

CHAPTER V:

ZONING REGULATIONS

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V.I OFFICIAL ZONING MAPS

A. ESTABLISHMENT OF ZONING DISTRICTS

The following thirteen standard zoning districts and five overlay zoning districts are established:

Table V-1: Standard Zoning Districts

A-1	Agricultural
R-E	Residential Estate
R-S	Residential Suburban
R-1	Single Family Residential
R-2	Two Family Residential
R-3	Multifamily Residential
R-T	Mobile Home Residential
C-1	Neighborhood Commercial
C-2	Community Commercial
C-3	Regional Commercial
CBD	Central Business District
M-1	Light Industrial
M-2	Heavy Industrial

Table V-2: Overlay Zoning Districts

AO	Airport Overlay
FO	Floodplain Overlay
MO	Mining Overlay
PCO	Pedestrian Core Overlay
WPO	Wellhead Protection Overlay

B. ZONING OF ANNEXED LANDS

Any land annexed to the City or a Town shall, upon determination by the appropriate Legislative Body, be either:

1. Temporarily zoned A-1, until rezoned per the procedures of this Ordinance, or
2. Remain as zoned, until rezoned per the procedures of this Ordinance.

C. ESTABLISHMENT OF OFFICIAL ZONING MAPS

The location and boundaries of the zoning districts established above are shown on Official Zoning Maps, comprised as follows:

1. The City of Terre Haute Zoning Maps;
2. The Town of Riley Zoning Maps;
3. The Town of Seelyville Zoning Maps;
4. The Town of West Terre Haute Zoning Maps;
5. The Vigo County Zoning Maps;
6. The Airspace Overlay Zoning Map;
7. The Noise Overlay Zoning Maps;
8. The Flood Insurance Rate Maps of Vigo County; and,
9. The Flood Insurance Rate Maps of the City of Terre Haute.

D. INCORPORATION OF OFFICIAL ZONING MAPS

The Official Zoning Maps are hereby incorporated herein by reference, together with all explanatory matter, notations, references, and amendments, and are hereby declared to be a part of this Ordinance.

E. IDENTIFICATION OF OFFICIAL ZONING MAPS

The Official Zoning Maps shall be identified by certification and bear the seal of the Commission under the following words: "This is to certify that these are the Official Zoning Maps referred to in Unified Zoning Ordinance of Vigo County, Indiana", together with the date of adoption of this Ordinance. Certification should be by the signature of President of the Commission and attested by the Secretary of the Commission. The title "Official Zoning Maps" in large letters shall be placed in an appropriate open space around the map or in the title block.

F. MAINTENANCE OF OFFICIAL ZONING MAPS

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Maps, such changes shall be entered on the Official Zoning Maps by the Director promptly after the amendment has been approved by the appropriate legislative body with an entry on the Official Zoning Maps as follows: "On [date], by official action of the [official name of the legislative body],

the following changes were made on the Official Zoning Maps: [explanation or description of the map change]", which entry shall be initialed by the Director and attested by a notary public. Upon entering any such amendment on the map, the Director shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued. No changes of any nature shall be made on the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable under Chapter I of this Ordinance.

G. LOCATION OF THE OFFICIAL ZONING MAPS

Regardless of the existence of purported copies of the Official Zoning Maps, which from time to time, may be published, the Official Zoning Maps shall be located in the Area Planning Department. It shall be the final authority as to the current zoning status of Vigo County. Copies of such maps shall be provided to the Zoning Administrator.

H. PRESERVATION OF THE OFFICIAL ZONING MAPS

Excluding the Flood Insurance Rate Map of Vigo County and the Flood Insurance Rate Map of the City of Terre Haute, the Department shall keep two (2) copies of the original Official Zoning Maps and two (2) copies of revised Official Zoning Maps for reference.

I. REPLACEMENT OF OFFICIAL ZONING MAPS

In the event that the Official Zoning Maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the respective legislative bodies may, by resolution, adopt new Official Zoning Maps, which shall supersede the prior Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such correction shall have the effect of amending the original Official Zoning Maps or any subsequent amendments thereof. The Official Zoning Maps shall be authenticated by the signature of the President of the Commission, attested by Secretary of the Commission and bear the seal of the Commission. Unless the prior Official Zoning Maps have been lost or totally destroyed, the prior maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

J. INTERPRETATION OF OFFICIAL ZONING MAP BOUNDARIES

Boundaries of the districts established in Section V.I.A above, are as shown on the Official Zoning Maps. If uncertainty exists as to the boundary of any district shown on the Official Zoning Maps, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, alleys, public ways, or thoroughfares shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shorelines; and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
6. Boundaries indicated, as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines. Provided, however, when streams meander from the stream bed as it existed on the effective date of this Ordinance, the boundaries shall be construed as following the original stream bed.
7. Boundaries indicated, as approximately following floodplain lines shall be construed to follow such contour lines. In addition to the boundaries shown on the Official Zone Maps, the floodplain boundaries of minor ditches and streams may be designated as being one hundred feet (100') either side of the edge of the water at mean elevation, or the outer edges of a horizontal plane established at an elevation of five feet (5') above the mean water level, whichever is the greater distance. In this case the stream, or ditch, shall be designated as one, which flows at least one hundred eighty (180) days of the year.
8. Boundaries indicated as parallel to or extensions of features indicated in 1 through 7 above, shall be so controlled. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the map.
9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or another circumstances not covered by 1 through 8, above, the Director shall interpret the boundaries. An appeal to the appropriate Board of Zoning Appeals may be requested by any person aggrieved by such interpretation.
10. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the appropriate Board of Zoning Appeals may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed twenty-five feet (25') beyond the district line into the remaining portion of the lot.

K. STREETS, ALLEYS, PUBLIC WAYS, THOROUGHFARES, AND RAILROAD RIGHT-OF-WAYS

All streets, alleys, public ways, thoroughfares, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon these streets, alleys, public ways, thoroughfares, and railroad rights-of-way. If the center line of a street, alley, public way, thoroughfare, or railroad right-of-way serves as a district boundary, the zoning of those areas, unless otherwise specifically designated, shall be designated to the same as that of the abutting property up to that center line.

L. VACATED AREAS

Whenever any street, alley, public way, thoroughfare, railroad right-of-way, waterway, or other similar area is vacated by the proper authority, the districts adjoining each side of such street, alley, public way, thoroughfare, railroad rights-of-way, waterway, or similar area shall extend automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts.

1. In the event such street, alley, public way, thoroughfare, railroad right-of-way, waterway, or other similar area was a district boundary between two (2) or more different zoning districts, the new district boundary shall be the former centerline of such vacated ways.
2. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
3. Any ordinance which causes a street, alley, public way, thoroughfare, railroad right-of-way, waterway, or other similar area to be vacated shall be recorded in the Office of the Recorder of Vigo County and filed in the Auditor's Office of Vigo County for taxation. Petitioner shall pay all fees associated with recording of said ordinance.

M. AMENDMENT OF OFFICIAL ZONING MAP (REZONING)

1. Applications to amend the Official Zoning 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 Chapter III. Rezoning applications may be initiated by:
 - a. The owner of the subject property, or
 - b. The legislative body of the applicable County, City or town jurisdiction.

2. All actions by the Plan Commission in reviewing and making recommendations on a rezoning application and by the applicable jurisdiction 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 Official Zoning Maps 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.
 - 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.
3. 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 elected officials to rezone any land within the applicable jurisdiction or otherwise amend the Official

Zoning 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 appropriate body of the applicable jurisdiction. All applicants are advised there is no right to a change of zone.

V.II DISTRICT USES

Except as provided in this Chapter, no buildings or structure shall be erected, altered or enlarged; nor shall any land, building or structure be employed for uses other than those permitted in a zoning district. All uses shall be categorized as a Permitted Use or a Conditional Use under one or more zoning districts. Accessory Uses and Temporary Uses shall be permitted as provided in this Chapter.

A. PERMITTED USES

Permitted Uses are those uses specifically allowed in one or more of the various zone districts without the necessity to show need for their location. Permitted Uses are allowed as a matter of right and without the need for special authorization, further application, or administrative review.

B. CONDITIONAL USES

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. 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 Conditional Use Permits shall not be approved.

1. The Board of Zoning Appeals of the appropriate jurisdiction is hereby authorized to grant Conditional Use Permits to allow uses designated in each zoning district as Conditional Uses subject to the requirements in Chapter III, Procedures and any additional requirements specified for a particular use in Chapter VII, Supplementary Regulations.
2. Only those uses identified in each individual zoning district as Conditional Uses shall be allowed by Conditional Use Permit in each zoning district. The Conditional Use shall conform to all development standards of the applicable zoning district.
3. The Conditional Use shall conform to all conditions attached to the grant of a Conditional Use Permit by the Board of Zoning Appeals of the appropriate jurisdiction. Such conditions may include any reasonable site development,

operational and performance standards, requirements, and restrictions deemed necessary.

C. ACCESSORY USES

Accessory uses are 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. Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, 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 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.
 - b. Every swimming pool must either have a power safety pool cover or be completely surrounded by a fence or wall not less than five feet (5') in height with no openings large enough to permit children to pass through, other than gates or doors that can be fastened to protect against entry. A building may be used as part of the required enclosure.
 - c. All gates or doors opening through such enclosures must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.
 - d. All swimming pools shall comply with the Indiana Swimming Pool Code and the National Electrical Safety Code.
5. No part of any accessory structure shall be located closer than ten feet (10') to any principal structure, unless it is attached to, or forms a part of, the principal structure.

6. Accessory structures shall not be located in front of a principal structure.
7. Accessory structures on corner lots shall be set back from the side street a distance not less than that required for the principal structure.
8. In the CBD, wholesaling, warehousing, or light industry will only be considered in mixed use properties with public and pedestrian-oriented ground level facilities.

D. TEMPORARY USES

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. 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 mobile home may be located as a field office for any construction project for a period of not more than twelve (12) months. An extension of six (6) months may be approved by the Director. No more than two (2) extensions shall be permitted. Such mobile home must be removed by such owner within fifteen (15) days from the time of completion of that particular portion of such construction project for which such owner has responsibility. Completion shall mean the time that the work of such owner was accepted by any project owner, general contractor, or subcontractor, pursuant to the terms of the governing contract.
2. Emergency parking of a mobile home on public streets shall be permitted for not longer than twenty-four (24) hours provided that such mobile home shall be subject to all other traffic and parking regulations.
3. Recreational vehicles in residential zoning districts, provided that they are occupied for a period no longer than seven (7) days and not more than three (3) periods a year, located on the property other than the front yard of any occupied dwelling.
4. Flea markets, carnivals, circuses, bazaars and other amusement activities in commercial districts, provided they do not continue more than ten (10) consecutive days and obtain any permits required by law.
5. Temporary sale of seasonal merchandise shall be allowed in all zoning districts (except in residential districts) for a period not to exceed sixty (60) days. Display of

Christmas trees need not comply with the setback requirements of these Regulations provided that no tree shall be displayed within thirty feet (30') of the intersection of the right of way line of any two (2) streets.

E. UNLISTED USES

Any unlisted use shall not be permitted unless authorized by the appropriate jurisdiction with an amendment to this Chapter.

F. DISTRICT USE TABLE

Table V-3 identifies Permitted Uses and Conditional Uses that may be allowed in each of the standard zoning districts.

ZONING REGULATIONS



Table V-3: District Use Table

USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS														ADDITIONAL REGULATIONS
		P = PERMITTED USES C = CONDITIONAL USES														
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2		
AGRICULTURE																
Agriculture	Agriculture or agricultural operations	P	C													
	Commercial sale of livestock	C														
	Confined Animal Feeding Operations	C													See Section VII.I.B Supplementary Regulations	
Agricultural Services	Agricultural support businesses and services, e.g., roadside stand	P	C													
	Fishing, hunting and trapping	P														
Horticulture	Forest or tree production	P	C													
	Greenhouse	P	C													
	Nursery	P	C													
	Orchard	P	C													
COMMERCIAL																
Auctions	Auction houses									C	P					
Adult Businesses	Adult entertainment									C	C		C	C	See Section VII.I.A Supplementary Regulations	
Amusement Facilities	Amusement establishment, indoor									P	P	P				
	Amusement establishment, outdoor									C	P					
	Theater, cinemplex									P	P	P				
	Theater, drive-in										P					
Animal Services	Kennels or animal boarding	P	C									C				
	Veterinary offices or clinics	P	C						P	P	C	C				
Building Materials	Building material sales, w/ outside storage											C		P	P	
	Construction aggregate material sales and/or storage														C	
	Hardware stores								P	P	P	P				
	Lumber mill														C	
	Lumber yards														P	
Eating and Drinking Establishments	Outbuilding and storage shed sales											C				
	Bar, tavern, night club								C	C	C	P				

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS
		P = PERMITTED USES C = CONDITIONAL USES													
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2	
	Catering services									P	P	P			
	Restaurant								P	P	P	P			
	Restaurant w/ drive-in or drive-through									P	P	C			
Financial Institutions	Bank or financial institution								P	P	P	P			
	Bank or financial institution w/ drive-through								C	P	P	C			
Food and Beverage Sales	Convenience store (<5,000 square feet)								P	P	P	P			
	Convenience store with fuel sales								P	P	P	C			
	Farmer's market									C	C	P			
	Grocery store (< 5,000 square feet)								P	P	P	P			
	Grocery store (> 5,000 square feet < 25,000 square feet)									P	P	P			
	Grocery store (> 25,000 square feet)									C	P	C			
	Liquor Store									C	P	C			
	Other food and beverage sales (e.g., delicatessen, retail bakery, coffee shop)								P	P	P	P			
Funeral and Internment Services	Cemetery/Pet cemetery	C	C		P	P	P								
	Crematory or mausoleum when incidental or supplemental to primary cemetery use				C	C	C								
	Crematory as principal use												P		
	Funeral home									P	P	P			
Medical Facilities	Hospital and associated medical facilities										P	C			
Office	Business or professional (including medical/dental office/clinics)								P	P	P	P			
Personal Services	Personal service establishments (<5,000 square feet)								P	P	P	P			
	Personal service establishments (> 5,000 square feet < 25,000 square feet)									P	P	P			
Personal Services (cont.)	Personal service establishments (>									C	P	C			

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS	
		P = PERMITTED USES C = CONDITIONAL USES														
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2		
	25,000 square feet)															
	Tattoo parlors									P	P	P				
Recreation Facilities	Commercial recreation								C	P	P	P				
	Outdoor recreation	C									P	P				
	Race track (animal or vehicle)	C									P					
Repair Services	Furniture and appliance repair										P	P	P			
	Household goods repair (non-appliance)								C	P	P	P	P			
Retail Establishments	Flea market										P	C				
	Pawn shop										P	C				
	Retail business store < 5,000 square feet								P	P	P	P				
	Retail business store > 5,000 square feet < 25,000 square feet									P	P	P				
	Retail business store > 25,000 square feet									C	P	C				
Telecommunications Facilities	Radio or television broadcasting facilities									P	P	P	C			
	Telecommunication facility (free-standing)	P	C	C	C	C	C	C	C	P	P	P	P	P		See Section VII.I.D Supplementary Regulations
Transportation Services	Taxi cab business, office and service									P	P					
	Transportation terminal													P		
	Transportation terminal where flammable, explosive, hazardous, or toxic materials are used														C	
Vehicle/Equipment Sales and Services	Car rental										P					
	Car wash								C	P	P					
	Mobile home dealer/sales, new and used										C					
	Service stations and minor vehicle repair								C	P	P					
	Truck trailer sales, repair, and maintenance (including oil, lube, and wash)											C		P		
	Vehicle dealer/sales, new and used											P				

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS		
		P = PERMITTED USES C = CONDITIONAL USES															
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2			
Vehicle/Equipment Sales and Services (cont.)	Vehicle major repair											P					
	Vehicle towing and storage (operable vehicles only)													P			
	Vehicle wrecking or salvage yard (includes outdoor storage or inoperable vehicles)														P		
Visitor Accommodations	Bed and breakfast establishments	C	C	C	C	C	C		P	P	P	P					
	Hotel or motel								C	C	P	P					
	RV park or overnight campground	C															See Section VII.I.K Supplementary Regulations
INDUSTRIAL																See Section VII.I.G Industrial Performance Regulations	
Agri-industry	Slaughterhouse, packinghouse, meat processing, or fat rendering														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		
	Any business, industrial or manufacturing use which is subject to the reporting requirements of the Community Right to Know Act														C		
Outdoor Storage	Contractor or construction office, shops and yards													P	P		
	Outdoor storage associated with a principal use													P	P		
Resource Extraction	Extractive industries, including mining and gravel operations														C		See Section V.IV.E MO Mining Overlay District
	Oil processing, refining and manufacture														C		

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS	
		P = PERMITTED USES C = CONDITIONAL USES														
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2		
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; incl. reclaiming 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, excluding couriers													P	P	
	Mini-warehouses													P		
	Warehousing and wholesaling establishments; storage												C	P		
Waste-Related Uses	Incinerators														C	
	Junkyards														C	See Section VII.I.F Supplementary Regulations
	Landfill operation														C	
	Solid waste transfer station														C	
INSTITUTIONAL																
Clubs	Civic or non-profit club								P	P	P	P				
	Private or social club								C	C	C	C				
	Sporting or recreation club	C								C	P					
Community Services	Assembly or meeting hall									P	P	P				
	Events center or theater									P	P	P				

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS
		P = PERMITTED USES C = CONDITIONAL USES													
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2	
Correctional institution	Penitentiary	C									C		C	C	See Section VII.I.J Supplementary Regulations
Cultural Facilities	Library			P	C	C	P		P	P	P	P			
	Museum									P	P	P			
	Zoos, arboretum, botanical gardens	C									C	C			
Day Care Center	Child care center					C	C	C	P	P	P	P	C		See Section VII.I.C Supplementary Regulations
	Child care home (used primarily as residence of provider)		P	P	P	P	P	P							See Section VII.I.C Supplementary Regulations
	Child care home (not used primarily as residence of provider)		C	C		C	C	C							See Section VII.I.C Supplementary Regulations
Golf Facilities	Driving range	C	C	C											
	Golf course	C	C	C	C	C	C								
	Miniature golf (putt- putt)	C								C	C				
Public Lands, Parks, and Buildings	Police or fire station		C	C	C	C	C	C	P	P	P	P	P	P	
	Public administrative office or service building								C	P	P	P			
	Public park	P	P	P	P	P	P	P	P	P	P	P	C	C	
	Public recreation center	P	C	C	C	C	C	C	C	P	P	P			
	Public stadium, arena, or auditorium								C	C	C	C	C	C	
Religious Institutions	Church or religious institution	P	P	P	P	P	P	P	P	P	P	P	C	C	
Schools	Elementary and secondary education schools				P	P	P					P			
	Nursery or pre-school					C	C	C	P	P	P	P	C		
	Post secondary colleges and universities						C		C	P	P	P			
	Private business, trade, and vocation schools									C	P	P	P		
Transportation Facilities	Airport	C								P	P	P			See Section V.IV.A AO Airport Overlay District
	Heliport	C									C		C	C	
	Parking garage or lot								C	C	C	C			

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS	
		P = PERMITTED USES C = CONDITIONAL USES														
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2		
Transportation Facilities (cont.)	Public transportation facilities, including bus stations, rail stations and multi-modal facilities										C	C	C			
	Railroad yard together with buildings, structures, and facilities related thereto													C	C	
Utilities	Power plant	C													C	
	Public utility installation or facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Water or wastewater treatment facility	C													C	
RESIDENTIAL																
Group Living Facilities	Group home		C	C	C	C	C	C								
	Residential facility for developmentally disabled persons		P	P	P	P	P	P								
	Residential facility for mentally ill persons		P	P	P	P	P	P								
Household Living	Dwelling in conjunction with and supplementary to the principal use	P	C		C				C				C			
	Farmhouse	P	C													
	Foster care home	P	P	P	P	P	P	P								
	Home business	C	C	C	C	C	C	C								See Section VII.I.E Supplementary Regulations
	Home occupation	P	P	P	P	P	P	P								See Section VII.I.E Supplementary Regulations
	Manufactured home (Type I)	P	P	P	P	P	P	P								See Section VII.I.H Supplementary Regulations
	Manufactured home (Type II)	C						P								See Section VII.I.H Supplementary Regulations
	Mobile home park	C						P								See Section VII.I.I Supplementary Regulations
	Multiple dwelling						P				C	C				
	Boarding or lodging house, incl. fraternity or sorority						P						C			
Household Living (cont.)	Single family dwelling	C	P	P	P	P	C		C	C						

ZONING REGULATIONS



USE CLASSIFICATION	SPECIFIC USE TYPE	DISTRICTS													ADDITIONAL REGULATIONS
		P = PERMITTED USES C = CONDITIONAL USES													
		A-1	R-E	R-S	R-1	R-2	R-3	R-T	C-1	C-2	C-3	CBD	M-1	M-2	
	Two-family dwelling					P	C		C	C					
Senior Housing	Assisted living facility			C		C	P								
	Nursing homes					C	P								

V.III STANDARD ZONING DISTRICTS

A. A-1 AGRICULTURAL DISTRICT

1. Intent

The intent of the A-1 Agricultural District is to provide for and preserve viable agricultural lands and operations (including government set-aside reserve programs, and uses related to agricultural operations) located outside of a city or town where the farmer/landowner has the freedom to produce agricultural products. In addition, the intent of this district is to protect, promote, and preserve public and semi-public park lands, recreational areas, wilderness areas, wild life refuges, open ranges, woodlands, grazing lands, watersheds, water supplies, rivers, streams, wetlands, and other environmentally sensitive areas. Before any land that is zoned A-1 is permanently taken out of an agricultural operation and used for any residential, commercial or industrial purpose, the land must first be rezoned to the proper classification and be developed in compliance with the requirements of the Chapter IV, Subdivision Control and any other applicable provisions of this Ordinance and other ordinances, rules, regulations and laws concerning the new classification before any earth moving, building or development occurs. Rural low-density residential development should only occur in areas which will minimize conflicts with agricultural operations. Any development which requires public facilities and infrastructure, such as water or sanitary sewer systems, in excess of those required to support typical farm operations should be located in areas already served by public water and sewer systems or in areas that can and will be served by public water and sewer systems.

2. Permitted Uses

Permitted Uses in the A-1 Agricultural District shall be those specified in Table V-3.

3. Conditional Uses

Conditional Uses in the A-1 Agricultural District shall be those specified in Table V-3.

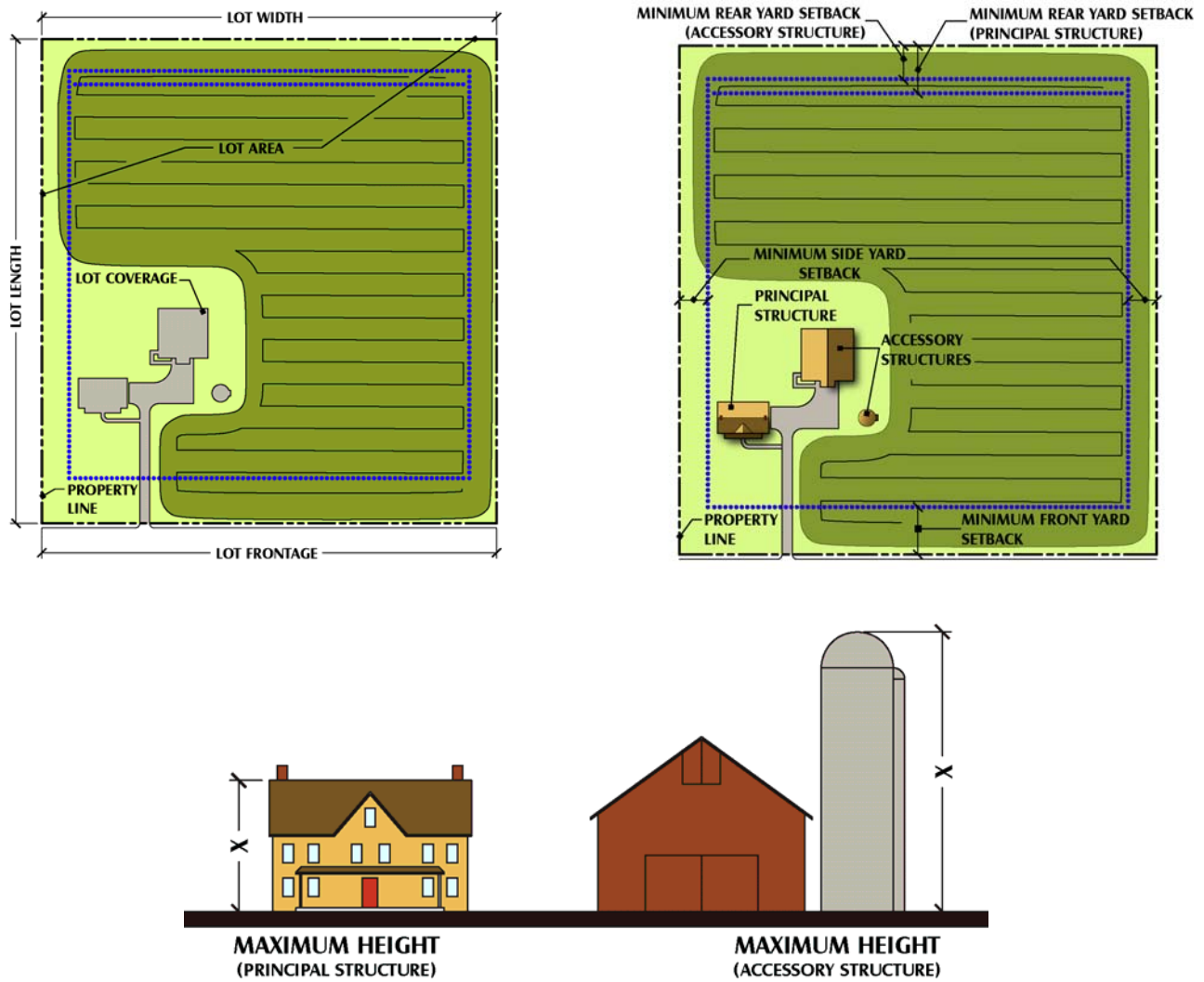
4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the A-1 Agricultural District shall be those

specified in Table V-4. Site development concepts are illustrated in Figure V-1.

- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-1: A-1 Site Development Concepts



Source: HNTB Corporation

Table V-4: A-1 District Standards Table

A-1 AGRICULTURAL DISTRICT		
Minimum Lot Area	10 ac.	
Minimum Lot Width	500 ft.	
Minimum Front Yard Setback (Along Local Street)*	25 ft.	
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.	
Minimum Front Yard Setback (Along Collector Street)*	40 ft.	
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.	
Minimum Side Yard Setback (Principal Structure)	15 ft./30 ft.	①
Minimum Side Yard Setback (Accessory Structure)	5 ft./30 ft.	①
Minimum Side Buffer Yard	n/a	
Minimum Rear Yard Setback (Principal Structure)	25 ft./50 ft.	①
Minimum Rear Yard Setback (Accessory Structure)	10 ft./50 ft.	①
Minimum Rear Buffer Yard	n/a	
Maximum Gross Floor Area (Single Establishment)	n/a	
Maximum Gross Floor Area (Integrated Center)	n/a	
Maximum Lot Coverage	n/a	
Maximum Height (Principal Structure)	60 ft./35 ft.	①
Maximum Height (Accessory Structure)	85 ft./18 ft.	①
Maximum Floor Area Ratio	n/a	
Minimum District Size	10 ac.	
Additional Standards	See Chapter VII	
① Non-Residential Use/Residential Use * Or block face average setback of the existing principle structures on the same block, whichever is greater * Or plus 1/2 width of roadway if measured from centerline of road		

B. R-E RESIDENTIAL ESTATE DISTRICT

1. Intent

The intent of the R-E Residential Estate District is to allow single-family dwelling units and limited other land uses on large lots adjacent to agricultural districts. Under most circumstances, public water and sewer facilities may not be present but are mandatory if the facilities are less than three-hundred feet (300') from the property line.

2. Permitted Uses

Permitted Uses in the R-E Residential Estate District shall be those specified in Table V-3.

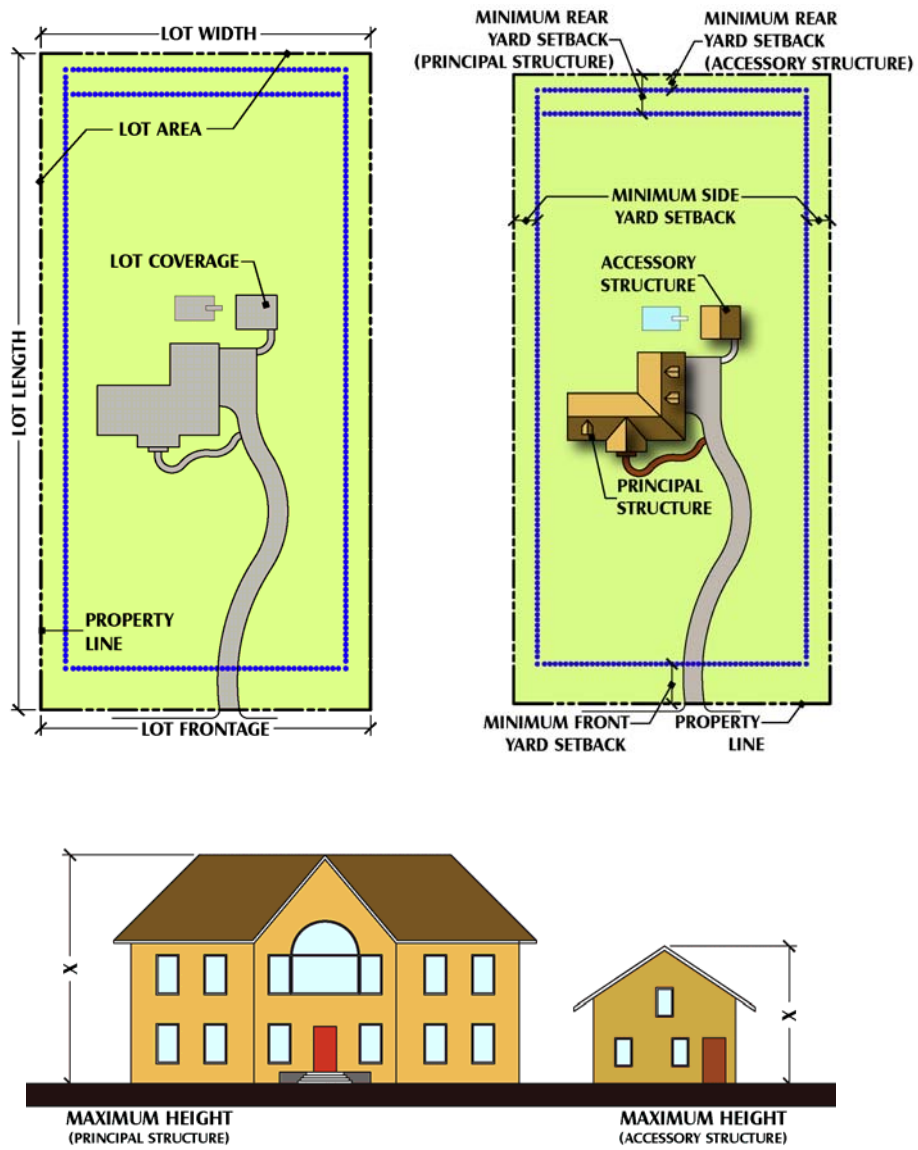
3. Conditional Uses

Conditional Uses in the R-E Residential Estate District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-E Residential Estate District shall be those specified in Table V-5. Site development concepts are illustrated in Figure V-2.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-2: R-E Site Development Concepts



Source: HNTB Corporation

Table V-5: R-E District Standards Table

R-E RESIDENTIAL ESTATE DISTRICT		
Minimum Lot Area	5 ac./1 ac.	②
Minimum Lot Width	250 ft./100 ft.	②
Minimum Front Yard Setback (Along Local Street)*	25 ft.	
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.	
Minimum Front Yard Setback (Along Collector Street)*	40 ft.	
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.	
Minimum Side Yard Setback (Principal Structure)	30 ft.	
Minimum Side Yard Setback (Accessory Structure)	30 ft.	
Minimum Side Buffer Yard	n/a	
Minimum Rear Yard Setback (Principal Structure)	50 ft.	
Minimum Rear Yard Setback (Accessory Structure)	50 ft.	
Minimum Rear Buffer Yard	n/a	
Maximum Gross Floor Area (Single Establishment)	n/a	
Maximum Gross Floor Area (Integrated Center)	n/a	
Maximum Lot Coverage	15%	
Maximum Height (Principal Structure)	35 ft.	
Maximum Height (Accessory Structure)	18 ft.	
Maximum Floor Area Ratio	n/a	
Minimum District Size	10 ac.	
Additional Standards	See Chapter VII	
② Well & Septic/Water & Sewer * Or block face average setback of the existing principle structures on the same block, whichever is greater * Or plus 1/2 width of roadway if measured from centerline of road		

C. R-S RESIDENTIAL SUBURBAN DISTRICT

1. Intent

The intent of the R-S Residential Suburban District is to allow single-family suburban dwelling units and limited other land uses, which are compatible with such single family dwelling units. Under most circumstances, central water and sewer systems should be present but are not mandatory if the facilities are more than three-hundred feet (300') from the property line.

2. Permitted Uses

Permitted uses in the R-S Residential Suburban District shall be those specified in Table V-3.

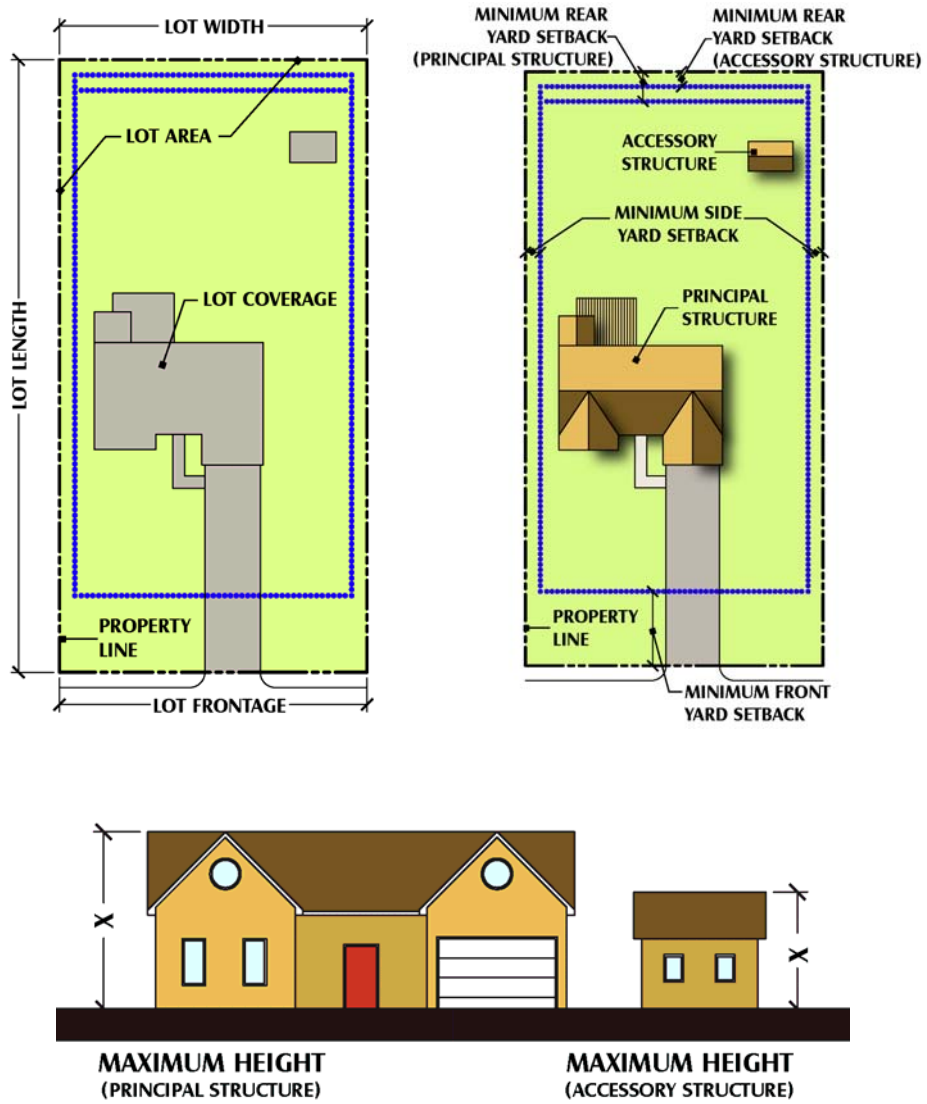
3. Conditional Uses

Conditional Uses in the R-S Residential Suburban District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-S Residential Suburban District shall be those specified in Table V-6. Site development concepts are illustrated in Figure V-3.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-3: R-S Site Development Concepts



Source: HNTB Corporation

Table V-6: R-S District Standards Table

R-S RESIDENTIAL SUBURBAN DISTRICT	
Minimum Lot Area	20,000 s.f.
Minimum Lot Width	70 ft.
Minimum Front Yard Setback (Along Local Street)*	25 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.
Minimum Front Yard Setback (Along Collector Street)*	40 ft.
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.
Minimum Side Yard Setback (Principal Structure)	5 ft.
Minimum Side Yard Setback (Accessory Structure)	5 ft.
Minimum Side Buffer Yard	n/a
Minimum Rear Yard Setback (Principal Structure)	10 ft.
Minimum Rear Yard Setback (Accessory Structure)	5 ft.
Minimum Rear Buffer Yard	n/a
Maximum Gross Floor Area (Single Establishment)	n/a
Maximum Gross Floor Area (Integrated Center)	n/a
Maximum Lot Coverage	30%
Maximum Height (Principal Structure)	35 ft.
Maximum Height (Accessory Structure)	18 ft.
Maximum Floor Area Ratio	n/a
Minimum District Size	5 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of road	

D. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

1. Intent

The intent of the R-1 Single Family Residential District is to allow single-family dwelling units and limited other land uses, which are compatible with such single family dwelling units. Development within this district requires the provision of sanitary sewer and/or public water facilities.

2. Permitted Uses

Permitted Uses in the R-1 Single Family Residential District shall be those specified in Table V-3.

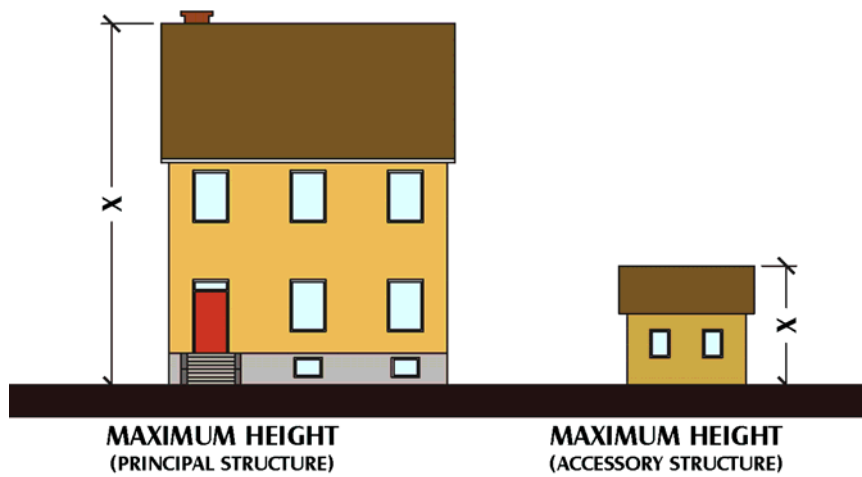
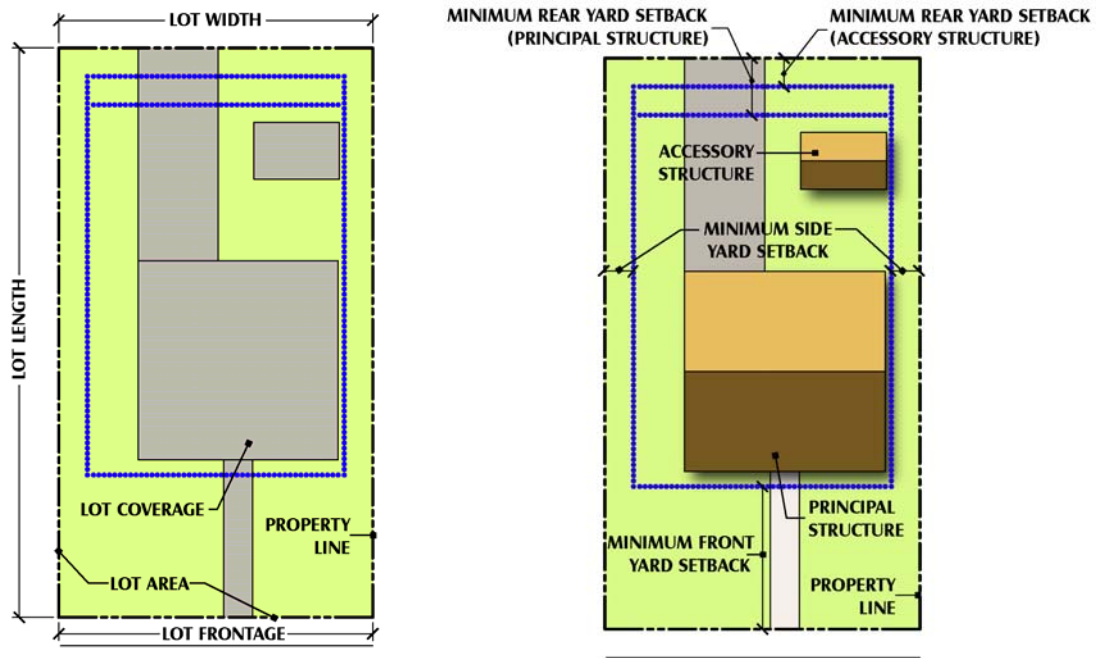
3. Conditional Uses

Conditional Uses in the R-1 Single Family Residential District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-1 Single Family Residential District shall be those specified in Table V-7. Site development concepts are illustrated in Figure V-4.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-4: R-1 Site Development Concepts



Source: HNTB Corporation

Table V-7: R-1 District Standards Table

R-1 RESIDENTIAL DISTRICT	
Minimum Lot Area	5,500 s.f.
Minimum Lot Width	50 ft.
Minimum Front Yard Setback (Along Local Street)*	25 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.
Minimum Front Yard Setback (Along Collector Street)*	40 ft.
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.
Minimum Side Yard Setback (Principal Structure)	5 ft.
Minimum Side Yard Setback (Accessory Structure)	5 ft.
Minimum Side Buffer Yard	n/a
Minimum Rear Yard Setback (Principal Structure)	10 ft.
Minimum Rear Yard Setback (Accessory Structure)	5 ft.
Minimum Rear Buffer Yard	n/a
Maximum Gross Floor Area (Single Establishment)	n/a
Maximum Gross Floor Area (Integrated Center)	n/a
Maximum Lot Coverage	35%
Maximum Height (Principal Structure)	35 ft.
Maximum Height (Accessory Structure)	18 ft.
Maximum Floor Area Ratio	n/a
Minimum District Size	n/a
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of road	

E. R-2 TWO FAMILY RESIDENTIAL DISTRICT

1. Intent

The intent of the R-2 Two Family Residential District is to permit single family and two family dwelling units and limited other land uses which are compatible with such single family and two family dwelling units. Development within this district requires the provision of sanitary sewer and/or public water facilities.

2. Permitted Uses

Permitted Uses in the R-2 Two Family Residential District shall be those specified in Table V-3.

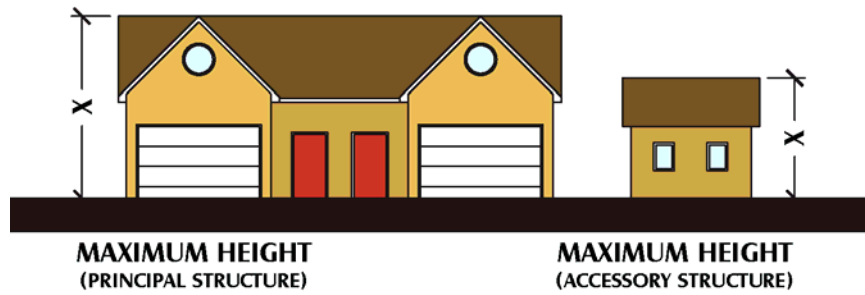
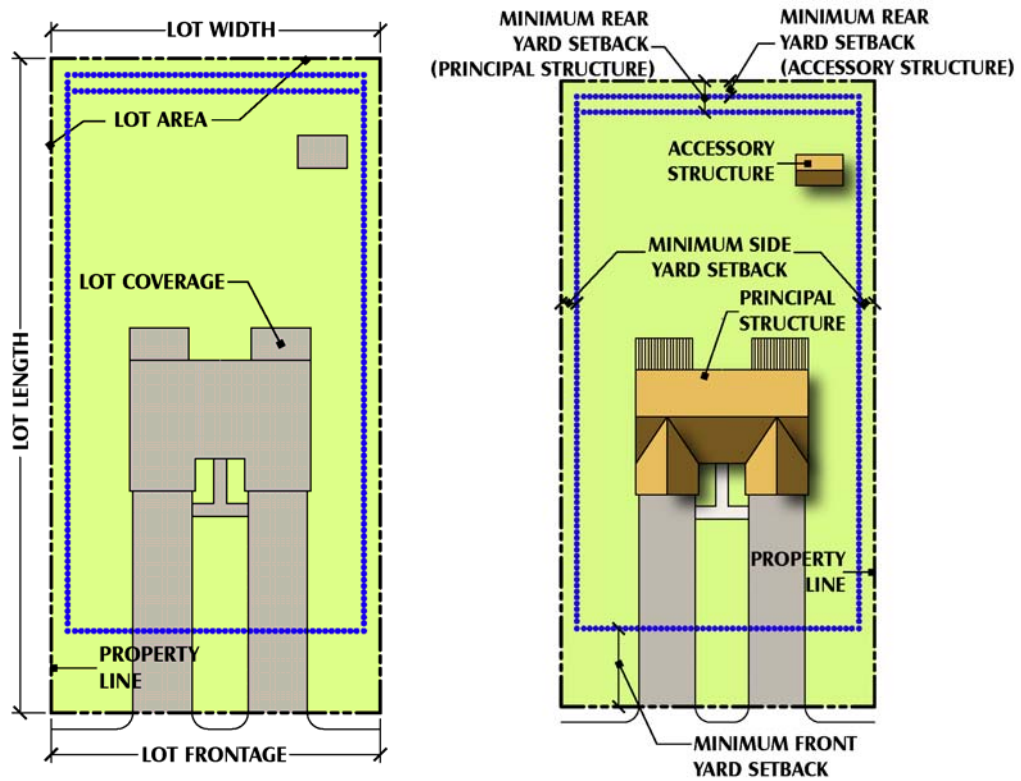
3. Conditional Uses

Conditional Uses in the R-2 Two Family Residential District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-2 Two Family Residential District shall be those specified in Table V-8. Site development concepts are illustrated in Figure V-5.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-5: R-2 Site Development Concepts



Source: HNTB Corporation

Table V-8: R-2 District Standards Table

R-2 RESIDENTIAL DISTRICT		
Minimum Lot Area	5,500 s.f./ 3,500 s.f.	③
Minimum Lot Width	50 ft.	
Minimum Front Yard Setback (Along Local Street)*	25 ft.	
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.	
Minimum Front Yard Setback (Along Collector Street)*	40 ft.	
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.	
Minimum Side Yard Setback (Principal Structure)	5 ft.	
Minimum Side Yard Setback (Accessory Structure)	5 ft.	
Minimum Side Buffer Yard	n/a	
Minimum Rear Yard Setback (Principal Structure)	10 ft.	
Minimum Rear Yard Setback (Accessory Structure)	5 ft.	
Minimum Rear Buffer Yard	n/a	
Maximum Gross Floor Area (Single Establishment)	n/a	
Maximum Gross Floor Area (Integrated Center)	n/a	
Maximum Lot Coverage	40%	
Maximum Height (Principal Structure)	35 ft.	
Maximum Height (Accessory Structure)	18 ft.	
Maximum Floor Area Ratio	n/a	
Minimum District Size	n/a	
Additional Standards	See Chapter VII	
<p>③ Single Family/Single Family Attached</p> <p>* Or block face average setback of the existing principle structures on the same block, whichever is greater</p> <p>* Or plus 1/2 width of roadway if measured from centerline of road</p>		

F. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

1. Intent

The intent of the R-3 Multi-family Residential District is to accommodate multi-family dwelling units where compatibility with the surrounding land uses is maintained. This district should be located in close association with community facilities such as schools, parks, shopping areas, etc. Development within this district requires the provision of sanitary sewer and/or public water facilities.

2. Permitted Uses

Permitted uses in the R-3 Multi-family Residential District shall be those specified in Table V-3.

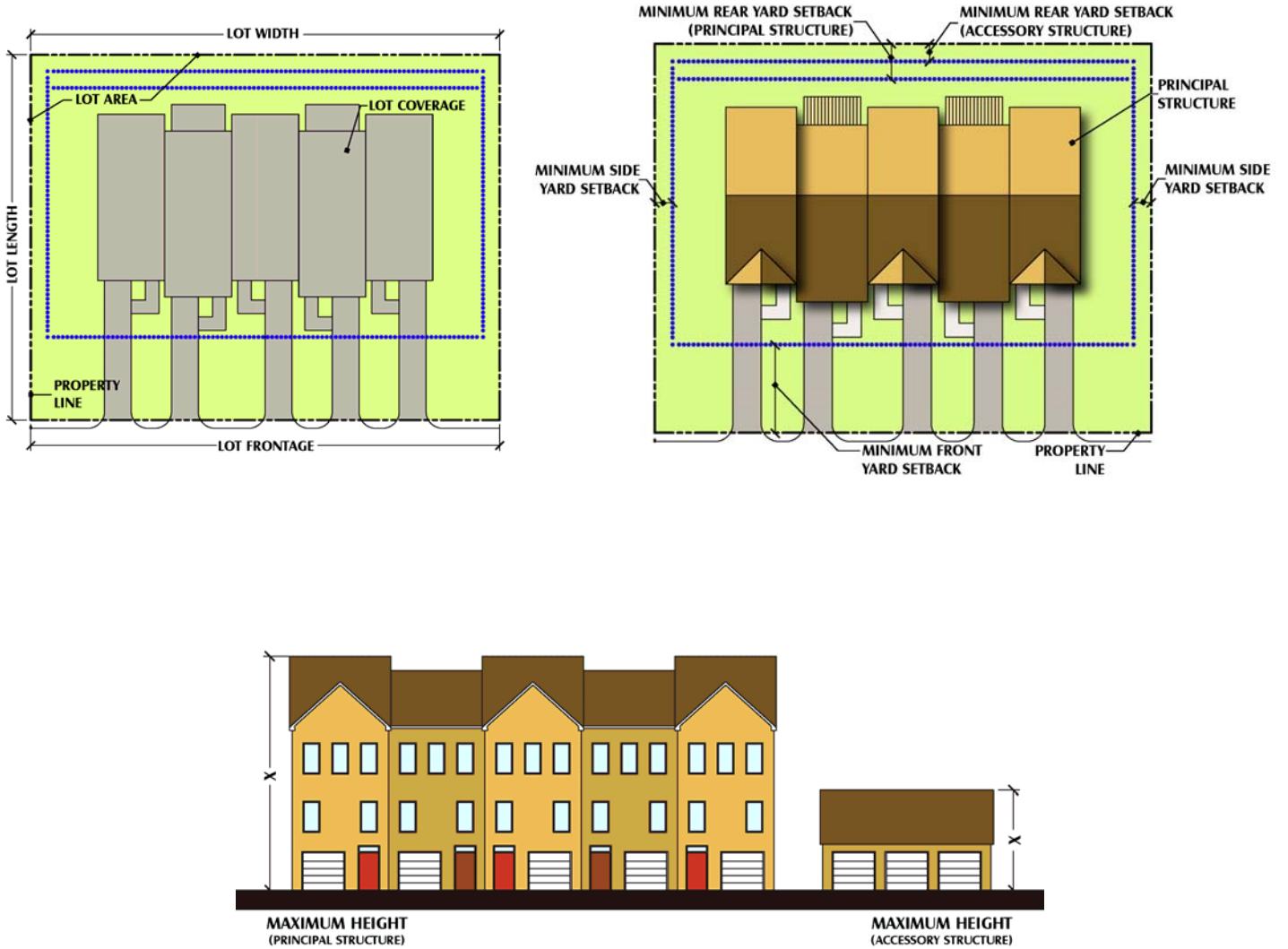
3. Conditional Uses

Conditional Uses in the R-3 Multi-family Residential District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-3 Multi-family Residential District shall be those specified in Table V-9. Site development concepts are illustrated in Figure V-6.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-6: R-3 Site Development Concepts



Source: HNTB Corporation

Table V-9: R-3 District Standards Table

R-3 RESIDENTIAL DISTRICT		
Minimum Lot Area	3,600 s.f./2200 s.f./1200 s.f.	④
Minimum Lot Width	50 ft.	
Minimum Front Yard Setback (Along Local Street)*	25 ft.	
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.	
Minimum Front Yard Setback (Along Collector Street)*	40 ft.	
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.	
Minimum Side Yard Setback (Principal Structure)	5 ft./15 ft.	⑤
Minimum Side Yard Setback (Accessory Structure)	5 ft./15 ft.	⑤
Minimum Side Buffer Yard	n/a	
Minimum Rear Yard Setback (Principal Structure)	10 ft.	
Minimum Rear Yard Setback (Accessory Structure)	5 ft.	
Minimum Rear Buffer Yard	n/a	
Maximum Gross Floor Area (Single Establishment)	n/a	
Maximum Gross Floor Area (Integrated Center)	n/a	
Maximum Lot Coverage	45%	
Maximum Height (Principal Structure)	60 ft.	
Maximum Height (Accessory Structure)	25 ft.	
Maximum Floor Area Ratio	n/a	
Minimum District Size	n/a	
Additional Standards	See Chapter VII	
④ Single Family/Single Family Attached/Multifamily ⑤ Single Family and Single Family Attached/Multifamily * Or block face average setback of the existing principle structures on the same block, whichever is greater * Or plus 1/2 width of roadway if measured from centerline of road		

G. R-T MOBILE HOME RESIDENTIAL DISTRICT

1. Intent

The intent of the R-T Mobile Home Residential District is to provide for mobile home park communities at appropriate locations where they can be closely associated with community facilities such as schools, parks, shopping areas, etc. In locating this district, attention should be given to the relationship of the district to the existing and potential development of the surrounding area as well as establishing an attractive residential environment. Development within this district requires the provision of sanitary sewer and/or public water facilities.

2. Permitted Uses

Permitted Uses in the R-T Mobile Home Residential District shall be those specified in Table V-3.

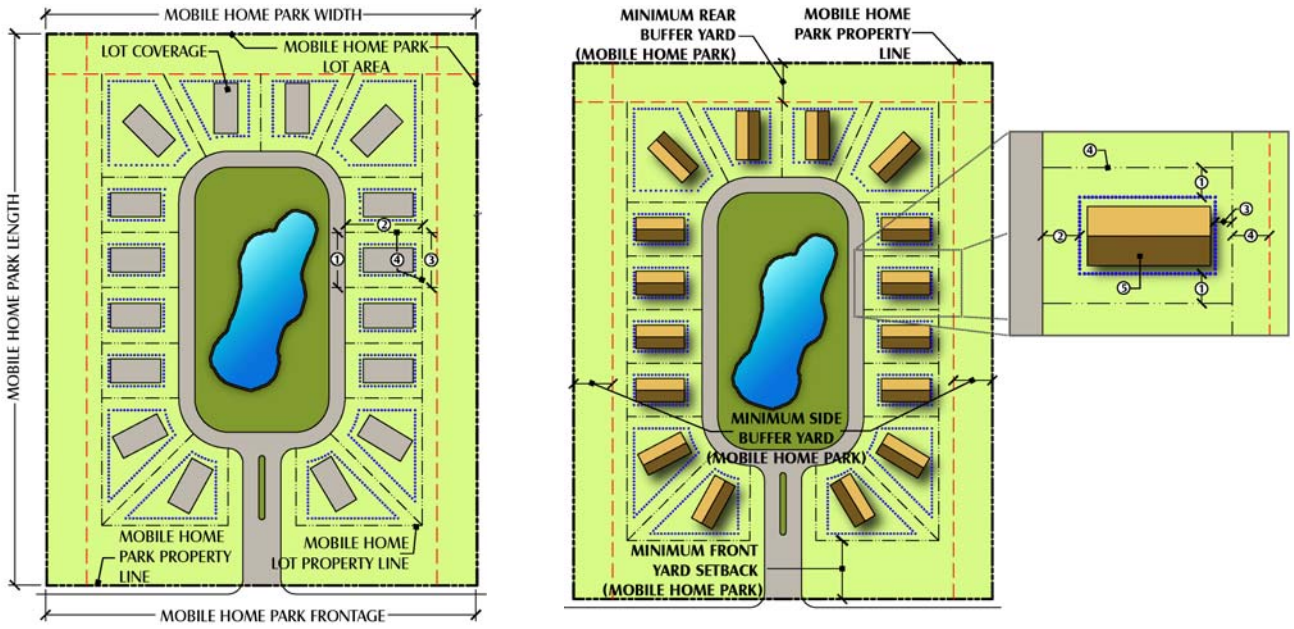
3. Conditional Uses

Conditional Uses in the R-T Mobile Home Residential District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot area, minimum lot width, minimum street frontage, minimum yard setbacks, minimum floor area, maximum lot coverage, maximum building height, maximum density and additional related standards in the R-T Mobile Home Residential District shall be those specified in Table V-10. Site development concepts are illustrated in Figure V-7.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-7: R-T Site Development Concepts

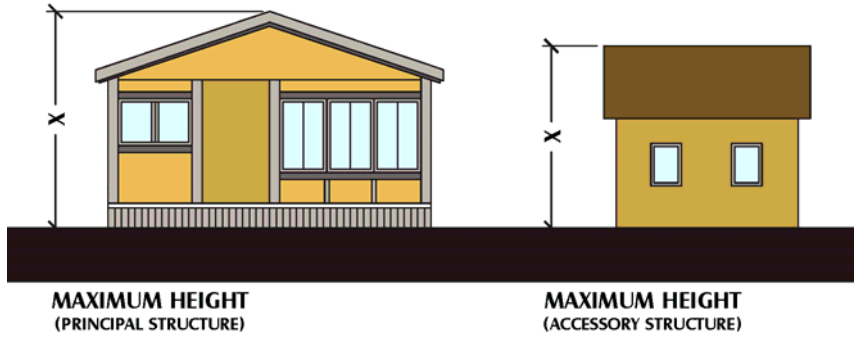


KEY

- ① MOBILE HOME LOT FRONTAGE
- ② MOBILE HOME LOT LENGTH
- ③ MOBILE HOME LOT WIDTH
- ④ MOBILE HOME LOT AREA

KEY

- ① MINIMUM SIDE YARD SETBACK (MOBILE HOME LOT)
- ② MINIMUM FRONT YARD SETBACK (MOBILE HOME LOT)
- ③ MINIMUM REAR YARD SETBACK (MOBILE HOME LOT)
- ④ MOBILE HOME LOT PROPERTY LINE
- ⑤ PRINCIPAL STRUCTURE



Source: HNTB Corporation

Table V-10: R-T District Standards Table

R-T RESIDENTIAL DISTRICT		
Minimum Lot Area	5 ac./ 2500 s.f.	⑥
Minimum Lot Width	100 ft./ 30 ft.	⑥
Minimum Front Yard Setback (Along Local Street)*	25 ft./15 ft.	⑥
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.	
Minimum Front Yard Setback (Along Collector Street)*	40 ft.	
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.	
Minimum Side Yard Setback (Principal Structure)	15 ft./12 ft.	⑥
Minimum Side Yard Setback (Accessory Structure)	5 ft.	
Minimum Side Buffer Yard	40 ft.	
Minimum Rear Yard Setback (Principal Structure)	15 ft./7 ft.	⑥
Minimum Rear Yard Setback (Accessory Structure)	5 ft.	
Minimum Rear Buffer Yard	40 ft.	
Maximum Gross Floor Area (Single Establishment)	n/a	
Maximum Gross Floor Area (Integrated Center)	n/a	
Maximum Lot Coverage	45%	
Maximum Height (Principal Structure)	35 ft.	
Maximum Height (Accessory Structure)	18 ft.	
Maximum Floor Area Ratio	n/a	
Minimum District Size	n/a	
Additional Standards	See Chapter VII	
<p>⑥ Mobile Home Park/Mobile Home Lot</p> <p>* Or block face average setback of the existing principle structures on the same block, whichever is greater</p> <p>* Or plus 1/2 width of roadway if measured from centerline of road</p>		

H. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

1. Intent

The intent of the C-1 Neighborhood Commercial District is to:

- a. Permit retail and service establishments which cater to and serve the frequent needs of abutting neighborhood residents;
- b. Act as a transition to and a buffer between more intensive nonresidential uses and residential areas;
- c. Provide for commercial activities that generate a low volume of traffic; and
- d. Protect the character of neighboring residential districts. In order to limit the volume of vehicular and pedestrian traffic in and about neighborhood shopping areas to a level consistent with their purpose and location, business establishments are restricted in size to less than five thousand feet (5,000').

2. Permitted Uses

Permitted Uses in the C-1 Neighborhood Commercial District shall be those specified in Table V-3.

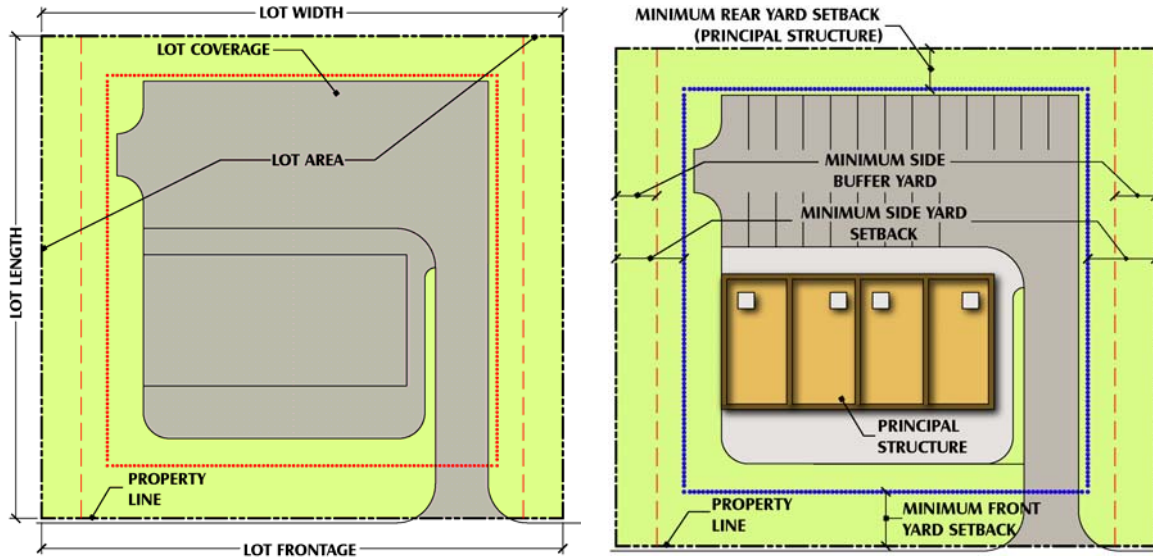
3. Conditional Uses

Conditional Uses in the C-1 Neighborhood Commercial District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the C-1 Neighborhood Commercial District shall be those specified in Table V-11. Site development concepts are illustrated in Figure V-8.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-8: C-1 Site Development Concepts



Source: HNTB Corporation

Table V-11: C-1 District Standards Table

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT	
Minimum Lot Area	3,300 s.f.
Minimum Lot Width	50 ft.
Minimum Front Yard Setback (Along Local Street)*	20 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	20 ft.
Minimum Front Yard Setback (Along Collector Street)*	30 ft.
Minimum Front Yard Setback (Along Arterial Street)*	30 ft.
Minimum Side Yard Setback (Principal Structure)	10 ft.
Minimum Side Yard Setback (Accessory Structure)	10 ft.
Minimum Side Buffer Yard	15 ft.
Minimum Rear Yard Setback (Principal Structure)	10 ft.
Minimum Rear Yard Setback (Accessory Structure)	10 ft.
Minimum Rear Buffer Yard	15 ft.
Maximum Gross Floor Area (Single Establishment)	5,000 s.f.
Maximum Gross Floor Area (Integrated Center)	25,000 s.f.
Maximum Lot Coverage	50%
Maximum Height (Principal Structure)	35 ft.
Maximum Height (Accessory Structure)	25 ft.
Maximum Floor Area Ratio	0.9
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
<p>* Or block face average setback of the existing principle structures on the same block, whichever is greater</p> <p>* Or plus 1/2 width of roadway if measured from centerline of road</p>	

I. C-2 COMMUNITY COMMERCIAL DISTRICT

1. Intent

- a. The intent of the C-2 Community Commercial District is to:
- b. Permit a variety of retail and service establishments which satisfy the occasional needs of residents in the surrounding community; promote convenience by serving the daily and occasional needs of residents in the local community; and
- c. Provide for more intense commercial activities which should be buffered from nearby residential districts. It is designed not for an abutting neighborhood, but for a relatively larger consumer population for both daily and occasional shopping. In order to preserve the character and purpose of and lessen vehicular traffic in neighborhoods, the C-2 Community Commercial District should be located at the intersection of arterial and collector streets and not along any minor, local or subcollector streets except when such streets are created coincident with and for the purpose of serving this district.

2. Permitted Uses

Permitted Uses in the C-2 Community Commercial District shall be those specified in Table V-3.

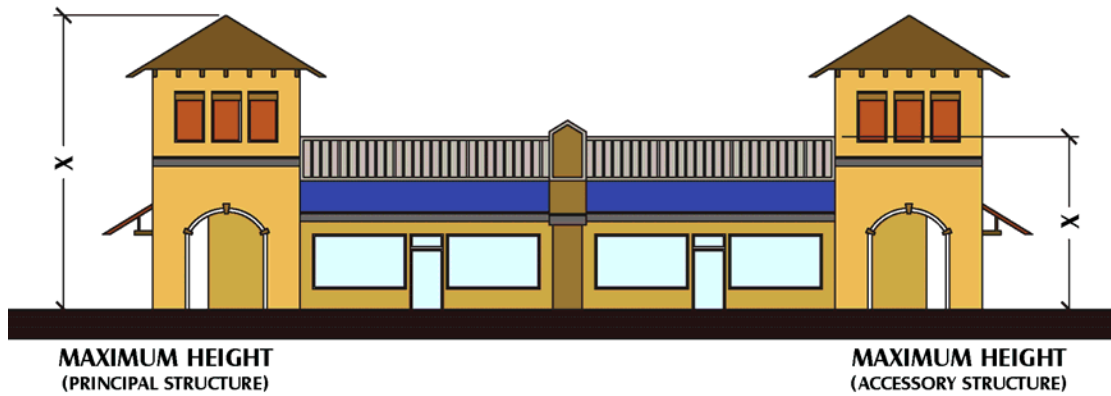
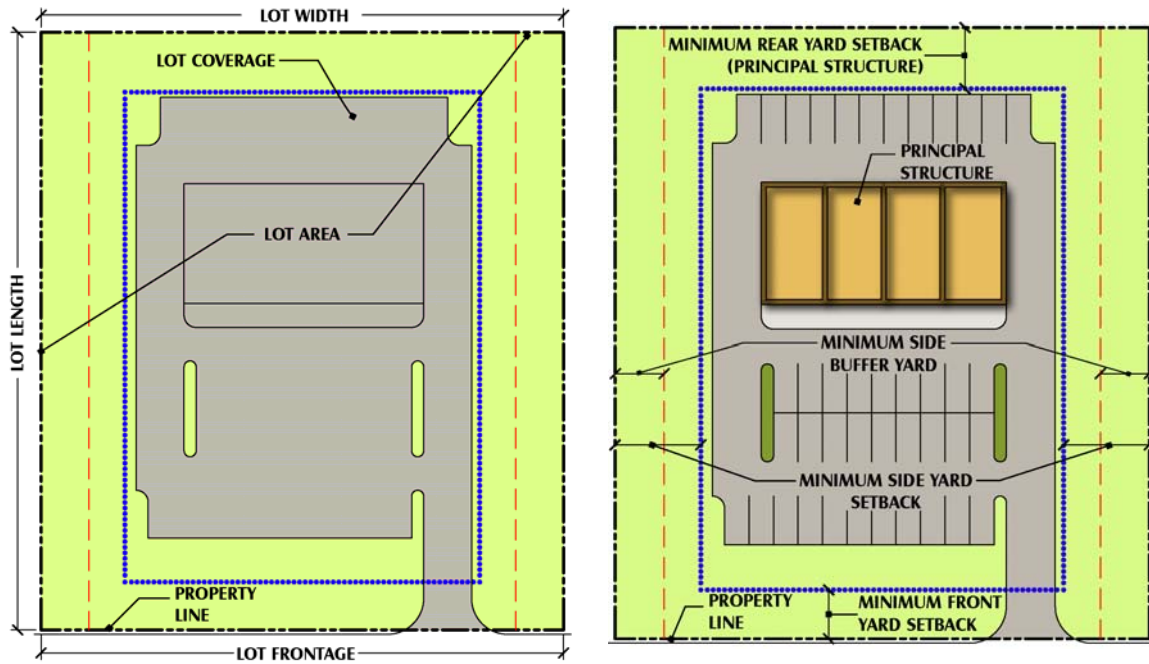
3. Conditional Uses

Conditional Uses in the C-2 Community Commercial District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the C-2 Community Commercial District shall be those specified in Table V-12. Site development concepts are illustrated in Figure V-9.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-9: C-2 Site Development Concepts



Source: HNTB Corporation

Table V-12: C-2 District Standards Table

C-2 COMMUNITY COMMERCIAL DISTRICT	
Minimum Lot Area	0.25 ac.
Minimum Lot Width	50 ft.
Minimum Front Yard Setback (Along Local Street)*	20 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	20 ft.
Minimum Front Yard Setback (Along Collector Street)*	30 ft.
Minimum Front Yard Setback (Along Arterial Street)*	30 ft.
Minimum Side Yard Setback (Principal Structure)	10 ft.
Minimum Side Yard Setback (Accessory Structure)	10 ft.
Minimum Side Buffer Yard	20 ft.
Minimum Rear Yard Setback (Principal Structure)	10 ft.
Minimum Rear Yard Setback (Accessory Structure)	10 ft.
Minimum Rear Buffer Yard	20 ft.
Maximum Gross Floor Area (Single Establishment)	25,000 s.f.
Maximum Gross Floor Area (Integrated Center)	100,000 s.f.
Maximum Lot Coverage	60%
Maximum Height (Principal Structure)	40 ft.
Maximum Height (Accessory Structure)	25 ft.
Maximum Floor Area Ratio	1
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of road	

J. C-3 REGIONAL COMMERCIAL DISTRICT

1. Intent

The intent of the C-3 Regional Commercial District is to accommodate a wide variety of business, commerce, major retail and service centers, which offer a complete range of goods and services to consumers of the Wabash Valley region. This district is limited to specific locations and characterized by large establishments generating large volumes of vehicular traffic. Development is characterized by its provision of some degree of comparison shopping and a lack of any attempt to draw pedestrian traffic. This district should be located at the intersection of major arterial streets and regional thoroughfares, and not along any minor, local or subcollector streets except when such streets are created coincident with and for the purpose of serving this district.

2. Permitted Uses

Permitted Uses in the C-3 Regional Commercial District shall be those specified in Table V-3.

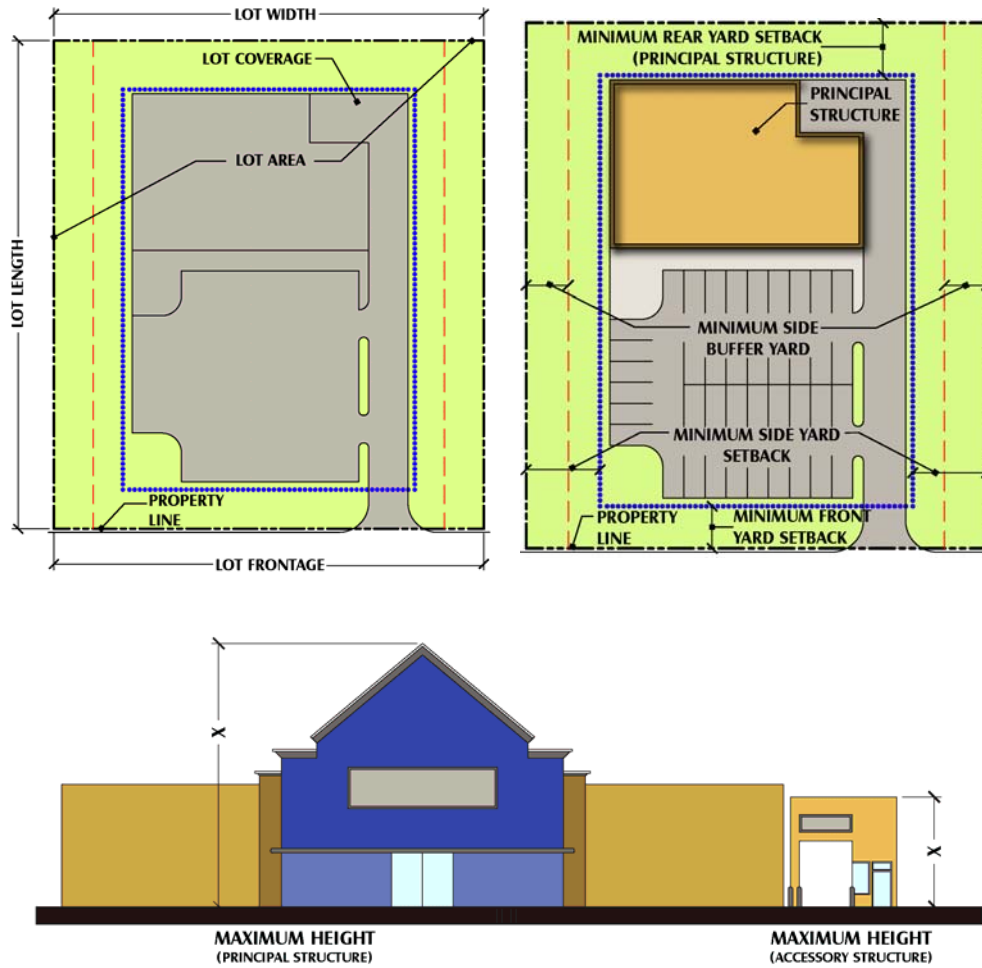
3. Conditional Uses

Conditional Uses in the C-3 Regional Commercial District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the C-3 Regional Commercial District shall be those specified in Table V-13. Site development concepts are illustrated in Figure V-10.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-10: C-3 Site Development Concepts



Source: HNTB Corporation

Table V-13: C-3 District Standards Table

C-3 REGIONAL COMMERCIAL DISTRICT	
Minimum Lot Area	0.5 ac.
Minimum Lot Width	100 ft.
Minimum Front Yard Setback (Along Local Street)*	20 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	20 ft.
Minimum Front Yard Setback (Along Collector Street)*	30 ft.
Minimum Front Yard Setback (Along Arterial Street)*	30 ft.
Minimum Side Yard Setback (Principal Structure)	15 ft.
Minimum Side Yard Setback (Accessory Structure)	15 ft.
Minimum Side Buffer Yard	30 ft.
Minimum Rear Yard Setback (Principal Structure)	15 ft.
Minimum Rear Yard Setback (Accessory Structure)	15 ft.
Minimum Rear Buffer Yard	30 ft.
Maximum Gross Floor Area (Single Establishment)	no maximum
Maximum Gross Floor Area (Integrated Center)	no maximum
Maximum Lot Coverage	60%
Maximum Height (Principal Structure)	60 ft.
Maximum Height (Accessory Structure)	25 ft.
Maximum Floor Area Ratio	2
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of road	

K. CBD CENTRAL BUSINESS DISTRICT

1. Intent

The intent of the CBD Central Business District is to accommodate a broad range of activities, including high density residential uses, as a major center for government, finance, professional offices, health care facilities, services, and retail uses which provide goods and services to a maximum concentration of pedestrian traffic. The CBD Central Business District is intended to be the community's most pedestrian oriented area, with an emphasis on arts, cultural heritage, shopping and pedestrian amenities.

2. Permitted Uses

Permitted Uses in the CBD Central Business District shall be those specified in Table V-3.

3. Conditional Uses

Conditional Uses in the CBD Central Business District shall be those specified in Table V-3.

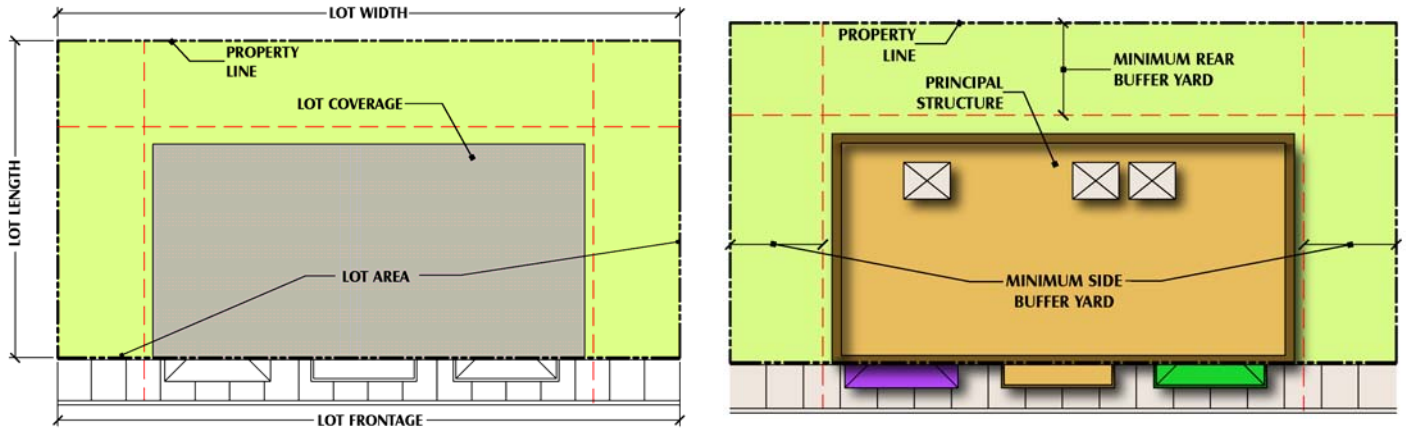
4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the CBD Central Business District shall be those specified in Table V-14. Site development concepts are illustrated in Figure V-11.
- b. Site development standards for architectural design shall be those specified in Chapter VII, Supplementary Regulations.
- c. All new construction shall have its primary entrance facing the front property line. This primary entrance must be readily apparent as a prominent architectural component as well as displaying the street number. Lots facing more than one street shall designate one street as the front property line. Plan submittals to the City shall clearly designate the front property line.
- d. A minimum of sixty percent (60%) of the ground-level front façade width must be located within five feet (5') of the front property line.
- e. Front ground level facades parallel to the front property line, and any façade parallel to and within twenty feet (20') of a street right-of-way,

shall have no more than ten (10) consecutive linear feet without a window, door, display opening, or other prominent architectural feature.

- f. Modifications to existing nonconforming buildings, including parking lots and accessory uses, shall be exempt from the dimensional requirements contained herein, provided however that any modification to a building's façade must comply with item (e) above. A modification shall be defined as an addition with its own footprint having an area no more than fifty percent (50%) of the existing area of building, parking lot, or accessory use being modified.
- g. The ground floor of any building may not be used for residence or warehousing/storage.
- h. Private enterprise construction of major parking facilities, with governmental cooperation, which would more efficiently provide for the parking needs generated by various downtown activities, shall be encouraged. Therefore, off-street parking requirements specified in Chapter 7, Supplemental Regulations shall not apply to uses established in the CBD. Automobile access to any parking lot from the front property right-of-way is prohibited unless an alley entry or side yard ingress/egress is not practical, as determined by the City Engineer.
- i. Site development standards for landscaping shall be those specified in Chapter VII, Supplementary Regulations, except that all surface parking lots require a five foot (5') minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") and forty-two inches (42") in height, plus a minimum of one (1) tree per twenty-five (25) linear feet.
- j. Site development standards for outdoor lighting, and off-street loading shall be those specified in Chapter VII, Supplementary Regulations.
- k. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-11: CBD Site Development Concepts



**MAXIMUM HEIGHT
(PRINCIPAL STRUCTURE)**

Source: HNTB Corporation

Table V-14: CBD Districts Standards Table

CBD CENTRAL BUSINESS DISTRICT	
Minimum Lot Area	2,500 s.f.
Minimum Lot Width	25 ft.
Minimum Front Yard Setback (Along Local Street)*	0 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	0 ft.
Minimum Front Yard Setback (Along Collector Street)*	0 ft.
Minimum Front Yard Setback (Along Arterial Street)*	0 ft.
Minimum Side Yard Setback (Principal Structure)	0 ft.
Minimum Side Yard Setback (Accessory Structure)	5 ft.
Minimum Side Buffer Yard	20 ft.
Minimum Rear Yard Setback (Principal Structure)	5 ft.
Minimum Rear Yard Setback (Accessory Structure)	5 ft.
Minimum Rear Buffer Yard	20 ft.
Maximum Gross Floor Area (Single Establishment)	n/a
Maximum Gross Floor Area (Integrated Center)	n/a
Maximum Lot Coverage	75%
Maximum Height (Principal Structure)	85 ft.
Maximum Height (Accessory Structure)	25 ft.
Maximum Floor Area Ratio	8
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is less	
* Or plus 1/2 width of roadway if measured from centerline of road	

L. M-1 LIGHT INDUSTRIAL DISTRICT

1. Intent

The intent of the M-1 Light Industrial District is to provide for establishments primarily engaged in manufacturing, construction, wholesaling, warehousing and associated retail and service activities whose external, physical affects are relatively clean and quiet, and to act as a transition between heavy industrial districts and less intensive agricultural, commercial or residential districts. This district is also designed to promote the establishment of business parks, planned developments that provide for unique arrangements of light industrial uses. This district should be located with good accessibility to thoroughfares; railroads or other means of transportation, as well as a broad range of public infrastructure and utilities. The M-1 Light Industrial District provides for additional sites in a more densely developed area. It provides for those industries which are more compatible with densely developed, contiguous, residential and commercial uses and which can readily meet the industrial performance standards.

2. Permitted Uses

Permitted Uses in the M-1 Light Industrial District shall be those specified in Table V-3.

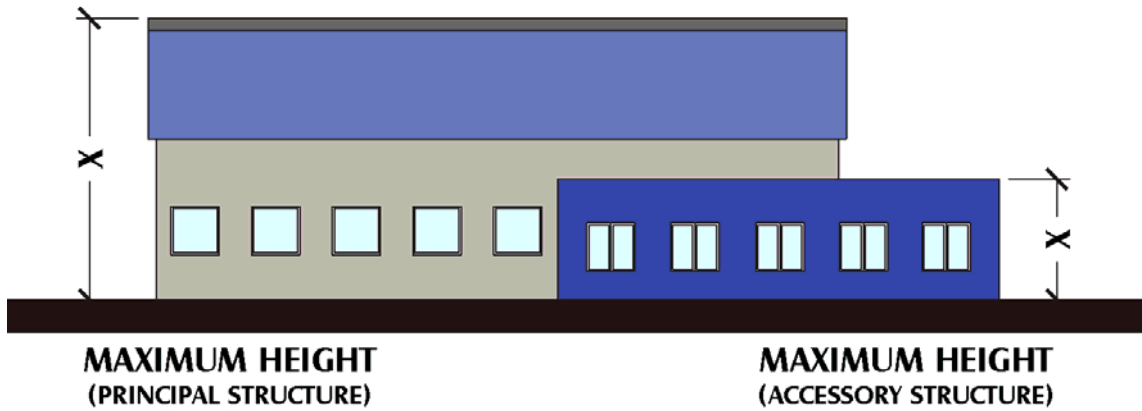
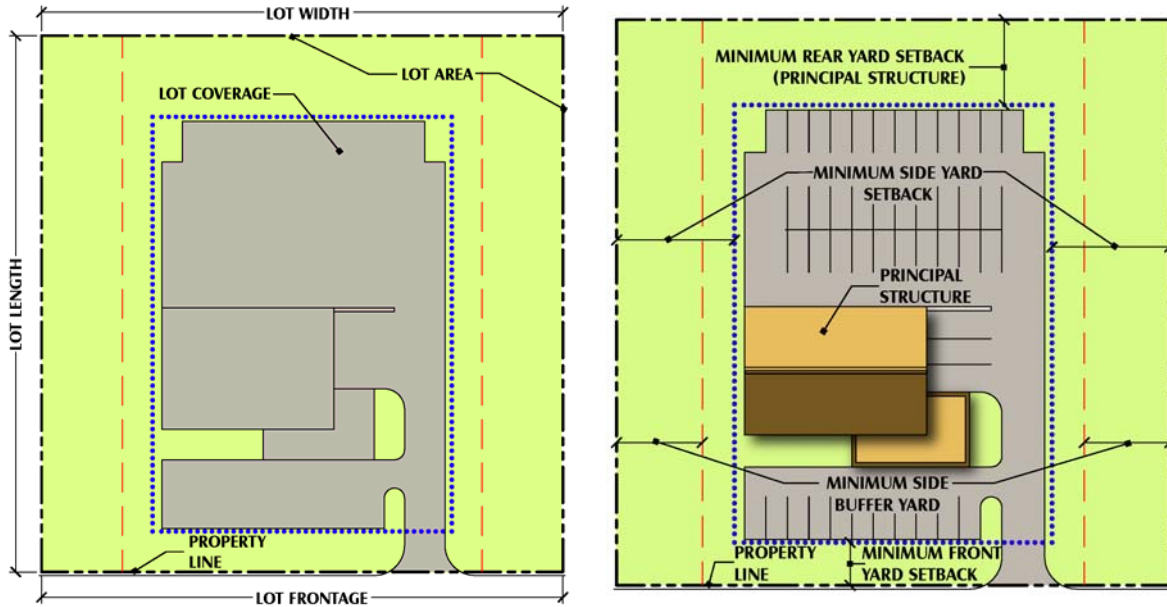
3. Conditional Uses

Conditional Uses in the M-1 Light Industrial District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the M-1 Light Industrial District shall be those specified in Table V-15. Site development concepts are illustrated in Figure V-12.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-12: M-1 Site Development Concepts



Source: HNTB Corporation

Table V-15: M-1 District Standards Table

M-1 MANUFACTURING DISTRICT	
Minimum Lot Area	1 ac.
Minimum Lot Width	100 ft.
Minimum Front Yard Setback (Along Local Street)*	25 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.
Minimum Front Yard Setback (Along Collector Street)*	40 ft.
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.
Minimum Side Yard Setback (Principal Structure)	15 ft.
Minimum Side Yard Setback (Accessory Structure)	15 ft.
Minimum Side Buffer Yard	40 ft.
Minimum Rear Yard Setback (Principal Structure)	15 ft.
Minimum Rear Yard Setback (Accessory Structure)	15 ft.
Minimum Rear Buffer Yard	40 ft.
Maximum Gross Floor Area (Single Establishment)	n/a
Maximum Gross Floor Area (Integrated Center)	n/a
Maximum Lot Coverage	50%
Maximum Height (Principal Structure)	85 ft.
Maximum Height (Accessory Structure)	45 ft.
Maximum Floor Area Ratio	0.5
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of road	

M. M-2 HEAVY INDUSTRIAL DISTRICT

1. Intent

The intent of the M-2 Heavy Industrial District is to provide for establishments primarily engaged in manufacturing, construction, wholesaling, warehousing and associated retail, financial, and service activities with a need for outdoor storage, processing or operations. Due to the nature of such outdoor storage, processing or operations, this district should not be located adjacent to residential or light commercial districts. This district requires good access to major thoroughfares, railroads or other means of transportation, as well as a broad range of public infrastructure and utilities. It is recognized that to provide for industrial growth, a reasonable excess of quality land must be held in exclusive reserve for industrial expansion and meeting the industrial performance standards. Uses not clearly of a manufacturing or industrial nature must be incidental to an established industrial facility.

2. Permitted Uses

Permitted Uses in the M-2 Heavy Industrial District shall be those specified in Table V-3.

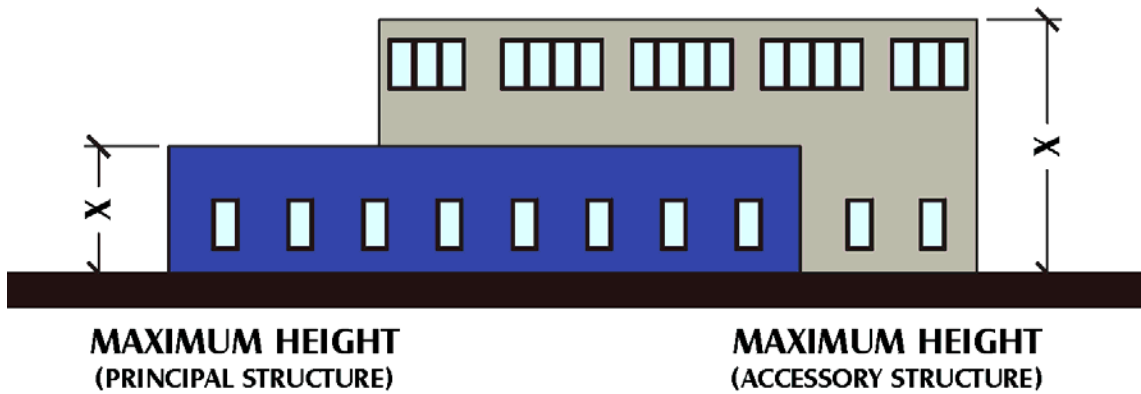
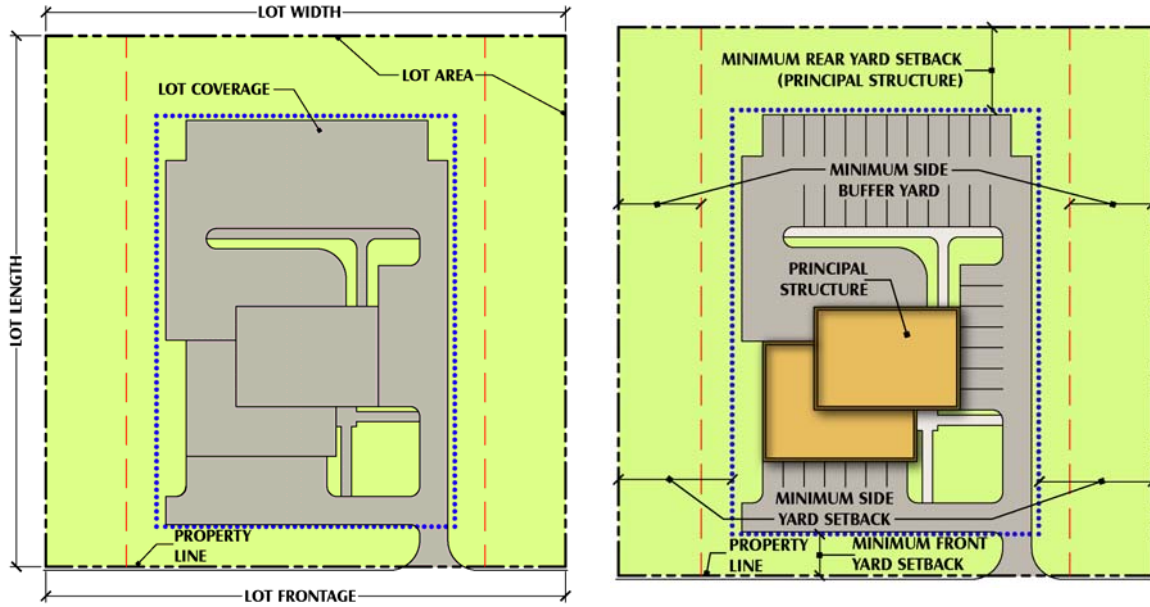
3. Conditional Uses

Conditional Uses in the M-2 Heavy Industrial District shall be those specified in Table V-3.

4. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum gross floor area, maximum building height and additional related standards in the M-2 Heavy Industrial District shall be those specified in Table V-16. Site development concepts are illustrated in Figure V-13.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

Figure V-13: M-2 Site Development Concepts



Source: HNTB Corporation

Table V-16: M-2 District Standards Table

M-2 MANUFACTURING DISTRICT	
Minimum Lot Area	1 ac.
Minimum Lot Width	100 ft.
Minimum Front Yard Setback (Along Local Street)*	25 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	30 ft.
Minimum Front Yard Setback (Along Collector Street)*	40 ft.
Minimum Front Yard Setback (Along Arterial Street)*	60 ft.
Minimum Side Yard Setback (Principal Structure)	15 ft.
Minimum Side Yard Setback (Accessory Structure)	15 ft.
Minimum Side Buffer Yard	40 ft.
Minimum Rear Yard Setback (Principal Structure)	15 ft.
Minimum Rear Yard Setback (Accessory Structure)	15 ft.
Minimum Rear Buffer Yard	40 ft.
Maximum Gross Floor Area (Single Establishment)	n/a
Maximum Gross Floor Area (Integrated Center)	n/a
Maximum Lot Coverage	60%
Maximum Height (Principal Structure)	85 ft.
Maximum Height (Accessory Structure)	45 ft.
Maximum Floor Area Ratio	0.6
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
<p>* Or block face average setback of the existing principle structures on the same block, whichever is greater</p> <p>* Or plus 1/2 width of roadway if measured from centerline of road</p>	

V.IV OVERLAY ZONING DISTRICTS

An overlay zoning district is a supplemental district that may be superimposed over any standard zoning district established in Section V.I.A. The boundaries of each overlay zoning district shall be shown on the Official Zoning Map. On and after the date of adoption, all real property within the boundaries of each overlay zoning district shall become subject to the requirements of that overlay zoning district. Any Permitted Use or Conditional Use permitted in the underlying standard zoning district shall also be permitted in an overlay zoning district if the proposed use conforms with the purpose and any applicable standards for both the standard zoning district and the overlay zoning district.

A. AO AIRPORT OVERLAY DISTRICT

1. Intent

The intent of the AO Airport Overlay District is to:

- a. Ensure the harmonious arrangement and development of land uses in and around Hulman Regional Airport;
- b. Encourage the types of land uses having maximum compatibility with aircraft operations;
- c. Protect the airport from the encroachment of incompatible land uses;
- d. Regulate development and land use within noise sensitive areas surrounding Hulman Regional Airport;
- e. Prevent the creation or establishment of obstructions that are hazards to air navigation;
- f. Ensure the elimination, removal, alteration or mitigation of obstructions that are hazards to air navigation;
- g. Promote the marking and lighting of obstructions that are hazard to air navigation; and
- h. Protect and promote the public utility of Hulman Regional Airport.

2. District Regulations

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

3. Incorporation of the Airspace Overlay Zoning Map

The Airspace Overlay Zoning Map is incorporated herein by reference and made a part of this ordinance and the Official Zoning Maps. (The Airspace Overlay Zoning Map is based on the most recent approved Airport Layout Plan.)

4. Division of the AO Airport Overlay District into Areas

The AO Airport Overlay District shall consist of Airport Precision Instrument, Non-Precision Instrument and Visual Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas and Conical Surface Areas, on publicly owned, public use airport as defined herein and indicated on the Airspace Overlay Zoning Map.

5. Height Limits

If any area is subject to more than one of the below height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this herein shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty feet (50') or less above the surface of the land. However, if the erection, construction, growth or maintenance of any structure or tree to a height of fifty feet (50') or less above the surface of the land is deemed an airspace hazard it may be prohibited through fair compensation to the owner of such structure or tree. Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow, or maintained within the AO Airport Overlay District to a height in excess of the following height limits herein established for the applicable Airport Precision Instrument Approach Surface Area, Airport Non-Precision Instrument Approach Surface Area, Airport Visual Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined herein and designed on the Airspace Overlay Zoning Map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the Airspace Overlay Zoning Map).

- a. Height Limits for the Airport Precision Instrument Approach Surface Area shall be one foot (1') in height for each fifty feet (50') in horizontal distance beginning at a point two hundred feet (200') from the end of the runway and extending to a distance of ten thousand two hundred feet

(10,200') from the end of the runway; thence one foot (1') in height for each forty feet (40') in horizontal distance to a point fifty thousand two hundred feet (50,200') from the end of the runway.

- b. Height Limits for the Airport Non-Precision Instrument Approach Surface Area shall be one foot (1') in height for each thirty four feet (34') in horizontal distance beginning at a point two hundred feet (200') from the end of the runway and extending to a point ten thousand two hundred feet (10,200') from the end of the runway.
- c. Height Limits for the Airport Visual Approach Surface Area shall be one foot (1') in height for each twenty feet (20') in horizontal distance beginning at a point two hundred feet (200') from the end of the runway and extending to a point five thousand two hundred feet (5,200') from the end of the runway.
- d. Height Limits for the Airport Transitional Surface Area shall be one foot (1') in height for each seven feet (7') in horizontal distance beginning at a point five hundred feet (500') from the centerline of precision instrument runways and two hundred fifty feet (250') from the centerline of non-precision instrument and visual runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty feet (150') above the established airport elevation as indicated in the Airspace Overlay District Zoning Map; one foot (1') vertical height for each seven feet (7') of horizontal distance measured from the outer lines of all Precision Instrument, Non-Precision Instrument, and Visual Approach Surface Areas for the entire length of said Approach Surface Areas, extending to the intersection with the outer line of the Conical Surface Area beyond said points of intersection, beginning at the outer lines of all Precision Instrument Approach Surface Areas and extending a horizontal distance to five thousand feet (5,000') therefrom, measured at right angles to the continuation of the runway centerline, one foot (1') vertical height for each seven feet (7') of horizontal distance. The width prescribed herein will be that width prescribed for the most precise approach existing or planned for either end of that runway.
- e. Height Limit for the Airport Horizontal Surface Area shall be one hundred fifty feet (150') above the established airport elevation as indicated on the Airspace Overlay Zoning Map. The dimensions of the Airport Horizontal Surface Areas are defined in Chapter II.
- f. Height Limit for the Airport Conical Surface Area shall be one foot (1') in height for each twenty feet (20') of horizontal distance beginning at the periphery of the Horizontal Surface Area and measured perpendicularly to the periphery of the Horizontal Surface Area to a height of three hundred

fifty feet (350') above the established airport elevation. The dimensions of the Airport Conical Surface Area are defined in Chapter II.

6. Performance Standards for the Airport Conical Surface Area

The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Areas:

- a. No use shall create interference with any form of communication, the primary purpose of which is for air navigation.
- b. All light shall be located or shielded in such a manner that they do not interfere with runway, taxiway, tower or any other airport lights, or result in glare which may interfere with the use of the airport in landing, taking-off, or maneuvering of aircraft.
- c. Such markers and lights as may be required by the Hulman Regional Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined in their ordinance, shall be permitted.
- d. The emission of smoke, dust, particular matter and any other airborne material shall be subject to Air Quality Control Ordinance, Vigo County Code Chapter 44, Section 3-44-1.b.3 and which standards and regulations are hereby incorporated by reference and made a part hereof.
- e. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport landing, taking-off or maneuvering of aircraft.

7. Incorporation of the Noise Overlay Zoning Maps

- a. The Noise Overlay Zoning Maps are incorporated herein by reference and made a part of this ordinance and the Official Zoning Maps as Attachment 2A and Attachment 2B (The Noise Overlay Zoning Map is based on the most recently approved F.A.R. Part 150 Noise Exposure Maps.)
- b. Copies of the noise contour maps and FAR 150 Noise Compatibility Study shall be on file and open to public inspection in the offices of the Airport Authority and the Department.
- c. The AO Airport Overlay District shall also consist of three (3) separate Noise Compatibility Overlay Zones. The Noise Compatibility Overlay Zones for the area around Hulman Regional Airport are established based on the DNL contours for aircraft noise developed for two alternative conditions forecast to exist in a short-term operating condition and a long-term

operating condition. The following Noise Compatibility Overlay Zones are hereby established:

- i. DNL 65-70 Noise Compatibility Overlay Zone (N-1). The N-1 Zone generally corresponds to the area between the DNL 65 and 70 contours, as shown on Noise Overlay Zoning Maps.
- ii. DNL 70-75 Noise Compatibility Overlay Zone (N-2). The N-2 Zone generally corresponds to the area between the DNL 70 and 75 contours, as shown on Noise Overlay Zoning Maps.
- iii. DNL 75+ Noise Compatibility Overlay Zone (N-3). The N-3 Zone generally corresponds to the area within the DNL 75 contour, as shown on Noise Overlay Zoning Maps.

8. Boundary Revisions

The boundaries shall be reviewed by the Commission whenever the Airport Authority updates or amends the noise contour maps and/or the FAR part 150 Noise Compatibility Program. It shall be the responsibility of the Airport Authority to notify the Commission of any such changes and to provide a copy of such changes to the Commission.

9. Prohibited Uses

Land uses prohibited in the three (3) Noise Compatibility Overlay Zones (N-1, N-2 and N-3) shall be those uses identified below:

- a. N-1 Noise Compatibility Overlay Zone
 - i. Mobile Dwelling Projects
 - ii. Hospitals / Nursing Homes
 - iii. Medical Offices
 - iv. Education Services
 - v. Religious Uses
 - vi. Auditoriums / Concert Halls
 - vii. Outdoor Music Shells / Amphitheaters
 - viii. Resorts and Group Camps

- b. N-2 Noise Compatibility Overlay Zone
 - i. Any use prohibited in the N-1 Overlay District
 - ii. Single Family Dwelling
 - iii. Two Family Dwelling
 - iv. Multifamily Dwelling
 - v. Residential Hotels
 - vi. Dwellings (any type)

- c. N-3 Noise Compatibility Overlay Zone
 - i. Any use prohibited in the N-2 Overlay District
 - ii. Hotel / Motel (Transient Lodging)
 - iii. Nature Exhibits
 - iv. Public Assembly Facilities

10. Improvement Location Permits for Residential Buildings or other Noise Sensitive Uses

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 feet (1,500') on either side of the extended centerline of a Hulman Regional Airport runway for a distance of one (1) nautical mile from the boundaries of Hulman Regional Airport, unless a permit for said building or structure has first been issued by the Indiana Department of Transportation, as specified in IC 21-8-10-3.

11. Exemptions

The provisions for Noise Compatibility Overlay Zones shall not be deemed applicable to:

- a. Temporary use, building, structure or improvement that is not used for residential purposes, so long as such temporary use, building, structure or improvement is otherwise permitted by this Ordinance.
- b. Agricultural uses, building, structure or improvement otherwise permitted by this Ordinance.

- c. Accessory use, building, structure or improvement otherwise permitted by this Ordinance.

12. Permit Review

Any application for an Improvement Location Permit for a building, structure or improvement in the N-1, N-2 or N-3 Overlay District shall be forwarded by the Director within three (3) days of its submittal to the Airport Authority staff. The Airport Authority staff shall have a maximum of seven (7) days in which to review the proposed plans and provide a written recommendation to the Department. If after such seven (7) day period, the Airport Authority staff has not required any additional information or stated any objections in writing to the Director, and the proposed building, structure or improvement, and the proposed use conform in all respects to the provisions of this Ordinance, the Director shall issue the Improvement Location Permit.

13. Additional Information Required

In addition to a site plan, the applicant shall provide any other technical substantiation maps, plans, drawings, or materials as necessary to indicate the following:

- a. Applicable Noise Overlay Zone. If a DNL boundary bisects the subject property, the DNL boundary shall be superimposed on the site plan.
- b. The use of each building, structure, improvement, or activity area shall be identified on the site plan.
- c. A narrative shall be provided describing the location of the site, its total acreage, existing character and use; the concept of the proposed development or use, such as proposed residential density, and the relation of the proposed site plan to the Comprehensive Plan.

14. Soundproofing Requirements

Soundproofing may be required for land uses in each of the N-1, N-2 and N-3 Noise Overlay Zones. 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 in the N-1 Zone should be soundproofed to achieve a 25 dB NLR from outdoor noise levels. Residences in the N-2 Zone should be soundproofed to achieve a 30 dB NLR. 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 in the N-3 Zone 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. An aviation easement and non-suit covenant shall be provided to the Airport Authority for any land use required to be soundproofed.

15. Aviation Easement and Non-suit Covenant

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 Hulman Regional 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 prescribed by the Director 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 Vigo County, Indiana.

B. FO FLOODPLAIN OVERLAY DISTRICT

1. Intent

The intent of the FO Floodplain Overlay District is to guide development in the flood hazard areas in order to:

- a. Reduce the potential for loss of life and property;
- b. Reduce the potential for health and safety hazards; and
- c. To reduce the potential for extraordinary public expenditures for flood protection and relief.

The requirements of the FO Floodplain Overlay District shall be applied to lands within a one hundred (100) year floodplain as mapped on FEMA Flood Insurance Rate Maps (FIRM).

2. District Regulations

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

3. Incorporation of the Flood Insurance Rate Maps

The Flood Insurance Rate Maps of Vigo County and the Flood Insurance Rate Maps of the City of Terre Haute are incorporated herein by reference and made a part of this Ordinance and the Official Zoning Maps.

4. Flood Control Regulations

All land use within the FO Floodplain Overlay District shall be subject to the Flood Control Regulations in Chapter IX of this Ordinance.

C. MO MINING OVERLAY DISTRICT

1. Intent

The intent of a MO Mining Overlay District is to provide for: establishments engaged in mining, excavating, processing and storage of gravel, sand, borrow, and other mineral or earthen resources; and, establishments engaged in the collection and disposal of solid waste. Separate MO Mining Overlay districts may be created for surface mining, shaft mining, and oil and gas drilling.

2. District Regulations

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

3. Permitted Uses

Permitted uses in a MO Mining Overlay District shall be:

- a. Any use permitted in the primary zoning district in which a MO Mining Overlay District is situated, as shown in Table V-3.
- b. Mining, quarrying, excavation of sand, gravel, borrow or other mineral or earthen resources.
- c. Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and storage of sand, gravel, borrow, or other mineral or earthen resources, mined on the premises.

4. Conditional Uses

Conditional Uses in a MO Mining Overlay District shall be:

- a. Any conditional use permitted in the primary zoning district in which a MO Mining Overlay District is situated, as shown in Table V-3.
- b. Permanent plants for the processing and storage of sand, gravel, borrow, or other mineral or earthen resources.
- c. Landfills (sanitary, hazardous).

5. Site Development Standards

- a. Site development standards for minimum lot width, minimum street frontage, minimum yard setbacks, maximum building height and additional related standards in a MO Mining Overlay District shall be those specified in Table V-17.
- b. Site development standards for architectural design, outdoor lighting, parking and landscaping shall be those specified in Chapter VII, Supplementary Regulations.
- c. Site development standards for signs shall be those specified in Chapter VIII, Sign Regulations.

6. Permits and Bonds

- a. An Improvement Location Permit shall be required prior to the commencement of any excavation or extraction of gravel, sand, borrow or other mineral or earth resources. Said Improvement Location Permit application shall be accompanied by corporate surety bond for site reclamation upon completion of operations. Said Improvement Location Permit and corporate surety bond may apply to any portion of real estate zoned MO Mining Overlay District and under the control of the applicant either in total or in phases as determined by the applicant.
- b. Surety bonds shall be in an amount per acre as determined by separate fee ordinance, and shall be with a surety approved by the Department. Said bond shall specify the time for the completion of all of extraction, processing, and reclamation operations on the real estate covered by said bond.

7. Site Reclamation

All excavation or extraction operations shall be:

- a. Made to a water-producing depth of not less than eight feet (8') below the low water mark and shall be sloped to the water line at a slope which shall not be less than one and one-half feet (1½') horizontal to one foot (1') vertical and said bank shall be sodded, or surfaced with a maximum of six inches (6") of suitable soil and seeded with grass seed; or,
- b. Back-filled and graded in substantial conformity to the land area immediately surrounding the excavation area provided that no form of solid waste, sludge, or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used as fill material in the reclamation of the site.

8. State Site Development Plan Requirements

A site development plan as required by the State of Indiana shall be filed with the Department on or before July 1st of each year. Any such mineral extraction and/or processing use or landfill use shall be operated in full and complete compliance with all applicable State laws, rules, and regulations.

Table V-17: MO District Standards Table

MO MINING OVERLAY DISTRICT	
Minimum Lot Area	1 ac.
Minimum Lot Width	100 ft.
Minimum Front Yard Setback (Along Local Street)*	60 ft.
Minimum Front Yard Setback (Along Subcollector Street)*	60 ft.
Minimum Front Yard Setback (Along Collector Street)*	60 ft.
Minimum Front Yard Setback (Along Arterial Street)*	50 ft.
Minimum Side Yard Setback (Principal Structure)	100 ft.
Minimum Side Yard Setback (Accessory Structure)	100 ft.
Minimum Side Buffer Yard	100 ft.
Minimum Rear Yard Setback (Principal Structure)	100 ft.
Minimum Rear Yard Setback (Accessory Structure)	100 ft.
Minimum Rear Buffer Yard	100 ft.
Maximum Height (Principal Structure)	100 ft.
Maximum Height (Accessory Structure)	25 ft.
Minimum District Size	1 ac.
Additional Standards	See Chapter VII
* Or block face average setback of the existing principle structures on the same block, whichever is greater	
* Or plus 1/2 width of roadway if measured from centerline of county road	

D. PCO PEDESTRIAN CORE OVERLAY DISTRICT

1. Intent

The intent of the PCO Pedestrian Core Overlay District is to be the City’s most pedestrian oriented area, with an emphasis on arts, cultural heritage, shopping and pedestrian amenities. All properties with front property lines on either side of Wabash Avenue between 3rd and 9th, the south side of Cherry from 3rd to 9th, the streets running between Cherry and Wabash from 3rd to 9th, and either side of 7th Street between Cherry and Poplar, shall comply with the requirements indicated for the PCO Pedestrian Core Overlay District.

2. District Regulations

The regulations and standards contained herein shall apply to all land within the PCO Pedestrian Core Overlay District. This district will serve as an overlay district that applies supplementary regulations in addition to the underlying CBD zoning district regulations. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

- a. Buildings shall be set on the front property line. This may be increased to ten feet (10') at the building entrance, or if the additional space is landscaped for outdoor retail dining.
- b. Lots bordering on Wabash Avenue must designate Wabash Avenue as the front property line.
- c. Front ground level facades shall have no more than ten (10) consecutive linear feet without a window, door, display opening, or other prominent architectural feature, and not more than fifty percent (50%) of the area between the height of two feet (2') and ten feet (10') shall be solid or opaque. Buildings on street corner intersections shall designate one of the two (2) frontages as the primary façade, facing the front property line, and shall comply with the frontage requirements above. The other, or secondary façade, shall comply with the frontage requirements of the CBD district.
- d. Side yard setbacks shall not be more than five feet (5') from side property lines except that one side yard setback may be a maximum of twenty feet (20').
- e. Building Height, Minimum. The minimum height is twenty-four feet (24'), measured on the front façade of the building.

Any off-street parking or loading area shall be located behind the building that it serves. Under no circumstances shall surface parking be a primary use on a lot located along Wabash Avenue or 7th Street.

3. Standards for New Construction and Exterior Modifications to Existing Buildings

- a. Building design or renovation shall be compatible with the character of the PCO Pedestrian Core Overlay District with respect to building location, scale, texture, and continuity.
- b. Modifications to existing nonconforming buildings, including parking lots and accessory uses, shall be exempt from the dimensional requirements contained herein, provided however that any modification to a building's façade must comply with item 2.(c) above. A modification shall be

defined as an addition with its own footprint having an area no more than fifty percent (50%) of the existing area of the building, parking lot, or accessory use being modified.

E. WPO WELLHEAD PROTECTION OVERLAY DISTRICT

1. Intent

The intent of the WPO Wellhead Protection Overlay District is to guide development in those areas where an aquifer has been identified as deserving of detailed standards because of the existence of a wellhead providing potable water to the local water utility. Pursuant to the Federal Safe Drinking Water Act, 42 U.S.C. 13-18-17-6, the Indiana Water Pollution Control Board has promulgated rules requiring that Community Water Supply Systems develop a wellhead protection program for the purpose of protecting the public water supply from contamination and for providing for safe drinking water in emergency conditions. Pursuant to 327 IAC 8-4.1-1 et seq. and as part of the Wellhead Protection Program, Community Public Water Supply Systems must delineate Wellhead Protection Areas around Community Public Water Supply System wellheads, identify potential contaminant sources, form a local planning team, and complete a Wellhead Protection Plan.

2. District Regulations

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

3. Establishment of Wellhead Protection District Classifications

Two Wellhead Protection Overlay Districts are hereby established as overlay zoning classifications. Land hereafter zoned “Wellhead Protection District 1” (one-year time-of-travel) shall bear the map designation of “WPD-1” along with the applicable symbol for the existing zoning classification. Land hereafter zoned “Wellhead Protection District-5” (five-year time-of-travel) shall bear the map designation of “WPD-5” along with the applicable symbol for the existing zoning classification.

4. Prohibited Uses

Prohibited Uses within the WPD-1 and WPD-5 include:

- a. New facilities with underground storage tanks will not be permitted in WPD-1.
- b. Class V injection wells (as defined in 40 CFR 146) shall be prohibited except for the following:
 - i. Air conditioning return flow wells used to return to the supply aquifer non-contact water used for heating or cooling a heat pump; and
 - ii. Non-contact cooling water return flow wells used to inject water previously used for cooling; and
 - iii. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants; and
 - iv. Non-contact water from wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power.

5. General Standards

- a. All known abandoned wells shall be identified and sealed pursuant to 312 IAC 13-10.
- b. The following spills shall be reported pursuant to 327 IAC 2-6.1:
 - i. Spills of hazardous substances or extremely hazardous substances when the amount spilled exceeds one hundred pounds (100 lbs.) of the reportable quantity, whichever is less.
 - ii. Spills of petroleum when the amount spilled exceeds fifty-five (55) gallons.
 - iii. Spills of objectionable substances.
- c. All sanitary facilities shall be connected to the municipal sanitary sewer system. Floor drains must be connected to sanitary sewers or routed to a temporary holding area for removal.

- d. All trash dumpsters must be water tight or placed on an impervious surface that contains any leakage or diverts runoff to a temporary holding area for removal.
 - e. All areas that may be used for the storage of potential groundwater contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the ground water.
 - f. All vehicle and equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of a material which forms an effective barrier to the migration of fluids and other material into groundwater.
 - g. While being stored, water-soluble solids must be kept dry at all times.
 - h. Sludge that could release liquids or water-soluble solids must be contained so that neither could enter ground water.
 - i. The transfer area for the bulk delivery of liquid potential ground water contaminants shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
 - i. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the groundwater for a seventy-two (72) hour period.
 - ii. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, and other openings that jeopardize the integrity of the area.
 - j. Surface impoundments, ponds, or lagoons shall only be established for:
 - i. Stormwater detention and retention; and
 - ii. Recreation or landscape purposes.
6. Standards for Above Ground Storage of Potential Ground Water Contaminants
- a. Above ground storage tanks holding more than forty (40) gallons of any liquid potential ground water contaminant for more than twenty-four (24) hours must be in a location or a secondary containment area capable of preventing any release from the tank from reaching the ground water table for a seventy-two (72) hour period. The secondary containment shall be constructed to meet at least one of the following requirements:

- i. A storage tank designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
 - ii. Diversionary systems that direct the discharge to treatment or temporary holding areas until it can be properly removed.
 - iii. A secondary containment area with dikes, berms, retaining walls, or trenches, and a floor that must over the entire area within.
- b. A secondary containment area must be capable of containing one hundred and ten percent (110%) of the largest tank plus enough freeboard to contain precipitation generated by a twenty-five (25) year/twenty-four (24) hour rain event. A storage tank designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring is an acceptable alternative.
- c. The secondary containment structure must be properly maintained and shall be free of vegetation, cracks, open drains, siphons or other openings that jeopardize the integrity of the structure.
- d. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited, or that stormwater is removed within seventy-two (72) hours to maintain system capacity.

7. Special Requirements

- a. The following restrictions apply to new, outdoor storage areas in WPD-1:
 - i. No above ground storage tanks or aggregates thereof of liquid potential groundwater contaminants greater than one thousand (1,000) gallons are allowed.
 - ii. No storage of water-soluble solids of more than six thousand (6,000) pounds is allowed in any one containment area.
- b. Detention and retention ponds in WPD-1 shall meet one of the following criteria:
 - i. They are constructed in a manner that provides an effective barrier to the migration of potential groundwater contaminants into groundwater.
 - ii. They are existing developed site features and, if expanded, are designed to prevent the migration of potential groundwater contaminants into the aquifer.

- c. In WPD-1 District, the requirements of 329 IAC 9-2-1.1 and 329 IAC 9-3.1 apply to existing USTs (Underground Storage Tank) which are replaced or upgraded.
- d. In the WPD-5 District, the requirements of 329 IAC 9-2-1.1 and 329 IAC 9-3.1 apply to existing USTs that are replaced or upgraded; and USTs installed at new fuel dispensing facilities.
- e. The three (3) methods of leak detection as described in 329 IAC 9-7-4 (3), (7), and (8), and 329 IAC 9-7-5 must be performed on all new or replaced USTs and piping. Additional methods used to comply must meet the requirements set out in 329 IAC 9-7-4(8).

8. Other Requirements

Any person or company applying for a commercial or industrial building permit within the WPD-1 and WPD-5 must provide the Department or Zoning Administrator, as applicable, with a site plan as defined in this Ordinance. Said site plan must then be forwarded to Indiana American Water for their review and comment. Indiana American Water shall provide such written comments within five (5) business days of receiving the proposed site plan for development. Comments from Indiana American Water shall be forwarded to the Department or Zoning Administrator, as applicable. If said comments have not been received within the allotted time period the Department or Zoning Administrator, as applicable, may issue a building permit if the proposal complies with all other ordinances/regulations.

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