

**ORDINANCE NO. 2023-03
OF THE TOWN OF FRENCH LICK, INDIANA**

**An Ordinance Amending and Restating
The Zoning Code for
The Town of French Lick**

WHEREAS, the Town Council (the "Council") of the Town of French Lick, Indiana (the "Town") wishes to improve the health, safety, convenience, and welfare of the citizens residing in and around the Town; and

WHEREAS, the Council wishes to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; and

WHEREAS, the Council wishes to lessen or avoid congestion in public ways; and

WHEREAS, the Council wishes to develop the Town and to plan for the future growth and development of the Town so that the street and highway systems will be carefully planned, that new communities will grow only with adequate public way, utility, health, educational, and recreational facilities, that the needs of agriculture, industry, and business will be recognized in future growth, that residential areas will provide healthful surroundings for family life, and that the growth of the community will be commensurate with and promotive of the efficient and economical use of public funds; and

WHEREAS, the Council wishes to provide for future growth and development in a manner that is consistent with goal of developing the Town into a world class destination resort; and

WHEREAS, the Council finds that achieving the goal of developing the Town into a world class destination resort will require the Council and the other instrumentalities of the Town to place a special emphasis on protecting the historic and architectural heritage of the community so that tourists visiting the Town will be presented with a consistent overall theme, thereby increasing the appeal of the Town to such tourists; and

WHEREAS, the Council finds that creating a world class destination resort with a consistent historic theme will have a significantly positive effect on the future development of the Town as well as on the overall local economy, and

WHEREAS, the Council finds that a failure to adequately emphasize preservation of the historic and architectural heritage of the community will cause the effort to create a world class destination resort and to improve the overall local economy to be less successful, all to the detriment of the general welfare of the community and the citizens of the Town; and

WHEREAS, the Council finds that examples of buildings and other structures that must be protected are set forth in Exhibits A through D to this ordinance and are hereby incorporated by reference; and

WHEREAS, the Town has the authority under I.C. § 36-1-3-6 and I.C. § 36-7-4 et. seq. to undertake such endeavors; and

WHEREAS, the Council has established the French Lick Plan Commission (Plan Commission) by way of Ordinance 03-09, passed December 23, 2003; and

WHEREAS, the Plan Commission adopted a Comprehensive Plan for the Town on June 23, 2004 and the same was adopted by the Council on July 19, 2004; and

WHEREAS, the Council wishes to implement the general concepts set forth in the Town's Comprehensive Plan; and

WHEREAS, the Plan Commission has undertaken the task of preparing and regularly updating a zoning ordinance for the Town in a manner that is consistent with the comprehensive plan; and

WHEREAS, the first version of the zoning ordinance was adopted by the Plan Commission and then enacted by the Council on June 20, 2005; and

WHEREAS, the Plan Commission and the Council have since identified certain aspects of the zoning ordinance that should be amended in order to better serve the needs of the Town; and

WHEREAS, as a result, the Plan Commission have enacted various amendments to the zoning code; and

WHEREAS, the Plan Commission has since studied and discussed the proper way to regulate signage in the Highway 145 Commercial District, so as to allow for limited placement of Outdoor Advertising Signs to serve businesses, and the Plan Commission has prepared an amendment to the zoning ordinance consistent with the discussion; and

WHEREAS, the Plan Commission has conducted a duly noticed public hearing on the aforementioned amendment; and

WHEREAS, the Plan Commission subsequently approved this amended and restated version of the zoning ordinance for the Town and recommended passage of the same to the Council; and

WHEREAS, the Council finds that the terms of this amended zoning ordinance are consistent with and promotive of the overall objectives of the Town, as set forth and described in these findings; and

WHEREAS, the Council wishes to adopt this zoning ordinance, as amended and restated, so that it may more easily achieve the goals set forth in the Comprehensive Plan.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY the Town Council of the Town of French Lick, Orange County, Indiana, as follows:

I. General Provisions.

A. Short Title. This Ordinance shall be known as the French Lick Zoning Code.

B. General Purpose. The purpose of the French Lick Zoning Code is to aid in implementing the general policies and goals set forth in the Comprehensive Plan for French Lick, Indiana that was adopted by the Plan Commission on June 23, 2004 and by the Council on July 19, 2004.

C. Composition of Zoning Code. The French Lick Zoning Code consists of the regulations and procedures set forth in this ordinance, as well as the Zoning Maps and any other documents that are specifically incorporated by reference throughout this ordinance. The section titles and headings are included for ease of reference only, and are not intended to affect the interpretation of the French Lick Zoning Code.

D. Statutory Authority. The Town is adopting this ordinance under the authority of I.C. § 36-1-3-6 and I.C. § 36-7-4 *et.seq.*

E. Compliance with Zoning Code. Except as otherwise specified herein, all land Uses, Lots, and Structures within the jurisdiction of the French Lick Plan Commission must be in compliance with the French Lick Zoning Code.

F. Applicability.

1. Land. The provisions of this ordinance shall apply to all land area under the jurisdiction of the Plan Commission.

2. Streets and Rights-of-Way. Streets and other rights-of-way, such as utility easements, shall be governed by this ordinance to the extent this ordinance is not preempted by state or federal regulations.

3. Private Agreements. The provisions of this ordinance shall not affect private agreements such as easements, covenants, and restrictions. In the event that the terms of this ordinance differ from those of a private agreement, the Town shall enforce only the terms of this ordinance. Enforcement of private agreements may be done by the parties to those agreements.

4. Local Emergency. In the event of a local emergency of sufficient scale that the citizens and business owners in the Town are faced with a need to undertake emergency repairs to a significant number of Structures throughout the Town, then the Council may, by written resolution, temporarily modify or suspend only such portions of this ordinance as may be necessary to facilitate repairs. Such suspension may be for a period not to exceed thirty days.

5. Government Agency Exemption. Any work to be completed by a government agency on publicly owned property that lies in a street right-of-way within the territorial jurisdiction of the Plan Commission shall be exempt from any requirement to secure a Building Permit prior to beginning work. Further, property owned by the Springs Valley School Corporation shall be exempt from the Use Classifications and Property Development Regulations of the Downtown General District (Section III (D)(2) and Section III (D)(3)). These exemptions do not waive any other requirements for compliance with this ordinance.

G. Minimum Requirements. Except as specifically set forth herein, all standards set forth in the French Lick Zoning Code shall be considered minimum standards.

H. Establishment of Zoning Districts. The following zoning districts are hereby established: 1) Hotel and Casino; 2) Hwy. 145 Commercial; 3) Northern Boulevard Commercial; 4) Southern Boulevard Mixed; 5) Downtown General; 6) Downtown Tourist; 7) General Residential; 8) Hillside Residential; 9) Buffer Zone Mixed and 10) Buffer Zone Rural.

I. Rules for Interpretation. The French Lick Zoning Code shall be interpreted according to the following general principals; however, nothing in this section shall be construed as limiting the power of the Plan Commission, the Plan Director, and the French Lick Board of Zoning Appeals to interpret the French Lick Zoning Code:

1. Interpretation of Zoning Map. The boundaries of each Zoning District are shown on the Zoning Map. Zoning districts may only be changed by amending this ordinance. When the exact boundaries of a zoning district are uncertain, they shall be determined by use of the Zoning Map. If the Zoning Map includes versions with lower and higher resolutions, then any

perceived discrepancy between versions of the Zoning Map shall be resolved in favor of the version of the Zoning Map with the highest resolution.

2. Interpretation of Uses. All residential land Uses are defined in the Definitions section of this ordinance. Unless otherwise specified, all non-residential land Uses are defined by referring to the descriptions set forth in the North American Industry Classification System, 2002. Certain non-residential land Uses (i.e. Sexually Oriented Business) may also be defined in this ordinance under Special Definition Uses. For purposes of interpretation, if a Use defined in the North American Industry Classification System also falls within a definition found under Special Definition Uses, then that use shall be considered a Special Definition Use for purposes of this ordinance, and any regulations that apply to the Special Definition Use will control.

Example: If a Use falls under the North American Industry Classification System definition of "Snack and Nonalcoholic Beverage Bars", then the regulations found in this ordinance applying to that Use will govern. However, if the Snack and Nonalcoholic Beverage Bar features nude employees, then it will also fall under the Special Definition Use of "Sexually Oriented Business". In that case, if there is a conflict between the regulations applying to Snack and Nonalcoholic Beverage Bars and those applying to Sexually Oriented Businesses, the regulations applying to Sexually Oriented Businesses will control and the Use will be considered a Sexually Oriented Business for purposes of this ordinance.

3. Interpretation of Use Table. The Use Table consists of a vertical column that lists all of the Uses defined under the French Lick Zoning Code and a horizontal row that lists all of the zoning districts. Appropriate Uses for each zoning district may be determined by finding the relevant zoning district column on the Use Table and reading down the column. Appropriate zoning districts for each Use may be determined by finding the relevant Use on the Use Table and reading across the row. Uses that are designated with the letter "P" under a zoning district's column on the Use Table are permitted in that zoning district. Uses that are not designated with a letter under a zoning district's column on the Use Table (blank boxes) are not permitted in that zoning district. Uses designated with the letter "S" under a zoning district's column on the Use Table require a Special Exception issued by order of the Board of Zoning Appeals prior to locating in that zoning district. Uses requiring a Special Exception may or may not be allowed by the Board of Zoning Appeals; and, when allowed, may be subject to special developmental and operational requirements to be determined by the Board of Zoning Appeals.

4. Interpretation of Procedures. Procedures for permit applications, variances, appeals, Special Exceptions, etc. will be governed by the rules adopted by the Plan Commission or the Board of Zoning Appeals. If there is a conflict between the rules of those bodies and the French Lick Zoning Code, then the terms of the French Lick Zoning Code will control.

5. Interpretation of Split Parcels. If a zoning district divides Lot frontage on a street from the remainder of a Lot, the regulations that apply to the front of the Lot shall apply to the entire Lot. Otherwise, Lots that fall on the boundary between two zoning districts will be considered to fall under highest numbered district of the following: 1) Hotel and Casino; 2) Hwy. 145 Commercial; 3) Northern Boulevard Commercial; 4) Southern Boulevard Mixed; 5) Downtown General; 6) Downtown Tourist; 7) General Residential; 8) Hillside Residential; 9) Buffer Zone Mixed; and 10) Buffer Zone Rural.

Example: If the boundary line between the Downtown General district and the Hillside Residential district divides a Lot into right and left sides, the entire Lot would be considered Hillside Residential because Hillside Residential is numbered 6 and Downtown General is numbered 3. However, if the boundary line divides a Lot into front and back portions, the entire Lot would be considered to be in whichever district the front of the Lot falls under, regardless of the district number.

When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

6. Interpretation of Language.

a. Construction of Headings. The section headings appearing in this ordinance have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the section to which they pertain.

b. Word Usage. All words in the present tense shall also include the future tense, all references to the masculine shall include the feminine, feminine shall include the masculine, all singular numbers also include plural, and plural shall include singular.

c. Definitions. Except as otherwise stated herein, terms shall have the meanings set forth in the Definitions section of this ordinance. If a term is not defined in this ordinance, then the term shall be defined by referring to definitions found in widely circulated dictionaries.

J. Roles and Authority. The Plan Commission shall be responsible for the creation, amendment and enforcement of the French Lick Zoning Code. In addition, the Plan Commission shall be responsible for the interpretation of the French Lick Zoning Code and the issuance of all permits in the following districts: 1) Hotel and Casino; 2) Hwy. 145 Commercial, 3) Northern Boulevard Commercial; 4) Southern Boulevard Mixed; 5) Downtown General; 6) Downtown Tourist; and 7) Buffer Zone Mixed. In so doing, the Plan Commission may consider the recommendations of the Plan Director, Plan Commission staff and consultants, the Town Council, or any other person or entity. The Plan Director shall be responsible for the interpretation of the French Lick Zoning Code and the issuance of all permits within the following zoning districts: 1) General

Residential; 2) Hillside Residential; and 3) Buffer Zone Rural. In so doing, the Plan Director may consider the recommendations of the Plan Commission, Plan Commission staff and consultants, the Town Council, or any other person or entity. The Board of Zoning Appeals shall hear all applications for variances, Special Exceptions, conditional uses and contingent uses.

K. Conflict with Other Regulations.

1. General. In general, the terms of this ordinance should be read in a manner that minimizes conflicts between this ordinance and any other applicable local, state or federal laws, rules, ordinances or regulations. However, if such a construction is impossible, then the terms of the applicable state or federal law, rule or regulation shall control. If the terms of this ordinance conflict with another local ordinance, rule or regulation, then the more restrictive ordinance, rule or regulation shall apply.

2. Overlay Districts. In the event a Lot falls within an overlay district, then the regulations of the overlay district apply in addition to those in the applicable zoning district. If there is a conflict between the regulations of an overlay district and a zoning district, then the more restrictive shall apply.

L. Severability. If any part of this ordinance is held to be held invalid by a court of competent jurisdiction, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

M. Zoning of Annexed Land. In the event that the jurisdiction of the Plan Commission as to land lying within the corporate limits of the Town is enlarged through annexation of territory, then the annexed territory shall be in the zoning district within the Town's corporate limits with which the annexed territory has the greatest percentage of contiguity. However, if the annexation ordinance provides that the annexed territory be included in a different zoning district, then the annexation ordinance shall control.

N. Duration and Effective Date. The provisions of in this ordinance shall become and remain in full force and effect and until its repeal by ordinance on the date of its passage and adoption upon its signature in the manner prescribed by I.C. § 36-5-2-10(a) and by I.C. 36-7-4.

II. Definitions.

A. ACCESSORY BUILDING: Shall mean a Building that is detached from the principal Building on a Lot and houses an Accessory Use to that found in the principal Building on the Lot.

B. ACCESSORY STRUCTURE: Shall mean a Structure that is detached from the principal Building on a Lot and is associated with an Accessory Use.

Example: In a residential context, this term includes Structures that would commonly be called out buildings, tool sheds, garages, carports, canopies, portecocheres, patios, outdoor fireplaces, swimming pools, bath houses, cabanas, doghouses, mailboxes, birdbaths, flower boxes, decorative or privacy fences, retaining walls, children's play equipment, greenhouses, gardens, radio and television antennae, driveways, off-street parking areas, animal pens, and similar Structures.

C. ACCESSORY USE: Shall mean a Use that is incidental and subordinate to the principal Use of the Lot, and is commonly associated with an Accessory Structure.

D. BOARD OF ZONING APPEALS: Shall mean the French Lick Board of Zoning Appeals

E. BUILDING: Shall mean a roofed structure for the shelter, support, enclosure or protection of persons, animals or property.

F. BUILDING PERMIT: Shall mean a permit issued by the Plan Commission stating that a requested Improvement is permissible under the terms of the French Lick Zoning Ordinance and that allows the requested Improvement to be legally undertaken.

G. BUILD-TO LINE: Shall mean a line equidistant to and parallel to the relevant lot line (front, side, rear) upon which the corresponding side of a Building must be built. As opposed to a Setback Line, which establishes the minimum distance that a Building must be located from a Lot line, a Build-to Line establishes a line to which all Buildings must be built and is neither a minimum or maximum requirement.

H. CEASE AND DESIST ORDER: Shall mean an order given by the Plan Director or official who has the duty to enforce this ordinance that requires the recipient to stop an action that is in violation of this ordinance.

I. CERTIFICATE OF NONCONFORMITY: Shall mean a certificate issued by the Plan Commission that provides conclusive proof that a Use or Structure is a legal Nonconforming Use or Nonconforming Structure and not a violation of the French Lick Zoning Code.

J. COMPREHENSIVE PLAN: Shall mean the Comprehensive Plan for French Lick, Indiana.

K. CURB CUT: Shall mean a segment of curbing that has been removed or lowered so as to allow vehicular traffic to pass across the curb and/or sidewalk.

L. DEVELOPMENT PLAN: Shall mean a plan as defined and described in the 1400 Series of I.C. § 36-7-4.

M. DUPLEX: Shall mean a Building that is used primarily as a Dwelling and includes two Dwelling Units.

N. DWELLING: Shall mean a Building comprising one or more Dwelling Units that is used as a residence for the occupants of the Dwelling Units.

O. DWELLING UNIT: Shall mean a Building or part of a Building that is designed for residential habitation for the members of one household, regardless of whether the members of that household are related by blood or marriage.

P. ENLARGEMENT, OR TO ENLARGE: Shall mean an addition to the floor area of an existing Building, an increase in the size of any Structure, and an increase in that portion of a Lot occupied by an existing Use.

Q. EXTERIOR PERMIT: Shall mean a permit issued by the Plan Commission declaring that an exterior building covering in the Hillside Residential District or the General Residential District is acceptable under the terms of this ordinance.

R. HOME BUSINESS: Shall mean a commercial activity conducted within a Dwelling or an Accessory Building associated with a Dwelling by a resident of that Dwelling.

S. HOUSE: Shall mean a Building that is used primarily as a Dwelling and includes not more than one Dwelling Unit.

T. IMPROVEMENT: Shall mean any change, alteration, addition, or repair to a Building or Structure, including the new construction or total or partial demolition of a Building or Structure.

U. LOT: Shall mean a parcel or tract of land that is defined by a metes and bounds description in a recorded deed or by boundary lines in a recorded plat.

V. MANUFACTURED HOME: Shall mean a Structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any Structure which meets all the requirements of this paragraph

except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established by the Department of Housing and Urban Development; and except that such term shall not include any self-propelled recreational vehicle.

W. MOBILE HOME: Shall mean a Dwelling, including the equipment sold as a part of the Dwelling, that: 1) is factory assembled; 2) is transportable; 3) is intended for year-round occupancy; 4) is designed for transportation on its own chassis; and 5) was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974. The term shall also include any additions or modifications to the Dwelling that have been undertaken by the end user(s) of the Dwelling.

X. MOBILE HOME COMMUNITY: Shall mean a facility that is licensed and regulated by the Indiana Department of Health pursuant to I.C. § 16-41-27, et. seq and that comprises one or more parcels of land that are subdivided and contain individual Lots that are leased or otherwise contracted; that are owned, operated, or under the control of one or more persons; and on which a total of at least five (5) Mobile Homes or Manufactured Homes are located for the purpose of being occupied as Dwellings. The term includes the following: (1) all real and personal property used in the operation of the Mobile Home Community; (2) a single parcel of land; (3) contiguous but separately owned parcels of land that are jointly operated; (4) parcels of land that are separated by other parcels of land and that are jointly operated and connected by a private road; and (5) one or more parcels of land, if at least two of the Mobile Homes or Manufactured Homes located on the land are accessible from a private road or interconnected private roads; served by a common water distribution system; or served by a common sewer or septic system.

Y. MULTI-FAMILY RESIDENCE: Shall mean a Building or group of Buildings used primarily as a place of abode and that include more than two Dwelling Units.

Z. NONCONFORMING LOT: Shall mean a Lot where a Nonconforming Structure is located or where a Nonconforming Use is taking place.

AA. NONCONFORMING STRUCTURE: Shall mean a Structure that does not meet the Use and/or property development regulations set forth under this ordinance for the relevant zoning district, but that existed in its current condition prior to the effective date of this ordinance, as originally enacted on June 20, 2005.

BB. NONCONFORMING USE: Shall mean a Use that does not meet the use classifications set forth under the Use Table of this ordinance for the relevant zoning district, but that existed prior to the effective date of this ordinance.

CC. OFF-STREET PARKING: Shall mean a parking site that allows the parked vehicles to be parked sufficiently off of the street so as not to obstruct either the street or any sidewalk that may be adjacent the street, regardless of the location of the public right of way.

Example: If a public right of way is fifty feet wide, but the improved portion of the right of way, including both street and sidewalk, is only thirty feet wide a parking site is considered Off-Street Parking if the required number of parked vehicles can be positioned so as not to encroach upon the sidewalk. The vehicles do not need to be entirely outside of the public right of way.

DD. PARKING LOT: Shall mean a Lot or portion of a Lot that is to be used for the temporary parking of vehicles, exclusive of any part of a street or alley. The term does not include a driveway or carport used to provide Off-Street Parking for a Dwelling.

EE. PLAN COMMISSION: Shall mean the French Lick Advisory Plan Commission.

FF. PLAN DIRECTOR: Shall mean the person(s) appointed by the Plan Commission to administer the day to day activities relating to enforcement and administration the French Lick Zoning Code, as well as to perform any other function prescribed by this ordinance.

GG. ROUTINE MAINTENANCE: Shall mean the minor day to day maintenance of a Structure that, although constituting an Improvement of the Structure, is so minor and inconsequential in nature as to not require the removal and replacement of any component part of the Structure or to constitute an Enlargement of the Structure. However, if any part or portion of a Structure is removed for repair and replacement or repair and reinstallation, then the work performed on the Structure shall not be considered Routine Maintenance.

Example: Scraping and repainting, tightening of loose fasteners, lubrication of moving parts, etc., are considered Routine Maintenance. Removal or all or part of a Building, Sign or other Structure for replacement with a new or repaired part is not considered Routine Maintenance.

HH. SETBACK LINE: Shall mean a line equidistant to and parallel to the relevant Lot line (front, side, or rear) and which establishes a yard. Setback Lines shall generally be measured from the Lot line; however, where a public right-of-way encroaches into a Lot, the Setback line shall be measured from the average edge of the public improvements and not from the Lot line.

II. SEXUALLY RELATED MATERIAL: Shall mean any of the following:
1) "nudity" as defined in I.C. § 35-49-1-5; 2) "sado-masochistic abuse" as defined in I.C. § 35-49-1-8; 3) "sexual conduct" as defined in I.C. § 35-49-1-9; 4) or "sexual excitement" as defined in I.C. § 35-49-1-10.

JJ. SIGN: Shall mean an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a Building, Structure, or Lot and which directs attention to a concept, product, place, activity, service, person, institution, or business. The term "Sign" excludes those located inside a Building that are not visible to persons located outside the Building.

KK. SPECIAL DEFINITION USE: Shall mean any of the following Uses:

1. Pawn Shop: Shall mean a primarily retail or wholesale establishment that accepts merchandise on deposit in exchange for cash, goods, or as security for a loan, including terms for possible future redemption.

2. Sexually Oriented Business. Shall include any of the following Uses:

a. Adult Bookstore: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, disks, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to Sexually Related Material.

b. Adult Cabaret: A nightclub, bar theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on Sexually Related Material or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas of observation by patrons.

c. Adult Drive-In Theatre: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to Sexually Related Material for observation by patrons.

d. Adult Live Entertainment Arcade: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other choreography which performances are distinguished or characterized by an emphasis on Sexually Related Material.

e. Adult Mini Motion Picture Theater: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to Sexually Related Material of observation by patrons therein.

f. Adult Motel: A hotel, motel or similar establishment offering public accommodations for any form of consideration which primarily provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of Sexually Related Material.

g. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Sexually Related Material.

h. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to Sexually Related Material for observation by patrons therein.

i. Adult Service Establishment: Any building, premises, structure or other facility, or any part thereof, under common ownership or control, which provides a preponderance of services involving Sexually Related Material.

3. Tattoo Parlor: Shall mean an establishment engaged in the business of applying tattoos to customers; however, this term shall not include establishments engaged in applying permanent makeup to the exclusion of other types of tattoos.

LL. SPECIAL EXCEPTION: Shall mean an order to issue a Building Permit issued by the Board of Zoning Appeals, which may contain conditions and special requirements relating to the design of a Structure or the operation of a Use. Nothing in this definition is intended to restrict or alter the power of the Board of Zoning Appeals to issue a special exception under I.C. § 36-7-4, *et. seq*, and the specific provisions of this ordinance.

MM. STRUCTURE: Shall mean anything constructed or erected that requires location on or in the ground, or attachment to something having a

location on or in the ground, which for purposes of this ordinance shall include all signs. The term shall not include things that are buried underground and do not protrude above ground level.

NN. USE: Shall mean the activity that takes place on a Lot or in a Building.

OO. USE TABLE: Shall mean that part of the French Lick Zoning Ordinance that summarizes the Uses that may take place on Lots and in Buildings within each zoning district.

PP. VIOLATION: Shall mean any violation of the French Lick Zoning Code; which shall, by definition, also constitute maintaining a common nuisance.

QQ. ZONING MAP: Shall mean a map initially designated as "Zoning Map for the Town of French Lick", located and on display in the office of the Plan Commission, including any amendments thereto, showing the districts within the jurisdiction of the ordinance. The term Zoning Map shall include any descriptive text included with the map.

III. General Development Regulations. Unless specified otherwise, the general development regulations set forth in this section shall apply to all zoning districts and shall apply in addition to any other specific regulations that are set forth throughout this ordinance:

A. Mobile Home Community. The following regulations shall apply to Mobile Home Communities:

1. A Mobile Home or a Manufactured Home, including those that do not meet the regulations set forth in Section III(D) *Minimum Building Dimensions and Foundations*, may be located in a Mobile Home Community.

2. A Mobile Home Community may be located in those zoning districts identified on the Use Table.

3. Under no circumstances may a Mobile Home Community be located within three hundred feet (300 ft.) of State Highway 56 or State Highway 145, even if a Mobile Home Community is otherwise permitted in a given zoning district.

B. Curb Cuts. Except as set forth elsewhere in this ordinance, there shall be a maximum of one Curb Cut per Lot and the width of such curb cuts shall be only so wide as necessary to allow safe and adequate access to the Building(s) on the Lot in light of the Use(s) taking place on said Lot.

C. Number of Buildings per Lot. No Lot shall contain more than one principal Building; however, Accessory Buildings may be allowed as specified elsewhere in this ordinance. The exception to this regulation is for Mobile Home Communities, which may include as many Mobile Homes as permitted by Indiana Department of Health regulations.

D. Minimum Building Dimensions and Foundations. The following general requirements shall apply:

1. Houses and Duplexes, including Manufactured Homes not located in a Mobile Home Community, shall have dimensions of at least twenty feet (20 ft.) on each side (front, rear, and sides). This regulation shall also apply to any Building that contains a Use other than a Dwelling (i.e. a Building that contains a business). This requirement shall not apply to the Buffer Zone Rural District or in those portions of the Buffer Zone Mixed District that cannot be seen from State Highway 145 or State Highway 56 at any time during the year. In the event there is any doubt as to whether a certain location can be seen from said highways during any portion of the year, all such doubts shall be resolved in favor of applying this requirement to that location.

2. This paragraph applies to all Zoning Districts except the Buffer Zone Mixed District and the Buffer Zone Rural District. Houses and Duplexes, including Manufactured Homes not located in a Mobile Home Community, shall have a solid poured concrete or concrete block foundation that is contiguous around the entire perimeter of the House or Duplex. This regulation shall also apply to any Building that contains a Use other than a Dwelling (i.e. a Building that contains a business).

3. This paragraph applies only to the Buffer Zone Mixed District and the Buffer Zone Rural District. Houses and Duplexes, including Manufactured Homes not located in a Mobile Home Community, shall have either a solid poured concrete foundation, a concrete block foundation, or a vinyl or aluminum underpinning that is contiguous around the entire perimeter of the House or Duplex. Any Building that contains a Use other than a Dwelling (i.e. a Building that contains a business) must comply with the same foundation design regulations that apply in the non-Buffer Zone Districts (see Section III(D)(2.)).

E. Automotive Repair Establishments. Any Use that includes body or mechanical repairs; towing; or storage of wrecked, damaged or inoperative vehicles must undertake such activities either inside an enclosed Building or behind an opaque fence or other opaque screen, so that those activities are not visible to persons located off the premises.

F. Parking Lots. The surface of Parking Lots shall be either concrete or asphalt and shall be bordered by a six-inch high concrete curb

that is similar to those found on the edge of public streets. Dirt or gravel Parking Lots are not permitted. This regulation shall not apply to Off-Street Parking facilities located in the Hillside Residential District, the General Residential District, or for Houses and Duplexes located in the Southern Boulevard Mixed District, the Buffer Zone Mixed District or the Buffer Zone Rural District; in those instances concrete or asphalt surfaces are encouraged but not required.

G. Special Definition Uses. All Special Definition Use activity conducted on a premises shall be conducted within a Building and not be visible from any location outside the Building. In addition, no part of a Building that houses a Special Definition Use may be located within 100 feet of a public street.

IV. Specific Zoning District Regulations. The Zoning Map previously defined is, pursuant to I.C. § 36-7-4-610(c), incorporated herein by reference and declared to be a part of this ordinance. The Zoning Map shows the boundaries of and area incorporated within the following zoning districts:

A. Hotel and Casino District.

1. Purpose. The Hotel and Casino District is intended to create an environment that is conducive to the preservation and further development of the historic hotel located within the district. The Hotel and Casino District will also include a casino facility and a historic train depot, along with any Accessory Structures associated with those properties. All Structures in the Hotel and Casino District should emphasize building materials, architectural elements, and design features that are compatible with the historic hotel and should otherwise compliment the historic character of the district.

2. Use Classifications. The Uses permitted in the Hotel and Casino District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Additionally, Special Definition Uses are permitted in that portion of the Hotel and Casino District that lies to the northwest of former County Road 25.

3. Property Development Regulations.

a. Applications for Building Permits in the Hotel and Casino District will require a Development Plan prior to issuance of a permit.

b. The exterior design of all Structures within the Hotel and Casino District should complement the historic character of the hotel and the downtown. Improvements should emphasize building materials, architectural elements, and design features that are consistent with the time period of the

historic hotel and the historic downtown Buildings. A property owner seeking guidance or approval as to specific designs may make an inquiry with the Plan Commission, who may refer the owner to the persons and firms retained by the Plan Commission to assist with the Development Plan review process.

c. Trash containers maintained by users of a Building shall be located in the rear of a Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other enclosure that will further conceal the container, as well as any debris that may be around the container.

B. Highway 145 Commercial District.

1. **Purpose.** The Highway 145 Commercial District is intended to establish an area where commercial Uses and Buildings may be located that do not relate to the historic resort theme that is prevalent in the Downtown Tourist District and the Downtown General District. The Highway 145 Commercial District emphasizes Uses that are commercial in nature and do not include tourism-related activities, so as not to detract from the districts that do include tourist-related Uses. In addition, design features do not require the historical significance of other parts of the town to be considered, as is the case in other zoning districts.

2. **Use Classifications.** The Uses permitted in the Highway 145 Commercial District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Multi-family Residences may be located in the Highway 145 Commercial District upon issuance of a Special Exception by the Board of Zoning Appeals.

3. Property Development Regulations.

a. Applications for Building Permits in the Highway 145 Commercial District will require a Development Plan prior to issuance of a permit.

b. The exterior of all Buildings shall be clad in a finish grade material that has been manufactured for use on commercial or residential Buildings.

Example: Materials such as vinyl or metal siding, brick, wood siding, and stucco are permitted. It is not permissible to cover Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

c. Accessory Buildings must be located to the side or rear of the principal Building on the Lot. The exterior of all Accessory Buildings shall be clad in a finish grade material that is either similar to that found on the principal Building on the Lot or similar to exterior coverings commonly found on storage buildings purchased at retail establishments.

Example: It is not permissible to cover Accessory Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

d. If a property owner wishes to obtain pre-approval of an exterior covering material prior to applying the material, that property owner may obtain an Exterior Permit. Property owners that obtain an Exterior Permit prior to applying an exterior finish will be immune from any enforcement action relating to that exterior covering material. Property owners are encouraged, but not required, to obtain an Exterior Permit if they are in doubt whether their choice of exterior covering material is permitted under the French Lick Zoning Code.

e. Setback Lines shall be as follows: 1) fifteen feet at the front of each Lot, 2) fifteen feet on the side of each Lot, and 3) fifteen feet at the rear of each Lot. Lots located at the intersection of two streets shall have a fifteen foot setback on each side of the Lot that faces a street, regardless of which side of the Lot is considered the front. No Building or other Structure may be erected between the Lot line and the Setback Line; and no hedge, planting or obstruction of any kind more than forty (40) inches above the height of the intersecting streets may be placed or located between the Lot line and the Setback Line.

f. Trash containers maintained by users of a Building shall be located behind the Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other suitable enclosure that will further conceal the container, as well as any debris that may be around the container.

g. Notwithstanding other provisions in this Ordinance, there shall be allowed a maximum of two (2) Outdoor Advertising Signs in the Highway 145 Commercial District. Each of the permitted Outdoor Advertising Signs shall be Multiple User Signs and must meet all of the size, design and placement requirements for Free-standing Ground Signs and Multiple User Signs, as well as the following additional requirements:

(i) The smallest individual sign panel on the Multiple User Sign must be at least one third (1/3) of the square footage of the largest individual sign panel on each side of the Multiple User Sign;

(ii) Each Multiple User Sign must be located within seventy –five (75) feet of the intersection of the eastern edge of Highway 145 and either (a) the north or south edge of Arnold F. Habig Boulevard, or (b) the north edge of West County Road 100 South. However, the placement of each sign must also allow motorists turning onto Highway 145 from Arnold F. Habig Boulevard and West County Road 100 South to have an unobstructed view of both northbound and southbound traffic on Highway 145 and for northbound and southbound traffic on Highway 145 to have an unobstructed view of motorists at the intersections of both Highway 145 and Arnold F. Habig Boulevard and Highway 145 and West County Road 100 South;

(iii) No more than one Multiple User Sign may be located on a Lot.

C. Northern Boulevard Commercial District.

1. Purpose. The Northern Boulevard Commercial District is intended to establish an area where commercial Uses and commercial Buildings may be located that relate to and support the creation of a destination resort; but, due to their particular characteristics, are not suitable for the Downtown Tourist District or the Downtown General District. Uses in the Northern Boulevard Commercial District should include either tourism related Uses that are to large or intense to be appropriate for the downtown areas (i.e. a large department store) or non-tourism related Uses that support the needs of tourists and residents of the town (i.e. grocery stores and gas stations). Building designs should be high quality, conform to modern building codes and construction practices, and include a high grade of exterior finish. The exterior design of Buildings and other Structures need not conform to any particular time period, although historically-themed designs are encouraged.

2. Use Classifications. The Uses permitted in the Northern Boulevard Commercial District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Notwithstanding anything in the Use Table, Multi-family Residences may be constructed in the Northern Boulevard Commercial District, so long as no portion of the Lot where the Multi-family Residence will be constructed is closer than Five Hundred (500) feet from the center line of State Highway 56, as measured from the centerline of the improved roadway and not the right of way.

3. Property Development Regulations.

a. Applications for Building Permits in the Northern Boulevard Commercial District will require a Development Plan prior to issuance of a permit.

b. The design of all Structures within the Northern Boulevard Commercial District should be high quality and include a high grade of exterior finish. The exterior design of Buildings and other Structures need not conform to any particular time period, although historically-themed designs are encouraged. A property owner seeking guidance or approval as to specific designs may make an inquiry with the Plan Commission, who may refer the owner to the persons and firms retained by the Plan Commission to assist with the Design Review process.

c. Setback Lines shall be as follows: 1) fifteen feet at the front of each Lot, 2) fifteen feet on the side of each Lot, and 3) fifteen feet at the rear of each Lot. Lots located at the intersection of two streets shall have a fifteen foot setback on each side of the Lot that faces a street, regardless of which side of the Lot is considered the front. No Building or other Structure may be erected between the Lot line and the Setback Line; and no hedge, planting or obstruction of any kind more than forty (40) inches above the height of the intersecting streets may be placed or located between the Lot line and the Setback Line.

d. Accessory Buildings may not be constructed in the Northern Boulevard Commercial District, as such Buildings will detract from the principal Building on the Lot, as well as detract from neighboring Buildings.

e. Trash containers maintained by users of a Building shall be located in the rear of a Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other enclosure that will further conceal the container, as well as any debris that may be around the container.

D. Southern Boulevard Mixed District.

1. **Purpose.** The Southern Boulevard Mixed District is intended to serve primarily as an area where residential development may be located. However, due to the district's topography and close proximity to State Highway 56, it may be necessary and desirable to allow higher intensity commercial Uses to locate in the district. Due to the potential for conflicting Uses in the district, commercial and other high intensity Uses may only be located in the district upon receipt of a Special Exception. Great care should be taken to insure that commercial and high intensity Uses do not impose unreasonable burdens on residents in the area. Commercial and high intensity Uses should only be located in the district if their particular characteristics require access to State Highway 56; if they require a larger Lot than is available elsewhere; or if, after a good faith effort, they were unable to find another suitable location in a

zoning district where such Uses are permitted. The exterior design of Buildings and other Structures in the Southern Boulevard Mixed District need not conform to any particular theme or time period.

2. Use Classifications. The Uses permitted in the Southern Boulevard Mixed District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Houses and Duplexes are permitted in the district without a Special Exception; and Multi-family Residences may be located in the district upon issuance of a Special Exception by the Board of Zoning Appeals.

3. Property Development Regulations.

a. No Development Plan will be required for Building Permits issued in the Southern Boulevard Mixed District for Houses and Duplexes; however Multi-family Residences and non-residential Uses will require a Development Plan.

b. The exterior of all Buildings shall be clad in a finish grade material that has been manufactured for use on commercial or residential Buildings.

Example: Materials such as vinyl or metal siding, brick, wood siding, and stucco are permitted. It is not permissible to cover Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

c. Accessory Buildings must be located to the side or rear of the principal Building on the Lot. The exterior of all Accessory Buildings shall be clad in a finish grade material that is either similar to that found on the principal Building on the Lot or similar to exterior coverings commonly found on storage buildings purchased at retail establishments.

Example: It is not permissible to cover Accessory Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

d. If a property owner wishes to obtain pre-approval of an exterior covering material for a House or Duplex prior to applying the material, that property owner may obtain an Exterior Permit. Property owners that obtain an Exterior Permit prior to applying an exterior finish will be immune from any enforcement action relating to that exterior covering material. Property owners are encouraged, but not required, to obtain an Exterior Permit if they are in doubt whether their choice of exterior covering material is permitted under the French Lick Zoning Code. Property Owners seeking approval of an exterior covering material for a Multi-family Residence or a non-residential Use will receive approval through the Development Plan process.

e. Setback Lines shall be as follows: 1) fifteen feet at the front of each Lot, 2) fifteen feet on the side of each Lot, and 3) fifteen feet at the rear of each Lot. Lots located at the intersection of two streets shall have a fifteen foot setback on each side of the Lot that faces a street, regardless of which side of the Lot is considered the front. No Building or other Structure may be erected between the Lot line and the Setback Line; and no hedge, planting or obstruction of any kind more than forty (40) inches above the height of the intersecting streets may be placed or located between the Lot line and the Setback Line.

f. Trash containers maintained by users of a Building shall be located behind the Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other suitable enclosure that will further conceal the container, as well as any debris that may be around the container.

g. A Building Permit will be required for construction of a new House, Duplex or associated Accessory Building and for any Enlargements of an existing House, Duplex or Accessory Building. A Building Permit will not be required for Improvements to an existing House, Duplex or Accessory Building that do not result in an Enlargement of that House, Duplex or Accessory Building. Further, a Building Permit will not be required for Accessory Buildings that are 120 square feet or smaller after completion of the proposed Improvement.

E. Downtown General District.

1. **Purpose.** Like the Downtown Tourist District, the Downtown General District is intended to create a historic downtown to complement the historic hotel located in the area. Since the Downtown General District is located farther from the historic hotel and casino than the Downtown Tourist District, development should emphasize non-tourism related Uses that will increase the volume of pedestrians visiting the downtown without detracting from the tourism related Uses that will be located in the Downtown Tourist District. New Structures, as well as improvements to existing Structures, should complement the historic character of the downtown and emphasize architectural elements, building materials, and design features that are consistent with the time period of the existing downtown Buildings and the historic hotel.

2. **Use Classifications.** The Uses permitted on the ground floors of Buildings in the Downtown General District are set forth in the Use Table, and Accessory Uses related to the principal Use are also permitted. The upper floors of Buildings in the district may be used in any manner allowable on

the ground floor. In addition, the upper floors of Buildings in the Downtown General District may be used for one or more Dwelling Units.

3. Property Development Regulations.

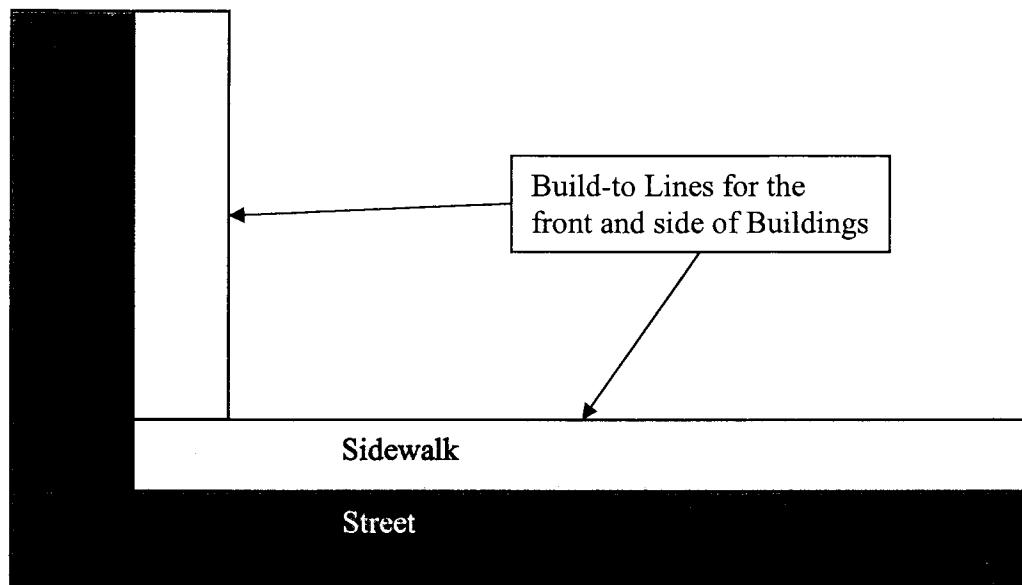
a. Applications for Building Permits in the Downtown General District will require a Development Plan prior to issuance of a permit.

b. New Buildings to be constructed within the Downtown General District shall be either two or three stories, have a square or rectangular footprint, and have a brick exterior. The exterior design of all Structures within the district should complement the historic character of the downtown and emphasize building materials, architectural elements, and design features that are consistent with the time period of the principal Building on the Lot, the time period of historic downtown Buildings, and the time period of the historic hotel. A property owner seeking guidance or approval as to specific designs may make an inquiry with the Plan Commission, who may refer the owner to the persons and firms retained by the Plan Commission to assist with the Design Review process.

c. Accessory Buildings may not be constructed in the Downtown General District, as such Buildings will detract from the principal Building on the Lot and from neighboring Buildings.

d. Trash containers maintained by users of a Building shall be located in the rear of a Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other enclosure that will further conceal the container, as well as any debris that may be around the container.

e. The front of all new Buildings in the Downtown General District, as well as the side of Buildings located on a street corner, shall be constructed on a Build-to Line that is defined as the average edge of the public improvements on the block the Building is to be constructed. The Build-to Line is depicted below:



Except for those Buildings to be located on street corners, the sides of all new Buildings in the Downtown General District shall be constructed on the Lot line, so as to abut neighboring Buildings of conforming design.

F. Downtown Tourist District.

1. Purpose. The Downtown Tourist District is intended to create a historic downtown to complement the historic hotel located in the area. The Downtown Tourist District should include Uses that attract tourists and provide additional entertainment for visitors to the historic hotel and the casino. In addition, the Downtown Tourist District may include other Uses that will attract a volume of pedestrian traffic and improve the economics of the downtown. New Structures, as well as improvements to existing Structures, should complement the historic character of the downtown and emphasize building materials, architectural elements, and design features that are consistent with the time period of the existing downtown Buildings and the historic hotel.

2. Use Classifications. The Uses permitted on the ground floors of Buildings in the Downtown Tourist District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. The upper floors of Buildings in the district may be used in any manner allowable on the ground floor. In addition, the upper floors of Buildings in the Downtown Tourist District may be used for one or more Dwelling Units, as well as any additional permitted or special Uses that are allowed in the Downtown General District.

3. Property Development Regulations.

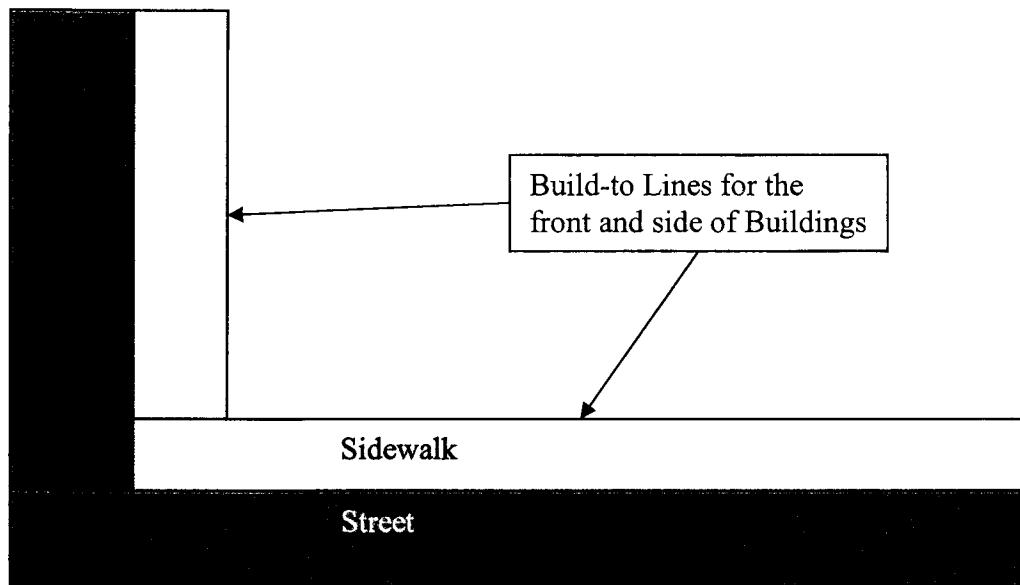
a. Applications for Building Permits in the Downtown Tourist District will require a Development Plan prior to issuance of a permit.

b. New Buildings to be constructed within the Downtown Tourist District shall be either two or three stories, have a square or rectangular footprint, and have a brick exterior. The exterior design of all Structures within the district should complement the historic character of the downtown and emphasize building materials, architectural elements, and design features that are consistent with the time period of the principal Building on the Lot, the time period of historic downtown Buildings, and the time period of the historic hotel. A property owner seeking guidance or approval as to specific designs may make an inquiry with the Plan Commission, who may refer the owner to the persons and firms retained by the Plan Commission to assist with the Design Review process.

c. Accessory Buildings may not be constructed in the Downtown Tourist District, as such Buildings will detract from the principal Building on the Lot and from neighboring Buildings.

d. Trash containers maintained by users of a Building shall be located in the rear of a Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other enclosure that will further conceal the container, as well as any debris that may be around the container.

e. The front of all new Buildings in the Downtown Tourist District, as well as the side of Buildings located on a street corner, shall be constructed on a Build-to Line that is defined as the average edge of the public improvements on the block the Building is to be constructed. The Build-to Line is depicted below:



Except for those Buildings to be located on street corners, the sides of all new Buildings in the Downtown Tourist District shall be constructed on the Lot line, so as to abut neighboring Buildings of conforming design.

G. General Residential.

1. **Purpose.** The General Residential District is intended to protect residents from undesirable development without burdening them with unnecessary regulation. Commercial and other incompatible Uses should not be allowed to encroach upon residential areas; however, Home Businesses that do not create traffic, parking, noise, and appearance problems for their neighbors are permitted. The General Residential District typically consists of lots that are larger and flatter than those in the Hillside Residential District and are located on wider streets. The regulations for the General Residential District attempt to preserve the existing character of the district.

2. **Use Classifications.** The Uses permitted in the General Residential District are Houses and Duplexes, as well as Accessory Uses to Houses and Duplexes. In addition churches will be allowed in the General Residential District. Home Businesses will also be allowed in the General Residential District.

3. Property Development Regulations.

a. No Development Plan will be required for Building Permits issued in the General Residential District.

b. The exterior of all Houses and Duplexes shall be clad in a finish grade material that has been manufactured for use on residential structures.

Example: Materials such as vinyl or aluminum siding with horizontal seams, brick, wood siding, and stucco are permitted. It is not permissible to cover Houses and Duplexes with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished residential building.

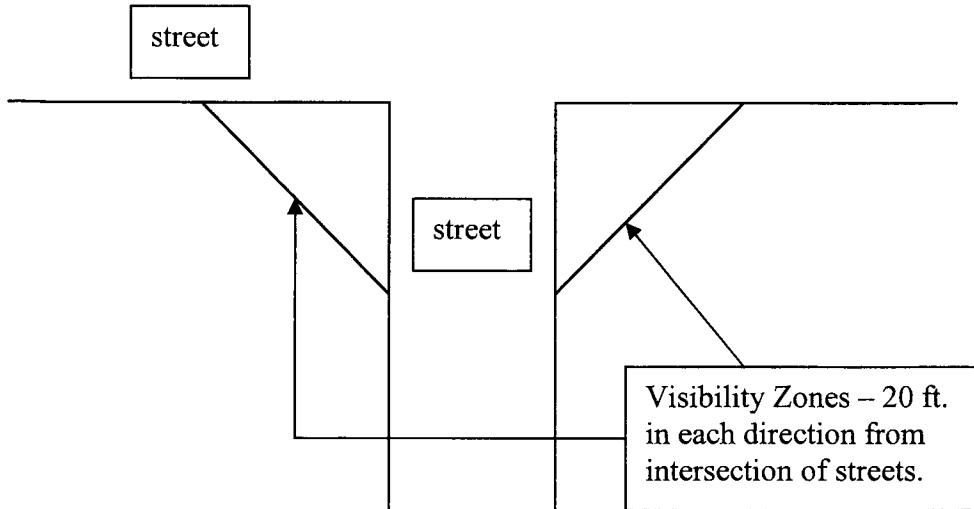
c. Accessory Buildings must be located to the side or rear of the principal Dwelling on the Lot. The exterior of all Accessory Buildings shall be clad in a finish grade material that is either similar to that found on the principal Dwelling on the Lot or is similar to exterior coverings commonly found on storage buildings purchased at retail establishments.

Example: It is not permissible to cover Accessory Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

d. If a property owner wishes to obtain pre-approval of an exterior covering material prior to applying the material, that property owner may obtain an Exterior Permit. Property owners that obtain an Exterior Permit prior to applying an exterior finish will be immune from any enforcement action relating to that exterior covering material. Property owners are encouraged, but not required, to obtain an Exterior Permit if they are in doubt whether their choice of exterior covering material is permitted under the French Lick Zoning Code.

e. Setback Lines shall be as follows: 1) fifteen feet at the front of each lot, 2) fifteen feet on the side of each lot, and 3) fifteen feet at the rear of each lot. No House, Duplex, or Accessory Building may be erected between the Lot line and the Setback Line.

f. In addition to the Setback Line, Lots that are located at the intersection of two public streets shall have a Visibility Zone defined as a triangle formed by the intersecting street edges and a straight line joining said street edges at points that are twenty feet distant from the point of intersection, measured along the street edges. The Visibility Zone is depicted below:



No Structure (including a House, Duplex or Accessory Building), hedge or planting more than forty (40) inches above the height of the intersecting streets may be placed or located in a Visibility Zone.

g. All newly constructed Houses and Duplexes in the General Residential District shall have Off-Street Parking for a minimum of two automobiles per Dwelling Unit.

h. A Building Permit will be required for construction of a new House, Duplex or Accessory Building and for any Enlargements of an existing House, Duplex or Accessory Building. A Building Permit will not be required for Improvements to an existing House, Duplex or Accessory Building that do not result in an Enlargement of that House, Duplex or Accessory Building. Further, a Building Permit will not be required for Accessory Buildings that are 120 square feet or smaller after completion of the proposed Improvement.

H. Hillside Residential.

1. **Purpose.** The Hillside Residential District is intended to protect residents from undesirable commercial and residential development without burdening them with unnecessary regulation. Commercial and other incompatible Uses should not be allowed to encroach upon residential areas; however, Home Businesses that do not create traffic, parking, noise, and appearance problems for their neighbors are permitted. The Hillside Residential District typically consists of small lots that are located on hilly terrain and adjacent to narrow streets. As a result, development in the Hillside Residential

District creates parking and traffic problems along those narrow streets. The regulations for the Hillside Residential District attempt to address the problems created by the terrain and the narrow streets.

2. Use Classifications. The Uses permitted in the Hillside Residential District are Houses and Duplexes, as well as Accessory Uses to Houses and Duplexes. Home Businesses will also be allowed in the Hillside Residential District.

3. Property Development Regulations.

a. No Development Plan will be required for Building Permits issued in the Hillside Residential District.

b. The exterior of all Houses and Duplexes shall be clad in a finish grade material that has been manufactured for use on residential structures.

Example: Materials such as vinyl or aluminum siding with horizontal seams, brick, wood siding, and stucco are permitted. It is not permissible to cover Houses and Duplexes with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished residential building.

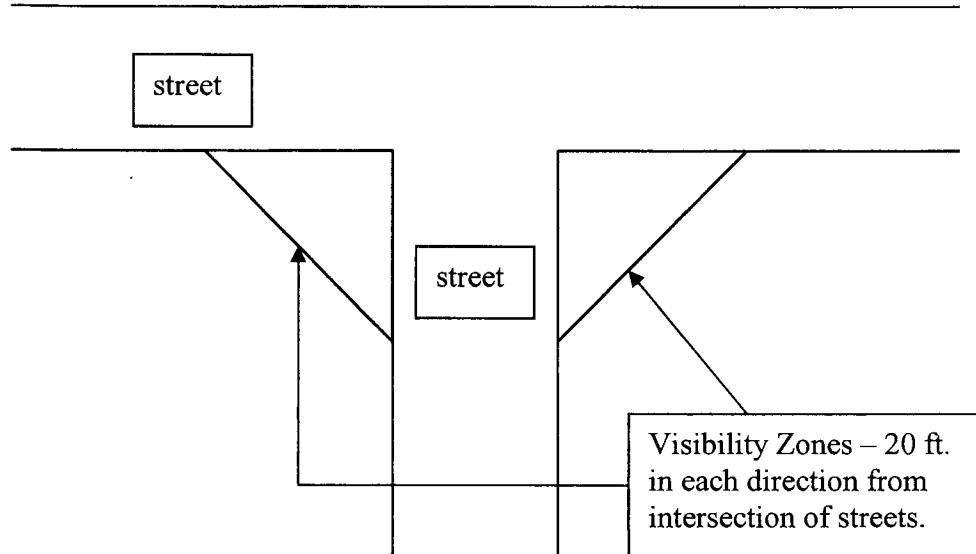
c. Accessory Buildings must be located to the side or rear of the principal Dwelling on the Lot. The exterior of all Accessory Buildings shall be clad in a finish grade material that is either similar to that found on the principal Dwelling on the Lot, or is similar to exterior coverings commonly found on storage buildings purchased at retail establishments.

Example: It is not permissible to cover Accessory Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

d. If a property owner wishes to obtain pre-approval of an exterior covering material prior to applying the material, that property owner may obtain an Exterior Permit. Property owners that obtain an Exterior Permit prior to applying an exterior finish will be immune from any enforcement action relating to that exterior covering material. Property owners are encouraged, but not required, to obtain an Exterior Permit if they are in doubt whether their choice of exterior covering material is permitted under the French Lick Zoning Code.

e. Setback Lines shall be as follows: 1) fifteen feet at the front of each Lot, 2) five feet on the side of each Lot, and 3) five feet at the rear of each Lot. No House, Duplex, or Accessory Building may be erected between the Lot Line and the Setback Line.

f. In addition to the Setback Line, Lots that are located at the intersection of two public streets shall have a Visibility Zone defined as a triangle formed by the intersecting street edges and a straight line joining said street edges at points that are twenty feet distant from the point of intersection, measured along the street edges. The Visibility Zone is as depicted below:



No Structure (including a House, Duplex, Accessory Building, or Accessory Structure), hedge or planting more than forty (40) inches above the height of the intersecting streets may be placed or located in a Visibility Zone.

g. All newly constructed Houses and Duplexes in the Hillside Residential District shall have Off-Street Parking for a minimum of two automobiles per Dwelling Unit.

h. A Building Permit will be required for construction of a new House, Duplex or Accessory Building and for any Enlargements of an existing House, Duplex or Accessory Building. A Building Permit will not be required for Improvements to an existing House, Duplex or Accessory Building that do not result in an Enlargement of that House, Duplex or Accessory Building. Further, no Building Permit will be required for an Accessory Buildings with a floor area of 120 square feet or smaller after completion of the proposed Improvement.

I. **Buffer Zone Mixed District.**

1. **Purpose.** The Buffer Zone Mixed District is intended to serve primarily as an area where residential development may be located. However, due to the district's topography and close proximity to State Highway 56, State Highway 145 and significant commercial developments in and near the Town, it may be necessary and desirable to allow higher intensity commercial Uses to locate in the district. Due to the potential for conflicting Uses in the district, commercial and other high intensity Uses may only be located in the district upon receipt of a Special Exception. Great care should be taken to insure that commercial and high intensity Uses do not impose unreasonable burdens on residents in the area. Commercial and high intensity Uses should only be located in the district if their particular characteristics require access to State Highway 56 or State Highway 145; if they require a larger Lot than is available elsewhere; or if, after a good faith effort, they were unable to find another suitable location in a zoning district where such Uses are permitted. The exterior design of Buildings and other Structures in the Buffer Zone Mixed District need not conform to any particular theme or time period.

2. **Use Classifications.** The Uses permitted in the Buffer Zone Mixed District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Houses and Duplexes are permitted in the district without a Special Exception; and Multi-family Residences may be located in the district upon issuance of a Special Exception by the Board of Zoning Appeals.

3. **Property Development Regulations.**

a. No Development Plan will be required for Building Permits issued in the Buffer Zone Mixed District for Houses and Duplexes; however Multi-family Residences and non-residential Uses will require a Development Plan.

b. The exterior of all Buildings shall be clad in a finish grade material that has been manufactured for use on commercial or residential Buildings.

Example: Materials such as vinyl or metal siding, brick, wood siding, and stucco are permitted. It is not permissible to cover Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

c. Accessory Buildings must be located to the side or rear of the principal Building on the Lot. The exterior of all Accessory Buildings shall be clad in a finish grade material that is either similar to that found on the

principal Building on the Lot or similar to exterior coverings commonly found on storage buildings purchased at retail establishments.

Example: It is not permissible to cover Accessory Buildings with sheet plastic, scrap wood, scrap metal or other scrap materials that are not intended to be used on the exterior of a finished Building.

d. If a property owner wishes to obtain pre-approval of an exterior covering material for a House or Duplex prior to applying the material, that property owner may obtain an Exterior Permit. Property owners that obtain an Exterior Permit prior to applying an exterior finish will be immune from any enforcement action relating to that exterior covering material. Property owners are encouraged, but not required, to obtain an Exterior Permit if they are in doubt whether their choice of exterior covering material is permitted under the French Lick Zoning Code. Property Owners seeking approval of an exterior covering material for a Multi-family Residence or a non-residential Use will receive approval through the Development Plan process.

e. Setback Lines shall be as follows: 1) fifteen feet at the front of each Lot, 2) fifteen feet on the side of each Lot, and 3) fifteen feet at the rear of each Lot. Lots located at the intersection of two streets shall have a fifteen foot setback on each side of the Lot that faces a street, regardless of which side of the Lot is considered the front. No Building or other Structure may be erected between the Lot line and the Setback Line; and no hedge, planting or obstruction of any kind more than forty (40) inches above the height of the intersecting streets may be placed or located between the Lot line and the Setback Line.

f. Trash containers maintained by users of a Building shall be located behind the Building in a location that conceals the container from persons traveling on the public streets and sidewalks. All trash containers that are visible from any public place shall have a lid and those containers larger than fifty-five gallons (i.e. "dumpsters") shall be surrounded by an opaque fence, wall, or other suitable enclosure that will further conceal the container, as well as any debris that may be around the container.

g. A Building Permit will be required for construction of a new House, Duplex or associated Accessory Building and for any Enlargements of an existing House, Duplex or Accessory Building. A Building Permit will not be required for Improvements to an existing House, Duplex or Accessory Building that do not result in an Enlargement of that House, Duplex or Accessory Building. Further, a Building Permit will not be required for Accessory Buildings that are 120 square feet or smaller after completion of the proposed Improvement.

I. Buffer Zone Rural District.

1. **Purpose.** The Buffer Zone Rural District is intended to serve primarily as an area where either residential or commercial development may be located and where only minimal land use regulation will exist. As such, the Use restrictions and other regulations within the District will focus only on regulating Uses that have the highest potential to burden neighboring Uses.

2. **Use Classifications.** The Uses permitted in the Buffer Zone Rural District are set forth in the Use Table; and Accessory Uses related to the principal Use are also permitted. Additionally, Special Definition Uses are permitted in the Buffer Zone Rural District.

3. **Property Development Regulations.**

a. No Development Plan will be required in the Buffer Zone Rural District.

b. No Building Permit will be required for construction in the Buffer Zone Rural District.

V. Overlay District Regulations.

A. **Flood Plain – [TO BE ADDED]**

VI. Special Development Standards.

A. **Signs.**

1. **Purpose.** The Sign regulations contained in this ordinance are intended to regulate the size and appearance of signage in the Town, so as to compliment the historic character of the area.

2. **Sign-specific Definitions.** In addition to the general definition of Sign that is set forth in Section II of this ordinance, the following Sign-specific definitions shall apply:

a. **AWNING SIGN:** Shall mean a Sign that is printed directly on or sewn to an awning or canopy.

b. **BANNER SIGN:** Shall mean a Sign made of fabric that hangs perpendicular from metal brackets mounted directly to a Building.

c. **DIGITAL SIGN:** A Sign with a message board that incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components

and that typically features a display incorporating LED light panels manipulated through digital input, "digitalink," electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays.

d. FLUSH-MOUNTED WALL SIGN: Shall mean a Sign attached directly to the face of an exterior wall of a Building and that is positioned parallel to the Building.

e. FREE-STANDING GROUND SIGN: Shall mean a Sign that is not attached to a Building and that has its supports located on or in the ground. This term includes Signs that sit on the ground or are mounted on one or more poles or posts.

f. HANGING SIGN: Shall mean a painted sign board that hangs from a metal bracket that projects from a Building wall.

g. MULTIPLE USER SIGNS: Shall mean a type of Free-standing Ground Sign that includes a minimum of four panels per side and is used for advertising multiple businesses on the same Free-standing Ground Sign.

h. OPEN AND CLOSED SIGN: Shall mean a Sign that is a sub-group of Window Signs that indicates solely whether the business to which it relates is currently open for business or closed for business.

i. OUTDOOR ADVERTISING SIGN: Shall mean a structural poster panel, painted sign or other billboard, either freestanding or attached to a Building or other Structure, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it stands. This term includes what are commonly known as "billboards".

j. PAINTED GLASS SIGN: Shall mean a Sign painted directly onto glass storefront display windows or glass doors.

k. PAINTED WALL SIGN: Shall mean a Sign painted on the side walls of a Building.

l. SANDWICH BOARD SIGN: Shall mean a Sign that is a sub-group of Free-Standing Ground Signs and of Outdoor Advertising Signs. Sandwich Board Signs shall be signs constructed of two flat panels connected together at the top to allow the sign to stand upright. Alternatively, a Sandwich Board Sign may be constructed of only one flat panel connected at the top to legs that allow the single panel to stand upright.

m. **SPECIAL PURPOSE SIGN:** Shall mean a Sign that serves a purpose other than identifying a Use located in the Building or identifying goods or services that are available on the premises.

Examples: Political signs, entrance and exit signs, and real estate signs.

n. **TRANSOM SIGN:** Shall mean a Sign that is built into or painted on the transom above a storefront display window or door.

o. **WINDOW SIGN:** Shall mean a Sign that is placed or otherwise affixed in or on a storefront window.

3. **General Sign Regulations.** Except as may be specified elsewhere in this ordinance, the following Sign regulations shall apply to all zoning districts:

a. **Relation to Buildings.** All Signs should be visually integrated into the storefront to produce a consistent and unified statement about the business located in the Building. The architecture of the Building should dictate the Sign placement, i.e. if a sign band exists such as a recess in the brick, it should be used. Signs should not crowd, obscure or alter the appearance of windows, doors or the architectural features of the Building and should relate to a Building's façade in shape, scale, and location. Signs should reflect the era of the Building to which they will be affixed and be consistent with the architectural distinctiveness of the Building, as well as the overall visual quality of the zoning district.

b. **Installation Techniques.** Sign installation should not damage or require removal of historical building materials and should be done in a manner that allows the Sign to be removed without harming masonry or architectural details. On masonry Buildings, signs should be anchored in mortar joints rather than directly through the brick.

c. **Multiple Tenants.** Signs for Buildings that include multiple tenants should be consistent with one another. The area encompassed by Signs on multiple tenant Buildings will be evaluated on a "storefront by storefront" basis, and the maximum allowable area for signage associated with each storefront will be evaluated as though the individual storefront is a separate Building.

d. **Prohibited Signs.** Roof top Signs or Signs projecting above the cornice of the Building are not permitted. No Sign may include spinning or moving parts.

e. **Illumination.** Signs may be illuminated internally or externally. Signs illuminated externally shall use a low intensity light directed at the Sign. Lighting fixtures should be shielded to prevent glare on the street

and sidewalk. Lighting fixtures on the ground should be screened by landscaping. Signs that are internally illuminated, must have illumination that is steady and does not feature flashing or scrolling lights, lights that vary in intensity, or that otherwise move or give the appearance of movement.

f. **Hanging Signs.** Hanging Signs should be mounted with the lowest point at least eight feet above the sidewalk and may not project more than four feet over the sidewalk. Hanging Signs may be of any shape, but must fill an area no larger than six square feet, excluding mounting hardware.

g. **Outdoor Advertising Signs.** Except as provided in Section IV(B)(3)(g), Outdoor Advertising Signs are prohibited in every zoning district. Outdoor Advertising Signs shall include papers, signs, handbills, and similar documents that are affixed to utility poles and other public property within the Town.

h. **Free-standing Ground Signs.** Free-standing Ground Signs may be of any shape, but must fill an area no larger than eight feet (8 ft.) wide and five feet (5 ft.) tall, including the area for the Sign and any base or mounting hardware. Free-standing Ground Signs that are Multiple User Signs may fill an area no larger than eight feet (8 ft.) wide and seven feet (7 ft.) tall, including the area for the Sign and any base or mounting hardware. Free-standing Ground Signs must have a solid, enclosed base made of stone, brick or other finish grade material that complements the exterior of the Building the Sign is associated with and that includes landscaping elements that compliment the surrounding area.

i. **Flush-mounted Wall Signs.** Flush-Mounted Wall Signs should be located on the Building facade above storefront display windows, but below the sills of second story windows. The maximum square footage for Flush-mounted Wall Signs shall not exceed six percent (6%) of the surface area of the wall of the Building that the sign is to be mounted upon. For purposes of calculating wall square footage, only that portion of the wall below the roof gables shall be considered. For multiple story Buildings, only that portion of the wall located on the ground floor will be used for calculating square footage and Flush-mounted Wall Signs may only be installed on the ground floor units.

j. **Window Signs.** Window Signs shall be limited only to the ground floor of Buildings. A Window Sign should not obscure the display area and should occupy no more than twenty five percent (25%) of the glass area.

k. **Special Purpose Signs.** Political signs for a political candidate or issue may be displayed beginning one month prior to the election and must be removed three days after the election. Real estate signs

informing the public that the Building or land is for sale may be displayed, but must be removed within thirty days after the sale has closed. Directional signs, such as those marking exits or entrances are permitted. On-site construction signs giving information about the construction or renovation of a Building on the same site are permitted, but must be removed at the completion of the project. Special purpose Signs must be professionally prepared or purchased from a professional sign manufacturer; but, otherwise, do not need to comply with the design regulations that apply to other Signs. However, Special Purpose Signs may not exceed two feet in height and three feet in width.

i. Holiday Signs. Signs that do not conform to the Sign regulations in this ordinance but are associated with a National Holiday are permitted for a period of thirty days prior to the holiday and for a period of ten days after the holiday.

m. Sandwich Board Signs. The panels of Sandwich Board Signs may be no larger than two feet by three in size and must be purchased as finished units or professionally constructed using materials and techniques that make them indistinguishable from similar Sandwich Board Signs that are purchased as finished units from commercial sign vendors. Sandwich Board Signs may be located on the public right of way or sidewalk but may not obstruct the sidewalk and must be located immediately in front of and within ten feet of the Building or Lot where the information being advertised takes place. Sandwich Board Signs must be removed and placed in an indoor location outside of normal business hours for the establishment to which the Sandwich Board Sign relates.

n. Open and Closed Signs. Open and Closed Signs are permitted to be displayed in the front or side window of a Building; however, only one such sign of no more than one foot by two feet in dimensions shall be permitted per building. Additionally, Open and Closed Signs may be internally or externally illuminated; however, if an Open and Closed Sign is illuminated, the illumination must be steady, shall not flash, scroll, vary in intensity, or otherwise move or give the appearance of movement.

o. Digital Signs. All Digital Signs shall comply with the following:

(i) The "digital" portion of a Digital Sign (which includes the digital, LED, light panel, or any other type or description of electronic sign panel) may be no larger than twelve square feet in size, regardless of the maximum size limitation of the type of Sign it is associated with or mounted upon. Additionally, any Sign that is a Digital Sign must meet all other design standards and size limitations that otherwise applies to that type of Sign.

(ii) A Digital Sign may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less between messages. Transitions must be smooth, may not feature any animation, flashing, movement, or fading in and out between messages.

(iii) A Digital Sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions in a manner consistent with the requirements of the French Lick Zoning Code.

(iv) The maximum brightness levels for Digital Signs shall not exceed 0.2 (two tenths) foot-candles over ambient light levels, measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to the Plan Commission annually demonstrating that the Digital Sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Plan Commission, in its reasonable discretion, at more frequent intervals and at the permittee's expense, to ensure that the specified brightness levels are maintained at all time.

(v) Brightness of Digital Signs shall be measured as follows:

(a) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the Digital Sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

(b) The Digital Sign shall then be turned on to full white copy to take another reading with the meter at the same location.

(c) If the difference between the readings is 0.2 foot candles, or less, the brightness is properly adjusted.

(vi) The use, size and location of Digital Signs must comply with all other relevant provisions of the French Lick Zoning Code.

4. Sign Regulations for Specific Zoning Districts. The following additional Sign regulations for specific zoning districts shall apply:

a. **Downtown Districts.** With the exception of Sandwich Board Signs (discussed elsewhere herein), Free-standing Ground

Signs may not be placed in the Downtown Tourist District or in the Downtown General District.

b. **Residential Districts.** Free-standing Ground Signs in the Hillside Residential District and the General Residential District may be no larger than three feet high and three feet wide. The total Sign area, excluding support structure, shall be no larger than six (6) square feet.

c. **Buffer Zone Rural District.** The following sign regulations shall apply to the Buffer Zone Rural District, but only within Two Thousand Five Hundred (2,500) Feet of State Highway 56 or State Highway 145: Section VI(A)(3)(g) (Outdoor Advertising Signs) and Section VI(A)(3)(h) (Free-standing Ground Signs).

C. Nonconforming Uses and Structures.

1. **Purpose.** The Plan Commission intends for legal, Nonconforming Uses to continue in the Town. However, the overall goal is to gradually, over a period of years, allow nonconforming Uses and Structures to phase out through normal attrition and be replaced with conforming Uses and Structures.

2. **Continuance of Nonconforming Rights.** Nonconforming Uses may be continued after the passage of the French Lick Zoning Code. The continued occupation and use of Nonconforming Structures shall not be considered a Violation of the French Lick Zoning Code.

3. **Certification of Nonconformity.** Any property owner who wishes to establish and prove the existence of a Nonconforming Use or Nonconforming Structure may, within six months after the passage of the French Lick Zoning Code, apply for a Certificate of Nonconformity.

4. **Use of Nonconforming Lots.** All Lots must be used in a manner that conforms with the French Lick Zoning Code, unless rights to a Nonconforming Use or Nonconforming Structure have vested prior to the passage of this ordinance. If the dimensions of a Lot prohibit a property owner from using that Lot in a manner that conforms to the French Lick Zoning Code, then that owner may combine the Nonconforming Lot with one or more adjacent Lots, so that the combined Lots will conform.

5. **Effect of Nonconforming Status on Additional Structures or Uses.** If any Use or Structure on a Lot is Nonconforming; then the entire Lot, as well as all Structures on that Lot, shall be deemed Nonconforming.

6. **Changes in Use.** Nonconforming Uses may be changed to conforming Uses. Nonconforming Uses may not be changed to other Nonconforming Uses, regardless of the similarity between the existing Nonconforming Use and the proposed Nonconforming Use.

7. **Illegal Uses or Structures.** Illegal Uses or Structures are those that do not comply with the provisions of the French Lick Zoning Code and did not exist in their current state at the time the ordinance was passed (i.e. are not legal Nonconforming Uses or Nonconforming Structures). Illegal Uses or Structures are Violations and are subject to an enforcement action under the French Lick Zoning Code.

8. **Multi-tenant Buildings.** If a Building contains more than one tenant, and those tenants are engaged in different Uses, then that Building will not be considered a conforming Building unless all uses within that Building are conforming Uses.

9. **Abandonment of Nonconforming Rights.** In the event that a Nonconforming Use is abandoned, then all rights to continue the Nonconforming Use will terminate. For purposes of this provision, a Nonconforming Use will be deemed abandoned at the earlier of the following times: 1) cessation of the Nonconforming Use along with the owner's intent to abandon the Nonconforming Use, or 2) six months after cessation of the Nonconforming Use, regardless of the intent of the owner.

10. **Improvements and Restoration.** Except for Routine Maintenance, any Improvements to a Nonconforming Structure must be in a manner that conforms to the requirements of the French Lick Zoning Code and that results in the entire Nonconforming Structure being converted into a conforming Structure. Thus, if a Nonconforming Structure is destroyed, partially destroyed, or removed from a Lot, then only conforming Structures may thereafter be constructed on said Lot. Furthermore, Enlargement of Nonconforming Buildings or Nonconforming Uses shall not be permitted. Any doubt or dispute as to whether an Improvement is considered Routine Maintenance or an Improvement requiring the Nonconforming Structure to be converted to a conforming Structure shall be resolved against calling the Improvement Routine Maintenance. Property owners wishing to determine whether an Improvement is considered Routine Maintenance or not should seek clarification from the Plan Commission before starting any work.

11. **Routine Maintenance.** Routine Maintenance of Nonconforming Structures shall be permitted, so long as such maintenance conforms strictly with the definition of Routine Maintenance. However, if any component part of a Nonconforming Structure is removed from the Nonconforming Structure for repair and/or replacement or as part of the maintenance activity, then the replacement of such part or portion of the

Nonconforming Structure shall not be considered Routine Maintenance and the entire Nonconforming Structure must be brought into full compliance with the Zoning Code at that time. Any doubt or dispute as to whether an Improvement is considered Routine Maintenance or an Improvement requiring the Nonconforming Structure to be converted to a conforming Structure shall be resolved against calling the activity Routine Maintenance. Property owners wishing to determine whether an Improvement is considered Routine Maintenance or not should seek clarification from the Plan Commission before starting any work.

Example: Scraping and repainting, tightening of loose fasteners, lubrication of moving parts, etc., are considered routine maintenance. Removal or all or part of a Building, Sign (including a Sign face or cover) or other Structure for replacement with a new or repaired part is considered an Improvement of the Nonconforming Structure.

12. Exceptions. Nonconforming Houses in the Buffer Zone Mixed District may be replaced with other Nonconforming Houses in the event the original Nonconforming House is destroyed or otherwise removed from the Lot, so long as: 1) the replacement occurs within six (6) months from the date the original Nonconforming House is destroyed or removed from the Lot, whichever is sooner; and 2) the replacement House is only considered Nonconforming due to a failure to meet the minimum Building dimension requirement found in Section III(D)(1).

Example: If a "single wide manufactured home" (as they are typically called) is destroyed by fire on January 1 and then removed from the lot on April 1, another "replacement" single wide manufactured home may be placed on the lot, but only if the replacement occurs by July 1 and only if the replacement home otherwise meets the requirements of the Zoning Code (i.e. it is underpinned properly, etc.)

D. Home Businesses. The following regulations apply to Home Businesses:

1. In addition to the resident of the Dwelling, a Home Business may employ a maximum of two employees.

2. A Home Business must have sufficient off-street parking to accommodate all of the parking needs of the business.

3. A Home Business must be conducted entirely within a Building and material or equipment related to the Home Business may not be stored outside.

4. A Home Business may not emit any noxious or annoying smells or noises, particularly during evening hours.

E. Subdivision Control. – [TO BE ADDED]

VII. Administration and Enforcement.

A. Development Plans. For zoning districts that require the Plan Commission to approve a Development Plan prior to issuing a Building Permit, the following requirements shall apply:

1. Required Information. In addition to any information required on an application for a Building Permit, the following documentation and supporting information must be supplied to the Plan Commission before the Plan Commission may approve a Development Plan:

- a) the location and character of existing and proposed principal Structures and accessory Structures, utilities, Signs, and landscaping;
- b) the nature and intensity of Uses in the proposed development;
- c) the condition and size of public thoroughfares and parking, vehicle, and pedestrian facilities in the proposed development;
- d) the location and capacity of drainage facilities and sewer systems serving the proposed development; and
- e) any other information required by the Plan Commission to evaluate the Development Plan.

2. Development Plan Approval. Before the Plan Commission may approve a Development Plan, the following requirements must be satisfied:

a. The Plan Commission must determine that the proposed Use is compatible with surrounding land Uses and will not impose unreasonable burdens on surrounding Uses or have a significantly adverse impact on surrounding land values. Uses that are designated as "permitted" on the Use Table are presumed to be compatible with surrounding Uses, unless the Plan Commission finds that some particular aspect of the proposed development causes it to be incompatible with surrounding Uses in a way that most Uses of that particular type would not.

b. The Plan Commission must determine that water, sanitary sewers, storm water drainage, and other utilities are available at the development site and have sufficient capacity to adequately serve the development for the foreseeable future.

c. The Plan Commission must determine that the proposed development provides for adequate on-site management of storm water, noise, lighting, and erosion.

d. The Plan Commission must determine that the proposed Development Plan makes adequate provisions for buffering the development from any surrounding Uses, so as to minimize any adverse impact on surrounding property owners.

e. The Plan Commission must determine that the proposed Development Plan manages traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community. In so doing, the Plan Commission must make the following specific determinations:

(1) That the design and location of proposed street and highway access points minimize safety hazards and congestion.

(2) That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

(3) That the entrances, streets, and internal traffic circulation facilities in the Development Plan are adequate and compatible with existing and planned streets and adjacent developments.

f. The Plan Commission must determine that the proposed development satisfies any specific property development regulations set forth in this ordinance for the relevant zoning district with regard to the following: 1) Setback or Build-to Lines; 2) Building coverage; 3) Building separation; 4) vehicle and pedestrian circulation; 5) parking; 6) landscaping; 7) height, scale, materials, and style of improvements; 8) signage; 9) recreation space; 10) outdoor lighting; 11) any other development regulations required by this ordinance.

g. The Plan Commission must find that the proposed development is consistent with the overall purpose of the relevant zoning district and otherwise advances the goals of this ordinance and the Comprehensive Plan.

3. Waiver of Requirements. The Plan Commission may waive or modify any requirements for approval of a Development Plan if the Plan Commission determines that such waiver or modification is necessary to approve a given Development Plan, is consistent with the overall purpose of the relevant zoning district, and otherwise advances the goals of this ordinance and the Comprehensive Plan.

4. Additional Conditions. The Plan Commission may impose such additional conditions on the approval of a Development Plan as are reasonably necessary to satisfy the development requirements specified in this ordinance for approval of the Development Plan and to insure that the proposed development advances the purpose of the relevant zoning district and the Comprehensive Plan. The Plan Commission may also provide that approval of a Development Plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that guarantees the timely completion of a proposed public improvement in the proposed development and is in a form and amount that is satisfactory to the Plan Commission. The Plan Commission may further permit or require the owner of real property to make a written commitment concerning any requirements imposed by the Plan Commission with regard to approval of a Development Plan.

5. Development Plan Procedures. Procedures for submission and review of a Development Plan, including the nature or type of application, fees, notice, hearing, amendment, and other matters relevant to review shall be determined by rule of the Plan Commission.

6. Recommendations. In reviewing a Development Plan, the Plan Commission may consider or rely on the recommendations of any professional staff employed by the Plan Commission or on information from any other source the Plan Commission considers useful and appropriate.

B. Building Permits.

1. Except as otherwise provided by this ordinance, no Building or other Structure shall be erected, moved, added to, or altered unless the Plan Commission or the Plan Director has issued a Building Permit. However, no Building Permit is required for Improvements to the interior of a Building or Structure that are not visible to persons located outside that Building or Structure. A Building Permit shall be issued only upon finding that the proposed Improvement complies with the requirements of this Ordinance or upon written order from the Board of Zoning Appeals granting a variance, appeal, or Special Exception.

2. Prior to issuing a Building Permit for a new Building, the Plan Commission or the Plan Director shall insure that a sewer permit has also been issued.

3. The application for a Building Permit shall be submitted to the Plan Commission Office and signed by the owner or applicant attesting to the accuracy of all information. Each application shall clearly state that the permit shall expire and be revoked if work has not begun within ninety (90) days or been substantially completed within two (2) years after the date the Building Permit

was issued, unless an extension has been granted by the Plan Commission or the Plan Director.

4. An applicant applying for a Building Permit shall furnish any information required by rule of the Plan Commission.

5. No Building Permit shall be issued for any commercial use unless the State Administrative Building Council has approved all plans.

6. As a condition of issuing a Building Permit, the Plan Commission or Plan Director may require the relocation or redesign of any Structure or entrance or exit if necessary in the interest of safety or public welfare of the community.

7. Any person requesting a Building Permit shall be required to disclose the identity of his contractor.

8. All plans filed with the Plan Commission Office shall be public records and shall be maintained by the Plan Commission Office as permanent records.

C. Special Permits.

1. **Variances.** After an application for a Building Permit has been denied, the Board of Zoning Appeals may issue a variance of Use pursuant to I.C. § 36-7-4-918.4 or from development standards pursuant to I.C. § 36-7-4-918.5. All variance proceedings shall follow the procedures set by rule of the Board of Zoning Appeals. In addition to any documents or applications required by the Board of Zoning Appeals, Variance applications must include any information required by the Plan Commission for issuance of a Building Permit, including a Development Plan, if required for a particular zoning district.

2. Special Exceptions.

a. The Board of Zoning Appeals may permit a Special Exception only for Uses designated as Special Exception Uses in the Use Table. A Special Exception may be granted only after a public hearing held in accordance with the rules of the Board of Zoning Appeals.

b. Along with any information that the Board of Zoning Appeals may require by rule, an application for a Special Exception must provide any information that would be required on an application for a Building Permit in the relevant zoning district, which shall include a Development Plan, if otherwise required in that zoning district.

c. The Board of Zoning Appeals may approve a Special Exception only upon making the following findings: 1) that all persons who own or have a controlling interest in the property in question have joined the in application; 2) that the approval will not be injurious to the health, safety, morals, and general welfare of the community; 3) that the Use and value of the area adjacent to the property included in the request will not be affected in a substantially adverse manner; 4) that the approval is in substantial compliance with the Comprehensive Plan; 5) that the approval is not based primarily upon financial hardship or mere convenience; 6) that the approval conforms with zoning, subdivision and all other applicable ordinances of the Town; 7) that the proposed Use will comply with any general or zoning district-specific property development regulations; 8) that the applicant has made a good faith attempt to locate the proposed Use in a zoning district where it would be permitted without a special exception but has been unsuccessful.

d. In the exercise of approving a Special Exception for a given Use, the Board of Zoning Appeals may impose, such additional conditions regarding the location, character, operation, and other features of the proposed Building, Structure or Use as it may deem advisable in the furtherance of the purpose of this Ordinance. The Board of Zoning appeals may also require, as a condition of issuing the Special Exception, that the applicant to enter into a written commitment regarding such additional conditions regarding the location, character, operation, and other features of the proposed Building, Structure or Use.

e. Upon a finding by the Board of Zoning Appeals that the Special Exception will be issued, the Board of Zoning Appeals shall order the Plan Commission to issue a Building Permit, subject to any additional conditions or commitments that the Board of Zoning Appeals required when issuing the Special Exception.

f. Upon receipt of an order from the Board of Zoning Appeals approving a Special Exception, the Plan Commission shall issue a Building Permit according to the order.

g. The Board of Zoning Appeals may table the application for a Special Exception and refer it to the Plan Commission with a request for further information, review, and recommendations to the Board of Zoning Appeals.

3. Exterior Permit. An Exterior Permit may be issued by the Plan Commission upon receipt of an application required by rule of the Plan Commission and in accordance with procedures set by the Plan Commission.

4. **Certificate of Nonconformity.** The Plan Commission may issue a Certificate of Nonconformity upon receipt of information required by rule of the Plan Commission and in accordance with procedures set by the Plan Commission.

E. Zoning Code Amendments. Amendments to the French Lick Zoning Code shall be made in a manner prescribed by I.C. § 36-7-4 et. seq. If the Indiana Code provisions are silent with regard to any procedure for amending the French Lick Zoning Code, the rules of the Plan Commission shall govern.

F. Appeals. Appeals to interpretations of the French Lick Zoning Code made by an administrative official, administrative board, hearing officer, staff member, or other body except the Plan Commission shall be to the Board of Zoning Appeals in accordance with the rules of the Board of Zoning Appeals. Appeals to interpretations of the Plan Commission or the Board of Zoning Appeals may be made to the Orange Circuit Court or the Orange Superior Court in accordance with the requirements of Indiana law.

G. Enforcement Procedures.

1. The Plan Commission may issue a Cease and Desist Order to any person, firm, or property that is in violation of the French Lick Zoning Code. The Plan Commission may also, by resolution, designate that such orders be issued by the Plan Director or such other officer or person designated by the Plan Commission. Issuance of a Cease and Desist Order shall mean any or all work that is in progress at the designated location must cease immediately and shall not continue until released by the Plan Director or other official who has the duty to enforce this ordinance, the Plan Commission or the Board of Zoning Appeals. Any person or firm affected by such order may appeal the decision in a manner provided for in this ordinance or by Indiana law. However, the work stay shall remain until the Cease and Desist Order has been released by the reviewing authority.

2. It is the intent of this ordinance that enforcement of the French Lick Zoning Code shall be the responsibility of the Plan Commission or any officer or other person designated by the Plan Commission. However, the Board of Zoning Appeals shall enforce orders and written commitments issued by that body.

H. Violations.

1. Whenever the Plan Commission determines that any person, which includes but is not limited to individuals, firms or corporations, is Violating or believed to have Violated the French Lick Zoning Code, a Cease and Desist Order shall be served, either personally or by certified mail, a notice of said Nuisance, containing:

- a. The location of the Violation;
- b. The description of what constitutes the Violation;
- c. A statement of acts necessary to abate the Violation.

Law enforcement officers within the Town shall assist the Plan Commission in serving said notices, as needed.

2. Within ten (10) days from receipt of notice, such offender shall correct said Violation or show what steps have been or will be taken to correct said Violation.

3. All Violations of this ordinance shall be punishable by fines established by rule of the Plan Commission, which may be up to the maximum allowed under I.C. § 36-01-3-8.

4. The erection, construction, enlargement, conversion, moving, alteration or maintenance of any Building and the continuance, operation, or maintenance of any Use contrary to any of the provisions of this ordinance, is hereby declared to be in Violation of this ordinance and unlawful. The Plan Commission may institute a suit for injunction to restrain any person from Violating the provisions of this ordinance. The Plan Commission may also institute a suit for mandatory injunction directing any person to remove a structure erected or located in Violation of the provision of this ordinance. In addition, the Plan Commission may seek any fines or other penalties provided for in this ordinance.

5. Whenever a person is in violation of any part of the French Lick Zoning Code and court action is required and the Plan Commission is successful in its suit, the respondent shall pay the cost of such action, including reasonable attorney fees as allowed by the court.

6. Any person starting construction or change of use without a Building Permit may be charged a late filing fee to be established by rule of the Plan Commission, plus permit fees. However, the late fee shall not apply in the event that such construction was made necessary due to storm or other damage to a Building or Structure and the circumstances made it impractical to obtain a Building Permit prior to the commencement of repairs.

7. The remedies provided for herein shall be cumulative and not exclusive, shall be in addition to any other remedies provided by law, and are not intended to limit the Plan Commission's or the Board of Zoning Appeal's authority to exercise any remedy allowable under Indiana law.

VIII. Zoning Map. The Zoning Map, designated as the “Zoning Map for the Town of French Lick – January 9, 2023 version”, is hereby incorporated by reference.

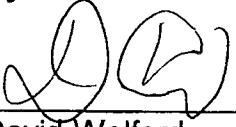
[Signature page to follow]

IX. Enactment.

Introduced and Filed on the 16th day of February 2023. Consideration on the First Reading Sustained a vote of 4 in favor and 0 opposed, pursuant to I.C. § 36-5-2-9.8.

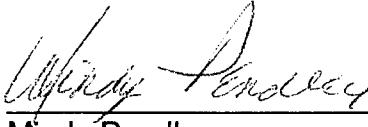
Duly Adopted this 16th day of February 2023, by the Town Council of the Town of French Lick, Orange County, Indiana, having Passed by a vote of 4 in favor and 0 opposed.

Town of French Lick, Indiana
By its Town Council:



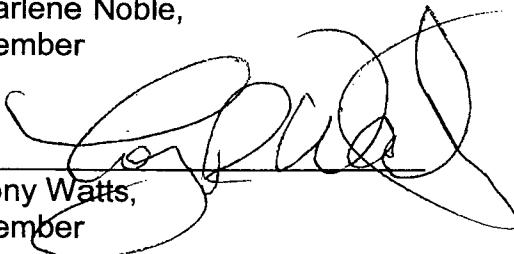
David Wolford,
Town Council President

Attest:

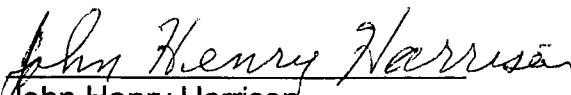


Mindy Pendley,
Clerk-Treasurer

Marlene Noble,
Member



Tony Watts,
Member



John Henry Harrison,
Member



Michelle Sanders,
Member