

## *Chapter 4 – Design and Maintenance Standards*

### **Table of Contents**

4.1	Accessory Structures	2
4.2	Building Standards	3
4.3	Fence Standards	3
4.4	Height Standards	4
4.5	Lot Standards	4
4.6	Performance Standards	4
4.7	Property Maintenance Standards	5
4.8	Setback Standards	6
4.9	Vision Clearance Standards	7
4.10	Yard Standards	7
4.11	Images	8

## 4.1 ACCESSORY STRUCTURES

- A. Accessory buildings are permitted in all Zoning Districts. No more than one accessory building, including a detached private garage, is permitted on any attached or detached single-family dwelling lot.
- B. The maximum ground floor area of an accessory building is less than the ground floor area of the principal building or 1,000 square feet, whichever is less.
- Accessory buildings located in the AG Zone and used for agriculture purposes are exempt from maximum floor area regulations.
  - Accessory structures larger than 1,000 square feet in residential zoning districts will need to seek a Variance through the Board of Zoning Appeals.
  - Accessory structures larger than 1,000 square feet in non-residential zoning districts will need to seek approval through the Development Plan Amendment process.
- C. Accessory buildings must be constructed on the same lot as their principal building.
- D. Accessory buildings for residential uses must be setback at least 10 feet behind the front facade of the principal building.
- E. An accessory building 200 square feet or smaller must be a minimum of 3 feet from the side and rear lot lines and located outside of all easements. An accessory building over 200 square feet must meet the minimum side, street side, and rear yard building setback lines of the Zoning District, except as otherwise established by this chapter.
- F. Accessory buildings must not be constructed until the construction of the principal building on the same lot has begun. Accessory buildings cannot be occupied or utilized unless the principal building is first legally occupied for a permitted use within the applicable Zoning District. The construction of an accessory building must be completed:

1. Within one year of the issuance of a building permit, if such permit is obtained individually; or
2. Within one year of the completion of construction of the principal building, if the accessory building's building permit is obtained as part of the building permit for the principal building.
3. The standards of this Ordinance do not prevent the use of a temporary construction building to be utilized for the storage of tools, materials, and other equipment during the period of construction.

- G. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions which may impose greater restrictions than are found in this Ordinance. This ordinance does not abrogate any private covenants that may apply to property.

Likewise, approval of any addition or improvement pursuant to private covenants does not act as a waiver of any requirements contained in this ordinance.

- H. Swimming pools must be constructed on the same parcel as the principal building to which they are accessory. Swimming pools cannot be constructed in the established front yard. Swimming pools are required to meet the same minimum building setback line as their principal building. Access to residential pools must be restricted in accordance with I.A.C., Title 675, Article 20.
- I. Screening of Receptacles and Loading Areas: These standards apply to all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities for commercial, industrial, and multi-family uses:
1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities must be completely and permanently screened from view of rights-of-way and where possible, adjoining properties.

2. Enclosures cannot be in an established front yard or in any required side or rear yard.
3. The enclosure must be 100% opaque on all sides, including the gate, and not less than 6 feet in height above grade or 2 feet above the receptacle, whichever is greater.
4. Enclosures must be constructed of materials that match or complement the principal building. Permitted materials include stone, masonry, architectural metal, or other similar construction providing the required opacity. In no instance shall chain link fence interwoven with plastic strips or other similar fencing be considered as 100% opaque for the purposes of the fencing and/or gates required by this section.
5. Enclosure gates cannot be oriented towards residential properties or rights-of-way, where possible.
6. Trash enclosures should provide convenient pedestrian access for daily waste disposal. Such access should be provided without swinging or movable doors.
7. Gates and doors on enclosures must be kept closed when not in use.
8. Landscaping must be provided around enclosures in accordance with [5.3 General Landscaping Standards](#).
- J. Large ground microwave antenna dishes are not permitted in an established front yard or an established side yard; however, a satellite receiver antenna 2 feet in diameter or less may be installed in any location in accordance with the provisions of [JC 36-7-4-201.1](#).
- K. Carports must be consistent in design, appearance, and materials with the principal building.
- L. Public Art
  - Public art includes, but is not limited to sculptures, monuments, fountains, mosaic, and stained glass. Signage is not considered public art.

- Public art shall, when part of an overall development, be included in the Development Plan and approved administratively. Such incorporation of public art shall be cohesive with the overall development.
- Public art shall not contain characteristics that will distract drivers, pose a safety risk, or impact traffic flow.
- If public art is located on a building structure, it may extend a maximum of 30" from the face of the wall.

## 4.2 [BUILDING STANDARDS](#)

- A. Every building erected must be located on a lot and in accordance with this Ordinance.
- B. A lot used for single-family residential purposes must have only one principle building devoted to residential use, except as otherwise permitted in this ordinance.
- C. A lot used for multi-family purposes may have more than one principal building devoted to residential use.
- D. A lot in a non-residential district may have more than one principal building devoted to non-residential uses.

## 4.3 [FENCE STANDARDS](#)

These standards apply to fences in all Zoning Districts.

- A. Fences cannot be erected or altered in a manner that obstructs the vision of a vehicle driver ([see 4.9 Vision Clearance](#)). Fences may be built directly along lot lines; however, fences must not encroach into rights-of-way, nor into easements prohibiting the installation of fences (e.g., drainage and utility easements). A survey of the site prepared by a licensed surveyor must be provided with applications.
- B. Height Limitations:
  1. Fence height is measured from the top of the fence to the finish grade adjacent to the fence. Any fence placed upon mound, berm, or masonry wall is measured from the top of the fence to the finish

grade at the base of the mound, berm, or wall.

2. Fences located within a required side, street side, or rear yard of a residential lot cannot exceed 6 feet in height ([see Figure 4-1](#)).
  3. Fences located within the required or established front yard of a residential lot cannot exceed 42 inches in height.
  4. Open wire mesh fences surrounding tennis courts and baseball diamond backstops may be erected to a height of 16 feet.
  5. Fences enclosing an institutional, public park, business, or industrial property may consist of an open mesh fence not to exceed 10 feet unless otherwise restricted by this Ordinance.
  6. Fences for agricultural uses are exempt from these height limitations.
- C. Opaque fences must be installed so the finished side of the fence is facing outward (e.g. toward the lot line) ([see Figure 4-2](#)). Fences on a lot line in which two or more property owners share in the expense of the fence are exempt from this provision.
- D. Fences for screening of permitted outdoor storage or display areas must also comply with [3.8 Outdoor Storage and Outdoor Display](#).
- E. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions, which may impose greater restrictions than listed in this chapter. This ordinance does not abrogate any private covenants that may apply to property.
- F. Chain link fencing is prohibited in all Zoning Districts except industrial districts and public districts. Barbed wire and razor wire are prohibited in all districts.
- G. Fences must be maintained in good condition and operating order.
- H. In all Zoning Districts, temporary fences for safety and construction are permitted and

are exempted from the standards of this chapter.

#### 4.4 HEIGHT STANDARDS

A structure must not exceed the height limits established and specified in the Zoning District in which the structure is located except as otherwise provided in this Article.

In all Zoning Districts, spires, church steeples, chimneys, cooling towers, stacks, tanks, water towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

#### 4.5 LOT STANDARDS

- A. Lots must meet the area and width requirements for the lot's Zoning District.
- B. All Lots must abut on a street, private street, or alley and must have a minimum lot frontage as set forth by the Zoning District.

#### 4.6 PERFORMANCE STANDARDS

The following performance standards apply to all industrial uses.

- A. **Smoke.** Uses in the I1 zoning district must not 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 period it may emit smoke up to and including Ringelmann No. 3.

Uses in the I2 zoning district must not emit more than 30 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 period it may emit smoke up to and including Ringelmann No. 3.

- B. **Odor.** No industrial use may release an odor detectable at the lot line.

- C. **Toxic Materials.** Gases or fumes toxic to persons or injurious to property must not escape beyond the building in which they occur.
- D. **Glare and Heat.** An industrial use must not cause heat at the property line so intense as to be a public nuisance or hazard. Glare must not be seen from any public street or residential area.
- E. **Vibration.** Vibration created or maintained by an industrial use must not be noticeable beyond the lot lines of the tract on which it is located.
- F. **Noise and Sound.** The sound level of any industrial use must not exceed 70 decibels at the lot line of any non-industrial district. Noise must be muffled to not be objectionable due to intermittence, frequency, or shrillness. Background noises produced by sources not under the control of the industrial use, such as the operation of motor vehicles, are exempt from this standard.
- G. The performance standards above do not apply to:
- Site construction, maintenance, repair, or alterations of buildings or other improvements on or within the lot lines; and
  - The operation of motor vehicles; and
  - Safety or emergency warning signals or alarms.
- H. Any industrial use must conform to any applicable state and federal government regulations. Where the requirements of this ordinance are more restrictive, they take precedence. All relevant federal and state permits or approvals are required prior to issuance of an Improvement Location Permit.

## 4.7 PROPERTY MAINTENANCE STANDARDS

This chapter applies to all Zoning Districts.

- A. All land and exterior areas under roof but not enclosed must be maintained free from:
1. Accumulation of garbage, debris, or blight, including: graffiti, tires, broken

glass, or anything posing a hazard to public health;

2. Tarps, plastic sheeting, or similar materials used as screening, fencing, or wall covering;
3. Abandoned vehicles or inoperable vehicle parts, visible from a right-of-way, except a single inoperable vehicle undergoing minor repair work, not to exceed 72 hours; or lawful commercial activities involving vehicles as allowed by this Ordinance;
4. Commercial appliances, machinery, freezers, refrigerators or other household items;
5. Any object or landscaping that interferes with the use of any sidewalk, street, alley, highway, or visibility of a traffic light or sign in the town;
6. Landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth;
7. Anything posing an imminent hazard to public health and safety;
8. Any unprotected well or excavation more than 2 feet deep;
9. Any wall or fence missing blocks, boards, or other material, or is otherwise deteriorated to constitute a hazard to people or property; and
10. Graffiti visible from a public area or right-of-way.

These standards exclude: items kept in covered bins or receptacles; a lawfully established junkyard; any neatly stored materials used in the development of property; and items stored or kept in enclosed trailers or vehicles.

These standards do not apply to the orderly storage of materials in side and rear yards provided:

- The storage does not exceed 10% of the area of the yard, and

GENERAL  
PROVISIONS

DISTRICTS

SPECIFIC  
USESDESIGN  
STANDARDS

LANDSCAPE

LIGHTING

PARKING

SIGNS

SUBDIVISION

ADMIN

PROCESS

DEFINITIONS



GENERAL  
PROVISIONS

- The storage does not exceed the height of any fence or wall enclosing the storage area.

## DISTRICTS

- B. All premises must be kept free from rodent infestation and other noxious pests.
- C. All premises must prevent the accumulation of stagnant water.

SPECIFIC  
USES

- D. All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair. Repair of an existing fence or wall must be made with the same or similar materials.

DESIGN  
STANDARDS

- E. Occupied buildings must have an adequate number of garbage receptacles maintained in clean condition and good repair. The owner or occupant must arrange for the removal of garbage from the premises.

## LANDSCAPE

- F. Vacant lots or land subject to enforcement action for dumping must be secured to prevent future dumping.

## LIGHTING

- G. Unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety.

## PARKING

- H. Buildings or structures determined to be unsafe or dangerous as defined in the Building Code must be abated in accordance with the provisions of that code.

## SIGNS

- I. Vacant structures and premises must be maintained and monitored including:

## SUBDIVISION

1. Maintenance of the exterior of the building and landscaping with regular removal of all exterior trash, debris, and graffiti; and

## ADMIN

2. Prevention of reoccurring criminal activity on the premises. Unsecured buildings and structures must be secured in the following manner:

## PROCESS

- Doorways and windows must be boarded up using 5/8" or thicker exterior grade plywood, fastened by tamper-proof screws or one-way bolts;

## DEFINITIONS

- All boarding must be painted to match the dominant exterior color of the elevation of the structure; and

- For commercial buildings, opaque window coverings may be allowed by the Administrator in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within 48 hours. The Administrator may revoke the use of this alternative when the owner or responsible party fails to maintain the within the specified period.

3. If, after 5 business days from when notice provided, the owner fails to install barricades, the Administrator is authorized to barricade the building or structure. All costs associated with this work will be recovered from the property owner.

## 4.8 SETBACK STANDARDS

These standards apply in all Zoning Districts.

- A. The measurement of any building setback line is the shortest distance between the building façade and the lot line. The front yard setback for new lots is measured from the lot line or right-of-way line, whichever is closest to the building façade.

- B. The minimum building setback lines and minimum building separation requirements are as set forth in this Ordinance (see also [CHAPTER 2: ZONING DISTRICTS](#)).

- C. If a minimum building separation requirement is not provided, the minimum building separation requirement is the district's minimum side yard building setback.

- D. Where 25% or more of the lots in a block frontage are occupied by buildings, then the average building setback line of buildings on that block determines the location of the building setback line for the block frontage in lieu of the building setback lines contained in this Ordinance.

- E. Building setback lines established in a recorded subdivision establish the setback of buildings in such subdivisions, except when

such building setback lines may be less restrictive than provided in this Ordinance.

- F. On through lots, the front yard is established by the existing principal buildings in the block.
- G. All improvements are subject to [4.9 Vision Clearance Standards](#), unless specifically exempted.

## 4.9 VISION CLEARANCE STANDARDS

Unless otherwise approved in writing by the Administrator, no sign, fence, wall, landscaping, utility, or other improvement obstructing sight lines between 3 and 9 feet above a street are permitted on a corner lot, within the triangular area formed by the right-of-way lines and a line connecting points:

- 15 feet from intersections of collectors, private or local street.
- 30 feet from intersections of expressways or arterials.
- 5 feet from intersections of driveways or alleys.

For rounded lot lines, the distances are measured from the point at which the right-of-way lines would intersect if they were not rounded at the corner.

## 4.10 YARD STANDARDS

- A. Buildings must not be erected, reconstructed or structurally altered to encroach upon or reduce the yards, lot area, minimum living area, or lot coverage provisions established for the use and the Zoning District or Overlay District in which such building is located.
  - Roof overhangs are permitted to encroach into the required yard setback by not more than 12 inches.
- B. One-half of an alley abutting the rear or side yard may be included in the required rear or side yard of a lot, respectively, if the alley has not been developed for carrying traffic; however, such alley area must not be included for loading berths.
- C. The yard width and depth of required yards are measured as the shortest horizontal distance from a lot line to the required building

setback line. In the case of a standard applying to an established yard, the yard width and depth are measured as the shortest horizontal distance (e.g., ninety degrees) from a lot line to the nearest outside wall of a building or structure.

- D. All required Yards must be maintained as open space and landscaped with grass, trees, shrubs, or in combination with other suitable groundcover materials in compliance with [5.3 General Landscaping Standards](#), except as otherwise improved in accordance with this Ordinance (e.g. Parking Areas).

GENERAL  
PROVISIONS

DISTRICTS

SPECIFIC  
USESDESIGN  
STANDARDS

LANDSCAPE

LIGHTING

PARKING

SIGNS

SUBDIVISION

ADMIN

PROCESS

DEFINITIONS

## 4.11 IMAGES

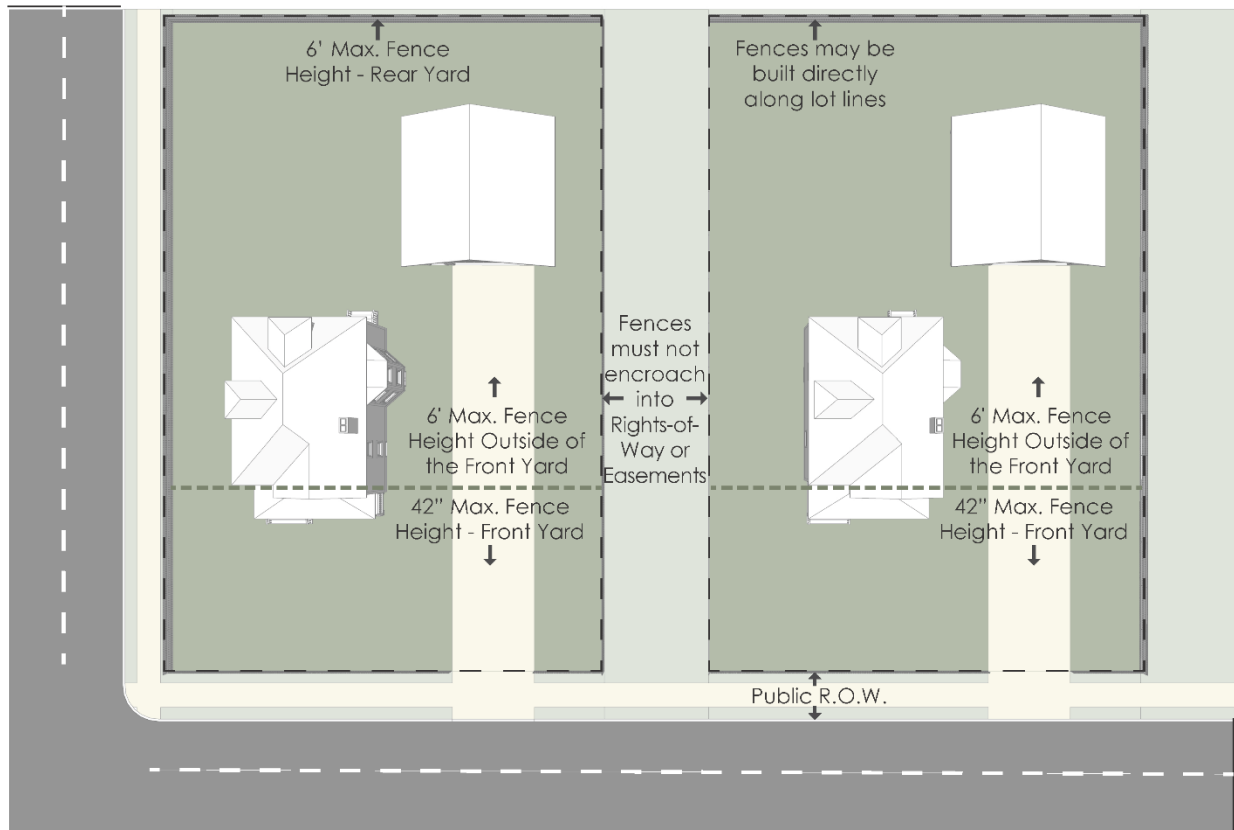


Figure 4-1: Fence Standards

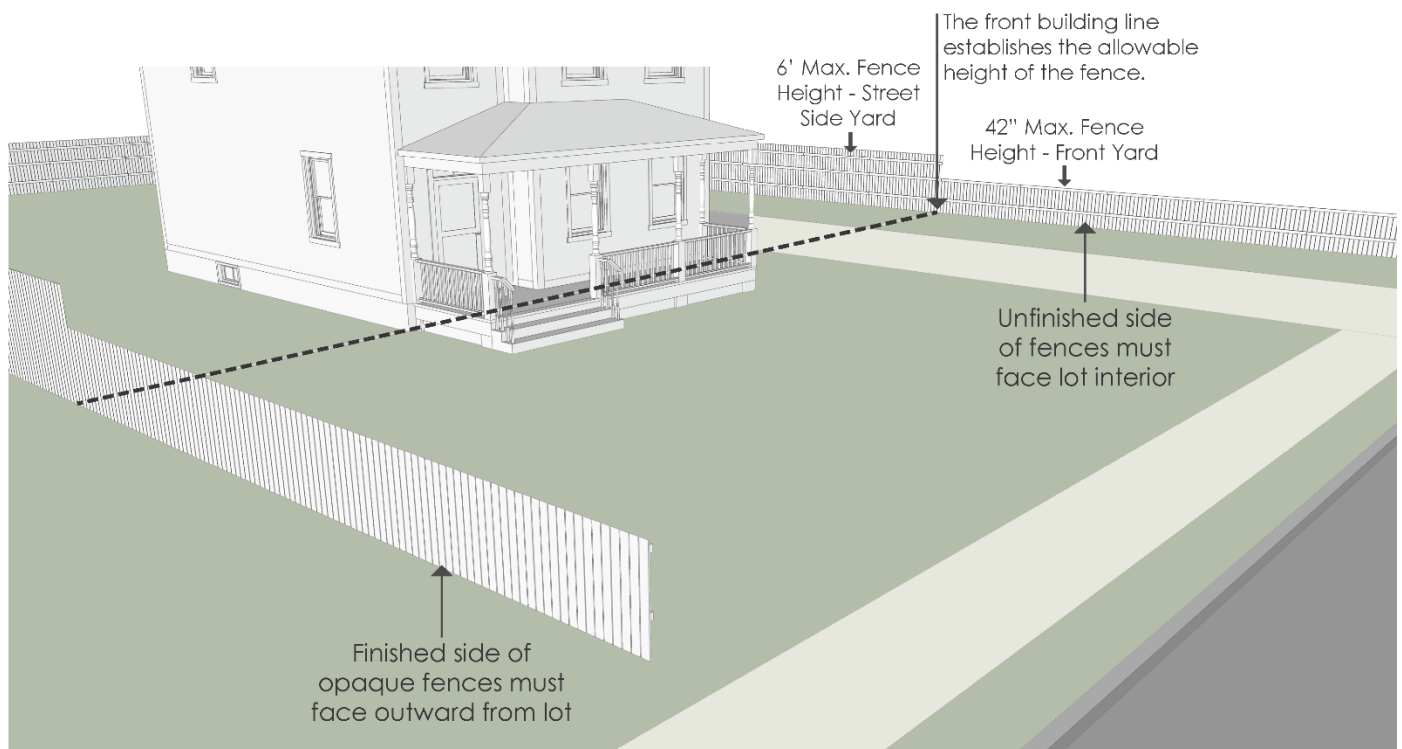


Figure 4-2: Opaque Fences