

## PERMITTED USES

### §151.090 A-1 AGRICULTURAL DISTRICT

(A) Purpose. The Agricultural District is established to permit the full range of agricultural activities as well as limited types of low density residential development and other uses customarily conducted in agricultural areas.

(B) Permitted uses.

(1) Accessory uses, including the following:

(a) Home occupations.

(b) Office in a one-family dwelling, provided that the use is incidental to the main use as a dwelling and further provided that the use is limited to a person actually residing in the dwelling.

(c) Living quarters such as tenant house, apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling.

(d) Barns and other bona fide farm buildings.

(e) Private garages and private greenhouses.

(f) Roadside stands, offering for sale agricultural or other products grown or produced on the premises on which the stand is located, provided the stand is located at least 25 feet from the front property line, and off-street parking is provided in accordance with this Chapter.

(g) Private landing field as defined in this Chapter.

(h) All antennas shall be a permitted accessory use in accordance with the following standards:

[1] Antennas and antenna structures, except satellite antennas, which are not located on the principal structure shall be located to the side or rear of the principal building on a lot and shall meet all yard requirements in §151.129 and §151.130.

[2] A satellite television antenna having a diameter of four feet or less may be located on the principal building or an accessory building on a building lot, subject to the height regulations in paragraph 3 below.

[3] A satellite television antenna shall have a maximum height of 20 feet when located on the ground. Satellite antennas located on the principal building or an accessory building as described in paragraph 2 shall not exceed the height limitation for the district in which they are located. The height of an antenna or the combined height of an antenna and antenna structure shall not exceed the height limit for the district in which it is located as follows:

<b><u>District</u></b>	<b><u>Maximum Height</u></b>
A-1, C-1A, C-1, C-2, C-4	135 feet
RS-1, RS-2	75 feet
RS-3, MH	75 feet
I-1, I-2, I-3, I-4	135 feet
C-P, I-P	Maximum height as shown on the Commission-approved development plan.

[4] Any antenna having printed matter on or attached to its surface shall be treated as a sign in accordance with the regulations in §§151.145 through 151.148.

[5] All cable and connections from all antennas to other equipment on the premises exceeding six feet in length shall be buried underground when the antenna is located on the ground, or appropriately concealed when the antenna is located on the building.

[6] Not more than one satellite television antenna shall be allowed on any lot.

[7] All antennas and the construction and installation thereof shall conform to applicable building and electrical regulations and requirements.

[8] All antennas shall meet all manufacturer's specifications, be non-combustible, of corrosive-resistant material and be erected in a secure, wind-resistant manner.

[9] All antennas must be adequately grounded for protection against a direct strike of lightning.

[10] All antennas shall be located and designed to reduce visual impact from surrounding properties at street levels and from public streets.

[11] All antennas may be inspected for compliance with this Chapter by the Zoning Administrator or his/her designee.

[12] All portions of the radiating part of an antenna shall not be accessible to the general public.

[13] All portions of the antenna structure and related supports shall be contained within the lot perimeter.

[14] The use shall be incidental and subordinate to and commonly associated with the operation of the primary use of the lot.

[15] The current Federal Communications Commission (FCC) regulations which are more restrictive than the provisions of this Chapter shall govern.

(2) Agricultural uses, including but not limited to, floriculture; horticulture; forestry; crop and tree farming; gardening; dairy, stock, and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding slaughter houses, fertilizer works, bond yards, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.

(3) Churches, convents, monasteries, other places of worship; public and parochial schools.

(4) Single family residences.

(5) Libraries, museums, and similar institutions of a noncommercial nature.

(6) Parking or storage of farm vehicles, farm machinery, and other motor vehicles used on the premises in connection with any use permitted in the A-1 district.

(7) Public buildings or uses supported in whole or in part by local or county taxes or by special public assessments; and other public uses provided that any land or buildings used in connection therewith are publicly owned and operated; and provided that dumps, incinerators, and dog pounds or any other use that might be a nuisance by reason of odor or noise shall not be permitted except on the grant of a special exception or contingent use permit, whichever is applicable.

(8) Rental of guest rooms to not over three roomers, but excluding rental of rooms to tourists.

(9) Riding stable of a private noncommercial nature on at least three acres of land.

(10) A sawmill for the cutting of timber grown in the immediate area.

(11) Signs, including professional name plates, those advertising home occupations or sale or lease of the premises, and other permanent, and temporary signs, in accordance with the provisions of §§151.145 through 151.148.

(12) Swimming pools (private) providing they meet yard requirements as set forth in §§151.134 and 151.135(B)(5); however, excluding swimming pools of a club, cooperative, corporation, or any association or organization of any type except as specified under the conditions of §151.061(O).

(13) Sand, gravel, or clay pits; rock or stone quarries; mining; removal of earth or top soil or other operation involving the removal or extraction of natural material deposits; but only as a special exception.

(14) A temporary field office on a land development site providing that the use is limited to the land developer for a period not exceeding three years from the approval date of the final plat. Provided, the Board of Zoning Appeals, after petition for extension filed by the land developers and public hearing held thereon, as provided by law, may extend the three-year limitation period for any additional period approved by the Board.

(15) A model home within an approved subdivision plat may be used for a temporary sales office for sale of homes within the subdivision for a maximum period of one year. The Board of Zoning Appeals may grant an extension to this time period, after a public hearing, for additional period to be determined by the Board.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. G-86-19, passed 9-9-86; Ord. Z-94-11, passed 8-9-94; Ord. Z-95-4, passed 5-9-95]*

## **§151.091 FW AND FF FLOOD HAZARD DISTRICTS**

### **(A) Purpose.**

(1) The Flood Hazard Districts are established to limit development in the flood-prone areas near any water course, protecting the public health, safety, and welfare while minimizing the financial burden and inconvenience imposed on the individual property owners and the general public through periodic floods and overflow of water onto land.

(2) The Flood Hazard District is divided into two subdistricts: the FW (Floodway) District and the FF (Floodway Fringe) District. These subdistricts provide an additional measure of protection where flooding potential has been identified. The subdistrict requirements and limitations are additional to all other provisions of the principal zoning designation for which the real estate has been classified.

(B) Permitted Uses.

(1) FW (Floodway) District. Uses permitted in the FW (Floodway) District shall be regulated by the Indiana Natural Resources Commission as established in IC 13-2-22-14. However, in no instance may a use be permitted in the FW (Floodway) District which is not a permitted use in the principal zoning designation established for the real estate by §151.096 herein. The boundaries of the FW District as delineated on the floodway map prepared and approved by the Federal Emergency Management Agency are overlaid on the official zoning maps. The Zoning Code may also classify additional areas within the FW (Floodway) District based upon the best information available for those streams or stream segments not included on the Floodway Map.

(2) FF (Floodway Fringe) District.

(a) All uses permitted in the respective principal zoning district shall be permitted. However, prior to the issuance of an Improvement Location Permit within an FF District, the Zoning Administrator shall establish a minimum flood protection grade. The flood protection grade shall be two feet above the Regulatory Flood Profile as established in the Flood Insurance Study for the City.

(b) The boundaries of the FF (Floodway Fringe) District are delineated on the Flood Insurance Rate Map as those areas subject to flood hazard from the regulatory flood which are outside the boundaries of the regulatory floodway. The FF District boundaries are overlaid on the official zoning maps. The Zoning Code may also classify additional areas within the FF District based upon the best information available for those streams or stream segments not included in the Flood Insurance Rate Map.

(c) Nonresidential structures may be constructed within the FF (Floodway Fringe) District below the minimum flood protection grade provided:

[1] The structure shall be flood-proofed as defined herein to an elevation two feet above the Regulatory Flood Profile.

[2] All flood-proofed buildings shall be constructed to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the regulatory flood.

[3] The plans and specifications for all necessary structural facilities and modifications are certified by a professional engineer or registered architect licensed in the State.

[4] The use of the structure complies with all provisions of the applicable principal zoning designation for which the real estate is classified.

(C) Floor elevation record. A record of the lowest floor elevation for any new improvement within an FW or FF District shall be maintained by the Zoning Administrator. The elevation shall be furnished to the Zoning Administrator at the time of application for the Improvement Location Permit.

(D) Warning and disclaimer of liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice and debris jams. This Chapter does not imply that real estate outside of delineated flood hazard areas, as defined herein, will be free from flooding or flood damages. This Chapter does not create liability on the part of the State, the Indiana Natural Resources Commission, the City, or the Plan Commission, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. G-13-83, passed 7-12-83]*

## **§151.092 RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

(A) Purpose. The suburban residential district is intended to provide a variety of areas for single-family developments while offering maximum design flexibility to the extent that each area is an attractive, stable, and orderly residential environment.

(B) Permitted uses.

(1) All uses permitted in the A-1 District except that the following uses are permitted only as a special exception in the RS-1 District.

- (a) Sawmills.
- (b) Mobile homes and modular homes.
- (c) Landing field, private.
- (d) Riding stable, private.

(C) District regulations. The Plan Commission may, as indicated in §§151.127 through 151.136, reduce the minimum lot size and yard requirements subject to the conditions set forth in §150.51. When such reductions in requirements are reviewed, emphasis will be placed on the

following areas: plat design and layout, pedestrian walkways, recreation areas, and building arrangement.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Z-94-11, passed 8-9-94]*

### **§151.093 RS-2 TWO-FAMILY RESIDENTIAL DISTRICT**

(A) Purpose. The medium density residential district is intended to provide for a living environment commonly associated with two-family dwellings. Typical housing types would include single-family attached units and two-family dwellings.

(B) Permitted uses.

(1) All uses permitted in the RS-1 District.

(2) One-family dwelling attached; excepting mobile and modular homes unless permitted by special exception.

(3) Two-family dwellings, excepting mobile and modular homes unless permitted by special exception.

(C) District regulations. The Plan Commission may, as indicated in §§151.127 through 151.136, reduce the minimum lot size and yard requirements subject to the conditions set forth in §150.51. When such reductions in requirements are reviewed, emphasis will be placed on the following areas: plat design and layout, pedestrian walkways, recreation areas, and building arrangement.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

### **§151.094 RS-3 MULTIPLE-FAMILY DISTRICT**

(A) Purpose. The Multiple-Family District is established to permit multiple residences in an urban environment where compatibility with surrounding land uses is maintained and all of the facilities necessary for urban living are provided.

(B) Permitted uses. All uses permitted in the RS-2 District, plus the following:

(1) Apartment-hotel.

(2) Accessory uses, including office space, in accordance with the following provisions. In any multiple dwelling and multiple-group dwellings, there may be maintained on the premises an office for the conducting of business incidental to the rental, operation, service, and maintenance of the project, provided that no such office

shall occupy a floor area greater than that of one dwelling unit and no sign used in connection with the office shall exceed three square feet in size.

(3) Multiple dwellings and multiple group dwellings; excepting mobile or modular homes unless permitted by special exception.

(4) Fraternity and sorority houses.

(5) Rooming or boarding houses.

(C) Submission procedures and requirements.

(1) Before an Improvement Location Permit may be issued for a multiple-family or multiple-group development containing five or more dwelling units, the Plan Commission must approve a preliminary and final development plan for the entire tract. The submissions and procedures required to obtain the development plan approval are set forth in §§151.115 and 151.116.

(2) In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall require compliance with the following specific RS-3 requirements:

(a) Either public or private streets may be provided; however, all public streets must meet the requirements of Chapter 150. If private streets are constructed, proposals for a minimum right-of-way of 50 feet is required. Streets shall be surfaced with a portland cement concrete, asphaltic concrete, or other approved hard surface. A typical cross-section must be submitted to the City Highway Engineer for comments.

(b) In computing the maximum permitted density for the development proposal, there shall be a minimum of 3,500 square feet of net land area provided for each dwelling unit within the proposed development.

(D) Design standards. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards as set forth in §151.117 and supplemented below.

(1) In any multiple-family or multiple-group development, no building shall be closer than 25 feet to the adjacent project boundary line nor within 50 feet of a public right-of-way line when the project abuts a public street or highway.

(2) In any multiple-family or multiple-group development, 45% of the net site area shall be placed in recreation space of which 120 square feet per dwelling shall be developed recreational land. Within multiple-family developments, required yards may be included as undeveloped recreation space.



*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.095 MH MANUFACTURED HOUSING DISTRICT**

(A) Purpose. The intent of this district is to provide sites for mobile or modular housing communities at appropriate locations in relationship to the existing and potential development of the surroundings while establishing an attractive residential environment.

(B) Permitted uses.

- (1) All uses permitted in the RS-1 District.
- (2) Mobile/modular housing projects under common ownership.

(C) Submission procedures and requirements. Prior to the issuance of an Improvement Location Permit in an MH District, a preliminary and final development plan for the total site shall be reviewed and approved by the Plan Commission. The submissions and procedures required to obtain the development plan approval are set forth in §§151.115 and 151.116. In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall review for compliance with the following:

(1) Lot area and density.

- (a) The tract to be developed shall contain a minimum of five acres.
- (b) Each lot shall contain a minimum area of 5,000 square feet.
- (c) All lots within the proposed project shall have a minimum lot width of 50 feet.

(2) Yard requirements.

- (a) The minimum perimeter front yard depth where the project abuts a public right-of-way shall be 50 feet from the right-of-way.
- (b) A minimum side and rear yard depth of 25 feet is required along the perimeter of any MH District.
- (c) Minimum interior yards for the project shall be provided in accordance with the following standards: a minimum required setback of eight feet from the existing right-of-way of any interior street within the project; the

minimum distance between units shall be 25 feet, provided, dwellings with extensions may project ten feet into the side yard adjacent to the main entry or to the side lot line opposite to the main entry, provided, further, that in no case shall a dwelling have less than 18 feet aggregate of side yards between homes; a minimum rear yard of eight feet shall be provided.

(3) Streets. Public or private streets may be provided; however, all public streets must meet the requirements of Chapter 150. If private streets are to be constructed the following conditions must be met.

(a) Minimum street improvement widths.

[1] Off-street parking, 27 feet.

[2] On-street parking, 36 feet.

(b) Streets shall be surfaced with a portland cement concrete, asphalt concrete, or other approved hard surface. A typical cross-section must be submitted to the City Highway Engineer for comment.

(D) Design standards. In determining action to be taken on a proposed development plan, the Commission shall be guided by the design standards as set forth in §151.117 and supplemented below.

(1) At least 750 square feet per living unit shall be reserved for open/recreation space areas. This figure is in addition to any private open areas created by yard requirements.

(2) A minimum of two paved off-street parking spaces shall be provided per lot.

(3) Each lot shall be provided with a ten-foot by ten-foot concrete slab which will serve as a location for individual tenant storage.

(4) A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.

(5) Each lot shall contain an area reserved for the placement of a living unit, the base construction (foundation, pads, ribbons) of which shall meet or exceed the Indiana State Board of Health and the Allen County Building Department specifications.

(6) Each living unit shall be skirted, entirely enclosing the bottom, within 90 days after its placement.

(7) Each living unit lot shall be provided with anchors, tie-downs, or other devices, as per Indiana State Board of Health rules and regulations, or any other requirements imposed by law for insuring the stability of the manufactured home.

(E) Prior to the location of any mobile/modular home in a mobile home court which meets the requirements of this Chapter, the developer, owner, or lessee of the court shall have applied for and been issued a Certificate of Occupancy from the Zoning Administrator. The Certificate of Occupancy may be issued for any number of living units. However, all improvements serving those units must be installed and operational. If the mobile home court is located within an FF (Floodway Fringe) District, the Zoning Administrator shall establish a minimum flood protection grade for each proposed mobile home site prior to the issuance of a Certificate of Occupancy. The applicant shall also certify to the Zoning Administrator that all provisions of 44 CFR 60.3-C-5 have been met.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. G-13-83, passed 7-12-83]*

#### **§151.096 RS-P PLANNED RESIDENTIAL DISTRICTS**

(A) Purpose. The intent of a planned residential district is to encourage innovative development of residential communities and offer developers of land the maximum amount of flexibility in design and development. As a means to assure maximum efficiency, standards governing lot size, yards, and building location may be varied, subsequent to approval by the Plan Commission.

(B) Permitted uses.

(1) Planned district.

(a) RSP-1 Planned Single-Family.

(b) RSP-2 Planned Two-Family.

(c) RSP-3 Planned Multiple-family Housing.

(d) RSP-MH Planned Manufactured Housing.

(2) The uses permitted in each district shall be the same as those permitted within the corresponding RS-1, RS-2, RS-3 and MH Districts found in this Chapter.

(3) On recommending establishment of the RS-P District, the Commission shall supplement each such district by appending thereto maximum permitted number of dwelling units per gross acre of land contained in each district. The maximum number shall be stated in dwelling units per acre and shall appear on the zoning maps.

(C) Development plan submission procedures and requirements. Prior to the issuance of an Improvement Location Permit in an RS-P District, the Commission shall have approved a preliminary and final development plan for the entire site. The submission and procedures required to obtain the development plan approval are detailed in §§151.115 and 151.116.

(D) Design standards. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards set forth in §151.117.

(1) The maximum permitted density per acre for each planned residential district is as follows:

<u>Zoning District</u>	<u>Number of Dwelling Units</u>
RSP-1	4.4 per gross acre
RSP-2	6.8 per gross acre
RSP-3	22 per gross acre
RSP-MH	6.2 per gross acre; however, if the real estate is to be subdivided, the RSP-1 requirements are applicable to the RSP-MH District.

(2) The height and bulk of buildings, parking and loading requirements, and yard requirements will be equal to those in the regular districts unless waived by the Commission at the time of development plan approval. If the regular requirements are waived, then the Commission will establish new minimum requirements based on the following:

- (a) Type of dwelling proposed.
- (b) Amount of recreation space adjacent to the subject lot.
- (c) Abutting natural features.
- (d) Pedestrian walkways.
- (e) Overall compatibility and livability with surroundings.

(3) All planned residential districts shall have recreational space unless waived by the Commission. Recreation space provisions shall be as follows:

(a) Within the RSP-1, RSP-2, and RSP-MH District, recreation space shall be provided at a rate of 750 square feet per dwelling.

(b) Within the RSP-3 District, 45% of the net site area shall be maintained in recreation space of which 120 square feet per dwelling shall be developed recreational land.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.097 C-1A PROFESSIONAL AND PERSONAL SERVICES DISTRICT**

(A) Purpose.

(1) The Professional and Personal Services District is intended to accommodate those nonresidential uses of a professional or personal service nature which are of low intensity and often serve as a buffer between commercial and residential uses of real estate.

(2) C-1A District parcels shall not be used for sales, storage, or display of wholesale or retail merchandise with the exception of those uses permitted by (B) below.

(B) Permitted uses. All uses permitted in the RS-1 District plus the following:

(1) Professional services, including but not limited to the following:

- (a) Medical clinics with related facilities such as prescription service.
- (b) Law offices.
- (c) Professional engineering offices.
- (d) Architects offices.
- (e) Accountants offices.
- (f) Real estate and related services.
- (g) Finance and insurance offices, banks.
- (h) Optometry services.
- (i) Funeral homes, mortuaries.

- (2) Services and sales, limited to the following.
  - (a) Photography and art studios.
  - (b) Sales and repair of musical instruments.
  - (c) Watch repair shop.
  - (d) Barber and beauty shop.
  - (e) Commercial art studio.
  - (f) Advertising office.
  - (g) Music and dance studio, as a secondary use in a single- or multiple-family dwelling.
- (3) Accessory uses.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.098 C-1 GENERAL COMMERCIAL DISTRICT**

(A) Purpose. The General Commercial District is established to include areas that are appropriate to all types of retail and service establishments, primarily using inside display areas, which offer a complete range of goods and services to consumers.

(B) Permitted uses. All uses permitted in the C-1A District plus the following:

- (1) Agriculture.
- (2) Automobile service, including but not limited to the following:
  - (a) Service station, but not including major automotive, mechanical, or body repair or refinishing, and not to exceed, including accessory uses and structures, two (2) acres in size.
  - (b) Tire and accessory store.
  - (c) Self-service automobile wash.
- (3) Business service, including but not limited to the following:
  - (a) Bank, currency, exchange, savings and loan association, loan office.

- (b) Travel bureau, taxi station.
  - (c) Public utility customer service.
  - (d) Commercial office.
- (4) Clothing, service, including but not limited to the following:
- (a) Tailor, dressmaking shop, costume rental.
  - (b) Shoe repair, hat cleaning or repair.
  - (c) Self-service laundry, cleaning or laundry pickup station, pressing establishment.
- (5) Equipment service, including but not limited to the following:
- (a) Household appliance.
  - (b) Electrical appliance, radio store.
  - (c) Photo supply shop.
  - (d) Phonograph and record shop.
- (6) Food service, including but not limited to the following:
- (a) Caterer.
  - (b) Bakery goods outlet.
  - (c) Ice cream or candy shop.
  - (d) Grocery, supermarket, fruit or vegetable store, meat market, delicatessen.
  - (e) Restaurant, tavern, tea room, night club.
  - (f) Package liquor store.
- (7) Personal service, including but not limited to the following:
- (a) Masseur or reducing salon, cosmetic store.
  - (b) Medical appliance.

(8) General retail service, including but not limited to the following:

- (a) Book store, hobby shop, gift shop, antique shop, and art store.
- (b) Bird store or pet shop, toy shop.
- (c) Drug store, stationery or newsdealer store, cigar store.
- (d) Department store, dry goods store, notion store.
- (e) Furrier, including cold storage of garments.
- (f) Hardware, garden equipment supply store, paint store.
- (g) Haberdashery, ready-to-wear shop.
- (h) Interior decorating or furniture store.
- (i) Jewelry store, and leather goods.
- (j) Millinery shop, shoe store.
- (k) Music conservatory school.
- (l) Retail florist including greenhouse.
- (m) Variety store, sporting goods store.
- (n) Pawn shop, second-hand store.

(9) Amusement enterprise, including but not limited to the following:

- (a) Bowling alley, skating rink.
- (b) Billiard or pool hall, penny arcade.
- (c) Indoor theater.
- (d) Dance hall or studio.

(10) Hotel, motel, private club or lodge.

(11) Advertising sign or billboard in accordance with the provisions of §§151.145 through 151.148.



(12) Telephone exchange and electrical substation.

(13) Accessory uses.

(14) Animal hospital or kennel catering to household pets, as distinguished from agricultural animals, provided all animal runs are located within an enclosed building, and provided further that all noises and odors be confined to the interior of the building or buildings, and provided further that same not be operated as to constitute a nuisance in the neighborhood.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. Z-07-02, passed 3-13-07]*

#### **§151.099 C-2 PLANNED SHOPPING CENTER DISTRICT**

(A) Purpose. The C-2 Planned Shopping Center District is established in order to insure the provisions of adequate commercial facilities at an appropriate location and of an appropriate design, scale, and intensity which will create a harmonious and functional relationship with the immediate surroundings and the community. In reviewing the proposed C-2 District, the Plan Commission will consider the nature of the proposed uses, the total size of the proposed project, and the composition of all existing development and zoning in the proposed C-2 District. Traffic generation, both pedestrian and vehicular, and its impact on surrounding streets and highways will also be of major importance in the Commission's review process. Each proposed shopping center, as well as expansion of existing centers will be evaluated in accordance with the goals and policies of the comprehensive plan. The C-2 District is not intended to be utilized by a single business or use, but rather should be a harmonious arrangement of different establishments which will serve the community.

(B) Subdistricts and permitted uses. Prior to tracts of real estate being developed as planned shopping centers, the real estate shall be rezoned to a specific C-2 subdistrict and be subject to the requirements of that subdistrict.

(1) C-2A Neighborhood Shopping Center.

(a) The neighborhood shopping center shall be designated with the sole intent of serving the surrounding residential neighborhoods by providing goods and services that meet day-to-day needs. Tenants typically found within this center include grocery and drug stores. A major tenant space shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. The maximum gross floor area shall be limited to 25% of the net site area, provided no C-2A shopping

center shall exceed 109,000 square feet of gross floor area as defined herein, regardless of site size.

(b) Permitted uses shall include all C-1A and C-1 uses except residences, hotels, motels, private clubs or lodges, telephone exchanges, electrical substations, animal hospitals, and kennels.

(2) C-2B Community Shopping Center.

(a) The community shopping center, in addition to serving the function of a neighborhood center, may provide access to a greater variety of merchandise. Tenants within this center are similar in character, as well as drawing power, to those stores found within a neighborhood center. Tenants typically include grocery, drug, and variety stores.

(b) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement, there may be two major tenants permitted with a limit per tenant not to exceed a maximum of 45,000 square feet of gross floor area. No single tenant space other than those permitted above shall exceed 30,000 square feet of gross floor area. The maximum floor area shall be limited to 25% of the net site area, provided, no C-2B shopping center shall exceed 218,000 square feet of gross floor area as defined herein, regardless of site size.

(c) Permitted uses include all C-2A uses and, in addition, animal hospitals and kennels as more specifically set forth under the C-1 District permitted use provisions of this Chapter.

(3) C-2C Metropolitan Shopping Center.

(a) The metropolitan shopping center is intended to serve a community of neighborhoods. Tenants are intended to be retail and service oriented, and may include a department store, specialty store, discount store or variety store.

(b) A major tenant shall not exceed a maximum of 90,000 square feet of gross floor area and not more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 60,000 square feet of gross floor area. The maximum gross floor area shall be limited to 25% of the net site area, provided, no C-2C shopping center shall exceed 327,000 square feet of gross floor area as defined herein, regardless of site size.

(c) Permitted uses include C-2B uses and additionally, hotels, motels, private lodges or clubs, telephone exchanges, and electrical substations.

(4) C-2D Regional Shopping Center.

(a) The regional shopping center provides complete comparison shopping. The center's drawing power stems from a wide variety of retail goods and services as well as a number of large traffic generators including one or more department stores. Tenant space size is unlimited as well as the number of tenants allowed. Building coverage shall not exceed 25% of the net site area although overall site size is not limited.

(b) Permitted uses include all C-2C uses.

(C) Exceptions to subdistrict requirements. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in (B) above; however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

- (1) The intent and spirit of the requirements of this Chapter as they relate to the zoning subdistrict are met; and
- (2) The exception is not contrary to the public interest; and
- (3) The intent of the master plan as it relates to commercial policies is met.

(D) Submission procedures and requirements.

(1) The reclassification of real estate to a C-2 shopping center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted together with the petition for rezoning:

(a) A generalized sketch plan of the site.

(b) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development.

(c) The shopping center's expected trade area as well as existing and proposed population within this area.

(2) Prior to the issuance of an Improvement Location Permit for a C-2 shopping center, the Plan Commission shall have approved a preliminary and final development plan. The submission requirements and the procedures required to obtain the development plan approval are set forth in §§151.115 and 151.116.

(E) Design standards. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards as set forth in §151.117 and as supplemented below.

(1) Parking and circulation of vehicles and pedestrians. In addition to the general use provisions of §§151.020 through 151.024, the Commission shall review the following items:

(a) The provision of facilities for the handicapped and parking for bicycles.

(b) Pedestrian circulation to the center from adjacent properties as well as internal pedestrian circulation.

(c) The overall vehicle traffic pattern including public transit as well as vehicle circulation.

(2) Landscaping. Intent, quantity, and distribution.

(a) Landscaping can be utilized to aid in the circulation of vehicles and pedestrians, to identify entrances and to improve the appearance of the center.

(b) A minimum of 10% of the net site area shall be landscaped. In its review of the shopping center's compliance with the landscaping requirements of this Chapter, the Commission shall consider a combination of such features as grassed areas, planting areas for trees and shrubbery, natural areas, and other Commission-approved elements; landscaping in parking areas should be designed so as not to unreasonably interfere with snow removal.

(3) Sight screening. Screening shall be used as a means to separate the shopping center from adjacent land uses when deemed necessary by the Commission. The degree and type of screening necessary to separate adjacent real estate will be based on the intensity and nature of surrounding land uses. In its review of a sight screening proposal, the Commission will consider the following:

(a) Setback from adjacent right-of-way or real estate.

(b) Surrounding zoning and land use.

(c) Compatibility of proposed parking with surrounding area.

(d) Sight lines from surrounding area.

(e) Extent and effectiveness of landscaping with the parking area.

(f) If the Commission determines that earth berming is the most appropriate means of screening adjacent real estate, the Commission may consider the berming as meeting a portion of the landscaping requirements set forth in (E) (2). In determining the amount of earth berming to be considered as landscaping, the Commission will use as a guide the degree and type of berming proposed, as well as its effectiveness in meeting the landscaping intent.

(4) Traffic. A proposed shopping center development plan must provide facilities to minimize conflicts between the traffic generation resulting from the shopping center and traffic on existing or proposed streets and highways. Methods to improve traffic flow which may be required include, but are not limited to, the following:

- (a) Road or street widening.
- (b) Acceleration and deceleration lanes.
- (c) Traffic-control devices and lanes.
- (d) Curbed ingress and egress lanes extending from the right-of-way into the site with the length of such lanes being in proportion to the proposed traffic generation but not less than 50 feet.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.100 C-4 ROADSIDE COMMERCIAL DISTRICT**

(A) Purpose. The Roadside Commercial District is established to accommodate those retail outlets, commercial-amusement enterprises, and service-oriented uses which serve the needs of motorists or must, by necessity, be located adjacent to the streets and highways of the City.

(B) Permitted uses.

- (1) Drive-in establishments, including but not limited to the following:
  - (a) Agricultural implement sales, heavy garden equipment sales.
  - (b) Archery, golf or similar range.
  - (c) Auction hall.
  - (d) Restaurant.
  - (e) Drive-in theater.
  - (f) Fruit or vegetable stand.

- (g) Ice vending station.
  - (h) Pottery or souvenir stand.
  - (I) Refreshment stand.
  - (j) Service station.
  - (k) Drive-in bank.
- (2) Amusement enterprise, including but not limited to the following:
- (a) Amusement park, skating rink, swimming pool.
  - (b) Miniature golf, miniature railroad.
  - (c) Race track, riding academy, pony ride.
- (3) Other sales and services, including but not limited to the following:
- (a) Animal hospital and kennel utilizing enclosed or outside animal runs.
  - (b) Automotive repair garage, auto or mobile home sales, automatic laundry, auto body shop, bicycle or motorcycle shop.
  - (c) Bottled gas service.
  - (d) Trailer or mobile home court subject to the provisions of Subsection 151.095 of the New Haven Zoning Code.
  - (e) Motel or tourist court.
  - (f) Wholesale florist, greenhouse.
  - (g) Light equipment rental.
  - (h) Live bait stand.
  - (I) Boat sales.
- (4) Accessory uses.
- (5) Miscellaneous uses, including but not limited to the following:
- (a) Business or trade school.

- (b) Bus or rail passenger service.
- (c) Repair or service, cabinet or carpenter shop.
- (d) Exterminating shop.
- (e) Glass cutting or glazing, sign painting shop.
- (f) Laundry or cleaning plant.
- (g) Plumbing, heating, air-conditioning or electrical service shop.
- (h) Sheet metal shop, welding shop.
- (I) Upholstery shop, window blind sales or repair.
- (j) Rescue or revival mission.
- (k) Accessory uses.
- (l) New building materials sales and light custom assembly thereof.
- (m) Bulk storage of petroleum products for local distribution, as distinguished from a petroleum products terminal for extensive storage and regional purposes provided that all storage be underground.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.101 C-P PLANNED BUSINESS DISTRICT**

(A) Purpose. The Business Districts C-1A, C-1, and C-4 shall have a corresponding district to be known as a Planned Business District. A Planned Business District shall provide for and encourage the grouping of businesses into centers and complexes incorporating modern concepts of service and design.

(B) Permitted uses and corresponding district.

<b>Regular Business District</b>	<b>Corresponding Planned Business District</b>
C-1A	C-1A (P)
C-1	C-1 (P)
C-4	C-4 (P)

All uses permitted in the regular business districts shall be permitted in the corresponding planned business districts; however, within the C-1A (P) zoning district, general office facilities will be permitted in addition to those specifically permitted in the C-1A District.

(C) Submission procedures and requirements.

(1) Prior to the issuance of an Improvement Location Permit in a planned business district, the Plan Commission shall have approved a preliminary and final development plan for the total site. The submissions and procedures required to obtain the development plan approval are set forth in §§151.115 and 151.116.

(2) The Commission, during its review process, will consider the following items:

(a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.

(b) The applicant shall submit a set of sign standards to be reviewed by the Commission. The standards will be approved as part of the final development plan, and joint use of signs will be encouraged where deemed necessary by the Commission.

(D) Design standards. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in §151.117 and supplemented below.

(1) The height and bulk of buildings, parking and loading requirements, and yard requirements shall be equal to those in the regular districts unless specifically waived by the Commission at the time of development plan approval. In the event the Commission waives any of the aforementioned requirements, it must find that the general intent, spirit, and purpose of the requirements are met.

(2) The Commission shall require 10% of the net site area to be landscaped. Landscaping elements include but are not limited to planting beds, islands, embankments, and other aesthetic areas.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.102 I-1 LIGHT INDUSTRIAL DISTRICT**



(A) Purpose. The Light Industrial District is intended to provide areas for light industrial and manufacturing uses without creating unacceptable adverse effects on the surrounding land uses.

(B) Permitted uses.

- (1) All uses permitted in the C-1 and C-4 Districts.
- (2) Offices, professional and general.
- (3) A dwelling as a caretaker's quarters.
- (4) Other commercial and light industrial uses including but not limited to the following:
  - (a) Bottling works, but excluding breweries and distilleries.
  - (b) Building material sales yard, excluding concrete mixing.
  - (c) Chick hatchery.
  - (d) Road or building contractor's equipment storage building or yard.
  - (e) Sales and rentals of road or building contractor's equipment.
  - (f) Public utility service yard.
  - (g) Electrical switching or transforming station.
  - (h) Draying, freighting, or trucking yard or terminal.
  - (I) Feed or grain storage, liquid fertilizer storage.
  - (j) Fuel yard, including bulk storage or petroleum products for local distribution, as distinguished from a petroleum products terminal for extensive storage and regional distribution purposes.
  - (k) Ice manufacture or cold storage.
  - (l) Experimental or testing laboratory.
  - (m) Printing plant.
  - (n) Poultry dressing.
  - (o) Warehousing, wholesale, merchandise.

- (p) Storage, excluding auto wrecking, junk, or scrap materials.
- (q) Wholesale food market.
- (r) Spur railroad tracks.

(C) Any use permitted in the I-2 District, provided that the use, including all accessory and incidental use, does not occupy an area in excess of 25,000 square feet gross floor area, and also provided that the emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of State and federal agencies.

(D) Accessory use.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

### **§151.103 I-2 GENERAL INDUSTRIAL DISTRICT**

The General Industrial District is established to provide areas in which fabricating, manufacturing, and processing industries are the principal uses of the land. Moderate performance standards are established to prevent incompatibility and unacceptable conflict with adjacent land uses. Permitted uses are as follows:

(A) All uses permitted in the I-1 District.

(B) Fabricating, manufacturing, and processing industries, provided the same conform to the following requirements:

(1) Enclosed buildings. All operations are conducted within enclosed buildings and all materials and products are stored within enclosed buildings or effectively screened by a wall or screen not less than six feet high.

(2) Minimum distance. The minimum distance between any boundary line of an A or R District and:

- (a) A building or structure is 50 feet.
- (b) A parking area used by passenger vehicles is 15 feet.

(c) A driveway, parking area, or loading dock used by trucks, tractors, semi-trailers, or trailers is 150 feet.

(3) The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of State and federal agencies, as well as other requirements imposed by law.

(4) All walks, driveways, and parking areas are dustproofed.

(5) No dust of any kind produced by the industrial operations is permitted to escape beyond the confines of the building in which it is produced.

(6) No noxious odor of any kind is permitted to extend beyond the lot lines. Tanneries, abattoirs, glue factories, oil refineries, soap factories, artificial gas manufacture, rubber manufacture, fertilizer manufacture, and similar industries shall present detailed plans for elimination of noxious odors before a permit will be granted.

(7) No glare may be seen from any street or any A, RS, or C District.

(C) Research and development activities outside of enclosed buildings.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.104 I-3 HEAVY INDUSTRIAL DISTRICT**

(A) Purpose. The Heavy Industrial District is intended to provide suitable areas for intense industrial operations, including open land operations.

(B) Permitted uses.

(1) All uses permitted in the I-2 District excepting general and professional office unless utilized as an incidental use to those permitted uses within the District.

(2) Fabricating, manufacturing, processing, extraction, heavy repair, and dismantling industries; and storage, including open land operations, provided that the emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of State and federal agencies. Under no circumstances is a sanitary landfill, building demolition disposal site, incinerator, or transfer disposal station a permitted use in an I-3 District unless authorized as a special exception.

(3) Motor vehicle salvage yard and unlicensed vehicle storage yard if operated in compliance with the following provisions:

(a) There shall be no measurable vibration beyond the property line of the tract of real estate on which the operation of a motor vehicle salvage yard is conducted.

(b) Motor vehicle salvage yards and unlicensed vehicle storage yards must be confined to a clearly defined area which shall have a site screening fence or fence and plantings, with the fence not less than seven feet in height along all public highways and roads, and being set back 25 feet more than the I-3 front yard requirements as defined in §151.002 and set forth in §§151.130 through 151.136.

(c) It shall be unlawful for an owner, manager, or employee of a motor vehicle salvage yard to set fire to, or cause to be burned, any pile or accumulation of materials whatsoever, which, because of the highly combustible nature of the materials, or because of the size or quality of the pile of accumulation, or because of the location of the pile or accumulation in the yard, endangers the life or property of any other person.

(d) Each motor vehicle salvage yard shall maintain in good working order such fire extinguishers as required by public authority together with at least one fire extinguisher of a type designed for extinguishing fires fed by petroleum products within 200 feet of any point where motor vehicles or parts thereof are being burned.

(e) All roadways in and about motor vehicle salvage yards or unlicensed motor vehicle storage yards upon which move, or are moved, motor vehicles or parts thereof, or equipment used in salvage operations shall be so treated or surfaced that excessive quantities of dust injurious to the health or physical comfort of neighboring property owners are not created.

(f) An owner, manager, or employee of a motor vehicle salvage yard or an unlicensed motor vehicle storage yard shall not place motor vehicles or parts thereof within ten feet of an adjoining property, nor closer to the front yard requirement than ten feet from the interior side of the site screening fence or fence and plantings.

(g) It shall be unlawful for any owner, manager, or employee of a motor vehicle salvage yard to cause to be carried on any wrecking, dismantling, cutting, burning, or breaking of motor vehicles or parts thereof closer to the front yard requirements than ten feet from the interior side of the site screening fence or fence and plantings.

(h) It shall be unlawful for any owner, manager, or employee of a motor vehicle salvage yard to cause to be carried on any wrecking, dismantling, cutting, burning, or breaking of motor vehicles or parts thereof within 150 feet of residential buildings on adjoining lands, including, but not limited to, homes,

farmhouses, apartment houses, hotels and motels being used. However, this provision shall not apply with respect to any person who begins such a use within 150 feet of a motor vehicle salvage yard which is then in existence.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.105 I-P PLANNED INDUSTRIAL DISTRICTS**

(A) Purpose. Each of the following industrial districts (I-1, I-2, I-3) shall have a separate and corresponding district known as a planned industrial district. The intent of this district is to provide a means for industrial land uses, regardless of overall size or acreage, to develop in accordance with a set plan and in consideration of the surroundings, especially within transitional areas.

(B) (1) Permitted uses and corresponding districts.

<u>Planned District</u>	<u>Corresponding District</u>
I-1 (P)	I-1
I-2 (P)	I-2
I-3 (P)	I-3

(2) The uses permitted in each planned district shall be the same as those permitted within the corresponding districts.

(C) Submission requirements and procedures.

(1) Prior to the issuance of an Improvement Location Permit in a planned industrial district, the Plan Commission shall have approved a preliminary and final development plan for the total site. The submissions and procedures required to obtain the development plan approval are set forth in §§151.115 and 151.116.

(2) The Commission, during its review process, will consider the following items.

(a) Jointly used parking facilities will be encouraged by the Commission, thereby reducing the number of individual entrances and exits to thoroughfares.

(b) The applicant shall submit a set of sign standards to be reviewed by the Commission. The standards will be approved as part of the final development plan and joint use of signs will be encouraged where deemed necessary by the Commission.

(D) Design standards. In determining the action to be taken on a proposed development plan, the Commission shall be guided by the design standards and policies established in

§151.117 and supplemented by the following. The height and bulk of buildings, parking and loading requirements, and yard requirements will be equal to those in the regular districts unless specifically waived by the Commission at the time of development plan approval. In the event the Commission waives any of the aforementioned requirements, they must find that the general intent, spirit, and purpose of the requirements are met.

(E) Performance standards. In determining the action to be taken on a proposed development plan, the Commission may set standards relating to smoke, dust, noise, vibrations, toxic or noxious matters, odorous matters, fire and explosive hazards, and heat and glare for industrial uses within the I-P approved development plan.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

## **DEVELOPMENT PLANS**

### **§151.115 PROCEDURES**

(A) Prior to the issuance of an Improvement Location Permit for any use in a district wherein a development plan is required, the Plan Commission shall have approved a development plan in accordance with this Chapter and the Comprehensive Plan. A preliminary and final development plan may be scheduled for the same public hearing. However, all submission requirements for each respective plan must be met. A petition for rezoning of a parcel of real estate and a preliminary development plan for the same real estate may be reviewed at the same public hearing; however, a final development plan requires a separate public hearing.

(B) Application.

(1) The application, submitted on Plan Commission forms, shall be for preliminary approval of an entire tract or a final approval for all or a portion of a site previously approved in preliminary form.

(2) The application shall be accompanied by the following:

- (a) A tracing or reproducible copy of the development plan.
- (b) Fifteen copies of the development plan and legal description.
- (c) Other detailed data required in §151.116.

(C) Establishment of hearing data. On timely receipt of all items necessary for application for development plan approval, the Commission, whenever possible, shall schedule same for the next regularly scheduled monthly public hearing for which the applicant has met the predetermined filing deadline.

(D) Notification of public hearing.

(1) Legal notice of the public hearing on the development plan shall conform to IC 36-7-4-507.

(2) The Commission may also notify, in writing, the applicant and persons having probable interest of the date, time, and place of the public hearing on the development plan.

(3) Notice of the date, place, and time of the public hearing, as well as a copy of the development plan, shall be sent to public agencies having probable interest in the

plan. It is the intent that these agencies' comments be received, in writing, by the Commission at least five days prior to the public hearing.

(E) Public hearing and Commission action.

(1) The Commission will conduct a public hearing on the development plan and, within a reasonable period of time thereafter, take action as follows:

(a) If it shall find that the plan meets the requirements of this Chapter, it may approve same as the preliminary or final development plan.

(b) If it shall find that, on the plan being amended, altered, and changed as specified by the Plan Commission it will meet the requirements of this Chapter, it shall so notify the applicant. Thereupon, the applicant shall prepare and file with the Commission a revised development plan or supporting data incorporating the specifications within 90 days of the notification. When extenuating circumstances prevail, the applicant may request an additional 90 days.

(c) If it shall find that the plan does not comply with the requirements of this Chapter and is not susceptible to alteration, change, or amendment to meet the requirements, or if the applicant fails to file a revised development plan in compliance with the specifications as set forth within 90 days of Commission notification, the Commission shall disapprove the development plan.

(2) A preliminary development plan is valid for one year from the date of the Commission approval.

(3) In the event a final development plan for any portion of the subject real estate is not submitted for final approval within one year of preliminary development plan approval, the preliminary development plan shall be considered null and void.

(F) Notification of Commission action.

(1) After the Commission takes final action on a development plan, it shall notify the applicant, attorneys of record, and the remonstrators of record who have filed in writing their names and mailing addresses with the Commission, of the action of the Commission.

(2) In the event a petition of remonstrance is filed with the Commission on a development plan, the Commission need notify only the first three names appearing thereon.

(G) Issuance of permits.



(1) Only after a final development plan has been approved as set forth hereby, shall an Improvement Location Permit for construction be issued by the Zoning Administrator.

(2) Prior to the issuance of an Improvement Location Permit, the applicant shall have duly recorded in the office of the Allen County Recorder utility easements, rights-of-way, plats, deed restrictions, or any other legal instruments required by the Commission and in the form approved by the Commission.

(H) Amendments to approved development plan. In the event a developer desires to change an approved development plan and when, in the opinion of the Plan Commission or its designated representative, the change is substantial, the change may be made only after approval by the Plan Commission and after a public hearing thereon. The Commission may waive any procedural or submission requirements it deems necessary when reviewing a change to an approved development plan.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.116 SUBMISSION REQUIREMENTS**

Preliminary or final development plans shall be submitted, and be accompanied by an application on a form prescribed by the Plan Commission, complete with the signatures of 100% of the owners of record of the tract involved and shall have been prepared in accordance with the provisions of this Chapter as well as the recommendations of the preapplication discussion. After approval of the preliminary development plan is granted by the Commission, any amendments thereto made prior to the final development plan approval by the Commission shall be shown on a form prescribed by the Commission and shall contain the signatures of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After final development plan approval is granted by the Commission, then any further amendments thereto shall be shown on a form prescribed by the Commission and shall contain the signatures of all owners of record (as shown in the office of the Recorder of Allen County, Indiana) of the real estate contained in the development.

(A) Supporting data required for preliminary development plan submissions.

(1) A development schedule indicating the approximate date when the construction of the development, or stages of the development, can be expected to begin and be completed.

(2) Quantitative data for the following:

(a) Number and type of structures, parcel size, proposed lot coverage of buildings and structures.

(b) Gross residential densities, types of dwelling units, and net density per type of dwelling unit when mixed use, where applicable.

(3) Statements identifying the intended means of assuring permanency, continuance and maintenance of all open-recreation spaces to be dedicated for use by residents of the development or the general public, where applicable.

(4) Proposed restrictive covenants.

(B) Site plan and supporting maps required for preliminary development plan submissions.

(1) Date, scale, (graphic and written), north point, name and address of designer and engineer, name and address of the developer, and proposed name of the development.

(2) A generalized legal description of the total site as well as dimensions of the boundaries of the tract, including generalized bearings and distances, measured from a section corner.

(3) The existing site conditions including contours (at a predetermined interval), water courses and drainage ways, flood plain elevations, wooded areas, soil types (including interpretations of character), and other unique natural features.

(4) The location, minimum size, and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open spaces, parks, recreational areas, school sites, and similar public and semi-public uses, where applicable.

(5) The existing and proposed vehicular circulation system, including right-of-way widths and driving surface widths of streets, off-street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public rights-of-ways, where applicable.

(6) The existing and proposed pedestrian circulation system, including links with the public transit system and nearby land uses where applicable.

(7) Proposed lot or tract lines, lot numbers, lot dimensions, easements, and building lines. Those areas to be subdivided pursuant to the terms of Chapter 150 shall conform to same and be clearly delineated on the development plan.

(8) The proposed treatment of the perimeter of the site, including materials and techniques to be used such as screens, fences, walls, and landscaping.

(C) The above information must be submitted for all of the site included in the application. Applications can be reviewed only for those areas for which all required submission data has been presented.

(D) Supporting data required for final development plan submission.

(1) Legal description.  
(2) Restrictive covenants including provision for open space maintenance, when applicable.

(3) Traverse closure.

(4) Construction performance schedule and accompanying development plan indicating delineations of specific areas. Those areas required to have open space shall include the time of the development of recreational or other facilities within the open space. The development plan shall also indicate the location of any construction access roads and their relationship to the staging of development.

(5) Letters of comment from the following:

(a) Allen County Surveyor's Office.

(b) City Engineer and the Allen County Highway Department, if the project is beyond the corporate limits.

(c) The City or other public agencies having approval over the waste water disposal system and fresh water supply system.

(6) Letters from the utilities serving the area with the waste water disposal or fresh water supplies, setting forth their ability to serve the development.

(7) Additional information as required by the Commission.

(E) Site plans and supporting maps required for final development plan submission.

The final development plan shall be submitted to the Commission in the form of an original mylar or similar material drawn in ink and shall be a complete and accurate layout of the project and shall contain all additions, corrections, and deletions required by the Commission, as well as the following information:

(1) Date, scale (graphic and written), north point, name and address of the designer and engineer, name, and address of the developer of the tract, name of development.

(2) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract.

(3) Section or reserve lines or other legal points of reference and distance to same.

(4) Building lines, lot lines, easement locations and dimensions.

(5) Lot numbers and individual addresses for each lot.

(6) Streets - plans, profiles, cross-sections and names, location, and geometrics for entrance onto public rights-of-way, including acceleration, deceleration and passing lanes, dedication documents when applicable.

(7) Pedestrian walkways - plans and cross-sections.

(8) Easements such as pedestrian, utility, drainage, and the like.

(9) Sanitary, storm sewer and water lines - plans and profiles, water line plans, storm drainage plans.

(10) Parking area - plans, cross-sections, and landscaping details.

(11) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and rights-of-way widths.

(12) Lighting plan including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required.

(13) Landscape plans including the location of all landscape materials and elements. This requirement is waived in those areas used for single-family residential purposes.

(14) Other data which may be required by the Plan Commission.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

## **§151.117 DESIGN STANDARDS**

The following minimum design standards shall apply to all size improvements on real estate for which a development plan is required. Individual zoning districts may also supplement the following standards with more detailed standards pertinent to individual districts.

(A) Environmental design.

(1) It is the intention of the Plan Commission to encourage preservation of natural site amenities and to minimize disturbance to the natural environment.

(2) Existing trees and other natural features shall be preserved whenever possible. The location of these features must be considered when planning common open space, location of buildings, underground services, walks, paved areas, and finished grade levels. The Commission may inquire into the means whereby natural features will be protected during construction.

(B) Building separation. In reviewing the location of all structures within the development plan boundaries, the Commission shall determine that the structures are located to allow adequate light, air, ease of entry, and access by emergency vehicles. For those districts without specified yard requirements, the Commission shall be guided by the following:

(1) That the open areas provided around the building be sufficient to provide the occupants of the structure with adequate light and air from all outside walls which contain windows or doors.

(2) That sufficient space is provided for access and entry to buildings from all streets, parking lots, and other buildings.

(3) That in the event lots for one-family or two-family dwellings are to be sold prior to construction and the applicant cannot indicate structures on the development plan, the structures shall be subject to the yard provisions of §151.131 for the RS-1 District or other Commission-approved minimums, unless specifically waived.

(C) Vehicular circulation facilities.

(1) In determining the number of driveway entrances, widths of pavement and driveways, and the width and length of acceleration, deceleration and passing lanes, the Commission will consult standards as set forth in the "Access Standards Manual for Fort Wayne, New Haven and Allen County."

(2) All right-of-way widths and street improvements must meet the requirements of Chapter 150 as now or hereafter amended. However, those requirements may be waived on approval of the City Engineer and the Commission. All streets shall be surfaced to meet City street specifications governed by street classification.

(D) Pedestrian circulation facilities. Pedestrian walkways shall be constructed in a location and to specifications approved by the Commission. The walkways shall provide for pedestrian circulation throughout the development and shall be separated from vehicular traffic. Where distance separation cannot be achieved, physical separation may be required in cases in

which the Commission deems necessary. Pedestrian facilities shall include accommodations for the physically handicapped by providing barrier-free structures.

(E) Sanitary sewage disposal and water supply systems. All water supply and sanitary sewage disposal systems, from private to public in nature, shall be subject to compliance with local, and where appropriate, State Board of Health requirements. Plans must be submitted to and approved by the responsible agencies.

(F) Recreation space.

(1) The specific requirements for the amount and type of recreation space are contained in those parts of this Chapter dealing with specific zoning district requirements. The following standards are to be utilized in the evaluation of all required recreation space in a Commission-approved development plan:

(a) Commission-approved recreation space shall be provided in all RS-P, RS-3, and MH districts. The purpose of providing the space shall be to meet the immediate and future recreational needs of the development's residents in a neighborhood setting. Recreation space may be provided in a centrally located site, in distinctly separated sites, as connecting links between separated activity areas, or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his development's residents or the resulting open space is less than 10,000 square feet.

(b) All developments with recreation space must contain acceptable covenants which, in the opinion of the Commission, insure adequate maintenance of those recreation spaces, when applicable. If the developer proposes to convey the ownership of the recreation space to the Park and Recreation Board, the Commission must be in receipt of written documentation from the Park and Recreation Board, acknowledging its agreement to accept ownership and maintenance of same.

(2) The term recreation space shall be interpreted to mean void of non-recreational structures, street rights-of-way, open parking areas and driveways for dwellings.

(3) Space intended for limited recreational or other uses, such as a golf course, to which all residents of the development may not be permitted free access because of the payment of a fee or a charge, shall have a maximum of three-fourths of the space utilized in meeting the recreation space requirements of the total development.

(G) Paving. All access drives and off-street parking facilities shall either be paved with concrete or with other approved surfacing material to adequately provide a durable and dust-free surface.

(H) Parking standards.

(1) Parking areas may be required to be arranged so as to prevent through traffic to other parking areas.

(2) Parking areas shall be screened from adjacent non-related structures, roads, and traffic arteries with plantings, earth berms, walls, or changes in grade, when deemed necessary by the Commission.

(3) All parking areas shall be marked so as to provide for orderly and safe parking, storage, and movement.

(4) When it is in the interest of safety and better vehicle and pedestrian circulation, the Plan Commission may require the use of landscape elements to provide physical separation of use areas.

(5) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct light away from adjoining residential real estate.

(6) All parking areas and off-street loading areas shall be graded and drained to remove all surface water without erosion and flooding.

(I) Street lighting. Street lighting shall be provided in all residential developments. Alternative street lighting proposals will be considered by the Commission if found to be appropriate in scale and intensity. Where pedestrian facilities are separated from streets to the extent that they are not adequately lighted from the street light facilities, separate lighting facilities shall be provided on the pedestrian facilities.

(J) Flood plain management. In addition to flood plain management provisions found elsewhere in this Chapter, the Plan Commission shall review each development plan to insure that:

(1) All such proposed developments are consistent with the need to minimize flood damage.

(2) Adequate drainage is provided so as to reduce exposure to flood hazard.

(3) Adequate drainage is provided so as not to increase the exposure of flood hazard to adjacent lands.

(4) All public utilities and facilities are located and constructed so as to minimize and eliminate flood damage. These facilities and utilities include, but are not limited to, sewer, gas, electric and water systems.

*[Ord. 698, passed 7-11-62; Ord. G-30-80, passed 12-9-80; Ord. G-13-83, passed 7-12-83]*

#### **§151.118 ACCESS ROADS**

This Section provides a plan to require private construction and maintenance of access roads at certain locations, based upon the following requirements:

(A) The purpose of the access road plan is to achieve a reduction in traffic conflicts and congestion and enhance traffic safety by limiting the number of access points onto major streets from adjacent real estate.

(B) On real estate located adjacent to the streets, roads and highways described in paragraph (F), there shall be constructed access roads, appropriate permanent accesses to access roads from public rights-of-way, and necessary right-of-way improvements, in order to achieve the purpose stated in paragraph (A).

(C) An owner of real estate shall construct, at the owner's expense, such access roads, permanent accesses, and right-of-way improvements as may be required by the New Haven Plan Commission.

(D) The access roads and permanent accesses to them shall be privately maintained by the owner of the property on which an access road or access is located, except for such portion of a permanent access which the City of New Haven agrees to maintain.

(E) The New Haven Plan Commission shall be authorized to do the following:

(1) Adopt written plans describing the specific areas where access roads will be located, and the manner and timing of their construction.

(2) Designate documentation necessary to implement the access road plan.

(3) Designate the specifications for construction of access roads, permanent accesses and right-of-way improvements.

(4) Adopt such rules as it may deem necessary to implement the access road plan as stated in the Comprehensive Plan.

(5) Impose construction of an access road, permanent access, or right-of-way improvements as a condition of the issuance of an Improvement Location Permit or a



Certificate of Occupancy, unless the New Haven Plan Commission permits the owner to make a written commitment for such installation at a later time.

(6) Require an access to a public right-of-way from real estate upon which an access road is located to remain only temporarily, and to be removed or closed at such time as connection to a permanent access is possible.

(7) Enforce a violation or breach of an obligation to construct or maintain an access road or permanent access, construct right-of-way improvements, or remove a temporary access, which might be required under this Comprehensive Plan, an access road plan, a rule of the New Haven Plan Commission, or any other related commitment or document. The remedies available for such enforcement shall include any legal or equitable remedies available, including injunctive relief and recovery of attorney fees, costs and expenses incurred in connection with such proceedings.

(F) The New Haven Plan Commission shall be authorized to require access roads to be constructed along the following streets and highways:

(1) All present and future arterials as defined by the New Haven Comprehensive Plan.

(2) Expressways, other limited access highways and their interchanges.

(3) Any other street or highway which the New Haven Plan Commission reasonably deems necessary or desirable in the development of real estate to achieve the purpose stated in paragraph (A).

(G) In designating areas for the location of access roads, the New Haven Plan Commission shall be guided by recommendations of the Urban Transportation Advisory Board, or its successor.

*[Ord. Z-92-2, passed 3-25-92]*

## HEIGHT AND AREA REQUIREMENTS

### §151.125 HEIGHT LIMITS

(A) Except as herein provided, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limit established for the district wherein the building or structure is located, as follows:

<u>District</u>	<u>Maximum Height</u>
A-1, A-2, A-3, A-E, C-1A, C-1, C-2, C-4	35 feet
RS-1, RS-2	35 feet
RS-3, MH	50 feet
I-1, I-2, I-3, I-4	75 feet
C-P, I-P	Maximum height as shown on the Commission-approved development

plan.

#### B. Exceptions to Height Limitations.

(1) In the districts limiting height not to exceed 25 feet, any permitted structure may be increased in height not to exceed 35 feet, provided the required side yards are increased an additional foot for each three feet the structure exceeds 25 feet.

(2) On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

(3) On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height, shall apply to a depth of not more than 150 feet from the street.

(4) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls; skylights; electrical transmission poles and towers; theater screens; steeples; roof signs; flagpoles; chimneys; smokestacks; water tanks; grain elevators; silos; gas containers; industrial installations requiring a vertical production procedure such as flour mills, steel mills and refineries; or similar structures may be erected above the height limits herein prescribed, but no such structures or any place above the height limit shall be allowed for the purpose of providing additional floor space for residential, business, or industrial use.

*[Ord. G-38-80, passed 12.-9-80; Ord. Z-95-4, passed 5-9-95]*

**§151.126 LOT AREA REQUIREMENTS**

(A) Except as hereinafter provided, no residential building or structure shall be erected unless the building or structure conforms, and no building or structure shall be altered, enlarged, or reconstructed unless the alteration, enlargement, or construction conforms with the area requirements of the district in which it is located as follows:

**Required Lot Area for Each Dwelling**

<b><u>Dwelling</u></b>	<b><u>Minimum Width at Front Bldg. Line</u></b>	<b><u>Minimum Net Lot Area (Sq. Ft.)</u></b>	<b><u>No. of Dwellings And Sq. Ft. Per Each Dwelling</u></b>
A-1 if served by a private well and disposal system, or any combination of one private system with one approved public facility.	120 feet	20,000	1 dwelling-20,000 2 dwellings-15,000
A-1 if served by approved public sewer and water systems.	75 feet	12,000	1 dwelling-12,000 2 dwellings-9,000
RS-1 and RS-2 if served by private well and disposal system, or approved public water and private disposal system.	100 feet	20,000	1 dwelling-20,000 2 dwellings-15,000
RS-1 and RS-2 if served by approved public water and sewer systems, or private well and approved public sewer.	75 feet	12,000	1 dwelling-12,000 2 dwellings-9,000
RS-1 and RS-2 if served by approved	60 feet	7,500	1 dwelling-7,500 2 dwellings-5,000

<u>Dwelling</u>	<u>Minimum Width at Front Bldg. Line</u>	<u>Minimum Net Lot Area (Sq. Ft.)</u>	<u>No. of Dwellings And Sq. Ft. Per Each Dwelling</u>
public water and sewer systems, in addition to meeting requirements set forth in §150.50.			
RS-3 if served by private well and disposal systems, or approved public water and private disposal systems.	100 feet	20,000	1 dwelling-20,000 2 dwellings-15,000 3 dwellings-12,000 4 dwellings-10,000 5 or more dwelling units in one development shall comply with the requirements set forth in §151.096 (D).
RS-3 if served by approved public water and sewer systems.	75 feet	12,000	1 dwelling-12,000 2 dwellings-9,000 3 dwellings-7,000 4 dwellings-6,000 5 or more dwelling units in one development shall comply with the requirements set forth in §151.096 (D).
RS-3 if served by approved public water and sewer systems in addition to meeting the requirements set forth in §150.50.	60 feet	7,500	1 dwelling-7,500 2 dwellings-5,000 3 dwellings-4,000 4 dwellings-3,500

**Dwelling**

C-1A, C-1, MH For single-family and two-family dwellings, the specifications are the same as those of the nearest A-1, RS-1, RS-2 and RS-3 district as determined by measuring from the center of the parcel to be developed.

RS-P, C-P, I-P The Commission establishes minimum lot requirements at the time of the approval of the RS-P development plan.

(B) Lots established by a legally recorded plat or deed prior to the 7-11-62 which have less than the minimum area or width requirements established by this subchapter, may nevertheless be used for any use permitted within the district in which the lot is located. In addition, lots established by a recorded plat or deed subsequent to §150.50 and which met the requirements of that Section, but as a result of amendments thereto can no longer meet the minimum area or width requirements, may nevertheless be used for any use permitted within the district in which the lot is located.

(C) In areas unserved by public or other approved community water or sewage facilities, the minimum lot areas required by these regulations shall be increased to include any additional area deemed necessary by the State or County Boards of Health to insure safe water supply or adequate sewage disposal.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.127 NUMBER OF DWELLINGS ON A LOT**

Every dwelling hereinafter erected shall be located on a lot as herein defined, and there shall be not more than one main building on one lot. Exceptions to the aforementioned requirement include the following:

(A) Multiple-family dwellings in an RS-3 or RS-P District.

(B) One mobile home on a parcel of land together with a conventional dwelling unit, provided that the mobile home is permitted by the zoning classification or by special exception and all other requirements of this Chapter are met.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.128 FRONT YARDS**

Except as hereinafter provided, no building or structure shall be erected unless the building or structure conforms, and no building or structure shall be altered, enlarged, or reconstructed unless the alteration, enlargement, or reconstruction conforms with the yard regulations of the district in which it is located, as provided in §§151.130 through 151.134.

Each lot shall have a front yard with a minimum depth measured from, and parallel to, the front right-of-way line, existing or proposed, whichever is greater, as established in the master plan.

(A) The minimum front yard depth shall be as follows.

<u>District</u>	<u>Depth in Feet</u>
A-1 if served by individual well from the proposed facility.	75-foot minimum front yard depth shall be required and septic system or one community existing right-of-way of all streets and highways designated as arterial or collector on the master plan, as well as those roads which follow section and half-section lines. A 40-foot minimum front yard shall be permitted on all other streets and Commission-approved easements.
A-1 if served by public or other approved community sewer water system, RS-1, RS-2, RS-3, and MH.	Equal to one-half the width of the street right-of-way as defined above. Provided, that the required of depth of these front yards shall not be less than 30 feet and need not be more than 60 feet.
RS-1 and RS-2 if recreation space is provided according to §151.50.	30 foot minimum front yard depth unless the front yard adjoins the circular portion of a cul-de-sac street in which case a 25-foot front yard depth is permitted.
C-1A, C-1, C-4, I-1, I-2 for residential uses.	35 feet
C-1, C-1A, I-1, I-2 other than residential uses.	25 feet
C-2, I-3.	75 feet

(B) At each end of a through lot there shall be a front yard that conforms to the front yard requirements of this Section. One such front yard may serve as a required rear yard to permit accessory structures.

(C) Where a lot is situated between two lots, each of which has an existing main building thereon, the front yards of which are less than the minimum required front yards established herein, the front yard requirement of the lot shall be the average of the front yards of the existing buildings.

(D) Where a lot abuts only one lot having an existing main building thereon, the front yard of which is less than the minimum required front yard established herein, the front yard requirement of the lot shall be the average of the front yard of the existing building and the required front yard.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.129 SIDE YARDS**

(A) There shall be two side yards for each lot, the minimum width of each of which and the aggregate width of both of which shall be as follows:

<u>District</u>	<u>Minimum Width of One Side Yard</u>	<u>Aggregate Width of Both Yards</u>
A-1 if served by individual septic system and well or one public facility	15 feet	35 feet
A-1 if served by public or other approved community sewer and water system, RS-1, RS-2, and RS-3 (without community recreation space), MH, the C-1, C-1A, C-4, I-1, I-2, when used for residential purposes on the first floor.	10% of the lot width or 15 feet whichever is less.	25% of the lot width or 35 feet whichever is less.
RS-1 and RS-2 if recreation space is provided according to §150.50.	7 feet	14 feet
C-1, C-1A, C-2, C-4, C-5, I-1, I-2, I-3, when the yard abuts an A, RS, or MH district.	25 feet or 10% of the lot width whichever is less.	Twice the "one side yard" requirements where applicable.
C-1, C-1A, C-2, C-4, I-1, I-2, I-3, when the yard does not abut an A, RS, or MH district.	No requirement.	No requirement.

(B) For the purpose of side yard regulations, dwellings with common party walls shall be considered as one building occupying one lot.

(C) In the case of a corner lot, the side yard width to the side street line shall be equal to at least one-half of the front yard depth requirement for the district in which the lot is located. In no case shall the side yard width to the side street line be less than 20 feet.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

### **§151.130 REAR YARDS**

(A) There shall be a rear yard for each lot as indicated below, and the minimum depth of the yard shall be as follows:

<u>District</u>	<u>Rear Yard Requirement</u>
For residential use in all districts except RS-P, without community recreation space.	25% of lot depth or 25 feet whichever is less.
RS-1 and RS-2 if recreation space is provided according to §150.50.	25% of the lot depth or 25 feet whichever is less unless there is abutting common recreation space which, in the Plan Commission's opinion, is significant - then a 15-foot rear yard depth is permitted.
C-1, C-1A, C-2, C-4, I-1, I-2, I-3 when abutting an A, RS, or MH district, otherwise none required.	20% of lot depth, or 25 feet, whichever is less.

(B) An accessory building, not exceeding 20 feet in height, may occupy not more than 30% of the required rear yard area, provided that no accessory building shall be closer than three feet to the side or rear property line of the required rear yard.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

### **§151.131 MULTIPLE-FAMILY HOUSING DEVELOPMENTS**

The Plan Commission shall review the location of all structures within the development to assure that adequate light, air, and ease of entry is available for all structures.

(A) The Commission shall be governed by the following minimum requirements for buildings of two stories or less:

(1) Minimum distance from front or rear of building to front or rear of adjacent buildings shall be 45 feet.



(2) Minimum distance from side of building to front or rear of adjacent building shall be 35 feet.

(3) Minimum distance from side of building to side of adjacent building shall be 25 feet.

(B) All multiple-family structures within and adjacent to the boundary lines of an RS-3 Multiple-Family Residential District, or less restrictive districts, or adjacent to either an A or RS-1 District, shall meet the minimum requirements of §§151.130 through 151.132 for those sides abutting the boundary, except that the maximum required side yard shall be 25 feet.

(C) All multiple-family structures adjacent to a lot line abutting an RS-3, MH, C or I District shall conform with the following minimum side yard requirements: ten percent of the proposed or actual lot width, 15 foot maximum.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.132 SWIMMING POOLS**

A pool wall shall not be located any closer than six feet from a side or rear property line. Under no circumstances shall a private swimming pool be located in the required front yard.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.133 EXCEPTIONS**

(A) No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Chapter, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space or any lot be considered as providing a yard or open space for another lot whereon a building is to be erected.

(B) (1) Nothing contained in this Chapter shall prohibit the construction or maintenance of a fence of any height in connection with any permitted agricultural use.

(2) Fences, walls, and hedges may be permitted in any yard, or along the edge of any yard. The height of fences, walls, and hedges shall not exceed eight feet in any side or rear yard. In all industrial districts a fence may be permitted up to eight feet in height along the side or front of a front yard providing it does not constitute an obstruction for motor vehicles. In all districts, except in industrial districts, no fence, wall, or hedge along the side or front of any front yard, or in front of the side building line of a corner lot shall be over 2-1/2 feet in height. However, fences that do not create a visual or physical

barrier (split-rail fence) and whose purpose cannot serve any physical function other than for decoration or aesthetic appeal, may be constructed up to 3-1/2 feet in height within the front and side yards of a front yard. Fences within planned unit development (RS-P) zoning districts may be exempted from the above requirements by the Plan Commission as part of development plan approval.

(3) Trees, shrubs, flowers, or plants shall be permitted in any front, side, or rear yard, provided it does not violate the corner setbacks as set forth in (C) below.

(4) Walls, driveways, curbs, retaining walls, mailboxes, name plates, lamp posts, bird baths, and structures of a like nature, shall be permitted in any front, side, or rear yard.

(5) Private swimming pools shall be completely surrounded by a fence of not less than four feet. Above-ground swimming pools need not be fenced if their side walls are at least four feet in height, or when a fence is secured on top of the side pool walls to a minimum of four feet in height as measured from ground level. All swimming pool fences or walls shall be constructed as to have no openings larger than four inches in dimension, except for doors and gates. All doors and gates shall be self-latching and self-closing.

(C) No fence, wall, hedge, planting, or other obstruction to vision in excess of 2-1/2 feet shall be erected or maintained on that part of the corner lot that is included between the lines of intersection street rights-of-way and a line intersecting them at points of 25 feet distance from the intersection of the street lines.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

#### **§151.134 OTHER PROJECTIONS**

(A) A cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay window or other vertical projection which shall be a part of the main building) may extend or project into a required side yard not more than two inches for each one foot of width of the side yard and may extend or project into a required front or rear yard not more than 30 inches.

Chimneys or fireplaces may project into a required front, side, or rear yard not more than two feet, provided the width of the side yard is not reduced to less than three feet.

(B) A fire escape may extend or project into any front, side, or rear yard not more than four feet.

(C) An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than four feet, and the balcony may extend into a required front yard not more than 30 inches.

(D) An unenclosed platform or landing which does not extend or project into any required front, side, or rear yard not more than six feet, provided that the width of a side yard is not reduced to less than three feet. An overhang, canopy, or portico may be placed over the open porch, but it shall not be enclosed.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

**§151.135 MINIMUM RESIDENTIAL BUILDING SIZE**

No building or structure shall be erected, enlarged, or reconstructed for residential purposes having a ground floor area, exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum established for the district wherein the building or structure is located, as follows:

<u>Story</u>	<u>District</u>	<u>Ground Floor Area of Building (Square Feet)</u>	
		<u>One Story</u>	<u>More Than One</u>
	A-1, RS-1, RS-2, MH, RS-3, RS-P, one dwelling unit.	672	480
	Two dwelling units (when applicable).	960	480
	Three or more units (when applicable).	480/unit	480/unit
	C-1, C-1A, C-4, I-1, I-2, I-3.	Same requirement as RS-3 District.	

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80]*

## **SIGNS**

### **§151.145      PURPOSE**

The purpose of this subchapter is to promote the public health, safety, and welfare by regulating existing and proposed signs. It is intended to protect property values and reduce potential hazards while creating a positive economic and business environment. It recognizes the need for sufficient identification, advertising, and communication within the community that is structurally sound, well maintained, and attractive in appearance. To accomplish this purpose, the subchapter is intended to regulate the area, location, height, and other related aspects of signs and sign structures while also:

(A) Preserving the character of residential neighborhoods;

(B) Offering suitable conditions for identifying businesses and services provided in commercial, institutional, and industrial areas;

(C) Reducing traffic hazards by restricting signs and lights which obstruct the view of an approaching road intersection, railroad, school playground or park, pedestrian crosswalk, or any other situation which may endanger the health and welfare of any pedestrian or occupant of any vehicle.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. Z-06-05, passed 7-11-06]*

### **§151.146      SIGNS PROHIBITED**

The following signs shall be prohibited:

(A) Commercial signs when located upon vacant lots or parcels or when displaying information not related to the conduct of a business or other enterprise located on the same premises as said sign, except as such signs are permitted by state or federal regulations or unless otherwise permitted by this ordinance.

(B) Signs which move or give the appearance of movement. This category includes, but is not limited to, signs which flutter, swing, undulate, rotate, oscillate or otherwise move by natural or artificial means, and signs containing moving or scrolling text, or flashing or running lights giving the illusion of movement. Devices that display stationary digital text shall not be included in this category.

(C) Roof signs, except as hereafter authorized.

(D) Signs placed on parked vehicles, boats or trailers where the apparent purpose is to advertise a product or to direct the public to a business or activity located on or off the same premises. Motor vehicles engaged in the cartage of goods or the transport of passengers are exempt from this restriction.

(E) Signs which imitate traffic signs, including but not limited to, signs which incorporate the words STOP, DANGER, WARNING, CAUTION, or GO SLOW, unless such language is part of a name of a business. (Signs which are accessory to a parking lot shall not be deemed to fall within this prohibition).

(F) Portable or wheeled signs converted to a sign permanent in nature.

(G) Inflatable images such as balloons, except as specifically authorized in Section 151.150 below.

(H) Miscellaneous advertising devices, other than signs that conform to the provisions of this Section, shall not be allowed.

(I) Obsolete signs; any sign that contains inaccurate or outdated information.

(J) Pennants, streamer, portable signs, and festoon lights, except as specifically authorized in Section 151.150 below.

(K) Signs hung across any street or alley or within a public right-of-way, except as hereafter authorized.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. Z-06-05, passed 7-11-06]*

#### **§151.147 SIGN PERMITS**

No sign, except as provided in Section 151.148 below, shall hereafter be erected, constructed, altered, or relocated without first obtaining a permit from the City of New Haven Zoning Administrator. Applications for a sign permit shall be filed with the Zoning Administrator in accordance with the requirements of this Ordinance.

(A) Improvement Location Permit Applications. All applications shall contain the following information.

- (1) Name, address and telephone number of the applicant and person, firm, corporation or association erecting, constructing, altering or relocating the sign.
- (2) Location of the building, structure or parcel of property to which, or upon which, the sign is to be attached or erected.

- (3) Position of sign in relation to nearby building, structures and street grade.
- (4) Two (2) copies of plans and specifications showing the method of construction.
- (5) Sketch showing sign faces, exposed surfaces and proposed message thereof accurately represented in scale as to size, proportion and color.
- (6) Written consent of the owners of the building, structure or land on or to which the sign is to be erected.
- (7) Such other information as the Zoning Administrator may require demonstrating full compliance with this and all other laws and ordinances of the City.

(B) Issuance of the Permit. Upon receipt of a fully complete sign permit application, the Zoning Administrator shall examine the application and all material attached thereto to determine its compliance with this Section, as well as, any other applicable City title, Ordinance, or law. The Zoning Administrator shall take formal action on the application as specified according to policy.

(C) Validity of the Permit. If work authorized under a sign permit has not commenced within sixty (60) days of issuance or work has not been completed within six (6) months of the date of issuance, the sign permit shall then become void.

(D) Appeals. An appeal from the decision of the Zoning Administrator shall be taken to the New Haven Board of Zoning Appeals.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. Z-06-05, passed 7-11-06]*

## **§151.148 EXEMPTIONS**

(A) Exempt Signs. The following signs shall be exempt from the permit requirements set forth in Section 151.147 above; provided however, they must meet the remaining requirements of this Section, as well as any limitation set forth elsewhere in this Ordinance.

(1) Public Service Signs. Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way.

(2) Address Signs. Address numbers not exceeding two (2) square feet in area.

(3) Governmental. Signs and public notices erected or required by Governmental bodies, or authorized for a public purpose by any law, statute, or Ordinance, including official traffic signs authorized by the City of New Haven.

similar (4) Public Information Signs. Signs identifying the telephone, restrooms, and facilities, providing no advertising matter accompanies the sign.

(5) Temporary Window Signs. In all commercial districts, two (2) temporary signs per window with the total sign area for both signs not to exceed forty (40) percent of the window surface area, provided no single sign shall remain longer than fourteen (14) days. A series of windows that are separated by frames and supporting material of less than six (6) inches in width shall be considered as a single window for the purposes of area computation.

(6) Memorial Plaques. Memorial plaques and cornerstones when permanently affixed to a building or premises.

(7) Bulletin Boards. Notice and bulletin boards for public, charitable, religious, or similar type institution when not exceeding sixteen (16) square feet and located on the same premises as the institution. Such signs shall not be visible from the public right-of-way.

(8) Historical Identification Signs. Signs for property designated by the Federal, State, or local governments as a historical location, site, or landmark, provided such sign does not exceed twelve (12) square feet.

(9) Miscellaneous Information Matter. Matter appearing on newspaper vending boxes, automatic teller machines, and other vending machines, or matter appearing on or adjacent to entry doors such as "Push", "Pull", "Open", and "Closed", or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.

(10) Private Traffic Direction Signs. Private traffic direction signs directing traffic movement on a premise or within a premise, not exceeding eight (8) square feet in area and four (4) feet in height for each sign.

provided, (11) Service Station Information Signs. Service station informational signs, however, such signs shall comply with the following regulations:

gasoline (a) Service station information signs shall be permanently mounted to pump islands or canopy supports;

pump-island. (b) A maximum of one (1) sign shall be permitted per gasoline No single sign shall exceed two (2) square feet in area and no sign shall exceed a height of twelve (12) feet;

(180) (c) A maximum of two (2) signs, positioned one hundred and eighty degrees apart from one another, shall be permitted per canopy support. No sign

shall exceed eight (8) square feet in area, nor shall a sign exceed a height of twelve (12) feet.

(12) Real Estate Signs. Real estate signs in the type and number listed below:

(a) Signs advertising the sale, lease, or rent of residential property:

[1] No sign shall exceed nine (9) square feet in area;

[2] No sign shall be erected more than six (6) feet above grade;

[3] Not more than one (1) sign per street frontage is displayed;

property;

[4] Every sign is located on the same premises as the subject and

execution

[5] Every sign is removed seven (7) days after the closing or of the lease.

provided:

(b) Signs advertising the sale, lease, or rent of unimproved property,

properties  
properties from

[1] No sign shall exceed sixteen (16) square feet in area for less than ten (10) acres; thirty-two (32) square feet in area for eleven (11) acres and above;

[2] Not more than one (1) sign per street frontage is displayed;

property;

[3] Every sign is located on the same premises as the subject and

execution

[4] Every sign is removed seven (7) days after the closing or of the lease.

provided:

(c) Signs advertising the sale, lease, or rent of nonresidential property,

[1] No sign shall exceed the following size limitations:

<b>Property Size</b>	<b>Maximum size of sign</b>
Less than 10 acres	16 sq. ft.
10 - 19.99 acres	32 sq. ft.
20 - 39.99 acres	48 sq. ft.



40 acres or greater	64 sq. ft.
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[2] Not more than one (1) sign per street frontage is displayed, except in cases of properties forty (40) acres and above which may have two (2);

[3] Every sign is located on the same premises as the subject property; and

[4] Every sign is removed seven (7) days after the closing or execution of the lease.

(d) Signs identifying a real estate **OPEN HOUSE**, provided:

[1] No sign shall exceed nine (9) square feet in area,

[2] Not more than four (4) signs per property shall be displayed. The signs may be located at any intersection within one (1) square mile of the subject property, but only one (1) sign per intersection per property shall be allowed.

[3] The signs shall be displayed only between the hours of 9:00 AM and 6:00 PM.

(13) Construction Signs. Not more than two (2) construction signs each with a sign surface area not to exceed thirty two (32) square feet per sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction and announcing the character of the building enterprise or the purpose for which the building is intended, but not including the advertisement of any product. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit. Such signs shall not exceed ten (10) feet in height.

(14) Temporary Signs. Temporary signs as noted in Section 151.150 below.

(15) No Trespassing Signs. No trespassing signs, warning signs (e.g., “Beware of Dog”) and other such signs regulating the use of property when such signs do not exceed two (2) square feet in area.

(16) Political Signs. Political signs are permitted, however, such signs shall comply with the following regulations:

(a) Political signs shall not be posted more than forty-five (45) days prior to the election or referendum to which they pertain and shall be removed within forty-eight (48) hours after close of the polls for the election or referendum to which they pertain;

(b) No sign shall be placed in the public right-of-way, on utility poles, on municipally owned property, unless permitted by the New Haven Board of Public Works, or in any other area prohibited by this Ordinance; and

(c) No sign shall exceed thirty-two (32) square feet in area.

(17) Home Occupation Signs. One (1) sign may be allowed per dwelling unit. Signs shall be limited to twelve (12) square feet in the A-1 district and two (2) square feet in RS and MH districts.

(B) Changing Sign Copy. For the purposes of this Section, the changing of the copy of a sign, bulletin board, display encasement, marquee or maintenance where no structural changes are made or changing of interchangeable letters on signs designed for use of interchangeable letters shall not require a permit.

*[Ord. 698, passed 7-11-62; Ord. G-38-80, passed 12-9-80; Ord. Z-06-05, passed 7-11-06]*

## **§151.149 GENERAL SIGN STANDARDS**

### **(A) General Limitations on Sign Location**

(1) All signs requiring a permit shall be located on the premises they serve.

However, a maximum of two (2) directional signs not exceeding two (2) square feet each may be allowed for non-residential properties which do not have frontage on an arterial or collector street. The New Haven Board of Public Works must approve all permanent directional signs.

(2) No sign shall be erected or maintained at the intersection of any streets in such a manner as to obstruct the free and clear vision of a driver of a vehicle or a pedestrian. No part of any sign or sign structure including supports, shall be located within a clear vision area except directional signs which must be less than three (3) feet in height. A sign may project or extend into a clear vision area only if the sign's lowest edge is greater than eight (8) feet above ground level or if the sign is less than three (3) feet in total height. Clear vision area is described as:

(a) An area formed by the intersection of the right-of-way lines of two (2) public roadways and a line connecting points measured twenty-five (25) feet from the intersection of these right-of-way lines; and

(b) A strip five (5) feet wide adjacent and parallel to all proposed or existing public right-of-way lines, whichever is greater.

(3) No sign shall be erected or maintained so as to prevent the free ingress or egress from any door, window, or fire escape, and no signs shall be attached to a standpipe or fire escape.

(4) No sign shall be allowed or maintained if the sign shall, in any way, violate existing state or federal regulations governing such signs. Signs controlled by these provisions shall be in compliance therewith.

(5) No person shall place, paste, print, or affix, in any manner, a handbill, sign, poster, advertisement or notice of any kind in any public right-of-way on any trees, light standards, telephone poles or other supporting structure.

(6) Signs shall be permitted on awnings, canopies and marquees. However, such signs shall not exceed a height of twenty (20) feet above the average surrounding grade. The area of such signs shall be counted against the maximum sign surface area permitted by this Section.

(7) All freestanding or mobile signs shall be separated by a minimum of thirty (30) feet and shall be located no closer than fifteen (15) feet to a side property line.

(B) Illumination.

(1) Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be located, shielded and directed so as to not pose a traffic hazard. No sign shall be erected or maintained at any location where, by reason of its illumination, it may obstruct, impair, obscure, or interfere with the view of any traffic-control device.

(2) Level of Illumination. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of direct light upon adjacent property or streets.

(C) Sign Area Computation.

The following principals shall control the computation of sign area.

(1) Computation of Area of Individual Signs. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing unless such framework or bracing is made part of the message or face of the sign.

(2) Computation of Area of Multiple-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

(D) Construction and Design Standards. All signs shall meet the construction and design standards set forth for signs in the Allen County Building Code.

(E) Maintenance. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts and transformers shall be kept in good state of repair and in safe condition. The Zoning Administrator may order the removal of any sign, which becomes a public hazard due to lack of maintenance or repair.

*[Ord. Z-06-05, passed 7-11-06]*