

BEING AN ORDINANCE PROHIBITING FOR A PERIOD NOT TO EXCEED ONE (1) YEAR FROM ITS DATE OF PASSAGE THE ERECTION, CONSTRUCTION OR ALTERATION OF BUILDINGS OR STRUCTURES, OR THE CHANGE IN USE OF BUILDINGS, STRUCTURES OR LAND FOR ANY COMMERCIAL BUSINESS OR INDUSTRIAL PURPOSE IN RESIDENTIAL NEIGHBORHOODS WITHIN THE TOWN OF PORTAGE, INDIANA, WITHOUT PRIOR APPROVAL OF THE BOARD OF ZONING APPEALS OR ITS DESIGNATED ENFORCING OFFICER; DEFINING SAID RESIDENCE NEIGHBORHOOD; CREATING A BOARD OF ZONING APPEALS; PROVIDING A PENALTY FOR ITS VIOLATION AND DESIGNATING THE TIME AND PLACE WHEN THE SAME SHALL TAKE EFFECT, AND RESTRICTING MOBILE HOMES.

WHEREAS, The Town Plan Commission of the Town of Portage, Indiana, deems it necessary in order to conserve the value of property in the Town and to the end that adequate light, air, convenience of access and safety from fire and other dangers may be secured, that congestion of the public streets may be lessened or avoided, and that the public health, safety, comfort, convenience, morals, and general welfare may otherwise be promoted in accordance with a well considered plan for the use and development of all property throughout the Town; and

WHEREAS, Town Plan Commission has been established by Ordinance No. 7 ~~15~~, and whereas said Commission is presently engaged in the basic studies preparatory to the recommendation of a comprehensive zoning ordinance for the Town of Portage, Indiana, which Ordinance will be designed to promote the aforementioned considerations; and

WHEREAS, The preparation of such ordinance will require a reasonable length of time for study and investigation before same can be made effective; and

WHEREAS, During the time that the comprehensive zoning plan of the Town is being prepared it would not be in the public interest to permit the further intrusion of business or industrial uses of property in certain areas of the Town; and

WHEREAS, The public health, safety, morals and general welfare are to be promoted by such comprehensive plan of zoning and the temporary regulations provided for by this ordinance;

NOW, THEREFORE, Be It Ordained by the Board of Trustees of the Town of Portage, Indiana:

SECTION 1 - TERRITORIAL LIMITS: The provisions of this ordinance shall apply to the incorporated area of the Town of Portage, Indiana.

SECTION 2 - USE RESTRICTIONS: For a period of one (1) year after the date of passage of this ordinance, no person, firm or corpora-

The exclusion of business, industrial or manufacturing uses in residential neighborhoods, shall not be interpreted to prohibit the following uses:

1. Public or parochial school, elementary or high, and private school with equivalent curriculum.
2. The raising of crops, trees, shrubs and grasses, not involving the erection, maintenance or conduct of a store on the premises, except that the Board of Zoning Appeals may authorize the erection and use of a temporary stand for the sale of produce raised on the premises.
3. Professional offices such as physicians, dentists, attorneys, engineers and architects, and home occupations carried on by the occupant at his place of residence and within the residential structure and with no external evidence of the profession or occupation other than unilluminated identification sign not exceeding two (2) square feet in area and affixed flush with the front face of the structure.
4. The conduct of a boarding or lodging house for not more than five (5) boarders or lodgers, and tourist homes in dwellings where residential use has not been discontinued.
5. Temporary structures incidental to construction work, only for the period of such work.
6. Institutions of an educational, philanthropic or charitable nature, penal institutions excepted.
7. Nursing homes, hospitals and clinics; not including veterinary establishments.
8. Churches and public buildings.
9. Public parks and playgrounds including essential building or structures.

SECTION 3 - RESIDENTIAL NEIGHBORHOOD DEFINED: For the purpose this Ordinance, a residential neighborhood shall mean the land ing on both sides of any public street or court where less thn of the frontage is presently being used for business or indust purposes within a distance of three hundred (300) feet of the of the place where any building or use for business or indust purpose, is sought to be erected, located, constructed or alte provided that if the distance from the center of the locatio

SECTION 10 - PENALTY FOR VIOLATION: Action on the violation of any provisions of this ordinance and the right of injunction against such violations shall be subject to the authority granted by State Statute under Chapter 174 of the Acts of 1947 of the Indiana General Assembly. Under such Statute, any person who violates a provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten (~~(\$15.00)~~ ^{ten (10.00)} dollars and not more than Three hundred (~~(\$300.00)~~ ^{one (100.00)}) dollars.

SECTION 11 - SEVERABILITY CLAUSE: The provisions of this ordinance are considered severable and if any provision or the application thereof is found to be invalid, the remainder of this ordinance shall have full force and effect.

SECTION 12. - EFFECTIVE DATE: This ordinance shall be in full force and effect as of the date of its passage.

Attest by the board of trustees of the Town of Porters, Indiana, this 17th day of August, 1958.

Earl L. Davis
Charles H. Sullivan
Clifford C. Delong
W. H. Perkins
Curtis H. Wilson
Harry D. Ingel
Joe F. W. Murray

Board of Trustees

Attest:
Lillian Vanek
Clerk-Treasurer