C2” district to develop a contiguous area, or cluster, for commerce and job creation. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the “C2” District. | **Agricultural Uses/Service**  
- agricultural seed sales  
- storage of agricultural products  
**Business: General Business**  
- self storage  
- print shop  
- sign painting/fabrication  
- welding  
- wholesale business  
- lumber yard  
**Institutional/Public Facilities**  
- recycling collection point  
- trade or business school  
**Business Recreation**  
- adult uses  
(see Adult Use/definition ordinance)  
**Industrial Uses:**  
- bottled gas storage/distribution  
- distribution center  
- flex-space  
- industrial park  
- light manufacturing  
- liquid fertilizer and distribution  
- office complex  
- research center  
- warehouse | **Agricultural Uses/Service**  
- farm equipment sales/service  
- processing agriculture products  
- storage of agricultural products  
**Business: Auto Sales/Services**  
- automobile/truck storage (outdoor)  
**Institutional/Public Facilities**  
- cemetery  
- fire station |

4.10 “C2” District Standards

- Maximum Structure Height:  
  - 40 feet for the Primary Structure, from the grade at the front entrance  
  - 15 feet for Accessory Structures

Table: Standards

- Buffering (BF)  
- Environmental (EN)  
- AU-01  
- LS-02  
See Article 8 for all Standards
Minimum Lot Area:
- 25,000 square feet

Minimum Lot Width:
- 70 feet

Minimum Lot Frontage:
- 70 feet on a Public Street with access from said Public Street

Minimum Front Yard:
- 35 feet when adjacent to a Primary Arterial Road
- 35 feet when adjacent to a Secondary Arterial Road
- 30 feet when adjacent to a Collector Road
- 25 feet when adjacent to a Local Road

Minimum Side Yard:
- 25 feet (plus buffer yard)

Minimum Rear Yard:
- 25 feet for the Primary/Accessory Structure (plus buffer yard)

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Additional Standards that Apply</th>
<th>Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot/Yard Standards (LY)</td>
<td>LY-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>HT-01</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>AC-03</td>
</tr>
<tr>
<td>AC-04</td>
<td></td>
</tr>
<tr>
<td>Temporary Uses (TU)</td>
<td>TU-01</td>
</tr>
<tr>
<td>Entrance/Drive (ED)</td>
<td>ED-01</td>
</tr>
<tr>
<td>Street Lighting (LG)</td>
<td>LG-01</td>
</tr>
<tr>
<td>Parking (PK)</td>
<td>PK-06</td>
</tr>
<tr>
<td>PK-05</td>
<td></td>
</tr>
<tr>
<td>PK-04</td>
<td></td>
</tr>
<tr>
<td>Loading (LD)</td>
<td>LD-01</td>
</tr>
<tr>
<td>Environmental (EN)</td>
<td>EN-01</td>
</tr>
<tr>
<td>See Article 8 for all Standards</td>
<td></td>
</tr>
</tbody>
</table>
Article Five
Agricultural Zoning Districts

5.1 "AG" District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• dwelling, single family</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• residential facility for the developmentally disabled</td>
<td></td>
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<tr>
<td></td>
<td>• residential facility for the mentally ill</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• child care home (owner occupied home)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agricultural Uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• agricultural crop production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• agricultural livestock production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• orchards</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• plant nursery</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• storage of agricultural products</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• storage of farm vehicles</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• storage of farm equipment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• storage of farm materials</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• tree farms</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Institutional/Public Facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• public park/recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Miscellaneous</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• accessory uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• artificial lake - One (1) or more acres</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• decks attached or free standing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• home occupations</td>
<td></td>
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<tr>
<td></td>
<td>• private swimming pool</td>
<td></td>
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<tr>
<td></td>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• group home</td>
<td></td>
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<tr>
<td></td>
<td>Agricultural Uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• agricultural seed sales</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• commercial raising of nonfarm animals</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• farm equipment sales/service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• processing agriculture products</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• processing agriculture products produced on site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• riding stables and trails</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Business: General Business</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• kennel</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Institutional/Public Facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• fire station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• church, mosque, or temple</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• school, public or private</td>
<td></td>
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<tr>
<td></td>
<td>• child care center</td>
<td></td>
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<td></td>
<td>• community center</td>
<td></td>
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<tr>
<td></td>
<td>Communication/Utility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• telephone exchange</td>
<td></td>
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<tr>
<td></td>
<td>• utility substation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• public well</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• sewage treatment plant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• water treatment plant</td>
<td></td>
</tr>
</tbody>
</table>

5.2 "AG" District Standards
Minimum Lot Area:
• 5 acres

Minimum Lot Width:
• 300 feet

Minimum Lot Frontage:
• 200 feet on a Public Street with access from said Public Street (only if used for a building site for primary or accessory structures)

Minimum Front Yard:
• 60 feet when adjacent to a Primary Arterial Road
• 50 feet when adjacent to a Secondary Arterial Road
• 45 feet when adjacent to a Collector Road
• 40 feet when adjacent to a Local Road

Minimum Side Yard:
• 45 feet for Primary Structure
• 35 feet for Accessory Structures

Minimum Rear Yard:
• 40 feet for Primary Structure
• 35 feet for Accessory Structures

Additional Standards that Apply

<table>
<thead>
<tr>
<th>Additional Standards (LY)</th>
<th>Environmental (EN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot/Yard Standards (LY)</td>
<td></td>
</tr>
<tr>
<td>• LY-01</td>
<td>EN-01</td>
</tr>
<tr>
<td>Height Standards (HT)</td>
<td>Lighting (LG)</td>
</tr>
<tr>
<td>• HT-01</td>
<td>LG-01</td>
</tr>
<tr>
<td>Accessory Uses (AC)</td>
<td>Parking (PK)</td>
</tr>
<tr>
<td>• AC-01</td>
<td>PK-01</td>
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<tr>
<td>• AC-02</td>
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<td>Entrance/Drive (ED)</td>
</tr>
<tr>
<td>• TU-01</td>
<td>ED-01</td>
</tr>
<tr>
<td>• TU-02</td>
<td></td>
</tr>
<tr>
<td>Home Occupations (HO)</td>
<td>Vision Clearance (VC)</td>
</tr>
<tr>
<td>• HO-01</td>
<td>VC-01</td>
</tr>
<tr>
<td>Landscaping (LS)</td>
<td></td>
</tr>
<tr>
<td>• LS-01</td>
<td>See Article 8 for all Standards</td>
</tr>
<tr>
<td>• LS-02</td>
<td></td>
</tr>
<tr>
<td>Buffering (BF)</td>
<td></td>
</tr>
<tr>
<td>• BF-01</td>
<td></td>
</tr>
</tbody>
</table>
Article Six
Conversion Overlay Districts

6.1 Purpose
The purpose of this Article is to establish special overlay districts in Leo-Cedarville. The overlay District Intent is stated below.

6.2 Special Definitions
The following definitions are to be used for this Article only.

A. Small Lots: Are lots smaller than 8,000 square feet or that are consistent with the original plated lots for residential uses in Leo-Cedarville.

B. Medium to Large Scale Business Development: Planned business uses placed on one or more lots, and that use between 20,000 square feet and five acres of land to hold all site improvements and structures.

C. Primary Zoning District: The Primary Zoning District is the district "under" the overlay district.

6.3 Conversion District Overlay Boundaries
The boundaries for the Conversion District Overlay are shown on the Leo-Cedarville Official Zone Map. The district is marked with a hatch pattern as designated on the map's legend.

### 6.4 District Intent, Permitted Uses, and Special Exception Uses

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
</table>
| This overlay district can only be used over districts with Small Lots to enable medium to large scale business developments to occur as appropriate for the Community. To allow these medium to large business developments to occur, the developer must assemble multiple residential Small Lots. This is required in order to prevent conflicting land uses or adverse effects to adjacent residential property owners. To qualify for the Conversion District Overlay, the developer must meet the regulations of this Overlay District. The Plan Commission and BZA should strive to disallow development proposals that leave stray residential properties or that are deemed conflicting land uses. Further, appropriate buffering should be required. All development proposals for the Conversion District Overlay are contingent on Plan Commission approval after at least one Public Hearing. | As a Primary Zoning District  
- Residential properties within this overlay district shall continue to be regulated by the Permitted Uses of the Primary Zoning District.  
As a Conversion District Overlay  
The Following business uses are Permitted Uses once all lot and building standards set forth in this Article have been met:  
**Auto Sales/Service**  
- auto parts  
- auto sales  
- auto wash  
- gas station  
- oil change service  
**Business: Food Sales/Service**  
- bakery retail  
- convenience store  
- delicatessen  
- grocery/supermarket  
- restaurant  
**Business: General Business**  
- ATM machine  
- insurance  
- real estate  
- travel  
**Business: Office/Professional**  
- bank/credit union  
- medical clinic  
**Business: Personal Service**  
- beauty salon  
- tanning salon  
**Business: Recreation**  
- theater, indoor  
- video store  
**Business: Retail**  
- apparel shop  
- book shop  
- drug store  
- fabric shop  
- floor coverings  
- flower shop  
- furniture store  
- gift shop  
- hardware store  
- home electronics/appliance store  
- music shop  
- office supplies  
- paint store  
- sporting goods | As a Primary Zoning District  
- Residential properties within this overlay district shall continue to be regulated by the Special Exceptions of the Primary Zoning District.  
As a Conversion District Overlay  
The Following business uses are Special Exception Uses once all lot and building standards set forth in this Article have been met:  
**Business: Food Sales/Service**  
- drive-in restaurant  
- farmer's market  
- roadside stand  
**Business: Personal Service**  
- day care  
- dry-cleaning service  
- fitness center/gym  
- health spa  
**Business: Recreation**  
- bowling alley  
- lodge/private club |

### 6.5 Conversion Overlay District Standards
Minimum Lot Area:
• 20,000 square feet

Maximum Lot Area:
• 5 acres

Minimum Lot Width:
• 100 feet

Minimum Lot Frontage:
• 90 feet on a Public Street with access from said Public Street

Minimum Lot Depth:

Minimum Front Yard:
• 8 feet when adjacent to a Primary Arterial Road
• 5 feet when adjacent to a Secondary Arterial Road
• 5 feet when adjacent to a Collector Road
• 5 feet when adjacent to a Local Road

Minimum Side Yard:
• 5 feet

Minimum Rear Yard:
• 10 feet for the Primary and Secondary Structure
7.1 Official Zoning Map

The zoning map of the Town of Leo-Cedarville, officially labeled “Town of Leo-Cedarville Zoning Map”, is hereby included as part of this ordinance. The map may also be known as and referred to as the Official Zoning Map. There may be only one (1) Official Zoning Map.

7.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as copies and have the date which the map was last modified printed on the map.

7.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Town of Leo-Cedarville Clerk Treasurer.

7.4 Zoning District Boundaries
The Zoning District boundaries shall be shown on the Official Zoning Map. The two-letter abbreviations used for the zoning districts (i.e. R1) appearing in this ordinance shall be used to label the zoning districts on the map. Planned developments shall be shown on the map by the four-letter abbreviations as noted in this ordinance. The Ordinance Number and date of passage approving a Planned Development shall be included on the Official Zoning Map.

7.5 Regular Revisions

The Zoning Map shall be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors or omission in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Town Council.

7.6 Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

7.7 Zoning Map Standards

District boundaries on the Official Zoning Map shall meet the following standards:

A. District boundaries shown within the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center lines.

B. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or town corporation lines shall be construed as following such lines.

C. District boundaries indicated as parallel to or extensions of above features shall be construed as so.

D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.

E. The vacation of streets and roads shall not affect the location of such district boundaries.

F. When the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it clearly does not coincide with a property line, the Zoning Administrator shall refuse action and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

G. Any ruling of the Zoning Administrator pertaining to the district boundaries may be appealed to the Plan Commission. Rulings of the Plan Commission pertaining to district boundaries may be appealed to the BZA.
County Zoning - Pre-annexation map

[Go to fullsize image]
Article Eight
Development Standards

8.1 Introduction

All structures, buildings, land uses, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created,
established, or occur after the Effective Date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all Development Standards and regulations for the applicable Zoning District.

8.2 Development Standards that Apply

Under the sections below are Development Standards that are arranged by category. To determine which Development Standards apply to the subject Zoning District, refer to the "Additional Standards that Apply" for that subject Zoning District. The four digit codes noted in the "Additional Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Standards that Apply" section for each Zoning District apply to that Zoning District.

As an example, the four-digit code "LY-01" can be found under the Additional Standards that Apply section for the Neighborhood Commercial (NC) District. Therefore, the Development Standards following the section below labeled "LY-01" would apply to Neighborhood Commercial (NC) Districts.

8.3 Lot/Yard Standards (LY)

LY-01: All existing conflicts with the lot/yard regulations at the Effective Date of this Ordinance shall be considered a Legal Non-Conforming Structure.

Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:

A. Front Yard Requirements: The minimum Front Yard depths shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3, 4, and 5.

B. Side Yard Requirements: The minimum Side Yard depths shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3, 4, and 5.

C. Rear Yard Requirements: The minimum Rear Yard depths shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3, 4, and 5.

8.4 Height Standards (HT)

HT-01: No structure may be erected or changed so as to make its height greater than specified for the subject Zoning District, except as noted below. Exceptions to height standards include:

A. church steeples,
B. municipal water towers,
C. commercial cellular/communication/radio/television towers,
D. transmission towers,
E. necessary mechanical appurtenances,
F. elevator bulkheads,
G. chimneys.

8.5 Accessory Uses/Structures Standards (AC)

AC-01: Accessory Uses/Structures shall comply with all Development Standards for the Subject Zoning District. Also, no Accessory Uses/Structures shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.

Accessory Uses/Structures are not allowed on a lot prior to any Primary Structure being constructed. Accessory Uses/Structures also must relate to the Primary Structure and its uses.

The following Accessory Uses are permitted, but must abide by all applicable Standards:

• Free standing Antenna or Satellite Dishes over 400 sq. inches,
• Bath Houses,
• Decks,
• Detached garages,
• Fences,
• Gazebos,
• Greenhouses,
• Mini Barns,
• Patios,
• Pole Barns,
• Sauna,
• Sheds,
• Sport Courts,
• Swimming Pools.

AC-02: All permissible Accessory Uses/Structures shall abide by the following standards:

A. Accessory Uses/Structures may not exceed forty percent (40%) of the Floor Area of the Primary Structure,
B. No Accessory Structure may be placed in the Front Yard on a Lot.
C. No Swimming Pools, Hot Tubs, Mini Barns or Bath Houses may be placed in the Side Yard or Front Yard on a Lot.

AC-03: Accessory Uses/Structures shall comply with all Development Standards for the Subject Zoning District. Also, no Accessory Uses/Structures shall
encroach on any platted easement unless written consent of the entity the easement belongs to or is managed by.

Accessory Uses/Structures are not allowed on a lot prior to any Primary Structure being constructed. Accessory Uses/Structures also must relate to the Primary Structure and its uses.

The following Accessory Uses are permitted, but must abide by all applicable Standards:

• Free Standing Antenna or Satellite Dishes over 400 sq. inches,
• Decks,
• Fences
• Gazebos,
• Greenhouses,
• Parking Lots,
• Patios,
• Sheds, and

AC-04: All permitted Accessory Uses/Structures shall abide by the following standards:
A. Only Parking Lots may be placed in the Front Yard on a Lot, and
B. Only Parking Lots, Greenhouses, Gazebos, and Patios may be placed in the Side Yard on a Lot.

8.6 Temporary Uses/Structures Standards (TU)
TU-01: Temporary Uses or Structures that abide by all applicable Development Standards for the subject District are permitted. The following standards also pertain to Temporary Uses/Structures.
A. Transition to Permanent or Accessory Uses/Structures: Any Temporary Use or Structure that is intended to transition into a permanent or Accessory Use/Structure must meet all Standards for a permanent or Accessory Use/Structure. Further, the intent to transition any Temporary Use/Structure to a permanent or Accessory Use/Structure must be presented upon application for such Temporary Uses/Structures. In the event the intent is not noted upon application, the transition to a permanent or Accessory Use/Structure will not be permitted for one (1) year from the application date or date the Temporary Use/Structure is installed; whichever is sooner.
B. Duration: All Temporary Uses/Structures are subject to a maximum duration unless otherwise specified in this Ordinance. All Temporary Uses/Structures shall be permitted for the period of time to be stipulated on application.
C. Permit: All Temporary Uses/Structures will be required to have a Temporary Improvement Location Permit and will be subject to fees in the Fee Schedule Resolution, unless otherwise noted in this Article.
D. Cessation of Use: All Temporary Uses/Structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.

TU-02: Temporary Uses permitted include:
A. Garage sales,
B. Children's roadside stand (no permit necessary), and
C. Tents for a private party/event (no permit necessary).

TU-03: Temporary Uses permitted include:
A. Outdoor sales,
B. Temporary signs (see Sign Regulation, Article 12), and
C. Tents for sales and business events.

8.7 Home Occupation Standards (HO)
HO-01: The intent of the Home Occupation provisions are to allow reasonable business practices within residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following standards apply to all Home Occupations:
A. Any Home Occupation conducted in a dwelling must:
1. not involve Retail Business or Manufacturing Business;
2. not involve the employment of any more than one (1) person who will work at the location of the Home Occupation;
3. utilize at least one (1) members of the immediate family residing on the premises;
4. not include the use of any mechanical equipment, other than what is usual for purely domestic or hobby purposes;
5. not involve any exterior storage or display of equipment or materials used in connection with the home occupation; and
6. not utilize more than twenty-five percent (25%) of the total floor area of any one story including the space in garages and storage areas.
B. There shall not be any exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the Home Occupation.
C. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
D. There shall not be an advertised entrance to the dwelling unit for the purpose of conducting business or to accommodate the business.
E. No business practice may be conducted within any Accessory Structure including a detached garage.
F. Traffic generation due to the business must not exceed what is normal and acceptable in the residential district.
G. Off-site signs shall not be permitted.
H. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
I. No Home Occupation that demands enhancement to the water, gas, septic, sewer, or electrical system shall be permitted even if stated as a permitted use.
J. No additional parking may be added to the existing Dwelling Unit parking to accommodate for the Home Occupation.
K. Use of commercial vehicles for pick-up and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted when associated with the Home Occupation.

Permitted and Non-Permitted Home Occupations:
A. The Permitted Home Occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:
   1. dressmaking,
   2. sewing,
   3. weaving,
   4. tailoring,
   5. ironing,
   6. washing,
   7. custom home furnishings work,
   8. carpentry work,
   9. furniture repair,
   10. hair grooming,
   11. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
   12. home office for a real estate, insurance, notary public, or manufacturer’s agent,
   13. office for clergy,
   14. art studio, writing studio, music studio, photography studio,
   15. teaching art, writing, or music for one student at one time, and
   16. child care for five (5) or less children at one time.

B. The following types of business shall not be permitted as Home Occupations:
   1. medical clinics of any kind,
   2. retail dress shops,
   3. funeral homes,
   4. tourist homes,
   5. animal hospitals,
   6. kennels,
   7. trailer rentals,
   8. automobile, motor vehicles, equipment repair of any kind,
   9. painting of automobiles, motor vehicles, or equipment of any kind,
   10. photo developing,
   11. television, radio or other electronics repair,
   12. tooling, welding, or machining of any kind,
   13. retail or manufacturing of any kind,
   14. tool or equipment rental of any kind,
   15. restaurant or similar establishment,
   16. salvage operations of any kind, and
   17. freight or trucking operations of any kind.

Uses not specifically mentioned will be interpreted by the Zoning Administrator as to whether the use needs to be reviewed by the Plan Commission.

8.8 Adult Use Ordinance (AU)

AU-01: ADULT USES: WHEREAS, there is convincing documented evidence that Adult Uses, as defined herein, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime, reduction in business, and downgrading of property values; and Adult Use businesses in the incorporated area of Leo-Cedarville require special supervision in order to protect and preserve the health, safety and welfare of the citizens of the Town; and zoning, licensing and other police power regulations are legitimate reasonable means of accountability to insure the operator of Adult Use businesses comply with reasonable regulations and that Adult Use businesses are located in places which minimize the adverse secondary effects which naturally accompany these establishments;

NOW THEREFORE, the Town Council of the Town of Leo-Cedarville does ordain as follows:

A. PURPOSE AND INTENT. It is the purpose and intent of this Ordinance to regulate Adult Use businesses to promote the health, safety, morals, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of Adult Use businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such Adult Use businesses.

It is not the intent of this Ordinance to place any impermissible burden on any constitutionally protected expression or expressive conduct. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the Indiana State Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Ordinance to condone or legitimize the distribution of obscene material.

B. DEFINITIONS. For the purposes of this division, certain terms and words are defined as follows:

1. “Adult Use” means any use of property as a “sexually oriented enterprise” as defined below, any tattoo parlor, gambling casino, or any activity that may
be engaged in, or premises which may be entered onto, only by persons at least eighteen (18) years old. Except, “Adult Use” shall not include, any use that falls within this definition only because it sells liquor under a permit granted by the Indiana Alcoholic Beverages Commission pursuant to Indiana code 7.1-3 (i.e. a liquor store, nightclub or bar that is not also used as a sexually oriented enterprise, gambling casino or tattoo parlor).

2. “Nudity” or “State of Nudity” means: (a) the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

3. “Public Building” means any building owned, leased or held by the United States of America, the State of Indiana, the Town of Leo-Cedarville, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes.

4. “Public Park” or “recreation area” means public land which has been designated for or is predominantly used for recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land.

5. “Religious Institution” means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

6. “Residential District or Use” means any parcel or area zoned for residential use or which is lawfully being used for single family dwelling, a multi-family dwelling, duplex, townhouse, or mobile home, or campground.

7. “School” means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

8. “Semi-Nude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

9. “Sexually Oriented Enterprise” means: any premises to which the public, patrons or members are invited or admitted (including private clubs) and wherein any service or product is provided or offered which is intended or tends to arouse or excite the sexual desires of the public, patrons, members, employees, or owners of the establishment or which involves a person or persons who is/are nude or partially nude as defined within this ordinance. The term includes, but is not limited to the following: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, burlesque show, escort agency, massage parlor, sexual encounter establishment, strip club, and nude model studio.

C. LOCATION OF ADULT USES. Adult Uses shall be allowed as a permitted use only on property which is zoned C1. Additionally, Adult Uses shall be subject to the following restrictions: No Adult Use shall be established within 1000 feet of another such business or within 1000 feet of any religious institution, school, boys-club, girls-club, or similar existing youth organization, or public park or public building, or within 1000 feet of any property zoned for residential use or used for residential purposes.

D. MEASUREMENT OF DISTANCE. As regarding Section 3, the distance between any two Adult Uses, or between any Adult Use and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures or objects from the nearest point of the property line of the premises where the Adult Use is conducted, to the nearest point of the property line of the other premises.

E. ADVERTISING AND LIGHTING REGULATIONS.

1. It shall be unlawful for any person to advertise the presentation of any activity prohibited by applicable state statute or local ordinance.

2. It shall be unlawful for any person owning or operating a sexually oriented enterprise to display or otherwise exhibit the materials and/or performances at such sexually oriented enterprise in a manner which is visible from the outside of the premises. No sign or outside advertising shall depict a person or part of a person in a nude or “semi-nude” state or depict sexual activity or simulations of sexual activity.

3. All off-street parking areas and premises entries of all Adult Use business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average horizontal illumination of one (1.0) foot candle of light on the parking surface and walkways. This required lighting level is established in order to provide sufficient illumination of parking areas serving the Adult Use business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct.

4. Nothing contained within this section shall relieve the operator of a sexually oriented business from complying with the other requirements of the Town Zoning code or other town ordinances relating to signs and lighting.

F. ENFORCEMENT: Any person violating any provision of this ordinance shall be fined no less than $50.00 nor more than $250.00 for each offense. Each day that such violation continues shall be regarded as a separate offense.

G. SEVERABILITY: If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

H. REPEAL OF PRIOR ORDINANCES. This Ordinance, from and after its effective date, shall act as a repeal of any prior Adult Use ordinance or part of any ordinance pertaining to the subjects contained in this ordinance.

8.9 Landscaping Standards (LS)

LS-01: Foundation Planting: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the Town. These standards will result in the reduction of storm water runoff, glare, heat buildup, and will reduce energy costs in structures and improve the aesthetics of the community.

Construction of a new Primary Structure or expansion of an existing Primary Structure by 30% or more in Floor Area must follow the landscaping standards as outlined in this Article. The minimum requirement is as follows:

A. All trees planted must be at least one and one-half inch (1 1/2") caliper trees.

B. Any trees planted to meet the Landscaping Standards must be replanted if the tree ever dies or becomes diseased within one (1) year.
C. Single Family Residential projects (except in the R4 District) require a minimum of two deciduous canopy trees to be planted in the Front Yard and one deciduous canopy tree to be planted in the Side or Rear Yard of the Lot.

D. Multiple Family Residential requires a minimum of one deciduous canopy tree to be planted per three Dwelling Units. Plantings required for as Buffer Yards or Parking Lot standards shall not be counted toward this minimum landscaping requirement.

E. Commercial/Retail/Office projects (except in the Downtown Commercial District (DC)) require a minimum of one deciduous canopy tree or ornamental tree to be planted per every 3000 square feet of commercial/retail/office space. The minimum number of trees to be planted when the project is less than 3000 is one tree. Plantings required for as Buffer Yards or Parking Lot standards shall not be counted toward this minimum landscaping requirement.

F. Industrial/Manufacturing and similar uses are required to plant a minimum of one deciduous canopy tree per 5000 square feet of floor space. Plantings required for as Buffer Yards or Parking Lot standards shall not be counted toward this minimum landscaping requirement.

LS-02: General Standards for Landscaping:

A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any right-of-way or easement without the written permission of the agency that established the right-of-way or easement. Any landscaping items may be removed without notice if within a right-of-way or easement even when permission has been granted by the controlling agency to place said items.

B. No trees may be planted within five (5) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the Planning Commission.

C. The species of trees and plants for Foundation Plantings may be subject to standards of the Town. If a Tree Ordinance has been adopted by the Town Council, said standards for specie type will apply to all Foundation Plantings.

8.10 Buffering Standards (BF)

BF-01: A general purpose of Zoning is to protect conflicting Zoning Districts from being adjacent to one another. Periodically conflicting land uses (Zoning Districts) are permitted or occur through normal growth and development in a community. The need for Buffer Yard Standards stems from the periodic occurrence of two adjacent Zoning Districts conflicting or have the potential of conflicting. The degree of conflict or potential conflict between two Zoning Districts will determine the extent of Buffer Yard required.

This matrix determines the type of Buffer Yard which shall be installed by the subject development. First find the Zoning District of the Subject Property. Second, find the Zoning District of the Adjacent property in the left column. Where the two intersect on the matrix will be a letter (A, B, or C) or a blank space. When there is a blank space no Buffer Yard is necessary. If an "A", "B", or "C" is indicated in the matrix, a Buffer Yard is mandatory.

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"A" Buffer Yard Standards

The following Buffer Yard Standards will apply where an "A" Buffer Yard is mandatory:

A. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.

B. The developer or owner of the subject property is responsible for installing the Buffer Yard.

C. The adjacent property owner shall not have to participate in installing the Buffer Yard.

D. An additional ten (10) feet of setback shall be required in addition to the normal setback.

E. One deciduous canopy tree planted every thirty (30) feet.

F. All trees must be planted within five (5) to fifteen (15) feet from the property line and within the subject property.
G. An irregular line or row of trees is preferred.

H. All trees must have at least a one and one-half inch (1 1/2") caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

I. A minimum of six (6) feet of height of plant, tree, mound, or fence material.

"B" Buffer Yard Standards

The following Buffer Yard Standards will apply where an "B" Buffer Yards is mandatory:

A. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.

B. The developer or owner of the subject property is responsible for installing the Buffer Yard.

C. The adjacent property owner shall not have to participate in installing the Buffer Yard.

D. An additional twenty (20) feet of setback shall be required in addition to the normal setback.

E. One deciduous canopy tree planted every twenty (20) feet.

F. All trees must be planted within five (5) to fifteen (15) feet from the property line and within the subject property.

G. An irregular line or row of trees is preferred.

H. All trees must have at least a one and one-half inch (1 1/2") caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

I. A minimum of six (6) feet of height of plant, tree, mound, or fence material.

"C" Buffer Yard Standards

The following Buffer Yard Standards will apply where an "C" Buffer Yards is mandatory:

A. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.

B. The developer or owner of the subject property is responsible for installing the Buffer Yard.

C. The adjacent property owner shall not have to participate in installing the Buffer Yard.

D. An additional thirty-five (35) feet of setback shall be required in addition to the normal setback.

E. A double row of deciduous canopy trees must be planted (20) feet apart and the two rows must be off-set to provide maximum visual buffering.

F. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.

G. An irregular line or row of trees is preferred.

H. All trees must have at least a one and one-half inch (1 1/2") caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

I. A minimum of six (6) feet of height of plant, tree, mound, or fence material.

8.11 Environmental Standards (EN)

EN-01: No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

A. Surface Water: It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. When possible, existing natural surface drainage may be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When the surface drainage is adequate, easement for such surface drainage shall be provided. On-site detention shall be required where necessary to prevent harm to adjoining properties.

B. Drainage: Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the County Highway Department, the Allen County Surveyor and/or Drainage Board, Indiana Department of Transportation or the Leo-Cedarville Storm Water Utility Board. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.

C. Permanent Structures: No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any legal tile ditch, or within seventy-five feet of the existing top edge of any legal open ditch or tile unless approved by the Allen County Drainage Board and the Leo-Cedarville Plan Commission.

D. Preservation of Natural / Historic Features: Existing natural and historic features which would add value to development of natural or man-made assets of the county such as trees, streams, vistas, Lakes, historical landmarks, and similar irreplaceable assets, shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

E. Landscaping: Any part or portion of non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.
8.13 Parking Standards (PK)

PK-01: Two (2) off-street parking spaces are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

PK-02: One and one-half (1.5) off-street parking spaces are required per dwelling unit. In multi-family housing developments, at least one space per two

1. Normal excavation for structural foundations, driveways, utility installations, and similar preparation activities.
2. Normal plowing and preparing the land for gardens and yards.
3. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
4. Earth movements related to farming and other agricultural activity, including sod farming.
5. Public and private road construction.
6. Drain tile laying and ditch cleaning.
7. Top soil removal, other than Mineral Extraction.

8.12 Lighting Standards (LG)

LG-01: Lighting Intent: The intent of lighting standards are to provide a level of illumination on individual lots which are adequate for safe and efficient movement of vehicle and persons. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

A. All lighting elements used to cast light on building facades, features of buildings or signs shall be shielded such that the light element (the bulb) cannot be seen from any property line.

B. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights must be "down lighting" units and not exceed thirty (30) feet in height.

C. All free standing lights and lights mounted on walls or facades must be "down lighting". All down lighting units must be completely shielded on the sides and top.

D. All lights within a single development must uses consistent style, design, height, size and color throughout the development.

E. All lighting from a property must not cause illumination beyond the property line of that property. The only exception to this standard is as follows:

1. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is 2 foot candles (only on sides of the property that are adjacent to the similar Zoning District).
2. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is 2.5 foot candles (only on sides of the property that are adjacent to the similar Zoning District).

F. Cut / Fill Grade: No cut or fill grade shall exceed a slope of 3/1 or 33-1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.

G. Erosion Prevention: All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such activity to prevent erosion per acceptance of IDEM rule #5.

H. Alterations to Shoreline: No alteration of the shoreline or bed of a river or public Lake shall be made until written approval is obtained from the Indiana Department of Natural Resources, U.S. Army Corps of Engineers or any other governmental agency with jurisdiction of the shoreline in question, and the provisions of this ordinance are complied with. Alterations include, among other things, retaining wall, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one half mile of a water body.

I. Code Compliance / Hazardous Waste: All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.

J. Code Compliance / Environmental Quality: All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

K. Waste Disposal: No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.

L. Fuel Storage: No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devises or heating appliances located and operated on the same lot as the tanks or drums of fuel.

M. Debris / Refuse: Debris and refuse shall not accumulate on any property, in any zoning district.

N. Treatment of Fill: Bricks, concrete, lumber, and other material used for fill where permitted by this ordinance and/or by the IDEM, DNR, or other governmental agency, shall be promptly covered and seeded.

O. View Requirements: Where a proposed structure will eliminate more than fifty percent of an adjacent structure’s view or exposure to the sun, an additional yard area setback may be required by the Zoning Administrator so that the fifty percent (50%) view or exposure may be maintained.

P. Improvement Location Permit Requirements: The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met.

1. Normal excavation for structural foundations, driveways, utility installations, and similar preparation activities.
2. Normal plowing and preparing the land for gardens and yards.
3. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
4. Earth movements related to farming and other agricultural activity, including sod farming.
5. Public and private road construction.
6. Drain tile laying and ditch cleaning.
7. Top soil removal, other than Mineral Extraction.
units is required for visitor parking. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine and one-half (9.5) feet wide and nineteen (19) feet long.

PK-03: All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations, and places of assembly must be paved. In addition, these parking lots must also conform to all the following requirements:

A. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.
B. Be striped so as to show each parking space;
C. Be constructed to allow proper drainage;
D. Be designed as to prevent vehicles from having to back into public streets; and
E. Be designed to not allow any ingress or egress closer than thirty-five (35) feet of any intersecting street or alley right-of-way.
F. Handicap parking to be provided in accordance with Allen County Highway Department manual and ADA requirements.

G. Minimum Design Standards for Parking Lots:

<table>
<thead>
<tr>
<th>Drives &amp; Service Areas</th>
<th>Parking Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rigid Pavement (plain cement concrete)</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Deep Strength Asphalt</td>
<td>8&quot;</td>
</tr>
<tr>
<td>Flexible Type Pavement</td>
<td></td>
</tr>
<tr>
<td>Aggregate Base</td>
<td>10&quot;</td>
</tr>
<tr>
<td>Asphalt Binder</td>
<td>3&quot;</td>
</tr>
<tr>
<td>Asphalt Surface</td>
<td>1&quot;</td>
</tr>
</tbody>
</table>

PK-04: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below:

A. One parking space per employee that potentially can be working at any given time.
B. One parking space for every three chairs/seats in a restaurants, food services, movie theatre, auditorium, or church.
C. One parking space per 500 square feet of Gross Floor Area in all furniture stores and automobile sales establishment.
D. One parking space per 400 square feet of Gross Floor Area in all hardware stores, home improvement stores, and community centers.
E. One parking space per 200 square feet of Gross Floor Area in all fitness, health spa, entertainment facility, skating rink or similar facilities.
F. One parking space per every 300 square feet of Gross Floor Area in all convenience stores, gasoline stations, grocery stores, banks, and department stores.
G. One parking space per every 10 pupils enrolled in a day-care facility.
H. One parking space per sleeping unit in a hotel, motel, or bed and breakfast.
I. Ten parking spaces are required per nine holes at any golf course and miniature golf course.
J. Additional parking spaces may be required by the Planning Commission, or the Zoning Administrator.
K. Handicap parking to be provided in accordance by Allen County Highway Department manual and ADA requirements.
L. If the business or industrial use does not fit in the above categories or uses, then the appropriate number of parking places will be determined by the Plan Commission or the Zoning Administrator.

PK-05: Parking spaces shall be installed as follows:

A. Maximum of 20% in each front yard,
B. Maximum of 70% in both side yards combined, and
C. Maximum of 100% in rear yard.

Parking spaces prescribed in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.

A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of the agreement must be recorded with both properties. The Zoning Administrator shall approve aggregate parking lots such as mentioned above.

A church or temple or like uses may request to the Commission a down-sizing of parking requirements if adequate parking is located near the use and available during the times of use by the church or temple.

8.14 Loading Standards (LD)

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor...
shall it be located in a required front yard, or side yard adjoining a street.

B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.

C. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

D. Surfacing: All open off-street loading berths shall be improved with a Rigid Type Pavement (plain cement concrete) 7", Deep Strength Asphalt 9", Flexible Pavement - Aggregate Base 14" - Asphalt Binder 3" - Asphalt Surface 1".

E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

F. Off-Street Loading Berth Requirements:

<table>
<thead>
<tr>
<th>Minimum Loading Berths Required</th>
<th>Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>up to 40,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>40,000 to 79,999 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>80,000 to 119,999 sq. ft.</td>
</tr>
<tr>
<td>4</td>
<td>120,000 to 159,999 sq. ft.</td>
</tr>
<tr>
<td>5</td>
<td>160,000 to 239,999 sq. ft.</td>
</tr>
<tr>
<td>6</td>
<td>240,000 to 319,999 sq. ft.</td>
</tr>
</tbody>
</table>

One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.

8.15 Entrances/Drives Standards (ED)

As per Allen County Highway Department Manual

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to curb cuts, entrances, and drives:

A. No curb cut, entrance, or drive shall be permitted within:

1. 120 feet of an intersection of two or more roads in which the largest of the roads is a Major Thoroughfare,

2. 100 feet of an intersection of two or more roads in which the largest of the roads is a Minor Thoroughfare,

3. 80 feet of an intersection of two or more roads in which the largest of the roads is a Major Collector,

4. 60 feet of an intersection of two or more roads in which the largest of the roads is a Minor Collector, or

5. 50 feet of an intersection of two or more roads in which the largest of the roads is a Local Road.

(The distances for the above standards shall be determined by measuring from center line of a curb cut, entrance, or drive to the center line of the nearest intersecting road)

B. No curb cut, entrance, or drive shall be permitted within:

1. 140 feet of the apex of a curve (30 degrees or greater) and where the roads is a Major Thoroughfare,

2. 120 feet of the apex of a curve (30 degrees or greater) and where the roads is a Minor Thoroughfare,

3. 100 feet of the apex of a curve (30 degrees or greater) and where the roads is a Major Collector,

4. 80 feet of the apex of a curve (30 degrees or greater) and where the roads is a Minor Collector, or

5. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.

C. All curb cuts, entrances or drives shall not exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):

1. 32 feet if from a commercial Zoning District onto a Major Thoroughfare,

2. 30 feet if from a commercial Zoning District onto a Minor Thoroughfare,

3. 28 feet if from a commercial Zoning District onto a Major Collector,

4. 26 feet if from a commercial Zoning District onto a Minor Collector,

5. 24 feet if from a commercial Zoning District onto a Local Street,

6. 30 feet if from a multi-family residential Zoning District onto a Major Thoroughfare, Minor Thoroughfare, or Major Collector,

7. 28 feet if from a multi-family residential Zoning District onto a Minor Collector or Local Street,

8. 28 feet if from a single-family residential Zoning District onto any type of street, or

9. 22 feet if from a single-family residential unit onto any type of street.
D. The Planning Commission may determine if:

1. an acceleration or deceleration lane is necessary, or
2. a passing blister is necessary as a condition of a new curb cut, entrance, or drive.

8.16 Vision Clearance Standards (VC)

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians. The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

A. No entrance, curb cut, or drive shall be permitted if within:

1. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, and the speed limit is 45 MPH or greater.
2. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, and the speed limit is 30 MPH or greater.
3. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, and the speed limit is under 30 MPH.

B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.

The following Triangle Leg lengths will apply to the determination of a clear vision triangle.

1. along Major Thoroughfares 45 feet
2. along Minor Thoroughfares 40 feet
3. along Major Collectors 35 feet
4. along Minor Collectors 30 feet
5. along Local Roads 20 feet

8.17 Building Standards

The Town of Leo-Cedarville hereby adopts the Allen County Building Code, which is codified as Article 6 of the Code of Allen County, Indiana adopted by Allen County pursuant to the provisions of I.C. 36-7-8-3 and 36-7-8-7. Unless otherwise provided for in this Code, the provisions of the Allen County Building Ordinance shall constitute the building standards for all construction within the Town of Leo-Cedarville.

The Town of Leo-Cedarville hereby appoints the Allen County Building Department as its agent for inspecting and approving all construction within the Town for purposes of insuring compliance with the County building Standards. The Allen County Building Commission shall be entitled to collect and retain from the property owner, builder, developer, or ILP applicant its customary fee for such inspection services and for issuing building permits, certificates of occupancy and other related permits, provided such fees are reasonable and otherwise allowed by Indiana law.

Copies of the Allen County Building Code are maintained at the Town Office for public inspection.

8.18 Health & Safety Standards

The Town of Leo-Cedarville hereby adopts the Allen County Health Code, which is codified as Article 10 of the Code of Allen County, Indiana. Unless otherwise provided for in this Zoning Code, the provisions of the Allen County Health Code shall constitute the Health and Safety standards for all uses or property within the Town of Leo-Cedarville.

The Town of Leo-Cedarville hereby appoints the Allen County Health Commissioner and the Allen County Health Department as its agent for inspecting and approving all private sewer systems, swimming pools and other uses within the Town for purposes of insuring compliance with the County Health Standards. The Allen County Health Department shall be entitled to collect and retain from the property owner, builder of ILP applicant its customary fee for such inspection services provided that such fees are reasonable and otherwise allowed by Indiana law.

Copies of the Allen County Building Code are maintained at the Town Office for public inspection.

8.19 Fence Standards

A. Agricultural use: Fences of any height are permitted.
B. Residential use: Fences are permitted in or along any yard. (In planned residential districts, these requirements may be altered by the Plan Commission.)

1. Rear and side yards: a fence may not exceed eight (8) feet in height.

2. Front yard:
   a. A fence up to three and one-half feet (3.5) in height is permitted if it does not create a visual barrier (i.e. a split-rail fence.)
   b. A fence up to two and one-half (2.5) feet in height is permitted if it does create a visual barrier.

C. Industrial use: Fences up to eight (8) feet in height are permitted as long as they do not obstruct the view of motor vehicles.

D. Any person found in violation of this ordinance shall be given one written notice to correct such unlawful condition with a reasonable time allowed for the correction. If the correction is not made within the stated reasonable time, the Town Council may order the correction made by others, and the cost of such correction shall be charged to the property owner or other found to have caused the violation. In addition to the cost to correct such violation, a penalty of not less than $25.00 nor more than $1,000.00 may be imposed. A separate offense may be deemed committed for each day such violation occurs or is permitted to continue.

E. Pool fences and enclosures – see Article 8.20.

8.20 Swimming Pools Standards

A. For the purpose of this ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning.

1. A pool is any constructed pool or portable private pool used for swimming, wading or bathing, over 36 inches in depth of water or with a top water surface area exceeding 400 square feet and which is used or intended to be used as a pool in connection with a family dwelling unit and is available only to the family of the household and his private guests.

B. All portable pools of less than 36 inches in depth of water or less than 400 square feet of top water surface area shall be exempt from the requirements of this ordinance.

C. No person shall construct or install a pool without having first applied for and obtained Plan Commission or Town Administrator approval. Such application shall be accomplished by plans and specifications in duplicate and in sufficient detail showing:

1. Pool dimensions;
2. Type construction; and
3. Pool fencing.

D. All pools are to be kept in a clean and sanitary condition.

E. State of Indiana Swimming Pool Requirements:

A residential pool shall be provided with a suitable handhold around its perimeter in areas where depths exceed three (3) feet six (6) inches. Handholds shall be provided no further apart than four (4) feet and shall consist of any one (1) or a combination of items listed as follows:

1. Ledge or deck along the immediate top edge of the pool which provides a slip-resisting surface of at least four (4) inches minimum horizontal width and located at or not more than twelve (12) inches above the waterline.

2. Ladders, stairs, or seat ledges

3. A secured rope or railing placed at or not more than twelve (12) inches above the waterline.

Rope anchor devices shall be installed at a minimum of one (1) foot and a maximum of two (2) feet on the shallow end side of a point of change in floor slope. In pools where the slope change occurs in water depths less than four (4) feet six (6) inches, a transition rope supported by buoys shall be installed.

Access to residential pools shall be restricted by one (1) of the following means:

1. Walls or fencing not less than five (5) feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

2. Other means not less than five (5) feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.

3. A combination of subdivision (a) and (b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked. This applies to subdivisions (a) and (b) and this subdivision only.

4. A power safety pool cover which shall:
   a. provide a continuous connections between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
   b. be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key;
   c. is installed with track, rollers, rails, guides, or other accessories necessary to accomplish clauses (1) and (2), in accordance with the manufacturer’s instructions; and
   d. bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346 for power safety pool covers.

5. Not less than the following lifesaving equipment shall be installed with each residential swimming pool:
9.1 "PD" District Intent, Permitted Uses, and Miscellaneous Standards

<table>
<thead>
<tr>
<th>District Intent</th>
<th>Permitted Uses</th>
<th>Special Exception Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance and Subdivision Control Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, provides for an economy of shared services and facilities, are compatible with surrounding areas and foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.</td>
<td>All uses are subject to the discretion and approval of the Plan Commission and Town Council. No uses are granted by right. In general the uses that will be allowed in a Planned Development are: Uses designated as Permitted Uses or Special Exceptions in the Zoning District prior to being changed to a Planned Development district. For example if the previous zoning was R2 and the proposed Planned Development district would be PD-R2, the Permitted Uses and Special Exceptions in the R2 District would generally be appropriate. All other land uses will be reviewed and considered carefully by the Plan Commission. All land uses proposed in a PD must be nonconflicting and in the spirit of the previous Zoning District and surrounding land uses and Zoning Districts.</td>
<td>Minimum Land Area: • 20 acres to qualify for any PD Minimum Overall Lot Frontage: • 300 feet on a Public Street with access from said Public Street Maximum Lot Coverage: • square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area. Minimum Floor Area: • Residential Unit: 900 square feet • Commercial Unit: 1200 square feet Maximum Floor Area: • Fabrication/Manufacturing Unit: 20,000 square feet Maximum Structure Height: • 40 feet for the Primary Structure • 20 feet for Accessory Structures Minimum Open Space: • 30% for residential based Planned Developments • 10% for commercial based Planned Developments</td>
</tr>
</tbody>
</table>

9.2 General

Planned Developments are a special district that can be petitioned for by a land owner or developer. No Zoning District shall be zoned for PD prior to a petition to the Plan Commission.

9.3 Rezoning to a Planned Development District

Planned Development districts can only be created from the R2, R3, R4, OC, C1, and C2 Zoning Districts. From each of these Zoning Districts (called Base Zones once a petition for PD is submitted) only one Planned Development district can be created once the development plans are approved by the Plan Commission. They are:

- A ring or throwing buoy fitted with forty (40) feet of one-fourth (1/4) inch diameter line.
- A pole not less than twelve (12) feet in length.
- Access to a telephone.
R2 can only be rezoned to PD-R2
R3 can only be rezoned to PD-R3
R4 can only be rezoned to PD-R4
OC can only be rezoned to PD-OC
C1 can only be rezoned to PD-C1
C2 can only be rezoned to PD-C2

Other Zoning Districts can be rezoned directly to a PD District. A petitioner may first ask that a property be rezoned to a Zoning District that allows PD Districts. Further, if a petitioner wants a PD district that is different than the current Base Zone a successful rezoning request to change the zoning district to the preferred Base Zone must first be accomplished.

9.4 Planned Development Uses

Planned developments may contain mixed uses. Depending on the previous zoning (i.e. R2 or C1) the maximum overall square footage allowed by type is as follows:

<table>
<thead>
<tr>
<th>Previous District</th>
<th>New District</th>
<th>Residential</th>
<th>Commercial</th>
<th>Manufacturing</th>
</tr>
</thead>
<tbody>
<tr>
<td>R2</td>
<td>PD-R2</td>
<td>100%</td>
<td>15%</td>
<td>0%</td>
</tr>
<tr>
<td>R3</td>
<td>PD-R3</td>
<td>100%</td>
<td>20%</td>
<td>0%</td>
</tr>
<tr>
<td>R4</td>
<td>PD-R4</td>
<td>100%</td>
<td>40%</td>
<td>0%</td>
</tr>
<tr>
<td>OC</td>
<td>PD-OC</td>
<td>50%</td>
<td>70%</td>
<td>0%</td>
</tr>
<tr>
<td>C1</td>
<td>PD-C1</td>
<td>40%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C2</td>
<td>PD-C2</td>
<td>40%</td>
<td>100%</td>
<td>30%</td>
</tr>
</tbody>
</table>

9.5 Origination of Proposals

Any person or group of persons may propose a Planned Development District in accordance with the procedures hereinafter established. Further, the person or group of persons making such proposal intends to act as developer or sponsor of the development. A parcel, or site proposed for a Planned Development need not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement to not developed separately, but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements and assure its completion as planned to the satisfaction of the Commission.

9.6 General Procedure

The general procedure for establishing a PD is as follows:

A. Petitioner to meet informally with the Plan Commission to discuss general concepts of the development and to make sure petitioner understands the process. This step is optional but strongly encouraged.

B. Petitioner develops the Preliminary Development Plans and Plat for all land involved in the PD.

C. Petitioner files for rezoning to the PD classification and submits the Preliminary Development Plan and Plat to the Plan Commission.

D. The Plan Commission will review the Preliminary Development Plan and then meet with the petitioner within thirty-five (35) days to make comments.

E. The petitioner will revise the plans (if necessary) and submit the Final Development Plan to the Plan Commission.

F. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the Final Development Plan. The Plan Commission will give a favorable or unfavorable recommendation to the Town Council to grant the rezoning and Final Development Plan.

G. If the Plan Commission gives an unfavorable recommendation, the petitioner may revise the Final Development Plan and resubmit the information or continue with the process with the Town Council with the unfavorable decision of the Plan Commission.

H. If the Plan Commission gives a favorable recommendation, the Town Council will, at their following regularly scheduled meeting, review the rezoning petition and Final Development Plan and vote to approve or disapprove.

I. If the Town Council disapproves the rezoning and Final Development Plan, the petitioner must wait one (1) year before resubmitting another petition or Development Plan.

J. If the Town Council approves the rezoning and Final Development Plan, the land is officially rezoned and the petitioner may move forward with the Detailed Plan approval process.

K. The Official Zoning Map must be amended to reflect the Zoning Change, Date of approval by the Town Council, and the Town Council petition designation number.

L. The petitioner shall submit the Detailed Plan 30 days prior to a scheduled Plan Commission meeting for their review.

M. When approved, the Detailed Plan will be stamped and signed by the Plan Commission President and Secretary. The petitioner may begin site development and procedures for building permits.

N. All agreements shall be recorded as covenants with the County Recorder and be clearly stated that they are enforceable by the Plan Commission.

O. Upon 100% completion of the development the public properties shall be deeded over to the community as per agreements. Also, the Plan Commission or representative(s) will review the completed project for compliance to the agreement.

Detailed descriptions of each general step outlined above are written in more detail in the following sections.

9.7 Filing Procedure

The authorization of a Planned Development (PD) shall be subject to the following procedures:

A. First a petition for rezoning to the PD classification shall be submitted. Said petition shall be signed by the owner or owners of all real estate involved in
the petition for the Planned Development, or shall have attached thereto letters of consent to change to a PD classification by all such owners prior to the filing.

B. The petition shall include a Preliminary Development Plan and Plat for any area proposed for development as a Planned Development. The petition, Preliminary Development Plan and Plat shall be filed with the Plan Commission for review at their next available, regularly scheduled meeting.

9.8 Preliminary Development Plan

The following shall be included in the Preliminary Development Plan:

A. Proposed layout of streets, open space and other basic elements of the plan;
B. General description of, location of, and types of structures on the site;
C. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
D. A separate location map, to scale, shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
E. A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development;
F. A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase;
G. The land use categories within the development, including proposed densities of said uses.

The Preliminary Development Plan shall be presented to the Planned Development Sub-Committee of the Plan Commission for their review and comment, to a scale ratio not to exceed 100’ = 1”. The preliminary plan may include any additional graphics which will explain the features of the development.

Within thirty-five (35) days after filing, the Planned Development Sub-Committee shall consult with the petitioner regarding the petition and review all comments. After such consultation the petitioner may make modifications to the petition.

After consultation with the Planned Development Sub-Committee and after making any modifications to the proposed preliminary plans, the petitioner shall file the proposed “Final Development Plan.”

9.9 Final Development Plan

The Final Development Plan shall:

A. Include all documents included in the Preliminary Development Plan, as updated and/or amended;
B. Include an index identifying all documents included in the Preliminary Development Plan;
C. Include a cover sheet indicating that it is the Final Development Plan and indicating the date and case number; and
D. Be bound together and all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual plat(s) which must be folded to 8 1/2 x 11 inches.

9.10 Final Development Plan Hearing

The petition, as modified, shall be reviewed by the Plan Commission. The Commission may recommend approval, amendment, or disapproval of the plan and may impose any reasonable condition(s) with a recommendation for approval. If approval is recommended, the Final Development Plan shall be stamped “Approved Final Development Plan” and be signed by the President and Secretary of the Plan Commission. Once recorded a copy of the recorded documents shall be permanently retained in the office of the Commission.

9.11 Approval of Detailed Plan

Before development can occur, the petitioner shall present to the Plan Commission a Detailed Plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment, landscape plan, and other site development features including locations of proposed buildings. The Commission shall then approve, amend, or disapprove said Detailed Plans by motion, upon an affirmative finding that the Detailed Plan is consistent with the Approved Final Development Plan. Having so approved the Detailed Plan, the Commission shall have no further authority to review or act thereon, except as to enforcement, or the review of an amendatory ordinance, or as hereafter provided for.

The Approved Detailed Plan shall be stamped “Approved Detailed Plan” and be signed by the President and Secretary of the Plan Commission with one copy permanently retained in the office of the Plan Commission.

Approval of the Detailed Plan shall be obtained within one (1) year of the adoption of the Approved Final Development Plan.

The Zoning Administrator may from time to time approve minor modifications of the Approved Detailed Plan in a manner consistent with the Approved Final Development Plan. Such modifications shall not include any increase in density, any reduction in aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

The Approved Final Development Plan may provide for development of the property in phases. If such phasing is included as a part of the approval of the Final Development Plan, the petitioner may submit partial Detailed Plans which correspond to the phases involved. Such partial Detailed Plans, when approved, shall be treated in the same manner as Approved Detailed Plans for an entire Planned Development.

Approval of the Detailed Plan shall expire after a period of two (2) years from the approved phasing of the Final Development Plan unless the development is seventy-five percent (75%) complete in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers or is consistent with the approved phasing schedule. Determination of the amount of completion shall be made by the Zoning Administrator.

9.12 Covenants and Maintenance
Covenants, when required by the Commission, shall be set forth in detail. Furthermore, covenants shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signatures of the Commission President and Secretary upon authorization by the Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission Office.

The Commission shall require the recording of covenants by the Allen County Recorder 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, as part of the platting process or via any other suitable legal instrument.

The Commission may require the recording of covenants based upon the Approved Detailed Plan for any other reasonable purpose, including but not limited to, imposing Development Standards. Such Development Standards may include, but are not limited to, requirements as to the following:

A. Lot area,
B. Floor area,
C. Ratios of floor space to land space,
D. Area in which structures may be built (“Buildable area”),
E. Open space,
F. Setback lines and minimum rear yards,
G. Building separations,
H. Height of structures,
I. Signs,
J. Off-street parking and loading space,
K. Design standards, and
L. Phasing of development.

The petitioner shall be required to 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 pursuant to the provisions of the Leo Cedarville Subdivision Ordinance.

Adequate provision shall be made for a private organization (i.e., Homeowners Associations) with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

9.13 Recording

All approved Detailed Plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Allen County Recorders Office within sixty (60) days after approval.

Where upon completion of all development, the exact measurements, as to the location of buildings, roads, infrastructure, and structures erected during the development, are deemed desirable for public record by recording, the developer will submit a copy of the “Approved Detailed Plan” with the exact measurements. Once verified by the Plan Commission that the exact measurements are substantially the same as indicated on the original Approved Detailed Plan, the Plan Commission shall reapprove, date and sign said amended approved Detailed Plan, which the developer may then record.

9.14 Permits

An Improvement Location Permit shall be issued for all improvements proposed by the Planned Development with full compliance to the approved Detailed Plan once the plans have been recorded and two (2) copies have been provided to the Planning Commission.

9.15 Construction

No construction or installation work shall commence on any public improvements until satisfactory plans and specifications have been submitted to the Plan Commission and until the petitioner provides, at least forty-eight (48) hours in advance, notice to the Town Engineer having jurisdiction of the public facility, in order that inspections may be made as the work progresses.

All development shall be in conformity with the approved Detailed Plan and any material deviations from the approved Detailed Plan shall be subject to appropriate enforcement action.

9.16 Extension, Abandonment, Expiration

An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within this Article may be granted by the Plan Commission for good cause shown.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no or minimal improvements have been made pursuant to the Approved Detailed Plan for nine (9) consecutive months), or upon the expiration of three (3) years from the approval of the Detailed Plan for a development which has not been completed, the land will revert to the Base Zoning District. The Plan Commission may grant up to a twelve (12) month extension. If an extension for expiration is granted such extension shall be recorded.
9.17 Rules of Procedure

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not described otherwise herein.

9.18 Limitation of Rezoning

Any initiative of the Plan Commission to amendment the Zoning Ordinance or Subdivision Control Ordinance, and that would affect an approved Planned Development before its completion, shall not be enforced on the Planned Development. Only in the case that the Planned Development is no longer in conformity with the Approved Detailed Plan or is not proceeding in accordance with the time requirements imposed herein or by agreement, will the new amendments of the Zoning Ordinance or Subdivision Control Ordinance apply.

Article Ten
Development Plans

10.1 AUTHORITY

This Article is adopted pursuant to I.C. 36-7-4-1400 et. Seq.

10.2 DESIGNATION OF DEVELOPMENT PLAN DISTRICTS

The following zoning districts are hereby designated as districts in which development plans are required:

- R5 Multifamily Housing
- MP Mobile Home Park
- NC Neighborhood Commercial
- OC Office Commercial/Overlay
- DC Downtown Commercial
- C1 General Commercial
- CZ Utility/Light Industrial

Unless a waiver is granted under section 10.6 of this Article, no Improvement Location Permit ("ILP") may be issued, and no improvement may be constructed in any of these designated districts until the Leo-Cedarville Advisory Plan Commission has approved both a primary and a secondary development plan for the entire tract in which the improvements are to be located.

10.3 DEVELOPMENT REQUIREMENTS

Under the authority of I.C. 36-7-4-1403 (d), the Design and Improvement Standards set forth in Articles V, VI and VII of the Leo-Cedarville Subdivision control ordinance are incorporated herein by reference. All new developments within a development plan district, shall meet the corresponding requirements. Where necessary the term "development" shall be substituted for the term "subdivision" and the term "development plan" shall be substituted for the terms "subdivision plat" or "plat."

10.4 PROCEDURE FOR FILING DEVELOPMENT PLANS

A. Application for Development Plan Approval

1. The developer shall have a meeting to consult informally with the Zoning Administrator for advice and assistance before filing the application for a Primary, Secondary Development Plan. At this meeting, the developer should submit a conceptual layout of the plan for review. The Zoning Administrator may, at this meeting, or at anytime thereafter, determine whether any waivers should be granted under subsection 10.6 of this Article. The Zoning Administrator may schedule additional meetings, request additional information, or seek input from any interested governmental or quasi-public agencies before making a determination regarding whether the requirement of a development plan may be waived.

2. When the developer wishes to pursue the plan, he shall complete the requirements listed below and application and submit twelve (12) copies of the proposed plan, and application to the Zoning Administrator along with the appropriate fees. No application shall be accepted until all items detailed below have been completed and executed by the person proposing the development, or his designee. The Zoning Administrator shall have fifteen (15)
normal working days from the date of submission to determine whether there are any deficiencies with the application and development plan. The Zoning Administrator shall notify the applicant of any deficiencies and allow the applicant an opportunity to amend the application and/or plan. The development plan shall be placed on the agenda of the first regular meeting of the Plan Commission that is at least fifteen (15) days after the Zoning Administrator has determined that there are no remaining deficiencies with the application and plan.

B. Notice of Public Hearing

1. After the Zoning Administrator has set the date for a public hearing before the Commission, the Zoning Administrator shall prepare a Notice of Public Hearing. The Notice must be published one (1) time in the East Allen County Courier and once in the Fort Wayne Newspapers. The legal notice shall appear in the newspaper at least ten (10) days prior to the date of the public hearing, and the cost of the notice shall be charged to the developer. A proof of publication shall be retained by the Zoning Administrator.

2. A Notice of Public Hearing, prepared by the Zoning Administrator, via certified, return-receipt mail to the Property Owners shall be sent by the Petitioner at the expense of the Petitioner to all property owners within three hundred (300) feet of the boundaries of the property to be subdivided or developed ten (10) full days prior to the date of the public hearing.

3. Legal notices shall include the following:
   a. The general location, in words and by map, of the proposed subdivision and a legal description of the land contained therein.
   b. That the development plan is available for examination at the Town office of Leo-Cedarville.
   c. That a public hearing will be held giving the date, place, and hour of the hearing.
   d. Written comments on the plan will be accepted prior to the public hearing and must be submitted to the Zoning Administrator for the Plan Commission.

4. Legal notices shall comply with I.C. 5-3-1.

5. Proofs of publication, receipts of mailing, or proofs of mailing shall be submitted to the Zoning Administrator two (2) normal working days prior to the date of the public hearing.

6. Names and addresses of owners of property within three hundred (300) feet of the subdivision site shall be presented to the Zoning Administrator at the time the development plan application is filed.

C. Primary Plan Approval

1. The Plan Commission shall review the development plan to determine whether the proposed development (1) is consistent with the Leo-Cedarville Comprehensive Plan; (2) satisfies the development requirements specified in the Leo-Cedarville Zoning Ordinance; and (3) satisfies the development standards required by subsection 10.1.3 of this Article.

2. After the Plan Commission has reviewed the primary development plan and heard testimony submitted at the public hearing, the Plan Commission, at the public hearing or a regularly scheduled meeting in the future, shall approve or disapprove the Primary Development Plan or continue to allow time for amendments. The Commission shall notify the applicant in writing of its decision.

3. If the Plan Commission determines that the Primary Development Plan complies with the standards set forth in this ordinance, it shall make written findings and a decision granting primary approval to the plan. This information shall be sent to the developer in a letter signed by the President or Secretary of the Plan Commission.

4. The Commission may:
   a. Impose any conditions on the approval of a development plan that are necessary to satisfy the development requirements specified in this ordinance.
   b. Provide that the approval of the development plan is conditioned on the furnishing of a bond or other written assurance that guarantees the timely completion of any proposed public improvements.
   c. Require the owner of the subject property to make a written commitment pursuant to the provisions of I.C. 36-7-4-613.

5. Approval of a Primary Plan shall be effective for a maximum period of eighteen (18) months unless, upon application of the applicant, the Commission grants an extension within that period of time.

6. The applicant shall pay all fees of the Town Engineer incurred by the Town in review of the application and inspection of the proposed development.

7. If the Commission disapproves a Primary Development Plan application, the commission shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission.

8. The applicant shall be required to observe a three (3) month waiting period before re-filing a Primary Plan which has been disapproved by the Plan Commission.

9. The applicant may submit a new application for Primary Development Plan approval after the three (3) month waiting period but must pay all applicable fees as if it were an original application.

10. Disapproval of a Primary Development Plan is a final decision that is reviewable under the provisions of I.C. 36-7-4-1016.

D. Secondary Plan Approval

1. After the complete submittal of the application for approval of the Secondary Plan, the Commission shall review the information to approve or disapprove it. Public notice and a hearing are not required for secondary review. If the Commission determines that the secondary plan complies with the standards of this ordinance, it shall make written findings and a decision regarding secondary approval of the plan.

2. The secondary approval of the development plan by the Plan Commission shall be certified on behalf of the Plan Commission by the President or Secretary who shall affix their signature to the plan.
3. If the Plan Commission disapproves the Secondary Plat, it shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission.

4. Approval of the Secondary Plat shall be effective for a maximum period of eighteen (18) months from the date of approval. Failure to record the plat with the Allen County Recorder, and commence construction of the development within the eighteen (18) month period, shall void the previously issued secondary approval. For the purpose of this chapter, “commencing construction” means completion of the construction survey and staking.

5. A certificate of Secondary Plat approval shall not be signed until a performance bond or proof or surety has been submitted to the Plan Commission if said bond or surety was required.

6. No Improvement Location Permit shall be issued by the Zoning Administrator for any structures in any development prior to the recording of said secondary plan and certificate of approval with the County Recorder of Allen County, Indiana.

7. No Certificate of Compliance or Occupancy shall be issued by the Zoning Administrator, or his agent, for any structure in any development prior to the installation and completion of all facilities, including grading, as shown on the development plans and approved by the Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.

8. The subdivider shall supply twenty-five (25) copies of the recorded development plan to the Zoning Administrator.

E. Construction Plans
1. It shall be the responsibility of the subdivider of every proposed development to have prepared and certified by a professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.

2. The final construction plans shall be based on preliminary plans which have been approved with the Primary Plat and shall be prepared and submitted in conjunction with the Secondary Plat. The plans shall show the following:
   a. General construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet or at a scale to be determined by the Zoning Administrator, and map sheets shall be of the same size as the Secondary Plat.
   b. Topographic contours at intervals of two (2) feet. Contours shall be referenced to USGS datum plane.
   c. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
   
   d. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
   e. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
   f. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features of facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high and low water elevations of all ponds, lakes, and streams. All elevations shall be referenced to the USGS datum plane.

3. Upon completion of the construction, the developer’s engineer shall provide the Plan Commission with a set of as built construction plans showing the drainage, street profiles, and any other improvements determined by the Plan Commission.

10.5 CONTENT OF DEVELOPMENT PLANS AND SUPPORTING DOCUMENTATION

Unless waived pursuant to the provisions of Section 10.6 of this Article, the documentation and supporting information required in primary and secondary subdivision plats, as set forth in Article Three, Section 3.3 and 3.6 of the Leo-Cedarville Subdivision Control Ordinance shall be the same documentation required in and supporting primary and secondary development plans. Under the authority of I.C. 36-7-4-1403 (d), sections 3.3 and 3.6 of the Leo-Cedarville Subdivision Control Ordinance are incorporated herein by reference. Where necessary the term “developer” shall be substituted for the term “subdivider” and the term “development plan” shall be substituted for the terms “subdivision plat” or “plat”.

10.6 WAIVERS

A. The Zoning Administrator shall have the authority to issue an Improvement Location Permit for construction of an improvement within a development plan district without the prior submission and approval of a development plan, if the Plan Commission determines that the following circumstances exist:
   1. The proposed improvement would not have a significant impact upon adjacent land uses, or upon the streets, utilities, storm drains, or other public improvements that serve the real estate on which the improvement is to be located; and
   2. The public convenience and welfare would not be substantially served by requiring the submission of a development plan for the proposed improvement.

B. If the Plan Commission determines that the circumstances set forth in paragraph A of this subsection can only be met if certain conditions are satisfied, the Plan Commission may impose conditions which must be satisfied by the applicant before the issuance of the permit.

C. The determination by the Plan Commission to waive, or not to waive, the requirement of a development plan under paragraph A of this subsection and the determination by the Zoning Administrator to impose conditions on a permit under paragraph B of this subsection are not appealable to the Board of Zoning Appeals or to the Town Council. If the Plan Commission imposes conditions for the issuance of a permit under paragraph B of this subsection, and the applicant disagrees with those conditions, the applicant may submit a development plan for approval by the Plan Commission in accordance with the normal requirements of this Article.

D. When a development plan is submitted in accordance with the normal requirements of this Article, the Zoning Administrator shall have the authority to waive any of the requirements of paragraph 10.5 of this Article (pertaining to the content of development plans and supporting information) if the Zoning Administrator determines that any of the documentation or information required under paragraph 10.5 would not assist the Plan commission in determining whether the development standards have been met.
E. When a development plan is submitted in accordance with the normal requirements of this Article, the Plan Commission shall have the authority to waive any of the requirements of paragraph 10.3 of this article (pertaining to development standards) if the Plan Commission determines that the following conditions are met:

1. The applicant can demonstrate that compliance with the standards for which a waiver is sought, places an unreasonable hardship on the applicant because of a unique quality of the land upon which the improvement is to be located, or that a benefit to the local community which arises from a unique quality of the land or from an innovative nature of the proposal contained in the development plan would be lost if the standards of this Article are strictly adhered to; and

2. Waiver of the development standards at issue would not have a significant impact upon adjacent land uses, and upon the streets, utilities, storm drains, and other public improvements that serve the real estate on which the improvement is to be located; and

3. The public convenience and welfare would not be substantially served by requiring the rigid compliance with the development standards at issue.

Article Eleven
Flood Control Ordinance
(Revised July 21, 2009)

[Article 11 was revised by Ordinance #2009-05, adopted on July 21, 2009. Please see Article 11 (old) for the previous version of Article 11.]

BE IT, AND IT IS HEREBY, ORDAINED, that Article 11, Flood Hazard Areas, of the Municipal Code be deleted in its entirety and replaced with the following:

11.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Leo-Cedarville does hereby adopt the following floodplain management regulations.

Section B. Findings of Fact.

(1) The flood hazard areas of Leo-Cedarville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

(6) Make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this ordinance are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

(7) To ensure that potential homebuyers are notified that property is in a flood area.

11.2 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AK Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow hydraulic (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.
Floodproofing certificate is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these Floodproofing (dry floodproofing) Flood Protection Grade (FPG) regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are purpose ordinances, and other applications of police power which control development in flood [54x3]file:///C:/Users/pproctor/AppData/Local/Temp/~hhAE9C.htm [54x56]Floodplain (where applicable), and the water surface elevation of the base flood. Floodplain includes both the floodway and the fringe districts. Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A. Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood. Floodplain means 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 fringe districts. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements. Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard") Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces. Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.
This certification must be by a Registered Professional Engineer or Architect.

Floodway is 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.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

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

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:

1. the top of the lowest level of the structure;
2. the top of the basement floor;
3. the top of the garage floor, if the garage is the lowest level of the structure;
4. the top of the first floor of a structure elevated on pilings or pillars;
5. the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
6. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
   a. 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 net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
   b. such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means 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."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of and that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA; the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities...
nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum of 1929 (NGVD)** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

**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 the community's first floodplain ordinance.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred year flood (100-year flood)** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**Participating community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Post-FIRM construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM construction** means construction or substantial improvement that started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public nuisance** means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle which is (1) built on a single chassis; (2) 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.

**Regular program** means the phase of the Town's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and FEMA. The regulatory flood elevation at any location is as defined in Article 11.5 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdictions of the Town subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Allen County and Incorporated Areas dated August 3, 2003, and as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those portions of unincorporated Allen County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Allen County and Incorporated Areas by the Federal Emergency Management Agency and dated August 3, 2003, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, AI, A30, AH, AR, A99, or AO).

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**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.
Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "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".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRM's (B zones on older FIRM's) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRM's) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

11.3 General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of the Town of Leo-Cedarville.

Section B. Basis for Establishing Regulatory Flood Data.

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 Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the Town of Leo-Cedarville shall be delineated on the 100 year flood profiles in the Flood Insurance Study of Allen County and Incorporated Areas dated August 3, 2009 and the corresponding Flood Insurance Rate Map dated August 3, 2009 as well as any future updates, amendments, or revisions prepared by the Federal Emergency Management Agency with the most recent date.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs delineated as an "A Zone" on the FIRM of the Town shall be according to the best data available as provided by the Indiana Department of Natural Resources.

(3) For the SFHAs of those parts of unincorporated Allen County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town:
   a). The regulatory flood elevation, floodway, and fringe limits of studied streams shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Allen County dated August 3, 2009 and the corresponding FIRM dated August 3, 2009, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
   b). If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and 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. Therefore, this ordinance does not create any liability on the part of the Town, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development 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 Code for Leo-Cedarville. All violations shall be punishable by a fine not exceeding $250.00.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Town of Leo-Cedarville 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.

(3) Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

11.4 Administration.

Section A. Designation of Administrator.

The Town Council of the Town of Leo-Cedarville hereby appoints the Zoning Administrator to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.
   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 buildings. Elevation should be in NAVD 88 or NGVD;
   f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
   g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.
The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
2. Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 11.5, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment);
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance;
7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 11.4, Section B;
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Article 11.4, Section B;
11. Review certified plans and specifications for compliance.
12. Stop Work Orders
   a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
   b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
13. Revocation of Permits
   a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
   b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

11.5 Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;
10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced;
Section B. Specific Standards.

In all SFHAs, the following provisions are required:

(1) In addition to the requirements of Article 11.5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a). Construction or placement of any new structure having a floor area greater than 400 square feet;

b). Addition or improvement made to any existing structure:

(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.

c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;

d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.

e). 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; and

f). Reconstruction or repairs made to a repetitive loss structure.

(2) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 11.5, Section B (4).

(3) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a). A Registered Professional Engineer or Architect shall certify that the structure 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 structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in Article 11.4, Section C (10).

b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) Elevated Structures. New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and

(ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to or above the exterior foundation grade); and

(iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(vi) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.

(vii) where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design shall be presented as a
Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG.

Section C. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

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3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the flood protection grade.

5. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

b. The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

e. The top of the lowest floor including basements shall be at or above the FPG.

6. Standards for Structures Constructed with a Crawlspace. A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. There shall be a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade;

c. The interior grade of the crawlspace must be at or above the base flood elevation; and

d. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point;

e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

7. Standards for Manufactured Homes and Recreational Vehicles. 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 requirements:

a. 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:

(i) outside a manufactured home park or subdivision;

(ii) in a new manufactured home park or subdivision;

(iii) in an expansion to an existing manufactured home park or subdivision; or

(iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

b. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations 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. 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.

c. Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days; and,

(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); or

(iii) meet the requirements for manufactured homes as stated earlier in this section.
above the FPG at the site. Floodingproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to the top of the lowest floor of any new or substantially improved structure or to any interior areas subject to flooding must be provided by means of an interior stairway. The top of the lowest floor of any new or substantially improved structure shall be located above the FPG at the site.

Section E. Standards for Identified Floodways.

Located within SFHAs, established in Article 11.3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1-26, a permit for construction in a floodway from the Indiana Department of Natural Resources 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 structure. However, it does exclude non-substantial additions/improvements to existing lawful residences in a non-boundary river floodway. [IC 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.]

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 11.5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, the Town's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 11.5 of 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 FPG.

Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued providing the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 11.5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 11.5 of this ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

11.6 Variance Procedures.

Section A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals as established by the Town Council of the Town of Leo-Cedarville shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Allen County Superior or Circuit Court, as provided in Indiana Code 36-7-4-1003.

Section C. Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) The danger of life and property due to flooding or erosion damage;
Section D. Conditions for Variances.

(1) Variances shall only be issued when there is:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship; and,
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(2) No variance for a residential use within a floodway subject to Article 11.5, Section E or Section G (1) of this ordinance may be granted.

(3) Any variance granted in a floodway subject to Article 11.5, Section E or Section G (1) of this ordinance will require, a permit from the Indiana Department of Natural Resources.

(4) Variances to the Provisions for Flood Hazard Reduction of Article 11.5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section E).

(8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section E).

Section E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a Town official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall by recorded by the Floodplain Administrator in the Office of the Recorder of Allen County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section F. Historic Structure. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed in Article 11.6, and the purposes of this ordinance, the Town of Leo-Cedarville Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

11.7 Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

11.8 Effective Date.

This ordinance shall take effect upon its passage by the Town Council.

Passed and adopted by the Town Council of the Town of Leo-Cedarville, Indiana on this day of 7/21/09, 2009

[Signed/Attested Copy Available at the Town Hall]
Article Twelve

Sign Regulations

12.1 GENERAL PROVISIONS
This Article shall be known as the “Sign Regulations” of the Town of Leo-Cedarville.

12.2 Definitions
All terms used in this Article, not otherwise defined herein, shall have the definitions provided in Article Eighteen, of this Ordinance.

12.3 Permits and Fees
A. Permits Required: Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Leo-Cedarville Advisory Plan Commission, or cause the same to be done without first obtaining a sign permit from the Plan Commission.

B. Application: Application for a permit shall be filed with the Plan Commission and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Town, including:

1. Name and address of the property owner of the premises on which the sign is located or is to be located.

2. Name and address of the owner of the sign.

3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.

4. All signs on the same parcel or owned by the same business must be noted.

5. All signs within 100 feet of the subject sign shall be noted on a plain view drawing.

C. Permit Fees: The permit fee as specified by the Official Fee Schedule shall be paid to the Zoning Administrator at the time that the application is filed.

D. Effect of Sign Permit Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

E. Nullification: A sign permit shall become null and void if the work authorized thereunder has not been started within a period of twelve (12) months or completed within eighteen (18) months following the date of the permit.

F. Permit Exceptions: The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless other specified.

1. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.

2. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved.

3. Temporary or Exempt Sign - Temporary or exempt signs as described in this Article.

G. Variances: A variance from the sign regulations of this Article can be granted by petitioning the Board of Zoning Appeals.

12.4 Inspection, Removal, Safety
A. Inspection: Signs for which a permit is required may be inspected periodically by the Plan Commission or Zoning Administrator for compliance with this ordinance and other codes of the Town.

B. Removal of Sign: The Plan Commission or Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article. A thirty (30) day written notice shall be given to the owner or business operator describing the violation and to remove the sign or bring it into compliance. A three (3) day notice shall be given for temporary or portable signs. The Plan Commission or Zoning Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.

Any cost associated with signs removed by the Plan Commission and/or his agent, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within sixty (60) days of its removal, it may be disposed of in any manner deemed appropriate by the Town.

C. Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Plan Commission or Zoning Administrator, a written notice will be given to the owner, business operator or lessee of the property. Thirty (30) days shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After thirty (30) days if the owner/business operator fails to comply penalties shall be imposed according to Article 13 and 16.

D. Abandoned Signs: A sign shall be removed by the owner of lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Zoning Administrator may remove the sign at cost to the property owner or lessee.

E. Street Improvement Projects: Any sign that is in or projects over a roadway right-of-way at the time of the effective date of this Ordinance must be removed at the owner’s expense. No sign will be permitted in or projecting over a roadway right-of-way.

12.5 Nonconforming Signs

Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally nonconforming until such time a major change is made to the sign, except sign located within or projecting over a roadway right-of-way as described in paragraph 12.4E, which are never legally non-conforming. Major changes include changing the copy, changing the size, changing the height, adding lights, and/or relocation.

All nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the fair market value of the sign structure, said signs shall then be made to conform to this ordinance.

Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance.

12.6 Prohibited Signs

The following types signs are expressly prohibited in all Zoning Districts:

A. "A" Frame Signs - "A" frame signs or sandwich board, sidewalk or curb signs are prohibited if it is deemed hazardous to pedestrian traffic by the Plan Commission.

B. Abandoned Signs - Such business signs that advertise an activity, business, product or service no longer conducted or available shall be prohibited.

C. Animated or Intensely Lighted Signs - No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other device or means not providing constant illumination.

D. Hand Painted Signs - Hand painted signs erected as permanent outdoor advertising signs must be done in a professional manner and character. Signs deemed to not meet this criteria by the Plan Commission are prohibited.

E. Search Lights and Balloons - Search Lights, vertical windsocks, balloons, gas-filled figures, or similar objects used to attract attention shall be prohibited except as set forth below. Such signs shall be permitted at the opening of a new business in a commercial or industrial district for a period not to exceed seven (7) days. A temporary sign permit must be issued prior to installation or use.

F. Miscellaneous Signs and Posters - The tacking, posting or otherwise affixing of signs of any character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless specifically permitted by provisions of this Ordinance.

G. Moving Signs - No sign or any portion thereof shall be permitted which moves or assumes any motion or gives the illusion of moving.

H. Off-premise Signs - Off-premise signs shall be prohibited except as expressly permitted in this Article.

I. Projecting Signs - No sign shall project over or into the street right-of-way.

J. Public Areas - No sign shall be permitted which is placed on any post, pole, hydrant, bridge, tree or other surface located on public property or over any street or roadway without the approval of the Plan Commission or Town Council.

K. Towers (Water, Radio, etc.) - No sign shall be placed on any tower or tank without the approval of the Plan Commission or Town Council.

L. Unclassified Signs - The following signs are prohibited which:

1. Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency; or

2. Utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement; or

3. Emit audible sound, odor or visible matter; or

4. Are in imitation of, or resemble an official traffic sign or signal, or which bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words; or
5. May be construed as a light of an emergency or road equipment vehicle; or
6. Hide from view any traffic or roadway sign, signal or device; or
7. Obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
8. Any moving or progressively changing text.

12.7 Exemptions
The following types of signs are exempted from the provisions of this Article 12.3 unless determined by the Plan Commission or Zoning Administrator to be unsafe or in excess of the purpose for the exemption.

A. Street Address Sign - A sign on a Primary Structure may be mounted flush against the structure and that such sign shall not exceed two (2) square feet in size.

B. Damaged Signs - A legal sign which is damaged or destroyed by wind, weather, or other accidental means beyond the control of the applicant may be replaced to its original size, shape, and location (as prior to the accident) without obtaining a permit. Replacement of a damaged or destroyed sign with a sign of different size, shape, or location from the original sign shall require compliance with this Ordinance and a permit. Plan Commission will decide if replacement of a legally non-conforming sign of this category is permitted.

C. Integral Signs - Names of building, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure. In no case shall an Integral Sign be allowed if it advertises a business or product.

D. Parking Signs - Signs for public and private parking shall be permitted. The leading edge of such signs shall be subject to a three (3) foot setback from the curb or pavement edge and shall not be used for advertising purposes. Signs shall be no higher that six (6) feet off the ground and no greater than two (2) square feet in area. Such signs shall be installed so as not to present a hazard to pedestrians or motor vehicles.

E. Private Traffic/Direction Signs - Signs directing traffic movement onto or within a premise shall be permitted. However, illumination of these signs shall not be permitted. The leading edge of such signs shall be a minimum of three (3) feet from any curb or edge of pavement. The sign shall be no higher than six (6) feet off the ground and no greater than three (3) square feet in area.

F. Public Signs - signs of a noncommercial nature and in the public interest erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.

G. Banners and Pennants - Festival or public notification banners and pennants shall be permitted. Such banners and pennants must be for a public or quasi-public endeavor or activity. In no case are they permitted if they project in or over public rights-of-way without the permission of the Plan Commission or Town Council.

H. Name Plates - A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family or multifamily dwelling; such nameplate shall state nothing other than the name and/or address of the occupant. No other sign shall be allowed.

I. House Sale or Rental Signs - Signs on the premises announcing rooms, apartments or house for sale or rent provided that such signs comply with provisions of 12.8E.

J. Social or Charitable Organizations - Signs erected by organizations that are established solely for purposes of national, social, patriotic, political, or athletic nature or the like thereof.

K. Vehicle or Product for Sale Signs - Signs on a vehicles or products for sale are permitted provided the sign is painted or attached directly to the vehicle or product and does not project from the vehicle or product. Such vehicles or product shall be located a minimum distance of ten (10) feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Such vehicle or product must be owned by the property owner and not be for sale as a commercial operation. No more than one product may be displayed at one time and not for a period of more than thirty (30) days over the course of a three (3) month period of time, except for garage/yard sales that are authorized under provisions of this code and which do not last longer than two (2) days in any three (3) month period.

L. Utility Signs - Utility signs are permitted to mark cables and lines for public and private utilities except if determined to be a hazard by the Plan Commission.

M. Green address signs, provided by the local fire department, are permitted and encouraged wherever possible.

12.8 Temporary Signs
The following signs shall be permitted at any location within the planning jurisdiction of the Plan Commission as long as there is no risk to public safety and a Temporary Sign permit is obtained is specified:

A. Construction Signs - Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended during the construction period to a maximum of twenty six (26) square feet. The minimum setback shall be ten (10) feet from any street right-of-way. The sign shall be confined to the site of construction and shall be removed within thirty (30) days after the end of construction. A Temporary Sign permit is required with a maximum time limit of two (2) years.

B. Garage Sale Signs - Signs advertising the sale of miscellaneous household items for the purpose of a residential “garage” or “yard” sale shall not exceed twenty-six (26) square feet in total area of all signs. Such signs may be erected on the premises one week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. Per I.C. 35-43-1-2, garage sale signs are strictly prohibited from being posted on utility poles. No permit shall be required.

C. Political Campaign Signs - Political campaign signs announcing the candidates seeking public political office shall be confined within private property with owners permission and not within the street right-of-way. They shall be permitted no more than forty-five (45) days prior to the scheduled election and shall be removed within three (3) days after the day of election. Such signs shall not be required to obtain a permit.
D. **Portable Signs** - Signs placed upon wheels or lightweight frames for convenient moving and with changeable letter boards for convenient changing of sign copy, shall be prohibited except as noted below:

Portable signs shall be permitted for newly established businesses, relocated businesses for a period of thirty (30) days provided that such sign shall:

1. Be located not less than five (5) feet from any public right-of-way,
2. Not exceed seven (7) feet from ground level,
3. Not obstruct the flow or sight pattern of vehicular traffic,
4. Not be less than ten (10) feet from adjoining residential lots,
5. Have a face not exceeding thirty-two (32) square feet,
6. Not have blinking lights,
7. First obtain a permit from the Plan Commission, and

Service and charitable organizations shall be permitted the use of these portable signs two (2) times per calendar year for a maximum of fourteen (14) days each time.

E. **Real Estate Signs** - One (1) real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed shall not exceed six (6) square feet in single-family residential zones and sixteen (16) square feet in business, commercial or industrial zones. Such sign shall be removed within fourteen (14) days of the sale, rental or lease. The minimum setback from street right-of-way shall be ten (10) feet. Signs shall reflect no advertising or promotional material other than to indicate the party listing the property for sale, rental or lease, sale price, and contact information. Such sign shall not be required to obtain a permit. Four off-site real estate directional signs are permitted for a period of forty-eight (48) hours in a seven (7) day period when in conjunction with an open house and may not exceed 24 square feet in total sign area for all directional signs. Off-site real estate development directional signs shall be allowed only by approval of the Zoning Administrator.

F. **Banners and Pennants** - Banners and pennants advertising new products shall be permitted for only seven (7) days and only under the following conditions:

1. A Temporary Sign permit shall be obtained,
2. Each businesses is allowed fifteen Temporary Permits for Banners or Pennants per calendar year,
3. Banners or Pennants shall be placed on a building wall or permanent structure,
4. All setback regulations for a primary structure will apply to the location of Banners or Pennants,
5. The total sign area may not exceed 36 square feet, and
6. Failure to remove the Banner or Pennant will result in a penalty equal to the permit cost and the loss of one Temporary Sign permit from the fifteen allowed during each calendar year.

G. **Subdivision or Multi-Family Sign** - Two (2) temporary subdivision or multiple-family project identity signs indicating only the name and/or address of the premises and/or the name of the management. Such signs shall not exceed thirty-two (32) square feet in area per sign and shall be located a minimum distance of ten (10) feet from any street right-of-way. The maximum time period allowed will be twelve (12) months from the date the sign permit is issued. Such sign may be extended for another twelve (12) months by the Plan Commission. In the event an extension is granted, the petitioner shall pay the amount of a Temporary Sign permit for the extension.

12.9 **Illumination**

All signs must meet the below illumination criteria:

A. **No sign shall have or be of neon fashion, or decoration thereof.**

B. **No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or give such illusion.**

C. **The full number of illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion illuminated.**

D. **The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.**

E. **The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.**

12.10 **Sign Standards by Zone Districts**

A. The following sign standards by districts are intended to include every zone district within the jurisdiction of the Town of Leo-Cedarville. The zoning districts are as defined in Articles 2, 3, 4, and 5 and geographically located on the Official Zone Map. Only signs as described herein and as may be described under Temporary Signs and Exemptions shall be permitted in each particular zoning district.

B. If any zoning district is omitted from this ordinance, or if a new zoning district is created after enactment of this ordinance, no sign shall be permitted therein until this ordinance shall have been amended to include the new zoning district.

12.11 **Residential Zoning Districts**

This section of the sign regulations shall apply to all zoning districts designated as R1, R2, R3, R4, and R5.
A. Signs permitted in the R1 and R2 (Low Density) Districts:
1. One (1) nameplate sign not exceeding a combined area of two (2) square foot in area is permitted on the primary structure. No permit is required. No illumination is permitted.
2. One sign in conjunction with a Home Occupations is permitted. Said sign must not exceed two (2) square feet and shall not be illuminated. A permit is required.
3. A church, or public building sign, shall not exceed one hundred (100) square feet in total area and may be illuminated according to provisions in this Article. A permit is required.
4. Signs under Temporary Signs and Exemptions in this Article are permitted as per the regulations of this Article.
5. Gateway signs for subdivisions are permitted as per the regulations in the Subdivision Control Ordinance. Said signs shall not exceed six (6) feet in height. Maximum size shall be fifty (50) square feet in area.

B. Signs permitted in the R3, R4, and R5 (Medium and High Density) Districts:
1. One (1) nameplate sign not exceeding two (2) square foot in area is permitted per single family, duplex and/or multiple family unit. No permit is required. No illumination is permitted.
2. One sign in conjunction with a Home Occupation is permitted on single family detached residences. Said sign must not exceed two (2) square feet and shall not be illuminated. A permit is required.
3. A church or public building bulletin board or sign, not exceeding thirty-two (32) square feet in area, may be illuminated but shall conform to 12.9 and 12.10 of this Article.
4. A wall sign stating only the name of the church, school, or public building may be approved by the Advisory Plan Commission, not to exceed one hundred (100) square feet.
5. Any sign as permitted in 12.7 or 12.8, of this Article is permitted. Only the multifamily project identity sign may be illuminated but shall conform to 12.9, of this Article.
6. For funeral homes or mortuaries, an illuminated nameplate shall be permitted, provided it is not greater than thirty-two (32) square feet in area.
7. A maximum of two (2) permanent or temporary multifamily project "identity signs" shall be permitted for the main entryway. In the event the project has entries from more than one (1) street, additional identity signs may be permitted by the Advisory Plan Commission. Any temporary sign, as provided in 12.8 of this Article shall be removed before a permanent sign may be erected. Project identity signs shall not exceed six (6) feet in height. Maximum size shall be fifty (50) square feet.

C. Location:
1. All permanent signs shall be placed a minimum of ten (10) feet from any street right-of-way.
2. All temporary signs shall be placed a minimum of ten (10) feet from the pavement edge.
3. Building-mounted signs shall be flush mounted. There shall be no projection of any sign above the roofline.
4. Permitted signs shall not be placed in utility easements or drainage easements as defined on recorded plats or site plans.
5. Signs shall not be placed as to interfere with the sight path of vehicular traffic.

12.12 Commercial Zoning Districts

This section of the sign regulations shall apply to all zoning districts designated as OC, DC, and C1.

A. Ground Sign:
1. Limit of one (1) - One (1) ground signs indicating the name and nature of the business shall be permitted for each business parcel.
2. Height - The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of six (6) feet from the original ground grade.
3. Size and Location - A ground sign shall be placed a minimum distance of ten (10) feet from any street right-of-way. The entire sign unit, side to side, top to bottom, shall not exceed fifty (50) square feet; (5 x 10) in area.
4. Illumination - All permitted signs in this district may be lit but shall not shine directly or indirectly into adjacent residential areas.

B. Wall Sign: One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each linear foot of building frontage; however, in no instance shall such signage exceed fifty (50) square feet for a single business. Wall signs shall be mounted flush against the building. The face area may be increased by seventy-five percent (75%) if the sign is for two (2) or three (3) businesses, and may be increased by one hundred percent (100%) if the sign is for more than three (3) businesses.

C. In the old town/DC zoning district of State Road One, there shall be no ground signs.

12.13 Other Zoning Districts

This section of the sign regulations shall apply to all zoning districts designated as C2.

A. For Free Standing Buildings: Permitted Signs for Free Standing Buildings Including Free Standing Buildings Located at Strip and Enclosed Mall Shopping Centers:
1. Ground or Pole Signs - Either one (1) ground sign or one (1) pole sign (but not both) indicating only the name and nature of the occupancy shall be permitted for each business parcel. Such sign shall not exceed one hundred (100) square feet in area hereof and a pole sign shall not exceed thirty-five
B. Permitted Signs for Strip Shopping Centers:

C. Commercial Zoning Districts: Advertising Signs (off-premise)

Outdoor advertising sign structures are prohibited except as permitted under Section 13 of this Article Interstate Highway Signage. All other off-premise advertising shall be prohibited.

D. Signs for Commercial/Office Parks: Off-premise signs shall be permitted for directing the traveling public to commercial or industrial parks (strip shopping center or mall not included) providing the following requirements are met:

1. A permit shall be obtained prior to the erection of the sign; and
2. Such sign shall indicate only the name of the park itself products or services shall not be advertised; and
3. Such sign shall have a maximum sign face area of one hundred (100) square feet, a minimum height of nine (9) feet above grade level, a maximum height of thirty-five (35) feet above grade, and a minimum setback of fifteen (15) feet from street right-of-way; and
4. Such sign shall be a minimum distance of one hundred (100) feet from any residential zoning district.
5. Such sign shall be a minimum distance of five hundred (500) feet from any other “off premises” sign.

E. Signs Advertising More Than One (1) Business: Signs advertising more than one (1) business shall be permitted subject to the following:

1. If two (2) or three (3) businesses are served, the maximum permitted sign area shall be increased to an area no greater than fifty percent (50%) larger than the total area permitted for a single business.
2. If more than three (3) businesses are served by such advertising, the total area shall be increased no more than double the area permitted for a single business.
3. In no instance shall a sign exceed four hundred (400) square feet on any face.
Article Thirteen
Nonconforming Buildings, Structures, Lots, and/or Uses

13.1 Intent
Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District where they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legally Nonconforming.

13.2 Distinction Between Nonconforming and Legally Nonconforming
A building, structure, lot or use that does not meet the standards and regulations of the Zoning Ordinance is considered nonconforming. A nonconforming property shall be subject to actions and penalties by the Plan Commission or BZA and shall be altered to conform with all applicable standards and regulations.

Legally Nonconforming differs from Nonconforming in that the reason for the nonconformance is caused by a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the Ordinance change, the property no longer conforms to the policies and standards of the Zoning District the property resides. When this situation occurs, the property is deemed Legally Nonconforming or another term commonly used is “Grandfathered.”

13.3 Nonconforming Buildings and Structures
A. All conforming or Legally Nonconforming buildings and structures prior to the effective date of this Ordinance that no longer meet the design standards (see list below) under this Ordinance shall be deemed a Legally Nonconforming Building(s) or Structure(s).

B. Legally Nonconforming Building(s) or Structure(s) no longer meet one or more of the design standards of this Ordinance. These design standards include:
   1. Front, Side and Rear Yard Setbacks
   2. Maximum Lot Coverage,
   3. Minimum Main Floor Area,
   4. Height,
   5. Temporary Structures,
   6. Landscaping,
   7. Parking,
   8. Accessory Structures,
   9. and any other provision of this Ordinance that is applicable to the building or structure.

C. Legally Nonconforming Building(s) or Structure(s) may be enlarged or altered if (1) the new features are conforming and (2) the nonconforming features are reduced in nonconformity.

D. Damaged or destroyed Legally Nonconforming Building(s) or Structure(s) that lose 50% of the fair market value, space, function, or nonconforming feature(s) shall not reconstruct the building or structure without conforming to the policies and provisions of this Ordinance.

E. No building or structure may be move for any reason other than to reduce the feature(s) that are in nonconformance.

13.4 Nonconforming Lots
A. All conforming or Legally Nonconforming lots prior to the effective date of this Ordinance that no longer meet the lot standards (see list below) under this Ordinance shall be deemed a Legally Nonconforming Lot.

B. A Legally Nonconforming Lot no longer meets one or more of the lot standards of this Ordinance. These lot standards include:
   1. Lot Area,
   2. Lot Width,
   3. Lot Depth,
   4. Lot Frontage, and
   5. Any other provision of this Ordinance that is applicable to Lots.

C. Legally Nonconforming Lots may be built upon only if the use is permitted and design standards for the applicable Zoning District of the Ordinance are met. Subdivision lots, approved prior to the effective date of this Ordinance, are to be governed by the Zoning Ordinance and Subdivision Ordinance under which they were approve.
13.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legally Nonconforming Use. A legally nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

A. No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in 13.5D (below) or otherwise in this Chapter.

B. No building or structure shall be constructed in connection with an existing legal nonconforming use of land.

C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building except as allowed in sub-paragraph D.

D. In the case of a legal nonconforming use of structure, the structure may only be expanded on two occasions from the date it becomes legally nonconforming. Each of the two expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the Board of Zoning Appeals. If the structure is occupied by a commercial or industrial use in a residential district, sections 8.13 PK-03, and 8.13 PK-04 shall be used for parking standards.

E. If no structural alterations are made, a legally nonconforming use of structure or structure and land in combination may be changed to another legally nonconforming use, provided that the zoning administrator makes a determination and specific findings that the proposed use is less of impact or lower impact than the existing legally nonconforming use. However, if the new use requires more parking or loading area than the previous use, such new use will comply with the requirements of Section 8.13 and Section 8.14 of this Ordinance, unless a variance from developmental standards is granted by the Board if Zoning Appeals.

F. If a legally nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, the new use of structure, land or structure and land in combination shall conform to the provisions of this Ordinance.

G. When a legally nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the legally nonconforming use may not thereafter be resumed.

13.6 Repairs and Maintenance

The following applies to legally nonconforming structures or buildings, and legally nonconforming uses of structures, land, or structures and land in combination:

A. Ordinary repairs and maintenance of any legally nonconforming structure or building may be completed, but must obtain proper permits. Repairs may include the replacement of interior walls, heating, fixtures, wiring, or plumbing; under the condition that the repairs and maintenance do not add to the nonconformity or add a nuisance.

B. If a structure or portion of a structure were to become unsafe or unlawful due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall not be restored, repaired or rebuilt within eight (8) weeks of the declaration. If the event that an unsafe or condemned building or structure is not restored, repaired or rebuilt within the eight (8) week period of time, it will not be able to be used or occupied until such time that it is made to conform to all provisions of this Ordinance.

C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, any new building or structure shall be built in conformity with the district in which it is located.

D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.
14.1 Membership
The Board of Zoning Appeals (BZA) shall consist of and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4-902.

14.2 Officers, Members, and Employees
Following their initial appointment to the BZA, each member shall be appointed for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four (4) year term; however, members of the Board of Zoning Appeals shall serve until his successor is appointed and seated.

At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a chairman and a vice-chairman. Each shall serve during the period of their membership on the Board for the balance of the calendar.

The vice-chairman shall have the authority to act as chairman of the Board during the absence or disability of the chairman.

Upon resignation or replacement of the chairman or vice-chairman as a member of the Board, the Board shall elect a successor at its next regularly scheduled meeting.

The Board shall appoint and fix the duties of a secretary, who is not required to be a member of the Board. The secretary shall be charged with such duties as required under state statutes, town ordinances, and these rules.

If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. The appointing authority shall be notified in writing by the secretary when a member has been absent for three (3) consecutive meetings of the Board. Such absences may constitute cause for removal from the board by the appointing authority under IC 36-7-4-906(f).

14.3 Territorial Jurisdiction
The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Leo-Cedarville Zoning Ordinance and Subdivision Control Ordinance.

14.4 Powers and Duties
The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

A. Variance from Development Standards;
B. Variances of use (use variances);
C. Special exceptions; and
D. Administrative appeals.

14.5 Rules and Procedures

A. Rules and Procedures: The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices for an conduct of meetings, and public hearings.

B. Facilities and Funding: The Town of Leo-Cedarville shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.

C. Filing: All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the staff of the Board of Zoning appeals and in the form prescribed by said Board.

14.6 Hearings

A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.

B. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.

C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within three hundred (300) feet of the subject site boundaries with the corporate boundary and only directly adjacent properties outside the corporate limit.

D. The Board may, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

E. Other persons may appear and present relevant evidence at such public hearing.

F. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

G. Special meetings may be called by the chairman or by two (2) members of the Board upon written request to the secretary. The secretary shall send to all members, at least three (3) days before the special hearing, a special notice fixing the time and place of the meeting. Written notice
is not required if:

1. The date, time and place of the special meeting are fixed in the regular meeting;
2. All members of the Board are present at that regular meeting; and
3. The secretary complies with the notice requirement of IC 5-14-1.5.

H. The chairman of the Board shall preside over meetings and hearings, decide questions of order, subject to appeal by Board members, and preserve decorum in the meeting room. The chairman may warn any person present that particular conduct is a breach of courtesy and may order a person expelled from the meeting for disruptive conduct.

I. The secretary shall keep minutes of its proceedings and record the vote on all actions taken. The Board shall also make written findings of fact in all cases heard by it. The minutes shall be presented to the Board at the next succeeding regular meeting. When approved, the minutes shall be signed by the chairman and attested by the secretary.

14.7 Appearances

A. The petitioner or the petitioner’s agent must appear in person or by counsel to present petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under B.

B. The Board’s secretary or staff must be informed prior to the meeting if the petitioner requests a time extension. The chairman will determine whether the petitioner’s reasons warrant an extension. If the petitioner or the petitioner’s agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

14.8 Order of Business

A. The order of business for a regular meeting shall be:

1. Call to Order;
2. Roll Call and determination of quorum;
3. Consideration of minutes of previous meeting;
4. Old Business (tabled or continued items);
5. New Business;
6. Report of officers and Committees;
7. Communications, Bills, and Expenditures; and
8. Adjournment.

B. The order of business for special meetings shall be:

1. Call to Order;
2. Roll Call and determination of quorum;
3. The business for which the special meeting was called; and
4. Adjournment.

14.9 Official Action

A. A majority of the members of the Board who are qualified to vote shall constitute a quorum. Action of the Board shall not be official unless it is authorized at a regular or properly-called special meeting by a majority of the entire membership of the Board.

B. Voting by the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.

C. On all decisions on petitions before the Board of Zoning Appeals, the Board shall adopt written findings of fact and a written decision.

D. Pursuant to IC 36-7-4-909, a member of an Advisory Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification.

14.10 Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series. Such appeals shall be presented to a court of jurisdiction within thirty (30) business days of the Board’s decision, and not thereafter.

14.11 Special Exceptions

There shall be no cases or application therefore, nor any particular situation in which these rules authorize special exceptions without the approval of the Plan Commission or BZA. Further, no previous applications shall set a precedence for any other application before the BZA.

The Board may grant a special exception for a use in a district if, after a hearing under, it makes findings of facts in writing, that:

A. the requirements and development standards for the requested use as prescribed by this Ordinance will be met; and
B. granting the exception will not subvert the general purposes served by this Ordinance and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially and/or permanently injure other property or uses in the same district and vicinity.

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the purpose of this ordinance shall be served.

The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921.

A use authorized by special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception.

A special exception, granted for a specific use ceases to be authorized and is void if that use is not established within a twelve-month period of the date the special exception was granted, or if that use is discontinued at that site for a twelve-month period during which time it is not succeeded by the same use specifically authorized as a special exception.

A special exception may be terminated by the Board of Zoning Appeals, upon filing of an application therefore by an interested person or a member of the staff, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance, or conditions of approval or commitments have not been complied with.

To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Board that a special exception is required for the intended use or for the expansion, extension, or enlargement of a use. The Board shall seek the advice of the Commission to determine how the granting of the special exception would affect the purposes served by this Ordinance in furtherance of the Comprehensive Plan. Within thirty (30) days of the date on which it received the application, the Commission shall report its determination to the Board, for action by it as authorized.

After public hearing the board shall issue written findings of facts granting or denying the special use exception. If the Board grants the special exception, the applicant may apply for an Improvement Location Permit. If such application complies with all Ordinances and rules, an Improvement Location Permit for the use authorized by special exception shall be issued.

14.12 Variances

A. The Board may grant a variance from the development standards (such as height, bulk, area) of the zoning ordinance if, after a public hearing, it makes findings of facts in writing, that:

1. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
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; and
3. the strict application of the terms of this Ordinance will result in an unnecessary hardship. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction on economic gain.

B. The Board may grant a variance from the use restrictions of the Zoning Ordinance if, after public hearing, it makes findings of fact in writing, that:

1. The variance 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 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 variance is sought; and
5. The approval of the variance does not interfere substantially with the comprehensive plan adopted by the Town Council.

The use variance granted by the Board shall run with the parcel until such time as (1) the use of the variance ends, or (2) the property conforms to the ordinance as written.

The Board may permit or require the owner of a parcel of property to make written commitment concerning the use or development of that parcel or may impose provisions upon the grant of a use or development of that parcel or may impose provisions upon the grant of a use or development standards variance.

Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of a variance, the Board may authorize such action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of the Leo-Cedarville ordinances in the same manner as if the variance had not been granted.

14.13 Exclusion

Nothing in these rules, regulations or orders issued pursuant to Leo-Cedarville Ordinances shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any state agency, or the use of property occupied by the State of Indiana or any state agency. As used in this section, the term “state agency” shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.
Article Fifteen
Administration

15.1 Administrative Officer
The Zoning Administrator in the Town of Leo-Cedarville, Indiana will have the principal responsibility for administration and enforcing or coordinating the enforcement of this Ordinance within the Plan Commission's planning jurisdiction.

15.2 Effect on Annexation or Vacation on Zoning
A. After the effective date of this Ordinance, areas annexed by the Town of Leo-Cedarville shall be converted to the appropriate Leo-Cedarville Zoning District.
B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. Appeals of the Zoning Administrator's determination may be brought before the Plan Commission.

15.3 Summary of Powers and Duties of the Town Council
The powers and duties of the Town Council are described below.
A. Town Council Duties:
1. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
3. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. Adopt, reject or amend proposals for a Planned Development District that have been certified and submitted by the Plan Commission.
5. Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission.
6. All duties as permitted by Indiana State Code.
B. Town Council Powers:
1. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance.
2. Initiate amendments to the Official Zoning Map.
3. All powers as permitted by Indiana State Code.

15.4 Summary of Powers and Duties of the Plan Commission
The powers and duties of the Plan Commission are described below.
A. Plan Commission Duties:
1. Adopt and maintain a Town Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.

3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.

4. Record and file bonds and contracts for development and land use functions.

5. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.

6. Adopt and maintain a permitting process and seal used to certify official or approved documents.

7. Certify and submit recommendations to the Town Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.

8. Certify and submit recommendations to the Town Council for adopting a Planned Development District.

9. Approve or deny plats or replats of Subdivisions.

10. Approve or deny development plans and amendments to development plans.

11. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.

12. Establish and maintain a Town Council approved Fee Schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.


14. All duties as required by Indiana State Code.

B. Plan Commission Powers:

1. Hire, remove, and determine job descriptions for support staff to the Plan Commission.

2. Establish an executive committee.

3. Seek funding assistance through grant programs as necessary.

4. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.

5. All powers as required by Indiana State Code.

15.5 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below.

A. Board of Zoning Appeals Duties

1. Review and hear appeals of decisions made under this Ordinance by the Zoning Administrator, Plan Commission.

2. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code.

3. Review, hear, and approve or deny all petitions for variances from the Development Standards of this Ordinance.

4. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.

5. All duties as permitted by Indiana State Code.

B. All powers as permitted by Indiana State Code.

Article Sixteen

Proceses, Permits & Fees
16.1 Types of Petitions

The Town of Leo-Cedarville hereby requires that an application and filing fee be submitted for the following formal petitions:

A. Variances (dimensional or use)
B. Special Exceptions
C. Improvement Location Permit
D. Certificate of Occupancy
E. Subdivision Plats/Development Plans
F. Planned Developments
G. Zoning Amendments (zoning map change)
H. Administrative Appeals
I. Voluntary Annexations
J. Sign Permit Review (permanent and temporary)

All applications may be obtained through the Zoning Administrator's office. Fees shall be paid at the Zoning Administrator's office at the time of submittal before the petition can be placed on the agenda.

16.2 Processes per Type of Petition

A. Variances: The following procedure applies to Variance Petitions.

1. Submit a Variance application, required information, and application fee forty-five (45) days prior to the regularly scheduled Plan Commission meeting.
2. Plan Commission will review the variance application and required information and make a favorable or unfavorable recommendation to the Board of Zoning Appeals.
3. BZA will then review the variance application, required information, and opinion of the Plan Commission in a public meeting. The BZA may approve, deny or table the petition. Approvals shall only be granted upon finding of fact that there is a hardship.

B. Special Exceptions: The following procedure applies to Special Exception Petitions.

1. Submit a Special Exception application, required information, and application fee forty-five (45) days prior to the regularly scheduled Plan Commission meeting.
2. The Plan Commission shall review the application, required information, and testimony from the petitioner and public. The Plan Commission shall then make a favorable, unfavorable recommendation to the BZA.
3. The BZA shall then review the Special Exception application, required information, opinion of the Plan Commission, testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The BZA may approve, deny, or table the petition.

C. Non-Subdivided Site Development Plans

1. Submit a Non-Subdivided Site Development Plan application, required information, and application fee forty-five (45) days prior to the regularly scheduled Planning Commission meeting.

16.3 Improvement Location Permits

A. Permits Required: No building or structure shall be erected, moved, added to, or structurally altered without an Improvement Location Permit and Building Permit issued by the Zoning Administrator. No Improvement Location Permit or Building Permit shall be issued by the Zoning Administrator unless the project is in conformity with the provision of this Ordinance.

B. Application for an Improvement Location Permit: All applications for Improvement Location Permits shall be accompanied by:

1. the common address for subject property and parcel number;
2. a site location map showing context around subject property;
3. plans drawn to scale showing the actual dimensions and shape of the lot to be built upon;
4. the exact sizes and locations on the lot of buildings already existing, if any;
5. the location and dimensions of the proposed building or alteration;
6. building setback distances from all property lines, and from existing and proposed road right of ways; and
7. elevations of all buildings.

The application shall also include such other information as lawfully may be required by the Planning Commission or Zoning Administrator to determine conformance with and provide for the enforcement of this ordinance including:

1. elevations of the existing or proposed building or alteration;
2. detailed description of the existing or proposed uses of the building and land;
3. the number of families, dwelling units, or rental units the building is designed to accommodate;
4. natural, physical or hazardous conditions existing on the lot; and
5. landscape plan;
6. lighting plan; and
7. drainage plan;

8. The Administrator can require written approval from the following:
   a. State Highway Department
   b. County Highway
   c. County Surveyor
   d. Utilities-Pioneer Water
   e. Leo-Cedarville Sewer District
   f. IDEM Approval
   g. East Allen County Transportation Department
   h. Approved Certified Engineer
   i. Leo-Cedarville Storm Water Utility
   j. Any other necessary entity

The approved plans and application materials shall be retained by the Commission or Zoning Administrator.

C. Expiration of Permits:

1. Initiation of Work: If the work described in any Improvement Location Permit has not begun within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.

2. Zoning administrator shall assign a completion date that will be stated on the face of the ILP permit.

3. Completion of Work: If the work described in any Improvement Location Permit has not been completed by the completion date, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.

   The Zoning Administrator may give a one time extension for up to six (6) months for work completion. Requests for extensions must be received within two (2) months of the expiration.

D. Construction According to Permits and Permit Application: Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.

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FEE SCHEDULE FOR PLANNING SERVICES
JANUARY 2008

IMPROVEMENT LOCATION PERMITS (ILP)

The following fee schedule shall apply to all permits and processes outlined in this ordinance.

1. ILP for residential structure $ 175.00
2. ILP for residential addition 100.00
3. ILP for residential accessory structure 20.00

See page 53 in zoning manual for permitted uses:
The Town of Leo-Cedarville hereby requires that an Improvement Location Permit be obtained for the following:

### 16.4 Schedule of Improvement Location Permits

The Town of Leo-Cedarville hereby requires that an Improvement Location Permit be obtained for the following:

A. all residential dwellings,
B. other detached accessory buildings; sheds, pole barns, gazebos, fences, (as per Leo-Cedarville ordinance.)
C. detached and attached garages and carports,
D. temporary structures,
E. signs,
F. swimming pools,
G. alterations, modification, remodeling, or additions (residential and commercial),
H. tents (commercial only),
I. demolition,
J. all commercial, industrial, and institutional buildings,
K. structures other than buildings (including satellite dish, towers, antennas),

<table>
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<th>Item</th>
<th>Description</th>
<th>Fee</th>
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<td>ILP for non-residential (commercial) structure or addition</td>
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<td>5.</td>
<td>Certificate of Compliance for primary structures and addition</td>
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<td><strong>BOARD OF ZONING APPEALS</strong></td>
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<td></td>
<td>Publication cost</td>
<td>50.00</td>
</tr>
<tr>
<td>2.</td>
<td>Variance of Development Standards</td>
<td>255.00</td>
</tr>
<tr>
<td></td>
<td>Per additional development standard variance</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>Publication cost</td>
<td>50.00</td>
</tr>
<tr>
<td>3.</td>
<td>Special Exceptions</td>
<td>255.00</td>
</tr>
<tr>
<td></td>
<td>Publication cost</td>
<td>50.00</td>
</tr>
<tr>
<td>4.</td>
<td>Administrative Appeal</td>
<td>380.00</td>
</tr>
<tr>
<td></td>
<td>Per additional administrative appeal</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>Publication cost</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td><strong>PLANNING COMMISSION</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Review of Primary Plat</td>
<td>$ 700.00</td>
</tr>
<tr>
<td>2.</td>
<td>Review of Secondary Plat</td>
<td>700.00</td>
</tr>
<tr>
<td>3.</td>
<td>Review of Primary Development Plan</td>
<td>700.00</td>
</tr>
<tr>
<td>4.</td>
<td>Review of Secondary Development Plan</td>
<td>700.00</td>
</tr>
<tr>
<td>5.</td>
<td>Petition for Vacation</td>
<td>Current Cost of Certified Mailing and Publication of Notice</td>
</tr>
<tr>
<td>6.</td>
<td>Petition for Rezoning</td>
<td>700.00</td>
</tr>
<tr>
<td>7.</td>
<td>Review of Primary Minor Plat</td>
<td>400.00</td>
</tr>
<tr>
<td></td>
<td><strong>SIGNS</strong></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>All permanent types</td>
<td>75.00</td>
</tr>
<tr>
<td>2.</td>
<td>Temporary signs</td>
<td>20.00</td>
</tr>
</tbody>
</table>
16.5 Certificate of Occupancy

It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

A. legally obtaining an Improvement Location Permit,
B. passing a final inspection; and receiving a letter of compliance from Zoning Administrator,
C. receiving an Certificate of Occupancy Permit from the Allen County Building Department.

16.6 Schedule of Fees

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who shall initiate construction of a structure prior to obtaining an Improvement Location Permit or any other required permit shall pay three times the amount of the normal permit fee.

L. surface and sub-surface drainage work (including land alteration),
M. street cuts,
N. curb cuts,
O. storm sewer hookups,
P. removal of trees and plants within buffer yards or right-of-ways otherwise required by this ordinance,
Q. placement or moving of manufactured or mobile homes,
R. parking lot construction, alteration, or removal,
S. ponds or lakes,
T. mineral extraction,
U. telecommunication facilities, and
V. Any exterior construction that adds to or alters the height, building materials, existing structure.

17.1 Authority

The Plan Commission and/or Zoning Administrator are designated to enforce the provisions, regulations, and intent of this Ordinance.

17.2 Violations

Complaints made pertaining to the Zoning Ordinance shall be investigated by the Zoning Administrator. Also, any suspected violations by the Plan Commission or Zoning Administrator shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the investigating person(s) and should reflect what is warranted by the violation.
17.3 Inspection of Property

Investigations of property may be done so by the Zoning Administrator either from a right-of-way without permission of the property owner, or from the property suspected of a violation once the inspector has described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection, and obtained their authorization.

In the event that the investigator(s) is (are) denied entry, the Plan Commission or Zoning Administrator may apply to a judicial officer of competent jurisdiction to obtain a search warrant. The application shall include the purpose, violation(s) suspected, property address, owner’s name if available, and all relevant facts. Additional information may be necessary and requested by the court.

The warrant issued shall order the owner, tenant, or occupant to permit entry by the Zoning Administrator for the purposes documented in the application for the warrant.

17.4 Responsibility of Violations

The owner, tenant, or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission or Zoning Administrator.

17.5 Violations During the Construction/Building Process

The Plan Commission and/or Zoning Administrator may place a Stop-Work-Order on any land/property improvement process in violation of this ordinance. Stop-Work-Orders shall be issued by written letter that shall state the violation and that work must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered to the owner, developer, property manager, tenant, or occupant. The Plan Commission or Zoning Administrator must meet with the person(s) served the Stop-Work-Order notice within seven (7) days of a request to meet by such a person. A Memorandum of Agreement shall be drafted stating the conditions in which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Zoning Administrator or Plan Commission President.

Reasons for a Stop-Work-Order include:

A. Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
B. Not obtaining an Improvement Location Permit.
C. Not meeting the conditions or commitments of a special exception, variance, or building permit.
D. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants that are enforceable by the Plan Commission.
E. Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.

17.6 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission and/or Zoning Administrator. Penalties may be imposed based on the provisions set forth by Section 17.7 of this article.

A. The placement of a primary structure, secondary structure, sign, rocks, earth, or any other element determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
B. The erection of a primary structure, secondary structure, sign, accessory structure, or any other element determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
C. The maintenance of a primary structure, secondary structure, sign, accessory structure, or any other element determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
D. Failure to obtain an Improvement Location Permit or Building Permit when required.
E. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance and which have not specifically been granted.
F. Any failure to comply with the Development Standards and/or any regulations of the Zoning Ordinance or Subdivision Control Ordinance, Improvement Location Permit, or Building Permit.
G. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement
H. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception, Variances, or other similar or documentable commitment, including verbal agreements during official Plan Commission, Town Council, or BZA meetings.

17.7 Penalties for Violations and procedures for Enforcement

A. Issuance of Notice

If during a single inspection, the Zoning Administrator shall find one or more violations of this Ordinance (as set forth in Section 17.6), the following monetary fines shall be imposed:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Violation</td>
<td>$ 75.00</td>
</tr>
</tbody>
</table>
The Zoning Administrator shall issue a Notice of Violation and Order to Abate to the responsible party as determined by Section 17.4. The notice shall contain the following information:

1. the date and time of issuance of the notice;
2. the specific violation(s) for which the notice is issued;
3. the date and location of the violation(s);
4. the amount of the penalty that is imposed;
5. the name and address of the responsible party as determined by Section 17.4;
6. notice that the responsible party must respond to the notice in writing within fifteen (15) days either admitting or denying the violation;
7. instructions that the responsible party may pay the penalties and provide proof that the violations have been corrected in lieu of admission or denial;
8. notice that further penalties and legal action may ensue if the responding party does not respond to the Notice within fifteen (15) days;
9. notice of the right to appeal the Notice of Violation as set forth in Section 17.8 which shall include a statement that the appealing party has the right to be represented by an attorney, and the right to produce evidence before the BZA; and
10. the signature of the Zoning Administrator, which may be affixed manually or electronically.

B. Failure to Respond to Initial Notice / Second and Third Notices:

If a responsible party fails to respond to an initial Notice of Violation within fifteen (15) days, the Zoning Administrator shall issue a Second Notice of Violation. If a responsible party fails to respond to the second Notice of Violation, the Zoning Administrator shall issue a Third Notice of Violation. Upon the issuance of the third notice of violation, additional penalties shall be imposed as follows:

Second notice: +$25.00  Third Notice: +$50.00

All subsequent Notices shall contain the information contained in the original Notice but shall state that they are a Second or Third Notice and shall identify the additional penalty.

Failure to respond within fifteen (15) days of a third notice shall be deemed an admission of the violation and shall constitute a waiver of the right to appeal the violations(s) to the BZA. Following fifteen (15) days after a third Notice of Violation, the Zoning Administrator shall refer the matter to the Town Attorney for civil enforcement action.

C. Response to Notice By Admission:

Payment of a penalty shall be deemed an admission of a violation and shall constitute a waiver of the right to appeal a Notice of Violation.

If a party admits a violation in writing within fifteen (15) days of any notice, such admission shall also be deemed a waiver of the right to appeal. In such circumstance, the party shall be given upon request an additional thirty (30) days to pay the penalty (including any penalty for second and third Notices) and to abate the violation(s) and no further penalties or enforcement actions shall be taken during this period (however, any pending stop work orders shall remain in effect, and violations of such orders shall warrant immediate legal actions). The Zoning Administrator may accept a late payment of a penalty (i.e. after the expiration of thirty (30) days) along with an additional ten dollar ($10.00) penalty, if the violations have been abated within the thirty (30) day time period and provided that the violation has not yet been referred to the Town Attorney.

If the responsible party fails to pay the penalty and to abate the violation(s) within that thirty (30) day period, the Zoning Administrator shall refer the matter to the Town Attorney for criminal enforcement action. However, the Zoning Administrator shall have the discretion to grant a responsible party and additional thirty (30) days upon request to pay the penalties and/or abate the violation but only if the responsible party can show good cause for the extension. The Zoning Administrator may not grant additional extensions after the matter has been referred to the Town Attorney for enforcement.

D. Response to Notice By Denial:

If, within fifteen (15) days of any notice, the responsible party appears and denies the violation(s) in the notice, the Zoning Administrator shall evaluate the reasons given by the person and if necessary perform and investigation to determine whether there is still cause to believe that a violation exists.

The Zoning Administrator may at his/her discretion refer the issue to the full Plan Commission for consideration.

If the Zoning Administrator or Plan Commission determines that there remains cause to believe that a violation exists, the responsible party will be informed in writing of this decision and his/her right to appeal the decision to the BZA. An appeal must be initiated in writing, signed by the appellant, and signed and dated when received by the Zoning Administrator. A written notice of appeal must be received by the Zoning Administrator within fifteen (15) days of issuance of the written decision of the Zoning Administrator or Plan Commission. If no written request for appeal is received, the responsible party shall have an additional fifteen (15) days (i.e. thirty days from the date of the written determination) to correct the violation and pay the penalty.

Appeals shall be processed pursuant to Section 17.8.

E. Civil Enforcement

If a person upon whom a Notice of Violation is served pursuant to this chapter:

1. appears and denies the violation, but does not initiate a timely appeal and other wise fails to pay the penalty or correct the violation within thirty (30) days of the final determination; or
then the Zoning Administrator shall refer the violation to the Town Attorney for appropriate enforcement action. If civil action becomes necessary
the Town Attorney shall seek injunctive relief and shall seek to recover the unpaid penalties with prejudgment interest running from the date of the
issuance of the final Notice, plus costs and attorneys fees.

Once a matter has been referred to the Town Attorney for enforcement, the Leo-Cedarville Town Council must approve any offers to compromise
that involve a payment of less than the full amount of any penalty plus costs and attorneys fees.

17.8 Appeals to BZA

Any persons receiving a Notice of Violation and a penalty and/or order to abate may appeal the Notice of Violation to the Board of Zoning Appeals. An appeal must be initiated by a written request for appeal delivered to the Zoning Administrator as set forth in Section 17.7.

The Zoning Administrator shall set the matter for hearing before the BZA at the next available regularly scheduled meeting of the BZA (or special meeting of the BZA called for this purpose) that is not less than fifteen (15) days following the receipt of the Notice of Appeal. Notice of the date, time and location of the hearing shall be served on the appellant by certified mail not less than fifteen (15) days prior to the hearing.

The appealing party shall have the right to be represented by an attorney, to call witnesses, and to submit other evidence at the hearing. The Zoning Administrator shall present the evidence of the alleged violation at the hearing and shall bear the burden of proof of establishing the violation.

Upon consent of the Town Council, the Zoning Administrator may request the assistance of the Town Attorney in the presenting the matter before the BZA. The Town Attorney may serve as legal counsel in this status only if there has been no ex parte communication between the Town Attorney and the BZA or any member of the BZA regarding this issue. If such communications has occurred, the Town Attorney may designate other legal counsel to assist the Zoning Administrator in presenting the matter.

Fines due and enforcement action will be postponed until the BZA has made a ruling. No additional notices will be issued nor penalties imposed by the Plan Commission or Zoning Administrator during the pendency of an appeal.

If the BZA sustains the violation, the responsible party shall have thirty (30) days from the date of the BZA’s decision to pay any penalties and to abate the violations before enforcement actions is taken.

17.9 Appeals or Trials

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation requesting the appeal, shall be submitted to the Zoning Administrator via Certified Mail at least three (3) days prior to the date the fine is due.

Fines due will be postponed until the BZA has made a ruling as to the violation and/or fine.

No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal.

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**Article Eighteen**

**Definitions**

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18.1 General

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

18.2 Defined Words

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building, or Structure: A building or structure which:

A. is subordinate to a principal building or structure in area, intent, and/or purpose;
B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
C. does not alter or change the character of the premises;
D. is located on the same zoning lot as the principal building, structure, or use;
E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance;
F. may not be constructed prior to the time of construction of the principal building or structure; and
G. is not designed for human occupancy as a dwelling or commercial use.

Administrator: See Zoning Administrator

Adult Use - See Ordinance: Article 8, Development Standards

Advisory Plan Commission: A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Leo Cedarville Plan Commission is an Advisory Plan Commission.

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

"Agriculture" shall not include feedlots, stockyards, or the commercial feeding of garbage or offal to swine or other animals.

Agriculture Zoning District: Refers to an AG District.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

Apartment: One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building: A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

Applicant: The owner, owners, or legal representative of real estate who makes application to the Leo Cedarville Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

Arterial Street: See Street, Arterial

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings and abide by all regulations pertaining to primary buildings.
Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

Auto Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under “Automobile Repair, Major”.

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile laundries; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Billboard: See “Sign, Outdoor Advertising”.

Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Board: See Board of Zoning Appeals

Board of Zoning Appeals: The Town of Leo Cedarville Advisory Board of Zoning Appeals or any division thereof.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Boulevard: see Street, Parkway

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy.
Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Code: The Town ordinance establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within the Town. Also referred to herein as the Leo Cedarville Building Code.

Building Height: see Structure Height

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business District: Refers to the NC, OC, TC, and C1 Districts.

BZA: See Board of Zoning Appeals

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Capital Improvement Plan: A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

Cemetery: Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Central Sewerage System: The community sewer system including collection and treatment facilities owned and maintained by the Leo Cedarville Sewer District.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

Certificate of Compliance: A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.
Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with the provisions of the Allen County Building Code.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use of residential. The maximum number of children allowed is six (6) at any given time excluding the children of the property owner.

Child Care Center: Any institution operated for the care of children, licensed pursuant to I.C. 12-17-2-4, et seq., and as defined by Indiana Code Section 12-7-2-28-4.

Child Care Institution: a) A residential facility that provides for the care, supervision and protection of children on a twenty-four (24) hour basis; or b) An institution that operates under a license issued under IC 31-27-3; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children (For reference see Indiana Code 12-7-2)

Children’s Home: see Child Care Institution

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Collector Street: See Street, Collector

Commission: See Plan Commission

Comprehensive Plan: Refers to the Leo Cedarville Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conforming Manufactured Home: Pursuant to Public Law 312, Acts of 1981 (I.C. 36-7-4-1106), a residence constructed after January 1, 1981, that exceeds nine hundred fifty (950) square feet of occupied space and which is installed as a permanent dwelling unit which may be placed or constructed providing complies with setback, side and rear yard, parking space, and minimum square footage requirements for the district in which it is located, and an under-floor space requirements of this Ordinance.

Construction Plan(s): The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

County: Allen County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

Day Care Center: see Child Care Center

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the principal building.

Developer: The owner or legal representative of land proposed to be subdivided or commercially / industrially utilized. Consent for making applications for development approval shall be required from the legal owner of the premises.

District: A section of the Town of Leo Cedarville for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance to disabled persons. Domestic pets
shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

**Drives, Private:** See Street, Private

**Duplex:** see Dwelling, Two-Family

**Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts and Leo Cedarville Building Code, used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

**Dwelling, Manufactured Home:** A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

A. shall have been constructed after January 1, 1981, and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4(d);

B. is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;

C. has wheels, axles, and towing chassis removed;

D. has a pitched roof with a minimum rise of 2/12; and

E. consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.

**Dwelling, Mobile Home:** A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

A. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or,

B. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

**Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed cooking and sanitary facilities.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Expressway/Freeway:** Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

**Family:** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**Farm:** An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry.

**Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

**Floodplain:** See Flood Control Ordinance, Article 11

**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

**Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

**Floor Area, Main:** That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**Flood Protection Grade:** See Flood Control Ordinance, Article 11

**Foundation:** The supporting member of a wall or structure.

**Freeway:** See Expressway

**Front Line:** With respect to a building, the foundation line that is nearest the front lot line.
Front Lot Line:

A. For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a Lake or watercourse; and

B. For a corner lot, the line marking the boundary between the lot and the shorter of the two abutting street right-of-way segments; except as deed restrictions specify otherwise.

Front Yard: The horizontal space between the nearest foundation of a building to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.

Frontage: See Lot Frontage

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Ground Floor Area: See Floor Area, Main

Hardship: A 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.

Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply:

A. The home occupation must not involve retail business or manufacturing business.

B. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.

C. At least one (1) members residing on the premises must be the primary operator of the company.

D. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.

E. There must not be any interior or exterior storage or display of products, equipment or materials used in connection with the home occupation.

F. No more than twenty percent (20%) of the total floor area of the primary structure shall be used for the home occupation.

G. There shall not be any interior or exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.

H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.

I. There shall not be an advertised entrance to the dwelling unit for the purpose of conducting business or to accommodate the business.
J. No use of Accessory Structure including detached garages, shall be allowed.
K. No traffic generation due to the business will be permitted.
L. No signage for the business shall be allowed on or off the property.
M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive.
N. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
O. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express curriers is not permitted.
Q. The permitted uses in for Home Occupation #1 shall be limited to small offices or operations which have no clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the home location.
R. Home occupation uses that meet the above described standards are deemed permitted until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.

Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district’s character or function as a residential area or neighborhood.

To regulate reasonable business practices and residential character, the following development standards apply.

A. The home occupation must not involve retail business or manufacturing business.
B. The home occupation must not involve the employment of any more than two (2) persons who are not related and do not reside at the location of the home occupation.
C. At least one (1) members residing on the premises must be the primary operator of the company and be that person(s) primary work.
D. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
E. There must not be any exterior structural or display of equipment or materials used in connection with the home occupation.
F. No more than twenty-five percent (25%) of the total floor area of any level of the primary structure shall be used for the home occupation.
G. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
I. There shall not be an advertised entrance to the dwelling unit for the purpose of conducting business or to accommodate the business.
J. Business practice in all Accessory Structure including detached garages, shall not exceed 25% of the total interior square footage of space.
K. Minimal traffic generation due to the business will be permitted.
L. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
N. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
O. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express curriers is not permitted.
Q. The permitted uses in for Home Occupation #2 shall be limited to domestic crafts, professional service, catalog businesses, and internet businesses, including but not limited to:
1. dressmaking,
2. sewing,
3. weaving,
4. tailoring,
5. ironing,
6. washing,
7. computer/internet based sales,
8. catalog order business,
9. furniture repair,
10. hair grooming - one (1) chair,
11. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
12. home office for a real estate, insurance, notary public, or manufacturer’s agent,
13. office for clergy,
14. art studio, writing studio, music studio, photography studio,
15. teaching art, writing, or music for one student at one time, and
16. home demonstration sales.
The following types of business shall not be permitted as a Home Occupation #2:
1. medical clinics of any kind,
2. retail dress shops,
3. funeral homes,
4. tourist homes,
5. animal hospitals,
6. kennels,
7. trailer rentals,
8. automobile, motor vehicles, equipment repair of any kind,
9. painting of automobiles, motor vehicles, or equipment of any kind,
10. photo developing,
11. television, radio or other electronics repair,
12. tooling, welding, or machining of any kind,
13. retail or manufacturing of any kind,
14. tool or equipment rental of any kind,
15. restaurant or similar establishment,
16. salvage operations of any kind,
17. freight or trucking operations of any kind
18. contractors business, and
19. landscaping/lawn care business.

Permitted uses are deemed so until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.

Uses not specifically mentioned will be interpreted by the Zoning Administrator or BZA as to whether the use is permitted or not.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.

Impervious Surface: Any material that prevents absorption of stormwater into the ground.

Improvement Location Permit: A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or the pursuit of changes to the condition of the land.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industry, Light: See Manufacturing, Light
Industry, Heavy: see Manufacturing, Heavy

Industrial District: Refers to the C2 District.

Industrial Park: A planned industrial district not less than twenty (20) acres in area and is developed within the C3 district, in which buildings and land may be used for research, office, experimental or testing laboratories, light industrial, non-nuisance manufacturing, storage and distribution facilities and other customary uses.

Interior Lot: See Lot, Interior

Interstate: See Expressway

Junk: An automobile, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could also include such a vehicle which does not comply with State or Town vehicle laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard.

Kennel, Commercial: A place primarily for keeping four (4) or more dogs, or other small animals that are ordinarily bred for sale as pets. Also could include temporary care facility for compensation.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Livestock: See Farm Animals

Local Street: See Street, Local.

Lodging House: See Boarding House.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots.
Lot, Buildable:  See Lot, Improved

Lot, Corner:  A lot situated at the intersection of two (2) Streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

Lot Coverage:  The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth:  The horizontal distance between the front and rear lot lines.
**Lot, Developed:** A lot with buildings or structures.

**Lot Frontage:** All property of a lot fronting on a street right-of-way, as measured between side lot lines.

**Lot, Improved:** A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

**Lot, Interior:** A lot other than a corner lot or a through lot.

**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded.

**Lot, Through:** A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the
Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-Sac front lot widths shall be measured at the front yard set back line.
Maneuvering Space: An open space in a parking area which:

A. is immediately adjacent to a parking space;
B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
C. is not used for the parking of or storage of motor vehicles.

Manufactured Home: See Dwelling, Manufactured Home.

Manufactured Home Park: A parcel of land containing two or more spaces (sites), with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Mobile Home Park. A Mobile Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker / Monument (survey): A stake, pipe, rod, nail, or any other object which is intended to be a permanent point for record purposes.

Master Plan: See Comprehensive Plan.

Mobile Home: See Dwelling, Mobile Home.

Mobile Home Park: See Manufactured Home Park.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.


Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Non-Conforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Non-Conforming Use: A use which does not conform with the use regulations of the district in which it is located.

Nursing Home: See Rest Home.

Official Zoning Map: A map of the Town of Leo Cedarville, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Outdoor Storage: See Storage, Outdoor.

Owner: Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See Lot.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Parkway: See Street, Parkway.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the Town which guarantees that the subdivider will perform all actions required by the Town regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Zoning Administrator, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.
Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person

Pets: See Domestic Pets

Plan Commission: The Advisory Plan Commission of the Town of Leo Cedarville.

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Plat: A map or chart that shows a division of land and is intended to be filed for record.

Plat, Primary: The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary: The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings. Secondary plat approval is an administrative function to be carried out in the manner prescribed by the written rules of the Advisory plan Commission, either in public meeting of by Zoning Administrator.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See Street, Primary Arterial.

Primary Plat: See Plat, Primary.

Principal Building/Structure: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Private Street: See Street, Private.

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, 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.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street: See Street, Public.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

(SEE GRAPHICS FOR REAR YARD)

Rear Yard: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
Recreational Vehicle: A portable vehicular structure designed as a temporary dwelling for travel and vacation uses which:

A. is identified on the unit by the manufacturer as a travel trailer
B. is not more than eight feet six inches in body width
C. is of any weight provided its body length does not exceed forty feet
D. is a structure mounted on an automobile or truck
E. is designed to be used for sleeping and human habitation

Recreational Vehicle Park: Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy by recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A 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; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

See Flood Control Ordinance, Article 11.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

See Flood Control Ordinance, Article 11.

Residential District: Refers to the R1, R2, R3, R4 and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Leo Cedarville planning jurisdiction as stated in Indiana Code.

Rest Home/Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot
line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Right-of-Way:** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**ROW:** See **Right-of-Way**.

**Road:** See **Street**.

**Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

**Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

**Secondary Arterial:** See **Street, Secondary Arterial**.

**Setback:** The minimum horizontal distance between the building line and a lot line or right-of-way.

**Shared Housing:** Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of occupants does not exceed four (4) regardless of the number of bedrooms.

**Side Lot Line:** A lot boundary line other than a front or rear lot line.

(SEE GRAPHIC UNDER "SIDE YARD")

**Side Yard:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four-four (24) inches into that space.

**Sign:** A name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.
**Sign, Outdoor Advertising:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

**Sign, Temporary:** An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**Special Exception:** 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, is specifically authorized by the BZA.

**Storage, Outdoor:** The outdoor accumulation of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**Street:** Any vehicular that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

**Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Parkway:** A street with limited access (curb cuts), restricted parking, a substantial amount of landscaping usually including a landscaped median, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

**Street, Primary Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Private:** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and maintained by the owner(s).

**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

**Street, Secondary Arterial:** Street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from collector streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Structural Alterations:** Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

**Structure Height:** The vertical distance measured from the lot ground level to the highest point of the roof.

**Subdivision:** The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can do any of the following with one or more of the subdivided lots:

A. Transfer ownership.
B. Construct buildings.
C. Create new building sites for leasehold.

The actual location, shape and size of a parent tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Leo Cedarville Zoning Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the Leo Cedarville Zoning Ordinance was enacted. The following kinds of divisions are not subdivisions and are exempt from the rules of the Leo Cedarville Zoning Ordinance:

A. A division of land into two (2) or more tracts all of which are least ten (10) acres in size and have at least 200 feet of road frontage.
B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division;
C. A division of land pursuant to an allocation of land in the settlement of a decedent’s estate or a court decree for the distribution of property.
D. A division of land for federal, state or local government to acquire street right-of-way.
E. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site.

F. Property legally divided prior to adoption of this Ordinance.

Secondary Plat: See Plat, Secondary

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.

Temporary Improvement Location Permit: A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two (2) months.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

Thoroughfare Plan: The plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

Town: The Town of Leo Cedarville, Indiana.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Variance, Use: The approval of a use other than that prescribed by the zoning ordinance, an act granted by I.C. 36-7-4-918.3.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Villaminium: A single family dwelling on a single lot or parcel that may have a common external appearance and setback with adjoining dwellings, and community association or cooperative analysis.

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

Zoning Administrator: The officer appointed by and/or delegated the responsibility for the administration of this ordinance’s regulations by the Advisory Plan Commission. The Plan Commission is hereby designated as the Administrator for the purpose of administering and enforcing this ordinance and is the Town officer referred to herein wherever the term Administrator or Zoning Administrator appears.

Zoning Map: See Official Zoning Map