

**Brown County Area Board of Zoning Appeals
Resolution 97- 01**

This resolution amends the Brown County Area Board of Zoning Appeals Rules of Procedure by assigning guidelines and conditions for the approval of tourist home special exception applications.

Whereas, the Brown County Area Board of Zoning Appeals ("Board") is a duly authorized area board of zoning appeals acting, pursuant to authority vested in it by the law of the State of Indiana (including the Home Rule provisions of Indiana Code Chapter 36-1-3) and the Brown County and Town of Nashville Zoning Ordinances, to supervise and make rules for the administration of the affairs of the Board and the County and Town Zoning Ordinances;

Whereas, under the Brown County and Town of Nashville Zoning Ordinances (collectively "Zoning Ordinance"), tourist home uses are permitted as special exceptions and will not subvert the general purposes served by the Zoning Ordinance and will not materially and permanently injure other property or uses in the same area and vicinity;

Whereas, in response to a significant increase in the number of tourist home special exception applications, the Board requested the Brown County Area Plan Commission ("Plan Commission") to re-evaluate the impact of tourist home uses on the general purposes of the Zoning Ordinance and to propose any Zoning Ordinance amendments or Rules amendments deemed necessary to address the trend;

Whereas, to do so, from the Fall of 1995 through the Spring of 1997, the Plan Commission conducted several public meetings, work sessions and public hearings, including joint meetings and work sessions with the Board;

Whereas, as a result of the information and public comment received and of the discussions and votes conducted during those meetings, work sessions and hearings, the Plan Commission developed proposed amendments to the Board's Rules of Procedure;

Whereas, the Board has reviewed and considered the proposed amendments to its Rules of Procedure and hereby finds that they are reasonable and that their adoption would promote fair, consistent and efficient decision making and would promote the health, safety, convenience and general welfare of the citizens of Brown County, Indiana;

NOW THEREFORE IT BE RESOLVED by the Board as follows:

Section 1. The Board Rules of Procedure shall be, and hereby are, amended by the addition of Article eight which article shall read as follows:

Article 8

Tourist Home Special Exception Guidelines and Conditions

The following guidelines and conditions apply to Board decisions on tourist home special exception applications:

1. Guidelines: In determining whether a proposed tourist home use will: subvert the spirit, intent or general purposes served by the relevant Zoning Ordinance; or, substantially or materially and permanently injure other property or appropriate uses in the same area, vicinity or neighborhood; or serve the public convenience and welfare, the Board shall pay due regard to the following guidelines.

A. In addition to the guest room limitation contained in the definition of a tourist home, the number of guests occupying the tourist home should not exceed: one guest per fifty (50) square feet of guest room area; four (4) guests per room regardless of room size; ten (10) guests regardless of tourist home size. A guest is an individual of any age.

B. Only one (1) tourist home building should be located on a lot or plat and no other business or industrial use may be conducted on the tourist home lot, unless: multiple tourist home buildings and uses are authorized as part of an approved Planned Unit Development; or, the tourist home is located in a GB or AB district.

C. All tourist homes should have private access (e.g., private driveway and/or exclusive easement) to a state highway or county maintained road. If such access is not possible, a letter of permission from all land owners who share the driveway or easement should be submitted with the application. The access driveway and/or easement should be of sufficient width and condition to accommodate fire and emergency services equipment.

D. Within the County jurisdictional area, all tourist homes should be located no closer than two-hundred fifty feet (250) from an existing residence and no closer than thirteen-hundred twenty feet (1320) from another existing tourist home. Where circumstances do not allow such separation, the foregoing distance may be reduced if buffers such as terrain or woods will sufficiently reduce the impact of the proposed tourist home on the nearby residences and/or tourist homes.

E. Each tourist home should have a local manager who possesses the authority and the ability to promptly address and correct any violations of the conditions, use requirements and/or limitations applicable to the tourist home. The name, address and telephone number of the local manager should be registered with the Area Plan Commission Office and should be placed in a conspicuous area of the tourist home.

F. Target shooting is discouraged at tourist homes.

G. A description of the tourist home property boundary lines should be available to tenants of the tourist home and the boundary lines should be marked when feasible

H. Tourist homes should be inspected by County and State inspectors at intervals not exceeding three (3) years.

2. **Conditions:** In determining whether a proposed tourist home use will: subvert the spirit, intent or general purpose served by the relevant Zoning Ordinance; or, substantially or materially and permanently injure other property or appropriate uses in the same area, vicinity or neighborhood; or, serve the public convenience and welfare, and Board may impose the following conditions:

A. The tourist home building and equipment shall comply with all relevant health housing and building rules, standards and permit requirements

B. The sewage disposal facilities that serve the tourist home shall be of sufficient size and of suitable condition, as determined and approved by the Brown County Health Department, to safely handle the effluent generated by the occupants and by the approved number of guests.

C. A tourist home shall comply with the off-street parking requirements applicable to both the residential uses, if any, and the tourist home uses of the tourist home building.

D. Off-street parking spaces shall be arranged so that guests and/or occupants of the tourist home will not be required to back onto or off of any public road or alley in order to access the property.

E. Only one (1) sign (non-illuminated, maximum area of four (4) square feet) may be allowed per tourist home, even if the tourist home is located on a corner lot.

F. The tourist home shall be maintained and operated, at all times, in a manner that does not create a health or fire hazard or other nuisance to the neighboring properties, uses or residents.

G. Tourist homes may be used only for the overnight residential accommodation of the approved number of guests.

H. Tourist homes may not be occupied if substandard conditions of maintenance are found to exist. Without limitation, substandard conditions of maintenance result from a failure to comply with any of the following minimum tourist home standards: adequate smoke detectors and fire rated extinguishers; safe heating systems; intact window and door glass; structural soundness; hot and cold running water; functional washing and bathing facilities; and safe water supply (public, or if private, annually tested and approved by a certified laboratory).

I. Each applicant, upon approval of a special exception for a tourist home, shall mail or deliver a written notice to the Brown County Treasurer.

J. Tourists home uses shall not be conducted in an accessory structure.

3. The foregoing lists of guidelines and conditions are not exclusive and are not intended to limit the Board. The Board may apply other relevant guidelines and may impose other reasonable conditions as each situation warrants. For example, the Board may, as part of its decision on an application, employ any of the foregoing guidelines as a condition of approval.