



Town of

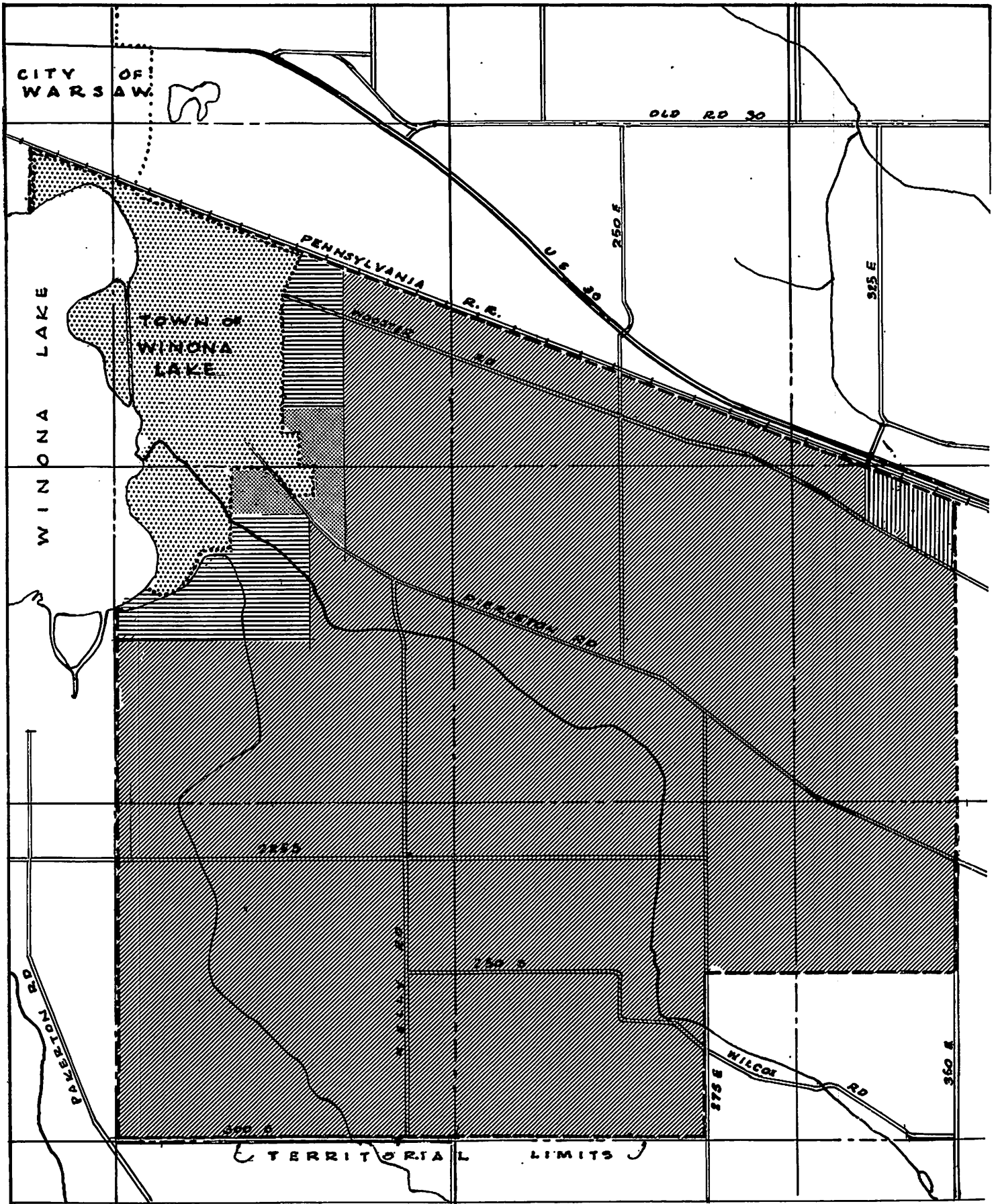
# WINONA LAKE

Indiana

**Master Plan**

**Zoning Ordinance**

**Subdivision Control Ordinance**



**TERRITORIAL JURISDICTION MAP**  
**MASTER PLAN WINONA LAKE INDIANA**

- |   |           |   |               |   |            |
|---|-----------|---|---------------|---|------------|
|  | TOWN AREA |  | RESIDENTIAL   |  | INDUSTRIAL |
|  | SUBURBAN  |  | INSTITUTIONAL |   |            |

1226  
1-22

# TOWN OF WINONA LAKE

## Town Board

Lyle Martin, President  
Lester Pifer  
Vern Gast

Paul Tschetter, Town Clerk

William Garrard, Town Attorney

J. McCleary, Planning Consultant

## Plan Commission

Harold H. Etling, President  
Robert Haney, Secretary  
H. Thomas  
E. Pratt  
Paul Dunbar  
Paul Tschetter  
Lloyd Knox  
Gordon Orr  
Jesse Humberd

## Appeals Board

Harold H. Etling, President  
Frank Poland, Secretary  
Blaine Mikesell  
Paul Dunbar  
Floyd Hollar  
Jack Endicott

## Building Commissioner

Howard Lightfoot

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ZONING USE SUMMARY IN SPECIFIC DISTRICTS

"S" Districts

- |                            |                                      |
|----------------------------|--------------------------------------|
| 1. Agricultural uses       | 3. Two family dwellings              |
| 2. Single family dwellings | 4. Group house and garden apartments |

"RA" Districts

1. Single family dwellings

"RB" Districts

- |                            |                         |
|----------------------------|-------------------------|
| 1. Single family dwellings | 2. Two family dwellings |
|----------------------------|-------------------------|

"RC" Districts

- |                            |                                      |
|----------------------------|--------------------------------------|
| 1. Single family dwellings | 3. Group house and garden apartments |
| 2. Two family dwellings    | 4. Apartment house                   |

"Com" Districts

- |                                      |                        |
|--------------------------------------|------------------------|
| 1. Two family dwellings              | 3. Apartment house     |
| 2. Group house and garden apartments | 4. Local business uses |

"Ins" Districts

- |                            |                       |
|----------------------------|-----------------------|
| 1. Single family dwellings | 2. Institutional uses |
|----------------------------|-----------------------|

"Ind" Districts

- |                        |                                      |
|------------------------|--------------------------------------|
| 1. Local business uses | 2. Limited and light industrial uses |
|------------------------|--------------------------------------|

# ZONING ORDINANCE

AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE TOWN OF WINONA LAKE, INDIANA, AND CONTIGUOUS UNINCORPORATED TERRITORY UNDER THE JURISDICTION OF THE WINONA LAKE PLAN COMMISSION, TO CONSERVE THE VALUE OF PROPERTY AND TO THE END THAT ADEQUATE LIGHT, AIR, CONVENIENCE OF ACCESS, AND SAFETY FROM FIRE AND OTHER DANGERS MAY BE SECURED, THAT CONGESTION IN THE PUBLIC STREETS MAY BE LESSENED OR AVOIDED, AND THAT THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, AND GENERAL WELFARE MAY BE PROMOTED IN A MANNER WHICH RECOGNIZES THE NEEDS OF INDUSTRY AND BUSINESS IN THE FUTURE GROWTH OF THE TOWN AND WHICH WILL ENCOURAGE THE DEVELOPMENT OF HEALTHY SURROUNDINGS FOR FAMILY LIFE IN RESIDENTIAL NEIGHBORHOODS, ALL IN ACCORDANCE WITH A MASTER PLAN DESIGNED TO ASSURE EFFICIENCY AND ECONOMY IN THE PROCESS OF DEVELOPMENT OF THE TOWN AND FOR THE PURPOSE OF:

- (1) Classifying, regulating and limiting the height, area, bulk and use of buildings and premises hereafter to be erected;
- (2) Regulating and determining the area of front, rear and side yards and other open spaces about buildings;
- (3) Regulating and determining the use and intensity of use of land and lot areas;
- (4) Classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses;
- (5) Dividing the Town into districts of such kind, character, number, shape and area as may be deemed necessary to carry out the purpose of this ordinance. AND FURTHERMORE PROVIDING FOR ITS ADMINISTRATION AND ENFORCEMENT, CREATING A BOARD OF ZONING APPEALS AND PROVIDING FOR REVIEW OF THE DECISIONS OF SUCH BOARD BY THE COURT.

Be it Ordained by the Town Board of Trustees of the Town of Winona Lake, Indiana:

## ARTICLE I. IN GENERAL

### Section 1.

SHORT TITLE. This ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of Winona Lake, Indiana.

### Section 2.

IDENTIFICATION. Wherever the word "Town" appears in this ordinance, it shall be deemed to refer to the Town of Winona Lake, Indiana.

### Section 3.

INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.

### Section 4.

NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, or any rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided, except, that where this ordinance imposes a greater restriction upon the use of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties or by such ordinances, rules, regulations or permits the provisions of this ordinance shall control.

## ARTICLE II. DISTRICTS AND ZONE MAPS

### Section 1.

DISTRICTS. The Town of Winona Lake and the Jurisdictional Area are hereby divided into seven (7) districts in order to carry out the purposes of this ordinance. The Districts shall be known and designated throughout the ordinance as follows:

Name of District

Designation Hereinafter

"S" Suburban District	"S"
"RA" Single-Family Residential District	"RA"
"RB" Two-Family Residential District	"RB"
"RC" Multiple Family Residential District	"RC"
"COM" Business District	"COM"
"INS" Institutional	"INS"
"IND" Industrial District	"IND"

Section 2.

**ZONE MAPS.** The Zone Maps, dated January and March, 1966, are hereby declared to be a part of this ordinance. The Zone Maps show the areas included in the above districts. Notations, references, indications and other matters shown on the Zone Maps are as much a part of this ordinance as if they were fully described in the text of this ordinance. Two copies of said Zone Maps are on file in the office of the Clerk-Treasurer of the Town of Winona Lake, Indiana.

Section 3.

**DETERMINATION & INTERPRETATION OF DISTRICT BOUNDARIES.** In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Town. Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Maps, the following rules shall apply:

- a. Where district boundaries are indicated as following street, alley or lot lines, or approximately along such lines, such lines shall be construed to be the district boundaries.
- b. In unsubdivided areas, or where a district boundary subdivided a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Maps.
- c. In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the Zone Maps as to the location of the boundary in question.

Section 4.

**PROCEDURE RELATING TO ANNEXED OR VACATED AREAS.** Territory which may hereafter be annexed to the Town shall remain as zoned unless changed by amendment of this ordinance.

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulation of the extended districts.

**ARTICLE III  
GENERAL PROVISIONS - SPECIFICATIONS**

Section 1.

**USE.** No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in the district in which such building or land is located.

Section 2.

**HEIGHT.** No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

Section 3.

**YARDS, LOT AREA AND SIZE OF BUILDING.** No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

Section 4.

**LOTS.** Every building hereafter erected shall be located on a lot which fronts on a street.

Section 5.

**VEHICLE PARKING SPACE: LOADING & UNLOADING BERTHS.** Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

Section 6.

**SPECIFICATIONS.** The following Specifications are hereby declared to be a part of this ordinance:

- SPECIFICATIONS A - DEFINITIONS
- SPECIFICATIONS B - RESIDENTIAL USES
- SPECIFICATIONS C - INSTITUTIONAL USES
- SPECIFICATIONS D - COMMERCIAL USES
- SPECIFICATIONS E - INDUSTRIAL USES
- SPECIFICATIONS F - CONTINGENT USES
- SPECIFICATIONS G - CONDITIONAL USES
- SPECIFICATIONS H - VEHICLE PARKING SPACE
- SPECIFICATIONS I - UNIT DEVELOPMENT PLAN

Specifications A to F, inclusive, show the district or districts in which the use, which is the subject of the specifications, is permitted, and delineates the specifications for

- Lot area per family
- Width of lot
- Height of building
- Vehicle parking space
- Front, side, rear and other yards
- Lot coverage
- Size of building
- Vision clearance
- Accessory buildings and uses

applicable to the particular use in each district where such use is authorized. Two copies of the Specifications referred to herein are on file in the office of the Clerk-Treasurer of the Town of Winona Lake, Indiana.

**ARTICLE IV  
NONCONFORMING USE SPECIFICATIONS**

Section 1.

**DEFINITION AND CONTINUANCE.** There are hereby declared to be three (3) types of non-conforming uses within the application of this ordinance, to wit:

- Type 1 - a non-conforming use in a conforming structure;
- Type 2 - a non-conforming use in a non-conforming structure; and
- Type 3 - a non-conforming use not involving a structure.

The lawful use of a building or premises, existing at the time of passage of this ordinance may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.

Section 2.

**CHANGE.** A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided no structural changes are made in any building involved in the use. Whenever a non-conforming use has been changed to a use permitted in a district of greater restrictions, it shall not thereafter be changed to use permitted only in a district of lesser restrictions. Whenever a non-conforming use has been changed to a conforming use it shall not thereafter be changed to a non-conforming use.

Section 3.

**EXTENSION.** Any non-conforming use may be extended throughout a building, provided no structural alterations are made therein, upon approval by the Board of Zoning Appeals for good cause shown. Application for any such extension shall be in writing, signed by the interested party and shall be made directly to the Board of Zoning Appeals. Good cause shall be deemed shown if it is established that denial of the extension would work an unreasonable hardship on the petitioner or that the extension proposed will not tend to increase the burden of the non-conforming nature of the use upon the zone district.

Section 4.

ERECTION AND RE-ERECTION OF BUILDINGS. No building shall be erected upon any premises devoted to a nonconforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than seventy-five (75) per cent of its appraised valuation, shall be repaired or rebuilt, except in conformity with regulations of this ordinance. A building devoted to a nonconforming use which has been damaged by fire or other causes to the extent less than seventy-five (75) per cent of its appraised valuation must be reconstructed within a period not to exceed twelve (12) months in order to continue the use of such building in a nonconforming use.

Section 5.

TEMPORARY PERMITS. The Board of Zoning Appeals may authorize, by written permit in a residential district for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

Section 6.

RIGHT TO CONSTRUCT IF PERMIT ISSUED. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed within three (3) years from the date of passage of this ordinance.

Section 7.

ABATEMENT. In the event that a nonconforming use of any building or premises is discontinued, the use of the same shall thereafter conform to the uses permitted in the district in which it is located, if such discontinuance shall have continued for the specified period for the type of nonconforming use, to wit:

- Type 1 - 6 months
- Type 2 - 1 year
- Type 3 - 3 months

provided, however, that if the nonconforming use is a seasonal use recognized as such in the Town it shall be abated for discontinuance if it is discontinued for a period of one year.

Section 8.

DISCONTINUANCE. All nonconforming uses existing at the effective date of this ordinance shall in all events be discontinued and the buildings, premises and uses thereof shall conform to the requirements of the applicable zone district as follows:

- Type 1 - Upon the expiration of 10 years from and after the effective date of this ordinance;
- Type 2 - Upon the expiration of 15 years from and after the effective date of this ordinance;
- Type 3 - Upon the expiration of 7 years from and after the effective date of this ordinance.

Section 9.

NONCONFORMING USE CREATED BY AMENDMENT. These provisions shall apply in the same manner to a use which may become a nonconforming use due to a later amendment of this ordinance. In such nonconforming uses the final discontinuance thereof shall be after the applicable period of time established in Section 8 of this Article which time shall commence to run upon the effective date of the amendment to this ordinance which makes the use nonconforming.

Section 10.

NONCONFORMING TRACTS. From and after the effective date of this ordinance whenever the same persons, firms or corporations shall have title in fee simple to any nonconforming tract upon which no residence or business building is situated in any zone district and shall at the same time have title to a tract, either conforming or nonconforming, which is contiguous to the nonconforming tract so that when taken together such parcels of land constitute a conforming tract, then such land shall not thereafter be divided or sold so as to create or continue a nonconforming tract.

#### ARTICLE V. ADMINISTRATION

Section 1.

ENFORCEMENT. The Building Commissioner is hereby authorized and designated to enforce this ordinance.

Section 2.

IMPROVEMENT LOCATION PERMITS.

A. Within the Jurisdictional Area of the Winona Lake Plan Commission no structure, improvement or use of land may be altered, changed, placed, erected, or located on platted or unplatted, unless the structure, improvement or use, and its location, conform with the Master Plan and ordinances of the Town, and an improvement location permit for structure, improvement or use has been issued; provided, however, that no such permit shall be required for the erection or alteration of buildings, except dwelling houses, used exclusively for agricultural purposes on a tract of land containing at least five acres.

B. The Building Commissioner shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Master Plan and Ordinances of the Town of Winona Lake.

C. Every application for an Improvement Location Permit shall be accompanied where applicable by a site plan, drawn to scale, showing the location of the structure, improvement or use to be altered, changed, placed, erected or located, the dimensions of the lot, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, the manner in which the location is to be improved and the contract price or cost estimate of the proposed improvement. Application for an Improvement Location Permit for new construction of a single family residence shall be accompanied by a fee of ten dollars (\$10); application for an accessory building, alteration of an existing building or a change in use only shall be accompanied by a fee of five dollars (\$5). All other applications shall be accompanied by a fee of ten dollars (\$10) plus one dollar (\$1) for each one thousand dollars (\$1,000) valuation in excess of ten thousand dollars (\$10,000). In all cases where state law requires plans bearing approval of the Administrative Building Council of the State of Indiana, an application for an Improvement Location Permit shall be accompanied by a certificate of compliance issued by said Administrative Building Council.

D. Any decision of the Building Commissioner on the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person adversely affected thereby.

Section 3.

CERTIFICATE OF OCCUPANCY.

A. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

B. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such changes unless it is in conformity with the provisions of this ordinance.

C. A Certificate of Occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten (10) days after the Building Commissioner is notified in writing of the completion of the erection, reconstruction or structural alteration unless the same shall not conform to the requirements of this ordinance or the Improvement Location Permit.

D. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

E. No improvement location permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

ARTICLE VI. BOARD OF ZONING APPEALS

Section 1.

ESTABLISHMENT. A Board of Zoning Appeals is hereby established in accordance with Chapter 174, Acts of 1947, of the Indiana General Assembly, and all Acts amendatory thereto.

Section 2.

COMPOSITION AND APPOINTMENT. The Board shall be composed of six (6) members, five (5) of whom shall be residents of the town and one of whom shall be a resident of the jurisdictional area, and none of whom shall hold

other elective or appointive office, except that two (2) of the six (6) members shall be appointed from the Town Plan Commission's Citizen membership. Of the original five (5) members residing in the town, two (2) shall be appointed to serve for four (4) years; one for three (3) years; one for two (2) years; and one for one (1) year, and the appointee from the Jurisdictional area shall be appointed for a term of four (4) years.

Terms of these members shall expire on the first day of January in the year in which their original appointments terminate. Thereafter as the terms expire, each new appointment shall be for a term of four (4) years. All members of the Board residing in the town shall be appointed by the President of the Town Board of Trustees, and the member from the Jurisdictional area shall be appointed by the Judge of the Circuit Court of the County.

Section 3.

**ORGANIZATION.** At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations therefore fixed by the Town Board of Trustees.

Section 4.

**RULES OF PROCEDURE.** The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

Section 5.

**MEETINGS AND RECORDS.** All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

Section 6.

**APPEALS FROM BUILDING COMMISSIONER.** Any decision of the Building Commissioner made in enforcement of this ordinance may be appealed to the Board of Zoning Appeals by any person adversely affected by such decision.

Section 7.

**POWERS AND DUTIES OF THE BOARD.**

A. The Board shall have the following powers and it shall be its duty to:

(1) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this ordinance.

(2) Hear and decide on permits for conditional uses, development plans or other uses upon which the Board is required to act under this ordinance.

(3) Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken.

Section 8.

**RESTRICTIONS ON BOARD ACTION.**

A. Every decision of the Board shall be subject to review by certiorari.

B. No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find that such variance will not:

- (1) Alter the land use characteristics of the district.
- (2) Impair the adequate supply of light and air to the adjacent property.
- (3) Increase the hazard from fire, flood and other dangers to said property.
- (4) Diminish the marketable value of adjacent lands and buildings.

- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

#### ARTICLE VII. AMENDMENTS

##### Section 1.

AMENDMENTS. All amendments to this ordinance shall be in conformance with the provisions of Chapter 174, Acts of 1947, General Assembly of Indiana, and all acts amendatory thereto. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Town Board of Trustees. If the Plan Commission does not approve the enactment of any proposed amendment, it shall become effective only by a three-fourths vote of the Town Board of Trustees.

#### ARTICLE VIII. REMEDIES & PENALTIES

##### Section 1.

REMEDIES. The Winona Lake Plan Commission, the board of Zoning Appeals, the Building Commissioner, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Kosciusko County to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Winona Lake Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation or a governmental unit to remove a structure erected in violation of any provisions of this ordinance or the requirements thereof. Any building erected, raised, or converted, or land or premises used in violation of any provisions of this ordinance, or the requirements thereof is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

##### Section 2.

PENALTIES. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall alter the use of land or build, reconstruct or structurally alter any building without first securing an Improvement Location Permit, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder, or who shall occupy such altered land use or new or structurally altered building prior to securing a Certificate of Occupancy, shall, for each and every violation or non-compliance, be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10) and not more than three hundred dollars (\$300).

#### ARTICLE IX. SEVERABILITY

##### Section 1.

INVALIDITY OF PORTIONS. Should any Article, Section or Provision of ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

##### Section 2.

WHEN EFFECTIVE. This ordinance shall be in full effect from and after its passage, approval and publication according to law.

#### ARTICLE X AVAILABILITY FOR PUBLIC INSPECTION

##### Section 1.

DUTY OF THE CLERK-TREASURER. The Clerk-Treasurer of the Town of Winona Lake, Indiana, is hereby directed to keep on file two copies of the Zone Maps referred to in Article II, Section 2, and of the Specifications referred to in Article III, Section 6, and said Maps and Specifications shall be available for public inspection during all regular office hours of the said Clerk-Treasurer.

#### SPECIFICATIONS A - DEFINITIONS

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice versa; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure" and vice versa; the word "shall" is manda-

tory and not directory.

1. **ACCESSORY USE:** A use which is incidental to the main use of the premises.
2. **ALLEY:** A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than thirty (30) feet in width.
  - 2a. **AUTOMOBILE WRECKING YARD:** Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm machinery, or parts thereof, stored in the open and not being restored to operation condition; and including the commercial salvaging of any other goods, articles or merchandise.
3. **BASEMENT:** A story partly underground, but having more than one-half of its clean height below ground level which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurements.
4. **BLOCK:** Property having frontage on one side of a street and lying between the two nearest intersection or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway or barriers do not exist, the unit of six hundred sixty (660) feet shall be used and may begin at a quarter section line and terminate each six hundred sixty (660) feet unless intersected by a street.
5. **BOARD:** The Board of Zoning Appeals of the Town of Winona Lake, Indiana.
6. **BOARDING HOUSE:** A building not open to transients, where lodging and/or meals are provided for compensation for three (3) or more, but not over thirty (30) persons regularly; a lodging house.
7. **BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such wall, each portion of such a building shall be considered a separate structure.
8. **BUILDING, ACCESSORY:** A subordinate building or a portion of a main building, which is located on the lot of the main building, the use of which is incidental to that of the main building but such accessory building shall not be used as a separate family dwelling.
9. **BUILDING AREA:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.
10. **BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front lot line.
11. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as a part of the principal building.
12. **BUILDING, HEIGHT OF:** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable; hip and gambrel roofs.
13. **BUSINESS:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.
14. **CAMP, PUBLIC:** Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, or two (2) or more camping parties, including cabins, tents or other camping units.
15. **COMMERCIAL:** See Business.
16. **DISTRICT:** A section of the Town of Winona Lake or the jurisdictional area for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.
17. **FAMILY:** A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six (6) persons, as distinguished from a group occupying a lodging house or hotel.
18. **GARAGE, PRIVATE:** An accessory building with capacity for not more than three (3) motor vehicles for storage only, not more than one (1) of which may be a commercial vehicle of not more than three (3) tons capacity. Provided, however that a garage designed to house one (1) motor vehicle for each family housed in, an apartment shall be classed as a private garage.

19. GARAGE, PUBLIC: Any building or premises, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

20. GROUND FLOOR AREA: The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

21. HOME OCCUPATION: An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a name plate, not exceeding one square foot in area, is displayed, and no change in the external appearance of the building shall be caused thereby, and that no accessory building shall be used for such home occupation.

22. HOTEL: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradiction to a boarding or lodging house.

23. JUNK YARD: Open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto and building wrecking yards.

24. KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

25. JURISDICTIONAL AREA: For Planning and Zoning, the area incorporated within the Town of Winona Lake, Indiana, and the contiguous unincorporated territory described and filed by the Winona Lake Plan Commission with the Recorder of Kosciusko County, Indiana.

26. LODGE OR CLUB: An association of persons for some common purpose, but not including a group organized primarily or which is actually engaged to render a service which is customarily carried on as a business.

27. LOT: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) principal building and its accessory buildings, and the open space required by this ordinance, and having its principal frontage on a street, or an officially designated and approved place.

28. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.

29. LOT COVERAGE: The percentage of the lot area covered by the building area.

30. LOT, DEPTH OF: The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

31. LOT, GROUND LEVEL:

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

b. For buildings having walls adjoining more than one street, the average of the elevation of the ground at the center of all walls adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

32. LOT, INTERIOR: A lot other than a Corner Lot or Through Lot.

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

34. LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

35. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.

36. LOT, THROUGH: A lot having frontage on two streets at opposite ends of the lot.

37. **LOT, WIDTH OF:** The distance between the side lot lines at the front building line of building measured at right angles to the depth of the lot.
38. **MOBILE HOME COURT:** Any area or tract of land used or designed to accommodate two (2) or more mobile homes for non-transient use meeting the standards established by the Indiana State Board of Health for such park or court.
39. **MOTEL:** A building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public traveling by motor vehicle.
40. **NONCONFORMING USE:** A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which such building or premises is located.
41. **NONCONFORMING TRACT:** Any tract of land, lot or group of lots under common ownership and situated within a single zone district the size of which is less than the minimum size permitted for improvement within said zone district.
42. **PARKING LOT:** A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.
43. **PROFESSIONAL OFFICE:** When conducted in a residential district a professional office shall be incidental to the residential occupation; shall be conducted by a member of the resident family entirely within a residential building and accessory building and shall include only the offices of doctors or practitioners, ministers, architects, landscape architects, professional engineers, lawyers, authors, musicians and other recognized professional occupations occasionally conducted within residences.
44. **PLACE:** An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
45. **SANITARIUM:** A private hospital, whether or not such facility is operated for profit.
46. **STORY:** That portion of a building, included between the surface of any floor other than the basement and the surface of the floor next above it. If there is no floor above, then the space between such floor and the ceiling next above it shall be the story.
47. **STORY, HALF:** That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.
48. **STREET:** A public thoroughfare thirty (30) feet or more in width between property lines, which affords principal means of vehicular access to abutting property.
49. **STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something permanently located on the ground.
50. **STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof, excepting such alterations as may be required for the safety of the building.
51. **TOURIST HOME:** A dwelling in which overnight accommodations for not more than ten (10) transient guests is offered for compensation.
52. **VEHICLE PARKING SPACES:** The area required for parking one automobile, which in this ordinance is held to be an area nine (9) feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space making a total of two hundred fifty (250) square feet.
53. **VISION CLEARANCE ON CORNER LOTS:** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of 3-1/2 and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along each property line.
54. **YARD, FRONT:** Horizontal space measured at 90 degrees with the property line between the front line of the principal building and the property line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30 percent of the required front yard.
55. **YARD, REAR:** Horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30 percent of the required rear yard.

56. **YARD, SIDE:** Horizontal space measured at 90 degrees to the side lot line between the side of a building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than 24 inches, or open or lattice-enclosed fire escapes or fire proof outside stairways, projecting not over four (4) feet.

57. **ZONE:** Same as District.

**SPECIFICATIONS B - RESIDENTIAL USES  
SINGLE FAMILY DWELLING**

**DEFINITION:** A detached building designed for and occupied by one family exclusively.

**LOCATION PERMITTED:** In all Districts, except "COM" & "IND," provided it is located:

1. On a lot which was in single ownership or included in a subdivision recorded in the office of the Recorder of Kosciusko County, Indiana, on or before the date of passage of this Ordinance, or
2. On any lot with a minimum area in square feet and width in feet as follows:

DISTRICT	LOT AREA	LOT WIDTH
"S" (Where no public water supply and no public sewers are available)	12,000	90
"S" (Where public water supply is available)	7,200	60
"RA"	7,200	60
"RB," "RC" & "INS"	6,000	60

**HEIGHT OF BUILDINGS:** Principal Building - Normal maximum 35 feet or 2-1/2 stories.

Conditional Exception - Height of principal building may be increased above 35 feet but no higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

**FRONT YARD:** 20% of the average depth of lots in the block with a minimum depth of 25 feet and need not exceed 40 feet in depth in incorporated areas and a minimum depth of 50 feet and need not exceed 75 feet in unincorporated areas.

**SIDE YARD:** The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

**REAR YARD:** 20% of the depth of the lot, with a minimum depth of 15 feet and need not exceed 25 feet in depth.

**GROUND FLOOR AREA:** Not less than 800 square feet.

**LOT COVERAGE:** 35% maximum on corner lot; 30% maximum on interior lot.

**ACCESSORY BUILDING; USES PERMITTED:** Private garage, storage, exclusive of industrial or commercial use.

**TWO FAMILY DWELLING**

**DEFINITION:** A detached building designed for or occupied by two families. A duplex dwelling has one family above the other. A double dwelling has one family beside the other.

**LOCATION PERMITTED:** Only in the Districts designated below on any lot with a minimum area in square feet and a minimum width in feet as follows:

DISTRICT	LOT AREA	LOT WIDTH
"S" (Where no public water supply and no public sewers are available)	15,000	90
"S" (Where public water supply is available)	12,000	80
"RB," "RC" & "COM"	6,000	60

**HEIGHT OF BUILDING:** Principal Building - Normal maximum 35 feet or 2-1/2 stories.

Conditional Exception - Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

FRONT YARD: 20% of the average depth of lots in the block with a minimum depth of 25 feet and need not exceed 40 feet in depth in incorporated areas and a minimum depth of 50 feet and need not exceed 50 feet in unincorporated areas.

SIDE YARD: The sum of the side yards equal not less than 20% of the lot width with a minimum width of 5 feet for each side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

REAR YARD: 20% of the depth of lot, with a minimum depth of 15 feet and need not exceed 40 feet in depth.

GROUND FLOOR AREA: Not less than the following:

Double - 1000 square feet with minimum total living area of 800 square feet per family.

Duplex - 800 square feet.

LOT COVERAGE: 40% maximum on a corner lot' 35% maximum on an interior lot.

ACCESSORY BUILDING, USES PERMITTED: Private garage, storage, exclusive of industrial or commercial use.

#### GROUP HOUSE AND GARDEN APARTMENTS

DEFINITION: A building designed for or occupied by three or more families, exclusively for dwelling purposes, not exceeding 2-1/2 stories in height.

LOCATION PERMITTED: Only in the Districts designated below, on any lot with a minimum area in square feet and a minimum width in feet as follows:

DISTRICT	LOT AREA PER FAMILY	LOT WIDTH
"S" as a Conditional Use (Where no public water supply and no public sewers are available)	9,000	90
"S" as a Conditional Use (Where public water supply is available)	6,000	80
"RC" & "COM"	3,000	60

HEIGHT OF BUILDING: Principal Building - Maximum of 35 feet.

FRONT YARD: 20% of the average depth of lots in the block with a minimum depth of 25 feet but need not exceed 40 feet in depth in incorporated areas and a minimum depth of 50 feet and need not exceed 50 feet in unincorporated areas.

SIDE YARD: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

REAR YARD: 20% of the depth of lot, with a minimum depth of 15 feet and need not exceed 25 feet in depth.

GROUND FLOOR AREA: Minimum of 450 square feet for each first floor family.

LOT COVERAGE: 50% maximum on corner lots; 40% maximum on interior lots.

ACCESSORY BUILDING, USES PERMITTED: Private garage, storage, exclusive of industrial or commercial use.

#### APARTMENT HOUSE

DEFINITION: A building designed for or occupied by three or more families, exclusively for dwelling purposes, three or more stories in height.

LOCATION PERMITTED: Only in the Districts designated below, on any lot with a minimum area in square feet and a minimum width in feet as follows;

DISTRICT	LOT AREA PER FAMILY
"RC"	3,000 sq. ft.
"COM"	1,500 sq. ft.

FRONT YARD: 20% of the average depth of lots in the block.

SIDE YARD: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet from either side yard.

REAR YARD: 20% of the depth of the lot, with a minimum depth of 20 feet.

GROUND FLOOR AREA: Not less than 1,200 square feet.

LOT COVERAGE: 60% maximum on corner lots, 50% maximum on interior lots.

ACCESSORY BUILDINGS, USES PERMITTED: Private garage, exclusive of industrial or commercial use.

#### MOBILE DWELLING UNIT

DEFINITION: A mobile dwelling unit shall include living quarters such as house trailers, truck bodies, tents, bus bodies, railroad cars, shacks and improvised shelters which may be moved by tractor, truck, automobile or horses or can be carried, transported or towed from one place to another without the use of regular house moving equipment; that use for such living quarters shall include the acts of sleeping, preparation of meals or any sanitary measure such as bathing, dish washing or laundering clothing or any natural or performed operation which provides waste material objectionable from a nuisance standpoint.

LOCATION PERMITTED: Only in Mobile Home Courts, trailer camps, trailer courts or public camps approved by the Indiana State Board of Health and except as otherwise stipulated in the provisions of this ordinance.

#### GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE TO MOBILE DWELLING UNITS:

1. All mobile dwelling units occupied as temporary or permanent living quarters at the time of passage of this ordinance must be discontinued for such use or moved to a Mobile Home Court, Trailer Court or Public Camp approved by the Indiana State Board of Health, on or before one (1) year after the effective date of this ordinance.

2. Upon authorization of the Board of Zoning Appeals the Building Commissioner may grant a temporary permit for a house trailer to be used during the construction of a residence by the trailer owner. The trailer shall be used at the site of construction, and the permit shall be valid for a period not to exceed one year.

A temporary permit must be obtained from the Building Commissioner on the first day that the trailer is so parked. In all cases, house trailers must conform to the prescribed set-back requirements for accessory buildings.

3. One travel trailer or camper trailer as distinguished from other mobile dwelling units as defined herein, may be stored on a residential or commercial lot for an indefinite period of time, provided that such trailer will not be occupied for the purpose of using the same as temporary or permanent living quarters, and provided that it meets the requirements of Section "4" and "5" found below. Such unoccupied trailers are to be stored behind the principal structure, and in conformance with the prescribed set-back requirements of accessory buildings.

4. Removal of the wheels of any house trailer, except temporarily for repair, or the permanent blocking up of any house trailer whether situated in a camp or elsewhere shall be construed to automatically constitute the trailer to be a permanent place of abode. Such trailer shall then be subject to the restrictions of all laws and ordinances applicable to dwellings.

5. Structural or lean-to additions are not permitted other than those which are temporary and collapsible.

6. Any house trailer which has been permanently blocked up or had its wheels removed, except temporarily for repair, before the effective date of this ordinance, shall for all purposes of this ordinance be deemed to constitute a Type 3 nonconforming use.

MOBILE HOME COURTS: A mobile home court shall be considered in its entirety as one site for set-back restrictions which shall be as follows: Commercial Zone

Front yard - 25 feet

Side yard - 15 feet

Rear yard - 15 feet

If mobile home court is so situated as to be adjacent to any residential district, there shall be a set-back of 25 feet between the residential district and the nearest mobile home units to the district.

Residential conditional exceptions apply.

Suburban Zone

- Front yard - 50 feet
- Side yard - 25 feet
- Rear yard - 25 feet

Residential conditional exceptions apply.

- (a) Each mobile home lot or area designated for the placing of a mobile home in a mobile home court shall be of such size that the mobile home covers no more than 20 percent of the total designated area.
- (b) All streets and roadways within a mobile home court shall be graded, drained and surfaced with an all-weather surface of at least gravel, well oiled to prevent dust and shall be properly maintained.
- (c) Parking facilities for at least two automobiles for each mobile home lot shall be provided within any mobile home court in such manner as to allow parking without impeding traffic on the street. Parking area surface shall be at least equal to minimum surface for streets and roadways within a mobile home court.
- (d) All refuse containers whether at the mobile home site or at a centralized location within the mobile home court and all exterior storage shall be kept within a building or within and below a top of a neat, vision-proof fence and shall be maintained in a neat, orderly and sanitary manner.
- (e) Within 60 days after its placement in a Mobile Home Court, each mobile home shall be enclosed about the base with a neat skirting of wood, metal or plastic extended to the ground, which skirting shall thereafter be kept in a good state of repair.

GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS  
APPLICABLE TO ALL RESIDENTIAL USES  
IN DISTRICTS WHERE PERMITTED

GENERAL PROVISIONS

LOT DIMENSIONS: In no case shall the width of a lot be less than sixty (60) feet at the set back line, and the depth be less than one hundred (100) feet, and the depth-to-width ratio of the usable area of a lot shall be not greater than three (3) to one (1) except by approval of the Board of Zoning Appeals after public hearing.

FRONT YARD: No fence which shall be hereafter built or erected between the front set back line of the building or buildings and front lot line including natural fences of hedges, trees and shrubbery shall exceed 48" in height.

REAR YARD: One-half of an alley abutting the rear lot may be included in the required rear yard.

VISION CLEARANCE ON CORNER: Eight feet from the intersection of property lines.

VEHICLE PARKING SPACE: One space on the lot for each family housed in the principal building.

ACCESSORY BUILDINGS:

1. Shall not be premitted prior to the erection of the principal building, except for strictly storage purposes and not for human occupancy except by approval of the Board of Zoning Appeals after public hearing, for a period of not more than one (1) year from the date of such permit.
2. No detached accessory building shall be located closer to a side lot line than 5 feet, provided hoever, that the side yard requirement for accessory buildings shall not be less than 3 feet, if such accessory building is ten (10) feet or more to the rear of the residence building and is located behind the rear line of such residence building.
3. The normal maximum height permitted shall be 18 feet or 1-1/2 stories.
4. No accessory building shall be located closer to the rear lot line than 3 feet if no easement is located along such rear lot line.

CONDITIONAL EXCEPTIONS

FRONT YARD:

1. Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 40 feet in "RA" and "RB" Districts, or 25 feet in other districts in incorporated area; and t0 feet in other districts in unincorporated areas.

2. Front yard or setback lines established in recorded subdivisions establish the dimensions of front yards in such blocks, except when such setback lines may be less restrictive as provided in Article I, Section 4.

3. On lots extending through from one street to another, a front yard is required on each street.

4. On 4-lane Federal and State Highways, a distance of sixty (60) feet is required on lots not included in a recorded subdivision.

5. On 2-lane Federal and State Highways, a distance of seventy-five (75) feet is required on lots not included in a recorded subdivision.

6. On all other roads and streets except those in incorporated areas, a distance of fifty (50) feet is required on lots not included in a recorded subdivision.

**SIDE YARD:** Whenever a side yard abuts a street or road in an unincorporated area the following minimum width shall be the standard on lots not included in a recorded subdivision:

1. 60 feet on 4-lane Federal and State Highways.
2. 75 feet on 2-lane Federal and State Highways.
3. 25 feet on all other roads and streets.

**TAPERED YARD:** Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot; for each foot that such accessory building is placed from the rear line towards the front line of the corner lot, the accessory building may be set 4 inches closer to the side street line, but in no case closer than 5 feet in incorporated areas; and 25 feet in unincorporated areas on lots not included in a recorded subdivision.

**ACCESSORY BUILDINGS:** The height of accessory buildings may be increased to 25 feet or 2 stories provided the minimum required 3 foot distance from side lot lines is increased one foot for each 2 feet above the normal maximum height permitted but in no case shall the height of such building exceed the height of the principal building on such lot.

#### SPECIFICATIONS C - COMMERCIAL USES LOCAL BUSINESS USES

**DEFINITION:** Commercial uses primarily of a retail or service nature.

**INTERPRETATION:** The following names uses shall be deemed to include those uses or buildings in general keeping with and appropriate to the uses hereinafter specified.

**LOCATION PERMITTED:** The following classifications of business uses specifically stated or implied are permitted in the "COM" & "IND" Districts:

1. **AUTOMOBILE SERVICE**

(a) Filling Station, (b) Commercial Garage, (c) Commercial Parking Lot, (d) Sales Room, (e) Automobile Repair, entirely within enclosed buildings.

2. **BUSINESS SERVICE**

(a) Bank, (b) Office, (c) Postal Station, (d) Telegraph Office.

3. **CLOTHING SERVICE**

(a) Laundry Agency, (b) Self-Service Laundry, (c) Laundry & Dry Cleaning Establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds using cleaning fluid which is non-explosive and non-inflammable, (d) Dressmaking, (e) Millinery, (f) Tailor and Pressing Shop, (g) Shoe Repair Shop.

4. **EQUIPMENT SERVICE**

(a) Radio Shop, (b) Electric Appliance Shop, (c) Record Shop, (d) Locksmith Shop, (e) Upholstering Shop.

5. **FOOD SERVICE**

(a) Grocery, (b) Meat Market, (c) Supermarket, (d) Restaurant, (e) Delicatessen, (f) Cold Storage

Lockers, for individual use, (g) Roadside Sales Stand, (h) Catering Establishments.

6. PERSONAL SERVICE

(a) Barber Shop, (b) Beauty Shop, (c) Reducing Salon, (d) Photographic Studio.

7. RETAIL SERVICE, RETAIL STORES GENERALLY

(a) Drugstore, (b) Hardware, (c) Stationer, (d) Newsdealer, (e) Show Room, for articles, (f) Commercial Greenhouse, not exceeding 1,000 sq. ft. in area, (g) Apparel Shop, (h) Flower Shop, (i) Painting & Decorating Shop, (j) Printing Shops, (k) Department Store, (l) Furniture Stores.

8. COMMERCIAL RECREATIONAL USES conducted only within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

9. HOTEL

10. PRIVATE CLUB OR LODGE

11. ADVERTISING SIGN OR BILLBOARD

12. VETERINARY HOSPITALS (excluding Kennels)

HEIGHT OF BUILDINGS:

DISTRICT	NORMAL MAXIMUM HEIGHT
"COM"	45 feet or 4 stories
"IND"	60 feet or 5 stories

FRONT YARD: None required.

SIDE YARD:

1. Along the side street line of a corner lot in an "COM" District, where the block is adjoined by a residential block, the minimum dimension shall be five feet.

2. Where an "COM" District adjoins an "S," "RA" & "RB" District within the block, there shall be a side yard of at least five feet.

3. In blocks included entirely in "COM" or "IND" Districts, no side yards are required. However, if a side yard is provided the minimum dimension shall be five feet.

LOT COVERAGE: 90%, but this shall not waive provision of yards where required.

SPECIFICATIONS D. INSTITUTIONAL USES

DEFINITION: Institutional uses include churches and temples; schools and other educational institutions, both public and private; administrative and business offices of public, religious, charitable and educational organizations, and operations directly related thereto; public parks, meeting halls and recreational facilities; and uses incidental to such enumerated uses.

LOCATION: "INS" District; and elsewhere as contingent uses as hereinafter provided.

HEIGHT OF BUILDINGS: 60 feet or 5 stories.

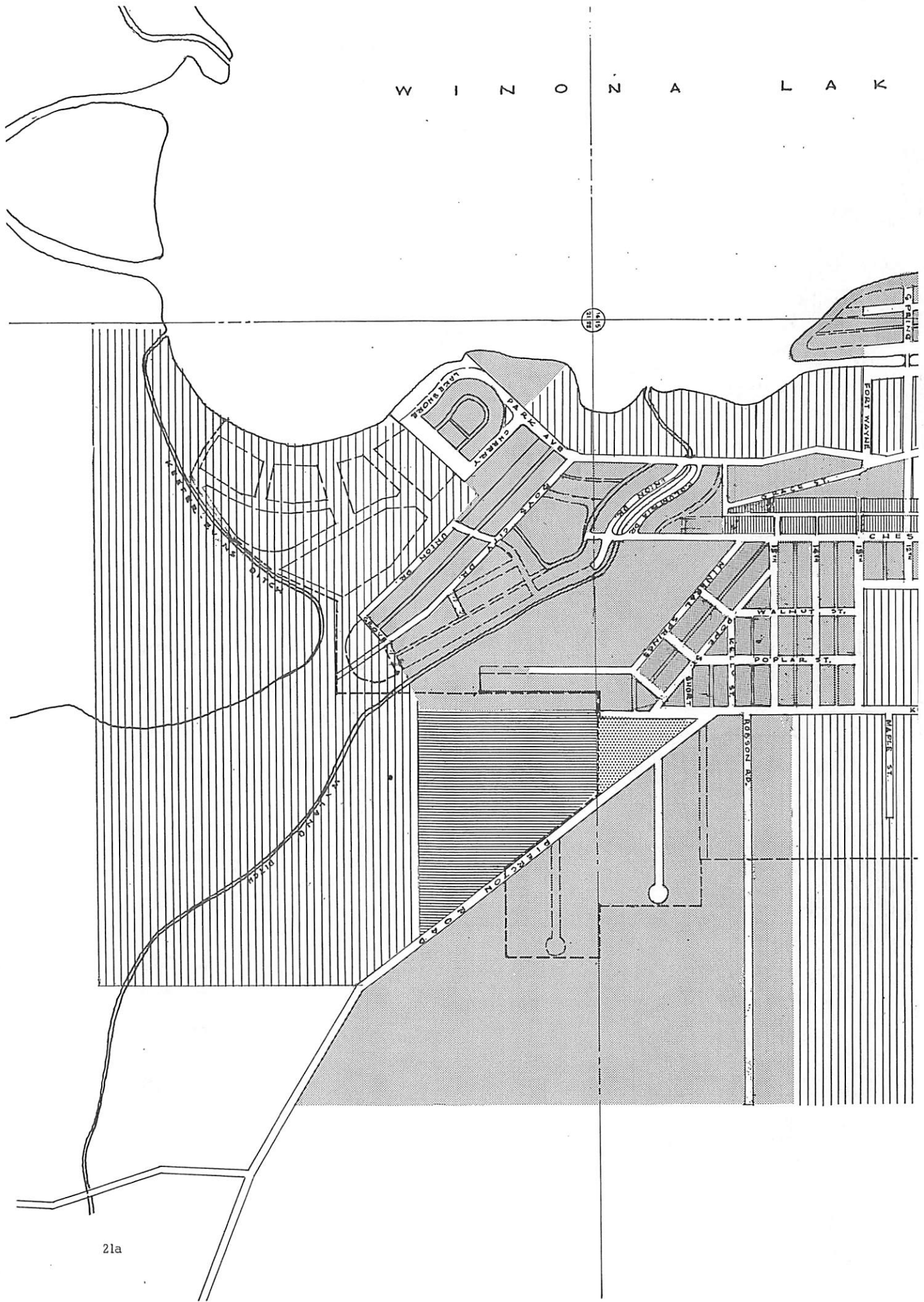
FRONT YARD: 15 feet.

SIDE YARD: 10 feet.

REAR YARD: 10% of depth of lot with a minimum depth of 15 feet and need not exceed 25 feet.

LOT COVERAGE: 80%.

W I N O N A L A K



# ZONING DISTRICTS

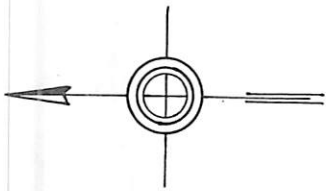
## TOWN OF WINONA LAKE INDIANA

KEY	DISTRICT
	RESIDENTIAL RA
	RESIDENTIAL RB
	RESIDENTIAL RC
	INSTITUTIONAL INS
	COMMERCIAL COM
	INDUSTRIAL IND
	CITY LIMITS

W. JAMES MCCLEARY  
ARCHITECT

Adopted May 25, 1966

SCALE: 1" = 600 FEET



**GENERAL PROVISIONS AND CONDITIONAL  
EXCEPTIONS APPLICABLE TO ALL COMMERCIAL AND INSTITUTIONAL USES  
IN DISTRICTS WHERE PERMITTED**

**GENERAL PROVISIONS**

**VEHICLE PARKING SPACE:** Parking spaces shall be provided on the lot or within 300 feet thereof on a site approved by the Board of Zoning Appeals, as follows:

USE	NUMBER OF PARKING SPACES
1. On commercial uses in commercial categories 3 to 7 inclusive; recreational uses other than theatres; private clubs or lodges	One space for each 250 square feet of floor area
2. On commercial uses in commercial category 2, administrative offices	One space for each 3 employees
3. Theatres, meeting halls, auditoriums	One space for each 6 seats
4. Hotels and dormitories	One space for each 3 sleeping rooms
5. Educational institutions	One space for each 3 students and staff

**LOADING AND UNLOADING BERTHS SHALL BE PROVIDED ON THE LOT AS FOLLOWS:**

USE	GROSS FLOOR AREA (sq. ft.)	LOADING AND UNLOADING BERTHS
Retail Stores, Department Stores, Printing Facilities, Food Service Facilities	15,000 or less Each 25,000 additional	1 1
Hotels, Office buildings	100,000 or less Each 200,000 additional	1 1

**PAVING:** Open parking area and unloading and loading berths shall be paved with dustproof or hard surface meeting the standard specifications of the Town.

**FRONT YARD:** No fences shall be hereafter built or erected between the front setback line of the building or buildings and the front lot line except natural fences of hedge, trees or shrubbery.

**REAR YARD:** One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

**VISION CLEARANCE ON CORNER LOTS:** Eight feet from the intersection of property lines.

**LIGHTING FACILITIES:** Outside lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

**PERFORMANCE STANDARD:** No Commercial use and/or incidental use associated with the commercial use will be permitted which is injurious to health or safety of humans or animals, or injurious to vegetation, and which is noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, noises (including music) or vibrations beyond the limits of the premises upon which such use is conducted.

**CONDITIONAL EXCEPTIONS**

**MAXIMUM HEIGHT:** The normal maximum height of structures may be increased as follows:

1. Buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum Height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws or ordinances.

**FRONT YARD:**

1. Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 25 feet in

incorporated areas, and 50 feet in unincorporated areas.

2. On 4-lane Federal and State Highways in unincorporated areas a distance of sixty (60) feet on lots or parcels of land not included in an existing recorded subdivision.

3. On 2-lane Federal and State Highways in unincorporated areas a distance of seventy-five (75) feet on lots or parcels of land not included in an existing recorded subdivision.

4. On all other roads and streets in unincorporated areas a distance of fifty (50) feet on lots or parcels of land not included in an existing recorded subdivision.

**SIDE YARD:** Whenever a side yard abuts on a street or road in an unincorporated area the following minimum width shall be standard on lots or parcels of land not included in an existing recorded subdivision.

1. 60 feet on 4-lane Federal and State Highways.
2. 75 feet on 2-lane Federal and State Highways.
3. 25 feet on all other roads and streets.

**VEHICLE PARKING SPACE:**

1. Groups of uses requiring Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.

2. Vehicle Parking requirements shall not apply in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this ordinance. This provision applies only to "COM," "IND" & "INS" Districts.

**SPECIFICATIONS E - INDUSTRIAL USES  
LIMITED INDUSTRIAL USES**

**DEFINITION:** A Limited Industrial Use in one which ordinarily uses only light machinery, is conducted entirely within enclosed, substantially constructed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations in the rear; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noise or vibrations beyond the confines of the building.

**LOCATIONS PERMITTED:** In the "IND" District.

**LIGHT INDUSTRIAL USES**

**DEFINITION:** A light industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products or wastes, which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas, fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

Included in this classification are all industrial uses fully complying with the above definition, plus:

1. Veterinary Hospital or Kennel.
2. Bulk Storage of inflammable fluids in above ground tanks, but not oil refinery tanks.
3. Truck Terminal.
4. Utilities Storage Yard.
5. Coal, Coke, or Wood Yard.
6. Lumber Yard.
7. Contractor's Plant or Storage Yard.
8. Building Material Storage Yard.

**LOCATION PERMITTED:** In the "IND" District.

**GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE  
TO ALL INDUSTRIAL USES IN DISTRICTS WHERE PERMITTED**

**HEIGHT OF BUILDINGS:**

DISTRICT	NORMAL MAXIMUM HEIGHT
"IND"	60 feet or 5 stories

**FRONT YARD:**

DISTRICT	DEPTH IN FEET
"IND"	15

**SIDE YARD:** None Required. However, if a side yard is provided, the minimum dimensions shall be five (5) feet.

**REAR YARD:** 10% of the depth of lot with a minimum requirement of 15 feet but need not exceed 25 feet in depth. (One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.)

**LOT COVERAGE:** 90%, but this shall not waive provision of yards where required.

**VISION CLEARANCE ON CORNER LOTS:** 8 feet.

**VEHICLE PARKING SPACE:** One vehicle parking space for each 3 employees shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

**LOADING AND UNLOADING BERTHS:** shall be provided on the lot as follows:

GROSS FLOOR AREA - Sq. Ft.	LOADING AND UNLOADING BERTHS
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

**PAVING:** Open parking area and loading and unloading berths shall be paved with a dustproof or hard surface meeting the standard specifications of the Town.

**LIGHTING FACILITIES:** Outdoor lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

**CONDITIONAL EXCEPTIONS**

**MAXIMUM HEIGHT:**

1. Buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

**FRONT YARD:**

1. On 4-lane Federal and State Highways in unincorporated areas, a distance of sixty (60) feet.
2. On 2-lane Federal and State Highways in unincorporated areas, a distance of seventy-five (75) feet.
3. On all other streets and roads in unincorporated areas, a distance of fifty (50) feet.

**SIDE YARD:** Whenever a side yard abuts a street or road in unincorporated areas the following minimum width shall be the standard.

1. 60 feet on 4-lane Federal and State Highways.
2. 75 feet on 2-lane Federal and State Highways.
3. 25 feet on all other roads and streets.

**VEHICLE PARKING SPACE:**

1. Groups of uses requiring Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.
2. Vehicle Parking requirements may be waived by the Board of Zoning Appeals in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this ordinance.

**BUFFER REQUIREMENT:**

1. Where an industrial district borders upon a residential district, not separated by a street, railroad right-of-way or natural barrier, a suitable buffer in terms of setback and/or screening shall be provided on the side or sides that border the residential District.

**HEIGHT OF BUILDING:**

0" - 15'

SETBACK - 15'

There shall be one additional foot of setback for each additional foot of height over the 15-foot minimum. The maximum setback shall be 50 feet.

**SPECIFICATIONS F - CONTINGENT USES**

**DEFINITION:** Uses which are likely or liable, but not certain, to occur, and which are not inappropriate to the principal use of the District in which located.

**LOCATION PERMITTED AND VEHICLE PARKING SPACE REQUIRED:** Contingent uses, as listed herein, are permitted in the District indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, parking space --open or enclosed--as follows:

CONTINGENT USE	LOCATION PERMITTED	PARKING SPACES REQUIRED
Boarding or lodging House	"RB," "RC" & "COM"	One for each 2 occupants
Bulletin Board for a Church or public building	All	
Church or Temple	All except "IND"	One for each 6 seats in main auditorium
College or University	"INS"	One for each 3 students and staff
Community Center	All	One for each 6 seats
Farm, Vegetable or Flower Garden or Plant Nursery, anywhere, but without raising of livestock and poultry within the city limits	All	
Home Occupation	All	One additional
Lodge or Private Club (which is of a non-commercial character)	"RB," "RC" & "COM"	One for each 250 sq. ft. of ground floor area
Mortuary	"RB," "RC" & "COM"	One for each 4 seats in Chapel
Municipal or Governmental Building	All	One for each 250 sq. ft. of floor area
Nursing Home or Home for the Aged	"RB," "RC" & "COM"	
Professional Office in Residence of Practicing Professional Person	All	Four additional
Public Library or Museum	All	One for each 250 sq. ft. of ground floor area
Public Park or Public Recreational Facility	All	

CONTINGENT USE	LOCATION PERMITTED	PARKING SPACES REQUIRED
Public Utilities Building or Right-of-Way, including purposes essential to utilities operation, but not including commercial or industrial structures or uses in "RA," "RB" or "RC" Districts	All	One for each 3 employees in the building
Roadside Stands, for the sale by the producer of agricultural and plant nursery products raised on the premises	All	
School, Public or Parochial	All except "COM" & "IND"	One for each 3 members of the staff plus one for each 8 seats in auditorium
Tourist Home, Motel	"RB," "RC" & "COM"	One for each sleeping room
Temporary Sign, pertaining to lease, hire or sale of a building or premises	All	

#### GENERAL PROVISIONS

PAVING: Open Parking area shall be paved with a dustproof or hard surface meeting the standard specifications of the Town.

LIGHTING FACILITIES: Outdoor lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

#### CONDITIONAL EXCEPTIONS

PARKING REQUIREMENTS: A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may, by agreement approved by the Board of Zoning Appeals, utilize such facilities in lieu of providing their own parking facilities.

#### HEIGHT PERMITTED:

DISTRICT	NORMAL MAXIMUM HEIGHT
"S," "RA," "RB" & "RC"	35 feet or 2-1/2 stories
"COM"	45 feet or four stories
"IND" & "INS"	60 feet or five stories

1. Buildings may be erected to heights in excess of the normal maximum, if they are set back from required front, side, and rear yard lines, or property lines where yards are not required, as follows:

DISTRICT	SETBACK
"S," "RA," "RB" & "RC"	One foot for each foot of additional height
"COM," "IND" & "INS"	One foot for each two feet of additional height

2. In all Districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

THE PROVISIONS FOR YARDS, VISION CLEARANCE, AND ACCESSORY BUILDINGS AS THEY PERTAIN TO GROUP HOUSE IN RESIDENTIAL DISTRICTS, AND BUSINESS, "COM" AND "IND" DISTRICTS, SHALL APPLY TO CONTINGENT USES LISTED HEREIN.

#### SPECIFICATIONS G - CONDITIONAL USES

##### PERMITS FOR CONDITIONAL USES:

A. The following uses, or structural alterations thereto, which are classified as Conditional Uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified herein.

Airport or Aircraft Landing Field  
 Amusement Park and Enterprises (permanent or transient)  
 Automobile wrecking or junk storage  
 Baseball Park  
 Cemetery or Crematory  
 Country Club or Golf Course  
 Fire Station  
 Group House and Garden Apartments in "S" District  
 Heavy Industrial Use (a heavy industrial use is one which requires buildings and open area for manufacturing, fabricating, processing, heavy repair, dismantling, storage or disposal of raw materials, manufactured products, or wastes; which is not injurious to the health or safety of humans or animals, or injurious to vegetation; and which has not been declared a nuisance in any court of record.)  
 Hospital or Sanitarium  
 Medical Center or Clinic  
 Motel or Tourist Lodge  
 Nursing home, Old Folks Home (Suburban only)  
 Open Agricultural Implement, Automobile or Trailer sales area  
 Outdoor Theatre  
 Philanthropic or Charitable Institution  
 Practice Golf Driving Range  
 Race Track  
 Radio or Television Transmitting Tower  
 Sanitary Fill or Refuse Dump  
 Sewage Disposal or Garbage Disposal  
 Storage Warehouse  
 Trailer, Public Camp or Mobile Home Court (meeting State Health Department Standards)  
 Removal of Soil, Sand, Loam, and Gravel (except in conjunction with the construction of a building, street or utility.)  
 Wholesale Establishment.

B. Upon receipt of an application for a Conditional Use by the Board of Zoning Appeals, it shall be referred to the Town Plan Commission for investigation as to the manner in which the proposed location and character of the Conditional Use will affect the Master Plan of the Town. The Town Plan Commission shall report the results of its study of the proposal to the Board of Zoning Appeals, and if the report is favorable to the proposal, the Board of Zoning Appeals may, after public notice and hearing according to law, grant the permit, including the imposition of conditions of use, which the Board deems essential to insure that the Conditional Use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

#### SPECIFICATIONS H - VEHICLE PARKING SPACE

##### Section 1.

##### SPECIFIC REQUIREMENTS:

A. The Specifications B, C, D, E, and F, described in Article III, Section Six (6) of this ordinance, specify the off-street parking requirements for each type of use permitted under the provisions of this ordinance.

##### Section 2.

##### PERMITS FOR PARKING LOTS IN RESIDENTIAL ZONES

A. In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in Specifications C to F inclusive, the Board of Zoning Appeals may, after receipt of a favorable report from the Town Plan Commission on the proposal, and after public notice and hearing, grant a permit for the establishment of a parking lot in an "S," "RA," "RB," or "RC" District, and provided further that:

(1) There shall be no sales, dead storage, repair work, dismantling or servicing of any kind on said parking lot.

(2) Entrances and exits shall be approved as to location by the Town Plan Commission.

(3) No parking shall be permitted nearer than two feet from the front or side lot line.

(4) Except for otherwise approved entrances and exits, a curb or rail not more than two (2) feet in height and not less than eight (8) inches in height, shall be erected so as to conform with the required front lot line, and may be required along boundaries of the parking lot as determined by the Town Plan Commission for the protection of adjoining residentially zoned or used property.

(5) The lot shall be surfaced with a dustproof or hard surface meeting the standard specifications of the Town.

(6) No advertising signs shall be erected upon such lot, except not more than one (1) sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed twenty (20) square feet in area and shall not extend more than ten (10) feet in overall height above the ground level.

(7) Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

(8) If at any time after the issuance of the required permits any of the provisions of this Section are not complied with the permits shall be revoked.

#### SPECIFICATIONS I - UNIT DEVELOPMENT PLAN

##### Section 1.

##### RESIDENTIAL DEVELOPMENT PLAN

A. The owner or owners of any tract of land, comprising an area of not less than ten (10) acres, may submit to the Town Board of Trustees, a plan for the use and development of the land, primarily for residential purposes. The proposed development plans shall be submitted to the Town Plan Commission for examination, study and report and for a public hearing in conformance with the recommendations of the Town Plan Commission shall be embodied in a report to the Town Board of Trustees, stating the reasons for the approval or disapproval of the plan and application, and specific evidence and facts showing that the proposed Residential Development Plan has or has not considered and made provision for the following essential elements.

That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded.

That the plan is consistent with the intent of this ordinance to promote public health, safety and general welfare.

That the buildings shall be used primarily for single-family dwellings, apartments or group houses, and the usual accessory uses such as garages, storage space and community activities.

That the area of the tract, excluding street area, but including the area to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family, counting all families to be housed under the Unit Development Plan, which is required for the most intensive use normally permitted in the district in which such development is to be located.

B. If the Town Board of Trustees approves the proposed Residential Development Plan, Improvement Location Permits and Certificates of Occupancy shall be issued, even though the use of the land, the location of the buildings to be erected in the area and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the District in which the Development is to be located.

##### Section 2.

##### COMMUNITY SHOPPING CENTER DEVELOPMENT PLAN

A. The owner or owners of any tract of land, comprising an area of not less than four (4) acres, may submit in a similar manner, a Development Plan for a Community Shopping Center, which shall be processed in the manner prescribed in Section 1, A. The plan, together with the recommendations of the Town Plan Commission, shall be embodied in a report to the Town Board of Trustees stating the reason for the approval or disapproval of the plan and application, and specific evidence and facts showing that the proposed Community Shopping Center Development Plan has or has not considered and made provision for the following essential elements:

The Commercial uses included in the plan are limited to those permitted in the "COM" District;

The entire Development is designed as a single architectural unit, with appropriate landscape architectural treatment of the entire unit area;

That at least twice the gross floor area of the stores to be included within the development, plus one vehicle parking space for each six (6) seats in any theatre or place of congregation included within the plan, is provided in off-street parking area, which are integral parts of the design of the unit plan;

That the appropriate use of property adjacent to the area included in the plan will be fully safeguarded;

That the plan is consistent with the intent of this ordinance to promote the public health, safety and general welfare.

B. If the Town Board of Trustees approves the proposed Development for a Community Shopping Center, Improvement Location Permits and Certificates of Occupancy shall be issued as prescribed in Section 1 B., herein.

Section 3.

GROUPS OF SMALL HOUSES

A. Where it is proposed in the "S"-Suburban District to erect groups of ten (10) or more dwellings, the minimum ground floor areas of any of which are less than eight hundred (800) square feet, a development plan may be submitted and processed in the manner prescribed in Section 1, A., herein, and may be approved if the report of the Town Plan Commission shows that:

The appropriate use of property adjacent to the area included in the plan will be fully safeguarded;

Adequate sanitary facilities are provided;

The plan is consistent with the intent of this ordinance to promote public health, safety and general welfare.

B. If the Town Board of Trustees approves the proposed Development Plan, building permits and use and occupancy permits shall be issued as prescribed in Section 1, B., herein.

ARTICLE XI  
INTERPRETATION

Section 1.

REPEALER: Ordinances Number 66 and 68 and all other ordinances and parts of ordinances of the Town of Winona Lake in conflict with the provisions thereof are hereby repealed.

Section 2.

INVALIDITY: If any provision of this ordinance be declared void or invalid by a court of competent jurisdiction, the same shall not affect the remaining provisions of this ordinance and the same shall remain of full force and effect.

Section 3.

EFFECTIVE DATE: Whereas an extreme emergency exists therefor, this ordinance shall be of full force and effect from and after its passage and promulgation as required by law.

Passed and adopted this 25<sup>th</sup> day of May, 1966.

Lyle W. Martin  
Lute C. Pihl  
Vernon G. Groat

ATTEST:

Paul Techetter