

Chapter 5

RESIDENTIAL DISTRICTS

5.01 Purpose of Residential District

The Residential Districts are designed to:

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

5.02 Permitted Uses in all Residential Districts.

A. Permitted Uses.

1. Agricultural uses generally including - Crop Farming, Forestry (excluding Christmas Tree sales), Residential Greenhouses, Orchards, and Wineries. Horses are permitted provided there are two (2) acres of ground for the first horse, and one (1) acre of ground for each additional horse.
2. Single-family dwelling.
3. Manufactured Home Type I as defined in Section 5.08.C-D of this Chapter.
4. Cultural and Recreational Facilities. (Churches, Parks and Recreational Facilities, Libraries, Museums, etc.)
5. Permanent Utility Structures for essential services.
6. Home Occupations, non-traffic generation. See Chapter 12, Board of Zoning Appeals.
7. Model Home - including information center.
8. Developmental Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the

Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-31.1.

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

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

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

1. A maximum of four (4) non related children, may currently be cared for in the home without State Licensing. Five (5) to fifteen (15) children, excluding those who reside in the residence, may be cared for in the home if the resident obtains a Special Exception and maintains continuous State Licensing.
2. No person shall be employed other than a member of the immediate family residing on the premises or a substitute caregiver if primary caregiver is unavailable.
3. No exterior alteration of the dwelling or any customary accessory structure shall be made which would detract from the residential character of the structures.
4. State licensed child care homes in existence on the effective date of this ordinance, but which would be prohibited by these requirements, may continue as otherwise regulated herein.

B. Signs. The following is a partial list of signs relating to residential areas only. All Signs must meet the General Sign Requirements of Chapter 11, Section 11.09. For more permitted Accessory Uses information on height and location of Signs, see Chapter 11.

1. Identification Signs: One identification sign may be erected on each perimeter street frontage of a multi-family development, manufactured/mobile home park, single-family subdivision, or permitted non-residential uses, including Special Exceptions. The sign shall not be permitted to exceed fifty (50) square feet of display surface area. The sign shall not exceed twelve (12) feet in height, and illumination, if any, shall be

by a constant light. Additional or Multiple signs may be permitted by the Executive Committee for one or more entrances. Please see Chapter 9, Development Plan Approval.

2. Church, Public or Semi-Public Buildings, or Public Park Identification Sign: Not more than one sign per street frontage not exceeding fifty (50) square feet in size per face. The sign shall not exceed twelve (12) feet in height, and illumination, if any, shall be by constant light.
3. Construction Sign: During the period of construction, a temporary sign advertising the construction of improvements on the premises, may be erected on each perimeter street of frontage of the development. The sign shall not exceed fifty (50) square feet in surface area, nor twelve (12) feet in height, and illumination, if any shall be by constant light.
4. Directional Signs: Two signs per entry/exit not exceeding six (6) square feet in size per face.
5. Memorial or Tablet Sign: One sign not exceeding six (6) square feet in size per face unless such signs are installed by the Federal, State, County, or Town government or agencies thereof.
6. Property Real Estate Signs: One sign per lot frontage not exceeding six (6) square feet in size per face.
7. Special Displays and Other Temporary Signs: See Section 11.11 of this Ordinance.
8. Informational signs, not exceeding two (2) square feet in size per side nor a height of four (4) feet from the ground, which identify the occupants, occupation, address, and/or information. Examples of permitted informational signs generally include: privacy sign, trespassing sign, seed sign, etc.
9. Non-illuminated Home Occupation wall sign not exceeding two (2) square feet wall-mounted on the dwelling, and, if allowed with the Special Exception, one (1) non-illuminated yard sign not exceeding six (6) square feet in size per face. (Please see Chapter 12, Board of Zoning Appeals.)

5.04 Special Exceptions Permitted in all Residential Districts.

Special Exceptions are the authorization of a building, structure or use that is not designated as permitted within a district, but if specifically listed may be permitted if it meets special conditions, and upon application, is specifically authorized by the Churubusco Board of Zoning Appeals. The following buildings, structures and uses can

be permitted in any residential district provided a Special Exception is obtained by the criteria as set forth in Chapter 12, Board of Zoning Appeals:

Cemeteries

Child Care for five (5) to fifteen (15) Children; State License required.

Clinics

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

Electronic Communication Tower

Funeral Homes

Home Occupations, traffic generating.

Hospitals

Mental Health Facilities

Nursing Home

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

Public or Private primary or secondary schools.

Real Estate Office.

5.05 R-1 Single-Family Residential District

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

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

- 1. Lot Area:** When a sewer is not available, no permitted use or special exception shall be allowed on a new lot in the "R-1" District unless the proposed lot contains an area of at least forty-three thousand five hundred and sixty (43,560) square feet (one acre). If there is a sewer available that will allow the lot to hook onto the sewer, then the lot shall contain not less than twenty thousand (20,000) square feet. If there are water and sewer lines available that will allow the lot to hook up to these utilities, then the lot shall contain not less than ten thousand (10,000) square feet.
- 2. Lot Width:** When a sewer is not available, the minimum lot width shall be one hundred fifty (150) feet at the building line. The minimum lot width shall average one hundred fifty (150) feet. In cases where the depth is less than the width, the lot depth shall average one hundred and fifty (150) feet. When a sewer is available, the minimum lot width shall be one hundred (100) feet at the building line. The lot width shall average one hundred (100) feet, and when the depth is less than the width, the lot depth shall average one hundred (100) feet. When water and sewer is available, the minimum lot width shall be seventy-five (75) feet at the building line.

The lot width shall average seventy-five (75) feet, and when the depth is less than the width, the lot depth shall average seventy-five (75) feet.

3. **Lot Frontage:** All lots within the "R-1" District shall maintain a minimum of fifty (50) feet of frontage on a publicly or privately maintained street or thirty-five (35) feet when located on the radius of a cul-de-sac. The minimum frontage requirement shall run continually to the building line.

4. **Yard and Setback Requirements:**

a. Front Yard: Not less than thirty-five (35) feet from the property line.

b. Side Yards: Least width of either side yard shall not be less than ten (10) feet except in the case of a corner lot, where the side yard on the street side shall not be less than the required front yard setback.

c. Rear Yard: Not less than ten (10) feet.

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

a. All Primary Structures shall not exceed a height of thirty-five (35) feet.

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

6. **Ground Floor Area:** The minimum size of a residential structure shall be nine hundred and fifty (950) square feet of living area for a manufactured home. The minimum size of a residential structure shall be one thousand two hundred (1,200) square feet of living area. This number excludes all garages, porches, and basements, which do not include living area.

7. **Lot Coverage:** The maximum lot coverage in a residential district is thirty-five (35) percent of the entire lot.

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

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

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

Sections 2.06-2.09.

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

5.06 R-2 Two-Family Residential District

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

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

1. **Lot Area:** When a sewer is not available, no permitted use or special exception shall be allowed on a new lot in the "R-2" District unless the proposed lot contains an area of at least forty-three thousand five hundred and sixty (43,560) square feet (one acre). If there is a sewer available that will allow the lot to hook onto the sewer, then the lot shall contain not less than twenty thousand (20,000) square feet. If there are water and sewer lines available that will allow the lot to hook up to these utilities, then the lot shall contain not less than eight thousand five hundred (8,500) square feet.
2. **Lot Width:** When a sewer is not available, the minimum lot width shall be one hundred fifty (150) feet at the building line. The minimum lot width shall average one hundred fifty (150) feet. In cases where the depth is less than the width, the lot depth shall average one hundred and fifty (150) feet. When a sewer is available, the minimum lot width shall be ninety (90) feet at the building line. The lot width shall average ninety (90) feet, and when the depth is less than the width, the lot depth shall average ninety (90) feet. When water and sewer is available, the minimum lot width shall be sixty (60) feet at the building line. The lot width shall average sixty (60) feet, and when the depth is less than the width, the lot depth shall average sixty (60) feet.
3. **Lot Frontage:** All lots within the "R-2" District shall maintain a minimum of fifty (50) feet of frontage on a publicly or privately maintained street or thirty-five (35) feet when located on the radius of a cul-de-sac. The minimum frontage requirement shall run continually to the building line.
4. **Yard and Setback Requirements:**
 - a. **Front Yard:** Not less than thirty (30) feet from the property line.

- b. **Side Yards:** Least width of either side yard shall not be less than eight (8) feet except in the case of a corner lot, where the side yard on the street side shall not be less than the required front yard setback.
 - c. **Rear Yard:** Not less than ten (10) feet.
5. **Height Requirement:** Except as otherwise provided, all buildings, structures and uses in this district shall not exceed a height of thirty-five (35) feet.
 6. **Ground Floor Area:** The minimum size of a residential structure shall be nine hundred and fifty (950) square feet of living area for a manufactured home. The minimum size of a residential structure shall be one thousand two hundred (1,200) square feet of living area for a single-family residence. A two-family residential structure shall contain one thousand (1,000) square feet of living area per living unit. These numbers exclude all garages, porches, and basements, which do not include living area.
 7. **Lot Coverage:** The maximum lot coverage in a residential district is thirty-five (35) percent of the entire lot.
 8. **Off-Street Parking:** For residential uses, two (2) parking spaces per dwelling unit, excluding garages. For non-residential uses, please see Chapter 10.

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

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

D. Special Exceptions: In addition to the Special Exceptions listed in Section 5.04.C, Special Exceptions allowed in all Residential Districts, the R-2 Residential District allows for a Special Exceptions of a Bed & Breakfast facilities. The Special Exception criteria is set forth in Chapter 12, Board of Zoning Appeals.

5.07 R-3 Multi-Family Residence District

The R-3 Multi-family residence district is intended to provide for medium to high density residential areas. This district may be used as a transitional area between residential and

non-residential areas while at the same time providing for multi-family housing in a predominantly low density rural area

A. Regulations and Performance Standards: The following regulations shall apply in the R-3 Multi-family Residential District in addition to the General Provisions in Chapter 2.

1. **Lot Area:** The lot shall contain not less than seven thousand (7,000) square feet.
2. **Lot Width:** The minimum lot width shall be fifty (50) feet at the building line. The lot width shall average fifty (50) feet, and when the depth is less than the width, the lot depth shall average fifty (50) feet.
3. **Lot Frontage:** MI lots within the "R-3" District shall maintain a minimum of fifty (50) feet of frontage on a publicly or privately maintained street or thirty-five (35) feet when located on the radius of a cul-de-sac. The minimum frontage requirement shall run continually to the building line.
4. **Yard and Setback Requirements:**
 - a. Front Yard: Not less than twenty-five (25) feet from the property line.
 - b. Side Yards: Least width of either side yard shall not be less than eight (8) feet except in the case of a corner lot, where the side yard on the street side shall not be less than the required front yard setback.
 - c. Rear Yard: Not less than ten (10) feet.
5. **Height Requirement:** Except as otherwise provided, all buildings, structures and uses shall not exceed a height of fifty (50) feet.
6. **Ground Floor Area:** The minimum size of a residential structure shall be nine hundred and fifty (950) square feet of living area for a manufactured home. The minimum size of a single-family residential structure shall be one thousand two hundred (1,200) square feet of living area. The minimum size of a two-family residential structure shall be one thousand (1,000) square feet of living area per unit. The minimum livable floor area shall be applied for each unit as follows:

One Bedroom Unit	600 square feet
Two Bedroom Unit	800 square feet
Three Bedroom Unit	950 square feet
Four Bedroom Unit	1,100 square feet

These numbers exclude all garages, porches, and basements, which do not include living area.

7. **Lot Coverage:** The maximum lot coverage in a Multi-family Residential District is fifty (50) percent of the entire lot.

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

B. Permitted Uses: The permitted uses are the same as those in the R-2 Two-family District except that Multi-family dwelling units are permitted. Prior to the issuance of an Improvement Location Permit for the conversion of an existing single-family or two-family dwelling to a multi-family dwelling, all provisions set forth herein for a multi-family dwelling shall be met.

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

D. Special Exceptions: In addition to the Special Exceptions listed in the R-1 and R-2 Residential Districts, the R-3 Multi-Family District allows for Special Exceptions of:

Alcoholism & Drug Abuse Treatment Centers
Children's Homes & Halfway Houses
Condominiums
Halfway Houses
Mobile Home Parks

The Special Exception criteria is set forth in Chapter 12, Board of Zoning Appeals.

5.08 Manufactured Housing

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

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

D. Qualifying Manufactured Homes: Manufactured housing meeting the following criteria may be located outside of manufactured home developments and within those zoning districts where other forms of residential housing are allowed, subject to the requirements and limitations of the respective districts.

1. Such manufactured homes shall:
 - a. have been constructed after January 1, 1981;
 - b. have more than nine hundred and fifty (950) square feet of occupied space;
 - c. have siding material of a type customarily used on conventionally built residences, as specified in Section 5.08.E.1 of this Chapter;
 - d. have roofing material of a type customarily used on conventionally built residences, as specified in Section 5.08.E.2 of this Chapter;
 - e. be placed onto a permanent foundation in accordance with approved installation standards, as specified in Section 5.08.E.3 of this Chapter;
 - f. utilize a permanent perimeter base enclosure in accordance with approved installation standards; as specified in Section 5.08.E.4 of this Chapter;
 - g. have the wheels, axles, and hitch mechanisms removed;
 - h. be anchored to the ground, in accordance with the State's One and Two Family Dwelling Code and manufacturer's specifications;
 - i. have utilities connected in accordance with the State's One and Two Family Dwelling Code and manufacturer's specifications; and
 - j. receive all required permits and inspections, and conform with the Zoning Ordinance and all other Town of Churubusco Ordinances.

E. Appearance/Installation Standards

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

- d. Wood grain, weather resistant, press board siding
- e. Stucco siding
- f. Brick or stone siding

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

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

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

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

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

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

The design and construction of these load-bearing foundations shall be in conformance with the requirements of the Indiana One and Two Family Dwelling Code, and with the manufacturer's installation specifications.

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

5.09 Non-Conforming Manufactured Homes:

- A. Non-Conforming Homes: Where, on or before July 3, 1996 a manufactured or mobile home has been lawfully placed and maintained on a tract of land that would no longer be permissible under the provisions of this Ordinance, such home may be continued to be used, at that location, so long as it conforms to the other applicable requirements of this Ordinance.
- B. Replacement of Non-Conforming Homes: If, following July 3, 1996, should a non-conforming manufactured or mobile home be removed, it shall only be replaced by a manufactured home conforming to the requirements of this Ordinance.

5.10 Manufactured/Mobile Home Park

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

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

B. Location of Manufactured/Mobile Home Park: To adequately insure the purpose of the Manufactured/Mobile Home Park designation, applicants will be required to be in an R-3 Multi-family Residential District and to acquire a Special Exception as set forth in Chapter 12, Board of Zoning Appeals.

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

1. Manufactured Homes, Mobile Homes and Modular Homes
2. Accessory buildings or structures, under park management and supervision, used only as office space, storage, laundry facilities, recreation facilities, garage storage, or other necessary service for park resident use only. An accessory building or structure shall not exceed twenty-five (25) feet in height, or two (2) stories; and shall meet the requirements of the Churubusco Building Code.
3. Each residence may have one (1) accessory building on a lot. The accessory building shall not exceed a height of twelve (12) feet, nor two (2) stories in height, nor be closer than five (5) feet from any side or rear property line.
4. Signs as regulated by Chapter 11, Signs.

D. General Regulations:

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

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

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

E. Area Regulations and Performance Standards:

1. Park Area Regulations and Performance Standards:

- a. The minimum area for a Manufactured/Mobile Home Park is ten (10) acres.
- b. Buffer Zone: A forty (40) feet wide buffer zone along the perimeter of the

Manufactured/Mobile Home Park shall contain plantings so as to provide an opaque barrier, or screen, between the park and adjacent property and along adjacent roadways. No plantings or other visual barriers shall encroach beyond the Home Park property line. No home or accessory structure shall encroach upon the buffer zone.

- c. Manufactured homes shall be located on lots containing an area of at least four-thousand five-hundred (4,500) square feet, or more.
- d. For uses other than manufactured homes, the lot area shall be adequate to provide the yard area required to meet the setback requirements of this District and the off-street parking requirements contained in Chapter 10, but in no case shall be less than four thousand five hundred (4,500) square feet.
- e. Not less than ten (10) percent, exclusive of community building facilities, of the gross area of the park, and not less than ten (10) percent of any expansion area, must be improved for recreational activity for the residents of the park.
- f. Entrance/Exit: The park shall be provided with primary and secondary access points with suitable signage placed in a landscaped setting.

2. Individual Lot Area Regulations and Performance Standards:

- a. Minimum lot depth shall be one-hundred (100) feet.
- b. Minimum lot width at the minimum building setback line shall be forty-five (45) feet. Where a lot fronts on a cul-de-sac, a thirty-five (35) foot lot width at the street right-of-way is required.
- c. Front yard setback: Not less than twenty-five (25) feet.
- d. Side yards setback: Not less than eight (8) feet on each side of the dwelling.
- e. Rear yard setback: Not less than ten (10) feet.
- f. Height requirements: The height of structures within the park shall not exceed twenty-five (25) feet or two stories. Accessory structures shall not exceed twelve (12) feet.
- g. Off-street parking: off-street parking for two (2) vehicles shall be provided for each home. In no case shall that portion of the paved area designated for the off-street parking encroach upon the street right-of-way.

F. Development Standards:

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

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

2. **Access:** A lot within a manufactured home development shall have frontage on, and access to, a public or private street. Where double-frontage lots occur, access shall be limited to the minor street.
3. **Sidewalks:** Sidewalks not less than four (4) feet in width shall be required on both sides of all interior streets. In those instances where the manufactured home development borders one side of an arterial or collector street, sidewalks conforming to this requirement shall only be required upon that side of the street.
4. **Underground Utilities:** All electric, telephone, and other utilities extended within the home development to each lot shall be constructed underground. All water and sanitary sewage service connections shall not exceed ten (10) feet in length above ground directly beneath the manufactured home, and shall be suitably protected against freezing.
5. **Street Trees Required:** A deciduous tree of a minimum of two (2) inches in caliper as measured one (1) foot above the ground level shall be planted on each lot within the manufactured/mobile home park. Some trees, such as ailanthus, silver maple, poplar, boxelder, catalpa or willow have roots which penetrate through or under the surface of any public place in the Town, therefore they are hereby declared to be an undesirable species of tree for street planting.
6. **Landscape Maintenance:** The landscaping materials depicted upon the approved plat shall be considered a binding element of the project. The developer, his successor, or subsequent owners of the overall development shall be responsible for its continued maintenance. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be removed and replaced within the next planting season. This maintenance responsibility shall rest with the developer and subsequent owners for the duration of the manufactured/mobile home park.
7. **Street Lights:** Street Lights are required to be put in at the developers expense, as per Town Council.

5.11 Non-Conforming Manufactured/Mobile Home Parks:

- A. **General:** Mobile home parks are a historic anachronism. Originally designed to serve the same function as today's recreational vehicle parks and campgrounds, changes in technology and the public's attitudes towards the use of mobile homes as residences have largely changed mobile home parks from locations of temporary

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

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

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

1. **Violations Not Validated:** A non-conforming mobile home park in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of this Ordinance.
2. **Enlargement:** No such non-conforming mobile home park shall be enlarged, expanded or extended to occupy on the date of adoption or amendment of this Ordinance and no additional accessory use, building, or structure shall be established thereon, unless in complete compliance with the requirements of this Ordinance. Nor shall the mobile homes within the existing site be rearranged to increase their number or density within the existing confines of the park.
3. **Relocation:** No such non-conforming mobile home park shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this Ordinance.
4. **Destruction:** Should any such non-conforming mobile home park be destroyed by any means to an extent of fifty (50) or more percent of its replacement, it shall not be reconstructed except in conformity with the requirements of this Ordinance (see Section 5.11.B of this Chapter).
5. **Discontinuance:** If such non-conforming mobile home park ceases to exist for any reason for a period of more than one hundred and eighty (180) consecutive days (except where government action causes such cessation) the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the District in which such parcel or lot is located.

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

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

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

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

1. Manufactured Homes, Mobile Homes and Modular Homes
2. Accessory buildings or structures, under park management and supervision, used only as office space, storage, laundry facilities, recreation facilities, garage storage, or other necessary service for park resident use only. An accessory building or structure shall not exceed twenty-five (25) feet in height, nor two (2) stories; and shall meet the requirements of the Churubusco Building Code.
3. Each residence may have one (1) accessory building on a lot. The accessory building shall not exceed a height of twelve (12) feet, nor two (2) stories in height, nor be closer than five (5) feet from any side or rear property line.
4. Signs as regulated by Chapter 11.

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

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

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

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

be provided with an eighteen (18) inch by twenty-four (24) inch minimum size access crawl hole, which shall not be blocked by pipes, ducts, or other construction interfering with the accessibility of the under-floor space, or other approved access mechanism.

L. Support System: All Mobile Homes not placed on a permanent foundation, shall be installed on a support system in conformance with the manufacturer's installation specifications or with the Support System regulations in the ANSI/NFPA 501A 1977 Installations Standards.

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

