

SECTION 5



SECTION 5

Use Requirements and Restrictions

5.1 Height of Structures

- A. Except as otherwise provided by this section, no structure may be erected or changed so as to make its height greater than twenty-five (25) feet if it is in an R1 or R2 District, or thirty-five (35) feet if it is in an A, R3, HS, LB, GB, or OD District, or one hundred (100) feet if it is in a CB or I District.
- B. A clinic that is authorized as a special use under Subsection 4.1 may be erected or changed to a height not greater than forty (40) feet.
- C. In a GB District, a business or light industrial structure may be erected or changed to a height not greater than seventy-five (75) feet. In a CB or I District, a business or industrial structure may be erected or changed to any height. This height exception does not extend to signs permitted for these uses.
- D. An agricultural structure may be erected or changed to any height necessary for its operation.
- E. The following structures may be erected or changed to any height not greater than thirty-five (35) feet when permitted in an R1 or R2 District:

List of Types

- Churches or temples (excluding signage)
 - Public Libraries or museums
 - Schools
 - Government Buildings
- F. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, penthouses for mechanical equipment, stacks, tanks, water towers, transmission towers for electric lines, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited elsewhere in this ordinance.

5.2 Maximum Lot Coverage: Residential Uses

The residential buildings on any lot may not exceed in coverage the following percentages of total lot area:

Maximum Lot Coverage						
District	R1	R2	R3	OD, LB & GB	CB & I ¹	A & HS
Percentage of Coverage	25%	30%	40%	25%	60%	25%

¹ There is no maximum lot coverage if the entire first story non-residential uses.

5.3 Minimum Lot Size: Residential Uses

- A. Except as provided for in 5.3(c), a lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in the following table. ("Changed" shall mean "increased in number of dwelling units contained therein," but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

Lot Size in Square Feet and District							
Dwelling Type	R1	R2	R3	OD, LB & GB	CB & I ¹	A & HS	
Single-family	20,000	10,000	6,000	6,000	6,000	20,000	
Two-family	--	--	3,000	3,000	3,000	5,000	
Multi-family	--	--	2,000 ¹	2,000 ¹	800	--	

¹ This figure applies for each of the first three dwelling units - add 1,000 square feet for each additional unit.

- B. Except as provided for in 5.3(c), a lot on which a dwelling is erected or changed may not be smaller in width, in linear feet, than that prescribed for it by the following table. ("Changed" shall mean "increased in number of dwelling units contained therein," but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

Lot Width in Feet and District						
Kind of Dwelling	District					
	R1	R2	R3	OD, LB & GB	CB & I	A & HS
Single-family	100'	75'	60'	60'	--	100'
Tow-family	--	--	60'	60'	50'	100'
Multi-family	--	--	70'	70'	70'	--

- C. A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in separate ownership or included in a subdivision of record in the office of the County Recorder at the time of the passage of this ordinance, even though the lot does not have the minimum lot width or the minimum lot area, or both, specified for the district by this ordinance.

5.4 Minimum Lot Size: Other Uses

A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use opposite it in the following table:

Minimum Lot Sizes By Use	
Use	Minimum Lot Area
Airport	80 acres
Cemetery or crematory	20 acres
Clinic	15,000 sq. ft.
Commercial facilities for raising and breeding non-farm fowl and animals	1 acre
Junk yard or Scrap metal yard	10 acres
Kindergarten or day care center	110 sq. ft. child
Penal or correctional institution	320 acres
Police station or fire station	15,000 sq. ft.
Private camp or campground	5 acres
Public or commercial garbage disposal plant	5 acres
Public or commercial sanitary fill, refuse dump or trash transfer station	10 acres
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over four

5.5 Standard Setbacks

- A. In any district except the CB district, where there is no such requirement, minimum depth of front yard for a lot abutting a street shall be as follows:

Street Type	Minimum Front Yard
Local or Place	25 feet
Collector	30 feet
Secondary Arterial	40 feet
Primary Arterial	60 feet

Arterials and collectors are designated by resolution of the plan commission. However, along a local street in a residence district or business district other than CB, where fifty percent of lots in that block face are occupied by principal use buildings, minimum depth of front yard for that block face shall be the average depth of front yard for those buildings, provided that such front yard shall be no less than 10 feet. But buildings to be removed to make way for a new building shall not be included when calculating average depth of front yard to be applied to the new building.

A through lot has a front yard on each abutting street.

For any corner lot, these front yard setback standards shall also apply to the side yard(s) abutting a primary or secondary arterial, collector, local street or place.

Where a lot does not abut a street, minimum depth of front yard shall be 25 feet, measured from a designated front lot line.

For any accessory building, minimum depth of front yard shall be the same as for the principal use building.

- B. Minimum depth of rear yard, in feet, for primary and accessory building shall be as follows:

Zoning District	Residential Use		Non-Residential Use	
	Primary	Accessory	Primary	Accessory
R1,R2,R3,A	25	10	25	10
LB, OD	15	15	15	15
GB,HS	15	15	15/40 ¹	15/40 ^{1cb}
CB	0	0	0	0
I	--	--	15/40 ¹	15/40 ¹

¹ Where rear lot line abuts a residential district.

- C. Minimum depth of side yard, in feet, for primary or accessory buildings shall be as follows:

Zoning District	Residential Use	Non-Residential Use
R1,R2,R3,A	6	6
LB,GB, OD, HS	0	0/10 ¹
CB	0	0
I	--	0/30 ¹

¹ Where side lot line abuts a residential districts

5.6 Setbacks: Accessory Buildings in Residential Districts

- A. In a residential district, an accessory building may be located no closer to a side lot line than six (6) feet and no closer to the front lot line than the minimum front yard for a principal building.
- B. If an interior lot abuts a corner lot or an alley separating them and the front yards of the two lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot.

5.7 Setbacks: Vision Clearance at Intersections

At the street intersection of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are twenty-five (25) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of two and one-half (2 1/2) and twelve (12) feet above the established grade.

5.8 Setbacks: Uses Allowed As Special Uses

When permitted by grant of special use per Subsection 8.3, the following uses are subject to the special setbacks prescribed, in feet, by the following table. If no figure appears for a front yard setback, the standard setback prescribed by Subsection 5.6 applies.

SetBacks in Feet By Use			
Use	Front	Side	Rear
Bottled gas storage & distribution	300'	300'	300'
Cemetery or crematory	50'	50'	--
Clinic	--	10'	30'
Commercial facilities for raising & breeding non-farm fowl & animals	100'	100'	100'
Junk yard or Scrap metal yard	300'	150'	150'
Kindergarten or day care center	20'	15'	--
Liquid fertilizer storage & distribution	150'	150'	150'
Mineral extraction, borrow pit or top soil removal & their storage areas	150'	150'	150'
Outdoor theater	100'	40'	40'
Outdoor commercial recreational enterprise	40'	40'	--
Penal or correctional institution	100'	100'	100'
Petroleum tank farm	300'	300'	300'
Private recreational development	40'	40'	--
Private camp or campground	100'	40'	40'
Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer center	300'	300'	300'
Public or commercial sewage disposal plant	100'	100'	100'
Riding stable	100'	100'	100'
Sales barn for livestock sale	300'	300'	300'

5.9 Buffering: Minimum Distances from Residential District

- A. A mineral extraction area, borrow pit, or topsoil removal area (including storage area), penal or correctional institution, public or commercial sewage disposal plant, sales barn for livestock sale, truck terminal, or wholesale produce terminal may not be located closer to an R1, R2, or R3, District than three hundred (300) feet. A junk yard or scrap metal yard may not be located closer to such a district than thirteen hundred twenty (1,320) feet.
- B. A parking area or loading berth for any of the following uses may not be located closer to a residential district than the distance, in feet, listed opposite it in the following table:

Minimum Distance in Feet From a Residential District		
Use	Parking Area	Loading Berth
Airport	25'	100'
Commercial facilities for raising & breeding non-farm fowl & animals	25'	100'
Commercial greenhouse	--	50'
Junk yard or Scrap metal yard	1320'	1320'
Mineral extraction, borrow pit, or topsoil removal, and their storage area	--	300'
Outdoor commercial recreational enterprise	25'	50'
Penal or correctional institution	300'	300'
Private recreational development	25'	--
Sales barn for livestock sale	50'	100'
Truck terminal	100'	100'
Wholesale produce terminal	100'	100'

5.10 Buffering: Fences and Walls

The following uses shall be fenced or walled as respectively prescribed by the following table:

Use Category	Enclosure
Airport or heliport (where located at ground level)	6'0" fence
Artificial lake of three or more acres, if accessible to public	6'0" fence
Drive-In	6'0" fence
Kindergarten or day care center (play area only)	4'0" fence
Junk yard or scrap metal yard	Solid wall or solid painted fence sufficient to hide from view
Mineral extraction, borrow pit, topsoil removal, and their storage areas	6'0" fence
Outdoor commercial recreational enterprise	6'0" fence
Outdoor theater	8'0" solid opaque fence
Private swimming pool	6'0" fence
Public or commercial sewage disposal plant	6'0" solid fence
Wholesale produce terminal	6'0" fence

5.11 Buffering: Screen Planting Abutting Residential Use

Tight screen planting, effective at all times to block the view from abutting residential uses, shall be provided for the following uses in accordance with the following table, the dimensions of the screen to be the minimum five years after the use is established.

Screening of Uses	
Use	Screen
Artificial lake of three acres or more	6'0" high; 3'0" wide
Commercial facilities for raising & breeding non-farm fowl and animals	6'0" high; 3'0" wide
Mineral extraction, borrow pit, topsoil removal, and their storage areas	8'0" high; 3'0" wide
Private recreational development	6'0" high; 3'0" wide
Private swimming pool	6'0" high; 3'0" wide
Private camp or campground	6'0" high; 3'0" wide
Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer station	8'0" high; 6'0" wide
Riding stable	6'0" high; 3'0" wide
Truck terminal	6'0" high; 6'0" wide
Wholesale produce terminal	6'0" high; 6'0" wide

5.12 Entrances

- A. This subsection limits the number of entrances to an arterial street or a state or federal highway. However, it does not apply to entrances for emergency use only.

- B. Each of the following uses, for which special uses are prescribed by Subsection 4.1, is limited to one entrance:

Use List
Artificial lake of three or more acres
Clinic
Commercial facility for raising & breeding non-farm fowl & animals
County club or golf course
Junk yard or Scrap metal yard
Mineral extraction, borrow pit, topsoil removal, and their storage areas
Outdoor theater
Penal or correctional institution
Private recreational development
Private camp or campground
Public or commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer station
Public or commercial sewage disposal plant
Railroad right-of-way and uses essential to railroad operation
Riding stable
Sales barn for livestock sale
Telephone exchange or public utility substation
Tourist home or bed and breakfast
Truck terminal
Wholesale produce terminal

- C. Each of the following uses, for which special uses are prescribed by Subsection 4.1, is limited to two entrances:

Use List
Airport
Cemetery
Outdoor commercial recreation enterprise

5.13 Minimum Off-street Parking and Loading Requirements

A. Purpose.

In order to reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided for in this subsection. Parking spaces or bays contiguous to the street, required by subdivision or other town ordinances, are in addition to and not in place of the spaces so required.

B. Applicability.

No new building or structure shall be constructed or used in whole or in part, and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used unless off-street parking is provided in accordance with the following conditions:

- i. No existing off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure, unless they are replaced by spaces provided in accordance with this subsection.
- ii. Enlargements or alterations which result in an increase in the ground coverage or the usable floor area of a building or structure shall require additional off-street parking spaces in accordance with the provisions of this subsection, but only to the

extent that such increase exceeds 5% of the ground coverage or 15% of the floor area existing at the time this subsection becomes effective.

- iii. Changes in the use of existing buildings, structures, or of land shall require additional off-street parking spaces in accordance with the provisions of this subsection, but only to the extent of such change.
- iv. Restoration of an existing building or structure that has been damaged or destroyed by fire or other disaster shall be permitted without conforming to the requirements of this subsection if said restoration or rebuilding complies with the following requirements:
 - The restoration of the building does not increase the ground coverage that was occupied by the structure being replaced by more than 5%,
 - The restoration does not increase the usable floor space by more than 15% over that which was in the building being replaced,
 - The restoration does not reduce the number of parking spaces that were available to the subject structure, and were in existence, prior to the restoration.
- v. Buildings, structures, or land uses, in existence, or structures or uses for which improvement location permits have been issued at the time this ordinance becomes effective shall not be subject to the requirements of this subsection except as provided above.

C. Required Parking Spaces.

- i. Parking spaces shall be provided as follows:

Parking Requirements by Use	
Uses	Required Parking Spaces
Airport or heliport	1 per 2 employees plus 1 per based or daily transient aircraft
Artificial lake of 3 acres or more	1 per 2 users
Automobile, RV and camper sales	1 per 400 sq. ft. of gross floor area
Motor vehicle repair	1 per 200 sq. ft gross floor area
Banks, business offices, professional offices, similar business uses, post office and similar service uses	1 per 200 sq. ft. of gross floor area
Boarding or lodging house	1 per occupant plus 2 for the resident owner
Bowling alley	3 per lane
Cemetery or crematory	1 per 2 employees plus 1 per 4 seats in chapel, if provided
Church or temple	1 per 2 seats in main auditorium
Clinic	1 per employee plus 3 per doctor for patients
Communication relay tower	1 plus 1 per 3 employees
Country club or golf course	1 per 2 employees plus 3 per golf hole
Dancing, aerobics or gymnastics	1 per 200 sq. ft., of gross studio floor
Department store, antique shop, apparel shop, flower shop, drugstore, hardware store, stationery and book store, news dealer, record shop, photo studio, barber shop, beauty shop, health spa or fitness center, bakery, restaurant, delicatessen,	

Parking Requirements by Use

Uses	Required Parking Spaces
liquor store, meat market, grocery (including convenience stores), roadside food sales stand, electrical appliance shop, radio-TV shop, dress-maker, millinery, tailor and pressing shop, self-service laundry, dry-cleaning and laundry establishment, billiard room, night club, furniture and large appliance sales	1 per 200 sq. ft gross floor area
Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial)	1 per 2 employees plus 1 per 125 sq. ft. of sales area
Home service	1 in addition to residence requirement
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel or motel	1 per 3 employees plus 1 per sleeping room
Industrial uses generally	1 per employee on largest shift
Junk yard, recycling center or scrap metal	1 per employee
Kindergarten or day care center	1 per 2 employees plus 1 per 5 children
Mortuary	1 per 3 seats in main auditorium
Nursing home	1 per 7 persons plus 1 per employee on largest shift
Outdoor commercial recreational use	1 per employee plus 1 per 500 sq. ft. of use area
Penal or correctional institution	1 per 3 employees plus 1 per 10 inmates (capacity)
Police station or fire station	1 per employee on largest shift
Private club or lodge	1 per 6 active members
Private recreational development	1 per 2 customers or members
Private camp or campground	1 per camp site plus 1 per cabin plus 1 per employee
Public library or museum	2 per 1,000 sq. ft. gross floor area
Public or commercial sewage disposal plant	1 per employee on largest shift
Bus station	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail use
Residential use, including apartments	2 per dwelling units
Riding stable	1 per 5,000 sq. ft.
School	1 per staff member plus 1 per 5,000 sq. ft. plus 1 per 4 students enrolled if a high school
Shopping center	
25,000 to 400,000 sq. ft. gross leasable area	4 per 1,000 sq. ft. gross leasable area
400,000 to 600,000 sq. ft. gross leasable area	4.5 per 1,000 sq. ft. gross leasable area
600,000 sq. ft and over gross leasable area	5 per 1,000 sq. ft. gross leasable area
Swimming pools	1 per 100 sq. ft. of pool area
Telephone exchange or public utility substation	1 per employee
Theater (indoor)	1 per seats
Theater (outdoor)	1 per 2 employee
Tourist home or bed and breakfast	1 per employee plus 1 per guest bedroom
Trade or business school	1 per 3 students and staff
Truck terminal	1 per 2 employees plus 4 for customers
Veterinary hospital or clinic or boarding kennel	1 per 3 animal spaces (cages or pens)

Parking Requirements by Use	
Uses	Required Parking Spaces
Wholesale produce terminal	1 per employees

- ii. Drive-up services, including but not limited to bank teller, photo pick-up, car washes, fast food order and pick-up, shall provide waiting space for queuing of vehicles waiting use of drive-up windows. The requirements are: two (2) twenty (20) foot car-length waiting spaces for each drive-up lane (including the space where the transaction takes place), plus one additional space per in a common lane for multiple drive-up lane where such waiting space can be windows. Drive-up waiting space requirements are in addition to any off-street parking requirement.

D. General Regulations.

- i. Some parking areas must conform to the location requirements prescribed in Subsection (5.13(B)).
- ii. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately. This provision shall apply to a building having space occupied by two or more uses.
- iii. When determination of the number of off-street parking spaces required by Subsection C. results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- iv. Every company car, truck, tractor and trailer normally stored at a business site shall be provided with off-street parking space. Such space shall be in addition to the parking requirements of Subsection C.

E. Off-Site Parking Facilities.

Required parking for a non-residential development may be located off-site under certain circumstances. Requests for variances allowing the substitution of off-site for on-site parking must meet the following requirements:

- i. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered:
 - a. Proximity of the off-site parking facilities;
 - b. Ease of pedestrian access to the off-site parking facilities;
 - c. The type of use the off-site parking facilities are intended to serve, i.e. off-site parking may not be appropriate for high turnover uses such as retail.
- ii. A written agreement shall be drawn to the satisfaction of the Town Attorney and executed by all parties concerned assuring the continued availability of off-site parking facilities for the use they are intended to serve.

F. Development Standards.

Each parking area shall comply with the standards as hereinafter set forth:

i. **Design.**

- a. Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

Minimum Parking Space and Aisle Dimensions for Parking Areas (in feet)				
Angle of Parking	Width of Parking Space	Length of Parking Space	Maneuvering Aisle [1-way]	Maneuvering Aisle [2-way]
76-90	9'	18'	22'	22'
61-75	9'	18'	18'	22'
46-60	9'	18'	17'	22'
0-45	8'	22'	12'	22'

Measurement of parking space width and length, aisle width and parking angle shall be made as per the following diagram:

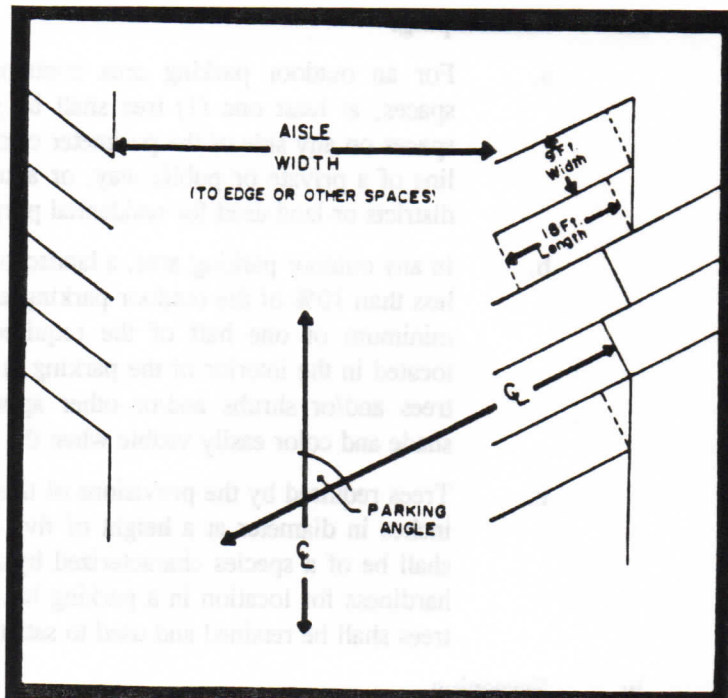


Figure 5 -1: Parking Space Measurements

- b. Driveways shall be arranged for the free flow of vehicles at all times, and all maneuvering spaces and aisles shall be so designed that all vehicles may exit from and enter into a public street by being driven in a forward direction, except that residential and employee parking spaces may back-in from alleys. See Figure 5-1 above.
- c. Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is limited to employees.

- d. On any parking area in any district, all paved portions of all parking spaces and maneuvering aisles shall be set back five (5) feet from any wall of a building, and five (5) feet from any private or public way, or any lot line of any land in residential districts or used for residential purposes.

ii. Construction.

- a. All required parking spaces, maneuvering aisles, and driveways except in A & FP districts and on farms in any district, shall have a durable, ductless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any lot in other ownership and such surfaces shall be well maintained.
- b. Parking areas in all districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto the required landscaped open space.
- c. In any parking area the surface shall be painted, marked or otherwise delineated so that each parking space is apparent.

iii. Landscaping.

- a. For an outdoor parking area containing twenty (20) or more parking spaces, at least one (1) tree shall be planted for every ten (10) parking spaces on any side of the perimeter of such parking area that abuts the side line of a private or public way, or abuts the lot line of land in residential districts or land used for residential purposes.
- b. In any outdoor parking area, a landscaped open space having an area of not less than 10% of the outdoor parking area on the lot shall be provided. A minimum of one half of the required landscaped open space shall be located in the interior of the parking area and contain ornamental or shade trees and/or shrubs and/or other appropriate plant materials to provide shade and color easily visible when the lot is full of cars.
- c. Trees required by the provisions of this subsection shall be at least two (2) inches in diameter at a height of five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this subsection.

iv. Screening.

Any parking area which abuts residential districts or uses shall be screened from such residential districts or uses and any parking area shall be screened from a public or private way in accordance with the following requirements:

a. Materials.

Plant materials characterized by dense growth which will form an effective year-round screen shall be planted, or a fence or a wall shall be constructed, to form the screen except as prohibited in Subsection 4.2 and 5.7. Where a grill or openwork fence or wall is used it shall be suitable in appearance and materials. Screening may consist of both natural and man-made materials. To the extent practicable, existing trees shall be

retained and used to satisfy the provisions of this subsection. Plant material shall also be of a type whose roots will not interfere with utilities.

b. **Height.**

Screening shall be at least three (3) feet in height. Plant materials when planted, may be not less than 2 1/2 feet in height if of a species or variety which shall attain the required height and width within two (2) years of planting. Height shall be measured from the finished grade.

c. **Width.**

Screening shall be in a strip of landscaped open space at least five (5) feet wide, and so located as not to impair visibility of or from approaching traffic or create potential hazards for pedestrians.

d. **Maintenance.**

All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and whenever necessary they shall be repaired or replaced.

e. **Lighting.**

All artificial lighting used to illuminate a parking area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light sources into any public street or private way or onto adjacent property.

f. **Earth Berms.**

Where appropriate and recommended by the Administrator, landscaped earth berms may be used to help in screening or separating uses or for other useful purposes.

G. **Off-Street Loading.**

There shall be provided off-street loading berths not less than the minimum requirements specified in this subsection in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

i. **Location.**

All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street. Some uses are also subject to Subsection 5.8 and/or 5.9.

ii. **Size.**

Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet.

For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.

iii. **Access.**

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

iv. **Surfacing.**

All open off-street loading berths shall be improved with a compacted base not less than six (6) inches thick, or equal, surfaced with not less than two (2) inches of asphalt concrete or some comparable all-weather, ductless material.

v. **Space Allowed.**

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

vi. **Off-street Loading Space Requirements.**

One off-street loading berth shall be provided for every 10,000 square feet of gross floor area but no more than a total of two spaces up to 40,000 square feet of gross floor area, one space for each additional 40,000 square feet up to 160,000 square feet, and one space for every 80,000 additional square feet.

5.14 Signs

A. **Purpose.**

The purpose of this subsection is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, and morals; and to permit and regulate signs in such a way as to support and complement land-use objectives set forth in the zoning ordinance.

B. **Exempt Signs.**

The following types of signs shall be exempted from the requirements of this subsection:

- i. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or home service.
- ii. Flags and insignia of any government.
- iii. Legal notices, identification information, or directional signs erected by or by order of governmental bodies.
- iv. Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts or moving lights.
- v. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.

C. On-Premise Signs.

- i. In any district, except as noted, the provisions of this subsection shall be applied to effect the safety of motorists and facilitate traffic movement.
 - a. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
 - b. No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
 - c. No exterior sign shall be permitted to display flashing, intermittent, revolving, rotating or animated lighting or illumination, nor any illumination which simulates or displays motion.
 - d. Except as permitted in Subsection viii., Portable Signs are prohibited.
 - e. All signs not expressly exempted or permitted by this ordinance are prohibited.
- ii. In all districts, the provisions of this subsection shall apply.
 - a. No part of any sign which is attached to the exterior wall of a building shall be erected to a height in excess of six feet above the roof or parapet line of such building.
 - b. No illuminated sign shall be permitted within fifty feet of property in any residence district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.
 - c. No part of any free-standing sign shall be erected to a height greater than that specified for other structures in the district in which the sign is located; rooftop sign structures shall not extend more than six feet above the roof line nor shall such sign structures extend beyond or overhang any exterior wall of the building upon which they are secured.
 - d. The minimum setback of free-standing signs from street rights-of-way shall not be less than those given below. Setback shall be measured to the nearest point of the sign to the edge of the right-of-way.

Minimum Sign Setback	
Minimum Setback	Area of Sign Per Face
5 square feet or less	2 feet
5 to 14.9 square feet	10 feet
15 to 49.9 square feet	20 feet
50 to 99.9 square feet	30 feet
100 or more square feet	60 feet

- e. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.

- f. No free-standing sign shall be erected or maintained on or within any easement or right-of-way, public or private, without special permission in writing from that person or persons entitled to give such permission.
- iii. In any residence district, the provisions of this subsection shall apply.
- a. Multi-family developments may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such sign shall not exceed nine square feet in area.
 - b. Nonresidential uses are permitted one bulletin board or identification sign, indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not exceed twelve square feet in area unless erected along an abutting street or road having a speed limit in excess of 40 miles per hour; then the area of such sign shall not exceed 30 square feet.
 - c. For each use listed in paragraphs a. and b. eligible to display a sign, only one sign per street frontage shall be permitted, except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage.
- iv. In any business district, except as herein provided, the provisions of this subsection shall apply.
- a. Multi-family developments shall be subject to the provisions of Subsection iii.
 - b. Signs shall be permitted as accessory uses for nonresidential uses according to the number and net area of signs set forth below:

Business Use Signs and Sign Area		
District	Number of Signs	Net Sign Area [Each Sign]
HS	3	60 sq. ft.
LB & OD	2	30 sq. ft.
GB & CB	3	40 sq. ft.

No building-mounted sign shall project over a lot line and no sign shall project into a required yard by more than two feet.

- v. In any industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two such signs or a total net area of three hundred square feet.
- vi. To encourage design excellence, the maximum sign areas for business and industrial signs, as set forth in paragraphs iv. and v. above, may be increased by the percentages as provided for herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage increase is based on the original sign area limitation.
- a. Free-standing signs may be increased as follows:
 - Twenty percent (20%) when the sign is constructed of solid wood and uses only colors approved by the Plan Commission.

- Ten percent (10%) when a directory sign utilizes uniform coloring and lettering for all establishments listed in the directory, except the one (1) major facility.
 - Twenty percent (20%) when the sign is installed in a landscaped planter having an area four (4) times the area of the resultant sign and the entire design is approved by the Plan Commission.
 - Ten percent (10%) if the sign is not designed or used with illumination.
 - Five percent (5%) if the sign face is made from unbreakable material.
- b. Wall or facade signs may be increased as follows, but only if the projection of the sign does not exceed twelve (12) inches:
- Ten percent (10%) when all the lettering and background are uniform in style and color for signs in a shopping center or for any three (3) consecutive separate establishments.
 - Ten percent (10%) if the sign is not designed or used with illumination.
 - Ten percent (10%) if the wall sign is the only sign identifying the establishment or its principal product. This bonus provision is not applicable in Local Business Districts (LB), Central Business (CB) Districts, and for stores in a shopping center.
 - Ten percent (10%) if the sign is designed to contain only the identification of the establishment without advertisement of any products sold on the premises.
 - Five percent (5%) if the sign face is made from unbreakable material.
- vii. In any agriculture district, the provisions of this subsection shall apply:
- a. Agricultural uses shall be permitted one (1) sign not to exceed thirty (30) square feet.
 - b. Industrial uses shall be permitted a maximum of two (2) signs not to exceed a combined area of one hundred (100) square feet.
 - c. Business uses shall be permitted two (2) signs not to exceed thirty (30) square feet each.
 - d. Other nonresidential uses shall be permitted, one bulletin board or identification sign, indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not exceed twelve square feet in area unless erected along an abutting street or road having a speed limit in excess of 40 miles per hour; then the area of such sign shall not exceed 30 square feet. Only one sign per street frontage shall be permitted, except that uses occupying extended frontages shall be permitted one such sign per five hundred (500) feet of frontage.
 - e. Residential uses are subject to the provisions of subsection iii.

- viii. The signs permitted by this subsection shall be allowed in any district.
- a. One "For Sale" or "For Rent" sign not more than twelve square feet in area for each dwelling unit, garage, or other quarters where appropriate.
 - b. One sign, not more than twelve square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively underway.

Also, one (1) portable sign on premise, not in excess of the number or size provisions of Subsection iv. b may be permitted by the Administrator up to, but not to exceed, forty-five (45) days, if the portable sign is being used in lieu of a permanent sign, or during the period while commercial construction or remodeling is actively underway, to be removed when the permanent sign is erected in the first case, or when construction is completed under that Improvement Location Permit in the second case.

- c. For an event of public interest sponsored by a church, governmental agency, school, political organization, or charitable organization, one (1) portable sign not over fifty (50) square feet in area, on the premises on which the event will take place, shall be permitted; such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also, directional signs, may be permitted not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest; such signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event.
- d. For each real estate subdivision that has been recorded in accordance with the subdivision regulations, one sign, not over fifty (50) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located in some portion of the subdivision being advertised for sale. Such sign shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such sign shall be issued for one-year periods and may be renewed for additional one-year periods to allow time for reasonable display.
- e. Political advertisement signs, on private property, may be erected no more than thirty (30) days prior to the election and are to be removed within five (5) days after said election.
- f. For each major entrance to a real estate subdivision one (1) sign containing the name of the subdivision only shall be permitted. Such sign shall not exceed twenty (20) square feet and shall have a maximum height of six (6) feet. In addition, such sign shall comply fully with Subsection 5.7 Setback's: Vision Clearance at Intersections and Subsection 5.14(C) ii. f., but shall not be subject to Subsection 5.14(C) ii. d.

D. Outdoor Advertising Signs.

- i. Outdoor Advertising signs shall be allowed in HS, GB, CB and I Districts only, as authorized by or under Subsection 4.1.
- ii. Outdoor advertising signs shall be separated by one thousand (1,000) feet in all directions, and pertaining to the Interstate and limited access highways, no outdoor advertising sign may be located adjacent to or within five hundred (500) feet of an interchange, at-grade intersection, or rest area; said five hundred (500) feet shall be measured from the right-of-way line.
- iii. No outdoor advertising sign shall be permitted if it is located within three hundred (300) feet of land that has been platted for residential use or is zoned R1, R2, R3, PDR or PDE.
- iv. No outdoor advertising sign structure shall contain more than two facings and no facing shall display more than two (2) signs.
- v. The maximum area for any one sign shall be 1,000 square feet and the maximum width 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

5.15 Restrictions Along Streams

- A. The following buildings and structures are the only ones that may be erected within a floodway fringe: recreational apparatus and unenclosed shelters; parking spaces, detached unenclosed carports and the driveways serving them; water wells and fountains, and transmission lines for water, sewer, gas, oil, electric, telephone and cable television; fences; mailboxes; bridges and public and private streets.
- B. When required by DNR, the buildings and structures listed in Subsection A. above may be erected within a regulatory floodway only if a permit to construct in a floodway has been issued.
- C. Water wells, water lines and sewage facilities located within a flood plain shall be constructed to eliminate contamination of or by, floodwater.

5.16 Water Pollution

No authorization of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts of 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Indiana Department of Environmental Management and/or the State Board of Health, and any other Indiana department or agency authorized to review and approve such facilities.

5.17 Industrial Restrictions

A. Smoke.

- i. No light industrial use may emit more than ten smoke units per stack or smoke in excess of Ringelmann No. 2. However, once during any 24-hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten smoke units and during that time it may smoke up to and including Ringelmann No. 3.
- ii. No general industrial use may emit more than sixty smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any 6-hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten smoke units and during that time it may emit smoke up to and including Ringelmann No. 3.

- iii. In this section, the term:

"Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0; and

"smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

B. Particulate Matter.

- i. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one pound per hour per acre for a light industrial use, or three pounds per hour per acre for a general industrial use, of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh). The net rate of emission shall be computed by:
 - a. determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;
 - b. deducting from that gross rate the appropriate correction factors for height of emission and stack velocity as respectively specified in subsections ii and iii, below, thus obtaining the net hourly emission rate per acre for each source, and
 - c. adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.

- ii. The allowance for height of emission is as follows (interpolate for intermediate values):

Emission Height Allowances		
Height of Emission Above Grade [ft.]	Correction for Light Industrial Use [pounds per hour per acre]	Correction for General Industrial Use [pounds per hour per acre]
50'	0.01	0.02
100'	0.06	0.12
150'	0.10	0.20
200'	0.16	0.32
300'	0.30	0.60
400'	0.50	1.00
500' & above	0.50	1.50

- iii. The allowance for velocity of emission is as follows (interpolate for intermediate values):

Emission Velocity Allowances		
Exit Velocity Up [Feet Per Second]	Correction for Light Industrial Use [pounds per hour per acre]	Correction for General Industrial Use [pounds per hour per acre]
0'	0	0
20'	0.03	0.06
40'	0.09	0.18
60'	0.16	0.32
80'	0.24	0.48
100' and above	0.50	1.00

- iv. Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.
- v. As used in this subsection, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.

C. Odor.

No light or general industrial use may release an unreasonably objectionable odor that is detectable in the neighborhood.

D. Toxic Materials.

For a light or general industrial use, the emission of toxic and non-toxic materials may not produce any concentration at a residence or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists:

Light Industrial Use	10%
General Industrial Use	30%

E. Glare and Heat.

- i. No light or general industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle.
- ii. As used in this subsection, the term "foot candle" means a unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candle-power.

F. Vibration.

- i. No light industrial use may cause at a lot line, continuous vibrations exceeding those under I in the following table. Nor may it cause at any residence district boundary, continuous earthborne vibrations higher than the limits set forth in column II.

Maximum Permitted Vibration (light Industries)			
Frequency [Cycles Per Second]		I Displacement [Inches]	II Displacement [Inches]
More Than	But Not More Than		
0	10	.0008"	.0004"
10	20	.0005"	.0002"
20	30	.0002"	.0001"
30	40	.0001"	.0001"
40	50	.0001"	.0001"
50		.0001"	.0001"

Discrete pulses that do not exceed one hundred impulses per minute may not produce higher than twice the displacement specified in the table.

- ii. No general industrial use may cause at any HS, LB, GB or I District boundary continuous earthborne vibrations higher than the limits set forth in column I of the following table. Nor may in cause at any residence district boundary continuous earthborne vibrations higher than the limits set forth in column II.

Maximum Permitted Vibrations			
Frequency [Cycles Per Second]		I Displacement [Inches]	II Displacement [Inches]
More Than	But Not More Than		
0	10	.0020"	.0004"
10	20	.0010"	.0002"
20	30	.0006"	.0001"
30	40	.0004"	.0001"
40	50	.0003"	.0001"
50		.0002"	.0001"

Discrete pulses that do not exceed one hundred impulses per minute may not produce higher than twice the displacement specified in the table.

- iii. As used in this subsection, the term:

"resultant displacement" means the maximum amount of motion in any direction as determined by any three-component measuring system (a simultaneous measuring system approved by the commission); and

"three-component measuring system" means instrumentation that can measure earthborne vibrations in a horizontal as well as a vertical plane.

G. Noise.

- i. At no boundary of a residence or business district may the sound pressure level of any light or general industrial use (except for background noises produced by sources not under control of this ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the following decibel limits:

Maximum Noise Limitations			
Octave Bank Frequency [Cycles Per Second]		I	II
More Than	But Not More Than	Maximum Permitted Sound Levels [In Decibels] Along Residence District Boundaries	Maximum Permitted Sound Levels [In Decibels] Along Business District Boundaries
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	--	32	39

The prescribed limits of column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are each reduced by six decibels.

- ii. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound-level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this subsection if they cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

- iii. As used in this subsection, the term:

"octave band" means all the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one; and

"octave band filter" means an electrical device that separates the sounds in each octave band and presents them to the sound-level meter.

H. Fire Hazards.

- i. Solid substances ranging from free or active burning to intense burning may be stored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
- ii. The storage, utilization or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's Office, stating that the plans and specifications for a light or general industrial use comply with the rules and regulations of the State Fire Marshall shall accompany the application for an Improvement Location Permit.

ii. As used in this subsection, the term:

"free burning" means a rate of combustion described by a substance that burns actively and easily supports combustion.

"intense burning" means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

I. Detonation Materials.

No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Department of Fire Prevention and Building Safety.

These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent; and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

J. Exceptions.

Subsections A. through I. do not apply to:

- i. site preparation or construction, maintenance, repair, alteration, or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
- ii. the operation of motor vehicles or other facilities for the transportation of personnel, materials or products;
- iii. conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
- iv. safety or emergency warning signals or alarms necessary for the protection of life, limb or property; or
- v. processes for which there is no known means of control.

Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

K. Light Industrial Uses Near Agriculture or Residence Districts.

The performance standards prescribed by Subsections A. through J. for light industrial uses apply also to general industrial uses that are located within five hundred feet of an "A" District or a Residence District boundary.