

# Zoning Ordinance

Ordinance Number: 15-2008

Adoption Date: July 28, 2008

Amended: January 08, 2024

**\*Pages 92, 104, & 138**

Amended: October 28, 2024

**\*Page 23**

Revised Zoning Code of Rensselaer, Indiana  
Ordinance No. 15-2008

An ordinance for the development through zoning of the territory within the jurisdiction of the Rensselaer Advisory Plan Commission, Rensselaer, Indiana, and to repeal the entire "Advisory Zoning Code of Rensselaer, Indiana, 1993," also identified as Ordinance No. 28-93, as amended, passed by the City Council of the City of Rensselaer, Indiana on the 13<sup>th</sup> day of December, 1993, and to replace Ordinance No. 28-93 with a revised Zoning Code.

Be it ordained by the City Council of the City of Rensselaer, Indiana under authority of the Indiana Advisory Planning Law [I.C. 36-74], and all acts amendatory or supplemental thereto, General Assembly of the State of Indiana:

ARTICLE 1

The Code of the City of Rensselaer, Indiana, is hereby amended by repealing the text of Chapter 28, Revised Zoning Code, in its entirety, and by replacing it with a new Chapter 28, Zoning Ordinance, shall read as follows:

ARTICLE II

This Ordinance shall take effect immediately upon its passage and approval in accordance with the provisions of the Advisory Planning Law, by the Common Council of the City of Rensselaer, Indiana.

Passed by the Common Council of the City of Rensselaer this 28 day of July, 2008.

AYE

William Hellemann  
Conrad Beaver  
George Coner  
Robert Ly

NAY

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ATTEST:

Frieda Bretzinger  
Frieda Bretzinger, Clerk-Treasurer  
City of Rensselaer

APPROVED:

Herbert A. Arihood  
Herbert Arihood, Mayor  
City of Rensselaer



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# **Section A: General Provisions**

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## A. General Provisions

### a) Title

This Chapter 28: The City of Rensselaer Revised Zoning Code, 2008, shall hereafter be referred to as "this Ordinance".

### b) Authority

This Ordinance is adopted pursuant to the authority contained in Indiana Code 36-7-4 et seq. Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code (I.C.) and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### c) Jurisdiction

This Ordinance shall be effective within the corporate boundaries of the City of Rensselaer, Indiana, and to those areas outside the incorporated City limits over which the City exercises planning and zoning authority.

### d) Purpose

This Ordinance is created for the purpose of:

1. Promoting general public health, safety, comfort, morals, convenience, and welfare;
2. Guiding the future development of the City of Rensselaer, Indiana and the areas outside the incorporated City limits over which the City exercises planning and zoning authority;
3. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger, which may include providing adequate open spaces for outdoor uses;

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4. Reducing or avoiding congestion in public streets;
5. Preserving the integrity of significant environmental features and natural areas;
6. Protecting the stability of residential areas;
7. Ensuring that the needs of agriculture, industry, and business be recognized in future growth;
8. Encouraging compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
9. Regulating the location and intensity of use of buildings, structures and land for residences, trade, industry, institutional and other uses;
10. Minimizing the negative impacts of adult businesses;
11. Restricting development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief;
12. Ensuring that growth be commensurate with and promote of the efficient and economical use of public funds;
13. Defining the powers and duties of administrative officials and establishing procedures for enforcement of the regulations set forth herein; and
14. Accomplishing the purposes of I.C. 36-7-4 et seq.

### e) Interpretation

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In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public.

1. In the case of any conflict or inconsistency between two or more provisions of this Ordinance, the provision which imposes the greater or higher standard of performance shall control.
2. In the case of any conflict or inconsistency between the text of this Ordinance and any caption, illustration, figure, or table, the text shall control.
3. Whenever a provision of this Ordinance imposes a greater restriction or a higher standard than is required by:
  - a. Any State or Federal law or regulation, or other County or City ordinance or regulation, the provision of this Ordinance shall apply.
  - b. Any private covenant, contract, commitment, agreement or other similar private land use restriction, the provision of this Ordinance shall apply.
4. Whenever a provision of any State or Federal law or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required by this Ordinance, the provision of the State or Federal law or regulation, or other County or City ordinance or regulation shall apply; however, this section shall not be interpreted to mean that the City is obligated to enforce the provision of any State or Federal law or regulation, or other County ordinance or regulation.
5. Whenever a provision of any private covenant, contract, commitment, agreement or other similar private land use restriction imposes a greater restriction or a higher standard than is required by this Ordinance, the provision of the private covenant, contract, commitment, agreement or other similar private land use restriction shall apply; however, this section shall not be interpreted to mean that the City is obligated to enforce the provision of any private covenant, contract, commitment, agreement or other similar private land use restriction.

f) **Repeal/Effective Date**

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An ordinance known and identified as Ordinance No.28-93 as amended, passed by the Common Council of the City of Rensselaer, Indiana, on the 28<sup>th</sup> day of December, 1993; and all ordinances or parts of ordinances in conflict therewith, are hereby repealed to the extent necessary to give this Ordinance, the City of Rensselaer Revised Zoning Code, 2008, full force and effect. This Ordinance shall be effective on \_\_\_\_\_.

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### General Provisions

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1. ;provided however, Section E Overlay Zone Districts shall not take effect until the Zone Map is updated with the applicable overlay zone district.
2. All permits and certificates granted prior to the effective date of this Ordinance shall remain in effect, subject to any conditions imposed by the approval authority and any applicable expiration provisions.
3. All applications for land use changes initiated on and after the effective date of this Ordinance, with the exception of uses in zoning districts mapped as FP, B-4 and B-5 on the Zone Map, shall be reviewed pursuant to the review process and standards set forth in this Ordinance. All applications for land use changes submitted for review prior to the effective date of this Ordinance, and uses in zoning districts mapped as FP, B-4 and B-5 on the Zone Map following the effective date of this Ordinance, shall be reviewed pursuant to the process and under the criteria set forth in applicable portions of the regulations in force prior to the effective date of this Ordinance.
4. This entitlement to review all land use applications under prior regulations is limited to review of the then-presently pending stage of the application only; for example, a pending preliminary Planned Unit Development plan application is reviewed under the prior regulations, but once that application is approved, the subsequent detailed Planned Unit Development plan application is reviewed under the requirements of this Ordinance. Such prior regulations are continued for that limited purpose only. Upon approval or denial of all such remaining applications, the prior regulations shall be deemed repealed. In no event shall resubmission of an application after its rejection or any application filed after the effective date of this Ordinance be reviewed under any such prior regulations.
5. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or other permit has been heretofore issued, and the actual construction of which has been initiated within three (3) years of the date of such permit, and which such construction of such development, building or structure is completed according to such plans filed within seven (7) years of such permit.

# **Section B: Administration**

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## B. Administration

### a) Board of Zoning Appeals

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-901 and 902 - 907, and all acts now or hereafter amendatory thereto. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

1. Organization. At the first meeting of each year, the Board shall elect a President, Vice-Chairman and Secretary from among its members, and it may appoint and fix the compensation of such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.
2. Meetings Open to Public. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record, and a copy of which shall be filed with the Building Commissioner following each Board meeting.
3. Appeals Jurisdiction. The Board shall hear and determine appeals from and review:
  - a. Any order, requirement, decision, or determination made by an administrative official, including the Building Commissioner, or staff member under this Ordinance;
  - b. Any order, requirement, decision, or determination made by an administrative board or other body except a Plan Commission in relation to the enforcement of this Ordinance; or
  - c. Any order, requirement, decision, or determination made by an administrative board or other body except a Plan Commission in relation to the enforcement of this Ordinance requiring the procurement of any required permit or certificate of occupancy.

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4. Conditional Uses. The Board shall approve or deny all conditional uses specified in this Ordinance. The Board may impose reasonable conditions as a part of its approval. The Board may permit or require the owner of a parcel of property to make a written commitment concerning the conditional use.
5. Variances from Development Standards. The Board shall approve or deny all variances from the development standards (such as height, bulk, or area) of this Ordinance. A variance from the development standards of this Ordinance may be approved only upon a determination in writing that:
  - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - c. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property;
  - d. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;
  - e. Such variances are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question; and
  - f. That the granting of such variance will not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets.
6. Variances from Use District or Classification. The Board shall approve or deny all variances of use from the terms of this Ordinance. The Board may impose reasonable conditions as a part of its approval. A variance of use from the terms of this Ordinance may be approved only upon determination in writing that:
  - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;



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- c. The need for the variance arises from some condition peculiar to the property involved;
  - d. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - e. The approval does not interfere substantially with the Comprehensive Plan.
7. Variances in FO District. The Board may consider issuing a variance to the terms and provisions of this Ordinance within the FO Flood Overlay District provided that:
- a. There exists a good and sufficient cause for the requested variance;
  - b. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant;
  - c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public; or conflict with existing laws or ordinances;
  - d. No variance for a residential use within a floodway may be granted.
  - e. Any variance granted in a floodway will require a permit from the Indiana Department of Natural Resources.
  - f. Variances to the building protection standards for the FO Flood Overlay District in Section E, Overlay Zoning Districts, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
  - g. A variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.



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b) Advisory Plan Commission

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The Rensselaer Advisory Plan Commission is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-207 - 215, and all acts now or hereafter amendatory thereto. The Commission shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

1. Organization. At the first regular meeting each year the Plan Commission shall elect from its membership a president, vice president and a secretary. The Commission may appoint, prescribe the duties, and fix the compensation of such employees as are necessary for the duties of the Commission.
  - a. Duties. The Plan Commission shall:
    - i. Supervise, and make rules for, the administration of the affairs of the Commission;
    - ii. Prescribe uniform rules pertaining to investigations and hearings;
    - iii. Keep a complete record of all the departmental proceedings;
    - iv. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
    - v. Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by I.C. 36-7-4;
    - vi. Adopt a seal; and
    - vii. Certify all official acts.
2. Recommendations. The Plan Commission shall make recommendations to the legislative body concerning:
  - a. The adoption of the comprehensive plan and amendments to the comprehensive plan.
  - b. The adoption or text amendment of:
    - i. An initial zoning ordinance;

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- ii. A replacement zoning ordinance; or
    - iii. A subdivision control ordinance.
  - c. The adoption or amendment of a PUD district ordinance.
  - d. Zone map changes.
- 3. Decisions. The Plan Commission shall render decisions concerning:
  - a. Plats;
  - b. Replats; and
  - c. Amendments to Plats
  - d. Subdivision waivers
- 4. Meetings. The Plan Commission shall fix a time for holding regular meetings each month or as necessary.
  - a. Public record
    - i. The Commission shall keep minutes of its meetings; and
    - ii. The minutes of the commission meetings and all records shall be filed in the office of the Commission and are public records.

### c) Building Commissioner

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The Building Commissioner is hereby designated and authorized to enforce this Ordinance.

1. Responsibility of the Building Commissioner. The official assigned to administer and enforce the provisions of this Ordinance is designated the Building Commissioner. It is the intent of this Ordinance that all questions of interpretation of provisions of this Ordinance shall be first presented to the Building Commissioner.
  - a. The Building Commissioner shall be appointed in accordance with the provisions of Chapter 5 of the City Code.

- b. The authority to perform inspections, review applications, and issue permits required by this Ordinance may be delegated to such other officials by the Building Commissioner.
- c. In the performance of its duties the Building Commissioner shall be responsible to the Rensselaer Advisory Plan Commission and the Board of Zoning Appeals.

2. Basic Duties of Building Commissioner.

- a. Issue Improvement Location Permits, Building Permits, Excavation Permits, Sign Permits, and Certificates of Occupancy, and maintain records thereof.
- b. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance, and report the findings and violations to the Commission and Board for the purpose of ordering compliance thereof.
- c. Provide interpretation of this Ordinance and other plans and codes when necessary and such technical and clerical assistance as the Commission and Board may require.
- d. Maintain permanent and current records of this Ordinance and other planning codes including but not limited to, all maps, amendments, permits, certificates of occupancy, variances, conditional uses and appeals, and applications therefore, and records of hearings thereon.
- e. Review all development and subdivision proposals to ensure compliance with this Ordinance and other plans and codes.
- f. Whenever compliance with Rule 5 is indicated in accordance with the requirements of 327 IAC 15-5, review the documentation to be submitted by the "operator" to ascertain if there is compliance with Rule 5 prior to the issuance of any permit or certificate of occupancy. Rule 5 concerns storm water run-off associated with construction activity, and is administered by the Indiana Department of Environmental Management.
- g. Whenever necessary, the Building Commissioner shall notify the owner the proper number of a building in accordance with the requirements of Chapter 29, House Numbering Plan and Street Naming Code.

### d) Technical Review Committee

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1. The Technical Review Committee is hereby established and appointed by the Mayor of Rensselaer.
2. Organization. The Technical Review Committee shall be composed of the Building Commissioner, the City Engineer, the Fire Chief, the Police Chief, the Superintendent of Water, Street, Wastewater and Sanitation, the Superintendent of Gas Utility, and the Superintendent of Electric Utility. The Building Commissioner shall be chairman of the Technical Review Committee.
3. Duties. The Technical Review Committee shall examine each application when municipal improvements are involved and determine if the proposed improvements meet the requirements of this Ordinance and other codes and ordinances of the City of Rensselaer.
4. Recommendations. The Technical Review Committee shall report its findings to the Building Commissioner within five (5) days from their review of an application and before a date can be set for a public hearing.

### e) Permits and Certificates

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Within the jurisdiction of the Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conforms with the Comprehensive Plan, this Ordinance and other codes and ordinances of the City of Rensselaer..

1. Applications and Fees. Applications and petitions shall be prepared on the forms provided by the Building Commissioner, and accompanied by the appropriate filing fees, to be paid to the Building Commissioner who shall forthwith pay over to the Clerk-Treasurer to the credit of the General Fund of the City of Rensselaer, Indiana.
  - a. Filing Fees. All applications shall be accompanied by the appropriate filing fees, adopted by separate ordinance.
  - b. Fees Must Be Paid. No application shall be processed by the Building Commissioner until all applicable fees have been paid in full. If an application for

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any permit is made belatedly, and after notice of non-compliance from the Building Commissioner has been made, a late filing fee shall be assessed.

- c. Fees Not Returnable. No part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.
  - d. Publication Costs. In addition to filing fees, the applicant, petitioner or appellant shall meet the cost of publication notices and notices to interested parties, when required.
  - e. Special Meetings. If an applicant, petitioner, or appellant requests a special meeting or hearing of the Commission or Board for their convenience, the applicant, petitioner, or appellant shall pay an amount, in addition to the other required fees and costs, equal to the amount paid by the City to the members present at the meeting; provided such meeting is authorized and actually takes place. This requirement does not apply to regularly called meetings, or hearings that would take place at such regularly called meetings.
2. Site Plan or Development Plan. The Building Commissioner may require an applicant to furnish a site plan or development plan of the real estate upon which an application is made.
    - a. Applications including site plans or development plans so furnished shall become a permanent record of the Board.
    - b. If required, a site plan or development plan shall be submitted to the Building Commissioner at least fifteen (15) days prior to a meeting or hearing of the Commission or Board; however, such fifteen (15) day period may be reduced or waived by the Building Commissioner.
3. Application for a Conditional Use. An Improvement Location Permit may be issued by the Building Commissioner after application for an authorized conditional use has been made pursuant to Section F, District Uses.
    - a. The Building Commissioner shall send the application to the Board for public hearing and formal approval or denial of the petition.
    - b. Upon such hearing, the Board shall direct the Building Commissioner to issue an Improvement Location Permit for such conditional use if the Board finds that:

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- i. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare;
  - ii. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - iii. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - iv. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
  - v. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- c. The Board may impose additional conditions to assure that the conditional use will conform to the intent of this Ordinance. These additional conditions may include, but are not limited to, the provision of the following:
- i. Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
  - ii. Special screening and buffering with reference to type, dimensions, and character of refuse and service areas.
  - iii. Signs and exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
  - iv. Additional setback distances, yards and other open space.
  - v. General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.



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- vi. A development plan in the event such a plan is not already required.
  - vii. A land survey if necessary for the proper identification of the boundaries of the conditional use.
  - viii. Special street signage and agreements for traffic lights.
- d. The Building Commissioner shall issue an Improvement Location Permit for a conditional use only following receipt of notice in writing from the Board that the application therefore has been approved by the Board.
  - e. The holder of an Improvement Location Permit for a conditional use may apply to the Board at any time for an alteration, change, amendment or extension of the application or development plan upon which such Improvement Location Permit was based.
    - i. Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a conditional use.
    - ii. In the event the Board shall approve and order such application or development plan changed, altered, amended or extended, it shall notify the Building Commissioner who shall issue an amended Improvement Location Permit accordingly.
  - f. The provisions and requirements made by the Board may run to a specific owner of the property involved and not be transferable to another owner, if the Board so chooses.
4. Application for a Temporary Use. An Improvement Location Permit may be issued by the Building Commissioner after a finding by the Building Commissioner that the proposed temporary use is in compliance with the temporary use provisions in Section F, District Uses.
5. Application for a Building Permit. A Building Permit shall be applied for coincidentally with the application for an Improvement Location Permit whenever a Building Permit is necessitated by the proposed improvements.

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6. Application for an Excavation Permit. An Excavation Permit shall be applied for coincidentally with the application for an Improvement Location Permit whenever an Excavation Permit is necessitated by the proposed improvements.
7. Application for a Sign Permit. A Sign Permit shall be applied for coincidentally with the application for an Improvement Location Permit whenever a Sign Permit is necessitated by the proposed improvements. A Sign Permit may be issued by the Building Commissioner after application for an authorized sign has been made pursuant to Section I, Sign Regulations.
8. Certificate of Compliance. An application for an Improvement Location Permit for any use subject to the provisions of the industrial performance standards in Section H, Supplementary Use Standards shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the enclosed industrial use, and in the district in which it is to be located. The Building Commissioner may take fifteen (15) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the fifteen (15) day period, the Building Commissioner has not required any additional information or stated any objection in writing, the Building Commissioner shall issue the Improvement Location Permit.
9. Health Requirements Met. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Building Commissioner that the proposed use meets the minimum standards for a sewage disposal system and water supply system as required by the Jasper County Health Officer.
10. Soil and Drainage Conditions Met. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Building Commissioner that the proposed use meets the applicable criteria of the Jasper County Soil and Water Conservation District for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper drainage. In addition, the Building Commissioner must be satisfied that any Indiana Drainage Code requirements have been met before approving an application for an Improvement Location Permit.
11. Inspection. The Building Commissioner may inspect the improvements associated with an issued permit from time to time to ensure compliance with permit requirements and scheduled dates for completion. On completion of an improvement covered by an Improvement Location Permit, the Building Commissioner shall inspect the premises, and, if the improvement has been completed in substantial conformity with all specified plans,

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codes, requirements and conditions of approval, a Certificate of Occupancy shall then be issued.

12. Certificate of Occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Ordinance applicable to the building or premises of the use in the district in which it is to be located.
  - a. Safety Requirements. No Improvement Location Permit shall be issued for a commercial or industrial structure or for any other applicable building until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Safety of the State of Indiana, when applicable.
  - b. Change of Use. No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, unless such change is in conformity with the provisions of this Ordinance.
  - c. Certificates of Occupancy Filed for Record. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
13. Protection from Encroachment. Any permits authorized by the City, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of the Code of the City of Rensselaer, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan, will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to the building setback line provisions as set forth in Section G, District Standards.
14. Erroneously Issued Permits - Restrictive Covenants. The issuance of an Improvement Location Permit, Certificate of Occupancy or other permit or certificate in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of the City of Rensselaer, Indiana. Furthermore, the issuance of an Improvement Location Permit, Certificate of Occupancy or other permit or certificate in no way condones the violation of any restrictive covenants relative to the real estate.

### f) Non-Conforming Situations

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The lawful use of a building or premise, existing at the time of the passage of this Ordinance, may be continued although such use does not conform to all the provisions of this Ordinance, subject to the following conditions:

1. **May Be Extended.** A nonconforming use may be extended throughout a building provided the size of the structure is not increased.
2. **Change with Ownership.** A nonconforming use shall be changed to a conforming use at the time ownership of the use or structure changes.
3. **Use Cannot Be Changed to Nonconforming Use.** Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
4. **No Building Erected on Nonconforming Use Premises.** No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Ordinance.
5. **Discontinuance of Nonconforming Use.** In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Ordinance.
6. **Damage to Nonconforming Use.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. It shall be the decision of the Building Commissioner as to percentage determinations. In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion within eighteen (18) months from the date of damage or destruction.

7. Buildings May Be Made Safe. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.
8. Nonconforming Use Resulting From Amendment. These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Ordinance.
9. Nonconforming Agricultural Use. An agricultural non-conforming use is subject to I.C. 36-7-4-616 shall be maintained and operated in compliance with all:
  - a. State environmental and state health laws and rules, and
  - b. Requirements to which conforming agricultural use land is subject.
10. Nonconforming Use in FO Flood Overlay District. Any building, structure or use of land in the FO Flood Overlay District which is not in conformance with this Ordinance constitutes a nonconforming use. All applications to repair, extend or enlarge a nonconforming use in the FO Flood Overlay District shall be forwarded to the Indiana Department of Natural Resources for review and comment. All terms and conditions imposed by the Indiana Department of Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit or Building Permit issued by the Building Commissioner.
11. Nonconforming Lot Areas and Widths. A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel included in a subdivision of record at the time of passage of this Ordinance, even though the lot does not have the minimum lot width or the minimum lot area specified for the district.
12. Nonconforming Residential Use. A residential non-conforming use may be maintained at a change in ownership of the use or a change in ownership of the structure, provided it maintains compliance with subsections (1), (3), (4), and (5). Additionally, if the dwelling or other existing structure is damaged or destroyed, said structure may be restored to its original dimensions and condition which existed at the time of such damage. The restoration or repair of the dwelling or other structure must be started within a period of six (6) months from the date of the damage or destruction, and diligently pursued to completion within eighteen (18) months from the date of damage or destruction.

*\*Paragraph 12 Amended by Ordinance 24-2024 on October 24th, 2024*

### g) Enforcement and Remedies

Remedies and enforcement of the provisions of this Ordinance are set forth in I.C. 36-7-4-1000, and as follows:

1. Violations as Common Nuisance. Any structure erected, raised, or converted, or land or premises used, in violation of this Ordinance, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.
  - a. A separate offense shall be deemed to occur for each day the violation continues to exist.
  - b. Nothing herein shall prevent the City of Rensselaer from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
2. Violations in the SFHA or the FO Flood Overlay District. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of the provisions of the FO Flood Overlay District in Section E, Overlay Zoning Districts.
  - a. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of this Ordinance.
  - b. The Building Commissioner shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Complaints. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Building Commissioner.
4. Enforcement. If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. The Building Commissioner shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this Ordinance.
5. Penalty. Any person or corporation in violation of this Ordinance may be punished subject to an escalating fine amount based on the number of violations, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for any single ordinance violation. Any fines prescribed by this Section and as determined by separate ordinance shall be paid to the City of Rensselaer Auditor.

# **Section C: Zone Map**

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## C. Zone Map

### a) Establishment of Base Zoning Districts

For zoning purposes, the territory within the jurisdiction of the Rensselaer Advisory Plan Commission is hereby classified and divided into the following base zoning districts:

Table C-1: Base Zoning Districts

Designation	Type of District
A-1	Prime Agricultural
A-2	Agricultural Transition
RS	Suburban Residential
R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multi-Family Residential
B-1	Neighborhood Business
B-2	Regional Business
B-3	Central Business
I-1	Light Industrial
I-2	Heavy Industrial
PUD	Planned Unit Development

### b) Establishment of Overlay Zoning Districts

For zoning purposes, the territory within the jurisdiction of the Rensselaer Advisory Plan Commission is hereby classified and divided into the following overlay zoning districts:

## Chapter 28: Rensselaer Zoning Ordinance Zone Map

Table C-2: Overlay Zoning Districts

Designation	Type of District
AO	Airport Overlay
CO	Corridor Overlay
FO	Floodplain Overlay
HO	Historic Overlay
IO	Interchange Overlay

### c) Interpretation of Boundaries

The Zone Map, which accompanies and is hereby declared to be a part of this Ordinance, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters of this Ordinance as if they were fully described herein.

1. Unless otherwise indicated, the district boundary lines are the center lines of streets, alleys or railroad rights-of-way, or such line extended.
2. Boundaries indicated as approximately following section lines, half-section and quarter-section lines, City corporate limit lines, or platted lot lines shall be construed as following such lines.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in paragraphs (1) through (4) above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Zone Map.
6. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by paragraphs (1) through (6) herein, the Board of Zoning Appeals shall interpret the district boundaries.
8. Where a distinct boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals, upon appeal from the Building Commissioner's determination, shall interpret the applicable regulations for either portion of the lot not to exceed seventy-five (75) feet beyond the district boundary line into the remaining portion of the lot.

#### d) Amendment (Rezoning)

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Applications to amend the Zone Map, rezone or change the zoning classification of a parcel or parcels of land shall comply with the requirements herein and the submittal procedures outlined in Section B, Administration. Rezoning applications may be initiated by either the owner of the subject property, or the City Council.

1. All actions by the Plan Commission in reviewing and making recommendations on a rezoning application and by the City Council in approving or disapproving such application shall be based in general upon the provisions of this Ordinance, and on the following additional criteria:
  - a. That the existing zoning is inconsistent with the goals, objectives or policies of the Comprehensive Plan.
  - b. That the land proposed for rezoning or adjacent land has changed, or is changing, to a degree such that it is in the public interest and consistent with the intent, purpose and provisions of this Ordinance to encourage different densities or uses within the land in question.
  - c. That the proposed rezoning is needed to provide land for a demonstrated community need or service and such rezoning will be consistent with the goals, objectives and policies contained within the Comprehensive Plan.
  - d. That the existing zone classification currently recorded on the Zone Map is in error.
  - e. That the change of zone is in conformance, or will bring the property into conformance, with the Comprehensive Plan goals, objectives and policies, and other related policies or plans for the area.

## Chapter 28: Rensselaer Zoning Ordinance Zone Map

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- f. That the proposed change of zone is compatible with the surrounding area and there will be minimal adverse impacts considering the benefits to be derived.
  - g. That there will be social, recreational, physical and/or economic benefits to the community derived by the change of zone.
  - h. That adequate infrastructure/facilities are available to serve the type of uses allowed by the change of zone, or that the applicant will upgrade and provide such where they do not exist or are under capacity.
  - i. That the proposed rezoning will not adversely affect public health, safety or welfare by creating excessive traffic congestion, creating drainage problems, or seriously reducing light and air to adjacent properties.
  - j. That the rezoning will not create an isolated or spot zone district unrelated to adjacent or nearby areas.
  - k. That the applicant shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the City Council to rezone any land within the City's jurisdiction or otherwise amend the Zone Map for any reason consistent with health, welfare or safety of citizens. The final decision on a change of zone expressly rests in the exercise of the discretion of the City Council. All applicants are advised there is no right to a change of zone.
2. If an applicant for a residential subdivision of land, as set forth in Chapter 22, Revised Subdivision Code, proposed to be located in an area covered by an A-1 District, can demonstrate to the satisfaction of the Plan Commission that such land is actually located in an area having primarily Group III and/or Group IV Soils (in accordance with the criteria and findings in the soil survey prepared by the United States Department of Agriculture Natural Resources Conservation Service in cooperation with the Purdue Experimental Station and the Jasper County Soil and Water Conservation District), the Plan Commission may then initiate a Zone Map amendment on its own motion in order to cause the area proposed to be subdivided to be reclassified to the A-2 District, provided following requirements have been met by the applicant:

- 
- a. That the County road from which access is gained to the proposed subdivision is paved properly in accordance with the standards of the Jasper County Highway Department, or the applicant may pave such road at his expense;
  - b. That the proposed plan for off-site drainage meets the approval of the Jasper County Drainage Board, and the expense of the drainage will be borne by the applicant and include an appropriate performance bond;
  - c. That the site is located in an area topographically or otherwise unfit for agricultural operations;
  - d. That the site is located in an area with soil conditions that have the best potential for residential development. Such soil conditions includes those soils that:
    - i. Are moderately well-drained, well-drained, or excessively drained, and do not flood or pond
    - ii. Have slopes of two percent (2%) to twelve percent (12%).
    - iii. Have bedrock deeper than sixty (60) inches.
    - iv. Are soils included in prime farmland map units of Jasper County that do not qualify as prime farmland
    - v. Have coarse or moderately coarse texture in the surface and subsoil and an unfavorable growing season for agronomic crops.
    - vi. Have an inadequate and/or undependable water supply in the upper forty (40) inches of the soil; or the water table is not maintained or cannot be managed so that all of the soil horizons within forty (40) inches have adequate available water for plant growth during the cropping season; and
    - vii. Have an acceptable soil analysis.

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# **Section D: Base Zone Districts**

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## D. Base Zone Districts

### a) Prime Agricultural (A-1)

The Prime Agricultural (A-1) District is intended to protect and encourage agricultural uses of the land by controlling indiscriminate development of urban-type uses. Generally, the prime agriculture district is located where the soil types are most conducive to agricultural operations. Most types of agricultural uses or uses akin to agricultural operations are permitted or allowed by conditional use, depending upon their impact upon neighboring uses. Residences are permitted on large lots with wide frontage, but residential subdivisions are not permitted.

1. Permitted uses in the Prime Agricultural District shall be those specified on Table F-1., Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Prime Agricultural District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Prime Agricultural District shall be those specified in Table D-1, and depicted on Figure D-1.

Table D-1: A-1 District Standards Table

STANDARD	A-1
Minimum Lot Area	3 acre
Minimum Lot Width	300 ft.
Minimum Front Yard	70 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	35 ft.
Minimum Gross Floor Area	960 s. f.
Maximum Lot Coverage	10%
Maximum Height (Principal Structure)	35 ft.
Maximum Height (Accessory Structure) *40 ft. for agricultural use	18 ft. *

## Chapter 28: Rensselaer Zoning Ordinance Base Zone Districts

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-1: A-1 Site Development Concepts



b) Agricultural Transition (A-2)

The Agricultural Transition (A-2) District is intended to provide for both agricultural and residential development, where soil types remain conducive to agricultural operations and where residential uses either have taken place or are anticipated to do so with a minimum lot area of one acre. Residential subdivisions are permitted with large lots; however, all types of agricultural uses or uses akin to agricultural operations may be permitted or allowed by conditional use, depending upon their impact upon neighboring uses.

1. Permitted uses in the Agricultural Transition District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Agricultural Transition District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Agricultural Transition District shall be those specified in Table D-2, and depicted on Figure D-2.

Table D-2: A-2 District Standards Table

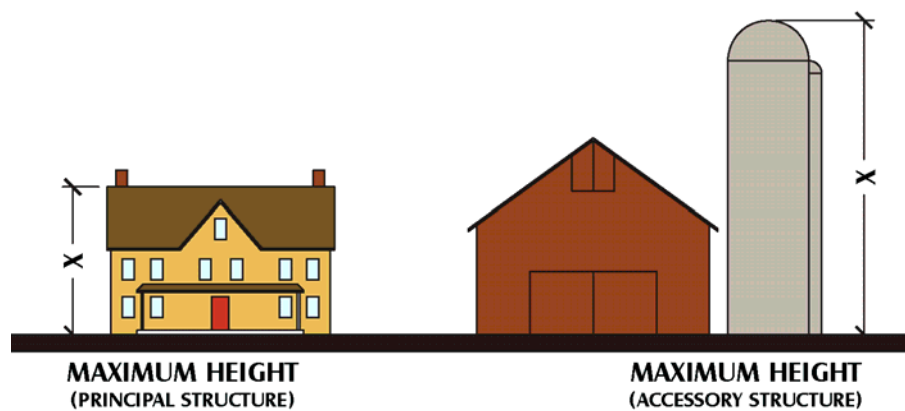
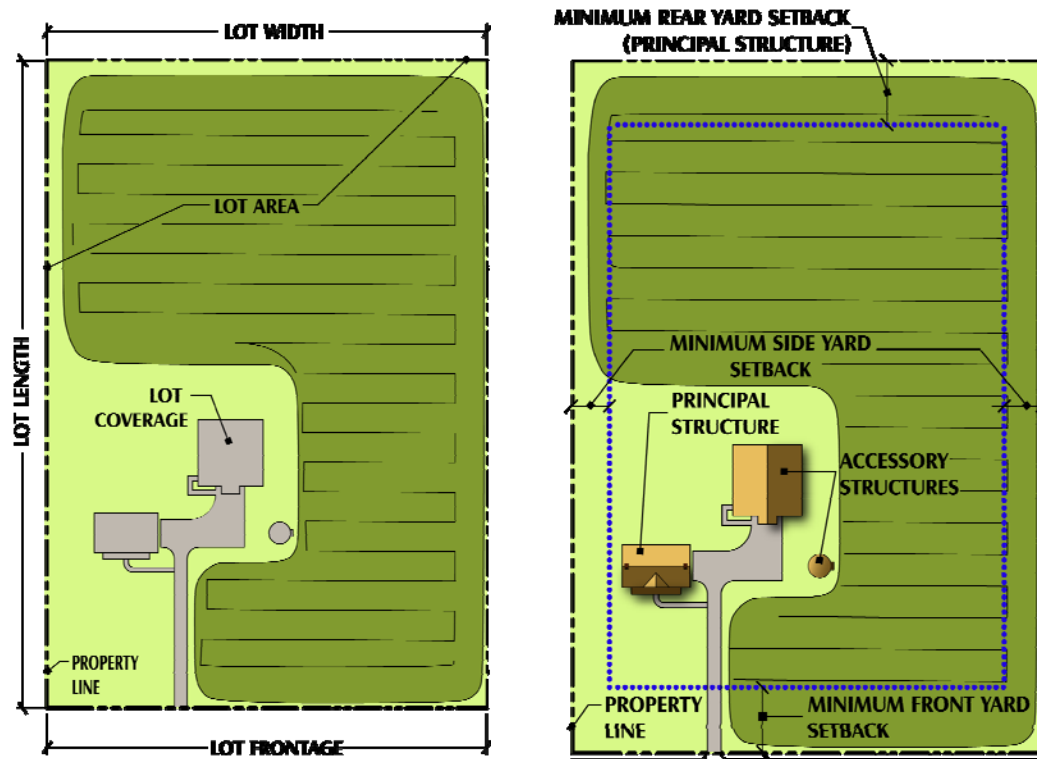
STANDARD	A-2
Minimum Lot Area	1 acre
Minimum Lot Width	150 ft
Minimum Front Yard	70 ft.
Minimum Side Yard	12 ft.
Minimum Rear Yard	35 ft
Minimum Gross Floor Area	1080 s. f.
Maximum Lot Coverage	20%
Maximum Height (Principal Structure)	35 ft.
Maximum Height (Accessory Structure) *40 ft. for agricultural use	18 ft.*

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.

## Chapter 28: Rensselaer Zoning Ordinance Base Zone Districts

- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-2: A-2 Site Development Concepts



c) Suburban Residential (RS)

The Suburban Residential (RS) District is intended to be a transition district between rural farm areas and existing residential areas that allows lot area requirements to be reduced when sanitary sewers are utilized.

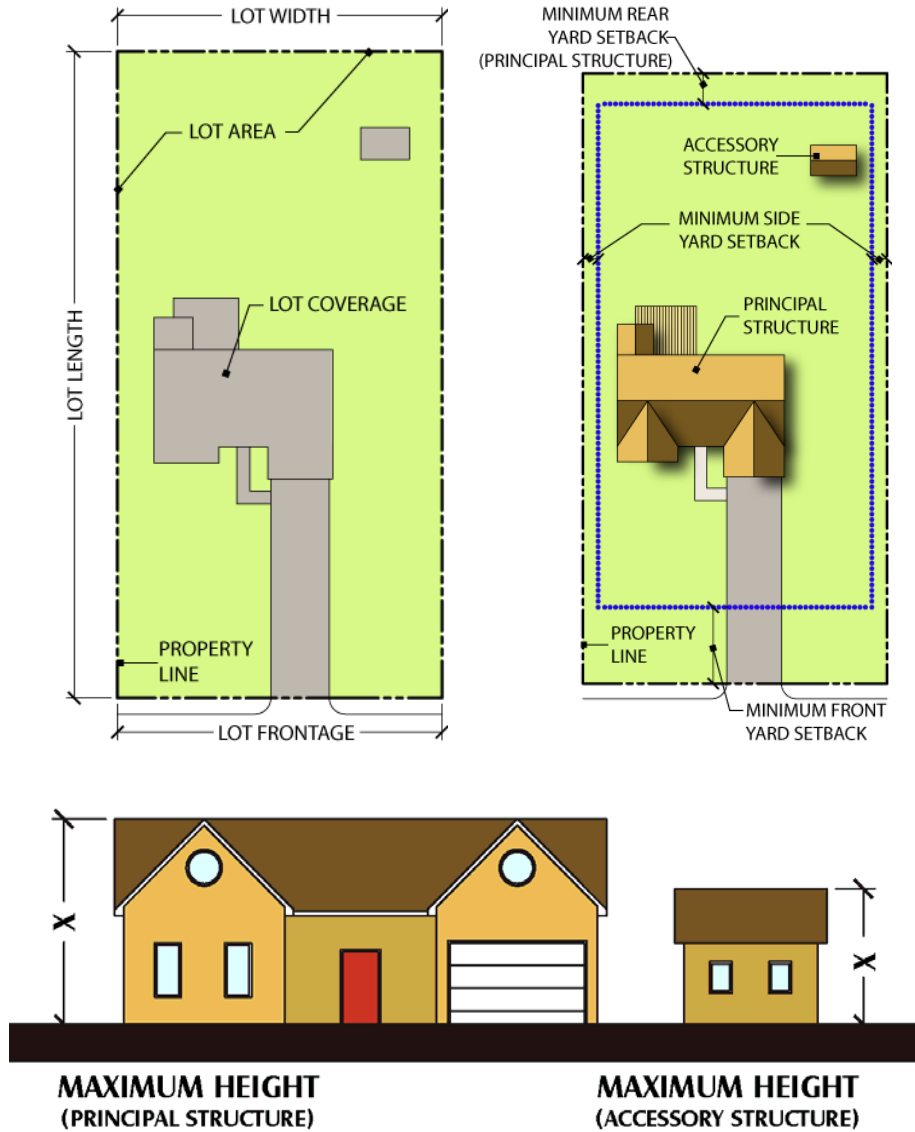
1. Permitted uses in the Suburban Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Suburban Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height, in the Suburban Residential District shall be those specified in Table D-3, and depicted on Figure D-3.

Table D-3: R-S District Standards Table

STANDARD	R-S
Minimum Lot Area	1 acre
Minimum Lot Width	100 ft.
Minimum Front Yard	40 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	20 ft.
Minimum Gross Floor Area	1080 s. f.
Maximum Lot Coverage	25%
Maximum Height (Principal Structure)	25 ft.
Maximum Height (Accessory Structure) *40 ft. for agricultural use	18 ft.*

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
    - c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-3: R-S Site Development Concepts



d) Single Family Residential (R-1)

The Single Family Residential (R-1) District is established to provide for low density single-family residences, generally where single-family residential development has already taken place or where development of this type is contemplated.

1. Permitted uses in the Single Family Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Single Family Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Single Family Residential District shall be those specified in Table D-4, and depicted on Figure D-4.

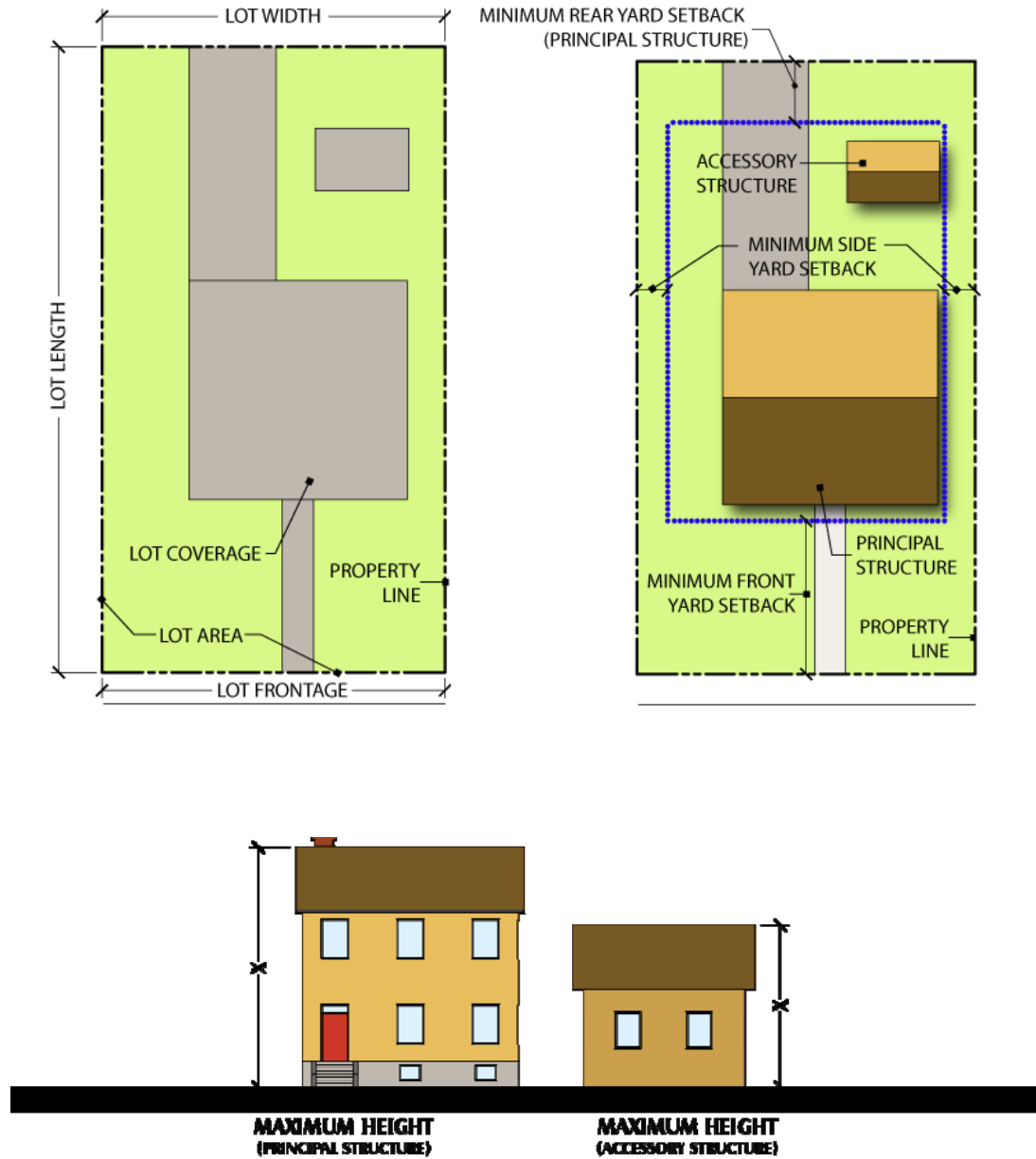
Table D-4: R-1 District Standards Table

STANDARD	R-1
Minimum Lot Area	7500 s. f.
Minimum Lot Width	75 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	20 ft.
Minimum Gross Floor Area	1080 s. f.
Maximum Lot Coverage	35%
Maximum Height (Principal Structure)	25 ft.
Maximum Height (Accessory Structure)	18 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

## Chapter 28: Rensselaer Zoning Ordinance Base Zone Districts

Figure D-4: R-1 Site Development Concepts





e) Two Family Residential (R-2)

The Two Family Residential (R-2) District is intended to accommodate two-family dwellings and provide a transition between single-family residential areas and higher density residential areas.

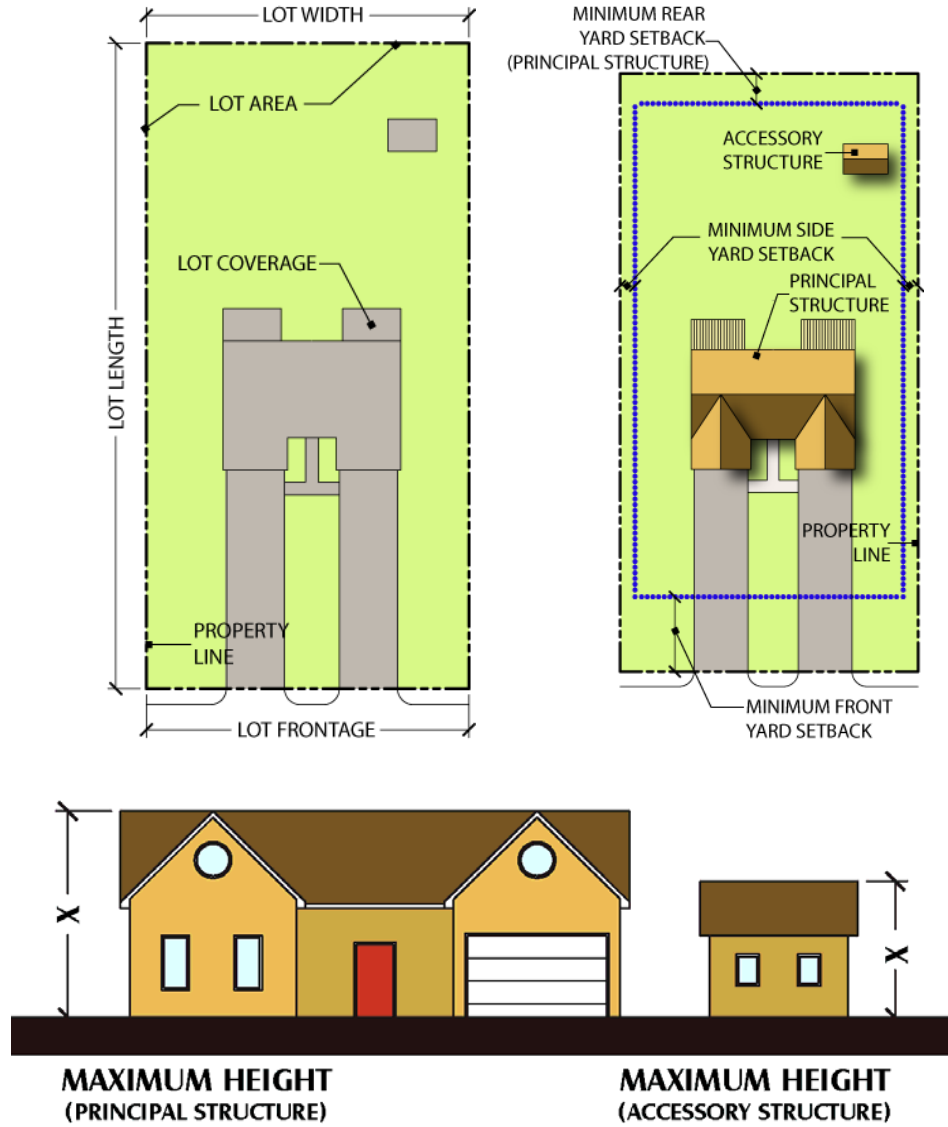
1. Permitted uses in the Two Family Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Two Family Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Two Family Residential District shall be those specified in Table D-5, and depicted on Figure D-5.

Table D-5: R-2 District Standards Table

STANDARD	R-2
Minimum Lot Area	6000 s. f.
Minimum Lot Width	60 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	20 ft.
Minimum Gross Floor Area	960 s. f.
Maximum Lot Coverage	40%
Maximum Height (Principal Structure)	25 ft.
Maximum Height (Accessory Structure)	18 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-5: R-2 Site Development Concepts



f) Multi-Family Residential (R-3)

The Multi-Family Residential District (R-3) is intended to accommodate medium to high density residential development and provide a transition between residential and non-residential areas.

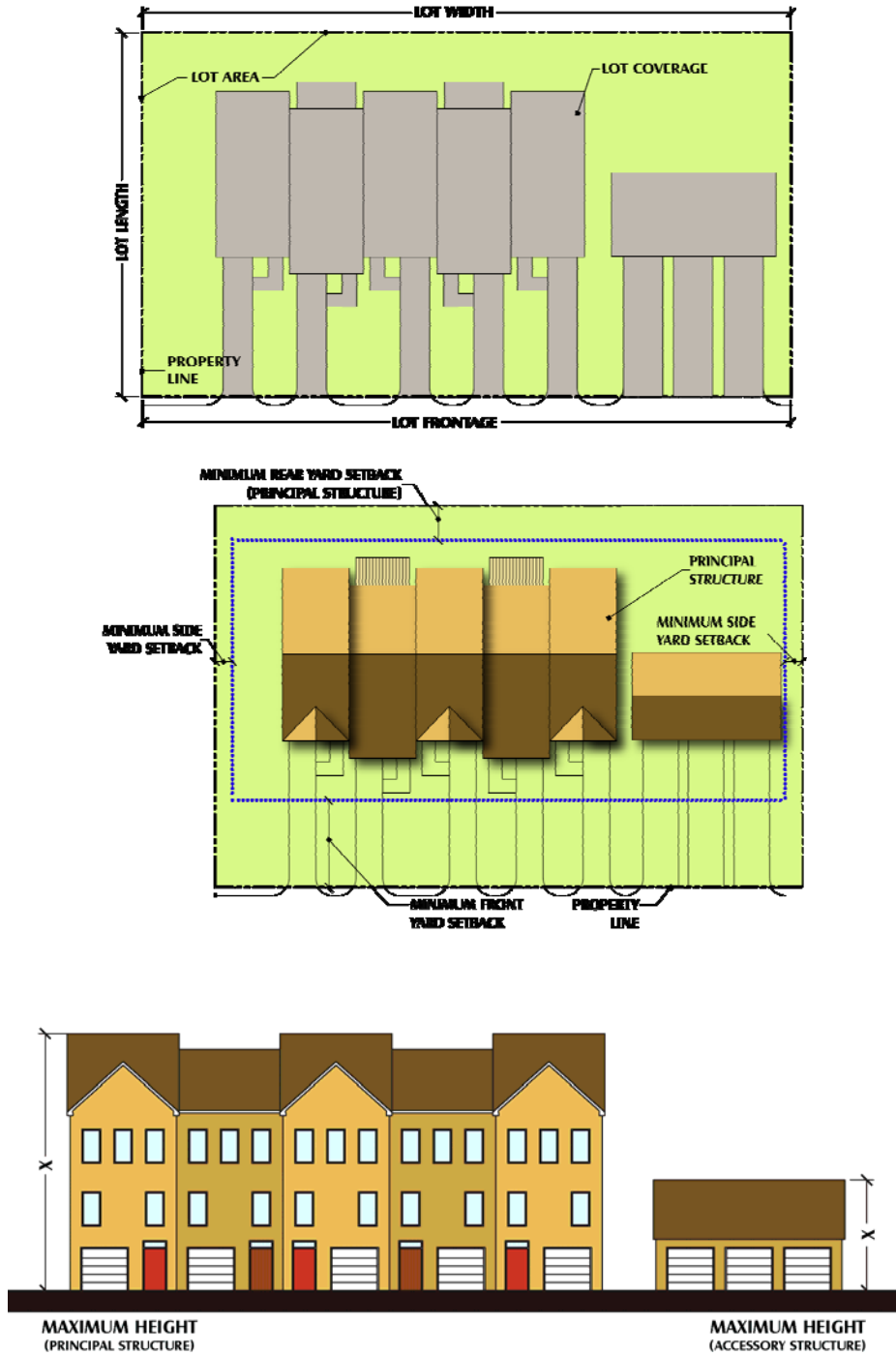
1. Permitted uses in the Multi-Family Residential District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Multi-Family Residential District shall be those specified on Table F-1 Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Multi-Family Residential District shall be those specified in Table D-6, and depicted on Figure D-6.

Table D-6: R-3 District Standards Table

STANDARD	R-3
Minimum Lot Area	6000 s. f.
Minimum Lot Width	60 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	15 ft.
Minimum Gross Floor Area	720 s. f.
Maximum Lot Coverage	45%
Maximum Height (Principal Structure)	40 ft.
Maximum Height (Accessory Structure)	18 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-6: R-3 Site Development Concepts



g) Neighborhood Business (B-1)

The Neighborhood Business (B-1) District is intended to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas.

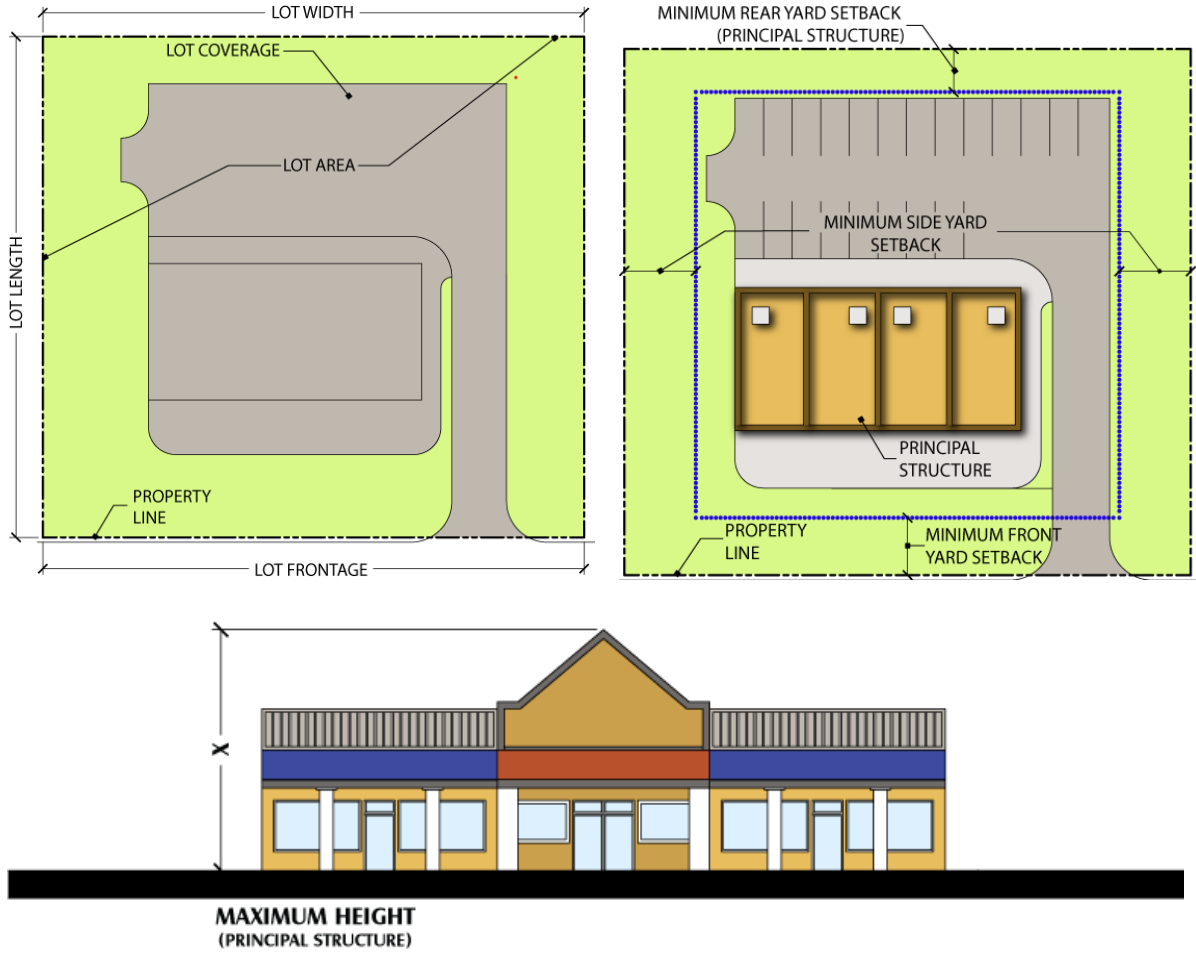
1. Permitted uses in the Neighborhood Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Neighborhood Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Neighborhood Business District shall be those specified in Table D-7, and depicted on Figure D-7.

Table D-7: B-1 District Standards Table

STANDARD	B-1
Minimum Lot Area	6000 s. f.
Minimum Lot Width	50 ft.
Minimum Front Yard	15 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	20 ft.
Minimum Gross Floor Area	n/a
Maximum Lot Coverage	50%
Maximum Height (Principal Structure)	40 ft.
Maximum Height (Accessory Structure)	18 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-7: B-1 Site Development Concepts



**h) Regional Business (B-2)**

The Regional Business (B-2) District is intended to encourage well-planned business uses along major thoroughfares, particularly with respect to unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

1. Permitted uses in the Regional Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Regional Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Regional Business District shall be those specified in Table D-8, and depicted on Figure D-8.

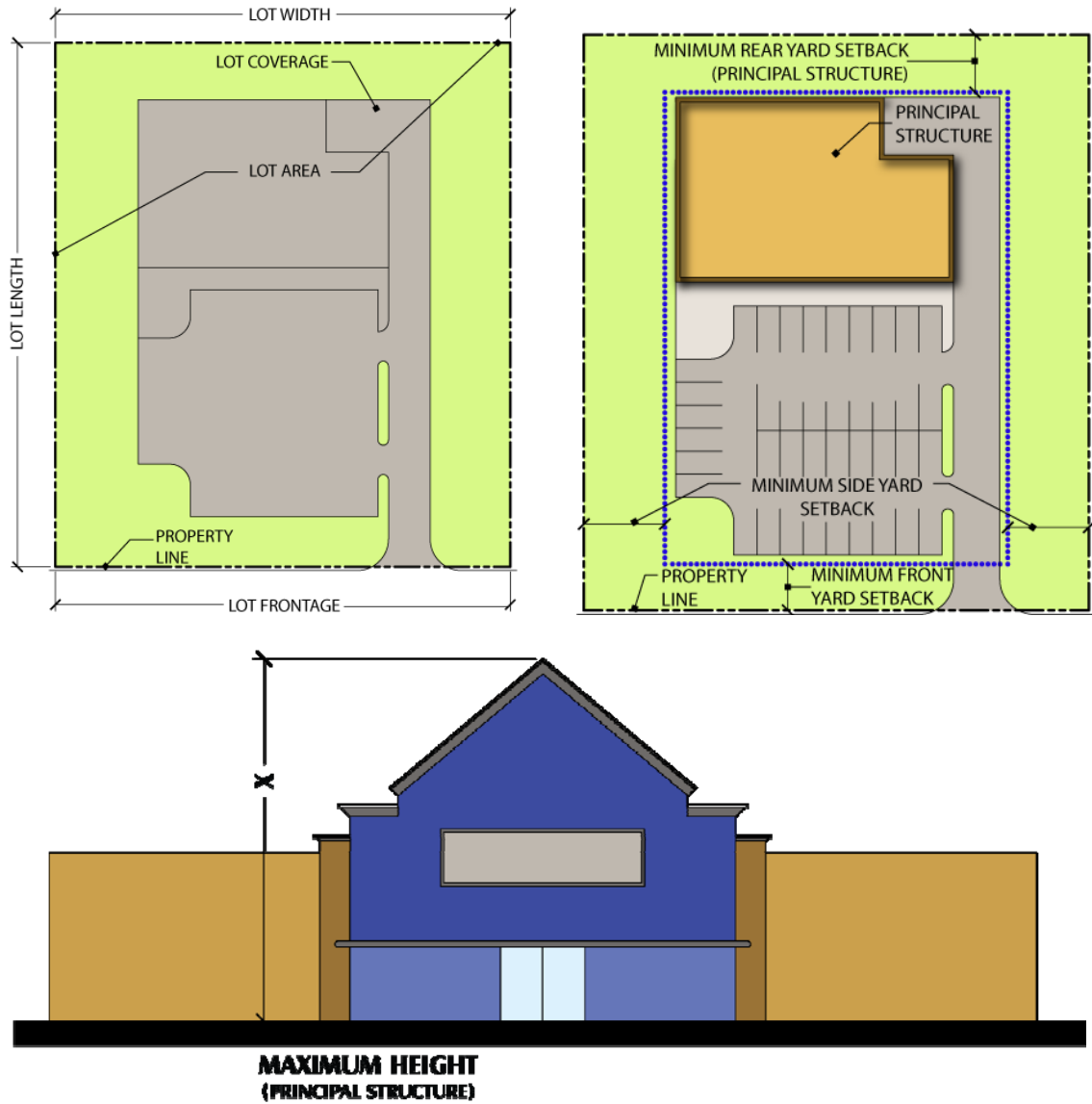
Table D-8: B-2 District Standards Table

STANDARD	B-2
Minimum Lot Area	.5 ac
Minimum Lot Width	100 ft.
Minimum Front Yard	80 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	25 ft.
Minimum Gross Floor Area	n/a
Maximum Lot Coverage	60%
Maximum Height (Principal Structure)	40 ft.
Maximum Height (Accessory Structure)	24 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
    - c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

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Figure D-8: B-2 Site Development Concepts





i) Central Business (B-3)

The Central Business District is intended to accommodate a broad range of activities as the City's center for government, finance, professional offices, services, and retail uses.

1. Permitted uses in the Central Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Central Business District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Central Business District shall be those specified in Table D-9, and depicted on Figure D-9.

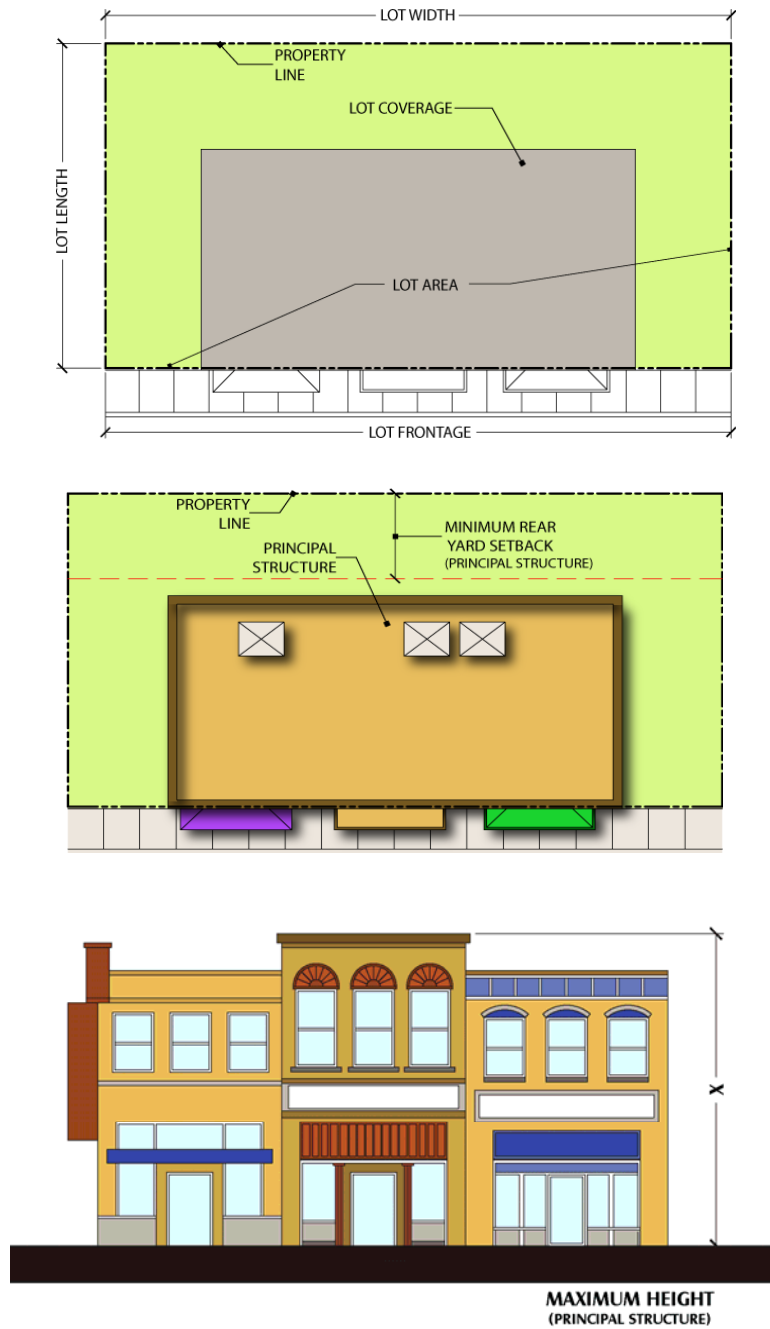
Table D-9: B-3 District Standards Table

STANDARD	B-3
Minimum Lot Area	2,500 s. f.
Minimum Lot Width	25 ft.
Minimum Front Yard	0 ft.
Minimum Side Yard	0 ft.
Minimum Rear Yard	15 ft.
Minimum Gross Floor Area	n/a
Maximum Lot Coverage	75%
Maximum Height (Principal Structure)	60 ft.
Maximum Height (Accessory Structure)	24 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

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Figure D-9: B-3 Site Development Concepts



j) Light Industrial (I-1)

The Light Industrial District (I-1) is intended to provide for manufacturing, wholesaling, warehousing and associated uses conducted entirely within an enclosed building, provided that such uses shall conform to the performance standards set forth herein. Screening of storage, parking and loading areas is essential in this district as it is often located adjacent to residential areas.

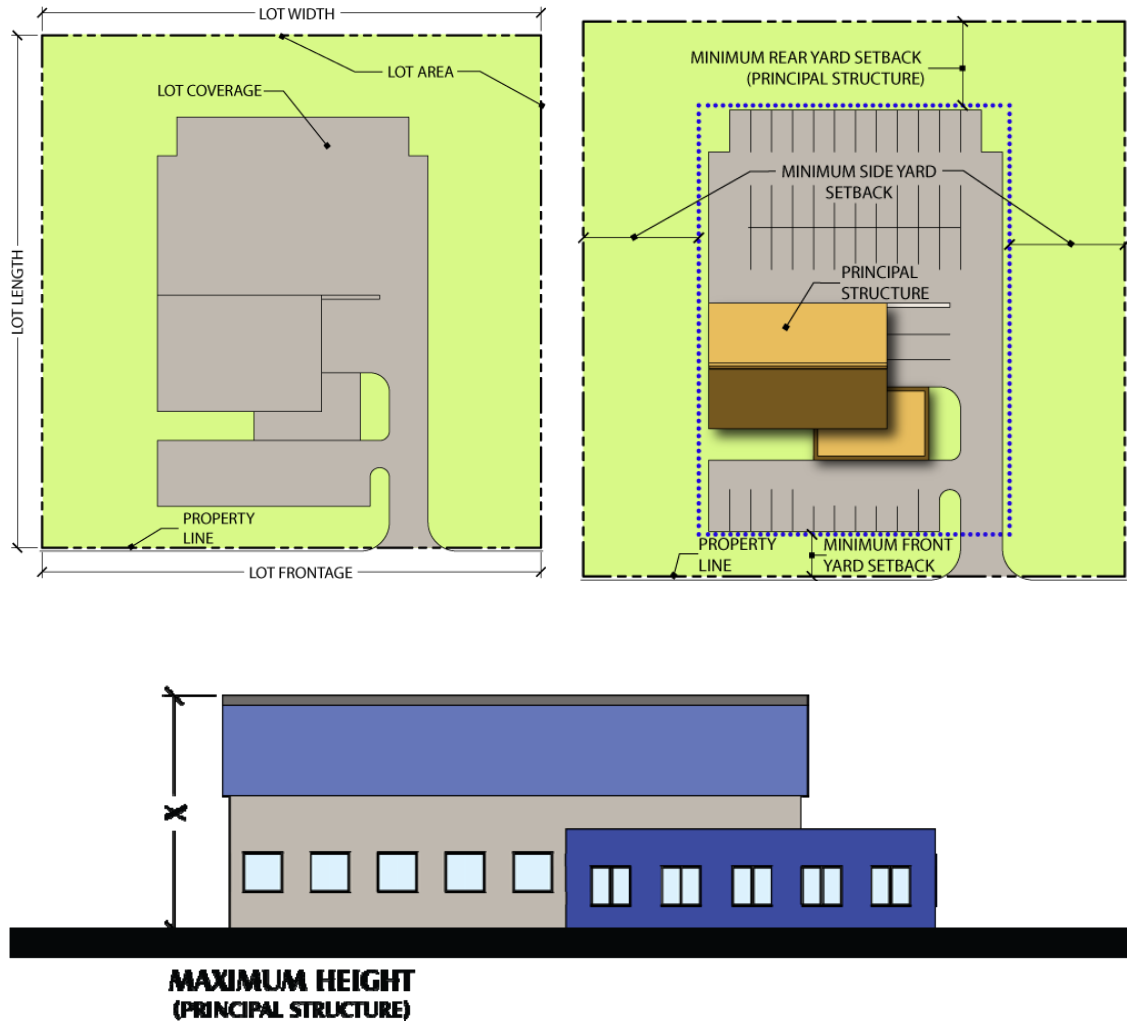
1. Permitted uses in the Light Industrial District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Light Industrial District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Light Industrial District shall be those specified in Table D-10, and depicted on Figure D-10.

Table D-10: I-1 District Standards Table

STANDARD	I-1
Minimum Lot Area	1 ac.
Minimum Lot Width	50 ft.
Minimum Front Yard	15 ft.
Minimum Side Yard	15 ft.
Minimum Rear Yard	10 ft.
Minimum Gross Floor Area	n/a
Maximum Lot Coverage	50%
Maximum Height (Principal Structure)	75 ft.
Maximum Height (Accessory Structure)	24 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-10: I-1 Site Development Concepts



k) Heavy Industrial (I-2)

The Heavy Industrial District (1-2) is intended to provide for establishments primarily engaged in manufacturing, construction, wholesaling, warehousing and associated activities with a need for outdoor storage, processing or operations, provided that such uses shall conform to the performance standards set forth herein. This district requires access to major thoroughfares, railroads and a broad range of public infrastructure and utilities.

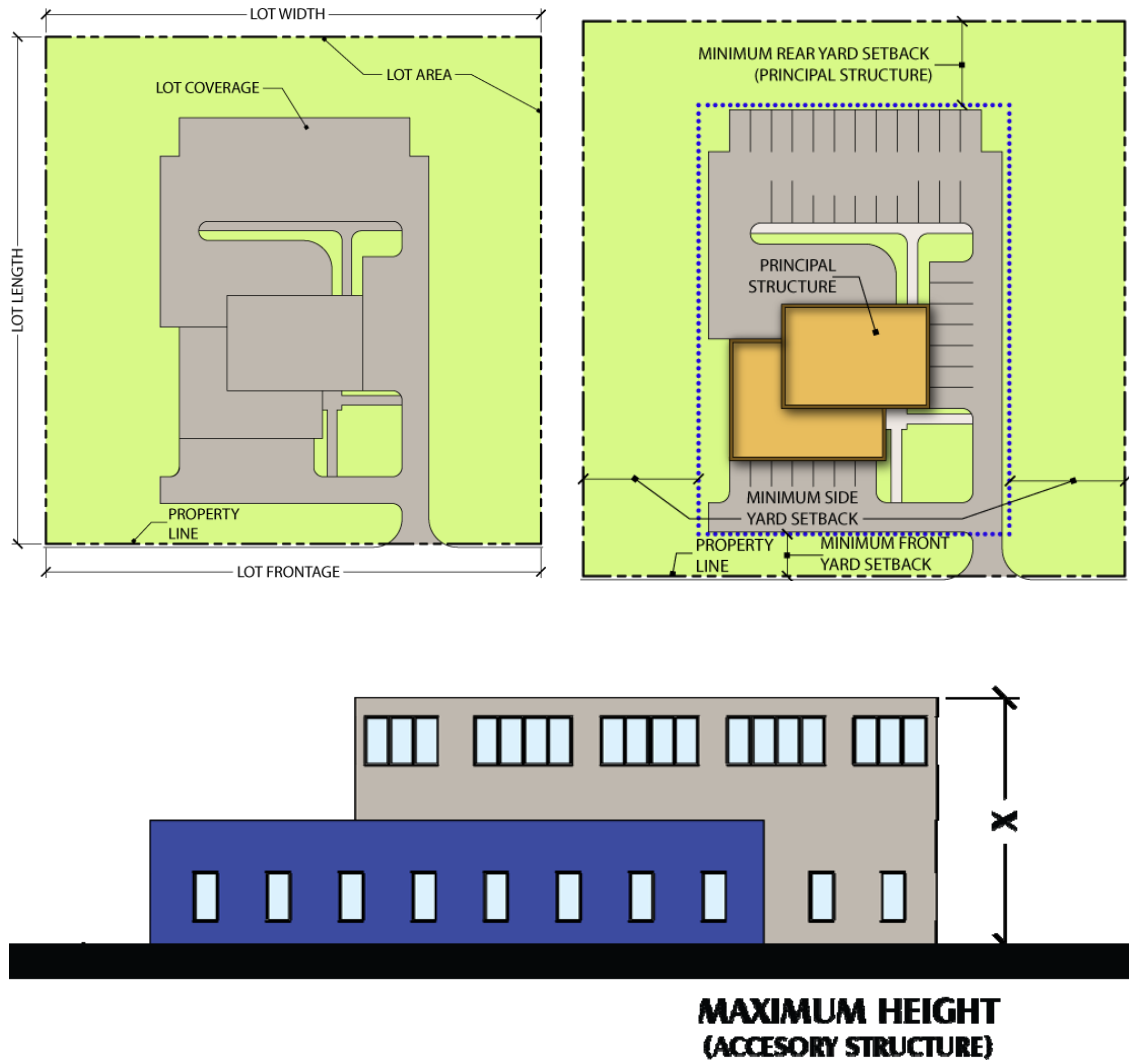
1. Permitted uses in the Heavy Industrial District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
2. Conditional uses in the Heavy Industrial District shall be those specified on Table F-1, Base Zone District Uses, in Section F, District Uses.
3. Site Development Standards
  - a. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Heavy Industrial District shall be those specified in Table D-11, and depicted on Figure D-11.

Table D-11: I-2 District Standards Table

STANDARD	I-2
Minimum Lot Area	1 ac.
Minimum Lot Width	100 ft.
Minimum Front Yard	40 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	20 ft.
Minimum Gross Floor Area	n/a
Maximum Lot Coverage	60%
Maximum Height (Principal Structure)	75 ft.
Maximum Height (Accessory Structure)	24 ft.

- b. Additional site development standards for lots and yards, building height, fencing, landscaping and buffering, vision clearance area, and parking, loading and stacking shall be those specified in Section G, District Standards.
- c. Site development standards for signs shall be those specified in Section I, Sign Regulations.

Figure D-11: I-2 Site Development Concepts



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**I) Planned Unit Development (PUD)**

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The Planned Unit Development District is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing and commercial markets, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the City. A Planned Unit Development should be designed to produce an environment of stable and desirable character in keeping with the principles of good community design, with standards for open space, street patterns, parking and site amenities adequate for the occupancy proposed.

1. Permitted uses in a Planned Unit Development may include:
  - a. Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof;
  - b. Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character; or
  - c. Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Development. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the planned unit development.
  
2. Approval a Planned Unit Development is a two step process: Step 1 involves approval of a Preliminary Planned Unit Development Plan; Step 2 involves approval of a Detailed Planned Unit Development Plan.
  - a. Where a platting, re-platting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with the provisions of Chapter 22, Revised Subdivision Control Code.
  - b. A Preliminary Plat and a Final Plat may be prepared concurrently with either a Preliminary Planned Unit Development Plan or a Detailed Planned Unit Development Plan, in accordance with the requirements of Chapter 22, Revised Subdivision Control Code.

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### Base Zone Districts

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3. Approval of a Preliminary Planned Unit Development Plan shall be subject to the following procedures:
  - a. Upon a petition of the owners of property of fifty percent (50%) or more of the area involved in the application, or upon a petition initiated by the Commission, a preliminary plan for any area proposed for development as a Planned Unit Development shall be first presented to the Building Commissioner. Three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for review:
    - i. Proposed dimensioned layout to scale, not to exceed one hundred (100) feet equal one (1) inch.
    - ii. Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.
    - iii. Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.
    - iv. The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.
    - v. If the Planned Unit Development is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.
    - vi. The plan shall show the boundary lines of adjacent subdivided and un-subdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.
    - vii. An enumeration of covenants, in general terms, proposed to be made a part of the Planned Unit Development.
    - viii. A statement expressing the order and estimated time of development.



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- b. Within ten (10) days after receipt of the petition for preliminary plan approval, the Building Commissioner shall forward the application to the Technical Review Committee for their examination and report.
  - c. Within five (5) days after receipt of the Technical Review Committee report, the Building Commissioner shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the application which are deemed appropriate.
  - d. Application for approval of the preliminary plan for the Planned Unit Development shall then be submitted to the Commission along with a recommendation from the Building Commissioner, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents.
  - e. The preliminary plan for the Planned Unit Development shall be considered at a regular meeting of the Commission as a petition for amendment of the Zone Map and subject to the procedures applicable thereto. The Commission may approve the preliminary plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Planned Unit Development Plan" and be signed by the president and secretary of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.
  - f. The Approved Preliminary Planned Unit Development Plan shall then be certified to the City Council for adoption as a Planned Unit Development (PUD) District pursuant to the regulations governing amendment of the Zone Map.
4. Approval of a Detailed Planned Unit Development Plan shall be subject to the following procedures:
    - a. Before any development takes place, the Commission shall approve a Detailed Planned Unit Development Plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon a finding by the Commission that the Detailed Planned Unit Development Plan is consistent with the approved Preliminary Planned Unit Development Plan. The approved Detailed Planned Unit Development Plan shall be stamped "Approved Detailed Planned Unit

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### Base Zone Districts

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Development Plan" and be signed by the President of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.

- b. Approval of a Detailed Planned Unit Development Plan shall be obtained within one (1) year after adoption by the City Council, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the "Approved Detailed Planned Unit Development Plan" shall be required within the said one (1) year period, and a Final Plat for recording purposes of all or an appropriate part of the Planned Unit Development may be undertaken in sections or phases at a later time.
- c. A refusal by the Commission to approve a Detailed Planned Unit Development Plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.
- d. In the event that approval of a Detailed Planned Unit Development Plan is not obtained with the one (1) year period or an approved extension of time, the Commission shall initiate an amendment of the Zone Map so that the land will be zoned into the category or categories it held before being reclassified as a PUD District.
- e. An Approved Detailed Unit Development Plan and modifications thereof shall be recorded in the Office of the Jasper County Recorder by the applicant.
- f. Approval of a Detailed Planned Unit Development Plan shall expire after a period of three (3) years from its date of its approval, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways and utility installations, in which instance an extension of time may be granted by the Commission not to exceed two (2) successive periods of two (2) years each.
- g. Under the abandonment of a development authorized under this subsection (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of seven (7) years from the approval by the Commission of a Detailed Unit Development Plan for a development which construction has been initiated yet not completed, or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Revised Zoning Ordinance so that the land will be



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### Base Zone Districts

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6. Covenants shall be required by the Commission as an ingredient for stability and longevity of the Planned Unit Development, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation.
  - a. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the City, and in such event the City shall take those remedial steps provided for in such provisions.
  - b. The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes whenever necessary in conformity with the Comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified Detailed Planned Unit Development Plan for such land consistent with the Approved Preliminary Planned Unit Development Plan.
  - c. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
    - i. Lot area, width and coverage;
    - ii. Floor area;
    - iii. Ratios of floor space to land area;
    - iv. Area in which structures may be built (building area), including areas for cluster type residential development without lot lines;
    - v. Open space;
    - vi. Setbacks and minimum yards;

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- vii. Building separations;
  - viii. Height of structures;
  - ix. Signs;
  - x. Off-street parking, loading and stacking areas;
  - xi. Landscaping, buffering and fencing;
  - xii. Subdivision design standards, and/or
  - xiii. Phasing of development.
7. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 22, Revised Subdivision Control Code.
8. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- a. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
  - b. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.
  - c. Said private streets shall be developed in accordance with the standards set forth in Chapter 22, Revised Subdivision Code.

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# **Section E: Overlay Zone Districts**

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## E. Overlay Zone Districts

### a) Airport Overlay (AO)

The Airport Overlay (AO) District is intended to encourage the harmonious arrangement and development of land uses in and around Jasper County Airport. Establishment of an Airport Overlay District, however, does not imply that areas outside of the Airport Overlay District will be totally free from airport and aircraft related hazards nor that all hazards within the Airport Overlay District will be completely mitigated. Establishment of the Airport Overlay District shall not create a liability on the part of or cause any action against the City of Rensselaer or any officer, employee or contractor thereof for any damages that may result directly or indirectly from reliance on the provisions contained herein.

1. The regulations and standards contained herein shall apply to all land within the Airport Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying zone district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
2. The boundaries of the Airport Overlay District shall be shown on the Zone Map. On and after the date of inclusion of the Airport Overlay District boundaries on the Zone Map, all real property within the boundaries of the Airport Overlay District shall become subject to the requirements of the Airport Overlay District.
3. Permitted uses in the Airport Overlay District shall include:
  - a. Airports; including the Jasper County Airport and the Airport Layout Plan (ALP) relating to said Airport, approved by the Jasper County Board of Aviation Commissioners, the Federal Aviation Administration, and on file with the Jasper County Board of Aviation Commissioners, the FAA, the Indiana Department of Transportation, and the Rensselaer Building Commissioner.
  - b. Heliports
  - c. Other aviation uses as approved by the Federal Aviation Administration (FAA), Indiana Department of Transportation, and/or the local Airport Authority. "The local Airport Authority" as used in the Rensselaer Zoning Ordinance means the

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entity or persons lawfully in charge of the Jasper County Airport, including, as applicable, the Jasper County Board of Aviation Commissioners and/or the Board of Commissioners of the County of Jasper.

4. In addition, any permitted use or conditional use permitted in the underlying zone district shall also be permitted in the Airport Overlay District if the proposed use conforms with the purpose and any applicable standards for both the underlying zone district and the Airport Overlay District.
5. No use may be made of land within the Airport Overlay District in such a manner as to create electrical interference with radio communication between the Jasper County Airport and aircraft or make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the taking off or the maneuvering of aircraft in the vicinity of the Jasper County Airport. No use may be made of land within the Airport Overlay District in such a manner as to unduly interfere with the Airport Layout Plan for the Jasper County Airport.
6. A notice and approval from the FAA shall be required for the construction or alteration of any structure within the designated air space as shown on the Airport Layout Plan for the Jasper County Airport.
7. Surface limitations within the Airport Overlay District include all land and air space within the Airport Overlay District that would be an obstruction to air navigation if infringed upon. Surface limitations include areas above imaginary surfaces and in the clear zone and are established to regulate the height of structures and natural objects in the vicinity of an airport or heliport. These surface limitations are set forth by the FAA in the Federal Aviation Regulations, Part 77, which are hereby adopted by reference.
  - a. In addition, before any structure or natural object is permitted to be erected, altered, maintained or allowed to grow above the imaginary surfaces established herein, a Notice of Construction or Alteration shall be filed with the FAA for a determination of conditions and of effect on the airport rules and regulations. The Rensselaer Board of Zoning Appeals shall not approve any such development until after receiving and considering the FAA recommendation. Under no circumstance shall any structure or natural object become an obstruction to air navigation.

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8. Within the Airport Overlay District, land uses will be encouraged that separate uncontrolled noise sources from residential and other noise-sensitive areas and that avoid danger to public health and safety or to property due to aircraft operations. Soundproofing may be required for land uses in the Airport Overlay District. Where soundproofing is required, no Improvement Location Permit shall be issued until the applicant has demonstrated that the required outdoor or indoor Noise Level Reduction (NLR) can be achieved through incorporation of noise attenuation into the design and construction of the structure.
- a. All residences should be soundproofed to achieve a 25 dB NLR from outdoor noise levels. All soundproofed residential units shall be provided with heating, cooling, and ventilation systems capable of permitting closed windows and doors year round. An aviation easement for noise should be provided to the Airport Authority.
  - b. Measures to achieve a 25 db NLR shall be incorporated into the design and construction of portions of any manufacturing, trade or service building if any of the following conditions exist: where the public is received; office areas; sleeping rooms; noise sensitive areas; or where the normal noise level is low.
  - c. Soundproofing shall not be deemed applicable to:
    - i. Temporary uses, buildings, structures or improvements that are not used for residential purposes, so long as such temporary use, building, structure or improvement is otherwise permitted by this Ordinance.
    - ii. Agricultural uses, buildings, structures or improvements otherwise permitted by this Ordinance.
    - iii. Accessory uses, buildings, structures or improvements otherwise permitted by this Ordinance.
  - d. No permit, required by the terms of this Ordinance, shall be issued for the development of any land use required to be soundproofed, until the owner of the property proposed for development dedicates to the Airport Authority, as owner of Jasper County Airport, an aviation easement and non-suit covenant acknowledging the right of the airport owner and operator to use the airspace above the property for aircraft navigation and waiving all rights to claims for damages of any kind incurred as a result of aircraft using the navigable airspace above the property. All aviation easements shall be supplied in a form

## Chapter 28: Rensselaer Zoning Ordinance Overlay Zone Districts

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prescribed by the Building Commissioner and the Airport Authority, and shall; contain the legal description of the subject property; be signed by the property owner; be notarized; and, be recorded in the office of the Recorder of Jasper County, Indiana.

9. No Improvement Location Permit shall be issued for the construction of a residential building or structure, or other building or structure designed for noise sensitive uses, within an area lying one thousand five hundred (1,500) feet on either side of the extended centerline of a Jasper County Airport runway for a distance of one (1) nautical mile from the boundaries of Jasper County Airport, unless a permit for said building or structure has first been issued by the Indiana Department of Transportation.
10. In areas subject to flight hazards, uses such as schools, churches, hospitals and libraries are not encouraged. Under no circumstances shall places of public assembly be allowed in existing or proposed runway protection zones. Open space recreational and agricultural uses shall be encouraged. Any other use proposed shall be accompanied by written evidence that the proposed development poses no significant threat to public health and safety or to property. Approval may be contingent on the applicant granting an aviation easement.
11. An applicant for an Improvement Location Permit within the Airport Overlay District shall provide a site plan and any other technical substantiation maps, plans, drawings, or materials as necessary to indicate the following:
  - a. The use of each building, structure, improvement or activity area; and
  - b. A narrative describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, proposed residential density or commercial intensity, and the relationship of the proposed site plan to the Comprehensive Plan.
  - c. Compliance with all applicable state, federal and local regulations.
12. An application for an Improvement Location Permit for a building, structure or improvement in the Airport Overlay District shall be forwarded by the Building Commissioner within three (3) days of its submittal to the Jasper County Board of Aviation Commissioners, The Board of Commissioners of the County of Jasper, and the Fixed Base Operator of the Jasper County Airport. The Airport Authority shall have a maximum of sixty (60) days in which to review the proposed plans and provide a written

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recommendation to the Building Commissioner. If after such sixty (60) day period, the Airport Authority has not required any additional information or stated any objections in writing to the Building Commissioner, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this Ordinance, the Building Commissioner shall issue the Improvement Location Permit.

#### b) Corridor Overlay (CO)

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The Corridor Overlay (CO) District is intended to provide common landscape, architectural and access management standards for the SR 114 and US 231 roadway corridors, consistent with the quality of life and community identity objectives of the Comprehensive Plan.

1. The regulations and standards contained herein shall apply to all land within the Corridor Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zone district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
2. The boundaries of the Corridor Overlay District shall be shown on the Zone Map, and overlays property on both sides of SR 114 and US 231. If a lot is adjacent to or within two hundred (200) feet of either highway, the Corridor Overlay District shall apply. On and after the date of inclusion of the Corridor Overlay District boundaries on the Zone Map, all real property within the boundaries of the Corridor Overlay District shall become subject to the requirements of the Corridor Overlay District.
3. Any permitted use or conditional use permitted in the underlying zone district shall also be permitted in the Corridor Overlay District if the proposed use conforms with the purpose and any applicable standards for both the underlying zone district and the Corridor Overlay District.
4. All development within the Corridor Overlay District shall be designed in a manner such that wherever possible, it improves traffic circulation, pedestrian safety and the area's visual image.
5. The provisions of the Corridor Overlay District shall be complied with in addition to, and to the extent not in conflict with, any Federal Highway Administration or Indiana Department of Transportation law or code. Nothing herein shall exempt an applicant from the requirement to apply for a permit for access from the appropriate federal, state or local

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agency. Design criteria are intended to promote safety and efficiency in highway access, avoid congestion, and promote attractive and harmonious land use within the SR 114 and US 231 roadway corridors.

6. The following criteria shall be considered the minimum required standard for highway access within the Corridor Overlay District:
  - a. Any driveway design shall allow an entering vehicle turning speed of fifteen (15) miles per hour (mph) to help reduce interference with through street traffic.
  - b. Driveway design and placement shall be in harmony with internal circulation and parking design.
  - c. There shall be sufficient on-site storage to accommodate at least three (3) vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.
  - d. Provisions for circulation between adjacent parcels shall be provided through coordination or joint parking systems, or other methods.
  - e. Driveway entrances shall be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
  - f. Driveway placement shall be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
  - g. Direct-access driveway placement shall be such that an exiting vehicle has an unobstructed site distance of two hundred and twenty five (225) feet.
  - h. Driveway design shall be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through traffic lane available without encroaching into the adjacent through lane.
  - i. Driveway spacing shall be determined as a function of arterial highway operating speeds, per standards recommended by the Indiana Department of Transportation.
  - j. All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled

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intersection is at least forty (40) feet from the perpendicular curb face of the intersecting street. Using a fifteen (15) foot driveway radius, the edge of the driveway throat shall be fifty (50) feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius.

- k. Right-turn lanes and taper shall be required when expected right turn ingress movements meet or exceed fifty (50) per hour during a typical weekday peak traffic period; driveway volumes are expected to meet or exceed one thousand (1,000) vehicles per day; or the Indiana Department of Transportation can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions.
7. Site development standards for landscaping and buffering shall be those specified in Section G, District Standards. In addition, the following standards shall apply to all site development within the Corridor Overlay District:
- a. The area between the property line abutting SR 114 or US 231 and the required highway set-back shall be landscaped with appropriate materials. Any such landscaping shall not impair visibility and shall be maintained in satisfactory condition.
  - b. The applicant shall submit a properly conforming landscape plan which shall show locations of proposed and existing structures on the site, locations of all existing and proposed hard surface areas, all plants at mature size and at the same scale as the landscape plan, a table listing the planting sizes and quantities of all proposed plantings, written descriptions of procedures to be used for revegetation of previously stripped areas, location and description of landscaping improvements, such as earth berms, walls, fences, screens, street furniture, lights, ground cover, pavers (paving stone), gazebos, art forms, water elements, terraces, and other natural materials, locations of existing trees, shrubs, wetlands, and irrigation plans, if applicable.
  - c. All disturbed areas on the site shall be revegetated or landscaped in a manner approved by the City. Xeriscaping is encouraged where a balance of landscape materials can be achieved. No landscaping plan shall provide for planting or construction which may interfere with visibility at intersections.
  - d. All deciduous trees used to meet the landscaping requirements shall be a minimum of two (2) inches in caliper. Minimum size for evergreen trees shall be

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- six (6) feet in height or greater. All trees (existing and proposed) not meeting these requirements will not count toward to the landscaping requirements.
- e. All shrubs used to meet the landscaping requirements shall be at least one and one (1.5) half foot tall when planted with an expected mature height of at least four (4) feet within five (5) years from installation.
  - f. For all sites, twenty percent (20%) of the lot area must be covered by landscaping, and fifty percent (50%) of that landscaping area must be devoted to trees. For purposes of this requirement, each two (2) inch caliper deciduous tree and each six (6) foot evergreen tree shall be deemed to cover one hundred (100) square feet and each shrub or boulder shall be deemed to cover twenty (20) square feet.
  - g. All approved landscaping must be completed prior to issuance of certificates of occupancy in the months of May through October. Certificates of occupancy will be issued during the remainder of the year prior to completion of approved landscaping only if the applicant provides a guarantee of improvements which is acceptable to the City.
  - h. Prior to the issuance of a certificate of occupancy, the applicant must provide a guarantee for not less than one hundred and twenty five percent (125%) of the then current estimated cost of the landscaping improvements, in a form acceptable to the City. As portions of the landscaping improvements are completed, the City shall inspect and, upon approval and acceptance, authorize the release of the agreed estimated cost for that portion the improvement. Landscaping materials must be maintained in a satisfactory condition two (2) years after installation in order to obtain the release of the final retained twenty five (25%) of the landscaping security.
8. The following criteria shall be considered the minimum required architectural standards within the Corridor Overlay District.
- a. Two or more materials must be used for exterior materials and architectural form, in addition to roofing and structural materials. Exposed foundations are prohibited; however, concrete foundation walls are acceptable if covered by an acceptable surface treatment.



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- b. Long, blank walls must be avoided. The principal materials used on building facades should be wood, stone, brick or stucco. The facades of buildings must be broken up by the use of different materials or architectural treatments.
  - c. The design of the building must be compatible with other buildings in the Corridor Overlay District.
9. Site development standards for minimum lot area, minimum lot width, minimum yard setbacks, minimum floor area, maximum lot coverage, and maximum building height in the Corridor Overlay District shall be those specified for the underlying zone district on Table G-3, Base District Standards. In addition each lot within the Corridor Overlay District: shall have at least one hundred (100) feet of frontage on a street.
10. Additional site development standards for lots and yards, building height, fencing, vision clearance areas, and parking, loading and stacking shall be those specified in Section G, District Standards.
11. Site development standards for signs shall be those specified in Section I, Sign Regulations. In addition, one (1) freestanding or one monument sign and one wall mounted sign is permitted for each commercial structure. In the event a monument sign is used, the total sign area otherwise allowed may be increased by twenty five percent (25%).

### c) Flood Overlay (FO)

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The Flood Overlay (FO) District is intended to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. The requirements of the Flood Overlay District shall be applied to lands within Special Flood Hazard Areas (SFHA's) as mapped by the Federal Emergency Management Agency (FEMA).

- 1. The regulations and standards contained herein shall apply to all land within the Flood Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zone district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

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2. The boundaries of the Flood Overlay District shall be shown on the Zone Map. On and after the date of inclusion of the Flood Overlay District boundaries on the Zone Map, all real property within the boundaries of the Flood Overlay District shall become subject to the requirements of the Flood Overlay District.
3. Any permitted use or conditional use permitted in the underlying zone district shall also be permitted in the Flood Overlay District if the proposed use conforms with the purpose and any applicable standards for both the underlying zone district and the Flood Overlay District.
4. This Ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.
  - a. The regulatory flood elevation for the SFHA's delineated as an "A Zone" on the Flood Insurance Rate Map of City of Rensselaer shall be according to the best data available as provided by the Indiana Department of Natural Resources.
  - b. The regulatory flood elevation and floodway limits for the SFHAs of unincorporated Jasper County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be according to the Jasper County Flood Plain Management Study, dated May 12, 1986 or as amended, or by the best data available as provided by the Department of Natural Resources.
5. No person, firm, corporation, or government body not exempted by state law shall commence any development in a SFHA without first obtaining an Improvement Location Permit from the Building Commissioner. The Building Commissioner shall not issue an Improvement Location Permit if the proposed development does not meet the requirements of this Ordinance.
  - a. The application for an Improvement Location Permit shall be accompanied by the following:
    - i. A description of the proposed development;
    - ii. Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams;

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- iii. A legal description of the property site;
  - iv. A site development plan showing existing and proposed development locations and existing and proposed land grades; and
  - v. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case, the conversion formula should be included.
- b. Upon receipt of an application or request for an Improvement Location Permit, the Building Commissioner shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.
- i. If the site is in an identified floodway, the Building Commissioner shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.
  - ii. Under the provisions of I.C. 14-28-1 a permit from the Indiana Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, paving, etc., undertaken before the actual start of construction of the building.
  - iii. No action shall be taken by the Building Commissioner until a permit has been issued by the Indiana Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Indiana Natural Resources Commission, the Building Commissioner may issue the Improvement Location Permit, provided the provisions contained in this Ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Indiana Natural Resources Commission.
  - iv. If the site is located in an identified floodway fringe, then the Building Commissioner may issue the Improvement Location Permit provided the provisions of this Ordinance have been met. The key provision is

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that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

- v. If the site is an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Hazard Boundary Map), and the drainage area upstream of the site is greater than one (1) square mile, the Building Commissioner shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
  - vi. No action shall be taken by the Building Commissioner until either a permit for construction in the floodway or a letter of recommendation citing the one hundred (100) year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
  - vii. Once the Building Commissioner has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this Ordinance have been met.
  - viii. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Building Commissioner shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and one hundred (100) year elevation for the site. Upon receipt of the engineering analysis, the Building Commissioner may issue the Improvement Location Permit, provided the provisions of this Ordinance have been met.
6. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.
- a. Within the floodway identified on the Flood Hazard Boundary Map, the following standards shall apply:

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- i. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
      - ii. For all projects involving channel modifications or fill (including levees), the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
    - b. Within all SFHAs identified as Zone A (no one hundred (100) year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
      - i. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damage or potential flood damages.
    - c. Public Health Standards in all SFHAs.
      - i. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade (FPG), unless such materials are stored in a flood proofed storage tank or building constructed according to the requirements of this Ordinance.
      - ii. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.
  7. In addition to the damage prevention requirements of this Ordinance, all buildings to be located in the SFHA shall be protected from flood damage below the FPG. The Building Commissioner shall maintain a record of compliance with these building protection standards. The Building Commissioner shall maintain a record of compliance with these building protection standards, which applies to the following situations:
    - a. Construction or placement of any new building having a floor area greater than four hundred (400) square feet;

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- b. An existing (previously unaltered) building, the cost of which equals or exceeds fifty percent (50%) of the value of the pre-altered building excluding the value of the land;
  - c. Structural alterations made to any previously altered building;
  - d. Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent (50%) of the market value of the building (excluding the value of the land) before damage occurred;
  - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This Ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - f. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days.
8. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
- a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five percent (95%) of the maximum density obtainable with the Standard Proctor Test method.
  - b. The fill should extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG.
  - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.
  - d. The fill shall not adversely affect the flow of surface drainage from or onto the neighboring properties.
  - e. The top of the lowest floor including basements, (see definition of Floor, Lowest in Section J Definitions) shall be set at or above the FPG.
9. A residential or nonresidential building may be elevated in accordance with the following:

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- a. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided.
    - i. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
    - ii. Any enclosure below the elevated floor is used for storage of vehicles and building access.
  - b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
  - c. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
10. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than one hundred eighty (180) days must meet one of the following anchoring requirements:
- a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site:
    - i. Outside a manufactured home park or subdivision;
    - ii. In a new manufactured home park or subdivision;

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- iii. In an expansion to an existing manufactured home park or subdivision;  
or
  - iv. In an existing manufactured home park or subdivision on which a  
manufactured home has incurred “substantial damage” as a result of a  
flood.
- b. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
11. Recreational vehicles placed on a site shall either:
- a. Be on the site for less than one hundred eighty (180) consecutive days;
  - b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - c. Meet the requirements of manufactured homes.
12. A non-residential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:
- a. A Registered Professional Engineer shall certify that building has been designated so that below FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
  - b. Flood proofing measures shall be operable without human intervention and without an outside source of electricity.



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13. The Building Commissioner shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined by this Ordinance. If the Building Commissioner finds the subdivision to be so located, the Building Commissioner shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Building Commissioner shall require appropriate changes and modifications in order to assure that:
    - a. It is consistent with the need to minimize flood damages;
    - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
    - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - d. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
  
  14. Developers shall record the one hundred (100) year flood elevation on all subdivision plats containing lands (identified elsewhere by ordinance) within the flood hazard area prior to submitting the plats for approval by the Plan Commission.
  
  15. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.
  
  16. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Article does not create any liability on the part of the community, the Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Article or any administrative decision made lawfully thereunder.

#### d) Historic Overlay (HO)

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The Historic Overlay (HO) District is intended to protect areas which have been identified for historic preservation. The Historic Overlay District is subject to special design requirements and use restrictions in order to preserve the historic character of architecturally and culturally significant building, structures, lots, blocks and neighborhoods.

1. The regulations and standards contained herein shall apply to all land within the Historic Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zone district regulations.
2. The boundaries of the Historic Overlay District shall be shown on the Zone Map. On and after the date of inclusion of the Historic Overlay District boundaries on the Zone Map, all real property within the boundaries of the Historic Overlay District shall become subject to the requirements of the Historic Overlay District.
3. Any permitted use or conditional use permitted in the underlying zone district shall also be permitted in the Historic Overlay District if the proposed use conforms with the purpose for both the underlying zone district and the Historic Overlay District.
4. The following standards shall apply to all site development within the Historic Overlay District:
  - a. Minimum lot area and minimum lot width shall be as originally platted, or for replats and new subdivisions, an average of adjacent lot area and lot width.
  - b. Minimum street frontage shall be twenty five (25) feet.
  - c. Minimum front setbacks shall be an average of adjacent building setbacks.
  - d. Minimum side setbacks shall be five (5) feet for residential uses. No minimum side setback is required for commercial uses.
  - e. Minimum rear setbacks shall be ten (10) feet.
  - f. No minimum floor area, maximum lot coverage or maximum density standards apply in the in the Historic Overlay District.

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- g. Building height for dwellings or their accessory structures shall not exceed thirty five (35) feet. Building height for commercial structures shall not exceed fifty (50) feet.
  - h. Building design or renovation shall be compatible with the character of the Historic Overlay District with respect to building location, scale, and architectural design and materials. The following materials are prohibited for use as exterior materials: tilt-up concrete.
  - i. Off-street parking shall not be required in the Historic Overlay District.
  - j. Landscaping shall not be required in the Historic Overlay District.
- 5. Additional site development standards for lots and yards, building height, and fencing shall be those specified in Section G, District Standards
  - 6. Site development standards for signs shall be those specified in Section I, Sign Regulations.

#### e) Interchange Business (IB) Overlay

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The Interchange Business (IB) Overlay District is intended to provide for certain business uses located adjacent to the Interstate Highway 65, S.R. 114 interchange and fronting on portions of S.R. 114, and which are primarily dependent on the volumes of traffic generated at this point. Because these uses will be in areas of heavy traffic volumes and high visibility, all uses in this district will be regulated in such a way as to maintain good traffic circulation and appearance.

- 1. The regulations and standards contained herein shall apply to all land within the Interchange Business Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to all other applicable underlying or overlay zone district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
- 2. The boundaries of the Interchange Business District shall be shown on the Zone Map. On and after the date of inclusion of the Interchange Business Overlay District boundaries on the Zone Map, all real property within the boundaries of the Interchange Business Overlay District shall become subject to the requirements of the Interchange Business Overlay District.

## Chapter 28: Rensselaer Zoning Ordinance Overlay Zone Districts

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3. Permitted uses in the Interchange Business District may include:
  - a. Restaurants or other eating establishments;
  - b. Hotels and motels;
  - c. Filling stations;
  - d. Establishments selling souvenirs or other items intended primarily for tourists or through traffic;
  - e. Other uses oriented primarily to the traffic generated at interchanges or other high-volume areas, as determined by the Board of Zoning Appeals.
4. In addition, any permitted use or conditional use permitted in the underlying zone district shall also be permitted in the Interchange Business Overlay District if the proposed use conforms with the purpose for both the underlying zone district and the Interchange Business Overlay District.
5. The following criteria shall be considered the minimum required standard for roadway access within the Interchange Business Overlay District.:
  - a. Entrances and exits shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than forty (40) feet at their point of intersection with a street.
  - b. Whenever practicable a service road or frontage street shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.
    - i. The service road or roads required by this subsection shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

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- ii. In general, the use of public improved alleys, interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.
  6. Site development standards for minimum lot area, minimum lot width, minimum floor area, maximum lot coverage, and maximum building height in the Interchange Business Overlay District shall be those specified for the underlying zone district on Table G-3, Base District Standards. In addition the following standards shall apply to all site development within the Interchange Business Overlay District:
    - a. Each lot shall have at least one hundred (100) feet of frontage on a street.
    - b. Each lot shall have a minimum front yard setback of eighty (80) feet.
    - c. Each lot shall have a minimum side yard setback of twenty (20) feet.
    - d. Each lot shall have a minimum rear yard setback of thirty (30) feet.
  7. Additional site development standards for lots and yards, building height, landscaping and buffering, fencing, vision clearance areas, and parking, loading and stacking shall be those specified in Section G, District Standards.
  8. Site development standards for signs shall be those specified in Section I, Sign Regulations.

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# **Section F: District Uses**

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## F. District Uses

### a) Permitted Uses

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Permitted uses are those uses specifically allowed in one or more of the base zone districts or overlay zone districts without the necessity to show need for their location. Permitted uses are allowed as a matter of right and generally without the need for special authorization, further application or administrative review, unless otherwise required by the Building Commissioner.

### b) Conditional Uses

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Conditional uses are land uses that have potential for causing adverse impacts on other uses because of such factors as location, method of operation, scale or intensity of activity, or traffic generated. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties and the City at large. Conditional uses may be permitted subject to such conditions and limitations as may be prescribed. The intent is to ensure that the location and operation of the conditional use is in accordance with the development objectives of the Comprehensive Plan and will not be detrimental to other uses or properties. Where conditions cannot be devised to achieve these objectives, or it is not possible to mitigate adverse impacts, applications for a conditional use will not be approved.

1. The Board of Zoning Appeals is hereby authorized to allow uses designated in each zoning district as conditional uses subject to the requirements in Section B, Administration and any additional requirements specified for a particular use in Section H, Supplemental Use Standards.
2. A conditional use shall conform to all development standards of the applicable zoning district.
3. A conditional use shall conform to all conditions imposed by the Board of Zoning Appeals. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions deemed necessary.

#### c) Accessory Uses

Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Ordinance, and shall also comply with the following limitations:

1. A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises.
2. A guesthouse may be maintained in a residential district accessory to a dwelling, provided the guesthouse is used for the occasional housing of guests of the occupants of the principal dwelling, so long as the guesthouse is not used for commercial purposes and no charge is made for the use of the premises.
3. The renting of rooms may be permitted as an accessory use provided the total number of unrelated persons, including roomers, in any one dwelling unit shall not exceed three (3) persons.
4. A home occupation may be permitted as an accessory use in a residential district, subject to the supplemental use standards in Section H.
5. A swimming pool may be permitted in any district as an accessory use subject to the following additional requirements:
  - a. No swimming pool may be located in any required front or side yard abutting a street, and be no closer than ten (10) feet from any dwelling and fifteen (15) feet from any property line.
  - b. The surface area of the pool may not exceed twenty five percent (25%) of the area of the rear yard.
  - c. All swimming pools shall comply with IC 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the Articles of Title 675 of the Indiana Administrative Code.

*\*Paragraph 5 Amended by Ordinance 01-2024 on January 8th, 2024.*

- e. All swimming pools shall comply with the Indiana Swimming Pool Code and the National Electrical Safety Code.
6. No part of any accessory structure shall be located closer than ten (10) feet to any principal structure, unless it is attached to, or forms a part of, the principal structure.
7. Accessory structures shall not be located in the front yard of a principal structure.
8. Accessory structures on corner lots shall be setback from the side street a distance not less than that required for the principal structure.
9. Accessory structures such as public utility installations, walks, driveways, curbs, retaining walls not exceeding four (4) feet, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard without the issuance of any permit.

#### d) Temporary Uses

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Temporary uses are a use, building or structure which is: established for a fixed-period of time, not exceeding eighteen (18) consecutive months in duration or eighteen (18) months in the aggregate during any thirty-six (36) month period; seasonal in nature; or, providing emergency dwelling needs, and which is consistent and compatible with the purpose, intent and land uses authorized within the zoning district in which such temporary use is located. An extension of time may be approved by the Building Commissioner, with no more than two extensions be permitted. Upon the cessation of a temporary use or the end of the season for which the use was established, all structures, buildings or debris associated with said temporary use shall be removed from the site. The following uses of land are permitted in each zoning district (unless restricted to particular zoning districts herein) subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.

1. A concrete batching plant, both incidental and necessary to construction in any zoning district, for a period not to exceed eighteen (18) months.
2. A temporary building or yard for construction materials and equipment, both incidental and necessary to construction in any zoning district, for a period not to exceed eighteen (18) months.

## Chapter 28: Rensselaer Zoning Ordinance

### District Uses

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3. A model home or model apartment, both incidental and necessary for the sale, rental or lease of real property in any zoning district, for a period not to exceed eighteen (18) months.
4. A mobile home located as a field office for any construction project in any zoning district, for a period not to exceed eighteen (18) months.
5. Christmas tree sales shall be allowed in all zoning districts, except in residential districts on lots of one (1) acre or less, for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the setback requirements of this Ordinance provided that no tree shall be displayed within thirty (30) feet of the intersection of the right of way line of any two (2) streets.
6. Sale of seasonal fruits and vegetables from roadside stands in an A-1, A-2, or RS zoning district, for a period not to exceed sixty (60) days.
7. Sale of fireworks from roadside stands in any non-residential zoning district, for a period not to exceed thirty (30) consecutive days and provided that they obtain any permits required by law.
8. Auctions, flea markets, carnivals, circuses, bazaars and other amusement activities in a commercial zoning district, for a period not to exceed ten (10) days and provided that they obtain any permits required by law.
9. A parking lot designated for a special event in a commercial zoning district, for a period not to exceed ten (10) days.
10. Recreational vehicles in any agricultural or residential zoning district, provided that they are occupied for a period no longer than seven (7) days and located on the property other than the front yard of any occupied dwelling.
11. Offsite sales and "tent sales" in a commercial zoning district, for a period not to exceed seventy two (72) hours, provided that they are approved by the Mayor.
12. Rummage or garage sales are allowed without a temporary use permit in any residential district, provided there are not more than two (2) such sales annually of more than three (3) days duration each on the premises. Rummage or garage sales of more than three (3) days but not more than ten (10) days require a temporary use permit.

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e) Determination of Uses Not Listed

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Any unlisted use shall not be permitted unless authorized by the Board of Zoning Appeals as a conditional use.

f) District Use Table

Table F-1: District Uses

USE CLASSIFICATION	SPECIFIC USE TYPE	USES ALLOWED BY ZONING DISTRICT											ADDITIONAL REGULATIONS
		P = PERMITTED USE		C = CONDITIONAL USE									
		A-1	A-2	R-5	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	
<b>AGRICULTURAL USES</b>													
Agriculture	Agriculture or agricultural operations	P	C										
	Grain elevators and related uses	C	C						C		C	C	
	Confined Animal Feeding Operations	C	C									C	See Sec X Supplemental Use Standards
	Livestock sales	C	C						C		C	C	
Agricultural Services	Produce stand (seasonal)	P	C	C	C	C	C	C	C	C	C	C	
	Produce stand (year round)	P	C	C				C	C	C	C	C	
	Game preserve	C											
	Riding stable	C	C	C							C		
Horticulture	Forestry	P	C										
	Greenhouse	P	C						P		C	C	
	Nursery	P	C	C							C	C	
	Truck garden	P	C	C							C	C	
<b>COMMERCIAL USES</b>													
Adult Businesses	Adult-oriented businesses								C		C	C	See Sec X Supplemental Use Standards
Amusement Facilities	Amusement establishment, indoor								P				
	Amusement establishment, outdoor								P				
	Theater, cinemplex								P				
	Theater, drive-in								P				
Animal Services	Kennel	C	C									C	
	Raising or breeding of non-farm fowl or animals	C	C								C	C	
	Veterinary hospital	P	C						C		C	C	
Auctions	Auction arena or sales yard (excluding livestock)								C		C		
Building Materials	Building material supply yard										C	C	
	Contractor storage yard										C	C	
	Hardware stores							C	P	C			
	Lumber mill											C	
	Lumber yards											P	
	Outbuilding and storage shed sales								C		P		
Business Recreational	Billiard room (Game room, Pool halls)							C	P	C			
	Tavern or night club							C	P	C			
Financial Institutions	Bank or financial institution							C	P	P			
	Bank or financial institution w/ drive-through								P	C			
Food Sales/Services	Cold storage locker for individual use							C	P				
	Convenience store (<5,000 square feet)							P	P	P			
	Convenience store with fuel sales							P	P	C			

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District Uses

USE CLASSIFICATION	SPECIFIC USE TYPE	USES ALLOWED BY ZONING DISTRICT P = PERMITTED USE C = CONDITIONAL USE												ADDITIONAL REGULATIONS
		A-1	A-2	R-S	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2		
Food Sales/Services	Farmer's market								P	P	P			
	Grocery store (< 5,000 square feet)								P	P	P			
	Grocery store (> 5,000 square feet < 25,000 square feet)									P	P			
	Grocery store (> 25,000 square feet)									P	C			
	Other food and beverage sales (e.g., delicatessen, retail bakery, coffee shop)								P	P	P			
Funeral and Internment Services	Restaurant								P	P	P			
	Restaurant w/ drive-in or drive-through								C	P	C			
	Cemetery or Crematory	C	C	C	C	C	C	C	C	C	C	C	C	
Medical Facilities	Mortuary								C	P	P			
	Hospital and associated medical facilities								C	P	C			
Office	Medical/dental office or clinic								P	P	P			
	Business or professional								P	P	P			
Personal Services	Personal service establishments (<5,000 square feet)								P	P	P			
	Personal service establishments (> 5,000 square feet < 25,000 square feet)									P	P			
	Personal service establishments (> 25,000 square feet)									P	C			
	Tattoo parlors										C	C		
Recreation Facilities	Outdoor commercial recreation		C							C		C	C	
	Outdoor shooting range	C	C											
	Private recreational development	C	C									C	C	
Repair Services	Furniture and appliance repair								C	P	P	P		
	Household goods repair (non-appliance)								C	P	P	P		
Retail Establishments	Flea market									P				
	Pawn shop									P	C			
	Retail business store < 5,000 square feet								P	P	P			
	Retail business store > 5,000 square feet < 25,000 square feet									P	P			
	Retail business store > 25,000 square feet									P	C			
Telecommunications Facilities	Radio or television broadcasting facilities	C	C	C	C	C	C	C	C	C	C	C	C	
	Commercial Mobile Radio Systems (CMRS)	C	C	C	C	C	C	C	C	C	C	C	C	See Sec X Supplemental Use Standards
Vehicle Sales and Services	Car wash								C	P	C			
	Farm implement sales, new and used									P		C		
	Mobile home or trailer sales									P		C		
	Service stations and minor vehicle repair								C	P	C			
	Truck freight terminal									C		C	P	
	Vehicle dealer/sales, new and used									P	C	C		
	Vehicle major repair									P	C	C		
	Vehicle towing and storage											C	P	
	Vehicle wrecking or salvage yard (includes outdoor storage or inoperable vehicles)												P	

USE CLASSIFICATION	SPECIFIC USE TYPE	USES ALLOWED BY ZONING DISTRICT P = PERMITTED USE C = CONDITIONAL USE												ADDITIONAL REGULATIONS	
		A-1	A-2	R-S	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2			
Visitor Accommodations	Bed and breakfast establishments			C	C	C	C								See Sec X Supplemental Use Standards
	Public campground	C	C	C										C	
	Hotel or motel								P	P					
	RV park		C											C	See Sec X Supplemental Use Standards
	Tourist home						C	C	C						
<b>INDUSTRIAL USES</b>															See Sec .X Industrial Performance Regulations
Agri-Industry	Slaughterhouse w/ holding pens												C	C	
Manufacturing	Any industrial manufacturing, processing, cleaning, refining, assembling, wholesaling, cleaning, servicing, testing, repair or storage of materials, goods or products, except as otherwise listed												P	P	
Outdoor Storage	Contractor or construction office, shops and yards												P	P	
	Outdoor storage associated with a principal use												C	P	
Resource Extraction	Extractive industries, including mining and gravel operations	C	C	C									C	C	
	Oil processing, refining and manufacture													C	
Toxic/Hazardous Uses	The basic production, manufacturing, shipping, handling or storage of any of the following: animal by-products; charcoal; concrete; creosote; fungicides; glue & sizing; gypsum; herbicides; insecticides; lime or plaster; metal extraction or smelting; milling or smelting of ores; paper pulp and cellulose; petroleum and petroleum products; rubber; ind. redaiming and recapping; sugars and starches; tannery; turpentine													C	
	The manufacturing, processing, use, sale, or storage of any flammable, corrosive, explosive, or toxic substance													C	
Warehousing & Distribution	Freight transportation terminals												P	P	
	Mini-warehouses												P	P	
	Warehousing and wholesaling establishments, and storage												P	P	
Waste-Related Uses	Incinerators													C	
	Junkyards													C	
	Landfill operation													C	
	Solid waste transfer station													C	
<b>INSTITUTIONAL USES</b>															
Clubs or Lodges	Private or non-profit club	C	C					C	C	C	C	C			
	Seasonal hunting and fishing lodge	C	C												
Community Services	Assembly hall and grounds		C				C		C	C				C	
	Charitable institutions						C	C	C	C					



USE CLASSIFICATION	SPECIFIC USE TYPE	USES ALLOWED BY ZONING DISTRICT											ADDITIONAL REGULATIONS
		P = PERMITTED USE					C = CONDITIONAL USE						
		A-1	A-2	R-S	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	
Correctional institution	Penitentiary or Jail												
Cultural Facilities	Library							C	P	P			
	Museum								P	P			
Day Care Center	Outdoor theater								C				C
	Child or adult day care center							C	C	C	C	C	See Sec X Supplemental Use Standards
	Family day care home (large)						C	C	C	C			See Sec X Supplemental Use Standards
	Family day care home (small)	C	C	C	C	C	C						See Sec X Supplemental Use Standards
Golf Facilities	Driving range		C						C		C	C	
	Golf course	C	C	C	C	C	C	C	C	C	C	C	
Public Lands, Parks, and Buildings	Government building or use	C	C	C	C	C	C	C	C	C	C	C	
	Public park or public recreation facility	C	C	C	C	C	C	C	C	C	C	C	
	Stadium, arena, athletic field	C	C	C	C	C	C	C	C	C	C	C	
Religious Institutions	Church or religious institution	C	C	C	C	C	C	C	C	C	C	C	
Schools	Educational institution	C	C	C	C	C	C	C	C	C	C	C	
	Schools of special instruction						C	C	C	C	C	C	
Transportation Facilities	Airport	C	C										See Section X Airport Overlay District
	Heliport	C	C				C	C	C	C	C	C	
	Parking garage or lot					C	C	C	C	C	C	C	
	Public transportation facilities, including bus stations and rail stations								C	C			
	Railroad yard together with buildings, structures, and facilities related thereto	C	C	C	C	C	C	C	C	C	C	C	
Utilities	Major transmission lines for gas, oil, electricity or other utilities	C	C	C	C	C	C	C	C	C	C	C	
	Public water wells, water stations, filtration plant, reservoirs and storage tanks	C	C	C	C	C	C	C	C	C	C	C	
	Sewage treatment facility	C	C	C				C	C	C	C	C	
	Utility installation and facilities										C	C	
<b>RESIDENTIAL USES</b>													
Group Living Facilities	Residential facility for developmentally disabled persons	P	P	P	P	P	P	P	P	P			
	Residential facility for mentally ill persons	P	P	P	P	P	P	P	P	P			
Household Living	Farmhouse	P	C	C									

USE CLASSIFICATION	SPECIFIC USE TYPE	USES ALLOWED BY ZONING DISTRICT											ADDITIONAL REGULATIONS
		P = PERMITTED USE					C = CONDITIONAL USE						
		A-1	A-2	R-S	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	
	Manufactured home	P	P	P	P	P	P	C	C				See Sec X Supplemental Use Standards
	Mobile home park						C	C	C				See Sec X Supplemental Use Standards
	Multi-family dwelling						P	C	C	C			
	Boarding or lodging house					C	C	C					
	Fraternity or sorority						C	C					
Household Living	Single family dwelling	P	P	P	P	P	P	C					
	Two-family dwelling					P	P	C					
Senior Housing	Assisted living facility						C	C	C				
	Nursing homes						C	C	C				

# **Section G: District Standards**

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## G. District Standards

### a) Lots and Yards

1. Every building hereafter erected or moved shall be located on a lot with frontage and access on a public street, and all buildings shall be so located on lots so as to provide for safe and convenient access, fire protection, and required off-street parking.
2. No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the lot area, lot width, lot coverage or yard provisions specified for the district in which such building is located.
3. Lot and yard standards for all base zone districts are specified on Table G-3, Base District Standards.
4. No lot or yard existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. No part of a yard required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard similarly required for any other building, unless otherwise specified herein.
6. Where twenty five percent (25%) or more of the lots in a block frontage are occupied by buildings which provide front yards of less than the minimum specified on Table G-3, Base District Standards, the average front yard of such buildings may determine the required front yard; provided, however, no front yard shall be reduced to less than ten (10) feet (except in zone districts which do not require front yards). Where an existing building is deficient in front yard, any addition to such an existing building shall maintain the existing front yard.
7. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum specified on Table G-3, Base District Standards, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet

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### District Standards

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(except in zone districts which do not require side yards). Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

8. No structure or part thereof shall project into a required front yard except:
  - a. An eave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (20) feet to a front lot line.
  - b. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding two (2) feet.
  - c. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.
9. No structure or part thereof shall project into a required side or rear yard except:
  - a. An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
  - b. The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two (2) feet; provided, however, that said encroachment shall not protrude closer than eighty percent (80%) of the required distance to any side or rear lot line.
  - c. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.
  - d. Open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet.
10. No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Ordinance. Recreational boats and trailers are to be considered as Recreational Vehicles for the purpose of storage. Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in anyone week period.
11. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide rear yards of less than the minimum specified on Table G-3, Base District Standards, the average rear yard of such buildings may determine the required rear yard; provided, however, no rear yard shall be reduced to less than ten (10) feet. Where an existing building is deficient in the rear yard, any addition to such a existing building shall maintain the existing rear yard.

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b) Building Height

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1. Building height standards for principal and accessory structures in all base zone districts are specified on Table G-3, Base District Standards.
2. The following items shall be exempt from the building height limitations contained in individual zone districts:
  - a. Chimneys, church spires, flag poles, accessory transmission and communication antenna, and similar structural appendages not intended as places of occupancy or storage, provided that no more than one-third (1/3) of the total roof area is occupied by such features.
  - b. Free-standing flag poles, accessory transmission and communication towers, and other similar structures, provided that such structures, and any guy wire anchors associated with such structures, shall be located in compliance with all setback provisions of the zone district in which they are located.
  - c. Heating, ventilation and air conditioning equipment; roof water tanks; elevator shafts; solar collectors; skylights; and similar equipment to operate and maintain the building, provided that no more than one-third (1/3) of the total roof area is occupied by such features and further provided that such equipment shall be setback from the edge of the roof a minimum distance of one (1) foot for each floor ten (10) feet in elevation that such equipment, fixtures or devices extend above the roof surface.

c) Fencing

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1. Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Ordinance.
2. Fences used for residential purposes shall be allowed without the issuance of any permit (except possibly an Excavation Permit), subject to the following provisions:
  - a. Fences shall be allowed in side and rear yards up to a height of six (6) feet.
  - b. Fences shall be allowed to extend alongside property lines provided that from the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.

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- c. Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.
3. Fences in business (B-1, B-2, B-3) or industrial (1-1, 1-2) zone districts intended for security purposes shall only be allowed within a side or rear yard and shall not exceed a maximum height of eight (8) feet.

### d) Landscaping and Buffering

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1. Landscaping and buffering shall be required to increase the compatibility of development with the natural environment and/or physically separate and visually screen adjacent uses and zone districts that are not fully compatible.
2. Screening may consist of both natural and man-made materials, provided that the materials create a continuous visual screen. The following screening types may be used.
  - a. Plant materials shall be characterized by dense growth and shall form an effective year-round screen within three (3) years of the date of planting.
  - b. Fences and walls shall be solid and opaque and shall be made of wood, brick, or masonry materials.
  - c. Earthen berms shall have a maximum slope of 3:1, shall not exceed three (3) feet in height, and must be entirely vegetated with lawn or ground cover within two (2) years of the date of planting.
3. When any development provides parking for more than ten (10) vehicles, at least ten (10) percent of the total area of the parking lot shall be used for landscaping and buffering treatments. In addition:
  - a. A minimum of one (1) tree (planted in tree islands) for each ten (10) parking spaces shall be located within the parking area/lot.
  - b. Tree islands shall be installed intermittently, have a length equal to a parking stall, be four (4) feet by four (4) feet in dimension at a minimum to protect plantings from vehicles and foot traffic and to accommodate a tree root system.



- c. All unimproved earth areas shall be planted, restored or otherwise protected from erosion.
  - d. Ongoing maintenance, including the replacement of dead or unhealthy plants, shall be provided by the parking area owner/leaseholder.
4. Vehicle loading areas shall be screened from public roads and adjacent residential districts where the yard containing the loading area is adjacent to the roadway or residential district.
5. Non-residential and multi-family refuse disposal dumpsters shall be screened on three sides by the construction of permanent opaque wooden, brick, or masonry screens. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height. The fourth side which provides access to the dumpster for refuse collectors shall be gated and situated so that the container is not visible at an angle greater than forty-five degrees (45°) from adjacent public streets.
6. A decorative fence or wall of not less than five (5) feet in height shall be constructed and maintained along the side and rear lot lines of any drive-in or drive-through facility. Where such use abuts a residential use, a buffer landscape strip at least twenty (20) feet in width shall be provided and maintained along the side and rear lot lines, within which buffer, a landscape screen shall be provided not less than six (6) feet in height.
7. All non-residential manufacturing, assembling, construction, repairing, maintenance, and storage which takes place outdoors and which is within fifty (50) feet of a public street or a residential zone district shall require an approved landscape screen. All other storage shall be completely enclosed by a six (6) foot high screen consisting of a solid fence, masonry wall, dense plant material, or any combination thereof.
8. The provision of landscaping as provided for in this Section shall be modified in any situation in which existing trees and vegetation are preserved. A credit for the planting of trees of one-half (1/2) inch for each one (1) inch of aggregate tree caliper preserved shall be awarded to the landscaping required by this Section. A credit for the preservation of undergrowth and shrubs shall be awarded on a one to one (1:1) basis for the lineal feet of screening provided by the existing undergrowth and shrubs.

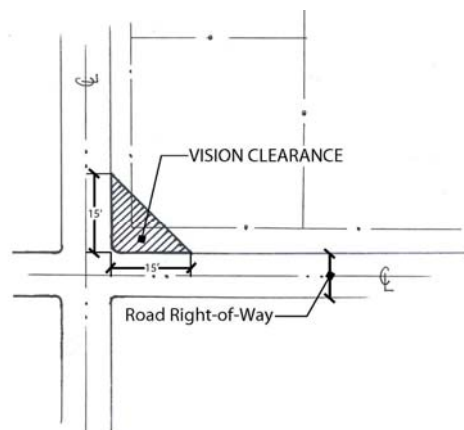
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9. When required by the Building Commissioner, a landscape plan shall be submitted by the applicant that is prepared by a landscape architect or other professional experienced in landscape design and the installation and care of plant materials.
10. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance areas shall be provided when required.

### e) Vision Clearance Area

1. In all zone districts except the B-3 district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the vision clearance area is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.
2. In the case of a rounded property corner, the vision clearance area shall be measured from the intersection of the street right-of-way lines extended.
3. In addition, the vision clearance area shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet from the intersection of two street lines.

Figure G-1: Vision Clearance Area



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f) **Parking, Loading, and Stacking**

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1. Off-street parking, loading and stacking facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Ordinance.
2. No use lawfully established prior to the effective date of this Ordinance shall be required to provide and maintain the parking, loading and stacking requirements herein; provided, however, off-street parking, loading and stacking spaces required by any ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.
3. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking, loading and stacking facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking, loading and stacking facilities in excess of those required by this Ordinance for equivalent new uses.
4. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking, loading and stacking facilities as required herein shall be provided for such increase in intensity of use.
5. Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Ordinance, parking, loading and stacking facilities shall be provided as required for such new use.
6. Off-street parking, loading and stacking facilities in existence prior to the effective date of this Ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Ordinance.
7. Off-street parking, loading and stacking spaces shall be provided on the same lot as the use served, except as otherwise provided in this Ordinance, and may be situated in one or more individual areas.
8. Off-street parking, loading and stacking facilities may be provided jointly for separate uses, provided the total number of off-street parking, loading and stacking spaces shall not be less than necessary to serve each of the separate uses, as determined by the Building Commissioner based upon requirements for multiple uses, expected demand

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generated by the proposed uses, temporal factors and other information from appropriate traffic engineering and planning criteria.

9. Off-street parking, loading and stacking facilities provided to comply with the provisions of this Section shall not subsequently be reduced below the requirements of this Ordinance.
10. Off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or trucks of not more than one and one-half (1-1/2) ton capacity, by patrons, occupants or employees of specified uses; and for residential uses, not more than one such truck space shall be provided for each dwelling unit on the lot. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material; provided that the parking of a school bus or other municipally owned vehicle on a lot as an accessory use may be permitted at any time in any case.
11. Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.
12. Off-street parking spaces for the physically handicapped shall be twelve (12) feet wide, unless the space is parallel to a pedestrian walk. The parallel-handicapped parking space shall be adjacent or close to an ADA approved ramp. Other dimensions shall be the same as those for standard vehicles. Handicapped spaces shall have unimpeded ramp access to a walk. Every handicapped parking stall shall be identified at the head of the parking space with a raised, standard identification sign, centered between three (3) feet and five (5) feet above the parking surface. The sign shall include the international symbol for accessibility and state "reserved," or contain similar wording.
13. The number of off-street parking spaces required for each use is set forth in Table G-1. Where the use of the premises is not specifically mentioned, parking requirements shall be determined by the Building Commissioner based upon requirements for similar uses, expected demand generated by the proposed use, temporal factors and other information from appropriate traffic engineering and planning criteria. The number of off-street parking spaces required for the physically handicapped shall be per current ADA requirements.

Table G-1: Off-Street Parking Requirements

USE	MINIMUM REQUIRED PARKING SPACES
<b>COMMERCIAL USES</b>	
Amusement facilities	Five (5) spaces per one thousand (1,000) square feet of gross floor area.
Bed & breakfast establishment	One (1) space per guest room; use shared parking analysis for supplementary uses, i.e., single family dwelling unit.
Business or professional office	Three (3) spaces per one thousand (1,000) square feet of gross floor area.
Financial institution	Four (4) spaces per one thousand (1,000) square feet of gross floor area.
Furniture or appliance repair	Two (2) spaces per one thousand (1,000) square feet of gross floor area.
Grocery store	Six (6) spaces per one thousand (1,000) square feet of gross floor area.
Hospital	One (1) space per two (2) beds, plus one and one-half (1.5) spaces per one (1) emergency room bed.
Hotel or motel	One (1) space per guest room; use shared parking analysis for supplementary uses, i.e., restaurant/lounge, meeting/banquet room.
Medical/dental office or clinic	Five (5) spaces per one thousand (1,000) square feet of gross floor area.
Restaurant	Sixteen (16) spaces per one thousand (1,000) square feet of gross floor area; use shared parking analysis for supplementary uses, i.e., lounge.
Retail sales or personal services	Four (4) spaces per one thousand (1,000) square feet of gross floor area.
Vehicle dealer sales	One (1) space per one thousand (1,000) square feet of gross floor area.
Vehicle major repair	Four (4) spaces per one thousand (1,000) square feet of gross floor area.
<b>INDUSTRIAL USES</b>	
Manufacturing or industrial use	One and one half (1.5) spaces per one thousand (1,000) square feet of gross floor area.
Warehouse	Three-quarter (0.75) space per one thousand (1,000) square feet of gross floor area.
<b>INSTITUTIONAL USES</b>	
Assembly hall or outdoor theater	Five (5) spaces per thousand (1,000) square feet of gross floor area.
Church or religious institution	Three-quarter (0.75) space per seat; use shared parking analysis for supplementary uses, i.e., child care center.
Club or lodge	Three (3) spaces per one thousand (1,000) square feet of gross floor area.
College or university	One (1) space per two (2) employees plus one (1) space per four (4) students.

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Correctional facility or penitentiary	One (1) space per five (5) beds.
Elementary or Junior High School	One (1) space per fifteen (15) students.
Golf course	Five (5) spaces per hole, plus one (1) space per two (2) employees
Government building	Three (3) spaces per one thousand (1,000) square feet of gross floor area, or as determined by the Building Commissioner
High School	One (1) space per four (4) students.
Library or museum	Two (2) spaces per one thousand (1,000) square feet of gross floor area.
Preschool or day care center	One (1) space per one (1) employee plus one (1) space per six (6) students.
School of special instruction	One (1) space per two (2) students.
Stadium or arena	One (1) space per six (6) seats
<b>RESIDENTIAL USES</b>	
Boarding or lodging houses, fraternity or sorority	One (1) space per bedroom.
Dwelling unit: Multi-family	One and one-half (1.5) spaces per dwelling unit, plus one (1) space for visitors per five (5) dwelling units.
Dwelling unit: Single family, two family or manufactured home	2 spaces per dwelling unit.
Nursing home or assisted living facility	One (1) space per two (2) beds.

14. Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.
15. The number of off-street loading spaces required for each use is set forth in Table G-2. Where the use of the premises is not specifically mentioned, loading requirements shall be determined by the Building Commissioner based upon requirements for similar uses,

expected demand generated by the proposed use, temporal factors and other information from appropriate traffic engineering and planning criteria.

Table G-2: Off-Street Loading Requirements

Uses	Square Feet of Total Floor Area	Required Off-Street Loading Berths
<b>COMMERCIAL USES</b>		
Retail or wholesale	10,000 - 25,000	1
	25,000 - 40,000	2
	40,000 - 60,000	3
	60,000 - 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional
Mortuary	For each 5,000	1
Hospital (In addition to space for ambulance)	For 10,000 - 300,000 For each additional 300,000 or major fraction thereof	1 1 additional
Hotel	For each 10,000	1
Office	For each 10,000	1
<b>INDUSTRIAL USES</b>		
Manufacturing or warehousing	10,000 - 25,000	1
	25,000 - 40,000	2
	40,000 - 60,000	3
	60,000 - 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional
<b>INSTITUTIONAL USES</b>		
School	For each 15,000	1

16. The purpose of stacking space requirements is to promote public safety by alleviating on-site and off-site traffic congestion that might otherwise result from the operation of a drive-up or drive-through facility. For all applicable drive-up or drive-through uses, the following off-street stacking requirements shall apply:

- a. At a minimum a stacking space shall be eight and one-half (8.5) feet wide and eighteen (18) feet long.
- b. A stacking space at a drive-in or drive-through window, menu board, order station, designated drop-off zone, or service bay is considered to be a stacking space.

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- c. An area reserved for stacking spaces may not double as a circulation driveway, maneuvering area, or off-street parking space.
- d. Stacking spaces may be located anywhere on the building site, provided that traffic impacts on and off site are minimized and the location does not create negative impacts on adjacent properties due to noise, light or other factors.
- e. A minimum of eight (8) stacking spaces per one thousand (1000) square feet of gross floor area plus five (5) stacking spaces for the first drive through window and two (2) stacking spaces for each additional window shall be provided.
- f. For uses that have drive-through bays or stalls, e.g., car washes, a minimum of three (3) stacking spaces per bay or stall shall be provided.



g) District Standards Table

Table G-3 Base District Standards

STANDARD	A-1	A-2	R-5	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2
Minimum Lot Area	3 acre	1 acre	1 acre	7500 s.f.	6000 s.f.	6000 s.f.	6000 s.f.	0.5 ac	2,500 s.f.	1 acre	1 acre
Minimum Lot Width	300 ft.	150 ft.	100 ft.	75 ft.	60 ft.	60 ft.	50 ft.	100 ft.	25 ft.	50 ft.	100 ft.
Minimum Front Yard	70 ft.	70 ft.	40 ft.	25 ft.	25 ft.	25 ft.	15 ft.	80 ft.	0 ft.	15 ft.	40 ft.
Minimum Side Yard	20 ft.	12 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.	20 ft.	0 ft.	15 ft.	20 ft.
Minimum Rear Yard	35 ft.	35 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	25 ft.	15 ft.	10 ft.	20 ft.
Minimum Gross Floor Area	960 s.f.	1080 s.f.	1080 s.f.	1080 s.f.	960 s.f.	720 s.f.	n/a	n/a	n/a	n/a	n/a
Maximum Lot Coverage	10%	20%	25%	35%	40%	45%	50%	60%	75%	50%	60%
Maximum Height (Principal Structure)	35 ft.	35 ft.	25 ft.	25 ft.	25 ft.	40 ft.	40 ft.	40 ft.	60 ft.	75 ft.	75 ft.
Maximum Height (Accessory Structure)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	24 ft.	24 ft.	24 ft.	24 ft.
Additional Standards	See Section H Supplementary Use Standards, and Section I Sign Regulations										

① An accessory building to a farm house or farm dwelling may be erected to a maximum height of 40 feet

② A dwelling may be increased in height not to exceed forty (40) feet provided the required side yards are increased an additional foot for each foot such structure exceeds twenty five (25) feet in height

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# **Section H: Supplemental Use Standards**

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## H. Supplemental Use Standards

### a) Adult –Oriented Businesses

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Standards for Adult Oriented Business:

1. Adult Oriented businesses are a conditional use within the B-2, I-1 or I-2 zoning districts.
2. Adult Oriented businesses may not be located within:
  - a. One thousand (1,000) feet of any property zoned for residential use;
  - b. Five hundred (500) feet of any religious institution, public or private school containing any grade K-12;
  - c. Five hundred (500) feet of any public park;
  - d. Five hundred (500) feet of any child care/daycare facility; or
  - e. Five hundred (500) feet of any other adult oriented business.
  - f. The distance shall be measured by following a straight line without regard to intervening building, structures, or other obstacles, from the nearest point of the property upon which the proposed conditional use is to be located to the nearest point of the property or land use boundary line from which the proposed land use is to separate. The applicant shall provide a certified copy of measurement by a land surveyor registered by the State of Indiana showing the proposed land use is properly separated.
3. All Adult Oriented business, except for off-street parking and off-street loading, shall be conducted within completely enclosed buildings.
4. Adult Oriented businesses must comply with all other zoning requirements specific to the conditional use in the authorized zoning classification, i.e. signage, hours of operation, set-backs, etc.

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5. Parking requirements for adult oriented businesses are as follows:
  - a. All parking must be sufficiently lighted to reveal the interior of vehicles and must be located to the front and/or sides of the establishment.
  - b. Required Parking Spaces:
    - i. Adult Arcade. One (1) parking space for each two (2) customer seats or arcade devices (whichever is greater) plus one (1) parking space for each employee of the largest working shift.
    - ii. Adult Bookstore/Novelty Store/Video Store. One (1) parking space for each two hundred (200) feet of floor space.
    - iii. Adult Theater. One (1) parking space for each four (4) seats plus one (1) parking space for each employee of the largest working shift.
6. All signage shall be in accordance with Section I Sign Regulations.
7. Miscellaneous requirements for adult oriented businesses are as follows:
  - a. Entry to the establishment must face the primary street which established the business' address.
  - b. No fencing or visual screening shall be installed to prevent full view of the parking lot from the primary street of the business.
  - c. The business must be in full compliance with all other provisions of this Ordinance.



### c) Bed and Breakfasts

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Standards for Bed and Breakfast establishments:

1. Bed and Breakfast establishments are a conditional use within any residential zoning district. A Bed and Breakfast use shall remain incidental to the primary residential use of the property to allow reconversion back to a single-family residential use.
2. No Bed and Breakfast establishment may be located within four hundred (400) feet of any other Bed and Breakfast establishment. The four hundred (400) foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
3. Bed and Breakfast establishments shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a Bed and Breakfast, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood.
4. The exterior appearance of the Bed and Breakfast structure shall not be altered from its single-family character, and no exterior alterations, other than those necessary to ensure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast establishment. Minimal outward modification of a Bed and Breakfast structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.
5. There must be at least five hundred (500) square feet of gross floor area for each rental unit. The potential rental units shall be determined by dividing the gross floor area of the structure by five hundred (500) square feet. A maximum of five (5) bedrooms shall be made available for rent. A Bed and Breakfast establishment having more than five (5) bedrooms for rent may be approved if the Bed and Breakfast establishment is designated as a historic landmark.
6. Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, moldings, chair rails, or light fixtures. Rooms used for sleeping shall be a part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes. The architectural integrity and arrangement of the existing interior spaces must be maintained, and the number of guest rooms shall



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not be increased, except as may be required to meet health, safety, and sanitation requirements.

7. Only short- term lodging may be provided by a Bed and Breakfast establishment. Room rentals to families or individuals shall not exceed fourteen (14) consecutive days. Monthly rentals shall be prohibited.
8. Food service shall be limited to breakfast served to guests taking lodging in the Bed and Breakfast establishment. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent. Individual rooms that are rented shall not contain cooking facilities.
9. The owner or lessee of the property shall operate the Bed and Breakfast establishment and reside in the home.
10. Off-street parking for a Bed and Breakfast establishment shall be provided by the resident owner: one (1) off-street parking space for every two (2) guests in addition to the parking required for a single- family dwelling (see Section G, District Standards).
11. Signage for a Bed and Breakfast establishment shall be limited to one wall sign not to exceed three (3) square feet of sign area.
12. The use of a property as a Bed and Breakfast establishment shall not create noise, light or traffic conditions detrimental to the neighboring residents, and no receptions, private parties or activities for which a fee is paid shall be permitted.
13. Any license required for a Bed and Breakfast establishment shall be obtained as required by law.

#### d) Confined Animal Feeding Operations

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Standards for Confined Animal Feeding Operations:

1. Confined Animal Feeding Operations (CAFO's) are a conditional use within the A-1, A-2 and I-2 zoning districts.
2. CAFO's shall be located a minimum of thirteen hundred twenty (1320) feet from the boundary of any pre-existing residential or business zoning district, or a residential subdivision of land, or building used for residential purposes (other than the residence of

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the owner, his tenant(s) or operator(s) of the operation), or school or religious institution use.

3. The recommended applicable guidelines promulgated by the following publications, as revised (latest issue), shall be required by the Board concerning methods of waste handling and disposal guidelines for all CAFO's:
  - a. Legal Guidelines for Swine Waste Management, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
  - b. Waste Handling and Disposal Guidelines for Indiana Poultrymen, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
  - c. Waste Handling and Disposal Guidelines for Indiana Beef Producers, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
  - d. Waste Handling and Disposal Guidelines for Indiana Dairymen, latest issue, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
4. The determination of off-street parking for CAFO's shall be based upon the expected number of parking spaces the particular type of CAFO would require to satisfy estimated, peak parking load requirements.
5. All signage shall be in accordance with Section I Sign Regulations.
6. Those noises and odors normal to the storage, feeding, handling and production of farm animals shall be deemed acceptable.
7. Air and water pollution control promulgated by I.C. 13-1-1 (air pollution) and I.C. 13-1-3 (water pollution) is required for all CAFO's.
8. Approval by the Indiana Department of Environmental Management is required for CAFO's in accordance with I.C. 13-1-5.7.

### e) Commercial Mobile Radio Systems

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Standards for Commercial Mobile Radio Systems:

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1. Commercial Mobile Radio Systems (CMRS) facilities are a conditional use in all zoning districts.
  2. All proposed CMRS facilities shall be reviewed pursuant to the following procedures:
    - a. Building or structure-mounted CMRS facilities shall be reviewed by the Building Commissioner for compliance with the requirements of this Ordinance.
    - b. Roof-mounted and freestanding CMRS facilities must receive approval as a conditional use.
  3. No more than one (1) roof-mounted or freestanding CMRS facility may be constructed or maintained upon a property in single ownership; provided, however, that additional CMRS facilities may be approved at the same location as a conditional use, provided all other requirements of this Section are met.
  4. Building or structure-mounted CMRS facilities shall be subject to the following requirements:
    - a. Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
    - b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.
    - c. Building or structure mounted whip antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.
  5. Roof-mounted CMRS facilities shall be screened or camouflaged as appropriate from view from adjacent property lines. Such facilities are additionally subject to the following requirements:
    - a. Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.
    - b. Roof-mounted CMRS whip antennas shall extend no more than ten (10) feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.

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- c. Roof-mounted CMRS panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted.
    - d. Roof-mounted CMRS accessory structures shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
6. Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:
  - a. All accessory structures and equipment cabinets shall be totally screened from view from adjacent property lines.
  - b. Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the conditional use review process.
7. Standards for approval of a freestanding CMRS facility:
  - a. Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.
  - b. The tower shall not constitute a hazard to aircraft.
  - c. The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.
  - d. The proposed tower shall provide for shared capacity, if technically practicable.
  - e. The tower shall have the least practicable adverse visual impact on the environment.
  - f. The proposed tower shall not emit radiation that will adversely affect human health.
  - g. The proposed tower shall be the minimum height needed to accommodate the antenna.

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- h. The proposed tower shall comply with all applicable federal and state regulations.
  - i. The design of the proposed tower shall insure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.
  - j. All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective.
- 8. No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.
  - 9. The construction and use of a CMRS facility shall not cause interference to other adjacent CMRS facilities.
  - 10. CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner.

#### f) Day Care Centers and Homes

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Standards for Day Care Centers and Family Day Care Homes:

- 1. Day Care Centers, Large Family Day Care Homes, and Small Day Care Homes are a conditional use in certain zoning districts. See Table F-1, Base Zoning District Uses, in Section F, District Uses.
- 2. The following standards are applicable for all Day Care Centers, Large Family Day Care Homes, and Small Day Care Homes:
  - a. Thirty-five (35) square feet of floor area per care receiver shall be provided.
  - b. One hundred (100) square feet of outdoor play area shall be provided for each care receiver in attendance.
    - i. Outdoor play area shall be grassed and enclosed by a forty-two (42) inch high chain link fence. A required entry gate shall be securely fastened.

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- ii. Outdoor play areas shall be separated from vehicular circulation and parking lots with a landscaped buffer strip of ten (10) feet in depth measured from and paralleling the street right-of-way line or parking area.
    - iii. Garages shall not be used as designated play areas.
  - c. No portion of the site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
  - d. Traffic Standards.
    - i. No unsafe conditions shall be created for picking up and dropping off care receivers.
    - ii. Loading and unloading of care receivers from vehicles shall only be permitted on the driveway, approved parking area, or directly in front of the center or home.
  - e. An applicant shall provide evidence of obtaining a Day Care Center License from the Indiana Department of Public Welfare.
- 3. The following standards are specific to Day Care Centers:
  - a. Parking and stacking standards shall be in accordance with Section G, District Standards.
  - b. All signage shall be in accordance with Section I Sign Regulations.
- 4. The following standards are specific to Large Family Day Care Homes:
  - a. No facility shall be located closer than six hundred (600) feet to another large family day care home.
  - b. One (1) parking space shall be provided for each adult attendant, plus two (2) additional spaces.

- c. One (1) sign, not exceeding four (4) square feet in sign area and five (5) feet in height, may be used to identify the Large Family Day Care Home.
5. The following standards are specific to Small Day Care Homes:
  - a. No signs are permitted.

### g) Home Occupations

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#### Standards for Home Occupations:

1. Home Occupations are an accessory use within all residential zoning districts.
2. A Home Occupation shall be clearly incidental and subordinate to the residential use of the dwelling. The primary use of the dwelling unit shall remain residential and the operator of the Home Occupation shall remain a resident in the dwelling unit. The Home Occupation shall be conducted entirely within the dwelling or accessory structure located on the same lot in which the operator makes his/her legal and primary place of residence.
3. The following uses shall be specifically excluded as a Home Occupation: motor vehicle repair or service, appliance repair, machine shop, welding shop, escort service, landscape or lawn service operation, furniture refinishing or upholstery, sign making, and special trade contractors who are engaged in metal working or cabinetmaking.
4. A Home Occupation shall not employ anyone on-site other than the operator or a member of the operator's immediate family residing on the premises.
5. A Home Occupation shall not alter the interior or exterior residential character of the dwelling unit. No structural additions, enlargements, or alterations changing the residential appearance to be a business appearance shall be permitted.
6. A Home Occupation shall not occupy more than a cumulative total of twenty five percent (25%) of the finished floor area of any dwelling unit or accessory structure in which the Home Occupation is located.
7. A Home Occupation shall not generate noise, vibration, glare, fumes, or odors beyond what normally occurs in any residential zone district.

8. A Home Occupation shall not include any mechanical equipment except such as is permissible for purely domestic or household purposes. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
9. A Home Occupation shall not include any commodity kept or sold on the premises, other than those prepared, produced, or created on the premises by the operator of the Home Occupation.
10. A Home Occupation shall not include any outdoor storage of goods, products, equipment, or other materials associated with the business activity.
11. A Home Occupation shall not generate vehicular traffic in excess of that typically generated by residential dwellings. No addition of parking spaces to accommodate the home occupation or parking of commercial vehicles shall be permitted on the site. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional driveway to serve such home occupations shall be permitted.
12. On-premises advertising of a Home Occupation shall be limited to one sign, not exceeding one (1) square foot in total area attached flat against the wall of the residence. No display of goods shall be permitted.

### h) Industrial Performance

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#### Industrial Performance Standards:

1. Any permitted or conditional use established or placed into operation within any zoning district shall comply with the minimum industrial performance standards specified herein, in addition to other standards as may be required by this Ordinance or other codes or laws for individual uses.
2. Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
3. No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.



4. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Any noise generated shall be muffled or otherwise controlled so as not to become detrimental provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
5. No use shall cause vibrations or concussions detectable beyond property lot lines.
6. No use shall emit across property lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the property lot lines.
7. No use shall discharge across property lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
8. No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond property lot lines.
9. No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
10. No use shall amass within the lot or discharge beyond property lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.
11. In the interest of public welfare, hours of operation for any use may be restricted by the Board.

i) **Manufactured Homes**

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Standards for Manufactured Homes:

1. Manufactured Homes are a Permitted Use within the A-1 and A-2 districts and all residential districts, and are a conditional use within the B-1 and B-2 zoning district.
2. It is the intent of this Section to permit the use of Manufactured Homes, as defined in Section J Definitions, in all districts in which similar single family dwellings constructed on site are permitted, subject to the requirements and procedures set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and

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single family dwellings that have been or might be constructed under these and other lawful regulations on adjacent or nearby lots in the same zoning district.

3. Manufactured Homes shall be classified as to acceptable compatibility or similarity in appearance with site-constructed residences, as follows:
  - a. Manufactured Homes shall have siding material of a type customarily used on site-constructed residences.
  - b. Manufactured Homes shall have roofing material of a type customarily used on site-constructed residences.

### j) Mobile Home Parks

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Standards for Mobile Home Parks:

1. Mobile Home Parks are a conditional use within the R-3, B-1 and B-2 zoning districts.
  - a. The sale of individual lots to individual lot owners shall be allowed in a Mobile Home Park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners is intended shall be included in an application for a conditional use. If such sale of lots is intended, an application for a preliminary and/or final plat shall be submitted in accordance with Chapter 22, Subdivision Control Ordinance.
2. No part of any Mobile Home Park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of Mobile Home Park residents and for the management and maintenance of the Mobile Home Park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in a Mobile Home Park upon approval by the Board of Zoning Appeals.
3. A Mobile Home Park shall have an area of not less than five (5) acres.
  - a. Each mobile home lot within a Mobile Home Park shall be a minimum of four thousand (4,000) square feet in area, and shall be at least forty (40) feet in width.
  - b. Each mobile home lot within a Mobile Home Park shall contain a mobile home slab. There shall be a distance of at least fifteen (15) feet between the mobile

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home slab and an abutting interior park drive. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete "dead men" eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

- c. Each mobile home lot shall contain two (2) automobile parking spaces, each of which has a minimum dimension of ten (10) feet in width by twenty (20) feet in length.
4. A Mobile Home Park site shall have two (2) side yards, each having a minimum of thirty (30) feet in width, a rear yard having a minimum of thirty (30) feet in depth, and a front yard having a minimum of sixty (60) feet in depth.
    - a. Mobile homes within a Mobile Home Park shall be separated from each other and from all other buildings and structures by at least twenty (20) feet.
    - b. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding twenty five (25) square feet and an opaque roof or top, shall be considered to be part of the mobile home.
  5. A dense planting screen not less than twelve (12) feet high and six (6) feet wide shall be located and effectively maintained at all times along all Mobile Home Park boundary lines except at established entrances and exits serving the Mobile Home Park.
    - a. A basket weave or similar type fence or brick or stone wall may be permitted by the Board instead of a planting screen.
    - b. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.

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6. A Mobile Home Park shall provide a recreational area or areas equal in size to at least eight percent (8%) of the area of the Mobile Home Park site. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
7. A Mobile Home Park shall be provided with safe and convenient vehicular access from abutting streets to each mobile home lot. Such access shall be provided by interior private streets, minor driveways or other means approved by the Board.
  - a. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits.
  - b. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of one hundred (100) feet from its point of beginning, unless the park entrance drive has a minimum width of thirty six (36) feet.
  - c. Interior private streets in Mobile Home Parks shall have a minimum width of twenty two (22) feet, measured from back to back of curb if provided.
  - d. Dead-end private streets shall not exceed one thousand (1,000) feet in length, and shall be terminated at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.
  - e. Minor driveways shall have a minimum width of ten (10) feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the minor driveway is less than five hundred (500) feet long. Minor driveways serving more than fifteen (15) mobile homes are unacceptable.
  - f. All private streets and minor driveways shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavements edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards.
  - g. Grades of all private streets and minor driveways shall be sufficient to ensure adequate surface drainage, but shall not have a grade in excess of eight percent (8%); provided, however, that short runs having a maximum grade of twelve percent (12%) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.



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and/or final plat shall be submitted in accordance with Chapter 22, Subdivision Control Ordinance.

- c. Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a RV Park shall be permitted as accessory uses.
2. A RV Park shall have an area of not less than five (5) acres.
  - a. A RV Park shall have not more than twenty five (25) recreational vehicle spaces per acre of gross site area.
3. A RV park shall have two side yards, each having a minimum of thirty (30) feet in width, a rear yard having a minimum of thirty (30) feet in depth, and a front yard having a minimum of sixty (60) feet in depth.
  - a. Recreational vehicles shall be separated from each other and from all other buildings and structures by at least five (5) feet.
  - b. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle.
4. A dense planting screen not less than six (6) feet high after five (5) full growing seasons and which at maturity is not less than twelve (12) feet high and six (6) feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the RV Park.
  - a. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen.
  - b. The Board may waive any part of the screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
5. A RV Park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines shall be located underground.

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6. A RV Park shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, steps, and stepped ramps, will have an average level of illumination of 0.6 foot candle. All exterior RV Park lights shall be so located and shielded as to prevent direct illumination of any areas outside the RV Park.
  7. The storage, collection and disposal of refuse in a RV Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
    - a. All refuse shall be stored in flytight, watertight, rodent- proof containers, which shall be located no more than one hundred and fifty (150) feet from any RV lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
    - b. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and to facilitate cleaning around them.
    - c. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the RV Park owner shall provide this service.
    - d. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the RV Park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer.
  8. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer.
    - a. RV Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
    - b. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one (1) foot above the ground.

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- c. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
  - d. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. RV Parks shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
9. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property.
    - a. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended.
    - b. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
  10. The water supply and sewage disposal for a RV Park shall meet the minimum requirements of the Indiana Board of Health.
  11. All other State requirements for a RV Park shall be observed.
  12. The condition of the soil and ground water level of the RV Park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service.

### I) Residential Dwellings in Business Districts

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Business Districts are permitted to have single, two-family, or multi-family dwellings provided:

1. They shall not be below street grade, and
2. They shall not occupy lot frontage, and
3. They shall be partitioned from and have separate means of ingress and egress from the principle use(s), except when additional emergency egress is required.

*\*Sub-section L added by Ordinance 01-2024 on January 8<sup>th</sup>, 2024.*



# **Section I: Sign Regulations**

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## I. Sign Regulations

### a) Application and Purpose

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The regulations contained in this Section shall apply to the location, erection and maintenance of signs in any zoning district regulated by this Ordinance. The purpose and intent of this Section to:

1. Recognize the functions and importance of signs for the business sector and the territory within the Jurisdiction of the Commission as a whole;
2. Preserve and enhance the character and visual appearance of the City;
3. Recognize the integral part played by signs in the overall appearance of the City and territory within the Jurisdiction of the Commission;
4. Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business; and
5. Provide standards and guidance for sign users and sign designers as to what constitutes appropriate signage in the City and territory within the Jurisdiction of the Commission.

### b) Administration

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The regulations contained in this Section shall be administered by the Building Commissioner. All signs identified by this Section as requiring the issuance of a permit shall be subject to the following provisions:

1. To ensure compliance with the regulations of this Section, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with subsection c (Exempt Signs).
2. In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s), unless a sign program is provided. Applicants are encouraged to provide a sign program as opposed to obtaining single permits for groups of businesses, professional

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offices, or industrial complexes. Only one sign permit shall be required for each sign program.

3. Changing or replacing the copy on an existing conforming or legal nonconforming sign shall not require a permit, provided that:
  - a. No structural changes are made to the sign,
  - b. The name of the business to which the sign belongs is not changed, or
  - c. The change does not render the sign in violation of this Section.
  
4. Applications for sign permits shall be made in writing on forms furnished by Building Commissioner. The application shall contain:
  - a. The location by street number and the legal description of the proposed sign structure;
  - b. Names and addresses of the owner, sign contractor and erectors;
  - c. Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;
  - d. A detailed drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a structural engineer may be required for a freestanding or projecting sign;
  - e. A graphic drawing or photograph of the sign copy;
  - f. A description of the lighting to be used, if applicable;
  - g. Proof of public liability insurance covering freestanding signs and projecting wall signs;
  - h. If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and
  - i. Sign permit fee and plan check fee as established by the current fee schedule.

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5. Within a reasonable time of the date of application submission, the Building Commissioner shall either certify the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.
  6. When the Building Commissioner has determined the application to be complete, the sign permit shall be reviewed in accordance with the established review criteria. The Building Commissioner has the authority to approve, approve with conditions or deny the sign permit. Upon approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.
  7. The following review criteria shall be used to evaluate all sign permit applications:
    - a. Sign meets the requirements of this Section;
    - b. Sign conforms to the requirements of the building and electrical code;
    - c. Sign conforms to the size, height, material and location requirements of the zoning district in which it is located;
    - d. Sign would not interfere with pedestrian or vehicular safety;
    - e. Sign would not detract from the character of an architecturally significant or historic structure;
    - f. Sign would not be located so as to have a negative impact on adjacent property;
    - g. Sign would not detract from the pedestrian quality of street or area; and
    - h. Sign would not add to an over-proliferation of signs on a particular property or area.
  8. Before a sign permit is approved, the applicant shall pay required fees.
  9. All permits are good for the life of the sign except for permits for those signs which are expressly specified as temporary signs pursuant to this Section.
  10. Any appeal of denial of a sign permit or approval with conditions shall be made to the Board of Zoning Appeals as provided in Section B (Administration).

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11. Any request for an increase in the maximum allowable area for a sign, or for signs not expressly permitted in these regulations, must be approved through a variance granted by the Board of Zoning Appeals.
12. After notice and public hearing, any sign permit granted in accordance with the provisions of this Section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property, or services no longer available, or is constructed, installed, or maintained in a manner that is not in accordance with the approved application.

#### c) Exempt Signs

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The following signs shall be exempt from permit requirements of this Ordinance and may be placed in any zoning district, subject to the provisions of this Ordinance. Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. All such signs (except government signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or vision clearance at intersections. All other signs shall be allowed only by permit and upon proof of compliance with this Ordinance.

1. Signs erected on behalf of or pursuant to authorization of a governmental body, including but not limited to: legal notices; identification and information signs, and, traffic control, directional or regulatory signs.
2. Official signs of non-commercial nature erected by public utility, oil and gas, mining or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
3. Flag, pennants, crests, or insignia of a school or a public, religious or nonprofit institution when not displayed in connection with a commercial promotion or as advertising.
4. Religious symbols located on a building or lot used for organized religious services.
5. Displays of string lights, provided:
  - a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.
  - b. They are steady burning, clear, non-colored bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted.
  - c. They are no greater in intensity than five (5) watts.

- d. They shall not be placed on or used to outline signs, sign supports, awnings and/or canopies.
  - e. They shall not be assembled or arranged to convey commercial advertisements, slogans and/or logos.
  - f. They shall not create a safety hazard with respect to placement, location of electrical cords or connection to power supply.
  - g. They shall be maintained and repaired so that no individual light bulb is inoperative. In the event the bulbs are not maintained or repaired, the string lights may be removed at the expense of the owner after giving notice to the owner pursuant to this Ordinance.
6. Integral, decorative, or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights (except barber poles).
7. Barber poles, provided that:
- a. They are rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design attached by brackets to the barber shop being identified.
  - b. They shall not exceed two and one-half (2 ½) feet in length.
8. Memorial signs, plaques or historical markers which are noncommercial in nature.
9. Scoreboards for athletic fields.
10. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Ordinance, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

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11. Vending machine signs provided that the advertisement upon the vending machine sign is limited to the product vended.
12. Manager or office of the manager signs not exceeding four (4) square feet in area which identify the location of the manager of the property.
13. Miscellaneous signs not exceeding two (2) square feet in area that are non-illuminated, internally illuminated or indirectly illuminated, including but not be limited to:
  - a. Signs on mailboxes or newspaper tubes;
  - b. Signs giving property identification, address numbers, date of erection, names or numbers of occupants; and
  - c. Signs indicating the location of public telephones or underground public utilities, or that provide instructions as required by law or necessity, and similar public information signs. This category shall be interpreted to include such signs as "no smoking," "restrooms," "no solicitors," "self-service" and similar informational signs.
14. Regulatory signs erected on private property, such as no parking, no trespassing or danger from animals signs, which do not exceed two (2) square feet per face or four (4) square feet in total sign area, limited to four (4) such signs per use or per building, whichever is the greater number.
15. Motor vehicle for sale signs provided there is only one (1) sign per vehicle, the sign does not exceed two (2) square feet in sign area, and the vehicles are located in approved sales lots.
16. "Vacancy" and "no vacancy" signs, where they are non-illuminated, internally illuminated, indirectly illuminated or directly illuminated signs; provided that the area of the sign does not exceed two and one-half (2½) square feet per face. Also, signs designed to indicate vacancy such as "yes," "no" or "sorry" shall also be exempt under the provisions of this paragraph if they meet the area requirement.
17. Non-illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices; limited to one (1) such sign for each use, not to exceed four (4) square feet per face or eight (8) square feet in total sign area. Such signs may be attached to the building, as projecting



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or wall signs, suspended from a canopy or included as an integral part of a freestanding sign. 

18. Electronic message center and time and temperature signs which do not exceed eight (8) square feet in sign area provided however, that no identification or advertising is attached to or made part of the same sign structure.
19. Bulletin boards signs accessory to a school or public, religious or non-profit institution, subject to the following provisions:
  - a. No more than one (1) sign shall be permitted per street frontage;
  - b. The sign area shall not exceed twelve (12) square feet;
  - c. The sign shall not be internally illuminated; and,
  - d. The sign shall refer only to the services conducted on the lot.
20. Directional and instructional on-premise signs not exceeding six (6) square feet in sign area apiece.
21. Garage, estate, or yard sale signs on the lot on which the sale is located, provided that such signs:
  - a. Shall not exceed one (1) per street frontage of a lot;
  - b. Shall not exceed six (6) square feet in sign area; and,
  - c. Shall not be erected sooner than two days (2) days prior to the day of the sale and shall be removed immediately after the sale is completed.
22. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office, provided that such signs:
  - a. Shall not exceed sixteen (16) square feet in sign area; and,
  - b. Shall not be erected sooner than sixty days (60) days prior to the election date and shall be removed not later than ten (10) days after the election date.

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- c. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and shall be responsible for violations.
23. Portable signs or signs not permanently affixed or attached to the ground or to any structure, inclusive of sandwich board signs, real estate signs attached to posts driven into the ground, window signs and temporary barriers.
  - a. Such signs shall not exceed six (6) square feet in sign area.
  - b. Sandwich board signs shall be permitted on a sidewalk along the frontage of a business during normal hours of operation, and removed at all other times.
24. Signs temporarily attached to the interior of a window or glass door, provided that signs shall not cover more than fifty (50) per cent of the surface area of the window or door to which they are attached.
25. Special event signs, such as grand opening, fair, carnival, circus, festival, or similar event signs shall be permitted on the lot where the special event is to occur, provided that:
  - a. Such signs shall not exceed thirty (30) square feet in sign area.
  - b. Such signs shall not extend above the roof of the principal building on the premises.
  - c. Such signs shall not be erected sooner than fourteen days (14) days prior to the first day of the special event and shall be removed not later than three (3) days after the last day of the special event.
  - d. The signs are displayed no more than four (4) times per calendar year per establishment.
  - e. One (1) special event sign per street frontage per establishment shall be permitted.
  - f. If the sign is a banner, it shall be securely attached to the wall of the establishment, freestanding signs or light poles on private property.

- g. In no case shall any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.)

26. Temporary construction announcement signs, provided that:

a. Size of Construction Announcement Signs:

- i. On any lot with less than one (1) acre in area, construction announcement signs shall not exceed six (6) square feet in sign area.
- ii. On lots in excess of one (1) acre in area, construction announcement signs shall not exceed sixty four (64) square feet in sign area.

b. Height of Construction Announcement Signs:

- i. On any lot with less than one (1) acre in area, construction announcement signs shall not exceed six (6) feet in height; or,
- ii. On lots in excess of one (1) acre in area, construction announcement signs shall not exceed eight (8) feet in height.

- c. Only one (1) such sign oriented per street front per premises shall be erected. Any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.

- d. Such signs shall not be illuminated.

- e. Such signs shall only appear at the construction site.

- f. Such signs shall be removed within seven (7) days after the issuance of a Certificate of Occupancy.

27. Temporary decorations or displays, when such are clearly incidental to and are customarily associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year; and may be of any type, number, area, height, location, illumination or animation.

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28. Temporary farm product signs, provided that:
- a. One (1) on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum sign area of nine (9) square feet and may not be illuminated.
  - b. A maximum of two (2) off-premise signs shall be permitted. Said off-premise signs shall have a maximum sign area of four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within ten (10) feet of a side lot line.
29. Temporary posters announcing or advertising events sponsored by a school or public, religious or non-profit institution.
30. Temporary real estate signs indicating the sale, rent, or lease of the property or buildings upon which the sign is located, together with information identifying the owner or agent, of the lot on which the sign is located, provided that:
- a. Number of Real Estate Signs:
    - i. On any lot with less than one (1) acre in area, not more than one (1) real estate sign shall be permitted per street frontage.
    - ii. On lots in excess of one (1) acre in area, not more than two (2) real estate signs shall be permitted per street frontage.
  - b. Size of Real Estate Signs:
    - i. In any residential zoning district, real estate signs shall not exceed six (6) square feet in sign area on lots less than one (1) acre in size; or,
    - ii. In any non-residential zoning district, real estate signs shall not exceed twelve (12) square feet in sign area on lots less than one (1) acre in size.
    - iii. On lots in excess of one (1) acre in area, real estate signs shall not exceed thirty two (32) square feet in sign area.

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- c. Height of Real Estate Signs:
    - i. On any lot with less than one (1) acre in area, shall not exceed six (6) feet in height; or,
    - ii. On lots in excess of one (1) acre in area, shall not exceed eight (8) feet in height.
  - d. All temporary real estate signs shall be removed within seven (7) days after the real estate closing or lease transaction.
  - e. No temporary real estate sign shall be illuminated.

31. Temporary model home signs, provided that:

- a. Such signs shall not exceed six (6) square feet in sign area.
- b. Such signs shall not exceed six (6) feet in height.
- c. Only one (1) such sign may be displayed per model home.

32. Temporary directional off-premise signs advertising a specific planned unit development, residential subdivision, multi-family development, etc. Each such sign may have a maximum sign area of four (4) square feet and shall be placed outside all existing right-of-ways.

#### d) Prohibited Signs

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The following signs are inconsistent with the purposes and standards in this Ordinance and are prohibited in all zoning districts:

- 1. Any sign or sign structure which:
  - a. In any other way obstructs the view of an official traffic sign, signal or device or any other official sign;
  - b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle;

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- c. Creates in any other way an unsafe distraction for motor vehicle operators; or
  - d. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare; or
  - e. Is erected on private or public property without the written consent of the owner or agent thereof.
2. Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a sign permit has been issued.
3. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
4. Any sign located in such a way as to intentionally deny an adjoining property visual access to an existing sign.
5. Off-premise advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for:
  - a. Temporary directional signs, farm product signs and political signs permitted by exemption in subsection c (Exempt Signs).
  - b. A sign intended to direct people to a school or a public, religious or nonprofit institution and/or state meeting dates and times.
  - c. Areas zoned as a business or industrial district within 1,320 feet of an interstate highway interchange, subject to the standards for freestanding pole signs in subsection h (Regulations Specific to Zoning Districts).
6. Any flashing, blinking or moving signs, animated signs, or signs with moving or flashing lights, except for:
  - a. Electronic message center and time and temperature signs permitted by exemption in subsection c (Exempt Signs).

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- b. Electronic message center, time and temperature and digital video signs in the B-2, B-3, I-1 and I-2 zone districts larger than eight (8) square feet yet less than thirty two (32) square feet in sign area. Any such signs larger than thirty two (32) square feet shall require approval by the Board.
  7. Any rotating signs, except for barber poles as provided in subsection c (Exempt Signs).
  8. Any searchlights.
  9. Any Inflatable freestanding signs or tethered balloons.
  10. Any fabric signs, flags, pennants or banners when used for commercial advertising purposes except as provided in subsection c (Exempt Signs).
  11. Any roof signs, or any sign affixed to a roof, or projecting above the roof or parapet lines of a building or structure.
  12. Any vehicle-mounted signs, including but not limited to signs painted on or attached to semi-trailers when exhibited on private property adjacent to public right-of-way for the purpose of advertising the business or services offered on the property. Vehicle-mounted signs used in connection with a special event are exempt from the requirements of this Section during the duration of the special event. The term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event that is different in character from the customary activities associated with the property.
  13. Any signs attached to trees, utility poles or fences, except as permitted in subsection c (Exempt Signs).
  14. Any sign or sign structure which, ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Building Commissioner. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.
  15. Any sign or sign structure which:
    - a. Is structurally unsafe;

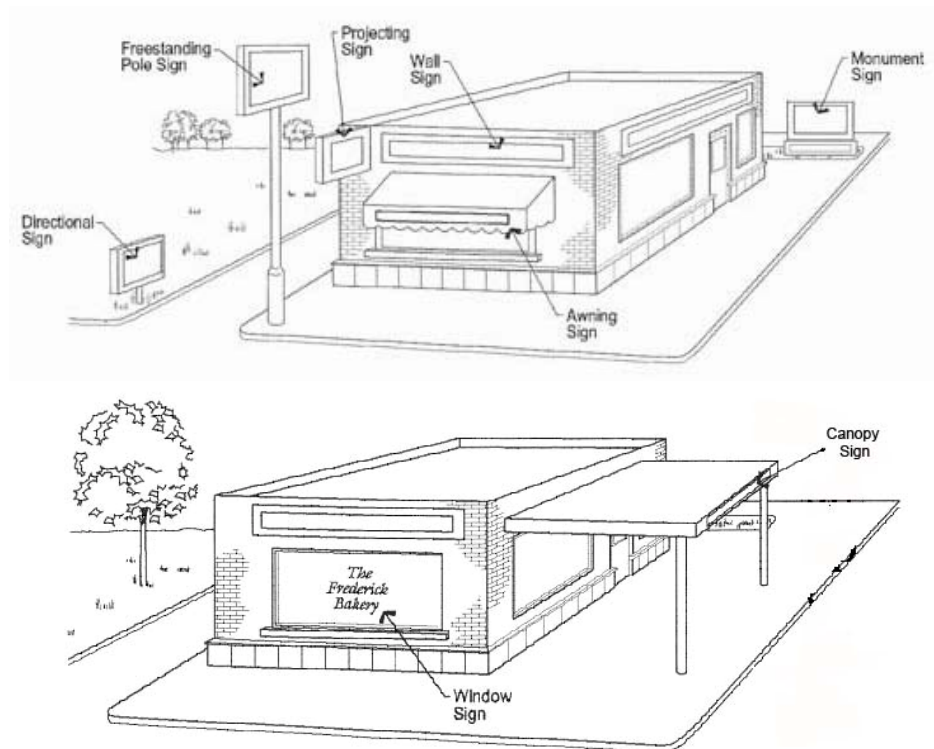
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- b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
- c. Is not kept in good repair; or
- d. Is capable of causing electrical shocks to persons likely to come in contact with it.

### e) Standards for Specific Sign Types

Sign types that have specific standards include awning signs, canopy signs, freestanding signs, monument signs, projecting signs, wall signs, and window signs, examples of which are illustrated in Figure I-1, Sign Types.

Figure I-1: Sign Types



1. **Awning Signs.** An awning sign is a building identification sign or graphic printed on or in some fashion attached directly to the material of an awning. Awning signs are subject to the following provisions:



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- a. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way. No awning sign shall project beyond, above or below the face of an awning.
  - b. No structural element of an awning shall be located less than eight (8) feet above finished grade. Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven (7) feet from the face of a supporting building. No awning, with or without signage, shall extend above the roof or parapet lines of any building.
  - c. The portion of the awning which includes the sign display shall not exceed fifty (50) percent of the total area of the awning. Sign area shall comply with the requirements established by subsection h (Regulations Specific to Zoning Districts).
  - d. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
2. Canopy Signs. A canopy sign is a sign that is part of or attached to a canopy over a door, entrance, or window. Canopy signs are subject to the following provisions:
- a. No canopy sign shall project above the top of the canopy upon which it is mounted. However, such signs may project horizontally from the face of a canopy the distance necessary to accommodate the letter thickness and required electrical equipment, but not more than twelve (12) inches (measured from the bottom of the sign). No canopy, with or without signage, shall extend above the roof or parapet lines of any building.
  - b. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight (8) feet above grade. Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting wall signs, and subject to the standards for projecting signs in subsection v below.
  - c. The portion of the canopy which includes the sign display shall not exceed fifty (50) percent of the total area of the canopy. Sign area shall comply with the requirements established by subsection h (Regulations Specific to Zoning Districts).

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3. Freestanding Signs. A freestanding sign is a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include monument signs and pole signs but does not include a sign attached to a structure. Freestanding signs are subject to the following provisions:
  - a. Freestanding signs shall be located only on a site frontage adjoining a public street.
  - b. No freestanding sign in any zoning district shall be erected closer than four (4) feet to any building.
  - c. No freestanding signs in business and industrial zoning districts may be located less than one hundred (100) feet from any property line adjacent to a residential zoning district line. Freestanding signs shall comply with setback requirements established in subsection h (Regulations Specific to Zoning Districts).
  - d. Freestanding signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).
  - e. Freestanding signs shall be mounted on one or more posts or have a solid monument-type base. The sign shall be securely fastened to the ground or to a substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by wind or other forces of nature and cause injury to persons or damage to property.
4. Monument Signs. A monument sign is a freestanding sign where the entire bottom of the sign is affixed to the ground. Monument signs are subject to the following provisions:
  - a. Monument signs shall be located only along a site frontage adjoining a public street. A maximum of one (1) monument sign per entry is permitted.
  - b. The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct vision clearance triangles at intersections. Monument signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).
  - c. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, twenty (20) square feet of sign area equals forty (40) square feet of landscaped area. The Board of Zoning

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Appeals may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

5. **Projecting Signs.** A projecting sign is any sign supported by a building wall and projecting at least eighteen (18) inches or more horizontally beyond the surface of the building to which the sign is attached.
  - a. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
  - b. Projecting signs shall not extend more than eight (8) feet from the building wall except where the sign is an integral part of an approved canopy or awning.
  - c. Projecting signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).
  - d. Sign supports and brackets shall be compatible with the design and scale of the projecting sign.
  
6. **Temporary Signs.** A temporary sign is any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only.
  - a. Temporary signs shall comply with provisions for temporary construction announcement signs, farm product signs, model home signs, political signs, poster signs, real estate signs, special event signs, window signs, and garage, estate and yard sale signs, and other signs of a temporary nature, as applicable, in subsection c (Exempt Signs).
  - b. Temporary signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).
  
7. **Wall Signs.** A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
  - a. No part of a wall sign shall be located more than twenty-five (25) feet above grade level. The sign shall not be placed to obstruct any portion of a window,

## Chapter 28: Rensselaer Zoning Ordinance Sign Regulations

doorway or other architectural detail, and not be higher than the eave line of the principal building.

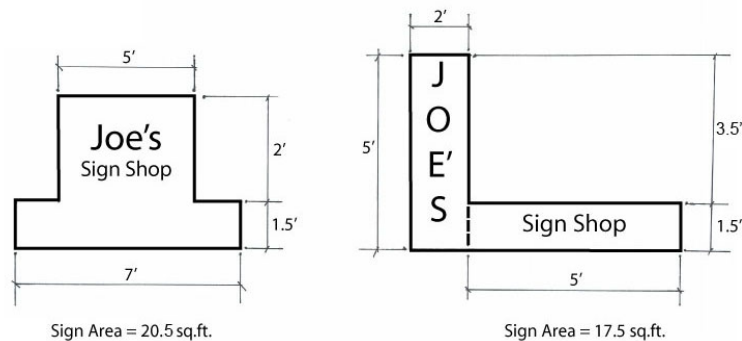
- b. Wall signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).
  - c. No wall sign part, including cut-out letters may project from the surface upon which it is attached more than required for construction purposes and in no case more than eighteen (18) inches.
8. Window Signs. A window sign is a sign that is applied or attached to a window or that can be read through the window from the public right-of-way, placed at or below the second floor level.
- a. A window sign may be permanent or temporary. Only one (1) permanent window sign is permitted per window or door. Multiple temporary window signs are permitted and are exempt from a sign permit, subject to subsection c (Exempt Signs).
  - b. Window signs shall comply with the height and area requirements established in subsection h (Regulations Specific to Zoning Districts).

### f) Sign Measurement

Sign measurement shall be subject to the following provisions:

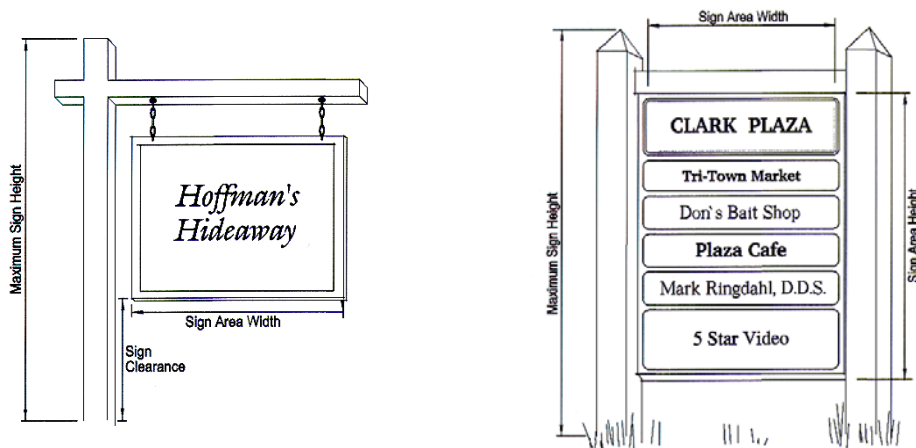
1. Sign area shall be measured using standard mathematical formulas, as shown in Figure I-2, Sign Area Measurement.

Figure I-2: Sign Area Measurement



2. Supporting framework or bracing that is clearly incidental to the sign face shall not be computed as sign area.
3. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet.
4. Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects shall not exceed a projection of six (6) inches from the sign face.
5. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.
6. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it, as shown in Figure I-3, Sign Measurement Details. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

Figure I-3: Sign Measurement Details



### g) Sign Design

Sign design shall be subject to the following provisions:

1. Signs shall be made by a professional sign company or other qualified entity, and be constructed of durable architectural materials.

## Chapter 28: Rensselaer Zoning Ordinance

### Sign Regulations

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2. The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Signs shall not visually overpower nor obscure architectural features. Building signs shall be harmonious in scale and proportion with the building facade.
3. Signs shall be designed to complement or enhance the other signs for a building. Whenever possible, signs located on buildings with the same block face shall be placed at the same height, in order to create a unified sign band.
4. The design of the sign including copy, lettering size and style, and colors shall logically relate to the average speed of the traffic which will see it. Signs shall legibly convey their messages without being distracting or unsafe to motorists reading them.
5. Colors shall be selected to contribute to legibility and design integrity. Sign colors shall complement the colors used on the structures and the project as a whole. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs shall be avoided.
6. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. Signs shall be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be illuminated only to the minimum level for nighttime readability. All illuminated signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency.
7. Freestanding signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer.
8. No sign shall be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the vision clearance triangle.

h) Regulations Specific to Zoning Districts

Signs in agricultural, residential, business and industrial zoning districts shall be subject to the following provisions:

1. Agricultural Zoning District Signs. Signs in the A-1 and A-2 agricultural zoning districts may include and shall be limited to those indicated on Table I-1, Agricultural Zoning District Signs.

Table I-1: Agricultural Zoning District Signs

<b>Sign Type</b>	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Minimum Setback</b>
Freestanding Identification Sign	One (1) per principal use	Sixty four (64) square feet	Twelve (12) feet	Equal to height of sign
Temporary Sign	Two (2) per street frontage, unless specified otherwise in subsection C (Exempt Signs)	Sixty four (64) square feet, unless specified otherwise in subsection C (Exempt Signs)	Eight (8) feet, unless specified otherwise in subsection C (Exempt Signs)	Not less than five (5) feet from any property line

2. Residential Zoning District Signs. Signs in residential zoning districts may include and shall be limited to those on Table I-2, Residential Zoning District Signs.

## Chapter 28: Rensselaer Zoning Ordinance

### Sign Regulations

Table I-2: Residential Zoning District Signs

Sign Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Freestanding Identification Sign	One (1) per principal attached or detached single family building, per street frontage	Two (2) square feet	Four (4) feet	Equal to applicable building setback requirements.
	One (1) per principal multifamily family building, per frontage	Twenty four (24) square feet	Five (5) feet	Not less than five (5) feet from any property line
	Two (2) per subdivision entrance (monument sign only)	Fifteen (15) square feet	Six (6) feet	Equal to height of sign
Temporary Sign	Two (2) per street frontage, unless specified otherwise in subsection C (Exempt Signs)	Sixteen (16) square feet, unless specified otherwise in subsection C (Exempt Signs)	Six (6) feet, unless specified otherwise in subsection C (Exempt Signs)	Not less than five (5) feet from any property line

3. Business and Industrial Zoning District Signs. Signs in business and industrial zoning districts may include and shall be limited to those on Table I-3, Business and Industrial Zoning District Signs.
  - a. More than one sign type may be permitted per site or occupancy, up to a maximum of three (3) sign types, excluding temporary signs.
  - b. The total sign area for all allowable signs shall not exceed three hundred (300) square feet of sign area for each site or occupancy, excluding off premise advertising signs.



Table I-3: Business and Industrial Zoning District Signs

Sign Type	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Freestanding Identification Sign	Monument Sign: One per entrance	64 square feet	15 feet for lots w/ less than 150 lineal feet of frontage; one additional foot of height is permitted for each additional 10 lineal feet of lot frontage, up to a maximum height of 30 feet	Equal to height of sign
	Pole Sign: One per street frontage	300 square feet	40 feet	Equal to building setback
	Pole Sign adjacent to interstate highway: One per principal use, or one off premise advertising sign per 300 lineal feet of primary arterial street frontage	990 square feet	40 feet	Equal to building setback
	Wall Sign: Unlimited. Within allowed maximum area	Three square feet of sign area for each lineal foot of lot frontage, up to a maximum of 300 square feet	25 feet and not higher than the eave line of the principal building	Not Applicable
	Canopy or Awning Sign: One per building tenant	240 square feet	No higher than roof or parapet line	Zero Feet
	Projecting Sign: One per building entrance	Four square feet	No higher than roof or parapet line	Zero Feet
	Window Sign: One (1) per window or door	25% of the window or door area	Not Applicable	Not Applicable
Temporary Sign	Two per street frontage, unless specified otherwise in subsection C (Exempt Signs)	64 square feet, unless specified otherwise in subsection C (Exempt Signs)	Eight feet, unless specified otherwise in subsection C (Exempt Signs)	Not less than one foot from any property line

#### i) Installation of Signs

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Installation of signs shall be subject to the following provisions:

1. All signs shall be mounted so that the method of installation is concealed.
2. Projecting signs shall be mounted so they generally align with others in the block.
3. No trees, shrubs or other vegetation shall be removed, trimmed, damaged or destroyed for the purpose of increasing or enhancing the visibility of any sign, unless the work is done pursuant to:
  - a. The written authorization of the governmental entity having jurisdiction over the public right of way, or
  - b. The written authorization of the property owner.

#### j) Maintenance of Signs

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Maintenance of signs shall be subject to the following provisions:

1. All signs and all components thereof, including sign structures and sign faces, shall be kept neatly painted, in a good state of repair and in compliance with all building and electrical codes. The Building Commissioner may inspect any sign governed by this Ordinance and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
2. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The sign must also be in compliance with all building and electrical codes.
3. The owner of any sign regulated by this Ordinance shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

4. It shall be the responsibility of the owner of time and temperature signs to maintain such signs and insure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed.
5. Any legally established non-conforming sign shall be permitted without alteration in size or location, unless movable or unattached. If such sign is damaged or dilapidated to an extent of more than fifty percent (50%) of its replacement cost at time of damage or repair, as determined by the Building Commissioner, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or normal repair of legally established non-conforming signs.

#### k) Removal of Signs

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Removal of signs shall be subject to the following provisions:

1. Whenever any sign is no longer functional or is abandoned, the sign(s) shall be removed by the person or entity owning or having possession over the real property and/or sign within ninety (90) days after such abandonment. Signs shall be considered no longer functional and abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, or when a condition of dilapidation is in evidence.
2. Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed by the person or entity owning or having possession over the real property and/or sign within ninety (90) days after the discontinuance of such use.
3. The Building Commissioner may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this Ordinance. Whenever any movable or unattached sign is installed or maintained in violation of this Ordinance, said sign may be removed by action of the Building Commissioner after due notice is given to the person in interest.
4. Signs removed in compliance with this Section shall be stored by the Building Commissioner for thirty (30) days, during which they may be recovered by the owner only upon payment to the applicable jurisdiction for costs of removal and storage. If not recovered within the thirty (30) day period, the sign and supporting structure shall be declared abandoned and title shall vest with the applicable jurisdiction. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the real property.

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# **Section J: Definitions**

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## J. Definitions

### a) Usage

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows:

1. Words in the present tense include the future tense and vice-versa;
2. Words in the singular number include the plural number and vice-versa;
3. The word "building" includes the word "structure" and vice-versa;
4. The word "lot" includes the words "plot", "tract", "piece" or "parcel";
5. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual;
6. The word "shall" is mandatory and not discretionary; the word "may" is permissive;
7. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", or "arranged" to be used or occupied;
8. The phrase "used for" shall include the phrases "arranged for", "designed for", "maintained for", "intended for", and "occupied for".
9. Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

## Chapter 28: Rensselaer Zoning Ordinance Definitions

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- c. "Either ... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

### b) Words and Terms

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As used in this Ordinance, the following terms shall have the meanings ascribed to them:

#### A

**ABUTTING:** Bordering.

**ACCESSORY USE:** Any use, building, structure or improvement which is conducted and operated in conjunction with a principal use and which constitutes only a clearly incidental or clearly insubstantial part of the total activity that takes place on a lot, or is commonly associated and integrally related with the principal use.

**ADULT-ORIENTED BUSINESS:** A use of property where the principal use, or a significant or substantial accessory use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to sexual activities or anatomical areas as the primary attraction to the premises. The term "adult-oriented business" includes, but is not limited to, bookstores, video stores, gift stores, cabarets, motels, hotels, theaters, nightclubs, and similar establishments.

**AGRICULTURE:** The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.

**AIRPORT:** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

**ALLEY:** A permanent public service way or right-of-way, dedicated to public use, other than a street, place, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of abutting property.



**APARTMENT:** A building or portion thereof designed for or occupied by more than two (2) families; also, a multi-family dwelling.

**APPLICANT:** The owner of land or his representative. Consent shall be required from the legal owner of the premises.

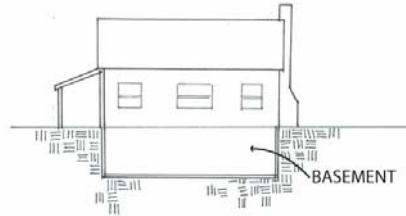
**AWNING:** A roof like mechanism, which may or may not be retractable in operation, which projects from the wall of a building.

## B

**BANNERS, COMMERCIAL:** Flags and pennants generally made of a flexible material, displayed for business promotion purposes.

**BARBER POLES:** Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barbershop.

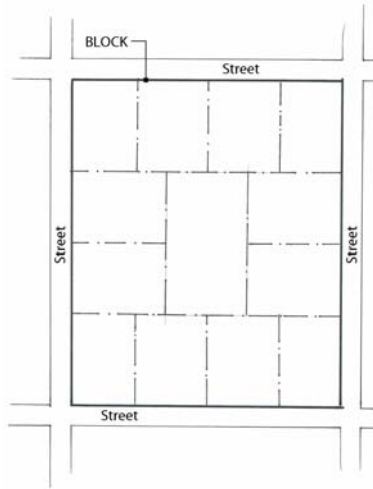
**BASEMENT:** A story, wholly or partly underground, which, unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurement.



**BED AND BREAKFAST:** A residential dwelling with a character other than a hotel or motel compatible with the neighborhood providing temporary lodging and breakfast daily for guests.

## Chapter 28: Rensselaer Zoning Ordinance Definitions

**BLOCK:** A unit of property entirely surrounded by public highways, streets, railroad rights-of-way, waterways, or other barriers, or a combination thereof.



**BLOCK FRONTAGE:** Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

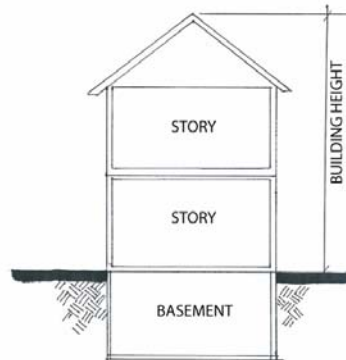
**BOARD OR BOARD OF ZONING APPEALS:** The Rensselaer Advisory Board of Zoning Appeals.

**BOARDING OR LODGING HOUSE:** An essentially private residence not open to transients which provides a private room and bathroom access and meals cooked on the premises and/or kitchen access to boarders for a comprehensive (meals included) weekly or monthly charge. (Note - If the rooms are available on a nightly charge basis or if there is a separate charge for meals served on the premises, the facility is a motel or hotel or Bed and Breakfast.)

**BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.

**BUILDING COMMISSIONER:** The official designated by the Mayor, by and with the name and consent of the Common Council of the City of Rensselaer, and authorized to enforce this Ordinance.

**BUILDING HEIGHT:** The vertical distance measured from the grade to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.



**BUILDING PERMIT:** A permit issued by the Building Commissioner stating that a proposed improvement complies with the provisions of the Building Code.

## C

**CAMPGROUND, PUBLIC:** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

**CARPORT:** An open-sided roofed automobile shelter usually formed by extension of a roof from the side of a building.

**CAR WASH:** A structure, or portion thereof containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.

**CEMETERY:** Land used for the burial of the dead and dedicated for cemetery purposes, including in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Building Commissioner stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the codes of the City of Rensselaer, Indiana.

**CHANGE OF COPY:** Change of the face or letters on a sign. Change of a copy shall not constitute a change of use, and permits shall automatically be granted where not in conflict with this Ordinance.

**CHARITABLE INSTITUTION:** A building or group of buildings devoted to public service and supported by a non-profit organization.

## Chapter 28: Rensselaer Zoning Ordinance

### Definitions

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**CLINIC:** A facility for human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises. A clinic shall include laboratory facilities in conjunction with normal clinic services, but shall not include in-patient care.

**CITY:** The City of Rensselaer, Indiana.

**CLUB OR LODGE:** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**COMMISSION OR PLAN COMMISSION:** The Rensselaer Advisory Plan Commission.

**COMMON COUNCIL:** The Common Council of the City of Rensselaer, Indiana.

**COMPREHENSIVE PLAN:** A composite of all materials prepared and approved under the 500 series of I.C. 36-7-4 or under prior law. Specifically, the Comprehensive Plan of current adoption within the jurisdiction of the Rensselaer Advisory Plan Commission.

**CONDITIONAL USE:** A use or occupancy of a structure, or a use of land, permitted only upon issuance of an Improvement Location Permit and subject to the limitations and conditions specified.

**CONFINED FEEDING OPERATION:** An operation involving the confined feeding of animals for food, fur, or pleasure purposes, in lots, pens, ponds, sheds or buildings where food is supplied to animals, by means other than grazing. The term confined feeding operation means:

1. Any confined feeding of three-hundred (300) or more cattle, six-hundred (600) or more swine or sheep, and thirty-thousand (30,000) or more fowl;
2. Any animal feeding operation electing to come under the provisions of I.C. 13-1- 5.7; or
3. Any animal feeding operation that is causing a violation of I.C. 13-1-3 or any rules of the Water Pollution Control Board of the State of Indiana.

**COUNTY:** Jasper County, Indiana.

**D**

**DAY CARE CENTER:** A building or part thereof including the lot devoted to the care and/or education of persons at a location away from home for less than twenty four (24) hours per day during weekday working hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as adult day care center, child care center, pre-school, kindergarten, nursery school, and similar programs and facilities, but does not include educational institution or family day care home. See definitions of "Educational Institution" and "Family Day Care Home".

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

**DEVELOPMENT PLAN:** Specific plans for the residential, commercial, or industrial development or other development of property setting forth certain information and data.

**DISTRICT:** A section of the territory within the jurisdiction of the Rensselaer Advisory Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established. The term district is also known by the term zone district.

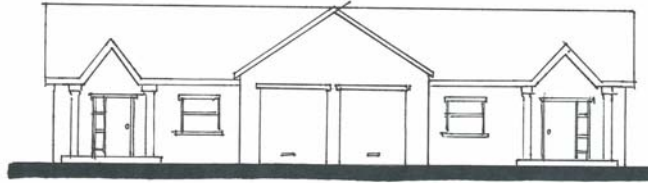
**DWELLING:** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.

1. A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

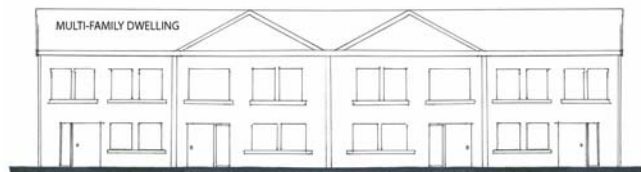


2. A two-family dwelling is a building designed for or occupied by two families, exclusively.

## Chapter 28: Rensselaer Zoning Ordinance Definitions



3. A multi-family dwelling is a building designed for or occupied by three or more families, exclusively; also, an apartment.



**DWELLING UNIT:** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

### E

**EASEMENT:** A grant by the property owner of the use of a strip of land by the public or a person for specified purposes.

**EDUCATIONAL INSTITUTION:** Public, private, or parochial pre-primary, primary, grade, high, preparatory school or academy; junior college; college or university.

### F

**FBFM:** Flood Boundary and Floodway Map

**FEMA:** Federal Emergency Management Agency

**FIRM:** Flood Insurance Rate Map

**FAMILY:** An individual or two or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including

## Definitions

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roomers, provided that the family plus the roomers shall not exceed a total of five persons, provided further that the limit of five persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.

**FAMILY DAY CARE HOME:** An occupied dwelling in which a person provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to that care given for less than twenty four (24) hours per day during weekday working hours in return for a fee or other compensation. A small family day care home is limited to six (6) or fewer children and a large family day care home is limited to twelve (12) or fewer children, including children living in the home and children or close relatives cared for in the home. See definition of "Day Care Center".

**FARM:** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

**FARMHOUSE:** The principle dwelling or residence of the owner or operator of the farm.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOD, REGULATORY:** The flood having a one (1) percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood is also known by the term base flood.

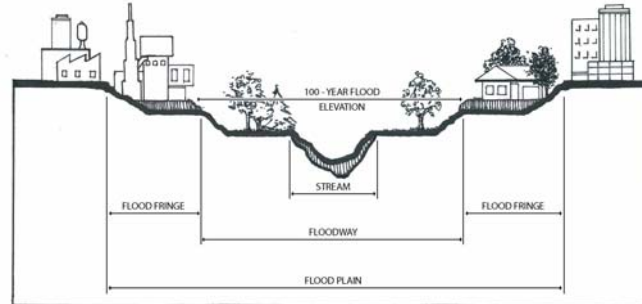
**FLOODPLAIN:** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

**FLOOD PROTECTION GRADE (FPG):** The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

**FLOODWAY:** The channel of a river or stream and those portions of the floodplain(s) adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

## Chapter 28: Rensselaer Zoning Ordinance Definitions

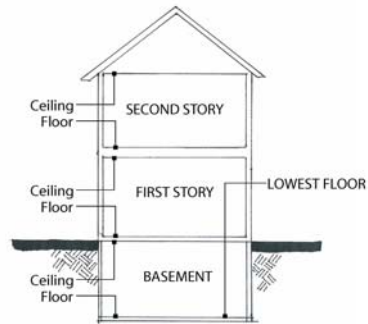
**FLOODWAY FRINGE:** Those portions of the floodplain lying outside the floodway.



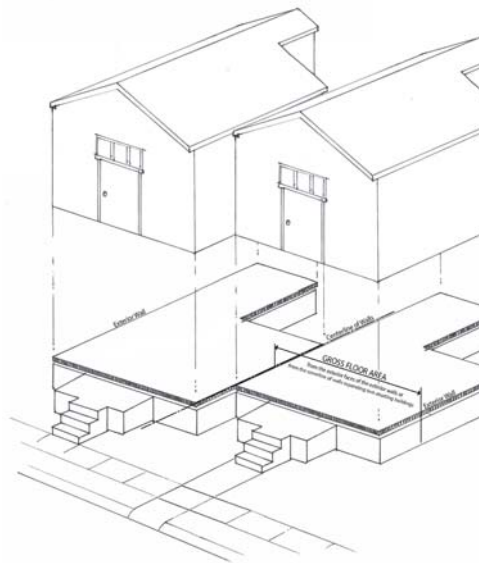
**FLOOR, LOWEST:** The lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - b. Such enclosed space shall be usable for the parking of vehicles and building access.





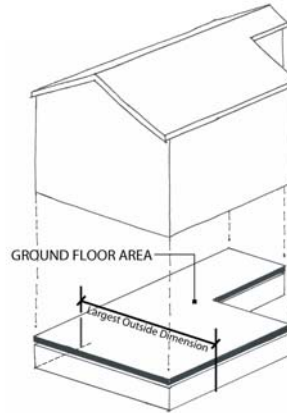
**FLOOR AREA, GROSS:** The total area, computed on a horizontal plane, within the outside dimensions of a building.



## Chapter 28: Rensselaer Zoning Ordinance Definitions

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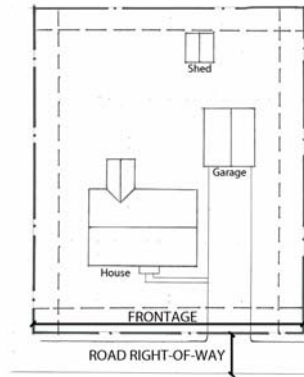
**FLOOR AREA, GROUND:** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plan at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five (5) foot difference in elevation between the different levels of the floor. For manufactured dwellings, see definition of "Occupied Space".



**FLOOR AREA, NET:** The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.



**FRONTAGE:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.



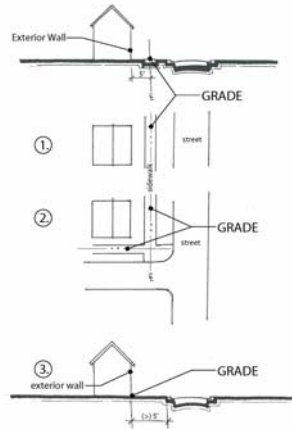
**G**

**GARAGE, PRIVATE:** An accessory building or portion of the principal building used only for the storage of private passenger automobiles, private boats, recreational vehicle, and private auto trailers and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1-1/2) ton on any lot; when the storage space on the lot does not exceed that normally required for the use of persons occupying the principal building; and in which no business, service, or industry connected directly or indirectly with motor vehicles, boats, and trailers is carried on; provided that not more than one-half (1/2) of the parking spaces therein may be rented for the storage of motor vehicles, boats, and trailers of persons not resident on the premises, except that all the parking spaces in a garage of one (1) or two (2) car capacity may be so rented.

**GARAGE, PUBLIC:** Any building, except those defined above as a private garage, used for storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**GRADE:**

1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings having walls adjoining more than one street, the overage of the elevation of the sidewalk at the center of all walls adjoining the streets; and
3. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.



### H

**HEALTH OFFICER:** The Jasper County Health Officer.

**HOME OCCUPATION:** An accessory use conducted entirely within a dwelling for business purposes, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

**HOSPITAL:** An institution licensed by the Indiana Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like such as drug treatment center.

**HOTEL:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests; not a boarding or lodging house.

### I

**IMPROVEMENT LOCATION PERMIT:** A permit issued by the Building Commissioner stating that a proposed improvement or use complies with the provisions of this Ordinance.

### J

**JUNK YARD:** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or

## Definitions

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assorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom; used lumber yards and places or yard for storage of salvaged building wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

**JURISDICTION OF THE COMMISSION:** The jurisdiction of the Rensselaer Plan Commission, which includes all of the area over which this Ordinance is effective; specifically, the City of Rensselaer, Indiana, and the unincorporated territory in Jasper County, adjacent to the City, the boundaries of which are shown on the Zone Map, as amended.

**K**

**KENNEL:** The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals, or the keeping of four (4) or more dogs over four (4) months of age, or keeping six (6) or more cats over four (4) months of age, or the keeping of more than five (5) dogs and cats.

**L**

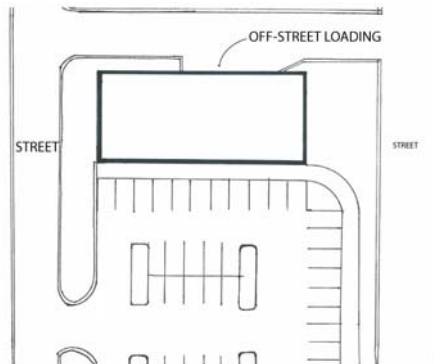
**LETTER OF MAP AMENDMENT (LoMA):** An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LoMA is only issued by FEMA.

**LETTER OF MAP REVISION (LOMR):** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**LIVESTOCK:** Any animal which has been domestically raised primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.

**LOADING AND UNLOADING BERTHS:** The off-street area required for the receipt or distribution by vehicles of material or merchandise.

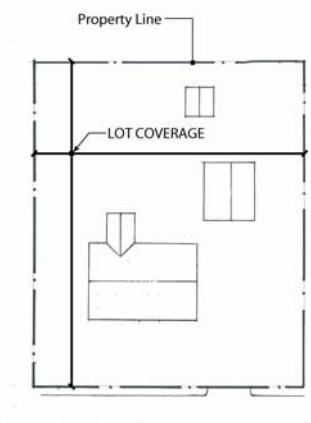
## Chapter 28: Rensselaer Zoning Ordinance Definitions



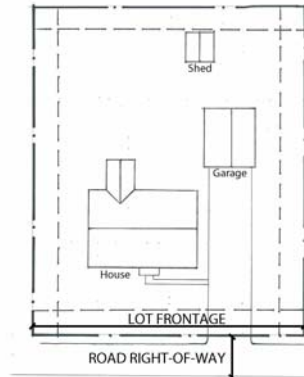
**LOT:** A parcel, tract, or area of land accessible by means of a street or right-of-way, and for uses as set forth in this Ordinance, intended as a unit for transfer of ownership or development. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Jasper County, or it may include parts of, or a combination of, such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or right-of-way shall be included.

**LOT AREA:** The horizontally projected useable area of a lot computed exclusive of any portion of a street, existing or proposed.

**LOT COVERAGE:** The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.



**LOT FRONTAGE:** All the property of a lot fronting on a street and as measured between side lot lines.

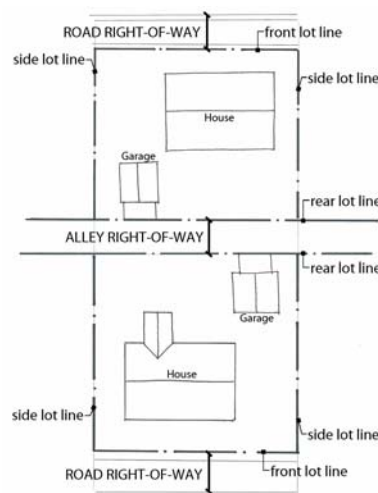


**LOT LINE:** The property line between two (2) established parcels of land or one (1) parcel and a public right-of-way or place.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from a street; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

**LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line a minimum of ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot boundary line not a front lot line or a rear lot line.



**LOT WIDTH:** The dimension of a lot, measured between side lot lines.

**M**

**MANUFACTURED DWELLING OR HOME:** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after January 1, 1981, and exceeds nine hundred and fifty (950) square feet of occupied space.

**MEDICAL FACILITY:** Any building, structure, institution, or other place for the reception, accommodation, board, care or treatment extending beyond a continuous twenty-four (24) hour period in any week of more than four (4) individuals who need or desire such services because of physical or mental illness, infirmity, or impairment.

**MOBILE HOME:** A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy for one (1) one or more persons, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports connection to utilities, and the like.



## Definitions

**MOBILE HOME PARK:** A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings or mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

**MOBILE HOME LOT:** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.

**MOBILE HOME SLAB:** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a permanent foundation.

**MOTEL:** A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to a parking space is provided through an exterior door.

**MOTOR VEHICLE:** A passenger vehicle, truck, truck-trailers, or semi-trailer propelled or drawn by mechanical power.

**N**

**NONCONFORMING STRUCTURE OR USE:** A building or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.

**O**

**OCCUPIED SPACE:** The total area of a mobile home lot horizontally covered by the principal structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

**OPEN SPACE:** The total horizontal area of a lot excluding building and parking areas but including landscaped and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.

**OUTDOOR RECREATION:** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation clubs, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the

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Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational development or outdoor commercial recreation.

**OVERLAY DISTRICT:** A district that provides for requirements in addition to base zone district requirements, without disturbing the requirements of the base zone district.

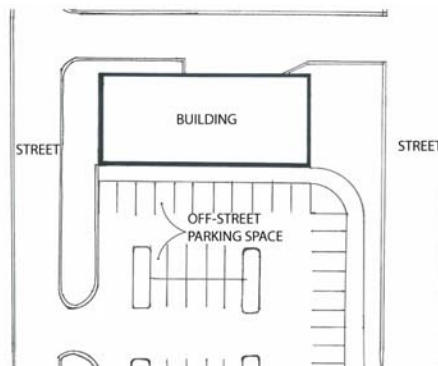
**OWNER:** Any person, firm, association, syndicate, partnership, corporation, or any other legal entity having legal title to the land as recorded in the Office of the County Recorder of Jasper County.

### P

**PARK, PUBLIC:** A piece of ground kept for ornamental or recreational use, or an area maintained in its natural state as a public property, owned, operated, or endorsed by a governmental unit.

**PARKING AREA:** An area paved with a hard surface in accordance with specifications set forth in this Ordinance, other than a street or alley, designed for use or used for the temporary parking of motor vehicles, whether free or for compensation, or as an accommodation for clients or customers.

**PARKING SPACE:** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.



**PERFORMANCE STANDARD.:** Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

## Definitions

**PERMANENT FOUNDATION:** Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

**PERMITTED USE:** Any use allowed by right in a zone district without additional approvals as to use, subject to the standards applicable to that zone district.

**PLACED OR DISPLAYED:** Means a sign erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.

**PLAN COMMISSION OR COMMISSION:** The Rensselaer Advisory Plan Commission.

**PLAN COMMISSION STAFF:** The staff of the Rensselaer Advisory Plan Commission specifically the Building Commissioner and any other persons employed by the Plan Commission, under the supervision of the Building Commissioner who have regular duties in the Commission Office.

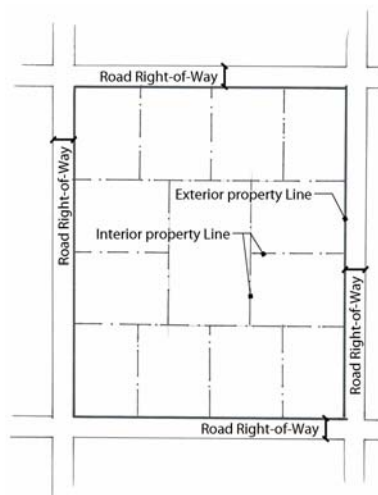
**PLANNED UNIT DEVELOPMENT (PUD):** An area of a minimum contiguous size, as specified by the ordinance adopting the PUD, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters and/or one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the adopting ordinance.

**PLAT:** A map or chart indicating the subdivision or re-subdivision of land either filed or intended to be filed for record.

**PREMISES:** A lot, tract, or plat including buildings thereon, if any.

**PROFESSIONAL OFFICE:** Office of a member or members of a recognized profession.

**PROPERTY LINES:** Those lines bounding a parcel of land.



**R**

**RECREATIONAL VEHICLE:** A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty-six (36) feet in length.

**RECREATIONAL VEHICLE PARK:** A tract of land which has been developed with all necessary facilities in accordance with a development plan and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.

**RELIGIOUS INSTITUTION:** A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to educational, instructional, social, residential or child care ministry uses.

**RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED:** A residential facility established under a program authorized by I.C. 12-11-1 which provides residential services for not more than eight (8) developmentally disabled individuals. A Residential Facility for the Developmentally Disabled is not subject to the definition of Family.

**RESIDENTIAL FACILITY FOR THE MENTALLY ILL:** A residential facility established under a program authorized by I.C. 12-22-1-1 which provides residential services for mentally ill individuals. A Residential Facility for the Mentally Ill is not subject to the definition of Family.

**REZONING:** An amendment to the map of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed on a specific parcel or land area. See definition of "Zone Map Amendment".

**RULE 5:** A name given to 327 I A C 15-5, a rule adopted in 1992 by the Indiana State Water Pollution Control Board and administered by the Indiana Department of Environmental Management.

**S**

**SCREENING OR BUFFERING:** The means of protecting an area of land from the adverse visual and audible effects of another area.

## Definitions

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**SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:

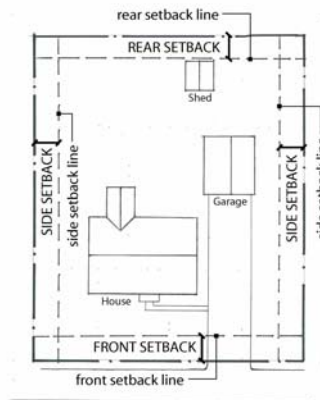
1. Tire servicing and repair, but not recapping or re-grooving;
2. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
3. Radiator cleaning and flushing;
4. Washing and polishing, and sale of automobile washing and polishing materials;
5. Greasing and lubrication;
6. Providing and repairing fuel pumps, oil pumps, and lines;
7. Minor servicing and repair of carburetors;
8. Adjusting and repairing brakes;
9. Emergency wiring repairs;
10. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
11. Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
12. Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;
13. Provision of road maps and other informational materials to customers; provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating

## Chapter 28: Rensselaer Zoning Ordinance Definitions

condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

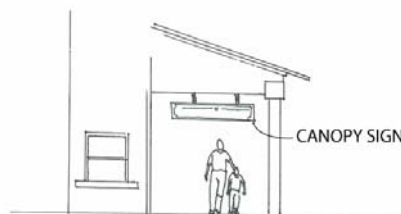
**SETBACK:** An imaginary line along the face of a building or structure establishing the minimum front, side or rear yard to be provided between a principal or accessory building or structure and the front, side or rear lot line, as applicable.



**SIGN:** A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, background, and sign structure thereof. See definition of "Sign Structure"

**SIGN, ADVERTISING OR BILLBOARD:** An off premise sign which directs attention to an object as described in the definition of "sign" above. See definition of "Off Premise Sign".

**SIGN, CANOPY:** Sign suspended above the public right-of-way and under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.



**SIGN, CHANGEABLE COPY:** Sign designed to be used with removable graphics which will allow changing of content.

## Definitions

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**SIGN, COMMUNITY ACTIVITY:** Sign associated with a religious, charitable, cultural, civic or educational organization.

**SIGN, CONSTRUCTION ANNOUNCEMENT:** Sign placed on property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the sub-contractors, the real estate licensee, and the possible future tenants.

**SIGN, FREE-STANDING:** Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.

**SIGN, ILLUMINATED:** Sign or individual letters in which an artificial source of light is used in order to make the message readable. This definition includes internally and externally lighted signs, and reflecting, glowing, or radiating signs.

**SIGN, OFF PREMISE:** Sign identifying a business activity, property or product at some location other than where the sign is displayed.

**SIGN, PORTABLE:** Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place, e.g., a sidewalk sandwich board sign.

**SIGN, REAL ESTATE:** Sign offering developed or undeveloped real property for sale, lease or rent.

**SIGN, TIME AND TEMPERATURE:** Sign displaying the time or the temperature, or both.

**SIGN, WINDOW:** Temporary sign constructed of paper, cloth or similar expendable material and mounted on a window.

**SIGN AREA:** The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**SIGN FACING:** The surface of the sign on, against, or through which the message of the sign is exhibited.

**SIGN HEIGHT:** The distance measured from the average surface grade surrounding the base of a free standing sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

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### Definitions

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**SIGN PROGRAM:** A coordinated design plan of one or more signs for an individual business establishment or a business center.

**SIGN STRUCTURE:** The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

**SMOKE:** Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material that form a visible plume in the air.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Those lands within the jurisdiction of the City of Rensselaer that are subject to inundation by the regulatory flood. The SFHAs of the City are generally identified as such on the Flood Hazard Boundary Map of the City prepared by the Federal Emergency Management Agency, as amended. The SFHAs of those parts of unincorporated Jasper County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Plain Management Study prepared for Jasper County dated May 12, 1986, and any amendments thereto.

**SCHOOL OF SPECIAL INSTRUCTION:** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

**STORY:** That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

**STORY, HALF:** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

**STREET:** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

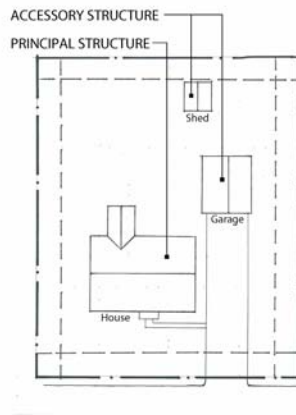
**STREET, FRONTAGE:** A street that runs parallel to an arterial street or highway and located within the space between the building(s) and the arterial street or highway.

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground.



**STRUCTURE, ACCESSORY:** A building or structure which constitutes only a clearly incidental or clearly insubstantial use of the lot on which said building or structure is situated.

**STRUCTURE, PRINCIPAL:** A building or structure in which is conducted the main or primary use of the lot on which said building or structure is situated. Where a part of an accessory structure is attached to the principal structure in a substantial manner, such as by a roof, such accessory structure shall be considered a part of the principal structure.



**STRUCTURAL ALTERATION:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

**SUBDIVISION:** The division of land parcels as regulated in Chapter 22, City of Rensselaer Revised Subdivision Code.

## T

**TEMPORARY USE, BUILDING OR STRUCTURE:** A use, building or structure which is established for a fixed-period of time or seasonal in nature and which is consistent and compatible with the purpose, intent and land uses authorized within the zoning district in which such temporary use is located.

**TOURIST HOME:** A single family building owned and occupied by a person renting out not more than three (3) rooms for overnight accommodation for compensation to transient persons who do not stay for more than seven (7) consecutive days.

#### U

**USE:** The employment or occupation of a building, structure or land for service, benefit or enjoyment by a person.

**UTILITY INSTALLATION:** The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.

#### V

**VARIANCE:** A modification of the specific requirements of this Ordinance granted by the Rensselaer Advisory Board of Zoning Appeals in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

**VISION CLEARANCE:** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision.



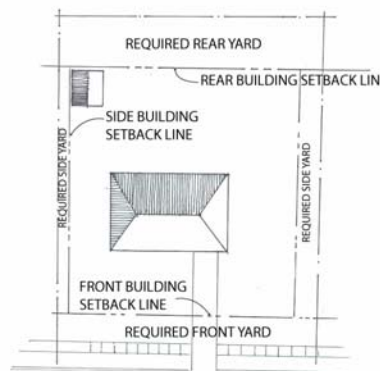
#### Y

**YARD:** A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

**YARD, FRONT:** A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, the depth of which is the least distance between the front lot line and the principal building or structure.

**YARD, REAR:** A yard extending across the full width of the lot between the rear of the principal building or structure and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such principal building or structure.

**YARD, SIDE:** A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, the width of the required side yard is measured horizontally at ninety (90) degrees with the side lot line from the nearest point of the building.



## Z

**ZONE MAP:** A map entitled: "Zone Map of Rensselaer, Indiana" and any amendments thereto.

**ZONE MAP AMENDMENT:** An amendment to the Zone Map to effect a change in the nature, density, or intensity of uses allowed on a specific parcel or land area. See Rezoning.

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