

Chapter 5

RESIDENTIAL DISTRICTS

5.01 Purpose of Residential District

- A. Achieve the residential objectives of the Comprehensive Plan.
- B. Protect the character of residential areas by excluding inharmonious commercial and industrial activities.
- C. Achieve a suitable environment for family by permitting in residential areas appropriate neighborhood facilities, such as churches, schools and certain cultural and recreational facilities.
- D. Preserve openness of the living areas and avoid overcrowding by requiring minimum yards, open spaces, lot areas, and by limiting the bulk of structures.
- E. Permit a variety of dwelling types and densities to meet the varying needs of families.
- F. Control the density of residential development to facilitate the planning for an economical provision of streets, utilities, and other public facilities.

5.02 Permitted Uses in all Residential Districts.

- A. **Permitted Uses.**
 - 1. Agricultural uses generally included - Crop Farming, Forestry (excluding Christmas Tree sales), Residential Greenhouses, Orchards, and Wineries.
 - 2. Single-family dwelling.
 - 3. Manufactured Home Type I as defined in Section 5.08.C-D of this Chapter.
 - 4. Cultural and Recreational Facilities. (Churches, Parks and Recreational Facilities, Libraries, Museums, etc.)
 - 5. Permanent Utility Structures for essential services.
 - 6. Home Occupations, non-traffic generation. See Chapter 12, Board of Zoning Appeals.
 - 7. Model Home - including information center.

8. Developmental Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities the requirements of I.C. 16-10-2.1 and I.C. 16-31.1.

5.03 Accessory Buildings, Structures & Uses Permitted in all Residential Districts.

Accessory Buildings, Structures and Uses which are subordinate and incidental to that of the primary use, and is a use other than human occupancy, are allowed under the provisions laid out in Section 2.06-2.09. Special Exceptions may be permitted as an accessory use provided they receive approval as provided in Chapter 12, Board of Zoning Appeals. In addition to those accessory uses in Section 2.06-2.09, the following uses set forth are permitted as accessory uses.

A. Child Care - in Home (4 or less)

1. A maximum of 4 non related children, may currently be cared for in the home without State Licensing. Five to 15 children, excluding those who reside in the residence, may be cared for in the home if the resident obtains a Special Exception and maintains continuous State Licensing.
2. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver if primary caregiver is unavailable.
3. No exterior alteration of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.
4. State licensed child care homes in existence on the effective date of this ordinance, but which would be prohibited by these requirements, may continue as otherwise regulated herein.

B. Signs. The following is a partial list of signs relating to residential areas only. All Signs must meet the General Sign Requirements of Chapter 11, Section 11.09. For more permitted Accessory Uses information on height and location of Signs, see Chapter 11. Signs must be erected and maintained as long as the requirements of this Ordinance and all applicable ordinances and codes of the County, State and Federal Government are met.

1. Church, Public or Semi-Public Buildings, or Public Park Identification

Sign: Not more than one sign per street frontage not exceeding 50 square feet in size per face. The sign shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.

2. Construction Sign: During the period of construction, a temporary sign advertising the construction of improvements on the premises, may be erected on each perimeter street of frontage of the development. The sign shall not exceed 50 square feet in surface area, nor 12 feet in height, and illumination, if any shall be by constant light.
3. Directional Signs: Two signs per entry/exit not exceeding 6 square feet in size per face unless such signs are installed by the Federal, State, County, or City government or agencies thereof.
4. Entrance Sign: a sign used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project, not a single entity or unit and will be a temporary sign during construction. The sign shall not exceed 120 square feet.
5. Facia Sign: A sign attached to or erected against a wall of a building.
6. Flashing Sign: Any sign which contains an intermittent or flashing light source.
7. Freestanding or Subdivision Sign: A sign which is completely or principally self-supported by posts or other supports independent of any building. The sign will not exceed 64 square feet per side.
8. Frontage: The length of the property line of any parcel along each street which it border.
9. Height of Sign: The vertical distance measured from the base ground level to the highest point of said sign.
10. Identification Sign: Any permanently attached freestanding, roof, or projecting on-premise sign which advertises or identifies the premises where a business, service or activity is located.
11. Incidental Sign: Any accessory sign which advertises goods, services or facilities which are available on the premises where the sign is located. Any sign required by law shall not be counted as an incidental sign.
12. Informational Sign: Informational signs, not exceeding 4 square feet in size per side nor a height of 4 feet from the ground, which identify the occupants, occupation, address, and/or information. Examples of permitted information signs generally include: privacy sign, seed sign, etc.

13. Marquee Sign: A sign displayed, erected or supported upon an overhanging marquee, canopy, awning or other similar cover or shelter.
14. Memorial or Tablet Sign: One sign not exceeding 6 square feet in size per face unless such signs are installed by the Federal, State, County, or City government or agencies thereof
15. Mobile Sign: A sign which is designed to be moved from one location to another and is not intended to remain as a permanent sign.
16. Multi-Faced Sign: Any sign in a three-dimensional configuration, including but not limited to cubes, spheres and cylinders.
17. Non-illuminated: Non-illuminated Home Occupation wall sign not exceeding 4 square feet wall-mounted on the dwelling
18. Off-Premise Sign: Any sign located on premises other than those of the business or activity it is intended to identify or describe.
19. On-Premise Sign: Any sign located on premises other than those of the business or activity it is intended to identify or describe.
20. Painted Graphics: Any advertisement painted directly onto the wall of a building.
21. Political Sign: Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.
22. Projecting Sign: A sign which is affixed to any building, wall or structure and extends greater than 18 inches beyond the building wall or parts thereof
23. Property Real Estate Signs: One sign per lot frontage not exceeding 8 square feet in size per face.
24. Public Information Sign: Signs of a public, non-commercial nature to include safety signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, and all signs erected by or on order of a public office in the performance of a public duty.
25. Real Estate Sign: An on-premise sign pertaining to the sale, construction, rental or lease of the property upon which it is located.
26. Roof Sign: A sign erected upon or above a roof or parapet of a building.

27. Special Displays and Other Temporary Signs: See Section 11.11 of this Ordinance.
28. Temporary Sign: A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard or other light material.

5.04 Special Exceptions Permitted in all Residential Districts.

Special Exceptions are the authorization of a building, structure or use that is not designated as permitted within a district, but if specifically listed may be permitted if it meets special conditions, and upon application, is specifically authorized by the South Whitley Board of Zoning Appeals. The following buildings, structures and uses can be permitted in any residential district provided a Special Exception is obtained by the criteria as set forth in Chapter 12, Board of Zoning Appeals:

Cemeteries

Child Care for five to fifteen Children; State License required.

Clinics

Community Services (Ambulance Depot, Emergency and Protective Shelters, Fire Stations, Water Tower Treatment Plants, Etc.)

Electronic Communication Tower

Funeral Homes

Home Occupations, traffic generating.

Hospitals

Mental Health Facilities

Nursing Home

Parking Lots, for uses other than those permitted as of right in a residential area.

Public or Private primary or secondary schools.

Real Estate Office.

5.05 R-1 Single-Family Residential District

This district, although very suitable for agricultural uses in many locations, is designed to also permit low density single-family residential development, and is adaptable to urban and suburban locations.

A. Regulations and Performance Standards: The following regulations shall apply in the R-1 Single-family Residential District in addition to the General Provisions in Chapter 2.

1. **Lot Area:** When a sewer is not available, no permitted use or special exception shall be allowed on a new lot in the "R-1" Districts unless the proposed lot contains

an area of at least 80,000 square feet. If there is a sewer available that will allow the lot to hook onto the sewer, then the lot shall contain not less than 20,000 square feet. If there are water and sewer lines available that will allow the lot to hook up to these utilities, then the lot shall contain not less than 10,000 square feet.

2. **Lot Width:** When a sewer is not available, the minimum lot width shall be 150 feet at the building line. The minimum lot wide shall average 150 feet. In cases where the depth is less than the width, the lot depth shall average 150 feet.

When a sewer is available, the minimum lot width shall average 100 feet at the building line. The lot width shall average 100 feet, and when the depth is less than the width, the lot depth shall average 100 feet. When water and sewer is available, the minimum lot width shall be 75 feet at the building line. The lot width shall average 75, and when the depth is less than the width, the lot depth shall average 75 feet.

3. **Lot Frontage:** All lots within the "R-1" District shall maintain a minimum of 60 feet of frontage on a publicly or privately maintained street or 35 feet when located on the radius of a cul-de-sac. The minimum frontage requirement shall run continually to the building line. The lot width must be a minimum of 60 feet at the building line.

4. **Yard and Setback Requirements:**

- a. **Front Yard:** Not less than 25 feet from the property line.
- b. **Side Yards:** Least width of either side yard shall not be less than 10 feet except in the case of a corner lot, where the side yard on the street side shall not be less than the required front yard setback.
- c. **Rear Yard:** Not less than 30 feet.

5. **Height Requirement:** Except as otherwise provided, the following height requirements shall apply to all buildings, structures and uses in this district.

- a. All Primary Structures shall not exceed a height of 35 feet.
- b. General and Specialized Farm Buildings and Structures shall not exceed a height of 50 feet. (Ref. Section 2.04.C)

6. **Ground Floor Area:** The minimum size of a residential structure shall be 950 square feet of living area for a single-story structure. The minimum size of a residential structure shall be 1,200 square feet for a multiple-story structure. This number excludes all garages, porches, and basements, which do not include living area.

7. Lot Coverage: The maximum lot coverage in a residential district is 35 percent of the entire lot.

8. Off-Street Parking: For residential uses, two parking spaces per dwelling unit, excluding garages. For non-residential uses, please see Chapter 10.

B. Permitted Uses: The permitted uses include only those listed in Section 5.02 Permitted uses in all residential Districts. The permitted accessory structures and buildings in all Districts are listed in the General Provisions, Chapter 2, Sections 2.06-2.09.

C. Accessory Uses: Accessory Uses include only those uses listed in Section 5.03 of this Chapter Accessory Buildings, Structures and Uses in all Residential Districts and Sections 2.06-2.09.

D. Special Exceptions: Special Exceptions include only those uses listed in Section 5.04, Special Exceptions allowed in all Residential Districts. The Special Exception Criteria is set forth in Chapter 12, Board of Zoning Appeals.

5.06 R-2 Two-Family Residential District

This district is designed to accommodate one-family and two-family dwellings in areas where other multi-family housing would not be desirable. This district may also be used to provide a transition area between single-family residential areas and more intensively used areas.

A. Regulations and Performance Standards: The following regulations shall apply in the R-2 Two-family Residential District in addition to the General Provisions in Chapter 2.

1. Lot Area: When a sewer is not available, no permitted use or special exception shall be allowed on a new lot in the "R-2" District unless the proposed lot contains an area of at least 80,000 square feet. If there is a sewer available that will allow the lot to hook onto the sewer, then the lot shall contain not less than 20,000 square feet. If there are water and sewer lines available that will allow the lot to hook up to these utilities, then the lot shall contain not less than 10,000 square feet.

2. Lot Width: When a sewer is not available, the minimum lot width shall be 150 feet at the building line. The minimum lot width shall average 150 feet. In cases where the depth is less than the width, the lot depth shall average 150 feet. When a sewer is available, the minimum lot width shall be 90 feet at the building line. The lot width shall average 90 feet, and when the depth is less than the width, the lot depth shall average 90 feet. When water and sewer is available, the minimum lot width shall be 60 feet at the building line. The lot width shall average 60 feet, and

when the depth is less than the width, the lot depth shall average 60 feet.

3. Lot Frontage: All lots within the "R-2" District shall maintain a minimum of 60 feet of frontage on a publicly or privately maintained street or 35 feet when located on the radius of a cul-de-sac. The minimum frontage requirement shall run continually to the building line. Lot width must be a minimum of 60 feet at the building line. (Ref 505.3)

4. Yard and Setback Requirements:

a. Front Yard: Not less than 25 feet from the property line.

b. Side Yards: Least width of either side yard shall not be less than 8 feet except in the case of a corner lot, where the side yard on the street side shall not be less than the required front yard setback.

c. Rear Yard: Not less than 10 feet.

5. Height Requirement: Except as otherwise provided, all buildings, structures and uses in this district shall not exceed a height of 35 feet.

6. Ground Floor Area: The minimum size of a residential structure shall be 950 square feet of living area for a single-story structure. The minimum size of a residential structure shall be 1,200 square feet for a multiple-story structure. This number excludes all garages, porches, and basements, which do not include living area. In a multi-family dwelling unit shall have at least 750 square feet of living area.

7. Lot Coverage: The maximum lot coverage in a residential district is 35 percent of the entire lot for a two-family residence and 50 percent for a multi-family residence.

8. Off-Street Parking: For residential uses, two (2) parking spaces per dwelling unit, excluding garages. For non-residential uses, please see Chapter 10.

B. Permitted Uses: The permitted uses include all those permitted uses in the R-1 Single-family District. In addition, two-family dwelling units, duplexes and duplex condominiums are permitted uses. Prior to the issuance of an Improvement Location Permit for the conversion of an existing single-family dwelling to a two-family dwelling, all provisions set forth herein for a two-family dwelling shall be met.

C. Accessory Uses: Accessory uses include only those uses listed in Section 5.03 Accessory Buildings, Structures and Uses in Residential Districts and Sections 2.06-2.09.

D. Special Exceptions: In addition to the Special Exceptions listed in Section 5.04.C, Special Exceptions allowed in all Residential Districts, the R-2 Residential District allows for a Special Exceptions of Alcoholism & Drug Abuse Treatment Centers, Bed & Breakfast facilities and Children's Homes & Halfway Houses. The Special Exception criteria is set forth in Chapter 12, Board of Zoning Appeals.

5.08 Manufactured Housing

A. Intent: It is recognized that under Title 36-7-4-1106 of the Indiana Code, 1988 Edition, certain forms of Manufactured Housing may not be totally barred from those zoning districts where other forms of residential housing are generally allowed. It is the intent of these regulations to identify those forms of manufactured homes which may be located outside of manufactured home developments as well as to identify those requirements and limitations applicable to them in conformance with State law.

B. Definitions for Manufactured Housing:

1. **Manufactured Home:** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.). This seal is currently placed on the outside on the back left side. It is currently silver framed with a red background.
2. **Modular Home:** A dwelling unit, designed and built in a factory, which bears a Indiana Modular Unit label, stating it was built in compliance with applicable state laws. This label is currently placed in the electrical box.

C. Classification of Qualifying Manufactured Homes: Qualifying manufactured homes shall be classified either a Type I or Type II manufactured home as defined herein.

1. **Type I Manufactured Home:** A Type I manufactured home shall be a dwelling unit consisting of a double section or larger multi-section unit. These units may be either federally inspected manufactured homes or state inspected modular homes for the purpose of this ordinance. Use of an "expando or add-a-room unit" in conjunction with a single-section manufactured home shall not be considered a qualifying dwelling unit for this classification.
2. **Type II Manufactured Home:** A Type II manufactured home shall be a dwelling unit consisting of a single section, either with or without expando or add-a-room units. A mobile home as defined in Section 5.08.B is a Type II manufactured home for the purpose of this ordinance.

D. Qualifying Manufactured Homes: Manufactured housing meeting the following criteria may be located outside of manufactured home developments and within those

zoning districts where other forms of residential housing are allowed, subject to the requirements and limitations of the respective districts.

1. Such manufactured homes shall:
 - a. have been constructed within the last 10 years and a location permit issued within this minimum period of time.
 - b. have more than 950 square feet of occupied space;
 - c. have siding material of a type customarily used on conventionally built residences, as specified in Section 5.08.E.1 of this Chapter;
 - d. have roofing material of a type customarily used on conventionally built residences, as specified in Section 5.08.E.1 of this Chapter;
 - e. be placed onto a permanent foundation in accordance with approved installation standards, as specified in Section 5.08.E.3 of this Chapter;
 - f. utilize a permanent perimeter base enclosure in accordance with approved installation standards; as specified in Section 5.08.E.4 of this Chapter;
 - g. have the wheels, axles, and hitch mechanisms removed;
 - h. be anchored to the ground, in accordance with the State's One and Two Family Dwelling Code and manufacturer's specifications;
 - i. have utilities connected in accordance with the State's One and Two Family Dwelling Code and manufacturer's specifications; and
 - j. receive all required permits and inspections, and conform with the Zoning Ordinance and all other South Whitley Ordinances.

E. Appearance/Installation Standards

1. **Approved Siding Materials:** Type I and II manufactured homes shall use one or more of the following siding materials:
 - a. Residential horizontal aluminum lap siding
 - b. Residential horizontal vinyl lap siding
 - c. Cedar, Redwood, or other decorative wood lap siding
 - d. Wood grain, weather resistant, press board siding

- e. Stucco siding
- f. Brick or stone siding

The Board of Zoning Appeals may approve other forms of residential siding as a Special Exception in those instances where it can be specifically shown by the applicant that the material proposed is compatible with that used on conventionally built housing in the immediate neighborhood of the proposed location. Vertical, riveted or welded metal siding shall not qualify for consideration under this provision.

2. Approved Roofing Materials: Type I and II manufactured homes shall use one of the following roofing materials on a roof pitched according to the design specifications of the respective material:

- a. Fiberglass shingles
- b. Shake shingles
- c. Asphalt shingles
- d. Tile materials

The Board of Zoning Appeals may approve other forms of roofing materials as a Special Exception in those instances where it can be specifically shown by the applicant that the material proposed is compatible with that used on conventionally built housing in the immediate neighborhood of the proposed location. Tarpaper, tar or asphalt "build-up" roofs, or riveted or welded metal roofing shall not qualify for consideration under this provision.

3. Permanent Foundation: Type I and II manufactured homes shall be placed upon a permanent foundation. For the purposes of this Ordinance, a "permanent foundation" is defined as a structural system that:

- a. transfers loads imposed by the home to firm substrata;
- b. has a lower surface placed below the frostline;
- c. is attached to the home in such a way as to secure the home to the foundation so that the home becomes a part of the real estate; and
- d. causes the home to be assessed for taxation as an improvement to the real estate.

The design and construction of these load-bearing foundations shall be in conformance with the requirements of the Indiana One and Two Family Dwelling

Code, and with the manufacturer's installation specifications.

4. **Permanent Perimeter Enclosure:** Type I and II manufactured homes shall utilize a permanent perimeter enclosure. For the purposes of this Ordinance, a "permanent perimeter enclosure" shall mean a structural system consisting of materials such as Portland cement, mortared cement block, or mortared brick completely enclosing (with the exception of required openings) the space between the floor joists of the home and the under-floor grade. The permanent perimeter enclosure and the permanent foundation may be constructed as a unified structural system for those homes with a design compatible with such an approach. Design and construction of the permanent perimeter enclosure shall comply with the requirements of the Indiana One and Two Family Dwelling Code.
5. **Structural Alteration:** Due to its integral design, any structural alteration or modification of a manufactured home after it is placed on the site shall be approved by the authorized County building administrator.

5.09 Non-Conforming Manufactured Homes:

- A. **Non-Conforming Homes:** Where, on or before the date of adoption of these ordinances, a manufactured or mobile home has been lawfully placed and maintained on a tract of land that would no longer be permissible under the provisions of this Ordinance, such home may be continued to be used, at that location, so long as it conforms to the other applicable requirements of this Ordinance.
- B. **Replacement of Non-Conforming Homes:** If following the date of adoption of these Ordinances, should a non-conforming manufactured or mobile home be removed, it shall only be replaced by a manufactured home conforming to the requirements of this Ordinance.

5.10 Manufactured/Mobile Home Park

- A. **Purpose:** The Manufactured/Mobile Home Park (MMHP) designation is intended to provide for and encourage, the organization and development of mobile homes and other pre-manufactured dwellings in a single-family residential neighborhood setting, and to:
 1. bring about manufactured home developments which are an asset to the community and to prevent the development of those which would be a detriment to the community.
 2. to promote manufactured home developments with the character of residential neighborhoods.

3. to protect the health, safety and welfare of manufactured home residents and the surrounding community.
4. to harmonize this type of residential development with other existing and proposed land uses.
5. to assure adequate service by essential public facilities and services such as roads, police, water and sewers, drainage structures, and that the establishment of any manufactured home development shall not equal excessive public expense for the facilities and services.

B. Location of Manufactured/Mobile Home Park: To adequately insure the purpose of the Manufactured/Mobile Home Park designation, applicants will be required to be in an R-2 Residential District and to acquire a Special Exception as set forth in Chapter 12, Board of Zoning Appeals.

C. Limitation on Permitted Uses: Within all non-conforming parks, the permitted uses of such parks shall be limited to the following:

1. Manufactured Homes, Mobile Homes and Modular Homes
2. Accessory buildings or structures, under park management and supervision, used only as office space, storage, laundry facilities, recreation facilities, garage storage, or other necessary service for park resident use only. An accessory building or structure shall not exceed twenty-five (25) feet in height, or two (2) stories; and shall meet the requirements of the South Whitley Building Code.
3. Each residence may have one (1) accessory building on a lot. The accessory building shall not exceed a height of sixteen (16) feet, nor two (2) stories in height, nor be closer than five (5) feet from any side or rear property line.
4. Signs as regulated by Chapter 11, Signs.
5. Location permits will be issued by the Whitley County Building Department.

D. General Regulations:

1. **Minimum Development Area:** The total land area of a manufactured home development shall be not less than 10 acres.
2. **Application of Regulations:** A manufactured home unit shall not be permitted to occupy a site, either initially when brought into a manufactured home development or upon addition to or replacement of an existing manufactured home, which violates the yard or area requirements established herein. It is recognized that due to the pre-manufactured nature of such homes, lots exceeding the minimum area requirements of this Ordinance may be necessary to accommodate some models

within the required yard setbacks. Recognizing this fact, it is assumed that suitable provision will be made by the developers of the manufactured home development in their advance planning to provide for such homes in their design. **Based upon this guideline, the fact that the size of a particular home, or class of home, would create a violation of any of the yard requirements of this Ordinance when applied to a specific lot, shall not, in itself, be considered an adequate basis for the granting of a variance from such requirements.** Further, it is the express intent of this Ordinance to encourage and promote manufactured home developments similar in nature to and recognizable as, single-family residential neighborhoods. **The mere desire of an individual to rezone a single lot, or a series of lots not clearly in conformance with the intent, shall not be considered adequate basis for a variance from the minimum development size requirements previously stated in this Chapter.**

3. **Recorded Plat Required:** No permit for the erection or location of a manufactured home within a manufactured/mobile home park shall be issued until a subdivision plat for the land encompassed by the manufactured home park has been approved in accordance with the requirements of the Subdivision Regulations. It is the intention of this requirement to provide for the eventual sale of the lots within the manufactured home development to the home owners who shall reside upon those lots. The recording of a site plan or other similar instrument shall **not** be considered as meeting this requirement.
4. **Minimum Accommodations:** Recognizing that a variety of manufactured buildings exist not specifically designed for residential purposes, each manufactured home placed, erected or located within a manufactured home development shall contain, at a minimum, a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
5. **Permanent Foundation/Perimeter Enclosure Required:** All manufactured homes located within an approved manufactured home development shall be placed upon a permanent foundation and provided with a perimeter enclosure as defined by Section 5.08.E.4 of this Chapter. For the purposes of this Ordinance, placement of a manufactured home upon uniform jacks or blocks, upon a concrete pad, skirted with sheet metal, aluminum, wood, or other temporary material, and secured by tie-downs, shall not be considered a permanent foundation and perimeter enclosure meeting this requirement.

E. Area Regulations and Performance Standards:

1. Park Area Regulations and Performance Standards:

- a. The minimum area for a Manufactured/Mobile Home Park is ten acres.

- b. Buffer Zone: A 40 feet wide buffer zone along the perimeter of the Manufactured/Mobile Home Park shall contain plantings so as to provide an opaque barrier, or screen, between the park and adjacent property and along adjacent roadways. No plantings or other visual barriers shall encroach beyond the Home Park property line. No home or accessory structure shall encroach upon the buffer zone.
- c. Manufactured homes shall be located on lots containing an area of at least 4,500 square feet, or more.
- d. For uses other than manufactured homes, the lot area shall be adequate to provide the yard area required to meet the setback requirements of this District and the off-street parking requirements contained in Chapter 10, but in no case shall be less than 4,500 square feet.
- e. Not less than 10%, exclusive of community building facilities, of the gross area of the parks, and not less than 10% of any expansion area, must be improved for recreational activity for the residents of the park.
- f. Entrance/Exit: the park shall be provided with primary and secondary access points with suitable signage placed in a landscaped setting.

2. Individual Lot Area Regulations and Performance Standards:

- a. Minimum lot depth shall be 100 feet.
- b. Minimum lot width at the minimum building setback line shall be 45 feet. Where a lot fronts on a cul-de-sac, a 35 foot lot width at the street right-of-way is required. Lot width must be a minimum of 60 at the building line (Ref 505.3)
- c. Front yard setback: Not less than 25 feet.
- d. Side yards setback: Not less than 8 feet on each side of the dwelling.
- e. Rear yard setback: Not less than 10 feet.
- f. Height requirements: The height of structures within the park shall not exceed 25 feet or two stories. Accessory structures shall not exceed 16 feet.
- g. Off-street parking: Off-street parking for 2 vehicles shall be provided for each home (excluding the garage). In no case shall that portion of the paved area designated for the off-street parking encroach upon the street right-of-way.

F. Development Standards:

- 1. Design and Construction of Improvements:** All improvements, including but

not limited to roadways, sidewalks, storm drainage facilities, water distribution facilities and sanitary sewer facilities shall be designed and constructed in conformance with the adopted standards and specifications of the Town of South Whitley for public improvements whether intended as private improvements maintained by the owner(s) or for eventual dedication to the Town.

2. **Access:** A lot within a manufactured home development shall have frontage on, and access to, a public or private street. Where double-frontage lots occur, access shall be limited to the minor street.
3. **Sidewalks:** Sidewalks not less than 4 feet in width shall be required on both sides of all interior streets. In those instances where the manufactured home development borders one side of an arterial or collector street, sidewalks conforming to this requirement shall only be required upon that side of the street.
4. **Underground Utilities:** All electric, telephone, and other utilities extended within the home development to each lot shall be constructed underground. All water and sanitary sewage service connections shall not exceed 10 feet in length above ground directly beneath the manufactured home, and shall be suitably protected against freezing.
5. **Street Trees Required:** A deciduous tree of a minimum of two (2) inches in caliper as measured one (1) foot above the ground level shall be planted on each lot within the manufactured/mobile home park

Some trees, such as ailanthus, silver maple, poplar, boxelder, catalpa or willow have roots which penetrate through or under the surface of any public place in the Town, therefore they are hereby declared to be an undesirable species of tree for street planting.

6. **Landscape Maintenance:** The landscaping materials depicted upon the approved plat shall be considered a binding element of the project. The developer, his successor, or subsequent owners of the overall development shall be responsible for its continued maintenance. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be removed and replaced within the next planting season. This maintenance responsibility shall rest with the developer and subsequent owners for the duration of the manufactured/mobile home park.
7. **Street Lights:** Street Lights are required to be put in at the developers expense, as per Town Council.

5.11 **Non-Conforming Manufactured/Mobile Home Parks:**

- A. **General:** Mobile home parks are a historic anachronism. Originally designed to serve the same function as today's recreational vehicle parks and campgrounds,

changes in technology and the public's attitudes towards the use of mobile homes as residences have largely changed mobile home parks from locations of temporary occupancy to locations of permanent residence. Unfortunately, as mobile homes have become larger and more permanent, the design and organization of mobile home parks have not correspondingly changed to keep pace. As a result, such parks often reflect unacceptable density of development, lack of open space, substandard private improvements, and a general lack of amenities, among other problems, not conducive to the development of a single-family residential neighborhood.

B. Intent: Non-conforming mobile home parks are declared by this Ordinance to be incompatible with the buildings, structures, and uses permitted by this Ordinance. Such parks are not to be expanded and should be reduced to conformity as quickly as the fair interest to the parties involved will permit. With this background, it is the intent of this Section to permit such non-conforming parks to continue until such time as they are discontinued, damaged (see Section 5.11.G of this Chapter), or removed.

C. Application of the Regulations: Where, on the date of adoption, or amendment of this Ordinance, a lawful mobile home park existed that is no longer permissible under the provisions of this Ordinance, such mobile home park may continue so long as it remains otherwise lawful subject, to the following provisions.

1. Violations Not Validated: A non-conforming mobile home park in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of this Ordinance.
2. Enlargement: No such non-conforming mobile home park shall be enlarged, expanded or extended to occupy on the date of adoption or amendment of this Ordinance and no additional accessory use, building, or structure shall be established thereon, unless in complete compliance with the requirements of this Ordinance. Nor shall the mobile homes within the existing site be rearranged to increase their number or density within the existing confines of the park.
3. Relocation: No such non-conforming mobile home park shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Ordinance.

4. Destruction: Should any such non-conforming mobile home park be destroyed by any means to an extent of fifty (50) or more percent of its replacement, it shall not be reconstructed except in conformity with the requirements of this Ordinance (see Section 5.11.B of this Chapter).
5. Discontinuance: If such non-conforming mobile home park ceases to exist for any reason for a period of more than one hundred and eighty (180) consecutive days (except where government action causes such cessation) the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the District in which such parcel or lot is located.

D. Ownership: Non-conforming mobile home parks shall remain in one ownership and shall be primarily designed for the purpose of renting spaces for the placement of mobile home dwelling units. In no instance shall a non-conforming mobile home park be sold as individual lots for permanent mobile home residence.

E. Minimum Distances: Within all non-conforming mobile home parks, the minimum distances maintained between mobile homes shall be maintained as they currently exist on the date of adoption of this Ordinance, subject to no existing violation being present from the previous ordinance which this Ordinance repeals. In no case shall the mobile homes within a non-conforming mobile home park be rearranged to increase their number or density within the existing confines of the park. In addition, these minimum distances shall be subject to the health and safety requirements of the Town's adopted Building Fire Codes, applicable State laws, and/or a development plan previously approved by the Town of South Whitley.

F. Minimum Accommodations: All mobile homes within non-conforming mobile home parks shall be subject to the requirements of Section 5.10.D.4 of this Chapter.

G. Limitation on Permitted Uses: Within all non-conforming mobile home parks, the permitted uses of such park shall be limited to the following:

1. Manufactured Homes, Mobile Homes and Modular Homes
2. Accessory buildings or structures, under park management and supervision, used only as office space, storage, laundry facilities, recreation facilities, garage storage, or other

necessary service for park resident use only. An accessory building or structure shall not exceed 25 feet in height, nor 2 stories; and shall meet the requirements of the South Whitley Building Code.

3. Each residence may have 1 accessory building on a lot. The accessory building shall not exceed a height of 12 feet, nor 2 stories in height, nor be closer than 5 feet from any side or rear property line.
4. Signs as regulated by Chapter 11.

H. Periodic Replacement of Mobile Homes: Recognizing the mobile home parks are designed for the purpose of renting or leasing locations for mobile homes owned by others, it is understood that, from time-to-time, existing mobile homes within the park will be replaced. Such replacements are permissible, provided the other requirements of this Ordinance are maintained.

I. Park Maintenance: Park owners and management are required to maintain the physical and natural facilities and features of the park in a neat, orderly and safe condition.

J. Parking: No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner.

K. Siding/Skirting: All manufactured or mobile homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and back-up framing shall be of weather-resistant, non-combustible or self-extinguishing materials, which blend with the exterior siding of the home. Below grade level and for a minimum distance of 6 inches above finish grade, the materials shall be unaffected by decay or oxidation. The siding shall be installed in accordance with the manufacture's recommendations or approved equal standards. The siding shall be ventilated by openings, which shall have a net area of not less than 1 1/2 square feet for each 25 linear feet of exterior perimeter. The openings shall be covered with corrosion resistant wire mesh not larger than 1/2 inch in any dimension. The under-floor area shall be provided with an 18 inch by 24 inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the under-floor space, or other approved access mechanism.

L. Support System: All Mobile Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation

specifications or with the Support System regulations in the ANSI/NFPA 501A 1977 Installations Standards.

M. Existence of a Non-Conforming Mobile Home Park: In cases of doubt, and on specific questions raised concerning whether a mobile home park has non-conforming status, or if an element of such park has non-conforming status, it shall be treated as a question of fact and shall be decided by the Board of Zoning Appeals.