

MASTER PLAN REPORT

WABASH COUNTY, INDIANA  
and LaFontaine, Lagro and Roann, Indiana

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*PART I*

*ZONING ORDINANCE*

ZONING ORDINANCE

FOR THE

COUNTY OF WABASH, INDIANA, AND  
THE TOWNS OF LAFONTAINE, LAGRO AND ROANN, INDIANA

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING OF THE AREA WITHIN THE JURISDICTION OF THE WABASH COUNTY PLAN COMMISSION.

Be it ordained by the Board of County Commissioners of Wabash County, Indiana, and by the Board of Trustees of Lafontaine, Lagro, and Roann, Indiana, under authority of Chapter 174, Acts of 1947, and all acts amendatory thereto, General Assembly of the State of Indiana:

CHAPTER 1 • TERMINOLOGY

Section 1.1. Short Title

This ordinance may be cited as the "Wabash County Zoning Ordinance", "Lafontaine Zoning Ordinance", "Lagro Zoning Ordinance", or "Roann Zoning Ordinance", as may be applicable.

Section 1.2. Definitions

As used in this ordinance, the term:

"accessory building" means a subordinate building that is located on the same lot as a principal building and not used or designed for human occupancy;

"accessory use" means a subordinate use that relates to the same lot as a primary use and is a use other than human occupancy, except as specified in Section 3.2 (c);

"alley" means a right of way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property;

"block" means an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right of way or a waterway;

"board" means the Board of Zoning Appeals of the County of Wabash, Indiana, or the Town of LaFontaine, or Lagro, or Roann, Indiana, as may be applicable.

"boarding house" means a building, not available to transients, in which meals are regularly provided for compensation for at least 3 but not more than 30 persons;

*"building" means a roofed structure for the shelter, support, enclosure, or protection of persons, animals, or property (each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this ordinance);*

*"building area" means the horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than 2 feet;*

*"building line" means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line;*

*"business" refers to the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises;*

*"business district" refers to AB, LB, GB, and SC Districts;*

**"cemetery" includes any columbarium, aematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery;**

*"clinic" means an establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least 2 physicians or dentists are provided;*

*"Commission" means the Wabash County Plan Commission;*

*"corner lot" means a lot at the junction of and abutting two intersecting or intercepting streets;*

*"county" means Wabash County Indiana;*

*"detached building" means a building that has no structural connection with another building;*

*"dwelling" means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, or tourist home;*

*"dwelling unit" means a dwelling or part of a dwelling used by one family as a place of abode;*

*"family" means one or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, dub. nurses home, dormitory, or fraternity or sorority house;*

*"farm" means an area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry;*

*"feeder street" means a street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach secondary streets;*

*"front line", with respect to a building, means the foundation line that is nearest the front lot line;*

*"front lot line":*

- (1) for an interior or through lot, means the line marking the boundary between the lot and the abutting street; and*
- (2) for a corner lot, means the line marking the boundary between the lot and the shorter of the two abutting street segments;*

*except as deed restrictions specify otherwise;*

*"front yard" means a yard that is bounded by the front line of the principal buildings, by the adjacent street right-of-way, and by the segments of side lot lines that they intercept;*

*"general industrial use" means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, are performed in open area;*

*"ground floor area" means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze ways, terraces, garages and exterior stairways;*

*"height", with respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof;*

*"home occupation" means an occupation that is carried on entirely within a dwelling unit and only by members of the family that occupy that dwelling unit and in connection with which no goods are sold on the premises other than what is produced there, but it does not include a barber shop, a beauty parlor or an animal hospital.:*

*"interior lot" means a lot other than a corner lot or a through lot;*

*"junk yard" means a place, usually outdoors, where waste or discarded used properly other than organic matter is accumulated and is or may be salvaged for re-use or resale;*

*"kennel" means a place primarily for keeping 4 or more dogs, or other small animals, that are ordinarily kept as pets and are at least 4 months old;*

*"light industrial use" means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed;*

*"local street" means a street designed primarily to provide access to abutting properties;*

*"lodging house" means a building, not available to transients, in which lodgings are regularly provided for compensation for at least 3 but not more than 30 persons;*

*"Lot" means an area of land, exclusive of sheer areas but including adjacent areas that are used as one, at least 60 per cent of whose lot width abuts a street;*

*"lot coverage" means the percentage of the lot area that is represented by the building area;*

*"lot ground level";*

*(1) for a building having walls abutting (that is, generally parallel to and not more than 5 feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;*

*(2) for a building having walls abutting more than one street, means the average of the elevations of the sidewalk at the centers of all walls that face streets; and*

*(3) for a building having no wall abutting a street, means the average level of the ground adjacent to the exterior walls of the building;*

*"lot width" means the distance between the side lot lines as measured on the building line;*

*"mineral extraction" means (1) mining or quarrying, and (2) removal, of earth materials;*

*"mobile home" means a vehicle or other portable structure more than 30 feet in length that is designed to move on the highway and designed or used as a dwelling;*

*"mobile home park" means an area of land on which 2 or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation;*

*"nonconforming use" means a use that exists at the time a provision of this ordinance is passed but does not comply with it,*

*"open use" means the use of a lot without a building, or a use for which a building with a floor area no larger than 5 per cent of the lot area is only incidental;*

*"person" includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit;*

*"plat" means a map or chart that shows a division of land and is intended to be filed for record;*

*"primary street" means a street designed for high volume traffic;*

*"principal building" means a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling);*

*"private garage" means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments,*

*"private school" means a school other than a public school,*

*"professional office" means an office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, and surgeons;*

*"public camp" means an area of land used or designed to be used to accommodate 2 or more camping parties, including cabins, tents, or other camping outfits, but not including a travel trailer park;*

*"public garage" means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility;*

*"public street" means a street established for or dedicated to the public use;*

*"rear lot line" for an interior or corner lot means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line 10 feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line;*

*"rear yard" means a yard that extends across the full width of a lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance between the rear lot line, and the rear of the principal building;*

*"residence district" refers to R 1, R2, R3 and LR Districts;*

*"secondary street" means a street designed to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries;*

*"side lot line" means a lot boundary line other than a front or rear lot line;*

*"side yard" means a yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building;*

*"sign" means a visual device or structure used for advertising display or publicity purposes;*

"special exception" means the *authorization* of a use that is designated as such by section 3.1 as being permitted in the district concerned if it meets special conditions and, upon application, is specifically authorized by the Board under section 3.3;

"street" means a right-of-way that is established by a recorded plat to provide the principal means of access to abutting property;

"structural change" means a substantial change in a supporting member of a building, such as a **bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof;**

"structure" means anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground;

"through lot" means a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

"tourist home" means a building in which not more than 5 guest rooms are used to provide or offer overnight accommodations to transient guests for compensation;

"town" means the Town of LaFontaine, Lagro, or Roann, Indiana, as may be applicable;

"trade or business school" means a secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, or drafting or for teaching industrial or technical arts;

"travel trailer" means a vehicle or other portable structure 30 feet or less in length that is designed to move on the highway and designed or used as a dwelling;

"travel trailer park" means an area of land on which 2 or more travel trailers are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in connection with providing that **accommodation;**

"variance" means a **special authorization, granted under section 3.4, to deviate from what the ordinance otherwise prescribes;**

"yard" means a space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this ordinance;

"zone map" means the ten maps entitled "Wabash County, Indiana, Zone LV1Dp, Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of 10" dated 1965; or LaFontaine, Indiana, Zone Map, dated 1965; or Lagro, Indiana, Zone LV1Dp, dated 1965; or Roann, Indiana, Zone Map, dated 1965; as may be applicable.

## CHAPTER 2. DISTRICTS

### Section 2. I. Kinds of Districts; Establishment

The county and towns are divided into the following kinds of districts;

- I) Agriculture Districts, designated "A", are established to include substantial areas where little or no urbanization has occurred or is likely to occur in the near future.
- 12) Flood Plain Districts, designated "FP", are established to include areas that are within the flood plain of rivers and creeks and thus subject to inundation.
- 13) Forest Recreation Districts, designated "FR", are established to include areas of extensive forest and recreation lands, primarily in State or Federal ownership.
- 14) Residence Districts, designated "R1", are established to include areas for low density single-family residences only.
- 15) Residence Districts, designated "R2", are established to include areas for medium density single and two-family residences.
- 16) Residence Districts, designated "R3", are established to include areas for relatively high density single, two-family and multiple-family residences.
- II) Lake Residence Districts, designated "LR", are established to include areas that adjoin extensive bodies of water in the county and are suitable for seasonal or permanent residences.
- IB) Accommodation Business Districts, designated "AB", are established to include areas that are close to state highways and/or recreation lakes and are appropriate to the limited shopping and service needs of those locations.
- 19) Local Business Districts, designated "LB", are established to include areas that are close to residential areas and appropriate to meeting their shopping and service needs.
- II0) General Business Districts, designated "GB", are established to include areas that are appropriate to all kinds of business and services,
- (11) Shopping Center Districts, designated "SC", are established to provide retail shopping facilities in areas where no clear pattern of business use now exists"
- 112) Industrial Districts, designated "I", are established to include most of the existing industrial facilities and areas best suited for future industrial use because of location, accessibility, and other conditions.

- (13) *Industrial Reserve Districts, designated "IR", are established to include areas that have some potential for industrial use but not sufficiently to be included in the I Districts,*

*Section 2.2. Boundaries; In General*

- (a) *The boundaries of the districts established by section 2.1 are as shown on the Zone Map, which is a part of this ordinance. Except as provided by sections 2.3 and 2.4, such boundaries may be changed only by amending this ordinance.*
- (b) *When the exact boundaries of a district are uncertain, they shall be determined by use of the scale of the Zone Map.*
- (c) *When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.*
- (d) *If the boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and part of the lot lies in another, a restriction that applies to the front part of the lot applies to the entire lot.*
- (e) *If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, that restriction which applies to the larger part of the lot applies to the entire lot.*

*Section 2.3. Boundaries; Shopping Center Districts*

*The boundaries of each SC District are as fixed by the Commission and posted by it on the Zone Map. Each such district must be at least 6 acres in area and some part of it must be within 1400 Feet of the location corresponding to the location of an SC symbol shown on the Zone Map. The location of such a symbol may be changed only by amending this ordinance.*

*Section 2.4. Boundary Flood Plain Districts*

*The boundary of an FP District may be changed, on application for an improvement location permit under section 6.1, if (1) the Flood Control and Water Resources Commission, after investigating the land involved, determines that the requested change would not endanger the public welfare, and (2) the change would not be detrimental to the occupants.*

**CHAPTER 3- AUTHORIZED USES**

*Section 3. 1. Primary Uses*

*Primary uses are authorized in the districts established by or under section 2. 1, as shown in the following table. Where the district designation is marked with an asterisk, the use is permitted in that district only if a special exception has been granted under section 3. 3. Where it is marked by a double asterisk, the use is permitted in that district only if it has been approved by the Commission as necessary to the convenience of employees and the effective operation of an industrial use.*

<i>PRIMARY USE</i>	<i>DISTRICTS IN WHICH PERMITTED</i>													
	<i>A</i>	<i>FP</i>	<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>SC</i>	<i>I</i>	<i>IR</i>	
<b><u>RESIDENTIAL USES</u></b>														
<i>Boarding or lodging house</i>	<i>A</i>		<i>FR</i>		<i>R2</i>	<i>R3</i>		<i>AB</i>	<i>LB</i>	<i>GB</i>				
<i>Dwelling, single-family</i>	<i>A</i>		<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>				<i>IR</i>
<i>Dwelling, two-family</i>	<i>A</i>		<i>FR</i>		<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>				<i>IR</i>
<i>Dwelling, multi-family</i>						<i>R3</i>		<i>AB</i>	<i>LB</i>	<i>GB</i>				
<i>Farm seasonal worker housing</i>	<i>A</i>		<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>		<i>I</i>	<i>IR</i>	
<i>Fraternity, sorority, or student cooperative</i>	<i>A</i>		<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>				
<i>Home for the aged</i>	<i>A</i>		<i>FR</i>			<i>R3</i>		<i>AB</i>	<i>LB</i>	<i>GB</i>				<i>IR</i>
<i>Nursing home</i>	<i>A</i>		<i>FR</i>			<i>R3</i>		<i>AB</i>	<i>LB</i>	<i>GB</i>				<i>IR</i>
<i>Planned residential development</i>	<i>A*</i>		<i>FR*</i>	<i>R1*</i>	<i>R2*</i>	<i>R3*</i>	<i>LR*</i>							<i>IR*</i>
<i>Private swimming pool</i>	<i>A*</i>		<i>FR*</i>	<i>R1*</i>	<i>R2*</i>	<i>R3*</i>	<i>LR*</i>	<i>AB*</i>	<i>LB*</i>	<i>GB*</i>				<i>IR*</i>
<b><u>AGRICULTURAL USES</u></b>														
<i>Artificial lake of 3 or more acres</i>	<i>A*</i>	<i>FP*</i>	<i>FR*</i>	<i>R1*</i>	<i>R2*</i>	<i>R3*</i>	<i>LR*</i>	<i>AB*</i>	<i>LB*</i>	<i>GB*</i>		<i>I*</i>	<i>IR*</i>	
<i>Commercial greenhouse</i>	<i>A*</i>		<i>FR</i>					<i>AB*</i>	<i>LB*</i>	<i>GB*</i>		<i>I</i>	<i>IR*</i>	
<i>Farm</i>	<i>A</i>	<i>FP</i>	<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>SC</i>	<i>I</i>	<i>IR</i>	
<i>Greenhouse (not exceeding 1,000 sq. ft.)</i>								<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>SC</i>	<i>I**</i>		
<i>Plant nursery</i>	<i>A</i>	<i>FP</i>	<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>SC</i>	<i>I</i>	<i>IR</i>	

PRIMARY USE	DISTRIGS IN WHICH PERMITTED												
	FP	FR	RI	R2	R3	LR	AB	LB	GB	SC	I	IR	
<b>INDUSTRIAL USES</b>													
Bottled gas storage and distribution	A*											I*	IR'
Industrial park	A*											I*	IR'
Industry, general												I*	IR*
Industry, light									GB*			I*	W
Junk yard	A'											I*	W
Liquid fertilizer storage and distribution (Commercial)	A*											I*	IR'
Manufacturing, storage, or use of explosives	A**											I**	IR
Mineral extraction, borrow pit, topsoil removal, and their storage areas	A*	FP*										I*	IR*
Petroleum tank farm (Commercial)												I*	IR*
Radio or television tower	A*	FR'										I*	IR*
Slaughterhouse	A*								GB*			I*	IR*
Truck freight terminal	A*								GB*			I*	IR'
<b>PUBLIC FACILITIES</b>													
Airport or heliport	A*	FR				LR*	AB*	LB*	GB*			I*	IR*
Church or temple	A	FR	Ri	R2	R3	LR	AB	LB	GB				IR
Kindergarten or day nursery	A*	FR*	Ri*	R2*	R3*	LR*	AB*	LB	GB				IR'
Municipal or government building	A	FR	Ri	R2	R3	LR	AB	LB	GB	SC	I		IR
Penal or correctional institution	IA*	FR*							GB*			I*	IR*
Police station or fire station	A*	FR	R1*	R2*	R3*	LR*	AB	LB	GB	SC	I		IR*
Public library or museum	A	FR	Ri	R2	R3	LR	AB	LB	GB				IR
Public park or recreational facility	A	FP	FR	Ri	R2	R3	LR	AB	LB	GB	SC	I	IR
Public or commercial sanitary fill, refuse dump, or garbage disposal plant	A*	FP	FR									I*	IR*
Public or commercial sewage disposal plant	A*	FP	FR	Ri*	R2'	R3*	LR*	AB*	LB*	GB*	SC*	I*	IR'
Public or employee parking area	A*	FR	Ri*	R2*	R3*	LR*	AB	LB	GB	SC	I		IR*
Railroad right-of-way and necessary uses	A*	FP	FR	Ri*	R2'	R3*	LR*	AB*	LB*	GB	SC*	I	IR*
School, public or parochial	A	FR	Ri	R2	R3	LR	AB	LB	GB				IR
Telephone exchange or public utility substation	A*	FP*	FR*	Ri*	R2*	R3*	LR*	AB*	LB'	GB'	SC*	I*	IR*
Trade or business school	A								LB	GB		I	IR
Transmission lines for gas, oil, electricity, or other utilities	A	FP	FR	Ri	R2	R3	LR	AB	LB	GB	SC	I	IR
University or college	A	FR	Ri	R2	R3	LR			LB	GB			IR

PRIMARY USE	DISTRICTS IN WHICH PERMITTED											
	A	FP	FR	RL	R2	R3	LR	AB	LB	GB	SC	IR
<b>BUSINESS USES; APPLIANCES</b>												
<i>Electric appliance service and safes</i>									LB	GB	SC	I**
<i>Radio-TV service and sales</i>									LB	GB	SC	I**
<i>Other similar uses</i>									LB	GB	SC	I**
<b>BUSINESS USES: AUTOMOBILE SERVICES</b>												
<i>Automobile sales room</i>									LB	GB	SC	I**
<i>Automobile or trailer sales area, open</i>									LB	GB	SC	I**
<i>Automobile repair (all indoors)</i>									LB	GB	SC	I**
<i>Filling or service station</i>								AB	LB	GB	SC	I**
<i>Public garage</i>									LB	GB	sc	I**
<i>Public parking area (commercial)</i>								AB	LB	GB	sc	I**
<i>Other similar uses</i>								AB	LB	GB	sc	I**
<b>BUSINESS USES: CLOTHING SERVICES</b>												
<i>Dressmaking shop</i>									LB	GB	SC	
<i>Drycleaning establishment</i>								AB	LB	GB	SC	
<i>Laundry agency</i>								AB	LB	GB	sc	
<i>Milinery shop</i>									LB	GB	SC	
<i>Self-service laundry</i>								AB	LB	GB	sc	
<i>Shoe repair shop</i>									LB	GB	sc	
<i>Tailor and pressing shop</i>									LB	GB	SC	
<i>Other similar uses</i>								AB	LB	GB	sc	
<b>BUSINESS USES: FOOD SALES AND SERVICES</b>												
<i>Bakery</i>									LB	GB	SC	
<i>Dairy</i>								AB	LB	GB	sc	
<i>Deli/caterer</i>								AB	LB	GB	sc	
<i>Grocery</i>								AB	LB	GB	sc	
<i>Locker, cold storage for individual use</i>									LB	GB	SC	
<i>Meat market</i>								AB	LB	GB	SC	
<i>Restaurant</i>								AB	LB	GB	SC	
<i>Roadside food sales stand</i>	A		FR						LB	GB	sc	
<i>Supermarket</i>									LB	GB	SC	
<i>Wholesale produce terminal</i>	A*									GB		I* IR*
<i>Other similar uses</i>									AB*	LB	GB	SC*

PRIMARY USE	DI5rRIGS IN WHICH PERMITTED											
	A	FP	FR	R1	R2	R3	LR	AB	LB	GB	SC	IR
<b>BUSINESS USES: GENERAL BUSINESS</b>												
Bank									LB	GB	SC	I**
Business or professional office									LB	GB	SC	I**
Postal station									LB	GB	SC	I**
Telegraph office									LB	GB	SC	I**
Other similar uses									LB	GB	SC	I**
<b>BUSINESS USES: PERSONAL SERVICES</b>												
Barber shop	A							AB	LB	GB	SC	
Beauty shop	A							AB	LB	GB	SC	
Reducing salon									LB	GB	SC	
Other similar uses									AB	LB	GB	SC
<b>BUSINESS USES, RECREATION</b>												
Artificial lake of 3 or more acres	A*	FP*	FR*	R1*	F2*	R3*	LR*	AB*	LB*	GB*		I* IR*
Bail sales	A	FP	FR					AB	LB	GB		
Billiard room <sup>3</sup>									LB	GB	SC	I**
Bowling alley <sup>3</sup>									LB	GB	SC	I**
Country club or golf course	A*	FP*	FR*	RJ*	R2*	R3*	LR*	AB*	LB*	GB*		I* IR*
Dancing academy <sup>3</sup>										GB	SC	
Lodge or private club	A									GB	SC	I** IR
Night club <sup>3</sup>										GB	SC	
Outdoor commercial recreational enterprise	A*	FP*	FR*					AB*	LB*	GB*	SC*	I* IR*
Private recreational development	A*	fp*	FR*	R1*	R2*	R3*	LR*	AB*	LB*	GB*		IR*
Public camp	A*		FR*									IR*
Riding stable	A*		FR*							GB*		I* IR*
Seasonal fishing or hunting lodge	A*	FP*	FR*									IR*
Stadium or coliseum	A*		FR*							GB		I* IR*
Tavern <sup>3</sup>										GB	SC	
Theatre, indoor <sup>3</sup>										GB	SC	
Theatre, outdoor	A*									GB*	SC*	I* IR*
Other business uses similar to those foot noted 3										LB*	GB*	SC*

PRIMARY USE	DJSfRJGS IN WHICH PERMITTED												
	A	FP	FR	R1	R2	R3	LR	AB	LB	GB	SC	I	IR
<b>BUSINESS USES: RETAIL SALES</b>													
Apparel shop									LB	GB	SC		
Department store									LB	GB	SC		
Drug store								AB	LB	GB	SC		
Flower shop 2									LB	GB	SC		
Gift shop								AB	LB	GB	SC		
Hardware store									LB	GB	SC		
Jewelry store									LB	GB	SC		
Newsdealer								AB	LB	GB	SC		
Record shop									LB	GB	SC		
Retail showroom									LB	GB	SC		
Stationer									LB	GB	SC		
Variety store									LB	GB	SC		
Other similar uses									LB	GB	SC		
<b>BUSINESS USES, MISCELLANEOUS</b>													
Advertising sign or billboard	A	FP	FR						AB	LB	GB	SC	I** IR
Boat sales, service, and storage			FR						AB	LB	GB	SC	I
Cemetery or crematory	A*		FR										IR*
Clinic	A*								LB	GB	SC		IR*
Commercial facility for breeding and raising non-Farm fowl and animals	A*									GB			IR*
farm equipment, sales and service	A								LB	GB	SC		IR
Home occupation	A*		FR*	R1*	R2*	R3*		AB	LB	GB			JR*
Home professional office	A*		FR	RJ	R2	R3	LR	AB	LB	GB			JR
Hospital	A*			R1*	R2*	R3*			LB	GB			IR*
Hotel or motel			FR						AB	LB	GB	SC	
Kennel	A									GB		I	
Mobile home park	A*			R2*	R3*	LR*			LB	GB			IR*
Mortuary	A								LB	GB			IR
Railway station or motor bus station									AB	LB	GB	SC	
Photographic studio									LB	GB	SC		
Retail business not otherwise covered										GB			
Sales barn for livestock resale	A*												I* IR'
Shopping center													SC*

PRIMARY USE	D/SfR/CTS IN WHICH PERMITTED											
	A	FP	FR	R1	R2	R3	LR	AB	LB	GB	SCI	IR
Tourist home	A*		FR*	R1*	R2*	R3*		AB	LB	GB		/R*
Travel trailer park	A*		FR*					AB*	LB*	GB*		IR*
Veterinary hospital For small animcils	A									GB	!	!R
Warehouse (Grain Elevator)	A*									GB	I	IR*
Wholesale business										GB	I**	

*Footnotes*

*Only if it contains not more than 2 clothes-cleaning units, neither of which has a rated capacity of more than 40 pounds, and only if it uses non-explosive and non-flammable cleaning Fluid.*

- 2 *Including greenhouse not larger than 1000 square Feet in area.*
- 3 *Only if conducted in noise-proof building,*

Section 3.2. *Accessory Uses*

(a) *Accessory uses such as the following are authorized in all districts:*

- Bird baths and bird houses*
- Buildings (such as private garages, studios and tool sheds)*
- Curbs*
- Driveways*
- Fences and hedges*
- Lamp posts*
- Mail boxes*
- Name plates*
- Parking spaces*
- Public utility installations for local service (such as poles, lines, hydrants, and telephone booths)*
- Retaining walls*
- Trees, shrubs, plants, and Flowers*
- Walks*

(b) *For any primary use for which a special exception is prescribed by section 3.1, an outdoor sign that advertises that use is authorized as an accessory use, if the sign is located on the same property as the use and the sign is approved by the Commission.*

(c) In the A, R1, R2 and LR districts, a mobile home or travel trailer is permitted as an accessory use without regard to the other provisions of this ordinance except as specified in this subsection, and providing that the following conditions are met:

- (1) Such mobile home or travel trailer shall be permitted only on an existing farm property having an existing permanent dwelling unit;
- (2) Such mobile home or travel trailer shall be occupied by a member of the immediate family (father, mother, son or daughter) resident in the permanent dwelling unit, or by an employee of the resident in the permanent dwelling unit;
- (3) The lot area assigned to the mobile home or travel trailer and the setback and yards prescribed by this ordinance for the District in which it is to be located will be observed;
- (4) All requirements of this and other ordinances of the county with respect to water supply and sanitary waste disposal will be met and a letter from the County Sanitarian so stating accompanies the application for an improvement location permit for this accessory use.

### Section 3.3. Special Exceptions

(a) The Board may grant a special exception for a use in a district, if after a hearing under section 7.2 it finds that

- (1) section 3.1 authorizes a special exception for that use in that district;
- (2) the requirements for special exceptions prescribed by this ordinance including, but not limited to, Section 4.5 (minimum lot size), 4.9 (setbacks), 4.10 (buffering), 4.11 (buffering), 4.12 (buffering), 4.13 (entrances), 4.14b (loading), 5.1 through 5.5 (planned developments) will be met; and
- (3) granting the exception will not subvert the general purposes served by this ordinance and will not materially and permanently injure other property or uses in the same district and vicinity.

(b) The granting of a special exception under subsection (a) is unnecessary for a use authorized by section 3.1, if the use exists on the date this ordinance is passed. However, this subsection does not extend to the expansion of such a use, if it involves the enlargement of a building, structure, or land area.

(c) To be eligible for the granting of a special exception under this section, a person must apply for an improvement location permit under section 6.1. The Building Commissioner shall send each such application to the Commission, which shall determine how the granting of the special exception would affect the Master Plan, Within 30 days after

*the date on which it receives the application, the Commission shall report its determination to the Board, for action by it as authorized by subsection (a). If the Commission does not report within that period, the Board may act under subsection (a) without such a report. If the Board grants the special exception, it shall direct the Building Commissioner to issue the improvement location permit for the special exception,*

#### *Section 3.4. Variances*

*The Board may grant a variance with respect to specific property or an intended use if, after a hearing under section 7.2, it finds that,*

- (1) there are special circumstances relating to the property or intended use that do not generally affect other property or other uses of the same kind in the same district and vicinity.*
- (2) the special circumstances create hardship in that, if the variance is not granted, a substantial property right that is enjoyed by other properties in that district and vicinity cannot be enjoyed.*
- (3) the granting of the variance will not be materially detrimental to the public welfare or materially injurious to other property or uses in that district and vicinity; and*
- (4) the granting of the variance will not materially change the character of that district and vicinity, materially lower the market value of adjacent property, or materially increase congestion in the streets.*

#### *Section 3.5. Nonconforming uses*

*The lawful use of a building or premises, existing at the time of passage of the ordinance, may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.*

- (a) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.*
- (b) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a **nonconforming use of a less restricted one**"*
- (c) No building shall be erected upon any premise devoted to a nonconforming use, except in conformance with regulations of this ordinance.*

- (d) *The Board may authorize, by written permit, in a residentially-zoned district For a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.*
- (e) *Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire building shall be completed according to such plans filed within three (3) years from the date of passage of this ordinance.*
- (f) *In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.*
- (g) *Any nonconforming open use of land shall be discontinued within five (5) years from the date of passage of this ordinance.*
- (h) *These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.*
- (i) *When a building containing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to more than one and one half times its current assessed value, it shall not be restored except in conformity with the regulations of the District in which located.*

CHAPTER 4- USE REQUIREMENTS

Section 4. 1, Height of Structures

- (a) Except as otherwise provided by this section, no structure may be erected or changed so as to make its height greater than 25 Feet if it is in an R1, R2, R3 or LR District, 35 feet if it is an A, FR, AB, LB, GB, SC or IR District, or 15 Feet if it is an I District.
- (b) A clinic that is authorized as a special exception under section 3.3 may be erected or changed to a height not greater than 45 feet or the height prescribed for the district by subsection (a), whichever is the greater. A hospital that is authorized as a special exception under section 3.3 may be erected or changed to a height not greater than 70 feet or the height prescribed for the district by subsection (a), whichever is the greater,
- (c) In a GB District, a light industrial structure may be erected or changed to a height not greater than 75 feet. In an I or IR District, an industrial structure may be erected or changed to any height,
- IdJ An agricultural structure may be erected or changed to any height necessary for its operation.
- (e) The following structures may be erected or changed to a height not greater than 35 feet in an R1, R2, R3 or LR District, or 15 feet in an IR District:

Boarding or lodging house

Church or temple (including bulletin board)

College or university

**Fraternity, sorority, or student cooperative**

Home professional office

Housing for tenant or seasonal workers engaged in agricultural operations

Lodge or private club

Mortuary

Municipal or government building

Nursing home or home for the aged

Outdoor advertising sign

Plant nursery

Public library or museum

Public park or recreation Facility

School

Trade or business school

- (f) In an R3 District, a multi-family structure may be erected or changed to a height not greater than 25 feet. However, up to a maximum of 35 feet, its height may exceed 25 feet by 1 foot for each foot that the side yards exceed those prescribed by this ordinance.

(g) *The height of a business structure may exceed the height otherwise prescribed For it by this ordinance by 2 Feet For each Foot that the Front and rear setbacks exceed the setbacks prescribed by this ordinance.*

(h) *Spires, church steeples, chimneys, cooling towers, elevator bulkheads, Fire towers, scenery lofts, penthouses, stacks, tanks, water towers, transmission towers, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited.*

**Section 4.2. Maximum Lot Coverage: Residential Uses**

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

<i>District</i>	<i>A</i>	<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>IR</i>
<i>Percentage of Coverage</i>	<i>20</i>	<i>20</i>	<i>30</i>	<i>30</i>	<i>35</i>	<i>30</i>	<i>35</i>	<i>35</i>	<i>35</i>	<i>30</i>

**Section 4.3. Minimum Floor Area: Residential Uses**

*No dwelling may be erected or changed so that its ground Floor area, in square Feet, is less than that prescribed by the following table:*

*Ground Floor Area in Square Feet, Per Dwelling Unit*

<i>Kind of Dwelling</i>	<i>A</i>	<i>FR</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>LR</i>	<i>AB</i>	<i>LB</i>	<i>GB</i>	<i>IR</i>
<i>(A) One-Story Dwellings</i>										
<i>(1) Single-Family</i>	720	720	960	960	720	840	960	960	960	960
<i>(2) Two-Family</i>	720	720		960	720	840	960	960	960	960
<i>(3) Multi-Family</i>	<i>(Same as two-Family plus 400 sq. Ft. per dwelling unit.)</i>									
<i>(B) More than One-Story Dwellings</i>										
<i>(1) Single-Family</i>	672	672	720	720	672	672	720	720	720	720
<i>(2) Two-Family</i>	672	672		720	672	672	720	720	720	720
<i>(3) Multi-Family</i>	<i>(Same as two-Family plus 400 sq. ft. per dwelling unit.)</i>									

**Section 4.4. Minimum Lot Size: Residential Uses**

(a) *A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed For it by the following table:*

Kind of Dwelling	LOT AREA SQUARE FEET PER DWELLING UNIT									
	District									
	<u>A</u>	<u>FR</u>	<u>R1</u>	<u>R2</u>	<u>RJ</u>	<u>LR</u>	<u>AB</u>	<u>LB</u>	<u>GB</u>	<u>IR</u>
Single-Family with Community Sewage Disposal System	15,000*	15,000*	10,000	10,000	6,000	8,000	7,200	7,200	7,200	10,000
Single-Family with Disposal System	10,000	10,000	18,000*	16,000*	10,000	18,000*	18,000*	18,000*	18,000*	16,000*
Individual Sewage										
Two-Family with Community Sewage Disposal System	10,000	10,000	---	8,000	17,000	6,000	5,000	5,000	5,000	8,000
Two-Family with Individual Sewage Disposal System	10,000	10,000	---	11,000*	8,000	11,000*	11,000*	11,000*	11,000*	11,000*
Multi-Family with Community Sewage Disposal System	---	---	---	---	11,000**	---	11,000**	11,000**	11,000**	---
Multi-Family with Individual Sewage Disposal System	---	---	---	---	8,000	---	11,000*	11,000*	14,000*	---

\* Lots of record or individually held prior to the passage of this ordinance may be smaller in area than the figure prescribed; provided however, that such lot may not be smaller in area than 10,000 square feet per dwelling unit.

\*\* This figure applies for the first three dwelling units -- add 1500 for each additional unit

(b) A lot on which a dwelling is erected or changed may not be smaller in width, in linear feet, than that prescribed for it by the following table:

<u>Kind of Dwelling</u>	District									
	A	FR	R1	R2	R3	LR	AB	LB	GB	JR
Single-Family	150	150	80	70	50	70	60	60	60	80
Two-Family	150	150		80	60	80	80	80	80	80
Multi-Family					80		90	90	90	

(c) If a subdivision designed for single-family dwellings contains at least the acreage shown below, 20 per cent of the lots in the subdivision may be 20 per cent smaller than the minimum lot size otherwise prescribed by subsection (a):

District	A	FR	R1	R2	R3	LR	AB	LB	GB	JR
Acres	15	15	10	10	5	10	5	5	5	5

#### Section 4.5. Minimum Lot Size: Uses Requiring Special Exceptions

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

<u>Use</u>	<u>Minimum Lot Area</u>
Airport	80 acres
Cemetery or crematory	20 acres
Clinic	15,000 sq. ft.
Commercial facility for raising and breeding non-farm fowl and animals	1 acre
Commercial greenhouse	25,000 sq. ft.
Heliport	1 acre
<b>Home occupation</b>	•
Hospital	5 acres
Industrial park	15 acres
Junk yard	10 acres
Kindergarten or day nursery	110 sq. ft. per child
Mobile home park or trailer park	5 acres (2500 sq. ft. per unit)
Penal or correctional institution	320 acres
Police station or fire station	20,000 sq. ft.
Public camp	5 acres
Public or commercial garbage disposal plant	5 acres
Public or commercial sanitary fill or refuse dump	10 acres
Public or employee parking lot	1,500sq. ft.

<i>Riding stable</i>	20,000 sq. ft. plus 5,000 sq. ft. for every horse aver four
<i>Seasonal fishing or hunting lodge</i>	
<i>Shopping center</i>	6 acres
<i>Slaughterhouse</i>	5 acres
<i>Stadium or coliseum</i>	5 acres
<i>Tourist home</i>	•
<i>Warehouse (grain elevator)</i>	3 acres
<i>Wholesale produce terminal</i>	15 acres

*\*The requirements of the district in which the use is located apply to the use.*

#### *Section 4.6. Standard Setbacks*

- (a) The minimum depth of front yard for a lot abutting a primary or secondary street is 50 feet. The minimum depth of front yard for a lot abutting a feeder street is 35 feet. The minimum depth of front yard for a lot abutting a local street is 25 feet. However, if in a residence or business district 25 per cent of the lots in a block are occupied by buildings, the minimum depth of front yard for the block is the average setback of those buildings. A through lot has a front yard on each abutting street.*
- (b) The minimum depth of rear yard for a residential use is 15 feet in an AB, LB, or GB District and 25 feet in any other district in which the use is permitted. The minimum depth of rear yard for a business or industrial use is 15 feet, except for service to water areas by business uses permitted in an AB District. One-half of an alley abutting the rear of a lot may be counted as part of the rear yard.*
- (c) The minimum side yard for a residential use is 5 feet in an R3, AB, LB or GB District and 10 feet in any other district in which the use is permitted. The minimum aggregate depth of both side yards for a residential use is 15 feet in an R3, AB, LB or GB District and 25 feet in any other district in which the use is permitted.*
- (d) Except where a business district adjoins a residence district, there is no minimum side yard for a business use. Where a business district is separated from an adjoining residence district by a street, the minimum side yard is 5 feet. Where the two districts adjoin within the same block, the minimum side yard is 10 feet.*
- (e) Except where an industrial use adjoins a residence district, a side yard need not be provided for an industrial use. However, if a side yard is provided, it must be at least 6 feet. Where the use adjoins a residence district, the minimum side yard is 30 feet.*

*Section 4.7. Setbacks: Accessory Buildings in Residential Districts*

- (a) *In a residential district, an accessory building may be located no closer to a side lot line than 3 feet and no closer to the front lot line than the rear line of the principal building.*
- (b) *IF an interior lot abuts a corner lot or alley separating them and the Front yards of the two lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot, However, For each foot that the accessory building is located away From the rear lot line of the corner lot the accessory building may be 4 inches closer to the street, but no closer than 5 Feet.*

*Section 4.8. Setbacks; Vision Clearance at Intersections*

*At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet respectively From the corner shall be kept free of any obstruction to vision O>etween the heights of 3 and 13 feet above the established grade.*

*Section 4.9. Setbacks: Uses Requiring Special Exceptions*

*1a) The Following uses are subject to the special yards prescribed, in feet, by the following table. IF no figure appears for a front yard setback, the standard setback prescribed by section 4.6 (a) applies.*

Use	Front	Side	Rear
<i>Bottled gas storage and distribution</i>	300	300	300
<i>Cemetery or crematory</i>		50	50
<i>Clinic</i>		10	30
<i>Commercial facility for raising and breeding non-Farm fowl and animals</i>	100	100	100
<i>Commercial greenhouse</i>	100	40	40
<i>Hospital</i>	100	40	40
<i>Industrial park</i>	100	75 (abutting residential use) 35 (abutting other use)	
<i>Kindergarten or day nursery</i>		20	15
<i>Liquid Fertilizer storage and distribution (commercial)</i>	300	300	300
<i>Mineral extraction, borrow pit, or topsoil removal, and their storage areas</i>	150	150	150
<i>Mobile home park or travel trailer park</i>	100	40	40
<i>Outdoor commercial recreational enterprise</i>		40	40
<i>Penal or correctional institution</i>	100	100	100
<i>Petroleum tank farm (commercial)</i>	300	300	300

**if =**

<u>Use</u>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>Private recreational development</i>		40	40
<i>Public camp</i>	100	40	40
<i>Public or commercial sanitary fill, refuse dump, or garbage disposal plant</i>	300	300	300
<i>Public or commercial sewage disposal plant</i>	300	300	300
<i>Riding stable</i>	100	100	100
<i>Sales barn For livestock resale</i>	300	300	300
<i>Slaughterhouse</i>	300	300	300
<i>Stadium or coliseum</i>		50	50
<i>Theater, outdoor</i>	100	40	40
<i>Warehouse (grain elevator)</i>	100	75 ( <i>abutting residential use</i> )	
		35 ( <i>abutting other use</i> )	
<i>Wholesale produce terminal</i>	100	75 ( <i>abutting residential use</i> )	
		35 ( <i>abutting other use</i> )	

(b) *Buildings with the Following uses may be located no closer to interior roads than the distances, in feet, respectively prescribed by the Following table:*

<u>Use</u>	<i>Setback</i>
<i>Country club or golf course</i>	85
<i>Industrial park</i>	85
<i>Mobile home park or travel trailer park</i>	50
<b><i>Outdoor commercial recreational enterprise</i></b>	40
<i>Public camp</i>	40
<i>Wholesale produce terminal</i>	85

*Section 4. 10, Buffering: Minimum Distances From Residential District or Use*

(a) *A mineral extraction area, borrow pit, or topsoil removal area (including storage area), penal or correctional institution, public or commercial sewage disposal plant, sales barn For livestock resale, slaughterhouse, truck freight terminal, or wholesale produce terminal may not be located closer to an R1, R2, R3, LR or IR District than 300 feet, A junk yard may not be located closer to such a district than 1320 feet.*

(b) *A parking area or loading berth For any of the Following uses may not be located closer to a residential use than the distance, in feet, listed opposite it in the Following table:*

<i>Use</i>	<i>Parking Area</i>	<i>Loading Berth</i>
<i>Airport or heliport</i>	25	100
<i>Clinic</i>	10	
<i>Commercial Facility For raising and breeding non-Farm Fowl and animals</i>	25	100
<i>Commercial greenhouse</i>		50
<i>Country club or golf course</i>	10	
<i>Genero I nclustry</i>	25	100
<i>Hospital</i>	25	50
<i>Industrial park</i>	25	100
<i>Junk yard</i>	1320	1320
<i>Light industry</i>	25	100
<b><i>Mineral extraction, borrow pit, or topsoil removal, and their storage areas</i></b>		300
<i>Mobile home park or travel trailer park</i>	25	
<i>Outdoor commercial recreational enterprise</i>	25	50
<i>Penal or correctional institution</i>	300	300
<i>Police station or Fire station</i>	10	
<i>Private recreational development</i>	25	
<i>Public camp</i>	25	
<i>Sales barn For livestock resale</i>	50	100
<i>Shopping center</i>	25	50
<i>Slaughterhouse</i>	50	300
<i>Stadium or coliseum</i>	25	50
<i>Theater, outdoor</i>	25	
<i>Truck Freight terminal</i>	100	100
<i>Warehouse (grain elevator)</i>	100	100
<i>Wholesale produce terminal</i>	100	100

*Section 4. 11. Buffering: Fences and Walls*

*The Following uses shall be Fenced or walled as respectively prescribed by the Following table;*

<i>Use</i>	<i>Enclosure</i>
<i>Airport or heliport (where located at ground level), if accessible to public</i>	<i>6-foot wire mesh Fence</i>
<i>Artificial lake of 3 or more acres, if accessible to public</i>	<i>6-foot woven-wire fence</i>
<i>Junk yard</i>	<i>Solid wall or solid painted fence sufficient to hide from view</i>
<i>Kindergarten or day nursery (play area only)</i>	<i>4-foot wire mesh Fence</i>
<i>Mineral extraction, borrow pit, topsoil removal, and their storage areas (where they abut residential uses)</i>	<i>6-Foot woven wire fence</i>

<i>Use</i>	<i>Enclosure</i>
<i>Outdoor commercial recreation enterprise, if accessible to public</i>	<i>6-foot woven-wire fence</i>
<i>Private swimming pool, if accessible to public</i>	<b><i>6-foot woven wire screen</i></b>
<i>Public or commercial refuse dump or garbage disposal plant</i>	<i>6-foot solid painted fence</i>
<i>Public or employee parking area (along front line and such other boundaries as the Commission considers necessary to protect residential property), except as approved entrances and exits</i>	<i>4-foot masonry wall, 6 inches thick</i>
<i>Slaughterhouse</i>	<i>6-foot solid painted fence</i>
<i>Theatre, outdoor</i>	<i>8-foot painted board fence</i>
<i>Wholesale produce terminal</i>	<i>6-foot wire mesh fence</i>

Section 4. 12. *Buffering' Screen Planting Abutting Residential Use*

*Tight screen planting of the dimensions given five years after installation, effective at all times to block the view from abutting residential uses as defined in Section 3, 1, shall be provided for the following uses in accordance with the following table:*

<i>Use</i>	<i>Screen</i>
<i>Airport or heliport</i>	<i>6 feet high; 3 feet wide</i>
<i>Artificial lake of 3 or more acres</i>	<i>6 feet high; 3 feet wide</i>
<i>Cemetery or crematory</i>	<i>6 feet high; 3 feet wide</i>
<i>Clinic</i>	<i>6 feet high; 3 feet wide</i>
<i>Commercial facility for raising and breeding non-farm fowl and animals</i>	<i>6 feet high; 3 feet wide</i>
<i>Country club or golf course</i>	<i>6 feet high; 3 feet wide</i>
<i>General industry</i>	<i>6 feet high; 3 feet wide</i>
<i>Hospital</i>	<i>6 feet high; 3 feet wide</i>
<i>Industrial park</i>	<i>15 feet high</i>
<i>Kindergarten or day nursery</i>	<i>6 feet high; 3 feet wide</i>
<i>Light industry</i>	<i>6 feet high; 3 feet wide</i>
<i>Mineral extraction, borrow pit, topsoil removal, and their storage areas</i>	<i>6 feet high; 3 feet wide</i>
<i>Mobile home park or travel trailer park</i>	<i>6 feet high; 3 feet wide</i>
<i>Outdoor commercial recreational enterprise</i>	<i>8 feet high; 3 feet wide</i>
<i>Police station or fire station</i>	<i>6 feet high; 3 feet wide</i>
<i>Private recreational development</i>	<i>8 feet high; 3 feet wide</i>
<i>Private swimming pool</i>	<i>6 feet high; 3 feet wide</i>
<i>Public camp</i>	<i>8 feet high; 3 feet wide</i>
<i>Public or commercial sanitary fill or refuse dump or garbage disposal plant</i>	<i>6 feet high, 6 feet wide (also along abutting street)</i>
<i>Public or commercial sewage disposal plant</i>	<i>6 feet high; 3 feet wide</i>

Use	Screen
<i>Riding stable</i>	6 feet high; 3 feet wide
<i>Shopping center</i>	6 feet high; 3 feet wide
<i>Slaughterhouse (along abutting street)</i>	6 feet high; 6 feet wide
<i>Stadium or coliseum</i>	6 feet high; 6 feet wide
<i>Telephone exchange or public utility substation (along abutting street)</i>	Adequate for purpose
<i>Truck freight terminal</i>	6 feet high; 6 feet wide
<i>Warehouse (grain elevator)</i>	6 feet high; 3 feet wide
<i>Wholesale produce terminal</i>	6 feet high; 3 feet wide

*Section 4, 13, Entrances*

- (a) *This subsection limits the number of entrances to a primary or secondary street, However, it does not apply to entrances for emergency use only.*
- (b) *Each of the following uses, for which special exceptions are prescribed by section 3. 1, is limited to 1 entrance*

Artificial lake of 3 or more acres or private swimming pool

Clinic

Commercial facility for raising and breeding nonfarm fowl and animals

Commercial greenhouse

Country club or golf course

Industrial park

Junk yard

Kindergarten or day nursery

**Mineral extraction, borrow pit, topsoil removal, and their storage areas**

Penal or correctional institution

**Private recreational development**

Public camp

Public or commercial sanitary fill or refuse dump or garbage disposal plant

Public or commercial sewage disposal plant

Public or employee parking area

Radio or television tower

Railroad right-of-way and necessary uses

Riding stable

Sales barn for livestock resale

Slaughterhouse

Telephone exchange

Theatre, outdoor

Tourist home

Truck freight terminal

Warehouse (grain elevator)

Wholesale produce terminal

(c) Each of the following uses, For which special exceptions are prescribed by section 3. 1, is limited to 2 entrances:

- Airport or heliport
- Cemetery or crematory
- Mobile home park or travel trailer park
- Outdoor commercial recreational enterprise
- Stadium or coliseum

(d) As used in this section, the term "entrance" means a passageway from premises to thoroughfare by which vehicles enter or leave.

**Section 4. 14. Loading**

(a) Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths (which, if open, shall be paved with a hard or dustproof surface), as shown in the following table:

<u>Use</u>	<u>Gross Floor Area (square feet)</u>	<u>Berths</u>
Retail Stores, Department Stores Wholesale Establishments, Storage uses, and Other Business Uses	3,000 or more but not more than 15,000 Each 25,000 or fraction thereof more than 15,000	1 additional
Office Buildings	100,000 or less More than 100,000 but not more than 335,000 Each 200,000, or fraction thereof, more than 335,000	2 1 additional

(b) (1) Each of the following uses for which special exceptions are provided by section 3. 1, and shopping centers, shall be provided with loading berths, as shown in the following table. Loading berths must not face on the bordering street and must be at least as far from the nearest residential use as the number of feet shown.

<u>Use</u>	<u>Berths</u>	<u>Distance From Nearest Residential Use (Feet)</u>
Commercial Facility For raising and breeding non-Farm Fowl and animals		100
Commercial greenhouse	15,000sq, Ft, orless - 1	50
	Over 15,000 sq, Ft. -2	
Hospital	200 beds or less - 1	50
	More than 200 but not more than 500 beds -2	
	More than 500 beds -3	
industrial park	Same as subsection (c)	100
Junk yard	2	1320
Riding stable	1	
Shopping center	Per development plan	50
Stadium or coliseum	2	50
Wholesale produce fermi nal	Per development plan	100

(2) For the Following uses, loading berths, if any, must be at least as Far From the nearest residential use as the number of Feet respectively shown by the Following table:

<u>Use</u>	<u>Distance From Nearest Residential Use (Feet)</u>
Airport or heliport	100
<b>Mineral extradiion, borrow pit, topsoil removal,</b> and their storage areas	300
Outdoor commercial recreational enterprise	50
Penal or correctional institution	300
Sales barn For livestock resale	100
Truck freight terminal	100
Warehouse (grain elevator)	100

(c) Industrial uses shall be provided with loading berths, as shown in the Following table:

<u>Gross Floor Area of Industrial Use (square Feet)</u>	<u>Berths</u>
15,000orless	
More than 15,000 but not more than 40,000	2
More than 40,000 but not more than 100,000	3
Each 40,000 or fraction thereof, more than 100,000	additional

(d) Each loading berth prescribed by this section must provide at least a 12-Foot by 45-Foot loading space, with a 14-Foot height clearance.

(e) As used in this section, the term "loading berth" means an off-street, off-alley area designed or used to load goods on, or unload goods from, vehicles.

*Section 4. 15. Parking*

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

(b) As used in this section, the term.

"parking space" means an area, not including any part of a street or an alley, designed or used for the temporary parking of a motor vehicle;

"parking area" means a group of parking spaces, or an open area not including any part of a street or an alley, designed or used for the temporary parking of motor vehicles.

(c) Parking spaces shall be provided as follows:

<i>Uses</i>	<i>Required Parking Spaces</i>
<i>Airport or heliport</i>	<i>1 per 2 employees plus 1 per 4 public seats</i>
<i>Artificial lake of 3 acres or more or private swimming pool</i>	<i>per 2 users</i>
<i>Automobile or trailer sales area</i>	<i>1 per 1,000 sq. ft. used for retailing</i>
<i>Automobile sales and repair (indoor)</i>	<i>1 per 200 sq. ft. of Floor area</i>
<i>Banks, business offices, professional offices, similar business uses, postal stations, telegraph offices, and similar service uses</i>	<i>1 per 500 sq. Ft. of Floor area</i>
<i>Boarding or lodging house or Fraternity, sorority, or student cooperative house</i>	<i>1 per 3 occupants</i>
<i>Bowling alley</i>	<i>3 per lane plus 1 per 6 spectator seats</i>
<i>Business uses in AB Districts</i>	<i>As determined by the Board to be in line with comparable uses</i>
<i>Business uses not otherwise listed</i>	<i>As determined by the Board</i>
<i>Cemetery or crematory</i>	<i>1 per 2 employees plus 1 per 4 seats</i>
<i>Church or temple</i>	<i>1 per 6 seats in main auditorium</i>

<i>Uses</i>	<i>Required Parking Spaces</i>
<i>Clinic</i>	<i>1 per 2 employees plus 3 per doctor</i>
<i>College, university, or trade or business school</i>	<b>1</b> <i>per 3 students or staff members</i>
<i>Country club or golf course</i>	<i>1 per 2 employees plus 3 per golf hole</i>
<i>Dancing academy</i>	<i>1 per 200 sq. ft. of floor area</i>
<i>Department store, retail showroom, apparel shop, flower shop, drugstore, hardware store, stationer, newsdealer, record shop, photo studio, barber shop, beauty shop, reducing salon, restaurant, delicatessen, bakery, grocery, meat market, supermarket, cold-storage locker service (individual), roadside sales stand, electrical appliance shop, radio-TV shop, dressmaker, millinery, tailor and pressing shop, shoe repair, dry cleaning shop, self-service laundry, laundry agency, billiard room, tavern, night club, and similar business uses</i>	<i>1 per 125 sq. ft. of floor area</i>
<i>Fishing or hunting lodge (seasonal)</i>	<b>1</b>
<i>Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial), sales barn for livestock resale</i>	<i>per 3 employees plus 1 per 125 sq. ft. of sales area</i>
<i>Home occupation</i>	<i>in addition to residence requirement</i>
<i>Home professional office</i>	<i>2 in addition to residence requirement</i>
<i>Hospital</i>	<i>1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle</i>
<i>Hotel</i>	<i>per 3 employees plus 1 per 2 sleeping rooms</i>
<i>Industrial park</i>	<i>1 per 2 employees on largest shift</i>
<i>Industrial uses general/ y</i>	<i>1 per 3 employees</i>
<i>Junk yard</i>	<i>1 per 2 employees</i>
<i>Kindergarten or day nursery</i>	<i>1 per 2 employees plus 1 per 5 children</i>
<i>Mobile home park or travel trailer park</i>	<i>1 per 2 employees plus 1 per mobile home or trailer stand</i>
<i>Mortuary</i>	<b>1</b> <i>per 6 seats in main auditorium</i>
<i>Motel</i>	<i>1 per sleeping room</i>
<i>Nursing home or home for aged</i>	<b>1</b> <i>per 7 persons</i>
<i>Outdoor commercial recreational use</i>	<i>1 per 3 employees plus 1 per 500 sq. ft. of use area</i>
<i>Penal or correctional institution</i>	<i>per 3 employees plus per 10 inmates (capacity)</i>

<u>Uses</u>	<u>Required Parking Spaces</u>
<i>Police station or fire station</i>	<i>per 3 employees on shift</i>
<i>Private club or lodge</i>	<i>1 per 6 active members</i>
<i>Private recreational development</i>	<i>1 per 2 customers or members</i>
<i>Public camp</i>	<i>1 per camp site plus 1 per cabin</i>
<i>Public library, museum, or municipal or government building</i>	<i>1 per 125 sq. Ft. of floor area</i>
<i>Public or commercial sewage disposal plant</i>	<i>1 per employee per shift</i>
<i>Radio or TV tower</i>	<i>1 per employee per shift</i>
<i>Railway right-of-way, railroad operational use</i>	<i>1 per 2 employees where head- quartered</i>
<i>Railway station or motor bus station</i>	<i>1 per 10 seats in waiting room plus 1 per 2 employees of <b>connected retail use</b></i>
<i>Residential use, including farm tenant housing and farm seasonal worker housing</i>	<i>1 1/2 per dwelling unit</i>
<i>Riding stable</i>	<i>1 per 5,000 sq. ft. of lot area</i>
<i>School</i>	<i>1 per 3 staff members plus 1 per 6 auditorium seats</i>
<i>Shopping center</i>	<i>1 per 60 sq. Ft. of sales area</i>
<i>Slaughterhouse</i>	<i>1 per 2 employees</i>
<i>Stadium or coliseum</i>	<i>3 per 4 employees plus 1 per 4 seats</i>
<i>Telephone exchange or public utility substation</i>	<i>1 per employee</i>
<i>Theatre (indoor)</i>	<i>1 per 6 seats</i>
<i>Theatre (outdoor)</i>	<i>1 per 2 employees</i>
<i>Tourist home</i>	<i>1 per employee plus 1 per sleeping accommodation</i>
<i>Truck freight terminal</i>	<i>1 per 2 employees plus 4 for <b>customers</b></i>
<i>Veterinary hospital for small animals or kennel</i>	<i>1 per 3 animal spaces (cages or pens)</i>
<i>Warehouse (grain elevator)</i>	<i>per 2 employees</i>
<i>Wholesale produce terminal</i>	<i>per 2 employees</i>

(d) Each of the parking spaces required by this section must be at least 9 feet wide and 20 feet long, exclusive of passageways.

(e) The parking spaces prescribed by this section for a business or an industrial use must be located on the premises or on a site, approved by the Board, at least part of which is within 300 feet of the premises. However, parking spaces may not be located in the required front yard, except in AB, LB, SC and I Districts.

- (f) Some parking areas must conform to the location requirements prescribed in section 4. 10. In addition, a parking area for c business use must, if in the open, be paved with c hard or dustproof surface,
- (g) A group of business or industrial uses may provide c joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses.
- (h) A church or temple that requires c parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the Board, use those facilities instead of providing its own.
- (i) Parking requirements may be waived by the Board for uses in c block in which 50 per cent or more of the area is occupied, at the time this ordinance is passed, by business or industrial structures.

*Section 4. 16. Miscellaneous Residential Restrictions*

In an R1, R2, R3, LR or IR District;

- (1) an accessory building may not be erected before the principal building, except on c form; end
- (2) in the case of c through lot, the area at each end of the lot between the setback line and the middle of the street shall be treated as if it were part of the Front yard.

*Section 4. 17. Miscellaneous Advertising Restrictions*

In an A, FR or IR District, an outdoor advertising sign and its supporting structure may not contain more than 2 signs per facing and, when night lighted, shall be so constructed as not to shine directly on the street or highway.

*Section 4, 18. Water Pollution*

No authorization of c use under this ordinance includes the authority to discharge liquid or solid waste into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board.

*Section 4. 19. Industrial Restrictions: Smoke*

- (a) No light industrial use may emit more than 10 smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any 24-hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that time it may emit smoke up to an including Ringelmann No. 3.

(b) No general industrial use may emit more than 30 smoke units per hour per stack or smoke in excess of Ringelmann No. 2, However, once during any six-hour period, for soot blowing, process purging, and Fire cleaning, each stack shall be permitted an additional 10 smoke units. and during that time it may emit smoke up to and including Ringelmann No. 3.

(c) In this section, the term

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

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

#### Section 4.20. Industrial Restrictions; Particulate Matter

(a) The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net Figure of 1 pound per hour per acre for a light industrial use, or **3 pounds per hour per acre for a general industrial use, of which no more than 10 per cent by weight may be particles larger than 44 microns (325 mesh).** The net rate of emission shall be computed by:

(J) determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate **per acre for each source;**

(2) deducing From that gross rate the appropriate correction Factors For height of emission and stack velocity as respectively specified in subsections (b) and (c), thus obtaining the net hourly emission rate per acre for each source; and

(3) adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour From all sources within the boundaries of the lot.

(b) The allowance for height of emission is as follows (interpolate For intermediate values):

<u>Height of Emis- sion above Grade (feet)</u>	<u>Correction for Light Indus- trial Use (pounds per hour per acre)</u>	<u>Correction for General Industrial Use (pounds) per hour per acre)</u>
50	0.01	0.02
100	0.06	0.12
150	0.10	0.20
200	0.16	0.32
300	0.30	0.60
400	0.50	1.00
500 and above	0.50	1.50

(c) *The allowance for velocity of emission is as Follows (interpolate for intermediate values):*

<u>Exit Velocity Up (Feet per second)</u>	<u>Correction for Light Indus- trial Use (pounds per hour per acre)</u>	<u>Correction for General Industrial Use (pounds) per hour per acre)</u>
0	0	0
20	0.03	0.06
40	0.09	0.18
60	0.16	0.32
80	0.24	0.48
100 and above	0.50	1.00

(d) *Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.*

(e) *As used in this section, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.*

#### *Section 4.21. Industrial Restrictions: Odor*

*No light or general industrial use may release an odor that is detectable at the lot line.*

#### *Section 4.22. Industrial Restrictions: Toxic Materials*

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

<i>Light Industrial Use</i>	<i>3%</i>
<i>General Industrial Use</i>	<i>10%</i>

*Section 4.23. Industrial Restrictions' Glare and Heat*

- (a) No light or general industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle,
- (b) As used in this section, the term "foot candle" means a unit of illumination equal to the illumination at all points that are 1 foot from a uniform point source of 1 candle power.

*Section 4.24. Industrial Restrictions: Vibration*

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

Frequency (cycles per second)		Displacement <u>(inches)</u>	II Displacement <u>(inches)</u>
<u>More than</u>	<u>But not more than</u>		
0	10	,0008	,0004
10	20	,0005	,0002
20	30	,0002	,0001
30	40	.0002	,0001
40	50	,0001	,0001
50		,0001	,0001

*Discrete pulses that do not exceed 100 impulses per minute may not produce higher than twice the displacement specified in the table,*

- (b) No general industrial use may cause at any AB, LB, GB, SC, I or IR District boundary continuous earthborne vibrations higher than the limits set forth in column I of the following table. Nor may it cause at any residence district boundary-continuous earthborne vibrations higher than the limits set forth in column II.

Frequency (cycles per second)		Displacement <u>(inches)</u>	II Displacement <u>(inches)</u>
<u>More than</u>	<u>But not more than</u>		
0	10	.0020	,0004
10	20	.0010	,0002
20	30	.0006	,0001
30	40	,0004	.0001
40	50	.0003	.0001
50		,0002	.0001

*Discrete pulses that do not exceed 100 impulses per minute may not produce higher than twice the displacement specified in the table.*

(c) As used in this section, the term;

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

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

**Section 4.25. Industrial Restrictions: Noise**

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

<i>Octave Band Frequency (cycles per second)</i>		<b>II</b>	
		<i>Maximum Permitted Sound Level (decibels) Along Residence Dis- trict Boundaries</i>	<i>Maximum Permitted Sound Level (decibels) Along Business Dis- trict Boundaries</i>
<i>More than</i>	<i>But not more than</i>		
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800		32	39

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

(b) *Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this section if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus 2 decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.*

(c) As used in this section, the term:

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

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

Section 4.26. Industrial Restrictions: Fire Hazards

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

lc) As used in this section, the term:

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

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

Section 4.27. Industrial Restrictions: Detonation Materials

No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Fire Marshal and the State Administrative Building Council. These materials include primary explosives such as lead azide, lead styphnate, Fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

Section 4.28. Industrial Restrictions: Exceptions

Sections 4.19 to 4.27 inclusive do not apply to:

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

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

*Section 4.29. Industrial Restrictions: Light Industrial Uses Near Agriculture or Residence Districts*

*The performance standards prescribed by sections 4, 19-4.28 for light industrial uses apply also to general industrial uses that are located within 500 feet of an A District or a residence district boundary.*

*Section 4.30. Restrictions Along Streams*

- (a) *No structure other than a fence may be erected and, if erected in violation of this section, no such structure may be used, if the location of the structure is within 100 feet of the meander line of any stream shown on the Zone Map.*
- (b) *Within the areas covered by the restrictions imposed by subsection (a), no use is permitted other than the Following, except on application For an improvement location permit under section 6. I:*

- (1) Agricultural uses,*
- (2) Forestry.*
- (3) Public utilities.*
- (4) Recreation.*

## CHAPTER 5 . PLANNED DEVELOPMENTS

### Section 5. 1. Preliminary Procedure For Establishing

- (a) *To be authorized under this ordinance and to secure the special treatment that it provides for planned developments, such a development must, in addition to complying with the requirements of section 3.3 and chapter 6 applicable to special exceptions, comply with this chapter.*
- (b) *A planned development may not be approved under this chapter unless the applicant first consults with the Building Commissioner, for this purpose, the applicant must submit 2 copies of a preliminary plan of the proposed development containing the following information:*
  - (1) *The proposed layout, in relationship to site conditions, of streets, buildings, lots, and other elements basic to the proposed use.*
  - (2) *The proposed locations of residential, commercial, industrial, park, school, recreational, and other public and semi-public uses within or near the area proposed to be developed.*
  - (3) *The proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, and other site development features.*

*Although the preliminary plan may be a freehand pencil drawing, it shall be superimposed upon a print of a topographic survey of the area proposed to be developed. It may include other graphic media for explaining the features to be contained in the development.*

- (c) *Upon conclusion of the consultation prescribed by subsection (b), the Building Commissioner shall note in writing on the preliminary plans his unofficial agreement or disagreement. One copy of the preliminary plan shall be kept by the Building Commissioner and one copy shall be furnished to the applicant.*
- (d) *Upon compliance with subsection (c), application for approval of a planned development may be made to the Commission by submitting 3 copies of a development plan and any other supporting documents to a regular meeting of the Commission. At this meeting the Commission shall carefully consider the plan and the recommendations of the Building Commissioner, The Commission may approve the development plan as submitted, disapprove it, or amend it, The development plan, if approved, shall be stamped "Conditionally Approved Development Plan", and shall be signed by the officers of the Commission. One copy shall be kept by the Commission for filing and one copy shall be furnished to the applicant.,*
- (e) *These recommendations and all conditions, if any, shall be recorded in the minutes of the Commission meeting and the plan with any amendments shall be made a part of the records of the Commission.*

- (F) *Approval by the Commission expires upon the expiration of the 3-year period immediately following that approval, unless all parts of the development have been platted and recorded or unless the Commission has granted an extension of time.*
- (g) *After the development plan has been conditionally approved under subsection (d), the Commission may, on application, approve a plat with respect to all or part of the land designated on the development plan. For this purpose, the applicant must submit a plat complying with section 5.2 and with the Subdivision Control Ordinance. To carry out the design and meet the conditions of the development plan and its supporting documents, the Commission may require the applicant to provide for the reservation of land for park and school purposes and for the dedication of land for streets and other rights-of-way, and, by appropriate covenants, to permanently restrict areas for common use as open space or private roads, or for other public or semi-public uses.*

*Section 5.2. Conditions*

- (a) *If in approving a plat the Commission finds it desirable that exceptions be made to this zoning ordinance, it may recommend those exceptions to the Board. The Commission shall set forth the reasons for its recommendations and the suggested limits to the exceptions.*
- (b) *The land involved must be either in one ownership or the subject of an application filed (1) jointly by the owners of all property included (including the holder of any written option), or (2) by any governmental agency. It must have an area of at least 7 acres, or be bounded on all sides by streets, public open spaces, or less restrictive use districts.*
- (c) *The development plan may contain a proposed later division of the land into separate units under one ownership or into one or more separately owned and operated units. If approved with the development plan, such a proposed division of land may be made without further approval of the plan. Otherwise, a later division of the land may be made only upon re-application to the Commission for approval of a revised development plan and resubmission to the Board. The separation of units for the purposes of platting must comply with the Subdivision Control Ordinance.*
- (d) *The proposed development must be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design. It must include standards of open space and provide for parking areas adequate for the occupancy proposed or otherwise in compliance with this ordinance. It must provide for recreation areas to meet the needs of the anticipated population or as specified in the Master Plan.*
- (e) *A planned development may contain residential, commercial, industrial, professional, or special uses as an integral part of the development.*

- (f) *Upon the abandonment of a planned development, or upon the expiration of a 3-year period after authorization during which a development has not been completed (or begun with an extension of time granted under section 5, 1), the authorization for it expires.*
- (g) *No improvement location permit or certificate of occupancy may be issued unless all requirements, conditions, and specifications shown on the development plan and supporting documents have been met,*

### *Section 5.3. Development Plan*

*The development plan prescribed by section 5. I (d) must include a site plan, an area map, and a topographic map. Additional graphic or other materials may be included to explain or support the proposed development. Materials may be prepared in such a way that they may be used later to meet the requirements of the platting procedure,*

### *Section 5.4. Covenants*

*When required by the Commission, covenants must include at least the following provisions satisfactory to the Commission:*

- (1) Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common Facilities jointly shared by those owners.*
- (2) A financial guarantee (A) that satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owners' organization and set forth in the covenants, and (B) that the facilities will be operated and maintained at no expense to the county or any other governmental unit.*

### *Section 5.5. Private Streets*

- (a) Private street rights-of-way and pavements in a planned development shall be constructed in conformity with the minimum street specifications prescribed by the Subdivision Control Ordinance, except as otherwise recommended by the Commission to the Board (as a part of the development plan and plat) and approved by the Board. Exceptions must take account of the street circulation system shown in the development plan. Pavement width may not be less than 18 Feet.*
- (b) At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least 15 inches by 21 inches, on which is printed and clearly legible in at least 2-inch letters the name of the private street and the words "PRIVATE STREET" and, in at least 1-inch letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The material on the sign shall be arranged substantially as follows:*

(NAME OF STREET)  
PRIVATE STREET  
NOT DEDICATED FOR PUBLIC USE  
OR MAINTAINED BY THE PUBLIC

(c) *Private streets shall be maintained by the owners of contiguous or adjacent property, or by the private organization, so that fire, police, health, or sanitation vehicles and public utility vehicles have adequate access to contiguous or adjacent properties. Adequate access includes an adequate turning area.*

## CHAPTER 6 - IMPROVEMENT LOCATION PERMITS

### Section 6. 1. *Applicability*

- (a) *No special exception may be granted under section 3.3, no SC District may be established under section 2.3, and no other change in the use of land that involves a change in any structure on or in any land, or in the condition of the land, may be made unless the Building Commissioner, on application, issues an improvement location permit authorizing the change. It is hereby declared that the intent of the permit requirements of this ordinance shall not prevail with respect to agricultural buildings and uses; however, agricultural buildings shall be subject to the setback requirements as specified in Section 4.6.*
- (b) *There shall be no fee for an improvement location permit.*
- (c) *The provisions of this ordinance are supplemental to and do not abrogate the powers extended to agencies, bureaus, departments, commissions, divisions or officials of the State or Federal government by State or Federal statutes.*

### Section 6.2. *Certificate of Occupancy*

- (a) *No application for an improvement location permit under section 6.1 may be considered unless the applicant has also applied for a certificate of occupancy.*
- (b) *No land or structure with respect to which a permit has been issued under section 6.1 may be used for the purpose contemplated by the permit unless the Building Commissioner, after the change is completed, issues a certificate of occupancy stating that the change complies with this ordinance and with the permit.*
- (c) *There shall be no fee for a certificate of occupancy.*
- (d) *Within 10 days after the completion of the change authorized by the improvement location permit, the Building Commissioner shall inspect the premises and, if the change conforms to this ordinance and the improvement location permit, and a certificate of compliance, if required by section 6.4, has been obtained, he shall issue a certificate of occupancy.*

### Section 6.3. Site Plan

- (a) *A person who applies for an improvement location permit under section 6.1 must furnish the Building Commissioner with a plan drawn to scale showing:*
  - (1) *the location of the land concerned;*
  - (2) *the location and size of all buildings or structures already on the land and those to be erected;*

- (3) *the size of all entrances to and exits from the land; and*
- (4) *all adjacent streets and highways,*

*Plans so furnished shall be kept by the Building Commissioner as permanent records,*

- (b) *For an airport, a heliport, a hospital, an industrial park, a mobile home park or travel trailer park, a penal or correctional institution, a private recreational development, a public utility substation or exchange, or a shopping center, the plan furnished under subsection (a) must else include a plan of landscape development,*
- (c) *As a condition of issuing a permit, the Building Commissioner may require the relocation of any structure or of any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interests of the public welfare or to an appropriate balancing of the interests of persons in the district and vicinity concerned.*

#### *Section 6.4. Industrial Uses: Certificate of Compliance*

*If an application for an improvement location permit relates to a light or general industrial use, it must be accompanied by a certificate of compliance, subscribed by a registered professional engineer of the State, stating that the use will meet the performance standards, as set forth in Sections 4, 19 to 4, 29, of the district concerned. After a 10-day period has elapsed during which the Building Commissioner has not required additional information or objected in writing, he shall issue the permit.*

#### *Section 6.5. Special Provisions*

- (a) *An improvement location permit for a special exception or a shopping center may not be issued until the application has been approved by the Board and the Building Commissioner has been notified by the Board of the approval,*
- (b) *For each SC District symbol on the Zone Map, not more than one improvement location permit may be in effect at one time.*
- (c) (1) *If a person to whom an improvement location permit has been issued for a shopping center or a planned development fails to begin construction within 24 months after the permit is issued, Fails to complete 30 per cent of the total plan within 36 months after the permit is issued or within 12 months after construction is begun (whichever period expires later), or fails to comply with the approved plan, he may be required by the Board on its own initiative, and shall be required by it upon written request of any interested person, to show cause why the permit should not be revoked. However, an order to show cause may not be issued for failure to begin construction on time if in the meantime construction has begun,*

- (2) *In a proceeding to show cause under paragraph (1), the Board shall hold a public hearing, of which written notice shall be published according to law and sent by registered mail to the holder of the permit. This notice must be published and mailed at least 10 days before the date set for the hearing.*
- (3) *At the hearing, evidence may be presented by any person present, If on the evidence the Board finds that the holder of the permit has failed as described in paragraph (1), it shall revoke the permit. However, if it considers the failure correctable within 6 months, it may defer revocation and continue the hearing until a specified day within that period,*
- (d) *Upon application by the holder of an improvement location permit for a shopping center or planned development, the Board may change the plan on which the permit is based. The Board shall handle the application as if it were an original application for an improvement location permit for a special exception. If it approves the application, the Board shall notify the Building Commissioner, who shall issue an amended permit reflecting the approved change.*

#### *Section 6.6. Outdoor Advertising Signs*

*An improvement location permit for an outdoor advertising sign may not be granted unless it requires the relocation or removal of the sign within 60 days after the Building Commissioner is notified that the land on which the sign is located, or land within 300 feet of the sign, has been platted for residential use or has been rezoned to on R 1, R2, R3 or LR District.*

#### *Section 6.7. Records*

*A record of each improvement location permit and each certificate of occupancy shall be kept by the Building Commissioner. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned.*

CHAPTER 7-ADMINISTRATION, ENFORCEMENT, AND APPEALS

Section 7.1. Board of Zoning Appeals: Establishment and Organization

- (a) A Board of Zoning Appeals is established, with membership as provided by State law.
- (b) At the first meeting in each calendar year, the Board shall elect from among its members a Chairman and a Vice-Chairman, Consistent with State law, it may appoint and fix the compensation of a secretary and such employees as it considers necessary to discharging its duties,
- (c) The Board shall prescribe such regulations as it considers necessary to carry out this ordinance.
- (d) Meetings of the Board shall be open to the public.
- (e) The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board and made available to the public,

Section 7.2. Board of Zoning Appeals; Hearings

Upon application for a special exception or variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing. Public notice setting forth the time and place shall be given at least 10 days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Board. The cost of such notices shall be borne by the person applying or appealing.

Section 7.3. County Building Commissioner

The Office of County Building Commissioner is established, The County Building Commissioner has the principal responsibility For enforcing this ordinance,

Section 7.4. Enforcement

- (a) Any person may, be suit in the Circuit Court of the County. enjoin the violation of this ordinance.
- (b) The Commission or the Board may, by mandatory injunction in the Circuit Court of the County, require the removal of a structure erected in violation of this ordinance.
- (c) A use that violates this ordinance shall be treated as if it were a common nuisance, and it may be abated in the same manner as such a nuisance.

*Section 7.5. Appeals*

- (a) A decision of the Building Commissioner enforcing this ordinance may be appealed to the Board by any person who is adversely affected by the decision,*
- (b) On an appeal under subsection (a), the Board may make any decision that the Building Commissioner might have made,*
- (c) A decision of the Board is subject to review by certiorari.*

CHAPTER 8. MISCELLANEOUS

Section 8. 1. Severability

If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 8.2. Effective Date

This ordinance shall be in force and effect from and after its passage.

Passed by the Board of County Commissioners of the County of Wabash on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

BOARD OF COUNTY COMMISSIONERS  
WABASH COUNTY, INDIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed by the Board of Trustees of the Town of LaFontaine on the \_\_\_\_\_ day of \_\_\_\_\_ ' 19\_\_

BOARD OF TRUSTEES  
LAFONTAINE, INDIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed by the Board of Trustees of the Town of Lagro on the -----day of \_\_\_\_\_ ' 19\_\_.

BOARD OF TRUSTEES  
LAGRO, INDIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Passed by the Board of Trustees of the Town of Roann on the \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_*

*BOARD OF TRUSTEES ROANN,  
INDIANA*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*ATTEST;*

\_\_\_\_\_  
*County Auditor or Town Clerk*

FOR PART II OF THE WABASH COUNTY ZONING ORDINANCE  
VISIT THE COUNTY BEACON GIS WEBSITE  
THE DATA OF PART II OF THE COUNTY ORDINANCE PERTAINS  
TO THE MAPPING DATA FOR WABSH COUNTY COMPOSED OF  
USE MAPS, TOWNSHIPS, ZONING

*PART III*

*MASfER PLAN ORDINANCE*

- *Official Thoroughfare Plan*
  - *Subdivision Control*
  - *Public Facilities Plan*
- Improvement Location Permits

MAJOR STREETS AND HIGHWAYS, SUBDIVISION CONTROL  
PUBLIC FACILITIES AND IMPROVEMENT LOCATION PERMITS

A PART OF THE MASTER PLAN

FOR THE

COUNTY OF WABASH, INDIANA, AND  
THE TOWNS OF LAFONTAINE, LAGRO AND ROANN, INDIANA

AN ORDINANCE FOR THE DEVELOPMENT THROUGH PLANNING, OF THE AREA WITHIN  
THE JURISDICTION OF THE WABASH COUNTY PLAN COMMISSION,

Be it ordained by the Board of County Commissioners of Wabash County, Indiana, and  
by the Board of Trustees of LnFontaine, Lngro and Roann, Indiana, under authority of  
Chapter 174, Ads of 1947, and all acts amendatory thereto, General Assembly of the  
State of Indiana:

TITLE L DEFINITIONS

*For the purpose of this Ordinance certain terms or words used herein shall be interpreted  
or defined as follows: Words used in the present tense include the future tense. The  
term "shall" is always mandatory.*

*ALLEY: Means a right-of-way, other than a street, road, aosswalk, or easement, that  
provides secondary access for the special accommodation of the abutting property.*

*BLOCK: Means an area that abuts a street and lies between two adjoining streets or  
barriers such as a railroad right-of-way or a waterway.*

*BOARD: The Board of Commissioners of the County of Wabash, or the Board of Trustees  
of LnFontaine, or Lagro, or Roann, Indiana, as may be applicable,*

*BUILDING LINE: Means the line that establishes the minimum permitted distance on a  
lot between the front line of a building and the street right-of-way line.*

*COMMISSION: The Wabash County Plan Commission.*

*COUNTY: County of Wabash, Indiana*

*CUL DE SAC (Court or Dead End Street): A short street having one end open to traffic and  
being permanently terminated by a vehicle turn-around.*

*DEVELOPER: Any person engaged in developing or improving a lot or group of lots or structures thereon For use or occupancy,*

*EASEMENT, A grant by the property owner of the use of a strip of land by the public, a corporation. or persons, for specified purposes,*

*JURISDICTION OF THE COMMISSION. The unincorporated territory of the County of Wabash, with the exception of that contiguous unincorporated area over which the City of Wabash and the Town of North Manchester exercise territorial jurisdiction as authorized by ordinance of the board of county commissioners and as is defined by description or map Filed with the county recorder, and the incorporated area of the Towns of Lafontaine, Lagro and Roann, Indiana,*

*LOL A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or development,*

*MASTER PLAN: The complete plan, or any of its parts, For the development of the County and the Towns, prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.*

*OFFICIAL THOROUGHFARE PLAN, The part of the Master Plan, now or hereafter adopted which includes a major street and highway plan and sets Forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways and other thoroughfares,*

*PERSON: Includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit.*

*PLAT: A map or chart indicating the subdivision or resubdivision of land, intended to be Filed For record,*

*PRIVATE DRIVE: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private drive.*

*PUBLIC FACILITIES PLAN; The part of the Master Plan, now or hereafter adopted which shows the locations of proposed fire station sites and existing and proposed school, park, or recreational sites,*

*STREET (Road): A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name"*

*STREET (OR ALLEY) IMPROVEMENT: Shall mean the construction of a street or alley to its Full thickness, commencing at the subgrade according to the specifications contained in Article 4, Section 2, hereinafter, The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.*

*STREET, PRIMARY: A street designated for large volume of traffic movement, Primary streets are classed as limited access streets to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties,*

*STREET, SECONDARY: A street planned to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries, Secondary streets are classed as limited access streets to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties,*

*STREET, FEEDER, A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach secondary streets,*

*STREET, LOCAL, A street used primarily for access to abutting properties, usually residential. Certain local streets may be marginal access streets parallel to limited access primary and/or secondary streets, thereby providing access from properties abutting such marginal access streets to access points on such limited access streets.*

*SUBDIVIDER, Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this Ordinance.*

*SUBDIVISION: The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than two (2) acres in area, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than two (2) acres not involving any new streets or easements of access. and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision; or,*

*The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and Facilities.*

*TOWN: The Town of Lafontaine, Lagro, or Roann, Indiana, as may be applicable.*

*ZONING ORDINANCE: The part of the Master Plan, now or hereafter adopted, which includes an ordinance and zone maps which divide the jurisdiction of the Commission into Districts, with regulations and requirements and procedures for the establishment of land use controls,*

## TITLE II. OFFICIAL THOROUGHFARE PLAN

### ARTICLE 1. THOROUGHFARE MAPS AND DRAWING

The Official Thoroughfare Plan consists of a map entitled "WABASH COUNTY, INDIANA, Plan of Major Streets and Highways", dated 1965, Sheet 1 of 2, and a drawing entitled "Typical Thoroughfare Cross sections, Wabash County, Indiana," dated 1965, Sheet 2 of 2, which shows recommended design plans for the proposed thoroughfares. The Official Thoroughfare Plan is hereby declared to be a part of this Ordinance and notations, references, indications and other details shown therein are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

### ARTICLE 2. DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the Official Thoroughfare Plan are hereby classified on the basis of width and type, in accordance with their proposed function, as Primary, Secondary, Feeder and Local Streets, as shown in Sheets 1 and 2, described above.

### ARTICLE 3. POLICIES AND DIRECTIVES

#### Section 1. OPENING OR WIDENING OF STREETS

Whenever a street classified in the Official Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Official Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at ninety (90) degrees to the center line thereof.

#### Section 2. LOCATION OF STREETS

- A. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.
- B. In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of the Official Thoroughfare Plan and this Ordinance that Feeder Streets be established on such half-section lines where feasible,
- C. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an irregular alignment, or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Official Thoroughfare

*Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission, The survey For such street shall be subject to the approval of the Commission prior to the dedication of the street.*

*Section 3, CONSIDERATION BY PUBLIC AGENCIES*

*The Board shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Thoroughfare Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public streets, highways and related structures.*

*Section 4. ISSUANCE OF PERMITS*

*Any permits authorized by the Board including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of other Ordinances, the proposed street right-of-way as set forth by this Ordinance will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.*

*ARTICLE 4, CONTINUING AUTHORITY OF COMMISSION*

*Subsequent to the passage of this Ordinance, the Commission may determine lines for new, extended, widened or narrowed thoroughfares in any portion of the area within the jurisdiction of the Commission, and certify to the Board the amended or additional plan under the same procedure as established for the certification and approval of the Official Thoroughfare Plan.*

TITLE III. SUBDIVISION CONTROL

ARTICLE I. ESTABLISHMENT OF CONTROL

*No plat or rep/at of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission,*

ARTICLE 2. PROCEDURE

*A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission, shall submit a written application therefor to the Commission. Such application shall be accompanied by the information, requirements and plans set forth in Steps 1, 2, 3 and 4 of this Article, all in accordance with the requirements set forth in Title III of this Ordinance.*

*Step 1. Preliminary Plat For Subdivision*

- A. The owner or subdivider shall provide a preliminary plan for the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Master Plan and its provisions; specifically with relation to the requirements of the Official Thoroughfare Plan; school and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage, and other developments, existing and proposed, in the vicinity provided, however, that no land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.*
  
- B. The subdivider shall provide the following.*
  - 1. Location Map (which may be prepared by indicating the data by notations on available maps) showing:*
    - a. Subdivision name and location.*
    - b. Any thoroughfares related to the subdivision.*
    - c. Existing elementary and high schools, parks and playgrounds serving the area proposed to be subdivided, and other community facilities.*
    - d. Title, scale, north point and date.*

2. *A Preliminary Plot showing:*
  - a. *Proposed name of the subdivision*
  - b. *Names and addresses of the owner, subdivider and the city planner, land planning consultant, engineer or surveyor, who prepared the plan.*
  - c. *Streets and right-of-way, on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, except as designated by the Commission) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree-planting and other pertinent data.*
  - d. *Easements, Locotions, widths and purposes.*
  - e. *Statement concerning the locotion and approximate size or capacity of utilities to be installed.*
  - F. *Layout of lots, showing dimensions and numbers.*
  - g. *Parce.ls of land proposed to be dedicoted or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.*
  - h. *Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten per cent (10"/o) and at vertical intervals of five (5) Feet if the general slope is greater than ten per cent ( 10%).*
  - i. *Ground water levels stated in inches below ground surface and given at points of lowest ground surface elevation.*
  - j. *Tract boundary lines showing dimensions. bearings, angles, and references to section, township and range lines or corners.*
  - k. *Building lines.*
  - l. *Legend and notes.*
  - m. *Other Features or conditions which would affect the subdivision favorably or adverse ly.*
  - n. *Scale\*, north point and dote.*

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- *The Preliminary Plat oF the subdivision shal.! be drown to a scale of fifty (50) feet to one (I) inch, or one hundred (100) feet to one (I) inch; provided, however, that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scole as recommended by the Commission may be used.*

3. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision,

C. The application shall be accompanied by a certified check or money order in the amount of ten dollars (\$10.00) plus twenty-five cents (25¢) for each lot in the proposed subdivision with a minimum total charge of fifteen dollars (\$15.00) to cover the cost of checking and verifying the proposed plat, and such amount shall be deposited in the General Fund of the County.

Step 2. Preliminary Plat Approval

A. After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, and within ninety (90) days from the date of application for approval of a preliminary plat of a subdivision, or the filing by the applicant of the last item of required supporting data, whichever is later, the Commission shall review the Preliminary Plat and give its acceptance or return the plat to the subdivider with suggestions for changes. No application will be considered at a meeting unless it has been filed with the Commission at least ten (10) days before the date of such meeting.

B. After the Commission has given acceptance, it shall schedule a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the Notice of Hearing shall be met by the applicant.

C. Following the hearing on the Preliminary Plat, the Commission will notify the applicant in writing that it has approved the Preliminary Plat and is ready to receive the Final Plat, or will advise the applicant of any further changes in the Preliminary Plat which are desired or should have consideration before approval will be given.

Step 3. Final Plat

The Final Plat shall meet the following specifications,

A. The Final Plat may include all or only a part of the Preliminary Plat which has received approval,

B. The original drawing of the Final Plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three black or blue line prints shall be submitted with the original Final Plat, or, in order to conform to modern drafting and reproduction methods, three black line prints and a reproducible print shall be submitted,

C. *The following basic information shall be shown:*

1. *Accurate boundary lines, with dimensions end angles, which provide a survey of the trad, closing with an error of not more than one (1) foot in five thousand (5000) Feet.*
2. *Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.*
3. *Accurate locations of all existing and recorded streets intersecting the boundaries of the trad.*
4. *Accurate metes and bounds description of the boundary.*
5. *Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder.*
6. *Street Names.*
7. *Complete curve notes for all curves included in the plan.*
- B. *Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.*
9. *Lot numbers and dimensions,*
10. *Accurate locations of easements for utilities and any limitations on such easements.*
11. *Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.*
12. *Building lines and dimensions.*
13. *Location, type, material and size of all monuments and lot markers.*
14. *Plans and specifications For the improvements required in this Qdinance.*
15. *Restrictions of all types which will run with the land and become covenants in the deeds for lots.*
16. *Name of the subdivision.*
17. *Name and address of the owner and subdivider.*
18. *North point, scale and date.*

19. *Certification by a registered professional engineer or registered land surveyor.*
20. *Certification of dedication of streets and other public properly,*
21. *Certificate for approval by the Commission,*
22. *Certificate for approval by the Board of County Commissioners, if required.*

*Step 4. Final Plat Approval*

- A. *When the Final Plat is submitted to the Commission, it shall be accompanied by a notice from the Board stating that there has been filed with and approved by that body, one of the following:*
  1. *A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications; or*
  2. *A bond which shall:*
    - a. *Run to the Board.*
    - b. *Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Ordinance,*
    - c. *Be with surety satisfactory to the Commission, and*
    - d. *Specify the time for the completion of the improvements and installations.*
- B. *Upon the completion of the improvements and installations required of a subdivider for the approval of a Final Plat, and prior to the acceptance thereof for public maintenance by the Board or, if applicable, to any other governmental unit, the subdivider shall provide a three (3) year maintenance bond which shall:*
  1. *Run to the Board and, if applicable, to any other governmental unit having a legal responsibility for the maintenance of said improvements and installations.*
  2. *Be in an amount equal to twenty per cent (20%) of the cost of said improvements and installations as estimated by the Board.*
  3. *Provide surety satisfactory to the Commission,*
  4. *Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and installations to be of good quality and have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and the satisfactory plans and specifications therefor.*

5. *Provide that for a period of three (3) years after said installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider will at his own expense make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials, with such maintenance, however, not to include any damage to said improvements and installations resulting from Forces or circumstances beyond the control of said subdivider or occasioned by the inadequacy of the standards, specifications, or requirements of this Ordinance.*

*C Within a reasonable time after application for approval of the Final Plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat, together with the certifying signature of its president and secretary. If it disapproves, it shall set forth the reasons for such disapproval in its own records and provide the applicant with a copy.*

### *ARTICLE 3. PRINCIPLES AND STANDARDS OF DESIGN*

*The Final Plat of the subdivision shall conform to the Following principles and standards of design:*

#### *Section 1. GENERAL*

*The subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.*

#### *Section 2. STREETS*

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, ;ogs shall not be created.*
- B. Proposed streets shall be ad;usted to the contour of the land so as to produce usable lots and streets of reasonable gradient,*
- C. Certain proposed streets, where appropriate, shall be extended to the boundary line of the trod to be subdivided so as to provide For normal circulation of traffic within the vicinity.*
- D. Wherever there exists a dedicated or platted portion of a street or alley ad;acent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.*
- E. Widths of Primary, Secondary and Feeder Streets shall conform to the width specified in the Official Thoroughfare Plan.*

- F.** *The minimum right-of-way of Residential Streets or Culs-de-Sac, shall be fifty (50) Feet. All Culs-de-Sac shall terminate in a circular right-of-way with a minimum diameter of one hundred ( 100) feet, or other arrangement For the turning of all vehicles conveniently within the right-of-way,*
- G,** *Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed For loading and unloading or access purposes, and where platted shall be ai least twenty (20) Fee! in width.*
- H.** *The center lines of streets should intersect as nearly at right angles as possible.*
- I,** *At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs,*
- J.** *At intersections of streets the properly line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs,*
- K.** *IF the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.*
- L,** *Intersections of more than two (2) sreels at one poinl shall be avoided.*
- M,** *Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design,*
- N,** *Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, a primary or a secondary street, provision shall be made for a Marginal Access Street, or a parallel street adjacent to such raiiroad right-of-way or primary or secondary street. As a general principle, intersections of such marginal access streets or parallel streets shall not exist at less than one-quarter mile intervals with primary streets or at less than one-eighth mile intervals with secondary streets.*
- O,** *Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows;*
- 1. Primary and Secondary Streets, Five hundred (500) feet.*
  - 2. Feeder Streets and Parkways; Three hundred (300) feet.*
  - 3, Residential Streets. One hundred fifty (150) feet.*
- P.** *Curvature measured along the center line shall have a minimum radius as Follows:*
- 1. Primary and Secondary Streets. Five hundred 1500) feet,*
  - 2. Feeder Streets and Parkways: Three hundred (300) feet.*
  - 3. Residential Streets. Two hundred (200) feeL*

- O. *Between reversed curves on Primary and Secondary Streets there shall be a tangent of not less than one hundred ( 100) feet and on Feeder and Residential Streets such tangent shall be not less than Forty (40) feet.*
- R. *Maximum Grades for streets shall be as Follows:*
  - 1. *Primary and Secondary Streets, not greater than six (6) per cent.*
  - 2. *Feeder and Residential Streets and Alleys, not greater than eight (8) per cent.*
- S. *The Minimum Grade of any street gutter shall not be less than three-tenths (0.3) percent.*

Section 3, *BLOCKS*

- A. *Blocks should not exceed twelve hundred fifty (1250) feet in length.*
- B. *Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels a Limited Access Highway or Primary Street or a Railroad Right-of- Way.*

Section 4. *LOTS*

- A. *All lots shall abut on a street or a place.*
- B. *Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.*
- C. *Double frontage lots should not be platted, except that, where desired along Limited Access Highways or Primary Streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip for a screen, at least twenty (20) feet in width shall be provided along the back of each lot.*
- D. *Widths and areas of lots shall be not less than that provided in the Zoning Ordinance for single-family dwellings for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer system are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health regulations shall become the required minimum lot area.*
- E. *The depth-to-width ratio of the usable area of a lot shall be a maximum of 3 to 1.*
- F. *Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.*
- G. *Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.*

## Section 5. EASEMENTS

*Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot, Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing For the installation of such services.*

## Section 6. BUILDING LINE

*Shall be as provided in the Zoning Ordinance.*

## Section 7. PUBLIC OPEN SPACES

*Where sites For parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Master Plan, the Commission may request their dedication For such purposes, or their reservation For a period of one year Following the date of the Final approval of the plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended For an additional six (6) months.*

## ARTICLE 4. STANDARDS OF IMPROVEMENTS

*The improvement of the Subdivision shall conform to the Following standards:*

### Section 1. MONUMENTS AND MARKERS

- A. *Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.*
- B. *Monuments shall be set:*
  - 1. *At the intersection of all lines Forming angles in the boundary of the subdivision.*
  - 2. *At the intersection of street property lines.*
- C. *Markers shall be set:*
  - 1. *At the beginning and ending of all curves along street property lines.*
  - 2. *At all points where lot lines intersect curves, either Front or rear.*
  - 3. *At all angles in property lines of lots.*
  - 4. *At all other lot corners not established by a monument,*

D. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths (5/8) inch in diameter.

*Sedion 2. STREETS*

- A. Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the Commission.
- B. The streets shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications For Road and Bridge Construction and Maintenance"--(current issue) of the State Highway Commission of Indiana. References in the Following paragraphs refer to the S. H. C. of L Standard Specifications.
- C. The Street pavement shall be of portland cement concrete or a flexible pavement of a width as shown on Sheet 2 of 2, "Typical Thoroughfare Cross-sections, Wabash County, Indiana," dated 1965, and shall be constructed in accordance with design characteristics at least equal to those given below; except as modified by subsection D. of this Sedion:

*DESIGN CHARACTERISTICS OF STREET & ALLEY PAVEMENTS*

<i>Kind of Pavement &amp; Thickness</i>	<i>Primary &amp; Secondary</i>	<i>Feeder</i>	<i>Local</i>	<i>Alley</i>
<i>PORTLAND CEMENT CONCRETE Uniform Thickness</i>	<i>8"</i>	<i>7"</i>	<i>6"</i>	<i>6"</i>
<i>FLEXIBLE</i>				
<i>Surface . Asphaltic Concrete Type "B"</i>	<i>1W'</i>	<i>IV:1'</i>	<i>1..</i>	<i>1..</i>
<i>Binder. Asphaltic Concrete or Bituminous</i>				
<i>Coated Blended Aggregate</i>	<i>2"</i>	<i>2"</i>	<i>2"</i>	<i>2"</i>
<i>Base . Compacted Aggregate or Water</i>				
<i>Bound Macadam</i>	<i>10"</i>	<i>6"</i>	<i>4"</i>	<i>4"</i>
<i>Subbase • Type II</i>	<i>6"</i>	<i>6"</i>	<i>4"</i>	<i>4"</i>
<i>Total Thickness</i>	<i>19V,"</i>	<i>15W'</i>	<i>11"</i>	<i>11..</i>

*Material Types as set out in Indiana State Highway Commission Specifications. Feeder Street design to be used on Local Streets serving industrial or commercial developments.*

- D. *Where primary, secondary and feeder streets are located within the subdivision as specified in Title II of this ordinance, the subdivider shall construd such street pavement in accordance with the requirements For local streets set Forth in subsedion C of this sedion. For the purposes of constructing primary. secondary and feeder street pavements to the design characteristics set Forth in subsection C of this Sedion, the Board is authortzed to use funds available for such purposes to participate with the subdivider in the cost of such construction; provided however. that such participation shall be limited to that cost which .s addllional to the cost oF constructing the required local street improvement.*
- E. *Prior to placing the street and alley surfaces, adequate subsurface drainage For the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve ( 12) inches in diameter approved by the Commission. Upon the completion of the street and alley improvements, plans and profiles as bui!t shall be filed with the Commission.*

### Section 3. SEWERS

- A. *The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall conned with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used;*
- 1, *A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the Indiana State Board of Health and/or the Indiana Stream Pollution Control Board.*
  2. *A private sewage disposal system on individual lots consisting of a septic tonk and tile absorption Field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the Indiana State Boord of Health (refer to Bulletin No. S. E. 8 Septic Tank Sewage Disposal systems, current issue), provided, however, that a private sewage disposal system on individual lots consisting of a septic tonk and tile absorption field shall not be permitted if the water table is less than thirty (30) inches below the ground surface.*
- B. *The plans For the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health (Refer to Regulation HSE 14, / . S. B. H.). Upon the completion of the sanitary sewer installation, the plans For such system as built shall be fded with the Commission.*
- C. *In this Section 3, SEWERS, and the next Section 4, WATER, the phrase "the Subdivider shall provide" shall be mterpreted to mean that the subdivider shall install the Facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that such facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations.*

#### Section 4. WATER

- A. *The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to an existing approved municipal or community water supply, except that when such municipal or community water supply is not available, the subdivider shall provide one of the Following:*
1. *A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health.*
  2. *An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health (Refer to Bulletin No. S. E. 7, Safe Water Supplies, current issue).*
- B. *The plans for the installation of water main supply system shall be provided by the subdivider and approved by the Indiana State Board of Health (Refer to Regulation HSE, 5, I. S. G. H.). Upon completion of the water supply installation, the plans for such system as built shall be filed with the Commission.*

#### Section 5. STORM DRAINAGE

- A. *The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted in the street, but where curb and gutter are not provided, a shallow swale with its low point at least three inches (3") below the elevation of the subgrade of the pavement may be permitted.*
- B. *In a subdivision where curbs and gutter are not provided, the subdivider shall furnish one of the Following types of improvements to Facilitate roadside drainage and to assure suitable entrances for private driveways which are proposed to intersect the roadway:*
1. *A corrugated iron pipe, at least twelve (12) inches in diameter and fourteen (14) feet in length to be placed where required for each driveway, or*
  2. *A properly dipped or swaled concrete pavement, fourteen (14) feet in length, six (6) Feet in width and six (6) inches thick, designed so as not to create a hazard to the under parts of automobiles, at the entrance of each driveway.*

#### Section 6. CURBANDGUTTER

- A. *Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, and wherever the proposed subdivision will average more than three and one-half (3½) lots per gross acre included in the subdivision, the Commission shall require curb and gutter to be installed on each side of the street surface.*



B. *The curb and gutter shall be of the construction type shown in Figure 1 and shall be constructed according to the following specifications;*

- 1, *The base For the curb and gutter shall be well-compacted on the existing base or grade,*
- 2, *The minimum specifications shall be as shown for the type of cross-section in Figure 1.*
- 3, *All concrete used in the curb and gutter shall meet the State Highway Specifications for Class D concrete.*
4. *Integral or monolithic curb of the same dimensions as shown in Figure 1 may be built on concrete pavement, provided the pavement widths are maintained as required in this ordinance,*

*Section 7. SIDEWALKS*

- A. *Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, and whenever the proposed subdivision will average more than three and one-half (3 1/2) lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street.*
- B. *When sidewalks are required, they shall be constructed of Portland Cement Concrete, at least Four (4) inches thick, and Four (4) Feet wide and placed as shown on Sheet 2 of 2, "Typical Thoroughfare Cross-sections, Wabash County, Indiana", dated 1965.*

*Section 8. STREET SIGNS*

*The subdivider shall provide the subdivision with standard County or Town street signs at the intersection of all streets.*

*ARTICLE 5. PLAT CERTIFICATES AND DEED OF DEDICATION*

*The Following Forms shall be used in Final plats:*

*Section 1. COMMISSION CERTIFICATE*

*UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE BOARD OF (COUNTY COMMISSIONERS OF THE COUNTY OF WABASH) (TRUSTEES OF THE TOWN OF LAFONTAINE,) (TRUSTEES OF THE TOWN OF LAGRO,) (TRUSTEES OF THE TOWN OF ROANN,)INDIANA, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:*

*Approved by the Wabash County Plan Commission at a meeting held \_\_\_\_\_, 19\_\_.*

*WABASH COUNTY PLAN COMMISSION*

\_\_\_\_\_  
*President*

\_\_\_\_\_  
*Secretary*

*(SEAL)*

Section 2. When all or any part of a subdivision is located in the unincorporated area of the county, the following certificate shall be shown on the final plat

COUNTY COMMISSIONERS CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 47, AITS OF 1951, OF THE GENERAL ASSEMBLY, STATE OF INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF WABASH COUNTY, INDIANA, AT A MEETING HELD ON THE DAY OF , 19

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

Section 3. ENGINEERS CERTIFICATE

"/, , HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER (OR A REGISTERED LAND SURVEYOR), LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORREITLY REPRESENTS A SURVEY COMPLETED BY ME ON , THAT ALL THE MONUMENTS SHOWN THEREON AITUALLY EXIST; AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL OF SAID MONUMENTS ARE ACCURATELY SHOWN.

\_\_\_\_\_  
Signature

(SEAL)

Section 4. DEED OF DED/CATION

Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantia lly the fo/lowi ng form:

"We , the undersigned , owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do thereby lay off, plat and subdivide, said reo! estate in accordance with the within plat.

This subdivision shall be known and designated as , an addition to . All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the pub!ic.

Front and side yard building lines ore hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.





ARTICLE 6. VARIANCE

*Where the subdivider can show that a provision of ARTICLE 3 of TITLE III of this Ordinance would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.*

## TITLE IV. PUBLIC FACILITIES PLAN

### ARTICLE 1. MAP OF PUBLIC FACILITIES

*The Public Facilities Plan consists of a map entitled "Wabash County, Indiana, Public Facilities Plan", dated 1965, which shows the location of proposed Fire station sites and existing and proposed school, park or recreation sites within the iurisdiction of the Commission. The Public Facilities Plan is hereby declared lobe a part of this CKdinance and notations, references, indications and other details shown therein are as much a part of this Q-dinance as if they were Fully described herein.*

### ARTICLE 2. POLICY

*Whenever sites for fire stations, schoo!s, parks or other recreational areas are shown by the Public Facilities Plan to be located within an area proposed to be subdivided, in accordance with TITLE Ill hereof, the Commission may request their dedication for such purposes, or their reservations for a period of one year following the date of approval of the Final plat, in order to carry out the policies exhibited in the Public Facilities Plan.*

### ARTICLE 3. CONSIDERATION BY PUBLIC AGENCIES

*The Board and all school corporations within the iurisdiction of the Commission shall be guided by and give consideration to the general policy and pattern of school and park or recreation development as set forth in the Public Facilities Plan in the authorization, construction, alteration or abandonment, and acceptance of schools, parks or recreation foci lilies.*

### ARTICLE 4. CONTINUING AUTHORITY OF COMMISSION

*Subsequent to the passage of this Q-dinance, the Commission may determine new sites and locations and alter or change existing sites and locations for schools and parks or recreation areas within the iurisdiction of the Commission, and certify to the Board !he amended or additional plan under the same procedure as established for the certification and approval of the Public Facilities Plan.*

TITLE V. IMPROVEMENT LOCATION PERMITS

ARTICLE 1. IMPROVEMENT LOCATION PERMITS

*Within the jurisdiction of the Commission, no structure or improvement or use of land, may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the master plan and ordinance of the County or Town, as may be applicable, and an Improvement Location Permit For such structure, improvement or use has been issued. It is hereby declared that the intent of the permit requirements of the ordinance shall not prevail with respect to buildings and uses which are clearly incidental to agricultural operations.*

ARTICLE 2. WRITTEN APPLICATION REQUIRED

*The Building Commissioner shall issue an Improvement Location Permit upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Master Plan of the County or Town, as may be applicable.*

ARTICLE 3. SITE PLAN AND FEE

Section 1. SITE PLAN

*Every application for an Improvement Location Permit shall be accompanied by a site plan, or development plan, drawn to scale, showing: the legal or site description of the real estate involved; the location and size of all buildings and structures; the widths and length of all entrances and exits to and From said real estate; and, all adjacent and adjoining roads or highways; and the manner in which the location is to be improved.*

Section 2. FEE

*There shall be no fee For an application For an Improvement Location Permit, or an amended or extended Improvement Location Permit.*

ARTICLE 4. APPEAL

*Any decision of the Building Commissioner concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals when the decision in question involves a requirement of the "County Zoning Ordinance, (Town Zoning Ordinance) 1965," or to the Commission when the decision in question involves the requirements of other parts of the Master Plan, by any person claiming to be adversely affected by such decision.*

ARTICLE 5. REVIEW

*A decision of the Commission may be reviewed by certiorari procedure as provided For the appeal of zoning cases From the Board of Zoning Appeals.*

*ARTICLE 6. REMEDIES AND PENALTIES*

*Action on the violation of any provision of this Ordinance and the right of injunction against such violation shall be as provided by Chapter 174, Acts of 1947, of the Indiana General Assembly, and all acts amendatory thereto.*

TITLE VI. AMENDMENT, VALIDITY, REPEAL AND ADOPTION

ARTICLE 1. AMENDMENTS

All amendments to this Ordinance shall be in conformance with Sections 37 through Section 40, inclusive, and Section 42 of Chapter 174 of the Acts of the Indiana General Assembly of 1947, and all Acts amendatory thereto.

ARTICLE 2. VALIDITY

IF any title, article, section, clause, paragraph, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of proper jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this Ordinance.

ARTICLE 3. EFFECTIVE DATE

This Ordinance shall be in Force and effect From and after its passage.

Passed by the Board of County Commissioners of the County of Wabash on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

BOARD OF COUNTY COMMISSIONERS  
WABASH COUNTY, INDIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed by the Board of Trustees of the Town of LaFontaine on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

BOARD OF TRUSTEES  
LAFONTAINE,  
INDIANA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Passed by the Board of Trustees of the Town of Lagro on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_.*

BOARD OF  
TRUSTEES LAGRO,  
INDIANA

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*Passed by the Board of Trustees of the Town of Roann on the \_\_\_\_\_  
19\_.*

*BOARD OF TRUSTEES  
ROANN, INDIANA*

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*ATTEST:*

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*County Auditor or Town Clerk*

# FIGURE 1

CURB AND GUTTER DETAIL

USING PORTLAND CEMENT CONCRETE



