

158.06. CHILD CARE HOMES

Child Care Homes are home occupations which are subject to the following additional requirements of Section 158.06.

158.06.01 Maximum Number of Children Permitted

The maximum number of children permitted shall be as follows:

- A. Child Care Home, Class I** - A Child Care Home that serves any combination of full—and part-time children, not to exceed twelve (12) children at one time. Children for whom the provider is a guardian, or any children who are at least seven (7) years of age, shall not be counted toward the maximum of twelve (12) children.
- B. Child Care Home, Class II** - A Child Care Home that serve over twelve (12) children but not more than any combination of sixteen (16) full—and part-time children at one time. Children for whom the provider is a guardian, or any children who are at least seven (7) years of age, shall not be counted toward the maximum of sixteen (16) children.

158.06.02 Compliance

Section 158.06.02 above notwithstanding, a Child Care Home must comply with all applicable city ordinances and state and federal statutes and regulations, including licensing.

158.06.03 Registration

Child Care Homes must obtain a Home Occupation Permit pursuant to Section 158.05 of this Code. A state license shall be required for the granting of the permit.

158.06.04 Resident Operator

A Child Care Home shall be operated by a resident of the dwelling in which it is located.

158.06.05 Activity Area

Any Child Care Home shall include an outdoor play area which shall be enclosed on all sides by a barrier in the form of a fence, building wall, or other structure or landscaping so as to provide for safe outdoor play.

158.06.06 Parking and Sign Regulations

1. One (1) additional off-street parking space shall be provided for a Child Care Home use.
2. No signs shall be displayed.

158.07. BED AND BREAKFAST ESTABLISHMENTS

Bed and Breakfast Establishments shall be a conditional accessory use in all residential districts and the DB Downtown Business District. Bed and Breakfast Establishments, where permitted, shall only be located within and accessory to an owner-occupied single-family home. Bed and Breakfast Establishments shall be bound by the standards below as well as the applicable requirements of the zoning district in which they are located.

158.07.01 Procedural Standards

- A.** Operation of a Bed and Breakfast Establishment shall not commence until a Conditional Use Permit has been granted by the Board of Zoning Appeals pursuant to Section 154.01 of this Code.
- B.** No party shall operate a Bed and Breakfast Establishment unless the establishment complies with all fire safety standards as established by the Indiana Department of Fire and Building Services, and unless a health inspection report from the Indiana State Board of Health and/or Madison County Health Department has been filed with the Planning Department stating that the establishment complies with state and county public health regulations applicable to Bed and Breakfast Establishments.

- C. Proof of registration with the Indiana Department of Revenue for hotel/motel taxes shall be provided to the Planning Department within ninety (90) days after Board of Zoning Appeals approval. Records of payments made to the Indiana Department of Revenue for hotel/motel taxes shall be submitted upon reasonable request, at any time, by a representative of the Planning Department.
- D. No ancillary use inconsistent with the description of a Bed and Breakfast Establishment shall be operated in connection with an approved Bed and Breakfast Establishment. Examples of such ancillary uses include, but are not limited to:
 - 1. operation of a commercial restaurant;
 - 2. sales of items to the general public;
 - 3. procurement of an alcoholic beverage sales permit;
 - 4. provision of recreation or conference facilities to other than guests;
 - 5. operation of services such as beauty and barber shops, on site dry cleaning or laundry services and gift shops.
- E. The location of a Bed and Breakfast Establishment in a residential district shall not be considered a precedent for the granting of any Conditional Use, Land Use Variance, or Variance which would allow other commercial and industrial development in the same district. Operation of a Bed and Breakfast Establishment is not to be considered, classified, or permitted as a Home Occupation.

158.07.02 Development Standards

- A. A Bed and Breakfast Establishment shall include no more than eight (8) guest rooms for rent.
- B. Accommodations shall not be provided to a particular guest for more than ten (10) consecutive days in a twelve (12) month period.
- C. Parking areas in residential districts must be so designated and maintained so as not to alter the existing character of the district. All parking shall be screened from view from adjacent residential uses according to a landscape plan approved by the Planning Department and required by the Board of Zoning Appeals as a condition of approval.
- D. Parking lot illumination, if proposed, must not result in an illumination intensity of more than 0.1 foot-candles at any adjacent residential property boundary. A parking lot lighting plan indicating illumination at the property lines must be submitted as part of the application to be heard by the Board of Zoning Appeals. Parking lot lighting must be of a down-directed variety, the standards for which may not exceed a height of eighteen (18) feet and must be of an architectural style specifically approved by the Board of Zoning Appeals.
- E. Signage displayed for Bed and Breakfast Establishments located in the DB Downtown Business District shall be as provided in Section 158.10, Signs. In residential districts, each Bed and Breakfast Establishment shall be limited to the display of one non-illuminated sign per street frontage, said sign to be attached flat against the wall of the Bed and Breakfast Establishment and limited to a size of no more than four (4) square feet.

158.08. TEMPORARY USES

158.08.01 Intent

Temporary Uses may be permitted in applicable zoning districts by the grant of a Temporary Improvement Location Permit issued by the Planning Director.

158.08.02 General Provisions

- A. The maximum duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- B. Permitted Temporary Uses shall include signs necessary for the operation thereof.
- C. Temporary Uses shall be subject to all the regulations of the applicable zoning district.
- D. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- E. No public address systems or other noise-producing devices of a disruptive nature shall be permitted in a residential district.
- F. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- G. No banners, pennants, or unnecessary signs shall be permitted in a residential district.
- H. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

158.08.03 Temporary Uses and Maximum Duration

- A. **Model Home or Sales Office** (permanent building): Eighteen (18) months.
- B. **Sales Office** (temporary building or trailer): Twelve (12) months.
- C. **Bazaars, Carnivals, and Similar Temporary Uses**: Ten (10) days.
- D. **Parking Lot**, designated for a special event in a zone district: Ten (10) days.
- E. **Sale of Christmas Trees, Seasonal Fruits and Vegetables, or Merchandise** from roadside stands or tent sales: Sixty (60) days.
- F. **Other Similar Uses** deemed temporary by the Planning Director and attached with such time period, conditions, and safeguards as the Director may deem necessary.