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ZONING ORDINANCE

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**ARTICLE 1
GENERAL PROVISIONS
Moved from Article VI**

1.1 Short Title

This Ordinance and Ordinances supplemental or amendatory thereto shall be known and may be cited hereafter as the "Zoning Ordinance of North Manchester, Indiana, 1995" or simply the "Zoning Ordinance".

1.2 Authority

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any provision of this Ordinance refers to or cites a Section of the Indiana Code and that Section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended Section or the Section that most closely corresponds to the superseded Section.

1.3 Purpose

The purposes of this Zoning Ordinance are to:

- A. Encourage the most appropriate uses of land;
- B. To provide for the general availability of light and air to buildings;
- C. To avoid the overcrowding of land and the over concentration of population;
- D. To ensure economical extensions to sewers, water supply, waste disposal, and other public utilities, as well as development of recreation, schools, and other public facilities; and
- E. To promote the public health, safety, convenience, comfort, prosperity and general welfare to the citizens of the Town by regulating the locations and the bulk of buildings and other structures, and by regulating the uses of land and buildings in accordance with the laws of the State as recorded in Title 36 of the Indiana Statutes.

1.4 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The North Manchester Town Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Ordinance, and has prepared a Comprehensive Land Use Plan showing the future development of this area, which has served as a guide in the preparation of this Ordinance.

1.5 Non-Interference with Greater Restrictions Otherwise Imposed

It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any ordinances, rules regulations or permits previously adopted or issued, or which shall be adopted or issued and which are not in conflict with any of the provisions of this Ordinance; except where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this Ordinance shall control.

1.6 Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.7 Applicability

The provisions of this Zoning Ordinance shall apply to all land, land development, uses of land and uses of all structures within the jurisdictional boundary of the Town of North Manchester, Indiana and within the one (1) mile boundary of extraterritorial jurisdiction exercised by the Town.

1.8 Determination and Interpretation of District Boundaries

In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the territory within the jurisdiction of the Commission.

District boundary lines generally follow lot lines or the center lines of streets or alleys or the centerline of railroads or streams as they existed at the time of adoption of this Ordinance. Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Map, the following rules shall apply:

- A. In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.
- B. In the case of further uncertainty, the Board of Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

1.9 Procedure Relating to Vacated and Annexed Areas

- A. Whenever any Street, Place, Alley, Public Way, Railroad Right-of-Way, Waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such Street, Place, Alley, Public Way, Railroad Right-of-Way, Waterway, or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate provisions of the extended districts. 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.
- B. Territory which may hereafter be annexed to the Town shall be as zoned at the time of annexation. A proposed Zoning Map for the annexed territory shall be made public prior to the annexation proceedings.

1.10 Use

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located or unless same is a legal non-conforming use as is otherwise set forth herein.

1.11 Height

No building shall be erected, reconstructed or structurally altered to exceed, in height, the limits established and specified for the use and the district in which such building is located unless a variance is specifically granted by the Board of Appeals.

1.12 Yard, Lot Area and Size of Building

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and district in which such building is located unless a variance is specifically granted by the Board of Appeals.

1.13 Lots

Every building hereafter erected shall be located on a lot which fronts on a street. In no case shall there be more than one (1) single family building used for residential purposes and its accessory buildings located on one (1) lot.

1.14 Map and Text Amendments

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Town Board may, by Ordinance, after receipt of recommendation from the Plan Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

- A. All amendments to this Ordinance shall be in conformance with the then current provisions of Indiana law.
- B. Amendments to the Zoning Ordinance text or map may be proposed by:
 - 1. Town Board or any member of the Town Board;
 - 2. Plan Commission;
 - 3. By the owner or owners of fifty (50) percent or more of the area involved in the petition.
- C. A petition to amend the Zoning Ordinance shall be filed, on the form provided by the Plan Commission, along with the information requested thereon, with the Clerk-Treasurer of the Town of North Manchester, or as is otherwise determined appropriate by the Building Commissioner.
- D. The Clerk-Treasurer shall refer the petition to the Plan Commission for public hearing and recommendation.

- E. Following public notice and hearing in accordance with the provisions of State Law, the Plan Commission shall take one of the following actions, relative to the petition:
 - 1. Recommend approval;
 - 2. Recommend approval subject to modification, provided that such modifications must be accepted by the petitioner prior to forwarding the Plan Commission's recommendation to the Town Board;
 - 3. Recommend disapproval;
 - 4. Table and continue the petition in accordance with the rules and procedures of the Plan Commission.

- F. Upon receipt of the Plan Commission's recommendation, the Town Board shall hold a public hearing on the petition, at which time the Town Board shall take one of the following actions:
 - 1. Approve the petition, provided, however, that petitions with an unfavorable recommendation from the Plan Commission shall not be passed except by an affirmative vote of at least seventy-five (75) percent of the members of the Town Board;
 - 2. Disapprove the petition;
 - 3. Table and continue the petition in accordance with the rules and procedures of the Town Board.

1.15 Certiorari Procedure

In any decision by the North Manchester Board of Zoning Appeals under this Ordinance, any person aggrieved may petition the Circuit Court of Wabash County, Indiana, by writ of certiorari as provided by law.

1.16 Application and Notice Requirements

- A. All requests for a zone change, variance or special exception shall be directed to the Building Commissioner through the office of the Clerk-Treasurer. After preliminary examination and approval to ensure that all minimum requirements have been met, said petition or application shall be referred to the Board of Zoning Appeals, Plan Commission or Town Council, as is appropriate.

- B. In the event that a public hearing is required by this Ordinance, or by State law, or is deemed appropriate by the Building Commissioner, the Board of Zoning Appeals, Plan Commission, or Town Council, the Petitioner shall be required to provide notice as follows:
 - 1. A legal notice shall be published in the News-Journal or other paper specified by the Building Commissioner, identifying the Petitioner, the action sought, a general description of the property, and the date, time and place of the meeting.
 - 2. Said notice shall be published at least once, no more than thirty (30) and no less than ten (10) days prior to the meeting date.

3. No less than fifteen (15) days prior to the meeting date the Petitioner shall mail a copy of said notice by certified United States mail to all property owners directly adjacent to the property upon which the change is sought, including property that would be adjacent if the lot lines were extended at right angles across any adjacent street or other right-of-way.
4. Within the time requirements of 1.16 B 3 in lieu of certified mail, the Building Commissioner may authorize the petitioner to provide personal notice to said adjacent property owners, or provide notice by first class mail with the submission of an affidavit of a postal employee certifying the date, names and addresses to which said notices were mailed.
5. The petitioner shall bear the expense of providing notice as required herein and shall file with the Building Commissioner proofs of compliance at or prior to the hearing.

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ARTICLE 2 DEFINITIONS

2.01 Definitions

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "Building" includes the word "Structure" and vice-versa; the word "shall" is mandatory and not discretionary.

A

Abandonment: The relinquishment of property or a cessation of the use of the property by the owner with the intention of transferring rights neither to the property to another owner nor of resuming the use of the property.

Abut: To physically touch or border upon; to share a common property line.

Adult Business: The viewing, sale or rental in exchange for money or other valuable consideration (a) of pornographic film, pornographic printed material, pornographic photographs or other pornographic images; (b) of sexual toys or sexual paraphernalia, as those terms are defined by the manufacturers, producers or distributors thereof, excepting condoms and intrauterine devices used for the prevention of disease or pregnancy; (c) of display of the nude human body; and (d) dancing or dancing exhibitions which display the nude human body without an opaque covering of the genitalia.

Agri-Business: Agri-Business refers to establishments primarily engaged in supplying goods and services to the agricultural and farming community such as the sale of chemical pesticides, herbicides or fertilizers, farm machinery, livestock products and feed, seeds or other equipment, grain elevators, greenhouses and products normally used in connection with farming and livestock operations.

Agriculture: The production of crops and livestock useful to man and the harvesting, storage and primary processing of agricultural products produced on the premises. Agricultural crops include: living plants used for human food, fiber, animal feed and forage; tree and vine crops, and other field crops. Also included are extensive horticultural enterprises where a product is raised for sale. Agricultural livestock production includes the raising, breeding and maintaining of apiaries and food animals such as: horses, cattle, swine, sheep, goats, fowl, fish and fur bearing animals raised for their pelts.

Alley: A public or private service way providing a secondary means of access to abutting lands.

Animal Hospital/Veterinary Clinic: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and recuperation.

Apartment Building: A building or structure arranged, intended, or designed to be occupied by three (3) or more families living independently of each other with each including its own separate bath and kitchen facilities.

Applicant: The owner of land, or his/her agent or legal representative, submitting an application under the provisions of this Ordinance.

Assisted Living Facility/Retirement Home: A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be 65 years of age or over, or a multiple family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangement includes primarily non-medical services dealing with the activities and instrumental activities of daily living.

Auditorium: A building or structure designed or intended to be used for entertainment events, expositions, presentations or other public gatherings.

Automobile Dismantling and Impound Yard: A parcel of land or building that is used for the temporary storage of wrecked or seized motor vehicles usually awaiting to be claimed by titleholders or their agents, insurance adjustment or transport to a repair shop.

Automobile, Motorcycle, RV, Farm Equipment and Truck Sales: An establishment for the sale or leasing of new and used motor vehicles, motorcycles, recreational vehicles, farm implements, or trucks, which are temporarily displayed and sold on the premises.

Automobile Wrecking/Salvage Yard: Any place where two (2) or more motor vehicles, not in running condition, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking, salvage or storing of such motor vehicles or parts thereof, and including any used farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

B

Bar or Tavern: A use, licensed by the State, to sell retail alcoholic beverages to be consumed on or off premises and which may provide dancing, entertainment, and food. The term bar shall include tavern, pub, nightclub and cocktail lounge.

Bed and Breakfast Establishment: An owner occupied dwelling, or portion of a dwelling, where short-term lodging rooms and morning meals are provided for compensation.

Bedroom or Sleeping Room: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Block: A tract of land bounded by streets, railroad right-of-way, waterways, or other barriers.

Board: The North Manchester Board of Zoning Appeals.

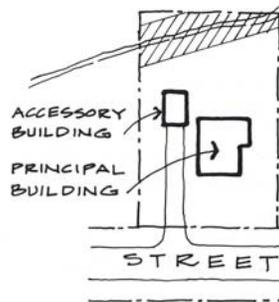
Bufferyard: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Building: A structure having a roof intended for the shelter, support, enclosure or protection of persons, animals, chattels, or property.

Building Code: A Town ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the Town.

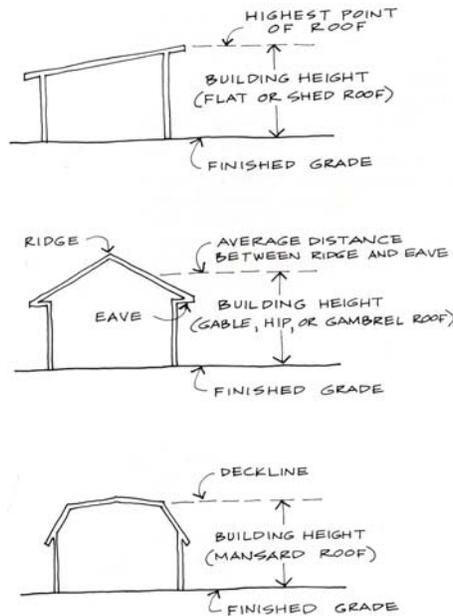
Building Materials Wholesale: See “Wholesaler”.

Building, Accessory: A subordinate structure, the use of which is incidental to that of the dominant use of the principal building or land.



Building, Detached: A Building having no structural connection with another Building.

Building, Height Of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.



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

Building Area: The maximum horizontal projected area of the principal building and accessory building(s) excluding open steps or terraces, unenclosed porches or architectural appurtenances projecting not more than two (2) feet beyond a wall of the building(s).

Building Commissioner: The Building Commissioner of the Town of North Manchester, Indiana.

Building Permit: A certificate issued by the Town permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

Building Setback Line: A line establishing the minimum horizontal distance between the right-of-way of any street, or the property line of the side and rear yards, and a part of any structure regardless of whether it is the front, side or rear of the building.

C

Car Wash: A building or part of a building containing facilities for washing more than two (2) automobiles, or using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical device and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

Cemetery: Land used for the burial of the dead and dedicated for Cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such Cemetery.

Certificate of Occupancy: A certificate signed by the Building Commissioner stating that the occupancy and use of land or a building or structure referred to therein comply with the provisions of this Ordinance.

Club: A nonprofit association of persons who are bona fide members paying regular dues and are who are organized for some common purpose. Clubs shall exclude religious places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Entertainment, Indoor: A facility for any profit-making activity which is generally related to the entertainment or recreation field that is open to the general public, such as: motion picture theaters, bowling alleys, skating rinks, video game rooms and similar entertainment activities.

Commercial Entertainment, Outdoor: Any profit-making activity entertainment or recreation services offered outside of an enclosed building that is open to the general public. Examples include: golf courses, driving ranges, miniature golf courses, go-kart tracks, sand volleyball courts, water parks, and batting cages and amusement parks.

Commission: The North Manchester Town Plan Commission.

Comprehensive Plan: Includes physical, social and/or economic plans and policies in graphic and verbal statement forms for the development of the Town and surrounding area within the Town's planning jurisdiction, prepared and adopted by the Town Board, pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Concrete or Asphalt Mixing Plant: An outdoor or indoor facility used for the production and temporary storage of concrete, Portland cement and asphalt products.

Condominium: The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the Indiana Code, Sec. 32-1-6-1 through 31.

Confined Feeding: The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area.

Livestock markets and sale barns are generally excluded. Confined Feeding Operations are further defined in IC 13-11-2-39.

Confined Feeding Operation: Any livestock operation engaged in the confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry and as may further be defined or regulated in IC 13-18-10.

Contractor's Office and Yard: A facility used for office space and storage for conducting the business affairs of persons engaged in the building trades industry. Such use may include unenclosed areas used for the storage and maintenance of construction equipment and other materials customarily used in the trade carried on by the contractor.

D

Day Care Center: Any licensed institution operated for the purpose of providing care and maintenance to children separated from their parent, guardian or custodian during a part of the day for two or more consecutive weeks, except a school or other bona fide educational institution and as further regulated in 470 IAC 3-4.1-2.

Density: A unit of measurement that indicates the number of units per acre of land.

Developer: The owner of land proposed to be subdivided or his/her representative or agent. Consent for making applications for development approval shall be required from the legal owner of the premises.

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

Development Plan: A drawing to scale, including a legal or site description of the real estate involved which shows the location and size of all existing and proposed buildings, structures and yards; location and dimension of buildings lines and easements; widths and lengths of all entrances and exits to and from the real estate; location of all adjacent or adjoining streets; surface water drainage plan; the purpose of which is to present a unified or organized arrangement of buildings, service facilities and other improvements including, but not limited to, planting areas, public parking areas and surface water detention and retention structures.

District: A section of the territory within the jurisdiction of the North Manchester Town Plan Commission for which uniform regulations governing the Use, height, area, size and intensity of Use of the Buildings and Land, and open spaces about Buildings are herein established.

Double-Wide Mobile Home: See "Dwelling, Mobile Home".

Drive Through Facility: means any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction. This definition shall also include "Drive In Facilities".

Driveway: A private roadway providing access from a dwelling or off-street parking lot to a street or other thoroughfare.

Dwelling: A building or portion thereof, used primarily as a place of residence, containing living, sleeping, and sanitary facilities, for one or more human beings, but not including Hotels or Motels.

Dwelling, Duplex: See "Dwelling, Two Family".

Dwelling, Mobile Home: A detached dwelling unit designed to be repeatedly transported on highways, and when arriving at the site for placement involving only minor and incidental unpacking, assembling, and connection operations, but which involves no substantial reconstruction which would render the unit unfit as a conveyance on the highway. A transportable structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to, or not conforming to, enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six (1976), and usually built to the voluntary industry standard of the American National Standards Institute (ANSI) - A119.1 Standards for Mobile Homes. The term “mobile home” does not include commercial trailers, job site trailers, or temporary classroom trailers or structures.

Dwelling, Modular Home (Factory Built): A structural assemblage of materials having been constructed by an approved method of construction, comprising all or part of a total structure which, when constructed, is self sufficient, and when installed constitutes a dwelling unit, except for necessary preparation for its placement. The prototype model of which has a serial number designating it as a modular structure approved by the Indiana Department of Fire and Building Services.

Dwelling, Multiple: A building designed for occupancy by more than two (2) families.

Dwelling, Single Family: A building designed for occupancy by no more than one (1) family and as further described and defined by the most recent Uniform Building Code.

Modified by Steering Committee on 8/27/2003.
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Dwelling, Two-Family: A dwelling in which living quarters are arranged side-by-side, or one over the other and having either separate or one common entrance for two families.

Dwelling Unit: One room or rooms containing independent cooking, sanitation and sleeping facilities and constituting an independent housekeeping establishment, physically separated from other dwelling units in the same structure. The term “Dwelling Unit” does not include recreational vehicles.

E

Easement: A portion or strip of land which is part of a lot or parcel, but which has been reserved for a specific use for access by persons, or for utilities and/or services.

Educational Institution: Public, Private, Secular or non-Secular, pre-primary, primary, grade, junior high, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization. For the purposes of this Ordinance, home schooling shall not be considered an “Educational Institution”.

Enlargement: An increase in size of an existing structure or use.

Essential Service: means overhead or underground electrical, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including: utility substations, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables and similar improvements.

F

Factory-Built Home: See “Dwelling, Modular Home”.

Family: One or more persons, not necessarily related by blood, marriage, adoption or guardianship, living as a single housekeeping unit with not more than two (2) persons regularly sleeping in each bedroom or sleeping room.

Fence: Any artificially constructed barrier of any material, or combination of materials, erected to enclose or screen areas of land.

Financial Institution: Any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

Flood Hazard Areas: Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Resources Commission.

Flood Plain: The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

Floodway: The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

Floodway Fringe: Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

Floor Area, Ground: The square foot area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breeze-ways, terraces, garages and exterior stairways.

Floor Area, Gross: The total area, computed on a horizontal plane, within the outside dimensions of a building.

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

Foundation: The supporting member of a wall or structure.

Fraternity or Sorority House: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets.

G

Gasoline Service Station: Any building, structure or land used for supplying and selling motor fuel, lubricants, travel aides, minor automobile accessories, or oil direct to motor vehicles. Convenience goods for sale to the public may also be available. This definition shall also apply to gas stations and service stations.

Garage, Private: An accessory building generally and primarily used for the storage of motor vehicles owned by the owner of said vehicle.

Garage, Public: Any building, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Greenhouse: A building or structure constructed mostly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants.

Greenhouse, Commercial: A greenhouse used for the growing of flowers or plants, all or part of which are sold at wholesale.

Group Home: A residential care facility licensed by the State of Indiana which provides room and board, and personal care and supervision for more than eight (8) but not more than sixteen (16) aged, mentally retarded or developmentally disabled persons who are able to be integrated into a family-type setting.

Group Home, Student: A home or housing unit occupied by more than three (3) persons unrelated by blood or marriage, and functioning as a single housekeeping unit. The term "Student Group Home" includes a club, nurses home, boarding or lodging house, fraternity, sorority and student cooperative, as well as other residential and housekeeping uses fitting within the foregoing definition but does not include a "hotel", "motel", "nursing home", "nursing home conversion" or bed and breakfast establishment".

H

Heavy Manufacturing: A use engaged in the processing or assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a process which may include or generate objectionable or hazardous elements such as smoke, noise, odor, vibration, water pollution or dust and which may be operating outside of a completely enclosed structure.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or appropriate state agency and approved for the loading, unloading, landing and takeoff of helicopters that may include auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Home Occupation: The production of goods and/or services within a residence by a member(s) of the family residing in the residence, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not change the residential character of the neighborhood (See Section 22.13, Home Occupation).

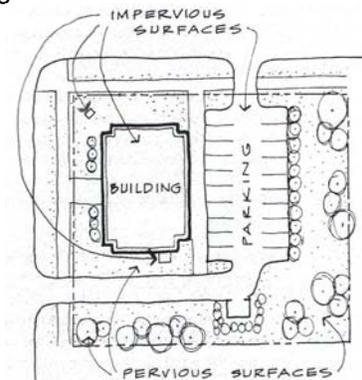
Hospital: An institution providing health services, primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of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

Hotel/Motel: A facility offering transient lodging accommodations, on a daily rate, to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

I

Impervious Surface: Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to: building roofs, paved parking and driveway areas, sidewalks and paved recreation areas.

Impervious Surface Ratio: The measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.



Improvement Location Permit: A permit signed by the Building Commissioner stating that a proposed improvement complies with the provisions of this Ordinance and such other ordinances as may be applicable.

Industrial Park: A single structure or group of structures or lots intended for industrial purposes or operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

Infill Development: The development of new principally permitted buildings on scattered development sites in a developed or built-up area.

J

Junk Yard: Any place at which personal property is or may be possessed, salvaged, collected, dismantled or sorted for reuse, resale or reduction, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts there from.

Jurisdiction of the Commission: The Town of North Manchester, Indiana, and the contiguous unincorporated territory lying within one mile of the corporate limits of the Town of North Manchester or the legal description as assigned by the Wabash County Commissioners.

K

Kennel: An establishment licensed by the State of Indiana to operate a facility housing domestic animals such as dogs or cats, and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

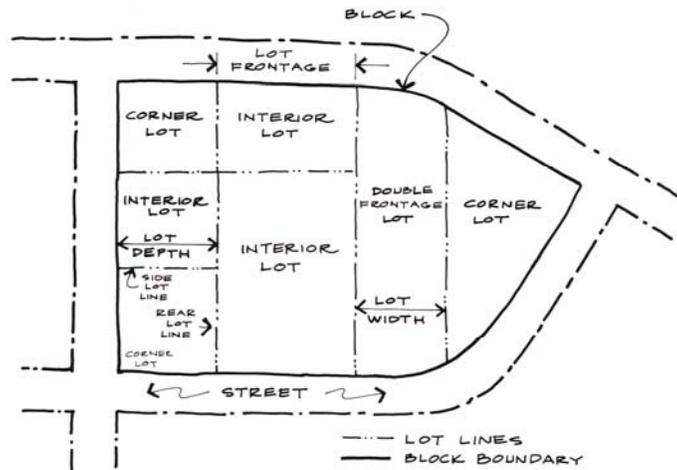
Loading and Unloading Berths: The off-street area required for the receipt of distribution by vehicles of material or merchandise.

L

Light Manufacturing: A use engaged in the processing or assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, noise, odor, vibration, water pollution or dust and which is operating in a completely enclosed structure.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot: A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.



Lot, Corner: A lot at the junction of and having frontage on two or more intersecting streets.

Lot, Double Frontage: See “Lot, Through”.

Lot, Interior: A lot other than a corner lot or through lot.

Lot, Depth Of: The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

Lot, Through: A Lot having frontage on two parallel or approximately parallel Streets.

Lot Coverage: The percentage of a lot area covered by the building area.

Lot Ground Level: For buildings having walls adjoining one street only, the elevation of the sidewalk or the established grade of the street at the front lot line at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk or the said established grade at the center of all walls adjoining the streets; and for buildings having one wall adjoining the street, the average level of the ground adjacent to the building. Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

Lot Line: The property line between two established parcels of land or one parcel and a public right-of-way.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

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

Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line.

Lot Line, Zero: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Lot, Nonconforming: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The dimension of a lot, measured between side lot lines on the building line.

M

Manufacturing, heavy: See "Heavy Manufacturing".

Manufacturing, light: See "Light Manufacturing".

Master Plan: See "Comprehensive Plan".

Mobile Home: See "Dwelling, Mobile Home".

Modular Home (Factory Built): See "Dwelling, Modular Home".

Mobile Home Court or Park: A mobile home development, designed with a variety of facilities for common use, and in which mobile home spaces are rented.

Mobile Home Subdivision: A mobile home development designed and intended to provide individual, subdivided lots for sale for the placement of mobile homes for residential purposes.

Multi-Tenant Building, Non-Residential: Any non-residential building or structure that is occupied by two or more owners, renters or land uses, which is managed as a single property.

N

Nonconforming Lot: See “Lot, Nonconforming”.

Nonconforming Use: The use of a building, structure or parcel of land lawfully existing prior to the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the Zoning Ordinance.

Nursing Home: A facility licensed by the State of Indiana, which (1) provides nursing services on a continuing basis; (2) admits the majority of the occupants upon the advice of physicians as ill or infirm person requiring nursing services; (3) provides for licensed physicians services or supervision; (4) maintains medical records. Such facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

O

Off-Site: Any premises not located within the area of the property to be subdivided or developed, whether or not in the same ownership of the applicant for subdivision approval.

Office, Professional: A use in a building, or portion of a building, wherein services are performed involving predominately administrative, professional or clerical operations.

Open Space: A natural or manmade landscaped area not occupied by any structures, buildings or impervious surfaces.

Outdoor Display: An area of designated size, outside of an enclosed building, used for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is sold, rented or leased.

Outdoor Storage: A use involving the keeping outside of an enclosed building of personal or business property, goods, wares, or merchandise that are not located in that specific area for customer viewing or immediate sale, in the same place, for a period of more than 72 hours.

Outdoor Theater: An open lot devoted primarily to the showing of motion pictures or for dramatic, dance, musical or other live performances.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed under these regulations.

P

Park and Playground: The use of any land or open space for passive or active non-commercial recreation purposes.

Parking Area, Private: An area paved with a hard surface (including gravel) in accordance with Town specifications, other than a street or an alley, designed or used for the temporary parking of motor vehicles for clients, customers or employees.

Parking Area, Public: An area, paved with a hard surface (including gravel) in accordance with Town specifications, other than a street or alley, designed or used for the temporary parking of more than four (4) motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

Parking Space, Off-Street: An off-street parking space is a temporary storage area for a motor vehicle, including a driveway for a residential use, with room to open doors on both sides, that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

Person: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person or persons.

Personal Services: Any use which caters to customers needs, and which may include the incidental sale of products. Personal services may include barber shops, beauty shops, dry cleaners, health clubs, and tanning spas. Personal services shall not include adult business or sexually oriented businesses.

Place: An open, unoccupied, officially designated space other than a street or alley permanently reserved for use as the principal means of access to abutting property.

Plan Commission: The Town's [Area or Advisory] plan body as established in accordance with Indiana law, often referred to herein simply as the Commission.

Planned Unit Development (PUD): A parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located.

Plant Nursery: Any land, building, structure or any combination thereof used for the storage, cultivation, transplanting or live trees, shrubs, or offered for retail sale on the premises including products used for gardening or landscaping.

Plat: A Map or Chart indicating the subdivision or re-subdivision of land either filed or intended to be filed for record.

Private Sewer: A sewage disposal system which is not constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana. Any such private system shall be in conformance with all local and state codes, ordinances and regulations.

Professional Office: See "Office, Professional".

Professional Service: The use of office and other related spaces for such services as are provided by medical practitioners not intended for overnight care, dentists, attorneys, architects, real estate agents, engineers, funeral homes, and other similar professions.

Public Building and Services: A building, facility or land owned, controlled and/or operated by the Town, County, State or Federal Government including fire stations, libraries, post offices, police stations and the Town Hall.

Public Sewer: A sewage disposal system which is constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana, but shall not include a sewer installed for the purpose of subsoil drainage.

Public Water: A water supply which is constructed, installed, maintained, operated, and owned by a municipality, taxing district established for that purpose, or a utility under the jurisdiction of the Public Service Commission of Indiana.

Q

No “Q” Definitions.

R

Recreational Facility; Outdoor: Any land or facility, operated by a non-profit organization that is open to the public or members of the non-profit organization that may include, but is not limited to athletic fields, picnic areas, playgrounds and bike/hike trails.

Recycling Center: A Center whose primary purpose is to gather and separate such products as glass, paper, metal plastics and similar materials. Such uses shall be distinguished from junk yards and salvage yards and shall be primarily involved with domestic uses.

Regulatory Flood: That flood having a peak discharge which can be equaled or exceeded on the average of once in a one-hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the State Natural Resources Commission; this flood is equivalent to a flood having the probability of occurrence of one percent (1%) in any given year.

Religious Place of Worship: A use involving a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship or services and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Research and Development Laboratory: A use in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.

Restaurant: A use involving a business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

Restaurant, Fast Food: A use involving a business establishment whose principal business is the sale of previously prepared food, in disposable containers, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises.

Restrictive Covenants: Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider and, in the case of public health, safety and welfare by the Commission, that are recorded with the plat and run with the land.

Retail Business: A use that provides goods, wares, and merchandise, directly to the consumer, where such goods are available for immediate purchase.

Right-of-way: A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use.

Roadside Business: A roadside business is a temporary use for the sale of seasonal products and/or produce.

S

Sanitary Landfill: A solid waste disposal facility at which solid waste, trash, refuse, junk or unwanted materials is deposited on or beneath the surface of the ground as an intended place of final location as regulated by Indiana Code 13-19.

Screening: A fence, wall or an area of land used as a planting strip on which evergreen, hedge, shrubbery or other planting materials are placed for the purpose of limiting visibility.

Setback: The minimum required horizontal distance between the property line or the right-of-way and the building line. The setback line shall be parallel to the front lot line and no portion of the building shall be closer to the front lot line than the required minimum setback.

Sign: Any advertising device, billboard, or board, or structure, or part thereof, or device attached thereto or painted or represented thereon, for advertising display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing Street names or traffic directions or regulations for other governmental purposes shall not be included herein.

Sign, Construction: A construction sign is a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign, Directional: A directional sign is any on-premise sign giving directions, instructions, or facility information but shall not contain the name or logo of an establishment nor any advertising copy.

Sign, Freestanding: A freestanding sign is any permanent sign not attached to a building. This shall include signs attached to poles and signs attached directly to the ground.

Sign, Nonconforming: A non-conforming sign is a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Sign, Outdoor Advertising: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Political: A political sign is a temporary sign which announces the candidacy of a person or slate or persons running for elective office, or a political party or issue.

Sign, Sandwich Board: A portable sandwich board is a sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged, or A-frame construction that allows the sign to be displayed indoors or outdoors.

Sign, Portable: A portable sign is a sign which is movable and which is not permanently attached to the ground, a structure or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Sign, Projecting: A projecting sign is a sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

Sign, Real Estate: A real estate sign is a temporary sign advertising the property or land upon which the sign is located as being for rent, lease, or sale.

Sign, Subdivision: A subdivision sign is any ground mounted or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Sign, Temporary: A temporary sign is any sign not constructed or intended for long-term use and is not permanently mounted.

Sign, Wall: A wall sign is any sign which is located on or formed by the surface of the wall of a building. A Mansard roof facade on a building shall be considered part of the wall.

Sign, Window: A window sign is a sign installed inside a window and intended to be viewed from the outside.

Storage, Commercial: A building used primarily for the storage of goods and materials by the owner of goods and materials or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Storage, Personal: The use of a building containing individual, compartmentalized and controlled access stalls, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Street: A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground except utilities poles and towers.

Structural Alteration: Any change in the supporting members of a Building, such as bearing walls, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

Subdivision: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division of development of land zones for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.

T

Town: The Town of North Manchester, Indiana.

Truck and Freight Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be divided or aggregated into smaller or larger loads to transfer to other vehicles or modes of transportation.

U

Use: The purpose or activity for which the land or building thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

Use, Accessory: a use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

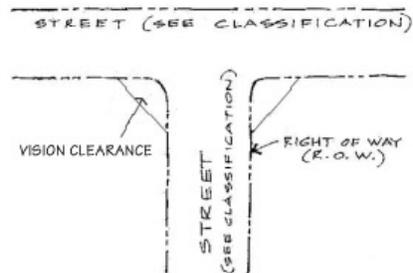
Use, Principally Permitted: The primary or predominant use of any lot.

Use, Special Exception: A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Ordinance and authorized by the Board of Zoning Appeals.

V

Variance: A modification of the strict terms of the relevant district regulations where the modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not a result of action of the applicant, a literal enforcement of the regulations would result in a practical difficulty or an unnecessary hardship.

Vision Clearance On Corner Lots: A triangular space at the Street corner of a Corner Lot, free from any kind of obstruction to vision.



W

Warehouse: A use primarily involved in the indoor storage of goods and materials.

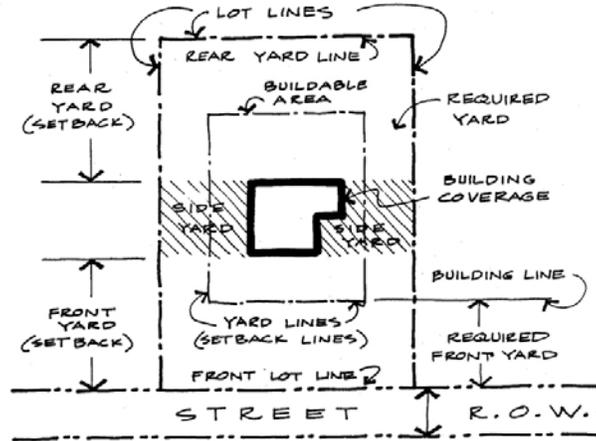
Wholesaler: A use which maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.

X

No Definitions for "X".

Y

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



Yard, Front: A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the lot line and the building line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

Yard, Rear: A yard extending across the full width of the lot between the rear of the principal building and the rear lot line.

Yard, Side: A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard.

Yard Sale: A sale offering primarily domestic and household items belonging to the primary occupant of the premises and/or said persons, friends, relatives and neighbors.

Z

Zoning Administrator: The Building Commissioner of the Town of North Manchester.

Zoning Amendment: A change of the zoning map or zoning text authorized by the Town, either in the allowable use within a district, in the boundaries of a district or in a change to the Ordinance text.

Zone Map: A Map entitled "Zone Map, North Manchester, Indiana", dated May 5, 1982, and any subsequent amendments thereto.

Such entry shall be signed by the President of the Plan Commission and attested by the Plan Commission Secretary. No changes of any nature shall be made on the Official Zoning Map or shown 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 as provided under Article 90 of this Ordinance.

3.5 Location of Official Zoning Map

Regardless of the existence of copies of the Official Zoning Map which, from time to time may be published, the Official Zoning Map shall be located in the office of the Building Department.

3.6 Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by Ordinance, adopt a new Official Zoning Map which shall superseded the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment. The Official Zoning Map shall be identified by the signature of the President of the Plan Commission, attested by the Secretary of the Plan Commission and bearing the seal of the Town under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted, _____ as part of Ordinance Number _____ of the Town of North Manchester, Indiana. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts which remain, shall be preserved, together with all available records pertaining to its adoption or amendment.”

3.7 Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow the centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot line;
- C. Boundaries indicated as approximately following town limits shall be construed as following the town limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerlines;
- F. Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines;
- G. Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map by the Building Commissioner; and

- H. Where physical or cultural features existing on the ground are at variance with those shown as the Official Zoning Map, or in other circumstances not covered by the subsections above, the Building Commissioner shall interpret the boundaries. The Board of Zoning Appeals shall hear appeals to the decision of the Building Commissioners decision.

3.8 Annexed Land

Where land is to be annexed into the Town of North Manchester, the Town Council may direct the Plan Commission to make a recommendation on the appropriate zoning district classification for the property that the Board is considering for annexation. In such circumstances, the Plan Commission shall follow the process for amendments to the Zoning Map set forth in Chapter 1, Section 1.14, of this Ordinance. Town Council action on the Plan Commission's recommendation shall be scheduled in conjunction with the Town Council's adoption of the annexation Ordinance.

Should the Town Council annex land without adopting an amendment to the Zoning Map establishing the appropriate zoning district classification for the property, the property shall retain the zoning classification prior to annexation. If the North Manchester Zoning Ordinance does not have the same zoning classification as the County from which the land was annexed, the property shall have the zoning district classification of the North Manchester Zoning Ordinance that is the closest to the classification assigned to it by the County. The Building Commissioner shall be responsible for identifying the zoning district classification for property annexed under this paragraph.

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**ARTICLE 4
“A” AGRICULTURAL DISTRICT**

4.1 Purpose

The intent of this district is to provide for a full range of land use activities related to the agricultural industry. Such uses include crop production and livestock operations, orchards, vineyards, pastures, nurseries, farm residences, barns, sheds, grain bins and all other agriculturally related uses and structures. The district is not intended for businesses engaged primarily in the sale of agricultural products not produced on said property and/or by the owners or occupants of said property. This district is not intended for Agri-Business uses, except by special exception.

4.2 Principal Permitted Uses

The following uses are permitted as of right in the “A” Agricultural District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling; Detached, when associated with an agricultural use 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • Agriculture • Confined Feeding Operation • Plant Nursery • Roadside Business

4.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “A” Agricultural District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

4.4 Special Exception Uses

The following uses are permitted as special exception uses in the “A” Agricultural District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Public Buildings and Services 	<ul style="list-style-type: none"> • Agri-Business • Animal Hospital or Veterinary Clinic • Commercial Entertainment; Outdoor • Greenhouse, Commercial • Heliport • Private or Public Parking Area • Recreational Facility; Outdoor

4.5 Lot Development Standards

The following development standards shall apply to lots located within the “A” Agricultural District:

Minimum Lot Area	<ul style="list-style-type: none">• 5 Acres
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 20%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 100 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 60 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 20 Feet• 50 Feet when Located Next to a Non Agricultural District
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 50 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use; Excluding Agricultural Buildings and Structures• 35 Feet Accessory Use

4.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

4.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

4.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

**ARTICLE 5
“RE” RESIDENCE ESTATE DISTRICT
Formally “S-1”**

5.1 Purpose

The intent of this district is to provide for large lot single family residential development in limited areas of North Manchester. Net densities are at one (1) dwelling unit per acre. Permitted uses generally include, but are not limited to, single family residential dwellings, institutional, public and recreational uses that serve the needs of residents living in the area.

5.2 Principal Permitted Uses

The following uses are permitted as of right in the “RE” Residence Estate District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling; Detached 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • Plant Nursery • Roadside Business

5.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RE” Residence Estate District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

5.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RE” Residence Estate District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted Living Facility or Retirement Home • Bed and Breakfast Establishment • Mobile Home Park • Nursing Home 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Commercial Entertainment; Outdoor • Day Care Center • Heliport • Hospital • Recreation Facility; Outdoor

5.5 Lot Development Standards

The following development standards shall apply to lots located within the “RE” Residence Estate District:

Minimum Lot Area	<ul style="list-style-type: none">• 1 Acre
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 35%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 100 Feet
Minimum Front Yard Setback	<ul style="list-style-type: none">• 60 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 20 Feet Principal Use• 5 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 50 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 15 Feet Accessory Use

5.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

5.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

5.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 6
“RSF” RESIDENCE SINGLE FAMILY DISTRICT
Formally “R-1”

6.1 Purpose

The intent of this district is to provide for low to medium density single-family residential development. Net densities are at four (4) dwelling units per acre. Permitted uses generally include, but are not limited to, single family residential dwellings, institutional, public and recreational uses that serve the needs of residents living in the area.

6.2 Principal Permitted Uses

The following uses are permitted as of right in the “RSF” Residence Single Family District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling; Detached 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • None

6.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RSF” Residence Single Family District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

6.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RSF” Residence Single Family District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Day Care Center • Recreation Facility; Outdoor

6.5 Lot Development Standards

The following development standards shall apply to lots located within the “RSF” Residence Single Family District:

Minimum Lot Area	<ul style="list-style-type: none"> • 10,000 Square Feet Single Family Dwellings • 1 Acres All Other Uses
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 40%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 80 Feet Single Family Dwelling • 100 Feet All Other Uses
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 30 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 8 Feet Principal Use • 5 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 25 Feet
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet Principal Use • 15 Feet Accessory Use

6.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

6.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

6.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 7
“RTF” RESIDENCE TWO FAMILY DISTRICT
Formally “R-2”

7.1 Purpose

The intent of this district is to provide for medium to low density residential areas representing a compatible mix of single family and two-family dwellings which may, in certain circumstances serve as a transition between R-1 Districts and other less restrictive zones and uses. Net densities are at five (5) to eight (8) dwelling units per acre. Permitted uses generally include, but are not limited to, single and two-family residential dwellings, institutional, public and recreational uses that serve the needs of residents living in the area.

7.2 Principal Permitted Uses

The following uses are permitted as of right in the “RTF” Residence Two Family District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling; Detached • Two Family Dwelling 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • None

7.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RTF” Residence Two Family District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

7.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RTF” Residence Two Family District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Day Care Center • Recreation Facility; Outdoor

7.5 Lot Development Standards

The following development standards shall apply to lots located within the “RTF” Residence Two Family District:

Minimum Lot Area	<ul style="list-style-type: none"> • 7,500 Square Feet Single Family Dwelling • 10,000 Square Feet Two Family Dwelling • 1 Acres All Other Uses
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 50%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 70 Feet Single Family Dwelling • 80 Feet Two Family Dwelling • 100 Feet All Other Uses
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 30 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 7 Feet Principal Use • 5 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 25 Feet
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet Principal Use • 15 Feet Accessory Use

7.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

7.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

7.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 8
“RMF-L” RESIDENCE MULTI FAMILY LOW DENSITY DISTRICT
Formally “R-3”

8.1 Purpose

The intent of this district is to provide for medium to high density residential areas representing a compatible mix of single, two and multi-family dwellings. Net densities are at five (5) to twelve (12) dwelling units per acre. Permitted uses generally include, but are not limited to, single, two, and multi-family residential dwellings, institutional, public and recreational uses that serve the needs of residents living in the area.

8.2 Principal Permitted Uses

The following uses are permitted as of right in the “RMF-L” Residence Multi Family Low Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Multi Family Dwelling • Single Family Dwelling; Detached • Two Family Dwelling 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • None

8.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RMF-L” Residence Multi Family Low Density District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

8.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RMF-L” Residence Multi Family Low Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment • Group Home • Nursing Home 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Day Care Center • Recreation Facility; Outdoor

8.5 Lot Development Standards

The following development standards shall apply to lots located within the “RMF-L” Residence Multi Family Low Density District:

Minimum Lot Area	<ul style="list-style-type: none">• 7,500 Square Feet Single Family Dwelling• 8,400 Square Feet Two Family Dwelling• 3,500 Square Feet Per Unit Multi Family Dwelling• 1 Acres All Other Uses
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 55%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 70 Feet Single Family Dwelling• 80 Feet Two Family Dwelling• 100 Feet All Other Uses
Minimum Front Yard Setback	<ul style="list-style-type: none">• 30 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 7 Feet Principal Use• 5 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 25 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 40 Feet Multi Family Use• 15 Feet Accessory Use
Minimum Distance Between Multi Family Buildings	<ul style="list-style-type: none">• 20 Feet

8.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

8.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

8.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 9
“RMF-H” RESIDENCE MULTI FAMILY HIGH DENSITY DISTRICT
Formally “R-4”

9.1 Purpose

The intent of this district is to provide for the highest density residential areas representing a mix of single family, two-family and multi-family dwellings. Net densities are at five (5) to fourteen (14) dwelling units per acre. Permitted uses generally include, but are not limited to, single, two, and multi-family residential dwellings, institutional, public and recreational uses that serve the needs of residents living in the area.

9.2 Principal Permitted Uses

The following uses are permitted as of right in the “RMF-H” Residence Multi Family High Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Multi Family Dwelling • Single Family Dwelling; Detached • Two Family Dwelling 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • None

9.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RMF-H” Residence Multi Family High Density District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

9.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RMF-H” Residence Multi Family High Density District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted Living Facility or Retirement Home • Bed and Breakfast Establishment • Group Home • Mobile Home Park • Nursing Home 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Club or Lodge • Day Care Center • Recreation Facility; Outdoor

9.5 Lot Development Standards

The following development standards shall apply to lots located within the “RMF-H” Residence Multi Family High Density District:

Minimum Lot Area	<ul style="list-style-type: none">• 7,500 Square Feet Single Family Dwelling• 7,000 Square Feet Two Family Dwelling• 3,000 Square Feet Per Unit Multi Family Dwelling• 1 Acres All Other Uses
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 65%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 70 Feet Single Family Dwelling• 70 Feet Two Family Dwelling• 100 Feet All Other Uses
Minimum Front Yard Setback	<ul style="list-style-type: none">• 30 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 7 Feet Principal Use• 5 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 25 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 40 Feet Multi Family Use• 15 Feet Accessory Use
Minimum Distance Between Multi Family Buildings	<ul style="list-style-type: none">• 20 Feet

9.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

9.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

9.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

**ARTICLE 10
“RU” RESIDENCE URBAN DISTRICT
New District**

10.1 Purpose

The intent of this district is to provide for the conservation and revitalization of residential areas located in the oldest parts of the Town characterized predominately by single-family, detached dwellings on small sized lots of record while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

10.2 Principal Permitted Uses

The following uses are permitted as of right in the “RU” Residence Urban District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Dwelling; Detached 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School 	<ul style="list-style-type: none"> • None

10.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “RU” Residence Urban District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

10.4 Special Exception Uses

The following uses are permitted as special exception uses in the “RU” Residence Urban District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Cemetery • Educational Institution; College or University • Essential Services • Park and Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Day Care Center • Recreational Facility, Outdoor

10.5 Lot Development Standards

The following development standards shall apply to lots located within the “RU” Residence Urban District:

Minimum Lot Area	<ul style="list-style-type: none">• 6,600 Square Feet Single Family Dwelling• 20,000 Square Feet All Other Uses
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 75%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• 60 Feet Single Family Dwelling• 100 Feet All Other Uses
Minimum Front Yard Setback	<ul style="list-style-type: none">• 15 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none">• 5 Feet Principal Use• 3 Feet Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 25 Feet
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 15 Feet Accessory Use

10.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

10.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

10.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

**ARTICLE 11
“PO” PROFESSIONAL OFFICE DISTRICT
New District**

11.1 Purpose

The intent of this district is to provide appropriate areas for professional, administrative and business offices while providing open spaces, where necessary, to protect adjacent residential communities.

11.2 Principal Permitted Uses

The following uses are permitted as of right in the “PO” Professional Office District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Public Buildings and Services • Religious Place of Worship • Park or Playground 	<ul style="list-style-type: none"> • Auditoriums • Nonprofit Organization • Office, Professional • Office, Medical or Dental

11.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “PO” Professional Office District:

- Buildings or Structures Incidental to a Permitted Use.
- Signs; Pursuant to Article 26.

11.4 Special Exception Uses

The following uses are permitted as special exception uses in the “PO” Professional Office District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institution; Elementary, Middle and High School • Educational Institution; Technical or Vocational School • Educational Institution; College or University • Essential Services 	<ul style="list-style-type: none"> • None

11.5 Lot Development Standards

The following development standards shall apply to lots located within the “PO” Professional Office District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 70%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None
Minimum Front Yard Setback	<ul style="list-style-type: none"> • None
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 20 Feet when not abutting a residential district • 20 Feet plus one (1) foot for every one (1) foot the principal structure exceeds 35 feet in height where the side yard abuts a residential district
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 20 Feet when not abutting a residential district • 20 Feet plus one (1) foot for every one (1) foot the principal structure exceeds 35 feet in height where the rear yard abuts a residential district
Maximum Building Height	<ul style="list-style-type: none"> • 45 Feet Principal Use • 15 Feet Accessory Use

11.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

11.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

11.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 12
“B-L” BUSINESS LOCAL DISTRICT
Formally B-1

12.1 Purpose

The intent of this district is to provide appropriate areas for the local retail commercial uses serving the community and the general market area of the Town of North Manchester. A combination of retail, service, commercial, office, professional, financial, and governmental uses are encouraged.

12.2 Principal Permitted Uses

The following uses are permitted as of right in the “B-L” Business Local District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Educational Institution; Technical or Vocational School 	<ul style="list-style-type: none"> • Auditoriums • Club or Lodge • Hotel/Motel • Mortuary and Funeral Home • Office, Professional • Office, Medical or Dental • Personal Service • Professional Service • Recreational Facility; Indoor • Restaurant; Excluding Drive-Through • Retail Sales; Not Exceeding 5,000 Square Feet in Floor Area

12.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “B-L” Business Local District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupations; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

12.4 Special Exception Uses

The following uses are permitted as special exception uses in the “B-L” Business Local District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted Living Facility or Retirement Home • Group Home • Mobile Home Subdivision • Multi Family Dwelling • Nursing Home • Recreational Vehicle Park • Single Family Detached Dwelling • Two Family Dwelling 	<ul style="list-style-type: none"> • Educational Institution; College or University • Essential Services • Fraternity, Sorority or Student Cooperative • Park or Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Car Wash • Commercial Entertainment; Excluding Sexually Oriented Businesses • Commercial Entertainment; Outdoor • Day Care Center • Drive Through Facility • Hospital • Multi Tennant Building • Private or Public Parking Area • Recreational Facility; Outdoor • Shopping Center • Storage; Indoor Commercial

12.5 Lot Development Standards

The following development standards shall apply to lots located within the “B-L” Business Local District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 90%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None
Minimum Front Yard Setback	<ul style="list-style-type: none"> • None
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 5 Feet Principal and Accessory Use • 10 Feet Principal and Accessory Use when Abutting a Residential District
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 15 Feet
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet Principal Use • 15 Feet Accessory Use

12.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

12.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

12.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

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**ARTICLE 13
“B-G” BUSINESS GENERAL DISTRICT
Formally B-2**

13.1 Purpose

The intent of this district is to provide areas for a wide range of retailing uses and certain service uses that typically generate high volumes of traffic and serve a large market area.

13.2 Principal Permitted Uses

The following uses are permitted as of right in the “B-G” Business General District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast Establishment 	<ul style="list-style-type: none"> • Educational Institution; Technical and Vocational 	<ul style="list-style-type: none"> • Agri-Business • Auditorium • Automobile, Motorcycle, RV, Farm Equipment and Truck Sales • Club or Lodge • Commercial Entertainment; Excluding Sexually Oriented Business • Contractors Offices and Yards • Financial Institution • Hotel/Motel • Mortuary and Funeral Home • Office, Professional • Office, Medical or Dental • Personal Service • Professional Service • Recreational Facility, Indoor • Restaurant; Excluding Drive Through • Restaurant with Drive Through • Restaurant; Fast Food • Retail Sales

13.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “B-G” Business General District:

- Buildings or Structures Incidental to a Permitted Use.
- Car Wash.
- Signs; Pursuant to Article 26.

13.4 Special Exception Uses

The following uses are permitted as special exception uses in the “B-G” Business General District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted Living Facility or Retirement Home • Group Home • Nursing Home • Recreational Vehicle Park 	<ul style="list-style-type: none"> • Educational Institution; College or University • Essential Services • Park or Playground • Public Buildings and Services • Religious Place of Worship 	<ul style="list-style-type: none"> • Animal Hospital and Veterinary Clinic • Automobile, Motorcycle, RV, Farm Equipment, and Truck Repair Service • Bar or Tavern • Building Materials Wholesale • Car Wash • Commercial Entertainment; Outdoor • Day Care Center • Drive Through Facility • Gasoline Service Station • Greenhouse, Commercial • Hospital • Kennel • Mobile Home Dealer • Multi Tennant Building • Planned Unit Development • Private or Public Parking Area • Recreational Facility; Outdoor • Recycling Center • Shopping Center • Storage; Indoor Commercial • Storage; Outdoor Commercial • Storage, Personal

13.5 Lot Development Standards

The following development standards shall apply to lots located within the “B-G” Business General District:

Minimum Lot Area	<ul style="list-style-type: none">• None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• 70%
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• None
Minimum Front Yard Setback	<ul style="list-style-type: none">• None
Minimum Side Yard Setback	<ul style="list-style-type: none">• 5 Feet Principal and Accessory Use• 10 Feet Principal and Accessory Use when Abutting a Residential District
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 15 Feet Principal and Accessory Use
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 15 Feet Accessory Use

13.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

13.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

13.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

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**ARTICLE 14
“CBD” CENTRAL BUSINESS DISTRICT
New District**

14.1 Purpose

The intent of this district is to provide a centrally located and readily accessible high density area which offers a wide variety of retail, service, financial, entertainment, residential and governmental uses. A broad range of uses is permitted to reflect downtown’s role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density, and buildings placed close together. Development is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape.

14.2 Principal Permitted Uses

The following uses are permitted as of right in the “CBD” Central Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Residential Dwellings when located on the second or higher floors of a building. 	<ul style="list-style-type: none"> • Public Buildings and Services. 	<ul style="list-style-type: none"> • Bar or Tavern • Commercial Entertainment; Excluding Sexually Oriented Businesses • Financial Institution • Office, Professional • Office, Medical or Dental • Personal Service • Professional Service • Restaurant; Excluding Drive Through • Retail Sales

14.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “CBD” Central Business District:

- Buildings or Structures Incidental to a Permitted Use.
- Home Occupation; Pursuant to Section 22.13.
- Signs; Pursuant to Article 26.

14.4 Special Exception Uses

The following uses are permitted as special exception uses in the “CBD” Central Business District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Bed and Breakfast • Multi Family Dwelling 	<ul style="list-style-type: none"> • Essential Services 	<ul style="list-style-type: none"> • Auditorium • Club or Lodge • Hotel/Motel • Multi Tennant Building • Private or Public Parking Area • Restaurant; Fast Food

14.5 Lot Development Standards

The following development standards shall apply to lots located within the “CBD” Central Business District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 100%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None.
Minimum Front Yard Setback	<ul style="list-style-type: none"> • None. However in no case shall the building be setback greater than 15 feet from the right-of-way.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • None. • 10 Feet Principal and Accessory Use when Abutting a Residential District
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • None for Principal and Accessory Uses • 25 Feet Principal and Accessory Use when Abutting a Residential District
Maximum Building Height	<ul style="list-style-type: none"> • 40 Feet Principal Use • 15 Feet Accessory Use

14.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

14.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

14.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

ARTICLE 16
“L-I” LIMITED INDUSTRIAL DISTRICT
Formally I-1

16.1 Purpose

The intent of this district is to provide lands for the development of industrial uses that have high standards of performance and that can locate in relatively close proximity to residential and business uses. The district regulations are designed to permit the operation of most manufacturing, wholesaling and warehousing activities with adequate protection for adjacent uses and sufficient control of external effects to protect one industry from another. Some retail uses that service the industrial uses within the industrial area may be permitted. Industrial operations must be in an enclosed building.

16.2 Principal Permitted Uses

The following uses are permitted as of right in the “L-I” Limited Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Agri-Business • Building Materials; Wholesale • Contractors Offices and Yards • Greenhouse, Commercial • Recycling Center • Research and Development Laboratory • Storage, Personal • Warehousing • Wholesalers

16.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “L-I” Limited Industrial District:

- Buildings or Structures Incidental to a Permitted Use.
- Personal Service; Limited to Twenty-Five (25) Percent of the Structure.
- Professional Service; Limited to Twenty-Five (25) Percent of the Structure.
- Retail Sales; Limited to Twenty-Five (25) Percent of the Structure.
- Signs; Pursuant to Article 26.

The total occupation of the principal structure by an accessory use shall be no greater than twenty-five (25) percent of the gross floor area.

16.4 Special Exception Uses

The following uses are permitted as special exception uses in the “L-I” Limited Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Essential Services • Public Buildings and Services 	<ul style="list-style-type: none"> • Animal Hospital and Veterinarian Clinic • Automobile, Motorcycle, RV, Farm Equipment and Truck Repair Sales • Automobile, Motorcycle, RV, Farm Equipment and Truck Repair Service • Club or Lodge • Commercial Entertainment; Outdoor • Day Care Center • Gasoline Service Station • Junk Yard • Kennel • Manufacturing, Light • Multi Tenant Building; Non-Commercial • Private or Public Parking Area • Storage, Indoor; Commercial • Storage, Outdoor; Commercial • Truck Freight Terminal

16.5 Lot Development Standards

The following development standards shall apply to lots located within the “L-I” Limited Industrial District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 70%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 25 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 25 Feet Principal and Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 20 Feet Principal and Accessory Use • 40 Feet Principal and Accessory Use if Abutting a Residential District
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet Principal Use • 35 Feet Accessory Use

16.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

16.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

16.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

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ARTICLE 17
“I” INDUSTRIAL DISTRICT
Formally I-2

17.1 Purpose

The intent of this district is to provide lands for development by most general types of industrial firms. The regulations are designed to permit operations in a clear and quiet manner and to protect adjacent district uses and industries within the district. Residential and commercial uses are prohibited in this district to conserve and protect the supply of prime industrial land for industrial use and to assist in preventing conflicts with respect to industrial uses and uses of a less restrictive district.

17.2 Principal Permitted Uses

The following uses are permitted as of right in the “I” Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Adult Business • Agri-Business • Automobile, Motorcycle, RV, Farm Equipment and Truck Repair Service • Contractors Offices and Yards • Educational Institution; Technical and Vocational • Greenhouse, Commercial • Manufacturing, Heavy • Manufacturing, Light • Outdoor Theater • Recycling Center • Research and Development Laboratory • Warehousing

17.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “I” Industrial District:

- Buildings or Structures Incidental to a Permitted Use.
- Personal Service; Limited to Twenty-Five (25) Percent of the Structure.
- Professional Service; Limited to Twenty-Five (25) Percent of the Structure.
- Retail Sales; Limited to Twenty-Five (25) Percent of the Structure.
- Signs; Pursuant to Article 26.

The total occupation of the principal structure by an accessory use shall be no greater than twenty-five (25) percent of the gross floor area.

17.4 Special Exception Uses

The following uses are permitted as special exception uses in the “I” Industrial District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Essential Services • Public Buildings and Services 	<ul style="list-style-type: none"> • Automobile, Motorcycle, RV, Farm Equipment and Truck Repair Sales • Automobile Dismantling and Impound Yard • Commercial Entertainment; Outdoor • Concrete, Asphalt Mixing Plants and Foundry • Day Care Center • Multi Tennant Building; Non-Commercial • Private or Public Parking Area • Sanitary Landfill • Storage, Indoor; Commercial • Storage, Outdoor; Commercial • Truck Freight Terminal • Wholesaler

17.5 Lot Development Standards

The following development standards shall apply to lots located within the “I” Industrial District:

Minimum Lot Area	<ul style="list-style-type: none"> • None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none"> • 70%
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 25 Feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 25 Feet Principal and Accessory Use
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 20 Feet Principal and Accessory Use • 40 Feet Principal and Accessory Use if Abutting a Residential District
Maximum Building Height	<ul style="list-style-type: none"> • 35 Feet Principal Use • 35 Feet Accessory Use

17.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

17.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

17.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

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ARTICLE 19
“FP” FLOOD PLAIN DISTRICT

19.1 Purpose

The intent of this district is to control the development of the flood plain areas of the Town of North Manchester that could result in, or contribute to, the potential loss of life and/or property, create health and safety hazards and lead to extraordinary public expenditures for flood protection and relief if left unregulated.

19.2 Principal Permitted Uses

The following uses are permitted as of right in the “FP” Flood Plain District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Agriculture

19.3 Accessory Permitted Uses

The following uses are permitted as accessory uses in the “FP” Flood Plain District:

- Buildings or Structures Incidental to a Permitted Use.
- Signs; Pursuant to Article 26.

19.4 Special Exception Uses

The following uses are permitted as special exception uses in the “FP” Flood Plain District:

Residential Uses	Public and Semi-Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• Essential Services• Parks or Playgrounds• Public Buildings and Services	<ul style="list-style-type: none">• Commercial Entertainment; Outdoor• Private or Public Parking Area• Recreational Facility; Outdoor

19.5 Lot Development Standards

The following development standards shall apply to lots located within the “FP” Flood Plain District:

Minimum Lot Area	<ul style="list-style-type: none">• None
Maximum Impervious Surface Coverage	<ul style="list-style-type: none">• As Required by the Department of Natural Resources
Minimum Lot Width at Building Line	<ul style="list-style-type: none">• None
Minimum Front Yard Setback	<ul style="list-style-type: none">• None
Minimum Side Yard Setback	<ul style="list-style-type: none">• None
Minimum Rear Yard Setback	<ul style="list-style-type: none">• None
Maximum Building Height	<ul style="list-style-type: none">• 35 Feet Principal Use• 15 Feet Accessory Use

19.6 Minimum Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Article 24.

19.7 Signage Requirements

Signage requirements shall be as regulated in Article 26.

19.8 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Article 32.

**ARTICLE 20
PLANNED UNIT DEVELOPMENT**

20.1 Purpose

The purpose of this Article is to permit more flexibility in a development through land use controls that:

- A. Foster good environment design without violating the constitutional requirements of uniform classification and adequate standards that permit planned residential developments in accordance with the Comprehensive Development Plan of the Town;
- B. Permit a variety of housing types including single-family detached, two-family, condominiums and multi-family dwellings, and other integrated land uses in imaginative physical and aesthetic relationship to one another;
- C. Permits the grouping and preservation of open space, school sites, recreation areas and lands for other public, semi-public (i.e. churches) and private purposes;
- D. Permit the development of an area rather than individual lot development; and
- E. Serves as an incentive for the development of passive energy designs for conservation purposes.

No particular development shall necessarily include all the requirements set forth above.

20.2 General Requirements

The general requirements for Planned Unit Developments are as follows:

- A. The tract proposed shall consist of one (1) or more contiguous parcels of land comprising an area of four (4) acres or more in size, unless the tract is bounded on all sides by public right-of-way, public lands, water courses, or less restrictive use districts or is adjacent to another planned unit development, in which case it may be smaller than four (4) acres if approved by the Plan Commission.
- B. The primary use of the tract shall be residential, and may include single-family, two-family and multi-family dwellings and the usual accessory uses such as garages, storage space and community activities.
- C. The tract may contain commercial and professional and personal service uses as an integral part of a residential development; but such uses shall be planned and gauged primarily for the service and convenience of residents of the Planned Development, and shall be authorized only to the extent that such uses are not available to the residents within a reasonable proximity.
- D. Planned Unit Developments shall be designed to create environments of stable and desirable character; they must provide provisions for recreation space adequate to meet the needs of the anticipated population or as designated in the Comprehensive Development Plan.
- E. The tract must be served directly by streets of appropriate size, function and capacity. Internal street systems shall meet the minimum standards of the Town of North Manchester.

- F. Street right-of-way and pavement widths, if approved by the Plan Commission, may be reduced; however, every dwelling unit and all other uses shall have access to a community street, court, walkway or other area dedicated to common use.
- G. Minimum lot sizes, minimum setbacks, maximum lot coverage, and minimum lot widths shall be negotiated with and approved by the Plan Commission.
- H. No principal building height shall exceed thirty-five (35) feet. No accessory building shall exceed fifteen (15) feet.
- I. All buildings shall be served by an adequate public sewer system, water supply and other utilities. Where practical, all utilities shall be located underground.
- J. All parking lots, open spaces and other areas in common ownership shall be maintained properly by the developer, management, or Home Owners Association.
- K. Provisions for open space, compensating for the reduced lots sizes, setbacks, etc., shall be made by the developer as required below.

20.3 Open Space Requirements

A. Designation of Open Space

No less than twenty (20) percent of the land developed in any planned unit development shall be reserved as common open space for the residents or users of the area being developed. The open space shall be located as required in Subsection 20.3(C) of this Section. All required open space shall be readily accessible and usable by residents living within the approved development.

B. Types of Permitted Open Space

- 1. Common open space may either passive or active in nature and shall fully complement the proposed development. Such space shall take the form of parks, playgrounds, landscaped green space, nature walks, or natural areas.
- 2. Land donated for any public purpose, which is accepted by the Town, may be credited towards the open space requirement at the discretion of the Plan Commission.
- 3. Where a planned unit development is to be developed in phases, a portion of the required open space shall be provided in each phase. Maintenance of the open space shall be provided for in the planned unit development's restrictive covenants recorded as part of the project.
- 4. Common open space shall be either adjacent to, or accessible by, all properties within the planned unit development. Furthermore, open space shall be situated in such a way that it may be linked up with other open spaces adjacent to the proposed planned unit development.
- 5. Private required yards on individual lots shall not count towards the open space requirements of this Section.

C. Disposition of Common Open Space

The required amount of common open space land reserved in a planned unit development shall be held in corporate ownership by home owners or the Homeowners Association of the project area for the use of each owner who buys property within the development or under exceptional circumstances be dedicated to the Town, following consent and approval by the Plan Commission, and retained as common open space for public parks, recreation, and related public uses. All land dedicated to the Town must meet the Plan Commission's requirements as to type, size, shape, and location. Public utility and similar easements and right-of-ways are not acceptable for common open space dedication to the Town, unless such land or right-of-way is usable as a trail or other for other similar purposes and approved by the Plan Commission. A Homeowners Association (HOA) shall be established and in place prior to the development of any land within a planned unit development with the open space(s) under their control being denoted on the record plat and identified as "non-buildable open space" other than for HOA approved uses.

D. Maintenance of Open Space

Home owners or a Homeowners Association shall be responsible for maintenance of open space and other required amenities within the proposed PUD unless it is dedicated to and accepted by the Town. A Homeowner's Association shall be established and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of the final plat, prior to issuance of a zoning certificate or approval of a final plat.

The Plan Commission may require a maintenance bond be provided or an escrow account established by the developer for maintenance and upkeep of all common areas until such time as 75% of the lots in the planned unit development have been sold.

20.4 Procedure

The Developer shall comply with the following procedure for the submission and approval of a planned unit development:

A. Proposed Development Plan

1. Submission of Proposed Development Plan

For the purposes of accomplishing the objectives of this Article, the owner or owners of any tract of land shall submit a proposed development plan for the use and development of the land to the Plan Commission for review and public hearing.

The applicant shall submit six (6) copies of the proposed development plan. As a minimum, the proposed development plan shall contain the following information:

- a. Access from public streets and internal site circulation.
- b. General locations of proposed land uses and open spaces.
- c. Existing site topography.
- d. Typical building elevation(s) depicting the size and general character of proposed buildings.

- e. Other project amenities.
- f. A submittal letter describing the proposed project including:
 - 1. Existing site land use and zoning.
 - 2. Proposed land use and requested zone changes.
 - 3. Overall density of the project in terms of dwelling units per acre and/or gross floor area of non-residential buildings.
- g. Other descriptive data to further explain the project.

2. Hearing

Within a reasonable time after submission of the proposed development plan, the Plan Commission shall set a date for a public hearing and give fifteen (15) days notice.

- a. If the Plan Commission approves, or approves with modifications, the development plan after public hearing, the Plan Commission shall affix its seal on the plans and provide the owner with a copy.
- b. If the Plan Commission disapproves the proposed development plan after public hearing, the reasons for such disapproval shall be recorded in the minutes and the owner provided with a copy.

Approval of the proposed development plan for a planned unit development shall not constitute Town approval of the future preliminary plat or final plat. Rather it shall be deemed an expression of approval of the concepts and details of the proposed development plan as stated in the application for approval of the planned unit development, and as a specific guide to the preparation of the preliminary and final plats which are required as part of the application for approval of the planned unit development plan. Further, it indicates approval of the details in the application and a commitment by the applicant to such details.

3. Effective Time of Approval

Approval of the proposed development plan by the Plan Commission shall be effective for a period of twelve (12) months. Within this period of time, the owner shall file for preliminary plat approval or the development plan shall become null and void.

B. Preliminary Plat

The owner or applicant shall submit a preliminary plat to the Plan Commission in conformance with the procedures set forth in the Subdivision Regulations and below.

1. Submission of Preliminary Plat

- a. The preliminary plat shall conform to the previously approved Development Plan.
- b. The applicant shall submit six (6) copies of the preliminary plat and complete application.
- c. All regulations for preliminary plat submissions as identified below shall be adhered to, except those regulations concerning lot size, setbacks, lot coverage, lot widths, building heights, street widths and rights-of-way which may be modified by the Plan Commission.

1. The preliminary plat shall provide following information:

- a. Location Map (which may be prepared by indicating the data by notations on available maps) showing:
 - 1. Project name and location.
 - 2. Any thoroughfares related to the planned development.
 - 3. Existing elementary and high schools, parks and playgrounds, available for serving the planned development, and other community facilities.
 - 4. Title, scale, north point and date.
- b. A Preliminary Plat Showing:
 - 1. Proposed name of the subdivision or development.
 - 2. Names and addresses of the owner, subdivider, land planning consultant, engineer or surveyor, who prepared the plan.
 - 3. Adjacent property owners, existing land uses, and existing zoning within 200 feet of the subject property.

4. Streets and rights-of-way, on and adjoining the site of the proposed subdivision or development, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross walks, and other pertinent data.
5. Easements including locations, widths and purposes.
6. Statement concerning the location and approximate size or capacity of utilities to be installed.
7. Layout of lots showing dimensions and numbered consecutively throughout the entire development.
8. Parcels of land and square footage of areas proposed to be declared or reserved for schools, parks, common open spaces, playgrounds or other public, semi-public or community purposes.
9. The areas of the subdivision or development to be used for each type of land use including: residential (number of units, size and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
10. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slop is greater than ten percent (10%).
11. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
12. Building setback lines and building orientation.
13. A signage plan identifying the sizes and locations of all signage.
14. Landscaping and existing vegetation, including planned buffer areas between use groups.
15. A traffic impact study, if determined necessary by the Town.

16. A document describing the proposed phasing program for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping and other open space improvements.
 17. Legend and notes.
 18. Other features or conditions which would affect the subdivision or development either favorably or adversely.
 19. Scale, north point and date.
- c. A description of the protective covenants, home owners association, or private restrictions to be incorporated in the plat of the subdivision or development, or become covenants in the deeds for lots.
 - d. The preliminary plat of the subdivision or development shall be drawn to a scale of fifty (50) feet to one (1) inch, or one hundred(100) feet to one (1) inch; provided, however that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale as recommended by the Commission may be used.
- d. The review process may require the dissemination of the necessary drawings and information to the appropriate Town departments for their review and comments.

2. Hearing

Within a reasonable time after submission of the preliminary plat, the Plan Commission shall set a date for a public hearing and give fifteen (15) days notice according to the requirements of I.C. 5-3.

- a. If the Plan Commission approves, or approves with modifications, the development plan after public hearing, the Plan Commission shall affix its seal on the plans and forward the recommendation to the Town Council for consideration.
- b. If the Plan Commission disapproves the proposed development plan after public hearing, the reasons for such disapproval shall be recorded in the minutes and the owner provided with a copy.

Approval of the preliminary plat by the Plan Commission and Town Council shall be effective for a period of twelve (12) months. Within this period of time, the owner shall file for final plat approval or the preliminary plat shall become null and void.

C. Final Plat

The submission of a final plat for all or any portion of the preliminary plat shall be in accordance with the procedures as set forth for a final plat in the Subdivision Regulations and with the requirements below:

1. Submission of Final Plat

The applicant shall submit six (6) copies of the final plat and complete application.

a. The final plat shall contain the following information:

1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in twenty thousand (20,000) feet.
2. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the boundary.
5. Source of title to the land to be subdivided as shown by the books of the County Recorder.
6. Adjacent property owners, existing land uses, and existing zoning within 200 feet of the subject property.
7. Street names.
8. Complete curve notes for all curves included in the plan.
9. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.
10. Lot numbers and dimensions.
11. Accurate locations of easements for utilities and any limitations on such easements.
12. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
13. The areas of the subdivision or development to be used for each type of land use including: residential (number of units, size and density), commercial, office, industrial, or other activities indicating the total square footage of each use.
14. Building setback lines, building orientation and dimensions.

15. Site plans, floor plans, elevations, and cross sections for representative buildings. Additional exterior detail drawings, materials specifications and paint colors shall be required if deemed essential to the further understanding of the intent or scope of the final plat.
16. A signage plan identifying the sizes and locations of all signage.
17. A detailed landscaping plan for all areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials, irrigation, and special lighting fixtures.
18. Location, type, material and size of all monuments and lot markers.
19. Plans and specifications for the improvements required in this ordinance.
20. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
21. Name of the subdivision or development.
22. A document describing the proposed phasing program for the project for all dwelling units, commercial or office structures, industrial, recreational and other common facilities, landscaping and other open space improvements.
23. Name and address and owner and the subdivider.
24. North point, scale and date.
25. Certification by a registered land surveyor.
26. Certification of dedication of streets and other public property.
27. Certificate for approval by the Plan Commission.
28. Certificate for approval by the Board of County Commissioners if the development lies wholly, or partly, beyond the Town limits.

The original drawing of the final plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used.

D. Planned Unit Development Standards for Review

Using the information submitted by the owner or applicant, the Plan Commission shall review the application as to whether the petition meets the following standards.

1. The proposed development shall conform to the adopted Comprehensive Plan, or represent a land use policy, which, in the Plan Commissions' opinion, is a logical and acceptable change in the adopted Comprehensive Plan;
2. The proposed development shall conform to the intent and all regulations, requirements and standards of a planned unit development;
3. The proposed development shall be adequately served by public facilities and services such as but not limited to: streets, police and fire protection, school capacity, drainage course, water and sanitary facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services;
4. Common open space, other common properties and facilities, individual properties, and all other elements of a planned unit development are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands;
5. The petitioner shall have made provision to assure that public and common areas will be or have been irrevocably committed for that purpose with notations of such commitment being denoted on the final plat. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured;
6. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding neighborhood. In applying this standard the Plan Commission shall consider, among other things: convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; the construction of any roadway improvements necessary to mitigate the impact of the development, and the general character and intensity of the existing and potential development of the neighborhood;
7. The mix of housing unit types and densities, shall be acceptable in terms of compatibility, issues of privacy, and similar measures;
8. Where applicable, the convenience type retail or nonresidential development within the project shall be appropriately located within the planned unit development such that the vehicular traffic generated by those uses does not affect the residential portions of the development.
9. The Plan Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses outside of the planned unit development;
10. The proposed development shall create a minimum disturbance to natural features and land forms;
11. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable; and

12. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.

20.5 Designation Binding Successors in Interest

Construction must commence in accordance with the approved final development plan within twelve (12) months from approval of the final plat. If construction has not begun within the twelve (12) month period, the PUD is voided and the zoning reverts back to the previous zoning classification unless good cause can be shown by the applicant and an extension of not more than twelve (12) months is granted by the Plan Commission. If the project is not completed within the time frame specified in the application, the applicant shall come before the Board to identify the reasons for the delay(s).

20.6 Modifications to Approved Plan

Minor changes to an approved final plat may be approved by the Building Commissioner if such changes are consistent with the purpose and general character of the proposed development plan and do not change the overall concept or intent of the development. The Building Commissioner shall determine whether or not the minor changes fall within his/her responsibility to approve the changes.

The following modifications shall be considered a major modification of the final plat and shall only be approved by the Plan Commission:

- A. The extension or revision of the staged development schedule;
- B. Increases in density of more than ten (10) percent;
- C. Reduction of common open space of more than ten (10) percent;
- D. An increase of more than ten (10) percent in the proportion of housing types; or
- E. Major changes in infrastructure location including the alignment of major streets.

Major changes may be approved only by submission of a new preliminary plat and supporting data, and following the preliminary plat approval steps, holding of a new public hearing and subsequent amendment of the final plat.

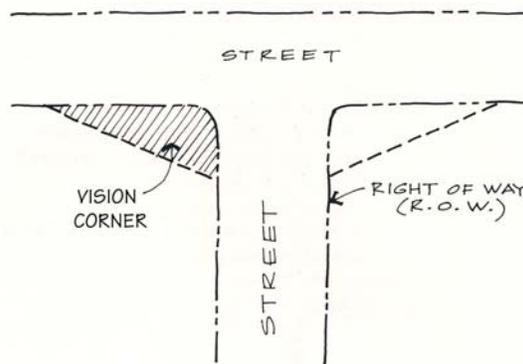
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ARTICLE 22 SUPPLEMENTAL REGULATIONS

22.1 Vision Clearance

In order to provide clear unobstructed vision along public right-of-way, the following requirements shall apply:

- A. Interior Lots: No fence shall hereafter be erected within ten (10) feet of the front property line and/or the street right-of-way and no natural plant material fences or hedges, exceeding thirty-six (36) inches in height, shall be permitted within this same area.
- B. Corner Lots: No fence shall hereafter be erected within ten (10) feet of the intersection of the street right-of-way lines and no natural plant material fence or other plantings exceeding twenty-four (24) inches in height, shall be permitted within this same area. These requirements shall not apply to trees whose limbs have a minimum clearance of ten (10) feet above the ground.



22.2 Tree Ordinance

It is the purpose of this Section, to be referred to as the "North Manchester Tree Ordinance", to promote and protect the public health, safety, aesthetics and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within those portions of the Town of North Manchester, commonly known as tree lawns, as well as street, alley or other public right-of-ways. It is the intent of this Ordinance to promote and encourage the planting, proper maintenance, restoration and protection of desirable trees, shrubs and other plants on Town property, tree lawns and rights-of-way.

A. General Provisions

- 1. It shall be the responsibility of the Building Commissioner or such other individual or individuals appointed by the Plan Commission to enforce the provisions of this Section as is set forth in the Tree Plan and Guidelines Manual developed for the Town of North Manchester by the Tree Advisory Commission. Permits shall be obtained from the Building Commissioner or as is otherwise directed by the Plan Commission before trees, shrubs or other plants located on tree lawns, streets, alleys or rights-of-ways, are planted, sprayed, treated, pruned, removed or otherwise disturbed. This limitation shall not apply to any emergencies

resulting from damaged trees or shrubs when removal is necessary for the purpose of protecting the public health and safety, nor shall it prohibit watering or similar basic care for said trees or shrubs.

2. The permits referred to above shall be considered promptly upon proper application made to the Building Commissioner, and shall be generally limited to applicants owning or occupying property adjacent to the tree lawn or right-of-way where such tree, shrub or plant is located, unless a public purpose is shown to the satisfaction of the Building Commissioner.
3. Said permits shall apply to utilities and all other entities both public and private, digging, excavating, trenching, tunneling, etc., in a manner and a location that might affect the health of trees and shrubs covered by this Ordinance and shall further include any activity that would include attaching any rope, wire, nail, sign or other man-made object to a tree or shrub. Said permits shall not include temporary/seasonal displays or lights that are not intended to remain for more than forty-five (45) days and which do not cause damage or leave any object affixed to the tree or shrub.
4. Said permits may be issued or withheld so as to abate or discourage any activity that may be detrimental to said trees or shrubs.
5. Issuance of said permits may be subject to specific conditions and terms that are deemed to be appropriate by the Building Commissioner, including but not limited to requirements reasonably intended to foster prudent care of the overall appearance of the tree lawn as well as specific trees and shrubs within the tree lawn and rights-of-way, and each applicant shall be required to review and read all appropriate reference and educational materials designated by the Building Commissioner, such as the Tree Plan and Guidelines Manual, originally prepared by the North Manchester Tree Advisory Commission.

B. Permits

The Building Commissioner may issue maintenance permits allowing certain individuals or entities to maintain specific trees and shrubs for specific areas, including several trees and shrubs in accordance with the provisions of this Ordinance and the guidelines then in use by the Building Commissioner and/or Tree Advisory Commission. Such permits may be revoked or amended as is deemed necessary and appropriate by the Building Commissioner.

C. Planting and Maintenance Plan

1. **All** new development located adjacent to any tree lawn or street right-of-way and any new parking areas, other than for single-family-residential uses (but including any and all subdivisions), shall submit with any Improvement Location Permit or other similar application, a plan or proposal incorporating the planting and maintenance of appropriate trees and shrubs as a part of said development to be approved by the Building Commissioner in accordance with the guidelines then in use by the Town of North Manchester. Such guidelines shall consider, among other concerns, provisions for an appropriate percentage of the area included in said application to become covered by tree canopies as a result of specific plantings required by this Ordinance and related guidelines.

2. All parking areas intended for the use of more than five (5) vehicles shall be required to provide for one (1) or more planters within said parking areas for trees and/or shrubs.

D. Tree Buffer

Where a permit is being sought for a property that has a zoning classification that is more intense than adjoining property (i.e. R-3 next to a R-2, or I-1 next to B-2), a planted buffer of trees, shrubs or other appropriate plant material may be required to be placed between said uses as a condition of issuance of a building or occupancy permit.

E. Conformance with Site Plan

When site plans are required by any part of the Zoning Ordinance or other requirements of the Town, said plans shall specifically locate and identify the type of tree or shrub to be planted, and the applicant or its successor in interest shall be required to provide such planting and shall properly maintain said planting for a minimum period of three (3) years.

F. Violation

Failure to plant and maintain trees or shrubs in accordance with the provisions of this Ordinance and within proper husbandry guidelines shall be considered a violation of the terms of this Ordinance, and the Building Commissioner and other appropriate entities of the Town of North Manchester shall be entitled to revoke any such permit issued, or to pursue such breach as a violation of the Zoning Ordinance as is provided herein.

G. Appeal

Any issues or questions regarding the interpretation or application of the provisions of this Tree Ordinance shall be referred to the Board of Zoning Appeals for determination.

22.3 Lot of Record

A single family dwelling may be located on any lot in any district in which single family dwellings are permitted if the lot was a single parcel in single ownership or a single parcel separately described or included in a deed or plat which was of record in the Office of the County Recorder at the time of passage of this Ordinance, even though the lot does not have the minimum lot width, depth or area specified for its district as based on the following regulations:

- A. The minimum side and rear yard setbacks shall be proportionally applied by the Building Commissioner as based on the proportion that the nonconforming lot is smaller than the minimum lot size required in the district that the lot is located. Fractional numbers shall be rounded up to the nearest whole number.

Example using the RSF District Standards:

Minimum district lot size – 10,000 square feet.

Existing lot size – 7,500 square feet.

Minimum district yard setbacks:

Front – Thirty (30) feet

Side – Eight (8) feet

Rear – Twenty-five (25) feet

Existing lot size is seventy-five (75) percent the size of the minimum district lot size:

$$(7,500/10,000) = 0.75$$

Apply the seventy-five (75) percent to side and rear yard requirements of the district:

$$0.75 \times 8' = 6'$$

$$0.75 \times 25' = 18.75'$$

New side yard requirement is six (6) feet and new rear yard requirement is nineteen (19) feet.

- B. In no case shall the side or rear yard be modified by more than fifty (50) percent of the minimum yard requirement for the district in which the lot of record is located without requesting a variance before the Board of Zoning Appeals pursuant to the requirements of this Zoning Ordinance.
- C. The front yard setback shall **not** be altered in order to keep the continuity of the front yard setback of surrounding properties.

22.4 Partial Use of Alley for Yard

One-half (½) of an alley abutting the rear of a lot may be included in the required rear yard if said alley is unimproved. In the case of non-residential uses, the alley portion shall not be used for loading and unloading berths.

22.5 Accessory Buildings and Uses

Requirements for accessory buildings and uses shall be as follows:

- A. Accessory Buildings and uses are allowed in all districts, but not before the erection of the principal building.
- B. No detached accessory building shall be located closer to a side or rear lot line than as identified in the district the accessory building or use is located.
- C. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, fences, lamp posts, bird baths and structures of a like nature are permitted in any required yard, and without the issuance of any permit.
- D. The total area of all accessory buildings or uses, except swimming pools, shall not exceed 750 square feet or forty (40) percent of the ground floor gross floor area of the principal use or structure, whichever is larger. In no case, however, shall the combined area of all accessory uses and permitted uses on a lot exceed the maximum impervious surface coverage as established in each district.

22.6 Building Lines

- A. Where twenty-five (25) percent or more of the lots in a block frontage are occupied by buildings, the average setback of such buildings determines the location of the building for the block frontage, however the front yard setback dimension need not exceed forty (40) feet in any case.
- B. Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this Ordinance.
- C. On any lot which has frontage on more than one street, the front building line is required on each street.

22.7 Tapered Yard Formula

Where an interior lot fronts on a side street and is adjacent to the rear of a corner lot (even if the two (2) lots are separated by an alley), an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on the interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four (4) inches closer to the front lot line along the side street, but in no case closer than the building set back line along the side street required by this Ordinance.

22.8 Side Yards

Where sixty (60) percent or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by the Ordinance, this average side yard of such buildings may determine the required side yard provided. However, no side yard shall be reduced to less than three (3) feet. Where an existing building is deficient in side yards, any addition to such an existing building may maintain the existing side yards.

22.9 Mobile Home Dwelling

Mobile home dwellings shall not be permitted on any lot in any of the residential districts except as permitted in mobile home parks or in mobile home subdivisions as identified in each district.

22.10 Single Family Conversions

Single-family dwellings may be converted to multi-family dwellings only in the RMF-L and RMF-H zone districts and must meet the lot size and density requirements of the respective district.

22.11 Modification of Structure Height

Chimneys, cooling towers, elevator bulkheads, fire towers, stacks, tanks, water towers, distribution poles and lines, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other applicable laws or ordinances. However, no structure may erected in excess of thirty-five (35) feet in height without the review and written approval of the Town of North Manchester Fire Department to insure that there is adequate fire equipment available to the Town for the purposes of fire safety.

22.12 Waste Materials

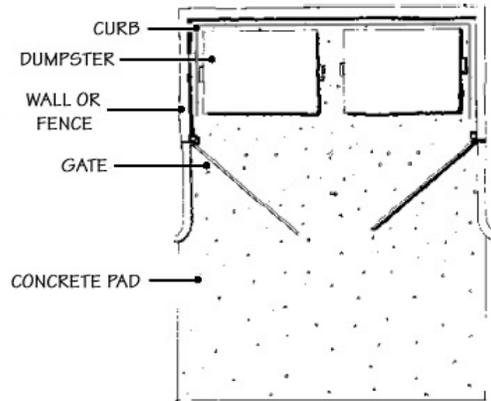
- A. Trash and waste materials shall be stored in metal or other approved containers in accordance with Town codes and regulations as they are adopted or modified from time to time.
- B. In all commercial districts, trash and waste storage containers that are open to public view or the view of adjacent properties, shall be screened from such view, in accordance with Section 32.9, Screening of Service Structures.

Consider the following regulations to replace the above regulations:

All trash containers or receptacles in all multi-family, commercial, office, office/industrial and industrial districts shall conform to the following requirement:

- A. Have such areas enclosed or screened on at least three sides by an evergreen hedge, solid wall or fence adequate in height to screen the containers if such area is not within an enclosed building or structure. Such enclosure shall be of the same type materials or be painted the same color as the principal building.
- B. The enclosure or screening shall be at least six (6) feet in height. Screening with plant materials shall be attained within five (5) years of planting.
- C. Adequate vehicular access to and from such area or areas for the collection of trash and/or garbage shall be required and shall be of concrete material.
- D. Trash containers shall not be located in the front yard building setback and shall conform to side and rear yard pavement setbacks of the appropriate district.
- E. A six (6) inch raised curb shall be located one (1) foot from the interior walls of the enclosure to prevent the dumpster or refuse container from damaging the walls of the enclosure.

- F. All trash container areas shall be enclosed on the fourth side with a 100 percent opacity gate.



22.13 Home Occupations

Home occupations shall be regulated as accessory uses, pursuant to the specific districts. A home occupation shall comply with the following standards:

- A. The use shall be clearly incidental and secondary to the residential use of the dwelling, and not more than twenty-five (25) percent of the dwelling unit floor area shall be devoted to the home occupation.
- B. The home occupation shall only occur within the principal dwelling.
- C. Only members of the immediate family residing at the premises shall engage in such occupation.
- D. External indication of a home occupation shall be limited to one non-illuminated sign, not more than two (2) square feet, attached against the structure.
- E. Any need for parking generated by conduct of the home occupation shall be met in the driveway.
- F. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot, if the occupation is conducted in a single family residence.
- G. The external appearance of the structure shall remain residential in character.
- H. No commodity shall be sold upon the premises except that which is prepared or maintained on the premises. No display of the products shall be visible from the street.
- I. There shall be no outside storage of any kind related to the home occupation use.
- J. Any home occupation displaying a sign shall also be subject to the Town of North Manchester Codified Ordinances.

22.14 Fences and Walls

Fences and walls are permitted in all districts, subject to the following conditions:

A. Location

1. No fence or wall shall be located in the front yard within ten (10) feet of any public right-of-way.
2. Fences that are not more than forty (40) percent opaque may be permitted in the front yard.
3. No fence or wall shall be closer than three (3) feet to any right-of-way line in a rear or side yard unless approved by the Building Commissioner.

B. Height

1. Fences and walls shall not exceed four (4) feet in height for residential uses unless such fence or wall is used for screening purposes in which case its height shall not exceed six (6) feet. For the purposes of these zoning regulations, any fence which achieves opacity of greater than fifty (50) percent shall be considered erected for screening purposes.
2. Fences or walls shall not exceed eight (8) feet in height for non-residential uses.

C. Materials

1. With the exception of fences used for agricultural uses containing livestock, fences shall not contain an electric charge.
2. Barbed wire shall only be permitted in an Industrial District and only on the top of a perimeter fence.
3. Materials used for fences or walls shall be of weather resistant materials or treated so that they are weather resistant.
4. Except in the case of dual-faced fences or walls, all supporting posts must be located on the side facing the interior of the property upon which the posts are located and may exceed the fence or wall height by not more than six (6) inches.

D. Maintenance

Both sides of all fences or walls and the surrounding property, where reasonably accessible, shall be maintained to prevent unsightly and unsafe conditions.

E. Vision Clearance Requirements

No fence or wall shall violate the vision clearance requirements found in Section 22.1 of this Zoning Ordinance.

F. Zoning Certificate

1. An improvement location permit is required for the erection or installation of all fences and walls.

2. Any deviation from these fence and wall regulations shall require the review and approval by the Town of North Manchester.

22.16 Satellite Dishes

Satellite dishes, permitted as an accessory use, are subject to the following conditions:

A. Exemptions

1. Digital satellite dishes (DSS) of three (3) feet or less, at its widest point, shall be permitted to be placed on any dwelling or building in any district. However, the satellite dish shall be placed in the most inconspicuous place that permits reception on the property.
2. These regulations shall not apply to wireless telecommunication facilities or personal communication systems (PCS).

B. Location

1. Satellite dishes may be erected or installed on the ground of any property; provided that in the Commercial and Industrial Districts, roof mounting shall also be permitted.
2. Ground mounted satellite dishes shall be set back a minimum equal to the measurement of its height. However, in no case, shall the ground mounted satellite dish be located closer than five (5) feet to the property line.
3. Satellite dishes shall be prohibited in the front and side yards of the property on which the dish is located.

C. Height and Size

1. The maximum height of any ground mounted satellite dish shall not exceed fifteen (15) feet above the finished grade of the dish.
2. The maximum height of any roof mounted satellite dish shall not exceed the roof height it is mounted on by more than four (4) feet.
3. The maximum size, at the widest point of the dish, shall not exceed eight (8) feet.

D. Landscaping and Maintenance

1. The satellite dish apparatus, where mounted to the ground, shall be screened with shrubbery and/or landscaped if viewed from the public right-of-way.
2. The satellite dish apparatus, landscaping and shrubbery shall be properly maintained to prevent both unsightly and unsafe conditions.

E. Historic or Architectural Standards Compliance

When a satellite dish is proposed to be located on a building or structure that is listed on a Federal, State or local historic register, or is in an historic district established by the Town of North Manchester, the dish shall be subject to review by the Town to insure that architectural and design standards are maintained.

F. Color and Appearance Standards

1. All satellite dishes shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and/or by historical or architectural standards imposed under subsection (E) hereof.
2. No advertising, logo or corporate symbols other than that of the dish manufacturer shall be permitted on the dish.

22.17 Bed and Breakfast Establishment

- A. Bed and breakfast establishments shall only be located within and accessory to an owner occupied single family dwelling.
- B. Bed and breakfast establishments shall comply with all local, county and state fire and health regulations.
- C. The operation of a bed and breakfast establishment shall not be considered or classified as a Home Occupation.
- D. A bed and breakfast establishment shall include no more than four (4) guestrooms for rent.
- E. Kitchen or kitchenettes shall not be available in guest rooms for in room food preparation.
- F. Accommodations shall not be provided to a particular guest for more than fourteen (14) consecutive days.
- G. No ancillary commercial use shall be operated in connection with an approved bed and breakfast establishment.
- H. All applicable off-street parking requirements shall be met as identified in Article 24, Off-Street Parking and Loading.
- I. Exterior signage shall be limited to a sign mounted flat on the wall of the bed and breakfast establishment, shall be less than two (2) square feet and shall be non-illuminated.
- J. The exterior appearance of the bed and breakfast establishment shall maintain a residential character.

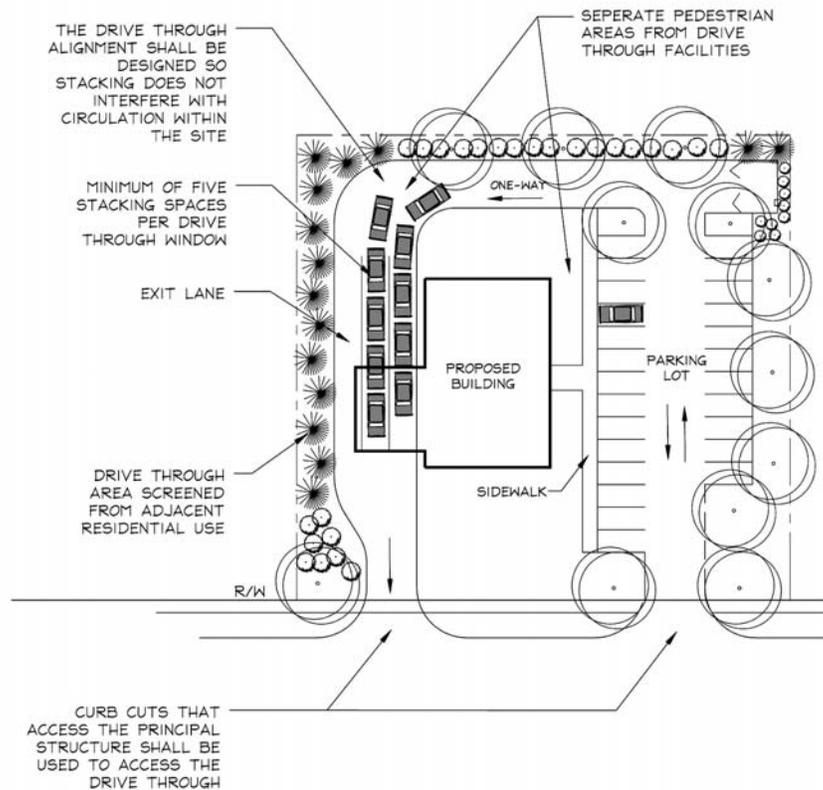
22.18 Drive Through Facilities

A. Location

Drive through facilities shall not be located in the front of the principal building.

B. Site Design

1. A drive through facility shall not be provided a separate curb cut.
2. Maneuvering space for drive through facilities shall be provided for to the side and rear of the principal building.
3. The design of maneuvering and stacking aisles for the drive through shall not interfere with circulation or visibility for traffic either on or off site.
4. A minimum of five (5) stacking spaces shall be provided for each drive through window or bay.
5. Where abutting residential districts, drive through facilities shall be fully screened from view.
6. A drive through facility shall not conflict with pedestrian circulation on site.



22.19 Portable Storage Units in Residential Districts

A. Purpose

The purpose of these regulations is to regulate the use and location of portable storage units (e.g. PODS). These types of units are used for moving, temporary storage during construction and other purposes as listed below.

B. Definition

For the purposes of this Section, the term “Portable Storage Unit” shall mean any enclosed unit of durable construction or material, not to exceed eight (8) feet in width by eight (8) feet in height by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site.

C. General Regulations

Portable storage units may be permitted as a temporary use in any zoning district as follows:

1. Location and Timeframe

a. Temporary Use for Construction Sites

Portable storage units are to be removed within seven (7) days after use of the unit is no longer necessary or when construction is complete, whichever is sooner.

b. Moving and Relocating

1. When the occupant of a property is moving or relocating, a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.

2. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district the unit is located.

c. Other Temporary Uses

1. When necessary to facilitate general temporary uses not described above, a portable storage unit shall be located on a paved surface on the property for a period of not more than seven (7) days or for a period of fourteen (14) total days in any three hundred sixty-five (365) day period.

2. Portable storage units shall not be located any closer to an adjacent parcel than the required minimum side or rear yard setback for accessory uses in the district that the unit is located.

2. Prohibitions

- a. No portable storage unit shall be used for human or animal occupation.
- b. Portable storage units larger than those identified in 22.19 B., Definition, shall be prohibited in the Town of North Manchester.
- c. Only one (1) portable storage unit shall be permitted on any property at any time.

3. Public Nuisance

The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance.

22.20 Security and Wall Mounted Lighting

All lighting used for security purposes and/or is attached to the façade of a building or structure shall be fully shielded so that the bulb or glare from the bulb is visible from the property line. Lighting shall be directed downward against the building.

22.21 Performance Standards

The following provisions shall be made by the owner(s) and/or operator(s) of industrial facilities which may use, create, discharge or store various materials or components which may be hazardous to the citizens of North Manchester as well as public environmental resources. Permits, licenses and all other approvals and inspection requirements of State and Federal agencies, boards and commissions shall supersede the provisions of this Ordinance only if they are more restrictive than the provisions contained herein.

A. Smoke

For all industrial uses the emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour during any twenty-four (24) hour period this rate may be increased up to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing, and fire cleaning.

B. Particulate Matter

The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas and not more than fifty (50) percent by weight of particles larger than forty-four (44) microns (325 mesh) shall be allowed.

C. Odor

Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest Residence District boundary line.

D. Poisonous Fumes and Gases

The emission of any gas or fume across lot lines in such concentrations as to be detrimental to our endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.

E. Glare and Heat

No industrial operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any Residence/Business District Boundary.

F. Vibration

Any use creating intense earth-shaking vibrations shall be set back from a Residence District boundary at least two hundred and fifty (250) feet, or at least one hundred and fifty (150) feet from a Business District boundary.

G. Noise

At no point one hundred twenty-five (125) feet from the boundary of an L-I or I District shall the sound pressure level of any operation of plant (other than background noises produced by sources not under the control of this Ordinance) exceed the decibel limits in the octave bands designated below.

MAXIMUM PERMITTED SOUND LEVEL TABLE

Octave Band Frequency (Cycles per Second)	Maximum Permitted Sound Level (In Decibels) Measured 125 feet from the L-I District Adjoining Residential District Boundaries	Maximum Permitted Sound Level (In Decibels) Measured 125 feet from the I District Adjoining Residential District Boundaries
0 to 75	75	80
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	44	49
Above 4800	41	46

H. Fire Hazards

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the said materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the State Fire Marshall and the State Administrative Building Council.

ARTICLE 24
OFF-STREET PARKING AND LOADING

24.1 Purpose

It is the intent of this Article to:

- A. Establish minimum off-street parking requirements for permitted uses and special exceptions.
- B. Reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading/unloading of vehicles;
- C. Set forth standards by which to improve circulation within parking lots; and
- D. Insure adequate access onto the public right-of-way.

24.2 General Requirements

A. Group Use Parking Requirements

Groups of uses requiring parking space may join in establishing private parking areas with a capacity aggregating that required for each participating use, provided that said aggregate parking areas shall be reasonably convenient to the various uses. However, upon request by the applicants, the Building Commissioner may permit a reduction of the total number of required spaces not to exceed fifteen (15) percent when combining parking requirements for groups of uses if the uses do not share the same peak hour or the reduction in parking spaces does not impede the future use of the building or structure.

B. Off-Street Parking Locations

Except as hereinafter provided, all parking facilities shall be located on the same lot as the structure or use served. Required or additional off-street parking spaces, for any permitted use or special exception, may be provided on a lot within three hundred (300) feet of such use when approved by the Board of Zoning Appeals. Such parking areas may be placed in any non-residential district. However, the Board of Zoning Appeals may require rezoning to the same zone as the primary use for which the parking is intended prior to its approval.

C. Determination of Spaces Required for Existing Uses

Whenever a building or use constructed or established prior to the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of twenty-five (25) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

D. Determination of Spaces for New Uses

For all uses established or placed into operation after the effective date of this Ordinance, there shall be constructed, provided, preserved, and maintained the amount of off-street parking space hereinafter set forth in the Table of Parking Requirements.

E. Off-Street Parking Not Required

Off-street parking areas are not required for individual lots in the Central Business District, provided on street parking and public parking areas are available within the District

F. Off-Street Parking in Residential Areas

Off-street parking in residential areas shall only be on paved surfaces, approved by the Town, unless the vehicle is parked behind the front building line of the dwelling.

24.3 Design Standards

A. Location

Parking areas may occupy any portion of a lot, provided that:

1. In residential districts, open parking spaces or areas may be located in any yard, except a front yard or the street-side of a corner lot.
2. Garages and carports shall be subject to applicable side yard requirements for accessory buildings and structures as identified in each zoning district.

B. Maneuvering

All parking areas shall be arranged so that parking maneuvers shall be accomplished without entering a public right-of-way, sidewalk or walkway within or adjoining the facility.

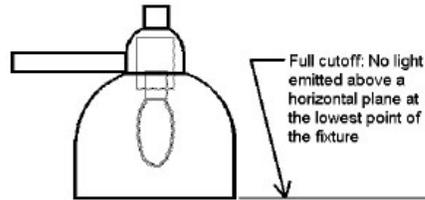
C. Parking Space Dimensions

Minimum dimensions of parking areas shall be determined according to current design standards for parking lots; however, each space shall not be less than that identified in the table below:

Angle of Parking (Degrees)	Width	Depth	Aisle Width
45 degrees	9 feet	19 feet	12 feet
60 degrees	9 feet	20 feet	16 feet
90 degrees (perpendicular)	9 feet	18 feet	26 feet

D. Lighting

Adequate lighting shall be provided if parking areas are used after 6:00 p.m., with such lighting of full cut-off design and directed so as not to shine directly on adjacent properties.



E. Screening

1. All parking areas intended to provide parking for more than ten (10) vehicles shall be effectively screened from adjacent residential uses and rights-of-way in accordance with Section 32.8A, Screening of Off-Street Parking and Loading Areas, of this Article Ordinance. Such screening shall be continuous, broken only for access drives and walkways.
2. Such screen shall be established in a manner as to effectively block the headlights of motor vehicles using the parking area. The screening shall not violate the vision clearance requirements of Section 22.1.

F. Paving

All paved parking areas together with driveways, aisles, and the other circulation areas shall be surfaced with asphalt, concrete or equivalent pavement material to provide a durable, dustless surface in accordance with Town design standards. Gravel may be considered an appropriate pavement material in residential areas for access to the parking area or driveway.

G. Drainage

All parking areas intended to provide parking for more than ten (10) vehicles shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks or to prevent pooling of water on the surface of the parking area. Any parking area intended to provide parking for more than ten (10) vehicles shall obtain the approval of the Stormwater Board, to insure that runoff and drainage are adequately provided for.

H. Interior Landscaping

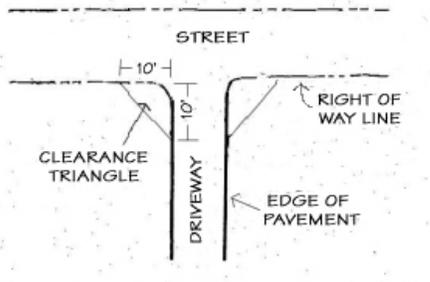
All parking areas intended to provide parking for more than ten (10) vehicles shall make appropriate provisions for landscaping, tree islands or similar natural interior landscaping as established in Section 32.8B, Interior Landscaping of Off-Street Parking Areas.

I. Wheel Stops

Fencing, wheel stops, concrete curbs or other suitable barriers shall be provided in the parking area in order to prevent any part of a parked motor vehicle from extending beyond the parking area and from destroying any screening, buffering, landscaping or other plant materials.

J. Visibility

1. Any parking area which uses a driveway leading to a public street shall maintain an area of vision clearance at the intersection of the driveway or curb cut and street right of way.
2. An unobstructed vision clearance area within two ten (10) foot triangles formed by the intersection of a driveway pavement edge and street right of way shall be maintained at all times.
3. No portion of a wall, fence or planting may exceed thirty-six (36) inches above the pavement height within the vision clearance area.



K. Marking

All paved parking areas shall mark all parking spaces with paint lines or in some other manner approved by the Town and shall be maintained in a clearly visible condition.

L. Maintenance

All parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive and free of debris, hazard, holes, nuisance or other unsafe condition.

M. Stacking Spaces for Drive Through Businesses

1. Businesses utilizing drive through windows that offer drive through facilities shall provide a minimum stacking space for four (4) vehicles for each drive through window or facility.
2. Additional stacking space may be required based on the number of vehicles utilizing the drive through at peak hour as determined by the Building Commissioner.
3. For the purposes of this Ordinance, one stacking space shall be construed as a minimum of nine (9) feet in width and eighteen (18) feet in length.

4. Such stacking space shall begin at the point of business transaction and shall accommodate four (4) vehicles without obstruction to through vehicular traffic or parked vehicle areas. The point of business transaction shall include bank teller windows, fast food pick-up windows, a car wash bay or the drive through automated teller machine.

N. Parking of Commercial Vehicles

Commercial vehicles, with or without signage, which are over nine (9) feet in width and eighteen (18) feet in length shall not be stored in an off-street parking area. Such vehicles shall be parked or stored in the required off-street loading space(s) when not in use or during non-business hours.

O. Parking for Handicapped Persons

1. Parking spaces for handicapped persons shall meet the requirements of the Indiana Uniform Building Code and the Indiana Handicapped Code.
2. Each handicap space may be included in the computation of spaces required by this Article. All handicap spaces shall be clearly marked.

24.4 Units of Measure

In computing the minimum number of required parking spaces required by this Article, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. A dwelling unit shall mean one (1) room, or a suite of two (2) or more rooms, designed for or used by one family for living and sleeping purposes and having only one (1) kitchen or kitchenette. In residential use areas, garages or carports may be counted as a part of the required parking.
- C. A seat shall be the space intended for one (1) individual; in places where patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.
- D. Employees shall be based on the maximum number of persons on duty on the premises at any one time.
- E. When units of measurement result in the requirements of a fractional space, any fraction shall require rounding up to the next whole number.
- F. In the event that different classifications of use share a facility, the total combined parking for all uses shall be required unless the uses are not open at the same time; then the larger of the parking requirements shall apply.
- G. Changes of use of existing structures shall require conformity to the parking provisions provided herein for the new use.

24.5 Table of Parking Requirements

The minimum number of parking spaces shall be provided according to the following table:

Residential Uses	Minimum Number of Parking Spaces Required
Bed and Breakfast Establishment	One (1) space for each guest room and two (2) spaces for the occupant owner.
Group Home	One (1) space for every two (2) group home beds.
Mobile Home Park	Two (2) spaces for each mobile home.
Multi-family Dwelling	
Up to two (2) bedrooms	One and one half (1½) spaces for each dwelling unit.
Three (3) or more bedrooms	Two (2) spaces for each dwelling unit.
Visitor Parking	In addition to the above, ½ a visitor parking space per unit unless on street parking is available.
Nursing Home, Assisted Living Facility or Retirement Home	Two (2) spaces for each room.

Residential Uses (continued)	Minimum Number of Parking Spaces Required
Recreational Vehicle Park	One (1) space for each 200 square feet of common building area.
Single Family and Two Family Dwellings	Two (2) spaces for each dwelling unit.
Non-Residential Uses	Minimum Number of Parking Spaces Required
Adult Business	One (1) space for each 75 square feet of floor area.
Agri-Business	One (1) per 500 square feet of display and sales area.
Animal Hospitals or Veterinary Clinics	One (1) space for each 200 square feet of gross floor area.
Auditorium	One (1) space for each four (4) seats at maximum seating capacity.
Automobile Dismantling or Impound Yard	One (1) space for each acre of storage.
Automobile, Motorcycle, RV, Farm Equipment and Truck Repair Service	Four (4) spaces for each service bay (service bays do not count as a parking space).
Automobile, Motorcycle, RV, Farm Equipment and Truck Sales	One (1) space for each 500 square feet of display and sales lot area or service area.

Non-Residential Uses (continued)	Minimum Number of Parking Spaces Required
Bar or Tavern	One (1) space for each three (3) seats at maximum seating capacity or one (1) per each 75 square feet of floor area, whichever is greater.
Building Materials Wholesale	One (1) space for each 400 square feet of floor area plus one (1) space for each 2,000 square feet of outdoor storage or outdoor display yard area.
Car Wash	Two (2) for facility in addition to the required stacking spaces for each bay in Section 24.3 M.
Club or Lodge	One (1) space for each 100 square feet of floor area.
Commercial Entertainment; Indoor or Outdoor	One (1) space for each three (3) seats at maximum capacity or one (1) space for each 100 feet of floor area or outdoor entertainment area, whichever is greater.
Contractor Offices and Yard	One for every 100 square feet of office space; plus one (1) for each vehicle operated by the establishment; plus one (1) for each 800 square feet of display and sales area; plus one (1) for each 800 square feet of storage area.
Day Care Center	Two (2) spaces for each classroom or child care room. In no case shall there be less than six (6) spaces. In addition a minimum of three (3) short-term parking shall be provided for drop-off and pick up.
Financial Institution	One (1) space for each 300 square feet in addition to the required stacking spaces for each bay in Section 24.3 M.
Funeral Home and Mortuary	One (1) space for each 50 square feet of floor area or one (1) space for every three (3) seats at maximum capacity, whichever is greater.
Gasoline Service Station	One (1) space for each dispensing pump plus two (2) spaces for each service bay or work area. Automotive filling stations with convenience retail uses shall also provide one (1) space for each two hundred (200) square feet of floor area associated with the retail use.
Golf Course	Four (4) spaces for each regulation hole plus one (1) space for each 400 square feet of clubhouse gross floor area.
Greenhouse, Commercial	One (1) space for each 1,000 square feet of indoor and outdoor display and sales area.
Hospital	Two and One Half (2 ½) spaces for each bed.
Hotel/Motel	One (1) space for each sleeping room plus one (1) space for each 100 square feet of meeting area and/or restaurant space or cocktail lounge.
Manufacturing, Heavy or Light	One (1) space for every 1,000 square feet of floor area.

Non-Residential Uses (continued)	Minimum Number of Parking Spaces Required
Office	
Administrative, Business or Professional	One (1) space for each 300 square feet of floor area.
Medical or Dental	One (1) space for each 200 square feet of floor area.
Personal Service	One (1) space for each 200 square feet of floor area.
Professional Service	One (1) space for each 200 square feet of floor area.
Recreational Facility, Indoor	One (1) space for each three (3) seats or one (1) space for each 100 feet of floor area, whichever is greater.
Recreational Facility, Outdoor (excluding golf courses)	Two (2) spaces for each participant at maximum utilization plus one (1) per each six seats in stadium seating.
Recycling Center	One (1) space for each 500 square feet of floor area. A minimum of five (5) spaces is required.
Research and Development Laboratory	One (1) space for each 500 square feet of floor area.
Restaurant	
Fast Food	One (1) per three (3) persons at maximum seating in addition to the required stacking spaces for each bay in Section 24.3 M.
Full Service	One (1) per four (4) persons at maximum seating in addition to the required stacking spaces for each bay in Section 24.3 M.
Retail Sales	One (1) space for each 200 square feet of floor area.
Shopping Center or Multi-Tenant	One (1) space for each 300 square feet of floor area
Retail Greenhouse or Garden Center	One (1) space for each 300 square feet of floor area plus one (1) per 2000 square feet of outdoor display or sales area.
Roadside Business or Stand	One (1) for each 125 square feet of sales or display area.
Sanitary Landfill	One (1) space for each 100 square feet of office space.
Storage	
Indoor Commercial	One (1) space for each 200 square feet of indoor storage area; plus one (1) for each 400 square feet of office area.
Outdoor Commercial	One (1) space for each 500 square feet of outdoor storage area; plus one (1) for each 400 square feet of office area.
Personal	One (1) space for every five (5) rental storage units
Tavern or Bar	One (1) space for every 75 square feet of floor area.
Temporary or Seasonal Sales Lots	One (1) space for every 200 square feet of display or sales area.
Truck Facility	One (1) space for every 200 square feet of floor area exclusive of designated truck storage areas.

Non-Residential Uses (continued)	Minimum Number of Parking Spaces Required
Truck, Heavy Equipment Sales and Service	One (1) space for each 5,000 square feet of sales lot area used for truck or equipment display plus one (1) space for each 300 square feet of floor area of showroom, office or service area.
Warehousing	One (1) space for each 2,000 square feet of floor area.
Wholesaler	One (1) space for every 1,000 square feet of floor area.
Public and Semi-Public Uses	
Club	One (1) space for each 100 square feet of floor area.
Cemetery	One (1) space for each full time employee.
Educational Institutions	
Elementary and Middle School	Two (2) spaces for each classroom plus one (1) space for each 60 square feet of floor area in the auditorium and assembly areas. In addition a minimum of three (3) short-term parking shall be provided for drop-off and pick up.
High School, Vocational School, Technical School or College	Two (2) spaces for each classroom plus one (1) for every ten (10) students for which the facility is designed plus one (1) space for each 60 square feet of floor area in the auditorium and assembly areas. In addition a minimum of three (3) short-term parking shall be provided for drop-off and pick up.
Fraternity, Sorority or Student Cooperative	One (1) space for each (3) beds.
Public Facility, Public Buildings and Services	One (1) space for each 300 square feet of floor area.
Religious Place of Worship	One (1) space for each 30 square feet of floor area of the sanctuary, auditorium and main place of worship.

Any use not listed in the foregoing table shall have parking requirements determined by the Building Commissioner. Any petitioner not satisfied with the requirements set forth by said Commissioner shall have thirty (30) days within which to appeal said determination to the Board of Zoning Appeals, by requesting such an appeal in writing and delivering same to the Town's Clerk-Treasurer, the Executive Secretary of the Plan Commission or the Chairperson of the Board of Zoning Appeals.

24.6 Loading Requirements

A. Purpose

It is the intent of this Section to establish loading requirements so that adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading is provided in order to avoid undue interference with public use of the streets or alleys.

B. General Provisions

Permanent loading facilities shall be provided on the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of materials or merchandise via vehicular transportation, in accordance with the provisions of this Section and in the amount set forth in the Table of Loading Requirements.

Loading and unloading berths shall not be required for uses which demonstrably do not receive or transmit goods or wares by truck delivery.

C. Design Standards

1. Location. Loading berths may occupy any portion of a lot, provided that loading berths shall not be permitted in any required front or side yard.
2. Access.
 - a. All loading facilities shall be arranged so that all maneuvers shall be accomplished without blocking a public right-of-way or walkway;
 - b. All required off-street loading spaces shall have access to a public street or alley in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion;
 - c. Shall only be from the district in which the facility is located; and
 - d. Shall be directly accessible to the building or structure served.
3. Dimensions. Loading berths shall be a minimum of ten (10) feet in width and fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of fourteen (14) feet.
4. Pavement. All loading berths and maneuvering areas shall be paved in conformance with the standards of the Town. As a minimum, all loading spaces shall be graded and provided with a durable and dustless surface of asphalt, concrete, crushed stone or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).
5. Drainage. Loading areas shall be designed to prevent the rate of increase of surface water onto adjacent properties, sidewalks or public streets. Where adequate storm systems exist, the water shall be directed to those systems. Loading areas shall obtain the approval of the Stormwater Board to insure that runoff and drainage are adequately provided for.

6. Lighting. Any loading area used during non-daylight hours shall be illuminated. All lights used to illuminate a loading area shall be of a full cut-off fixture and be arranged to reflect the light away from adjoining property.
7. Screening. Loading facilities shall be effectively screened from an adjacent residential district of principal residential use, in accordance with Section 32.8, Screening and Interior Landscaping of Off-Street Parking and Off-Street Loading Areas, of this Article. Screening shall be continuous, broken only for access drives and walkways.
8. Minimum Number of Off-Street Loading Spaces. Loading requirements shall be computed on the basis of the gross floor area as determined in subsection 24.6(C)11.
9. Exclusions. These provisions shall not apply to uses in the CBD Central Business District, with the Board of Zoning Appeals to define and delineate said area from time to time.
10. Maintenance. The owner of property used for off-street loading and unloading shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, and other rubbish.
11. Table of Minimum Loading Requirements. Minimum loading requirements shall be established for permitted uses and special exceptions irrespective of the zoning district in which they are located.

Use	Gross Floor Area (square feet)	Minimum Loading Spaces Required
Retail, Wholesale, Storage and other Business Uses	Less than 3,000	None Required
	3,001-15,000	1
	15,001-40,000	2
	Each additional 25,000	1
Office Uses	100,000 or less	1
	100,001-336,000	2
	Each additional 200,000	1
Industrial Uses	Less than 15,000	1
	15,001-40,000	2
	40,001-100,000	3
	Each additional 40,000	1

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ARTICLE 26 SIGNS

26.1 Purpose

It is recognized that certain uses need and/or require advertisements through the use of sign displays. It is the intent of this Article to:

- A. Encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate;
- B. Foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community;
- C. Reduce hazards that may be caused by signs overhanging or projecting into the public right of way;
- D. Provide each legal property owner or tenant an opportunity for effective identification;
- E. Prevent the distraction of the motoring public;
- F. Minimize the obstruction of views from roadways to adjacent properties.

In order to accomplish these sometime conflicting purposes, it is necessary to regulate the size, location, construction, and manner of display of signs as set forth in this Article.

26.2 Definitions

The following definitions shall apply to this Sign Article:

Sign, Construction. A construction sign is a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign, Directional. A directional sign is any on-premise sign giving directions, instructions, or facility information but shall not contain the name or logo of an establishment nor any advertising copy.

Sign, Freestanding. A freestanding sign is any permanent sign not attached to a building. This shall include signs attached to poles and signs attached directly to the ground.

Sign, Nonconforming. A non-conforming sign is a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

Sign, Political. A political sign is a temporary sign which announces the candidacy of a person or slate or persons running for elective office, or a political party or issue.

Sign, Sandwich board. A portable sandwich board is a sign with two display surfaces that is not permanently anchored to the ground or a structure and has a hinged, or A-frame construction that allows the sign to be displayed indoors or outdoors.

Sign, Portable. A portable sign is a sign which is movable and which is not permanently attached to the ground, a structure or other signs, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Sign, Projecting. A projecting sign is a sign supported by a building wall or column and extending a distance exceeding twelve (12) inches from the wall.

Sign, Real Estate. A real estate sign is a temporary sign advertising the property or land upon which the sign is located as being for rent, lease, or sale.

Sign, Subdivision. A subdivision sign is any ground mounted or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Sign, Temporary. A temporary sign is any sign not constructed or intended for long-term use and is not permanently mounted.

Sign, Wall. A wall sign is any sign which is located on or formed by the surface of the wall of a building. A Mansard roof facade on a building shall be considered part of the wall.

Sign, Window. A window sign is a sign installed inside a window and intended to be viewed from the outside.

26.3 Exempt Signs

The following types of signs shall be exempt from the requirements of this Article:

- A. Signs not exceeding one (1) square foot in area, bearing only property or address numbers, post box numbers, names of occupants of premises or home occupations when affixed flat to the face of a building or structure.
- B. Flags and insignia of any government.
- C. Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts or moving lights.
- D. Signs, directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.
- E. Signs no larger than two (2) square feet identifying or providing directions for historical sites, governmental buildings, churches, retirement homes/communities or similar buildings.
- F. Window signs for all uses, in all districts. Such signs may not occupy more than fifty (50) percent of the area of the window in or on which they are displayed.
- G. A commemorative plaque, historical sign, cornerstone or similar sign. Such sign shall not exceed nine (9) square feet and shall not be illuminated.
- H. Signs identified in Section 26.7, Signs Permitted in Any District.

26.3 On Premise Signs – General Provisions

- A. In any district, except as noted, the provisions of this Article shall be applied to affect the safety of motorists and facilitate traffic movement.
1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
 2. No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
 3. No exterior sign shall be permitted to display flashing, intermittent, revolving, rotating or animated lighting or illumination, nor any illumination which simulates or displays motion.
 4. Except as may be permitted herein, portable signs are prohibited.
 5. All signs not expressly exempted or permitted by this Ordinance are prohibited.
- B. In all districts, the provisions of this Article shall apply:
1. No sign shall be erected in the Town unless it is in full compliance with these sign regulations.
 2. No sign shall be erected unless it is in compliance with all applicable regulations of the Town Building Code.
 3. Any sign which is permanently mounted shall bear, in a permanent position, a clearly legible identification stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, and the date of erection.
 4. No sign shall be permitted as the principal use on any property. Signs shall only be permitted as accessory uses with the exception of the standards of Section 26.8, Outdoor Advertising Signs.
 5. No part of any sign which is attached to the exterior wall of a building shall be erected to a height in excess of the roof or parapet line of such building.
 6. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.
 7. No part of any freestanding sign shall be erected to a height greater than that specified for other structures in the district in which the sign is located.
 8. Rooftop sign structures shall not extend above the roof line, nor shall such sign structures extend beyond or overhang any exterior wall of the building upon which they are secured.

9. The minimum setback of freestanding signs from street rights-of-way shall not be less than those given below. Setback shall be measured to the nearest point of the sign structure to the edge of the right-of-way.

Minimum Sign Setbacks from the Public Right-of-Way	
Area of Sign (per face)	Minimum Setback
Less than 5 square feet	2 feet
5 square feet to 14.9 square feet	10 feet
15 square feet to 49.9 square feet	20 feet
50 square feet or larger	30 feet

10. The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.
11. No freestanding sign shall be erected or maintained on or within any easement on right-of-way, public or private, without special permission in writing from that person or persons entitled to give such permission.

26.4 Residential District Signs

In any residential district, the provisions of this Section shall apply:

- A. Multi-family developments may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such sign shall not exceed nine (9) square feet in area and may be illuminated.
- B. Entrance signs for subdivision developments may only display the name of the subdivision. Such sign shall not exceed twenty (20) square feet in area and shall not exceed six (6) feet in height. Such sign may be illuminated.
- C. Only one (1) sign per street frontage shall be permitted for subdivisions and multi-family developments, except that uses occupying extended frontages shall be permitted one (1) such sign per five hundred (500) feet of frontage.
- D. The base of residential signs which are affixed to the ground shall be landscaped in area at least equal to the total square footage of the sign face.

26.5 Business and Industrial District Signs

In any business or industrial district, the provisions of this Section shall apply:

- A. Multi-family developments shall be subject to the provisions of Section 26.4.

- B. Freestanding signs shall be permitted as accessory uses for nonresidential uses according to the number and net area of signs set forth below:

Maximum Sign Area for Business and Industrial Freestanding Signs	
District	Maximum Net Sign Area*
B-L	40 square feet
B-G	60 square feet
CBD	40 square feet
L-I and I	60 square feet

*Total combined area of all sign faces of freestanding signs on the lot or property.

- C. No wall mounted sign shall project over a lot line and no sign shall project into a required yard by more than two (2) feet.
- D. In any industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two (2) such signs or a total net area of one hundred (100) square feet.
- E. To encourage design excellence, the maximum sign areas for business and industrial signs, as set forth in sections 26.5 B and 26.5 D above, may be increased by the percentages as provided for herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage increase is based on the original sign area limitation.
1. Freestanding signs may be increased in sign face area as follows:
 - a. Twenty (20) percent when the sign is constructed of solid wood and uses only colors approved by the Plan Commission.
 - b. Twenty (20) percent when the sign is installed in a landscaped planter having an area four (4) times the area of the resultant sign and the entire design is approved by the Plan Commission.
 - c. Ten (10) percent if the sign is not designed or used with illumination, either internal or external.
 2. Wall or facade signs may be increased in sign face area as follows, but only if the projection of the sign does not exceed twelve (12) inches from the wall or façade on which it is mounted:
 - a. Ten (10) percent if the sign is not designed or used with illumination, either internal or external.
 - b. Ten (10) percent if the wall sign is the only sign identifying the establishment or its principal product.
 - c. Ten (10) percent if the sign is designed to contain only the identification of the establishment without advertisement of any products sold on the premises.
 - d. Five (5) percent if the sign face is made from unbreakable material.

3. For the purposes of the foregoing sections, the total increase of sign area shall not exceed twenty-five (25) percent regardless of the combination of criteria that are met.
- F. Window signs shall be permitted in any business or industrial district provided that such window signs do not cover more than fifty (50) percent of the total area of the windows visible from any public right-of-way.
- G. Sandwich board signs may be permitted in the CBD not to exceed twelve (12) square feet per sign face (each side) as follows:
 1. The sidewalk on which the sandwich board sign is located shall be at least six(6) feet in width.
 2. The sign shall not interfere with pedestrian movement on the sidewalk.
 3. The sign shall only be located outdoors between the hours of 6:00a.m. to 10:00p.m..

26.6 Agricultural District Signs

In any agriculture district, the provisions of this section shall apply:

- A. Agricultural uses shall be permitted one (1) sign not to exceed thirty (30) square feet. Such sign shall not be illuminated.
- B. Business uses shall be permitted two (2) signs not to exceed thirty (30) square feet each.
- C. Other nonresidential uses shall be permitted one (1) identification sign, indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not exceed twelve (12) square feet in area unless erected along an abutting street or road having a speed limit in excess of forty (40) miles per hour; then the area of such sign shall not exceed thirty (30) square feet. Only one (1) sign per street frontage shall be permitted, except that uses occupying extended frontages shall be permitted one (1) such sign per five hundred (500) feet of frontage.

26.7 Signs Permitted in Any District

The signs permitted by this Section shall be permitted in any district:

- A. One "For Sale" or "For Rent" or "For Lease" sign not more than nine (9) square feet in area for each parcel with dwelling unit, garage, or other living quarters, where appropriate. Such sign shall not be illuminated.
- B. One (1) sign, not more than twelve (12) square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively underway. Such sign shall not be illuminated.
- C. One (1) portable or temporary sign on premise, not in excess of the number or size provisions of this Ordinance may be permitted up to, but not to exceed, forty-five (45) days, if the portable sign is being used in lieu of a permanent sign, or during the period while commercial construction or remodeling is actively underway, to be removed when

the permanent sign is erected in the first case, or when construction is completed under that Improvement Location permit in the second case. Such sign shall not be illuminated.

- D. One (1) portable sign not over fifty (50) square feet in area, on the premises on which the event will take place, shall be permitted. Such sign shall not be erected more than thirty (30) consecutive days before the event in question and shall be removed immediately after such event. Also, directional signs may be permitted not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest; such signs shall not be erected more than fourteen (14) days before the event in question, and shall be removed immediately after such event. Such signs shall not be illuminated and shall only be permitted twice a year.
- E. Political advertisement signs on private property may be erected, with the owners' permission, no more than thirty (30) days prior to the election and are to be removed within five (5) days after said election. Such sign shall not be illuminated.
- F. For each major entrance to a real estate subdivision one (1) sign containing the name of the subdivision only shall be permitted. Such sign shall not exceed twenty (20) square feet and shall have a maximum height of six (6) feet.

26.8 Outdoor Advertising Signs

- A. Outdoor advertising signs shall be permitted in L-I, I and A Districts only.
- B. Outdoor advertising signs shall be separated by one thousand (1,000) feet in all directions from each other.
- C. No outdoor advertising sign shall be permitted if it is located within three hundred (300) feet of land that has been platted for residential use or is zoned RE, RSF, RTF, RMF-L, RMF-H or RU.
- D. No outdoor advertising sign structure shall contain more than two (2) facings.
- E. The maximum area for any one (1) sign shall be one thousand (1,000) square feet and the maximum width twenty-five (25) feet and maximum length of sixty (60) feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed twenty (20) percent of the sign area. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.
- F. Revolving signs shall be prohibited.

26.9 Permit Required

An Improvement Location Permit shall be required based on the following conditions:

- A. Permanent and temporary signs shall require an improvement Location Permit. Fees shall be as identified in the Schedule of Fees as adopted by the Town Council.
- B. No person shall locate or display any sign unless all provisions of this Zoning Ordinance have been met. An Improvement Location Permit shall be required for each sign unless specifically exempted in the Article.

- C. A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless an amended or new permit is obtained from the Building Commissioner.

26.10 Nonconforming Signs

All signs erected following the effective date of these regulations shall comply with all the provisions of these regulations when erected. All signs which are in existence on the effective date of these regulations, which do not conform to the standards of this Article, shall be considered nonconforming signs and shall be subject to the following provisions:

- A. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- B. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.
- C. No nonconforming sign shall be allowed to remain after the use of land or building which has ceased by discontinuance or abandonment to which the sign relates.
- D. The normal maintenance of nonconforming signs shall be permitted. However, not more than fifty (50) percent of a nonconforming sign shall be replaced without modifying the nonconforming sign so that it conforms to these regulations.

26.11 Abandonment of Signs

If any sign is abandoned for a period of at least six (6) consecutive months in any eighteen (18) month period, such sign shall be considered a nuisance affecting or endangering surrounding property values and shall be deemed detrimental to the public health, safety and general welfare of the community. Such sign shall be abated within sixty (60) days of notification by the Building Commissioner either by:

- A. Removing the sign in question. Removal includes the total disassembly of the sign structure including the base, to the grade on which the sign was erected. Any sign not removed within the specified sixty (60) day time period may be removed by the Town at the property owner's expense and assessed to that property owner on the next Property Tax Statement.
- B. Altering the sign and its structure so that it conforms to the regulations and provisions of this Code.

The failure of any owner to comply with these regulations will constitute a violation of this Zoning Ordinance.

ARTICLE 28
NONCONFORMITIES

28.1 Intent

Within the districts established by this Ordinance or by amendments that may later be adopted, there may exist:

- A. Nonconforming lots;
- B. Nonconforming structures;
- C. Nonconforming uses of land;
- D. Nonconforming uses of land and structures in combination; and
- E. Nonconforming characteristics of use.

These nonconformities were lawful before this Ordinance was passed or amended, but they are prohibited, regulated or restricted under the terms of this Ordinance or may be under future amendments hereto. It is the intent of this Ordinance to permit these nonconforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. Illegal uses existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

28.2 Incompatibility of Nonconforming Uses

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses or structures or enlargements of existing uses or structures, of a nature which would be generally prohibited in the district in which the use or structure is located.

28.3 Single Nonconforming Lots of Record

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in separate ownership or included in a subdivision of record in the office of the County Recorder at the time of passage of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lots shall conform to regulations for the district in which such lots are located. Variances of requirements, other than lot area or lot width, shall be obtained only through action of the Board of Zoning Appeals, as provided herein.

Nonconforming lots of record may be developed under the following conditions:

- A. The minimum side and rear yard setbacks shall be proportionally applied by the Building Commissioner as based on the proportion that the nonconforming lot is smaller than the minimum lot size required in the district that the lot is located. Fractional numbers shall be rounded up to the nearest whole number.

Example using the RSF District Standards:

Minimum district lot size – 10,000 square feet.

Existing lot size – 7,500 square feet.

Minimum district yard setbacks:

Front – Thirty (30) feet

Side – Eight (8) feet

Rear – Twenty-five (25) feet

Existing lot size is seventy-five (75) percent the size of the minimum district lot size:

$$(7,500/10,000) = 0.75$$

Apply the seventy-five (75) percent to side and rear yard requirements of the district:

$$0.75 \times 8' = 6'$$

$$0.75 \times 25' = 18.75'$$

New side yard requirement is six (6) feet and new rear yard requirement is nineteen (19) feet.

- B. In no case shall the side or rear yard be modified by more than fifty (50) percent of the minimum yard requirement for the district in which the lot of record is located without requesting a variance before the Board of Zoning Appeals pursuant to the requirements of this Zoning Ordinance.
- C. The front yard setback shall **not** be altered in order to keep the continuity of the front yard setback of surrounding properties.

28.4 Nonconforming Lots of Record in Combination

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

28.5 Nonconforming Uses of Land

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

28.6 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not now be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Normal maintenance may be conducted on the structure in order to keep it safe, neat and orderly in appearance.

28.7 Nonconforming Uses of Structures or of Structures and Land in Combination

If a lawful use involving individual structures and/or the use of land, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district or under the terms of this Ordinance the prior use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

28.8 Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and maintenance may be done as needed including but not limited to: the replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the square footage of when it became nonconforming shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

ARTICLE 30
SPECIAL EXCEPTION USES

30.1 Procedure and Requirements for Approval of Special Exception Uses

Special Exception Uses shall conform to the procedures and requirements of this Article. Special Exception Use permits shall be required for types of uses designated as Special Exception Uses in each particular use district. Such special exception use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land and the effect the neighboring land will have on the use. The application of the planning standards for determining the location and extent of such use is a planning function, and not in the nature of a variance or appeal.

30.2 Authority

The Board of Zoning Appeals, in accordance with the procedures and standards set forth herein, may approve, approve with supplementary conditions, or deny an application for a Special Exception Use.

30.3 Parties Entitled to Seek Special Exception Uses

The owner or lessee of the subject property or other person having a legal or equitable interest in the subject property may file an application for a Special Exception Use with the Building Commissioner.

30.4 Procedure for Review and Decision

A. Application

Upon receipt of a properly completed application and development plan for a Special Exception Use permit, the Building Commissioner shall transmit to the Plan Commission for investigation as to the manner in which the proposed location and character of the Special Exception Use will affect the Comprehensive Development Plan of the Town. The Plan Commission shall report the results of its study of the application to the Board of Zoning Appeals including the recommendation of any additional conditions recommended by the Commission and shall be scheduled for a public hearing in accordance with Indiana Statutes.

B. Notice

Notice of the public hearing for the Special Exception Use shall be provided in accordance with the requirements of Indiana Statutes 36-7-4-920 through 36-7-4-921.

C. Action by Board of Zoning Appeals

The Board of Zoning Appeals, shall, after public notice and the close of the hearing according to law, take one of the following actions:

1. Approve the application as submitted;
2. Approve the application subject to the additional conditions as recommended by the Plan Commission and set forth above in 30.4A.;

3. Table the application for further consideration; or
4. Deny the application.

Upon reaching a decision, the Board of Zoning Appeals shall instruct the Building Commissioner to notify the applicant, in writing, of its decision. If the application is approved or approved with conditions, the Board of Zoning Appeals shall also instruct the Building Commissioner to issue a Special Exception Permit which shall specify all conditions associated with the special exception approval.

30.5 General Standards for Special Exception Uses

Special Exception Uses may be considered by the Board of Zoning Appeals only for those uses specifically designated and within those districts specified in the district in which the property is located.

A. Basis for Determination

The Board of Zoning Appeals shall establish that the following general standards and such other specific standards as the Board deems fit to impose for each specific use are satisfied before approval of each proposed special exception use.

B. General Standards

The Board of Zoning Appeals shall review the particular circumstances and facts of each proposed special exception use in terms of the following standards and shall find adequate evidence showing that such a use on the proposed location:

1. Is, in fact, a permitted special exception use in the district in which the property is located.
2. Is compatible with and in accordance with the general objectives or with any specific objectives of the Master Plan of current adoption.
3. Is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area unless such change is appropriate for such area.
4. Is not be hazardous or disturbing to existing or future neighboring uses.
5. Is served adequately by essential public facilities and services such as highways, streets, water, sewer, police and fire protection, drainage structures, refuse disposal, or schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, light or odors.
8. Is compatible to adjacent properties and neighborhoods.
9. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. Is consistent with the intent and purposes of this Article.

30.6 Factors to be Considered

Factors to be considered in evaluating the standards for Special Exception Uses may include, but are not limited to, the following:

- A. Land use;
- B. Height;
- C. Setbacks;
- D. Business or other activities;
- E. Open space;
- F. Density;
- G. Location of structures and uses on the site;
- H. Screening;
- I. Signs/advertisements;
- J. Paving;
- K. Entrances;
- L. Hours of operation;
- M. Lighting;
- N. Landscaping;
- O. Fencing/walling;
- P. Location and screening of mechanical systems/HVAC (Noise issues);
- Q. Dumpster locations; and
- R. Parking.

30.7 Specific Standards for Special Exception Uses

The following minimum standards shall apply to the Special Exception Uses listed below. In such cases where the Board of Zoning Appeals attaches additional conditions, the more restrictive condition shall apply.

A. Animal Hospitals and Veterinarian Clinics

1. Such facilities shall be located on sites having a minimum of 20,000 square feet in area.
2. Such facilities shall have no outside pens or runs.
3. Buildings or structures shall be located a minimum of 50 feet from adjacent property lines, provided that where such uses are located adjacent to a residential district the side and rear yard requirements shall be increased to 100 feet.
4. If a kennel is included as part of an animal hospital or veterinary clinic, the requirements of 30.7(L), Kennel shall also be observed.

B. Automobile Dismantling and Impound Yards

1. Such uses shall be located on sites having a minimum of two (2) acres in area.
2. Buildings or structures shall be located on a minimum of 50 feet from adjacent property lines, provided there where such use is located adjacent to a residential district, the side and rear yard requirements shall be increased to 100 feet.
3. Adequate screening shall be provided in accordance with Article 32, Landscape and Screening.

C. Cemetery or Crematory

1. Minimum lot area of 20 acres.
2. There shall be two side yards with a minimum setback of 50 feet each and a rear yard setback of 50 feet.
3. Entrances and driveways shall be subject to approval by the Board.
4. Signs shall be in accordance with Article 26, Signs.
5. Disposal of liquid and other wastes shall meet with the approval of the State Board of Health.

D. Confined Feeding Operations

1. All structures and confined lots designed to house or contain livestock shall be set back 500 feet from any existing residence except that of the confined feeding operator.
2. All structures and confined lots designed to house or contain livestock shall be set back 1,000 feet from any existing church, school recreational area (public or private), commercial use or any other public buildings.
3. All structures and confined lots designed to have or contain livestock shall be set back 1,300 feet from any zoning district not otherwise zoned A-1 Agricultural except for those lands zoned as Flood Plain District.
4. All structures shall be set back 40 feet from all highway and road right-of-ways.

E. Country Club/Golf Course

1. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.
2. Parking shall be a minimum of 25 feet from an adjacent residential use.
3. Entrance driveways shall be subject to approval by the Board.
4. Signs shall be in accordance with Article 26, Signs.
5. Disposal of liquid and other wastes shall meet the approval of the Indiana State Board of Health.

F. Essential Services

1. Such uses shall be located on sites having an adequate area to accommodate all activities.
2. The installation and operation of such uses shall be subject to approval under the provisions of applicable codes and ordinances.
3. Buildings occurring in the RSF, RTF, RMF-L, RMF-H and RU zone districts shall be of an architectural style that is compatible with the character of the neighborhood in which it is located.
4. Buildings and structures shall be located a minimum of 50 feet from adjacent residential uses.
5. Operations not completely contained within buildings shall have adequate screening as required in Article 32, Landscaping and Screening, and adequate fencing subject to approval by the Board.
6. Entrances or driveways shall be subject to approval by the Board of Zoning Appeals.

G. Gasoline Service Stations

1. Such uses shall be located on sites having a minimum of 15,000 square feet, with an additional 2,000 square feet required for each service bay over two (2) operated in connection with the service station or in connection with an accessory automobile washing and waxing facility.
2. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential district.
3. All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare or reflection on adjacent properties or on the public right-of-way.
4. Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks used by the establishment and rental vehicles, no vehicles shall be parked on the premises.
5. Abandoned vehicles shall not be stored on the premises.
6. Whenever a gasoline service station is abandoned for a period of one (1) year, the owner shall remove all appurtenances connected therewith, such as, but not limited to gasoline pumps and signs and shall fill or otherwise vacate underground storage tanks in accordance with the provisions of applicable fire codes and safety standards and shall maintain the premises so as not to become a public nuisance.

H. Greenhouse, Commercial

1. Minimum lot area of 25,000 square feet.
2. There shall be a front yard with a minimum setback of 100 feet, two side yards with a minimum setback of 40 feet each, and a rear yard with a 40 feet minimum setback.
3. Minimum gross floor area of principal building(s) shall be 1,000 square feet.
4. Loading berths shall be a minimum of 50 feet from an adjacent residential use.
5. Entrances and driveways shall be subject to approval by the Board.
6. Signs shall be in accordance with Article 26, Signs.
7. Disposal of liquid and other wastes shall meet the approval of the Indiana State Board of Health.

I. Heliport

1. Minimum lot area of 1 acre.
2. Maximum height of structure shall be as required by appropriate State and Federal Agency.
3. Adequate fencing shall be provided subject to approval by the Board.

4. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.
5. Parking shall be a minimum of 25 feet from an adjacent residential use.
6. Loading berths shall be a minimum of 100 feet from adjacent residential use.
7. Entrances and driveways shall be subject to approval by the Board of Zoning Appeals.
8. Disposal of liquid and other wastes shall meet the approval of the Indiana State Board of Health.

J. Hospital

1. Minimum lot area of 5 acres.
2. There shall be a front yard with a minimum setback of 100 feet and two side yards with a minimum setback of 40 feet each, and a rear yard with a minimum setback of 40 feet.
3. A plan of landscape development shall be submitted with application.
4. Maximum height of structure shall be 35 feet.
5. Adequate screening shall be provided in accordance with Article, 32, Landscape and Screening.
6. Parking shall be a minimum of 25 feet away from an adjacent residential use.
7. Loading berths shall be a minimum of 50 feet from an adjacent residential use.
8. Signs shall be in accordance with Article 26, Signs.

K. Junk Yard

1. Such uses shall be located on sites having a minimum of two (2) acres in area.
2. Buildings or structures shall be located a minimum of 50 feet from adjacent property lines, provided that where such use is located adjacent to a residential district, side and rear yard requirements shall be increased to 100 feet.
3. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.

L. Kennel

1. Such facilities, including outdoor pens and runs, shall be located a minimum of 100 feet from adjacent property lines, provided, however, that where such facilities are located adjacent to a residential district side and rear yard setbacks shall be increased to 300 feet.
2. Disposal of liquid and other wastes shall meet the approval of the Indiana State Board of Health.

M. Licensed Day Care Center

1. Minimum lot area of 110 square feet per child.
2. There shall be two side yards with a minimum setback of 20 feet each.
3. Minimum gross floor area of the principal building(s) shall be determined by the number of children to be accommodated and shall be subject to approval by the Board.
4. Adequate fencing shall be provided subject to approval by the Board.
5. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.
6. Entrances and driveways shall be subject to approval by the Board.
7. Signs shall be in accordance with Article 26, Signs.

N. Mobile Home Parks

1. Mobile home parks shall be located on sites having a minimum of ten (10) acres in area.
2. The density of a mobile home park shall not exceed eight (8) dwelling units per gross acre.
3. Mobile home units within a mobile home park shall be located a minimum of 25 feet from adjacent property lines, provided that where mobile home parks are located adjacent to another residential use, side and rear yard requirements shall be increased to 50 feet.
4. There shall be a minimum distance of 20 feet between mobile home units.
5. Mobile home parks shall be served by both public water and public sewer and shall the requirements as set forth in applicable State Statutes.
6. The mobile home park shall be adequately lighted, provided that all lights shall be shielded so as to protect mobile home units as well as adjacent residential properties from glare.
7. All roads shall have a minimum width of twenty (20) feet and shall be paved.
8. Two (2) off-street parking spaces per mobile home shall be provided.
9. All mobile homes shall be secured to the ground by tie-downs.

- O. Mobile Home Subdivision
1. Mobile home subdivisions shall be located on sites having a minimum of ten (10) acres in area.
 2. Each lot in the subdivision shall be served by public water and public sewer.
 3. The minimum lot size for individual mobile home lots within the subdivision shall be 5,000 square feet.
 4. All mobile home subdivisions shall conform to the procedures, design standards and improvement requirements established in the Subdivision Ordinance.
 5. No more than one mobile home shall be placed on any one lot.
 6. Mobile home units within a mobile home subdivision shall be located a minimum of 25 feet from property lines of the subdivision, provided that where mobile home subdivisions are located adjacent to another principal residential use, side and rear yard requirements shall be increased to 50 feet.
 7. All roads shall have a minimum width of twenty (20) feet and shall be paved.
 8. All mobile homes shall observe a minimum setback from the edge of the road of fifteen (15) feet.
 9. Two (2) off-street parking spaces per mobile home shall be provided.
 10. All mobile homes shall be secured to the ground by tie-downs.
- P. Nursing Home
1. Minimum lot area of 15,000 square feet, but not less than 1,500 square feet per person cared for.
 2. There shall be two side yards with a minimum setback of 30 feet each.
 3. Minimum gross floor area of principal building(s) shall be 1,000 square feet.
 4. A plan of Landscape Development is to be submitted with application.
 5. Maximum height of structure shall be 35 feet.
 6. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.
 7. Parking shall be a minimum of 25 feet from adjacent residential use.
 8. Loading berths shall be a minimum of 50 feet from an adjacent residential use.

Q. Outdoor Theater

1. There shall be one front yard with a minimum setback of 100 feet, two side yards with a minimum setback of 40 feet each, and one back yard with a minimum setback of 40 feet.
2. Adequate fencing shall be provided subject to approval by the Board.
3. Entrances and driveways shall be subject to approval by the Board.
4. Signs shall be in accordance with Article 26, Signs.
5. Disposal of liquid and other wastes shall meet the approval of the Indiana State Board of Health.

R. Park and Playground

1. No building or structure shall be located closer than 25 feet to an adjacent residential use.
2. All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare or reflection on adjacent properties.

S. Planned Unit Development

Subject to the provisions of Article 20, Planned Unit Development.

T. Private Parking Area on Other Lot

1. Minimum lot area of 1,500 square feet.
2. Entrances and driveways shall be subject to approval by the Board.
3. Signs shall be in accordance with Article 26, Signs.
4. There shall be no sales, dead storage, repair work or dismantling on the lot.

U. Recreation Facilities, Outdoor

1. Such outdoor athletic facilities, including but not limited to, golf courses, swimming pool, tennis courts, and other similar athletic facilities shall be permitted in the RSF, RTF, RMF-L, RMF-H and RU zone districts.
2. Such outdoor commercial recreational facilities, including but not limited to, miniature golf courses, driving ranges, baseball batting cages, go-cart tracks and other similar commercial recreational facilities, plus all other athletic facilities permitted within the RSF, RTF, RMF-L, RMF-H and RU zone districts, shall be permitted in the RE, B-L, B-G and L-I zone districts.
3. Building or structures shall be located a minimum of 50 feet from an adjacent residential use.
4. Off-street parking shall not be located in the required front or side yards.

V. Religious Place of Worship

1. Such use shall have side and rear yards equal to a minimum of one-half of the height of the building.
2. Off-street parking shall not be located in the required front or side yards adjoining a public street right-of-way.

W. Sanitary Landfill

1. The location, installation and operation of such facilities shall be subject to approval by the Health officer in accordance with applicable codes and ordinances.
2. Such operations shall be constructed a minimum of 50 feet from adjacent property lines, provided, however, that where a sanitary landfill is located adjacent to a residential district, the side and rear yard requirements shall be 100 feet.
3. Such facilities shall be located on sites containing no less than 10 acres in area.
4. Prior to commencing such operation, the owner shall file a reclamation plan with the Plan Commission and any other indemnity agreement as may be required by the Plan Commission for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time as established in the agreement:
5. A uniform contour which blends in with the topography of the surrounding area shall be established throughout the area.
6. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six inches (6"); and the area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

X. Truck Freight Terminal

1. Use permitted not closer than 300 feet to an adjacent residential use.
2. Adequate screening shall be provided in accordance with Article 32, Landscaping and Screening.
3. Entrances or driveways shall be subject to approval by the Board.
4. Signs shall be in accordance with Article 26, Signs.
5. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.

30.8 Supplemental Conditions and Safeguards

The Board of Zoning Appeals may impose additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Article are observed. The Board of Zoning Appeals shall also review the guidelines contained in Appendix B and may impose those guidelines or other regulations as it deems appropriate.

30.9 No Presumption of Approval

The listing of a Special Exception Use within each zoning district shall not constitute an assurance or presumption that such Special Exception Use will be approved. Rather, each proposed Special Exception Use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein and with the development standards for the district in which it is to be located.

30.10 Expiration of Special Exception Use Permit

A Special Exception Permit shall be deemed to authorize only one (1) particular Special Exception use and the permit shall automatically expire if, for any reason, the use has not begun within one (1) year after the Special Exception Permit was issued or the use ceases operation or existence for more than one (1) year.

The Board of Zoning Appeals can extend the time frame for one (1) additional year for good cause shown by the applicant. The extension must be applied for prior to the expiration of the Special Use Permit on which the extension is being sought.

**ARTICLE 32
LANDSCAPE REGULATIONS**

32.1 Purpose

The purpose of this Article is to provide minimum standards involving the development of land to:

- A. Provide attractive views from roads and adjacent properties;
- B. To screen from view visually undesirable uses;
- C. To require screening between incompatible land uses; and
- D. To protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and artificial light glare.

32.2 Applicability

This Article shall apply to new property development and any collective substantial expansion or change in land use, except for the Residence Estate, Residence Single Family and Residence Two Family Districts. Substantial expansion or modification of the existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

Greenbelt areas shall be required within ten (10) feet of, and immediately adjacent to, the existing or proposed right-of-way of any public roadway as established in Section 32.7.

Buffer areas shall only be required along side and rear property lines as established in Section 32.10. Buffer areas shall not be required along street frontage or along other rights-of-way unless required by the Building Commissioner.

32.3 Submission and Approval

- A. Submission of landscape plans shall be as follows:
1. No site or development plan required under this Zoning Ordinance shall receive final approval unless a landscape plan has been submitted and approved.
 2. No zoning permit or certificate of occupancy shall be issued unless such plan has been fully implemented on the site.
 3. Any property or site to which this Article applies shall illustrate all proposed buffers, screening, and greenbelt materials on a site plan or on a separate landscape plan at a reasonable scale.
 4. All plans submitted shall include a table listing all plant materials within the required greenbelt and buffer areas. This table shall include the common and botanical names, sizes and other such information as necessary to fully describe the plant material selection.
 5. Detailed cross sections shall be provided identifying the proper planting of trees, shrubs and ground cover within the required greenbelt and buffer areas.
- B. Approval of landscape plans shall be as follows:
1. Landscape plans including the information as identified in 32.3(A) shall be submitted to the Building Commissioner for review as part of the application for a Location Improvement Permit.
 2. The Building Commissioner shall review the information and approve, deny, or approve with modifications the plans as submitted.
 3. The Building Commissioner may seek professional advice from a licensed landscape architect or nurseryman in the review of the submitted plans. The cost of such consultation may be passed on to the applicant.

32.4 Buffer Area Materials and Standards

New development, changes of use or substantially expanded structures shall provide landscape and buffer areas as provided in this Article.

The following items are suitable for screening purposes individually or in combination with each other provided they create a dense screen, and are subject to review and approval by the Building Commissioner.

A. Walls and Fences

Walls and fences are subject to the conditions found here and in Section 22.14, Fences and Walls.

1. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather resistant materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without

wooden or synthetic slat material shall not be permitted to satisfy buffering requirements.

2. Any wall or fence used for buffering shall be constructed so that the finished, or most visually appealing side of the wall or fence, is facing the adjacent property.

B. Plants

Plant materials used in conformance with the provision of this Article shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers shall be balled and burlapped or in containers. The height of all trees shall be measured from the top of the root ball to the top of the tree mass.

Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the Town.

1. **Deciduous Trees**

Deciduous trees shall have a minimum caliper of at least two inches (2") with a single central leader, for large and medium trees, conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in Section 32.4 must be used to create a dense buffer.

2. **Evergreen Trees**

Evergreen trees shall be a minimum of five feet (5') in height at the time of planting and shall be unsheared, full and branched to the ground. Evergreen plantings used for screening shall be designed to provide an effective, dense screen within four (4) years after the date of final approval of planting.

3. **Shrubs and Hedges**

Shrubs and hedges used for screening shall be at least two-thirds of their mature height, but never less than twenty-four inches (24") in height at the time of planting. All shrubs and hedges used for screening shall be designed to provide an effective, dense screen and mature height within four (4) years after the date of the final approval of planting.

The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

4. **Grass or Ground Cover**

Grass shall be planted in species normally grown as permanent lawns in Wabash County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch and temporary seeding shall be used for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Grass shall be sown or placed in any area not landscaped or paved. Ground cover shall be planted in such a manner as to provide seventy-five percent (75%) complete coverage after two (2) growing seasons.

5. Existing Plant Material

Existing vegetation shall be preserved, as much as feasibly possible, in accordance with acceptable nursery industry procedures.

The Plan Commission may approve a Landscape Plan which utilizes existing vegetation in lieu of new plantings providing the Landscape Plan:

- a. Demonstrates that sufficient trees or landscape vegetation shall be preserved to equal or exceed the requirements of this Article;
- b. Provides that, in the event the preserved vegetation is damaged or dies within one (1) year of completion of construction on the site, equivalent replacement vegetation shall be planted to provide landscaping which, at a minimum, meets or exceeds the requirements of this Article.

6. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. A difference in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Building Commissioner to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earth mounds shall be designed with physical variations in height and alignment throughout their length, and shall not be a detriment to natural or proposed drainage ways.
- c. The landscape plan shall show sufficient detail, including a plan and profile of the berm or earth mound, soil types and construction techniques to demonstrate compliance with the above provisions.
- d. Berms and earth mounds shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- e. No part of any berm or earth mound which is elevated more than thirty inches (30") above natural grade shall be located within ten feet (10') of any right-of-way or property line.
- f. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

C. Maintenance of Buffer Areas

All landscape materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued maintenance of all buffer and landscape materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first, by plant material similar in size and type to that which was

removed. The owner or developer must show a proof of maintenance plan which indicates how the established buffer areas and landscaping will be maintained.

Violation of these installation and maintenance provisions shall be a violation of this Zoning Ordinance.

D. Buffer Establishment

Once a buffer as required in Section 32.10, Buffer Area Requirements, has been approved by the Building Commissioner and established by the owner, it may not be used, disturbed or altered for any purpose other than for buffering purposes.

E. Location of Buffer

A required buffer area may be erected in the required yard as established by this Zoning Ordinance in Section 32.10, Buffer Area Requirements.

32.5 Conflicts in Requirements

When an activity or land use falls under more than one category, the most stringent of the requirements shall be applied.

32.6 Easements and Setbacks

- A. Required landscaping may be placed wholly or partially in utility or other easements providing all requirements can be fulfilled and approval is granted by the holder of the easements. The planting of trees directly under utility wires shall be avoided.
- B. In no case, however, shall buffer areas be established that block the sight distance at street or driveway intersections. In the case of a Town street intersection, the sight triangle shall consist of the area between points thirty-five feet (35') from the right-of-way line along both intersecting streets.
- C. Buffer areas are not required in the front yard or in side yards closer to the street than the front building line of the structure unless screening an off-street parking area.

32.7 Greenbelt Areas

At a minimum, that portion of any lot which is within ten (10) feet of, and immediately adjacent to, the existing or proposed right-of-way of any public roadway shall be reserved as a greenbelt. In the case where a treelawn is present, the treelawn can count towards the greenbelt requirement.

A. Applicability

Greenbelt requirements shall apply to all districts except Residence Estate, Residence Single Family, Residence Two Family, and the Central Business Districts.

B. Greenbelt Requirements

Landscape in the greenbelt area shall include one (1) or more of the following items:

1. One (1) shade tree for each forty (40) lineal feet of frontage. Such trees may be evenly spaced at forty feet (40') on center or grouped together, provided that in no case shall spacing between trees exceed eighty feet (80'); or,
2. One (1) ornamental tree for each twenty-five (25) lineal feet of frontage. Such trees may be evenly spaced at twenty-five feet (25') on center or grouped together, provided that in no case shall spacing between trees exceed fifty feet (50'); or
3. One (1) shrub for each five (5) lineal feet of frontage. Such shrubs may be evenly spaced at five (5) feet on center or grouped together provided that in no case shall spacing between shrubs exceed fifteen (15) feet; or
4. Grass maintained free of weeds and debris.

A combination of shade and ornamental trees may be used, provided that in no case shall spacing between trees exceed fifty (50) feet.

Greenbelt areas shall be composed of trees, grass and other softscape treatment only, except that it may include pedestrian walkways provided the walkway does not occupy more than twenty-five percent (25%) of the greenbelt area and green space is maintained on both sides of the walkway by the property owner or the owner of the property to which the greenbelt abuts.

Access roads and driveways may cut through a greenbelt area perpendicular to the public roadway or parallel to a lot line without replacement requirements. If access roads and driveways are located within a greenbelt area in any other manner, the greenbelt area shall be increased by at least an equal amount of area.

32.8 Screening and Interior Landscaping of Off-Street Parking and Off-Street Loading Areas

A. Screening of Off-Street Parking and Loading Areas

Whenever a parking area for ten (10) or more vehicles or an off-street loading area is located in, or adjacent to a residential district, or is adjacent to a religious place of worship, educational institution, or other institution located on an adjoining lot, it shall be effectively screened on all sides which adjoin or face any property used for these purposes. Screening shall be as follows:

1. Screening shall be by an acceptably designed wall, fence, or evergreen planting screen that is approved by the Building Commissioner.
2. Such fence, wall, or opaque planting shall not be less than three feet (3') nor more than four (4) feet in height for off-street parking areas and six (6) feet in height for off-street loading areas. Such fence, wall or opaque planting shall be maintained in good condition.
3. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover, and maintained in good condition.

4. The finished face of the fence or wall shall face the adjoining property.

In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then the Building Commissioner may allow an exception, so that no such fence, wall, or planting screen and landscaping shall be required.

B. Interior Landscaping of Off-Street Parking Areas

Off-street parking areas containing more than 6,000 square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping. For each 100 square feet or fraction thereof of vehicular use area, at least five (5) square feet of interior landscape area shall be provided.

1. **Interior Landscape Requirements**

Interior landscaping shall be dispersed throughout the parking area. Landscaping shall be situated such that large, unbroken areas of pavement are avoided.

- a. **Minimum area**

The minimum landscape area permitted shall be 180 square feet, excluding curbs, with a four (4) foot minimum dimension to all trees from edge of pavement where vehicles overhang.

- b. **Interior landscape dispersion**

Fifty percent of the required interior landscaped areas shall be installed at the end of parking bays. The balance of the required interior landscaped area may be installed anywhere within the parking lot.

- c. **Landscape area barriers**

A permanent barrier, such as curbing or wheel stops, shall enclose each interior landscaped island or peninsula in order to minimize damage from vehicles and pedestrians. Landscape areas shall be filled with uncompacted, well-drained soil.

2. **Minimum Tree Specifications**

- a. In addition to greenbelt and screening requirements, a minimum of one tree shall be planted for each 3,000 square feet of impervious surface.

- b. Trees located at the end of a parking bay shall be deciduous shade or deciduous ornamental. Trees located in any other portion of the interior landscaped area may be deciduous shade, deciduous ornamental or evergreen.

- c. To retain visibility within the parking area, trees shall have a clear trunk of at least six feet above the ground. The remaining area shall be landscaped with shrubs, herbaceous plants, ornamental grasses and/or ground cover, not to exceed three feet (3') in height

- d. All plant material shall at minimum meet the standards established in Section 32.4, Buffer Area Materials and Standards.

C. Vehicle Overhang

Parked vehicles may hang over the interior landscaped area no more than two and one-half feet (2½'). Concrete or other wheel stops shall be provided to ensure no greater overhang or penetration in the landscaped area.

A. Grass and Ground Cover

Grass or ground cover shall be planted on all portions of the landscaped areas not occupied by other landscaped material.

32.9 Screening of Service Structures

Screening of service structures is subject to the conditions found in this Article and in Section 22.12, Waste Materials, and Section 22.14, Fences and Walls.

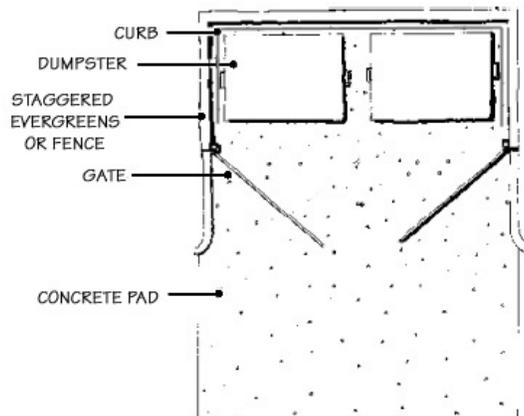
Service structures shall include but not be limited to loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above the ground; ground mounted utility equipment and electrical and other equipment or elements providing service to a building or a site. The screening height shall be based upon the tallest point of the structure(s) being buffered.

A. Location of Screening

A continuous planting of evergreen, fence or wall must enclose any service structure on all sides, unless such structure ventilation and/or must be frequently moved or accessed, in which case screening material shall be established to allow for such ventilation and/or access to the structure.

B. Curbs to protect screening material

Whenever screening material is placed around any dumpster or waste collection unit that is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one foot (1') from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.



32.10 Buffer Area Requirements

The following table establishes the minimum buffer area requirements. When any activity or use of land falls under one or more of the categories listed, the most stringent of the requirements shall apply to the entire property or project.

When...	Is proposed to abut...	The minimum buffer area shall be...	With the following materials
Any multifamily use in the Residential Multi-Family Low Density or Residential Multi-Family High Density Districts	Any Single Family or Two Family Residential District or Residential Land Use	A width sufficient to erect and maintain an acceptable buffer area	A six foot (6') fence, wall or earthen mound/berm AND A mix of evergreen trees, deciduous trees and/or shrubs to soften the fence, wall or mound/berm.
			OR
			A buffer area planted and maintained with evergreens at least five feet (5') in height or an evergreen hedge at least four feet (4') in height, situated so as to provide an effective opaque and permanent visual buffer upon installation.
Any non-residential use in the Business Local District	Any Residential District or Residential Land Use	A width sufficient to erect and maintain an acceptable buffer area	A six foot (6') fence, wall or earthen mound/berm AND A mix of evergreen trees, deciduous trees and/or shrubs to soften the fence, wall or mound/berm.
			OR
			A buffer area planted and maintained with evergreens at least five feet (5') in height or an evergreen hedge at least four feet (4') in height, situated so as to provide an effective opaque and permanent visual buffer upon installation.
Any non-residential use in the Business General District	Any Residential District or Residential Land Use	A width sufficient to erect and maintain an acceptable buffer area	A six foot (6') fence, wall or earthen mound/berm AND Three (3) evergreen trees plus three (3) shrubs for every fifty (50) lineal feet of buffer area. Evergreen shrubs may be substituted where space does not permit planting of evergreen trees at a rate of three (3) shrubs per tree.
			OR
			Five (5) evergreen trees, planted in an staggered manner as to create an opaque screen, plus five (5) shrubs for every fifty (50) lineal feet of buffer area.

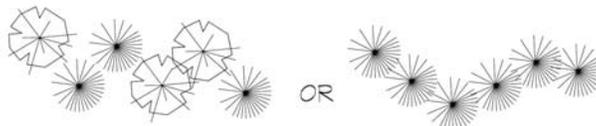
When...	Is proposed to abut...	The minimum buffer area shall be...	With the following materials
Any industrial use in the Limited Industrial District	Any Non-Industrial Land Use	30 Feet in Width	A six foot (6') fence, wall or earthen mound/berm AND Six (6) evergreen trees, plus four (4) deciduous trees, plus eight (8) shrubs for every seventy-five (75) lineal feet of buffer area.
			OR Twelve (12) evergreen trees, plus four (4) deciduous trees, plus fourteen (14) shrubs for every seventy-five (75) lineal feet of buffer area.
Any industrial use in the Industrial District	Any Non-Industrial or Light Industrial Land Use	40 Feet in Width	A six foot (6') fence, wall or earthen mound/berm AND Eight (8) evergreen trees, plus five (5) deciduous trees, plus ten (10) shrubs for every seventy-five (75) lineal feet of buffer area.
			OR Fourteen (14) evergreen trees, plus six (6) deciduous trees, plus sixteen (16) shrubs for every seventy-five (75) lineal feet of buffer area.

The following graphic is to be used as an example where staggered or offset plantings are indicated in the table above

STAGGERED PLANTINGS



STAGGERED PLANTINGS



32.11 Modifications

The Building Commissioner may approve modifications to the landscape and buffer requirements. The Administrator shall base his/her decision on **ALL** of the following criteria:

- A. The specific conditions which are unique to the applicant's land.
- B. The manner in which the strict application of the provision of this Article would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same zone.
- C. The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this Article.
- D. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood.
- E. A demonstration that the applicant has provided for a buffer that achieves the spirit of this Article.

32.12 Appeals

The Plan Commission may hear appeals on the decision of the Building Commissioner. Further appeal of the Plan Commission decision shall be to the Board of Zoning Appeals.

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ARTICLE 34
ADMINISTRATION AND ENFORCEMENT

34.1 Building Commissioner

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

34.2 Duties of the Building Commissioner

For the purpose of this Ordinance, the Building Commissioner shall have the following duties:

- A. Upon finding that any of the provisions of this Ordinance are being violated, the Building Commissioner shall notify in writing the person responsible for the violation, ordering the action necessary to correct the violation;
- B. Order discontinuance of illegal uses of land, buildings, or structures;
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations;
- D. Order discontinuance of any illegal work being done; and
- E. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and other similar administrative duties as are permissible under the law.

34.3 Duties of the Plan Commission

For the purpose of this Ordinance the Plan Commission shall have the following duties:

- A. Initiate proposed amendments to this Ordinance;
- B. Review all proposed amendments to this Ordinance and make recommendations to the Town Council; and
- C. Review all planned unit developments as provided in Article 20, Planned Unit Development.

34.4 Duties of the Board of Zoning Appeals

The Board shall have the following powers, and it shall be its duty to:

- A. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Ordinance.
- B. Permit and authorize exceptions to the district regulations only in the classes or cases or in particular situation as specified in the Ordinance or by State law.
- C. Hear and determine appropriate action on permits for special exception uses as identified in Article 30, Special Exception Uses, development plans or other uses upon which the Board is required to act under this Ordinance.
- D. Authorize, upon appeal, in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions,

fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

Processes and procedures for the Board of Zoning Appeals are located in Article 36, Board of Zoning Appeals.

34.5 Improvement Location Permit

A. Improvement Location Permit Required

Within the jurisdictional area of the North Manchester Plan Commission no structure, improvement, or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement, or use and its location conform with the Ordinances of the Town of North Manchester, and an Improvement Location Permit for such structure, improvement, or use has been issued, except that no permit is required for buildings used exclusively for agricultural purposes on a tract of land containing forty (40) acres or more, unless used for residential purposes. Improvement Location Permits shall be required for all structures as is set forth in the Town's Building Code, as amended from time to time.

B. Application for a Location Permit

Every person shall make application for an Improvement Location Permit before beginning construction and shall at the time of making such application furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made, at least five (5) days prior to the issuance of said Improvement Location Permit, unless said five (5) day period has been waived. Said site plan shall be drawn to scale showing the following items:

1. Legal or site description of the real estate involved.
2. Location and size of all buildings, structures, setbacks and yard.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads or highways.
5. Surface water drainage, detention or retention plan and such other pertinent information as may be required by the Building Commissioner on a case by case basis.

D. Certificate of Compliance Necessary

An application for an Improvement Location Permit for any use that is commercial or industrial in nature shall be accompanied by a "Certificate of Compliance" subscribed by a professional engineer or registered architect of the State of Indiana, certifying that the use intended will satisfy the performance standards of commercial, limited industrial use or industrial use, as the case may be, and in the district in which it is to be located. The Building Commissioner may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Building Commissioner has not required any additional information or stated any objections in writing, the Building Commissioner shall issue the Improvement Location Permit.

No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

E. Development Plan Required

The development plan which accompanies the application for an Improvement Location Permit for a use which is multiple family, business, industrial, a special exception or a planned unit development shall include a certification made by a registered professional engineer or registered land surveyor that the proposed development will not increase the volume or rate of flow of surface water from the site onto adjacent property or, if the volume of run-off or the rate of flow of surface water will be increased, that the development plan includes detention or retention structures which will not increase the volume or rate flow of surface water onto adjacent property. The Building Commissioner shall forward the application and development plan to the Department of Storm Water Management and shall take no further action on the application until the development plan has been accepted as proposed or as modified and approved by the Department of Storm Water management and returned to the Building Commissioner. Development plans so furnished shall be filed and retained as a permanent public record.

F. Issuance of Improvement Location Permit

The Building Commissioner shall issue an Improvement Location Permit, upon written application as follows:

1. When the proposed structure, improvement or use and its location conform in all respects to the Master Plan for the Town of North Manchester.
2. For a conditional use or special exception only following receipt of notice from the Board of Zoning Appeals that an application therefore has been approved by said Board.

G. Posting of Improvement Location Permit

Within seven (7) days following the issuance of an Improvement Location Permit, the applicant shall post such permit in a conspicuous place, on the lot for which said permit was issued.

H. Appeal of Improvement Location Permit Issuance

Any decision of the Building Commissioner of the Town of North Manchester concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decisions, within sixty (60) days from such decision. However, it shall be the responsibility of the party appealing such decision to take such action promptly to avoid additional costs or losses to the person or entity obtaining such permit

34.6 Certificates of Occupancy

- A. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered (reconstruction or structural alteration shall not include residential remodeling unless specifically applied by the Building Commissioner) shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy has been issued stating that the building and use comply with all of the provisions of this Ordinance applicable to the building or premises of the use in the district in which it is to be located, to the extent that the Town is presently issuing such permits. The failure of the Town to use or issue such Certificates shall not be cause to preclude it from requiring such Certificates at any future time.
- B. When the improvement covered by the Improvement Location Permit has been completed in substantial conformity with the site plan or development plan submitted in the application pursuant to this Article, a Certificate of Occupancy shall then be issued. It shall be the responsibility of the owner or the contractor to notify the Building Commissioner of the need for inspections prior to issuance of a Certificate of Occupancy.
- C. No change shall be made in the use of land or in the use of any building or part thereof, now or hereinafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such a change unless it conforms with the provisions of this Ordinance.
- D. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed provided that all pertinent laws, statutes, regulations and Ordinances have been complied with.
- E. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the Building or land affected.

34.7 Temporary Certificate of Occupancy

A Temporary Certificate of Occupancy may be issued by the Building Commissioner for a period of six (6) months during alterations or partial occupancy of a building or structure pending its completion. The Temporary Certificate of Occupancy may be renewed by the Building Commissioner for a period not to exceed six (6) additional months for good cause shown by the applicant.

ARTICLE 36
BOARD OF ZONING APPEALS

36.1 Establishment

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with the laws of the State of Indiana (I.C. 36-7-4).

36.2 Organization

At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

36.3 Rules of Procedure

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

36.4 Meetings and Records

All meetings of the Board shall be open to the public. The Board shall keep written minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

36.5 Appeal

Any decision of the Building Commissioner in the enforcement of this Ordinance may be appealed to the Board of Zoning Appeals by any aggrieved person or party that is or may be adversely affected by such decision within sixty (60) days of such decision.

36.6 Powers and Duties of the Board

- A. The Board shall have the following powers, and it shall be its duty to:
1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Ordinance.
 2. Permit and authorize exceptions to the district regulations only in the classes or cases or in particular situation as specified in the Ordinance or by State law.
 3. Hear and determine appropriate action on permits for special exception uses as identified in Article 30, Special Exception Uses, development plans or other uses upon which the Board is required to act under this Ordinance.
 4. Authorize, upon appeal, in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this Ordinance will result in unnecessary

hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

- B. In exercising its powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all of the powers of the Building Commissioner from whom the appeal is taken.

36.7 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

A. Submission Requirements

The following information is required for the application of a variance request:

1. Name, address and phone number(s) of applicants;
2. Legal description of property and location of map (sketch) showing relation of property to adjacent roads and property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the requirements of this Section.

B. Granting Variances

In carrying into effect its powers to grant variances, the Board shall be guided by the following criteria:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
2. Because of the particular physical surroundings, shape or topographic conditions of the specific property involved, an unusual and unnecessary hardship to the owner would result, as distinguished from a mere inconvenience or economic hardship, if the strict letter of the Ordinance were to be carried out.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
4. The alleged difficulty or hardship is caused by the Ordinance and has not been caused by any persons presently having an interest in the property.

5. Granting of the variance will not constitute a change of use in the district or classification.
6. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
7. The approval will not be injurious to the public health, safety, and general welfare of the community.
8. The approval does not interfere substantially with the comprehensive plan then in effect.

C. Additional Conditions and Safeguards

The Board may further impose such conditions and restrictions on the use benefited by a variance as are necessary to meet the standards established and the intent of this Ordinance.

D. Expiration of Variance

A variance granted by the Board shall be deemed null and void unless a building permit was issued and work thereon is substantially underway within twelve (12) months of the granting of said variance, or within the period of time beyond twelve (12) months as may be granted by the Board.

E. Restrictions on Board Actions on Variances

1. Every decision of the Board shall be subject to review by certiorari.
2. No variance in the application of the provisions of this Ordinance or to development standards (such as height, bulk, area or setbacks) shall be made by the Board relating to buildings, land or premises, now existing or to be used or constructed, unless after public hearing, the Board shall find that:
 - a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - c. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.
3. No variance in the application of the provisions of this Ordinance as to use shall be made by the Board of Zoning Appeals. The use of property shall be determined by the zoning districts provided or by the special exception provisions.

36.8 Notice of Public Hearing in Newspaper and to Interested Parties

Notice of public hearings for amendments to this Ordinance shall be as prescribed in Section 5-3-1 of the Indiana Code.

36.9 Action by the Board of Zoning Appeals

Within thirty-five (35) days after the public hearing required in Section 36.8, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for an appeal or variance.

36.10 Special Exception Uses

Procedure for Review and Decision

A. Application

Upon receipt of a properly completed application and development plan for a Special Exception Use permit, the Building Commissioner shall transmit to the Plan Commission for investigation as to the manner in which the proposed location and character of the Special Exception Use will affect the Comprehensive Development Plan of the Town. The Plan Commission shall report the results of its study of the application to the Board of Zoning Appeals including the recommendation of any additional conditions recommended by the Commission and shall be scheduled for a public hearing in accordance with Indiana Statutes.

B. Notice

Notice of the public hearing for the Special Exception Use shall be provided in accordance with the requirements of Indiana Statutes 36-7-4-920 through 36-7-4-921.

C. Action by Board of Zoning Appeals

The Board of Zoning Appeals, shall, after public notice and the close of the hearing according to law, take one of the following actions:

1. Approve the application as submitted;
2. Approve the application subject to the additional conditions as recommended by the Plan Commission and set forth in 30.4A.;
3. Table the application for further consideration; or
4. Deny the application.

Upon reaching a decision, the Board of Zoning Appeals shall instruct the Building Commissioner to notify the applicant, in writing, of its decision. If the application is approved or approved with conditions, the Board of Zoning Appeals shall also instruct the Building Commissioner to issue a Special Exception Permit which shall specify all conditions associated with the special exception approval.

The Board of Zoning Appeals shall deny, approve or approve with conditions, Special Exception Uses as identified in Article 30, Special Exception Uses.

ARTICLE 90
PENALTIES, REMEDIES AND FEES

90.1 Penalties

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall alter the use of land or build, reconstruct or structurally alter any building without first securing an Improvement Location Permit, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement of plan submitted and approved there under, or who shall occupy such altered land use or new or structurally altered building prior to securing a Certificate of Occupancy, shall, for each and every violation or non-compliance be guilty of a misdemeanor, and upon conviction shall be fined up to the maximum permitted by State Law per day that said violation continues to exist.

90.2 Notice of Violation

The notice of any violation of this Zoning Ordinance shall be as follows:

- A. Whenever the Building Commissioner determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
 - 1. Be in writing;
 - 2. Identify the violation;
 - 3. Include a statement of the reason or reasons why it is being issued and refer to the Article and Section of this Zoning Ordinance being violated; and
 - 4. State the time by which the violation shall be corrected.
- B. Service of notice of the violation shall be as follows:
 - 1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; or
 - 2. By certified mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; or
 - 3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

90.3 Remedies

The Commission, the Board, the Building Commissioner, or any designated enforcement official or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of the County to restrain an individual or a government unit from violating the provisions of this Ordinance.

The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this Ordinance or the requirements thereof.

Any building, erected, raised or converted, or land or premises used in violation of any provisions of this Ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.

90.4 Fees

The fees for all applicant costs incurred in this Ordinance shall be established by the Town Council as identified in the Schedule of Fees in Section 90.5. Furthermore, no plan shall be accepted for filing and processing, as provided in this Ordinance, unless and until a filing fee is paid to the Town and the application is deemed complete by the Building Commissioner.

The applicant shall be responsible for unforeseen expenses incurred by the Town in reviewing plans or any modifications to such plans. Such expenses may include items such as the cost of professional consulting services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

Failure to pay costs within thirty (30) days of invoice shall stop all processing and review of the plans or shall cause suspension of all development activities on the site.

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by filing fees for the following:

- A. Applications for an Improvement Location Permit including:
 - 1. New structures.
 - 2. Any structural alteration, which results in an increase in size to the building area of the original structure.
- B. For an appeal from the decision of the Building Commissioner to the Board of Appeals.
- C. For an application for a special exception or variance.
- D. For each application for the approval of a shopping center.
- E. For a petition for an amendment to this Ordinance.

No part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.

90.5 Schedule of Fees

- A. The Town Council shall, by Ordinance, establish a schedule of fees for Improvement Location Permits, amendments, appeals, variances, special exception use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. Such expenses may include items such as the cost of using professional services to review plans or applications.
- B. The schedule of fees shall be posted in the office of the Town Building Department and may be altered or amended only by the Town Council.
- C. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. Upon the finding of a Zoning Ordinance violation by a court of competent jurisdiction, the Court may award the Town a reasonable attorney fee for the prosecution of said action.

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