

## "R5" District

## 3.11 "R5" District Intent, Permitted Uses, and Special Exception Uses

## District Intent

The "R5" (Old Town Residential) District is intended to provide a land use category for small lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, maintain and promote where possible the "old town character" in Cicero.

Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to protect this district from business encroachment, conflicting land uses, and non-family oriented businesses.

The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "R5" district.

## Permitted Uses

**Residential**

- dwelling, single family
- residential facility for developmentally disabled (small) \*
- residential facility for mentally ill \*

**Institutional/Public Facilities**

- public park/recreation center

**Miscellaneous**

- home occupation #1

## Special Exception Uses

**Residential**

- dwelling, multifamily, apartment (10-unit or less)<sup>\*\*\*</sup>
- dwelling, two-family
- bed and breakfast facility (12 boarders or less)<sup>\*\*</sup>
- boarding house (owner-occupied)<sup>\*\*\*</sup>
- child care home (owner-occupied home)<sup>\*\*\*</sup>
- residential facility for developmentally disabled (large)<sup>\*\*\*</sup>

**Institutional/Public Facilities**

- fire station <sup>\*\*\*</sup>
- church <sup>\*\*\*</sup>
- school, public or private <sup>\*\*\*</sup>
- child care center <sup>\*\*\*</sup>
- community center <sup>\*\*\*</sup>
- government building <sup>\*\*\*</sup>

**Communication/Utility**

- public well

**Miscellaneous**

- home occupation #2

All Special Exceptions are discretionary by the Board of Zoning Appeals.

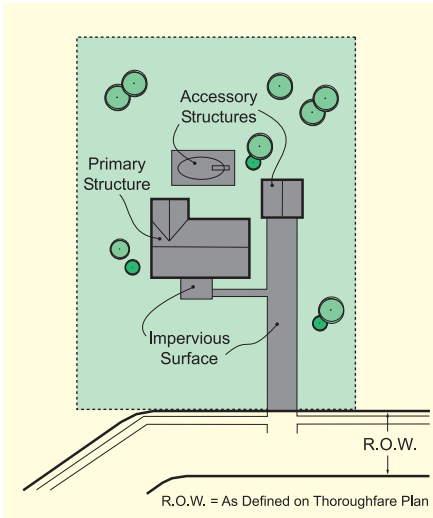
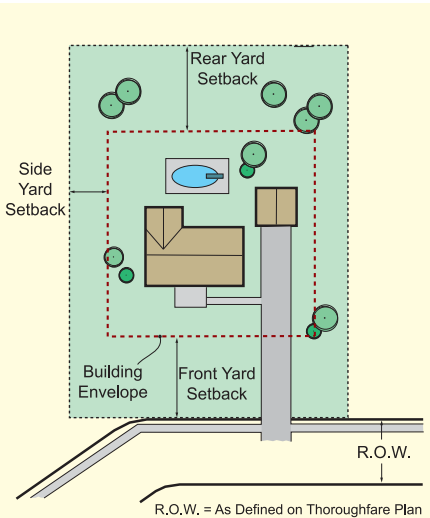
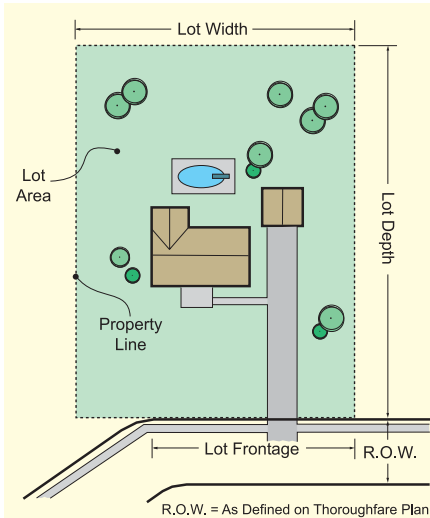
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*Minimum side yard setback of 25 feet, minimum lot width of 90 feet

\*\*\*Minimum side yard setback of 35 feet, minimum rear yard setback of 30 feet, minimum lot width of 100 feet

# "R5" District

## 3.12 "R5" District Standards



### Minimum Lot Area:

- 5,000 square feet

### Minimum Lot Area/Dwelling Unit

- 5,000 square feet

### Minimum Lot Width:

- 35 feet

### Maximum Lot Depth:

- 5 times the Lot Width

### Minimum Lot Frontage:

- 35 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water and sewer hookup

### Minimum Front Yard Setback:

- 20 feet when adjacent to a Primary Arterial Street or Parkway.
- 20 feet when adjacent to a Secondary Arterial Street.
- 15 feet when adjacent to a Collector Street.
- 10 feet when adjacent to a Local Street.

### Minimum Side Yard Setback:

- 5 feet

### Minimum Rear Yard Setback:

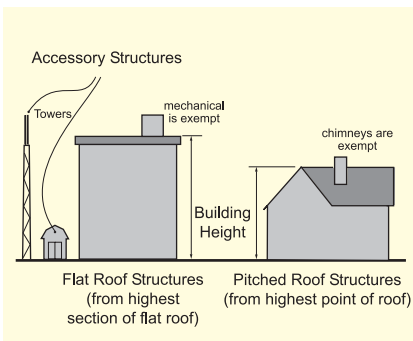
- 15 feet for the Primary Structure
- 5 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 75% of the Lot Area.

### Minimum Main Floor Area:

- 900 square feet for one story Primary Structures; or
- 700 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 900 square feet or more.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 16 feet for Accessory Structures

## Additional Standards that Apply

<ul style="list-style-type: none"> <li>Lot/Yard (LY)</li> <li>• LY-01 ..... Page 76</li> <li>Height (HT)</li> <li>• HT-01 ..... Page 76</li> <li>Accessory Structures (AS)</li> <li>• AS-01 ..... Page 76</li> <li>• AS-02 ..... Page 77</li> <li>Temporary Uses (TU)</li> <li>• TU-01 ..... Page 79</li> <li>• TU-02 ..... Page 79</li> <li>Landscaping (LS)</li> <li>• LS-01 ..... Page 79</li> <li>• LS-02 ..... Page 80</li> <li>Buffer Yards (BY)</li> <li>• BY-01 ..... Page 81</li> <li>Performance Standards (PS)</li> <li>• PS-01 ..... Page 82</li> </ul>	<ul style="list-style-type: none"> <li>Environmental (EN)</li> <li>• EN-01 ..... Page 83</li> <li>Floodplain (FP)</li> <li>• FP-01 ..... Page 84</li> <li>Lighting (LT)</li> <li>• LT-01 ..... Page 86</li> <li>Parking (PK)</li> <li>• PK-01 ..... Page 86</li> <li>• PK-06 ..... Page 88</li> <li>• PK-07 ..... Page 88</li> <li>Entrances/Drives (ED)</li> <li>• ED-01 ..... Page 89</li> <li>Vision Clearance (VC)</li> <li>• VC-01 ..... Page 90</li> <li>Home Occupation (HO)</li> <li>• HO-01 ..... Page 91</li> <li>• HO-02 ..... Page 92</li> </ul>	<ul style="list-style-type: none"> <li>Telecommunication Facilities (TF)</li> <li>• TF-01 ..... Page 94</li> <li>• TF-02 ..... Page 96</li> <li>• TF-03 ..... Page 96</li> <li>Fences and Walls (FN)</li> <li>• FN-01 ..... Page 97</li> <li>Miscellaneous (MS)</li> <li>• MS-02 ..... Page 98</li> <li>• MS-03 ..... Page 98</li> <li>• MS-04 ..... Page 98</li> <li>• MS-05 ..... Page 99</li> <li>• MS-06 ..... Page 99</li> <li>• MS-07 ..... Page 99</li> <li>Table of Contents</li> </ul>
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## Article 7

# Development Standards

### 7.1 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the Effective Date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all development standards and regulations for the applicable Zoning District.

### 7.2 Development Standards that Apply

Under the sections below are Development Standards which are arranged by category. To determine which development standards apply to the subject Zoning District, refer to the "Additional Standards that Apply" section on the Two-Page Spread for that subject Zoning District. The four digit codes noted in the "Additional Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Standards that Apply" section apply to that Zoning District.

As an example, on page 4-3, the four digit code "LY-01" can be found under the "Additional Standards that Apply" section in the Neighborhood Commercial (NC) District. Therefore, the Development Standards following the section below labeled "LY-01" (on page 7-2) would apply to Neighborhood Commercial (NC) Districts.

### 7.3 Lot/Yard Standards (LY)

**A. LY-01:** Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:

1. Front Yard Setbacks: The minimum Front Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
2. Side Yard Setbacks: The minimum Side Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
3. Rear Yard Setbacks: The minimum Rear Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
4. Buildings, structures, material for sale, storage, advertising or display to attract attention or parking lots are not permitted within any setback.

### 7.4 Height Standards (HT)

**A. HT-01:** No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:

1. Church steeples
2. Municipal water towers

**B.** The above specified height exceptions may exceed the permitted height regulations by twofold (x2) or sixty (60) feet; whichever is less. Additional exceptions to height standards include:

3. Necessary mechanical appurtenances
4. Elevator bulkheads

**C.** These above specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet, but must be shielded from view by design features of the building.

5. Height of basement walk-out (Single family residential structures only.)

### 7.5 Accessory Structure Standards (AS)

**A. AS-01:** Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes. Accessory Structures also must relate to the Primary Structure and its uses. B. The following Accessory Structures are permitted, but must abide by all applicable Standards:

1. Antennas or satellite dishes
2. Bath houses or saunas
3. Decks
4. Detached garages
5. Gazebos
6. Greenhouses (personal)
7. Hot tubs
8. Mini barns
9. Storage building
10. Pole barn
11. Agricultural buildings
12. Sheds
13. Sport courts
14. Swimming pools (swimming pools must abide by 675 IAC 20)
15. Fences, and walls

**B. AS-02: All permissible Accessory Structures shall abide by the following standards:**

1. Size of Accessory Structures
  - a. RR-may not exceed one-hundred percent (100%) of the Finished Floor Area of the Primary Structure.
  - b. R1-may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
  - c. R2- may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
  - d. R3- may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure.
  - e. R4- may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure
  - f. R5- may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
  - g. R6- may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
  - h. MP-may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
  - i. AG-no size restriction.
2. No more than two (2) enclosed accessory structures are permitted on a Lot, unless the property is in the AG, Agriculture District and is used as a working farm; in that instance, there is no limit to the number of accessory structures.
3. An accessory structure shall only be located to the rear or side of the primary structure.
4. Swimming pools, hot tubs, mini barns, campers, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.
5. No mobile home or manufactured home may be used as an accessory structure in any district.

C. AS-03: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by. Accessory Structures must relate to the Primary Structure and its uses.

1. The following Accessory Structures are permitted, but must abide by all applicable Standards:
  - a. Antennas or satellite dishes
  - b. Decks

- c. Gazebos
- d. Storage buildings
- e. Sheds
- f. Dumpsters

D. AS-04: All permitted Accessory Structures shall abide by the following standards:

1. No more than two (2) Accessory Structures are permitted on a lot.
2. An accessory structure shall only be located to the rear or side of the primary structure.
3. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
4. Dumpsters shall be enclosed and screened on all four sides.

E. AS-05: Manufactured Home Park Accessory Structures standards are as follows:

1. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks shall be permitted, provided that the following criteria are met:
  - a. They are subordinate to the residential component of the park and add aesthetic value to the park.
  - b. They are located, designed and intended to serve only the needs of the park.
  - c. The establishments shall present no visible evidence of their business nature to areas outside the park.
  - d. Each manufactured home is entitled to one (1) accessory structure in addition to a carport or garage. Attached or detached garages, and carports are to be counted toward the total accessory building area. The total area of all accessory structures shall not exceed twenty percent (20%) of the dwelling site.
2. Permitted accessory structures are as follows:
  - a. Decks,
  - b. Attached/detached garages,
  - c. Gazebos,
  - d. Greenhouses,
  - e. Hot tubs,
  - f. Mini barns,
  - g. Patios,
  - h. Sheds,
  - i. Sport courts, and
  - j. Boat houses.
3. Model manufactured homes as sales units provided the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP District. One (1) unit may be used as a sales office.

F. AS-06: Condominium Accessory Structures standards are as follows:

1. Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structure shall encroach on any recorded easement unless consent of the agency the easement belongs to or is managed by.  
Accessory Structures must relate to the Primary Structure and its uses.
2. Each dwelling unit within the complex shall have allocated no less than one covered (1) carport or garage space. The total area of all accessory structures shall not exceed thirty percent (30%) of the site. The following Accessory Structures are permitted, but must abide by all applicable Standards:
  - a. Decks
  - b. Gazebos,

- c. Dumpsters (enclosed)
- d. Detached garages or carports
- e. Hot tubs
- f. Sport courts
- g. Bath houses or saunas
- h. Swimming pools (swimming pools must abide by 675 IAC 20)

### **7.6 Temporary Use/Structure Standards (TU)**

**A. TU-01:** Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

1. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
2. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance including Chapter 16: Definitions.
3. Permit: All temporary uses/structures will be required to have a temporary improvement location permit and will be subject to fees as adopted, unless otherwise noted in this article.
4. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
5. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

**B. TU-02:** Temporary uses permitted include:

1. Garage sales (no permit necessary),
    - a. Garage sales are permitted a maximum of three (3) times per year, per property and/or per person or legal entity.
    - b. Maximum duration (time limit) for a sale shall be two (2) days.
  2. Children's roadside stand (no permit necessary), and
  3. Tents for a private party/event (no permit necessary).
- C. TU-03:** Temporary Structures/Uses permitted include:
1. Construction trailers (permit may be renewed one time by the Director of Planning with reason,
  2. Roadside sales vehicles or structures,
  3. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

### **7.7 Landscaping Standards (LS)**

**A. LS-01:** Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat buildup, may reduce energy costs in structures and will improve the aesthetics of the community.

A detailed landscape plan including size, type, and location of plant materials shall be submitted for review and approval to the plan commission or its designee for all multifamily, commercial, industrial, or institutional new construction projects, additions, or conversion from residential to commercial.

For the purposes of this section, Institutional is included but is not limited to governmental institutions, schools, churches, and hospitals. The minimum requirements are as follows:

1. All deciduous trees planted shall be at least one and one-half inch (1 1/2") caliper trees. All evergreen trees planted shall be a minimum of five feet (5') in height.
2. Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of property ownership.

3. A minimum of sixty-five percent (65%) of all plantings, including foundation plantings, shall be located in the front yard(s).

**B. LS-02**

**Minimum Plantings Required by Use:**

USE	TYPE	NUM.	PER	SIZE
Single Family	Deciduous	1	1 dwelling unit	1 1/2" caliper
	Needled Evergreen	1	1 dwelling unit	5 feet tall
	Foundation Plantings	1	20' of perimeter	12" tall
Multiple Family	Deciduous	1	2 dwelling units	1 1/2" caliper
	Needled Evergreen	1	2 dwelling units	5 feet tall
	Ornamental	1	4 dwelling units	6 feet tall
	Foundation Plantings	1	10' of perimeter	12" tall
Residential Condominium	Deciduous	1	2 dwelling units	1 1/2" caliper
	Needled Evergreen	1	2 dwelling units	5 feet tall
	Ornamental	1	4 dwelling units	6 feet tall
Retail Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	20' of perimeter	18" tall
Office Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Institutional (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Industrial (Not DC district)	Deciduous	1	3000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	3000 sq. ft. floor area	5 feet tall
	Ornamental	1	3000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	30' of perimeter	24" tall

1. The plantings required to meet Buffer Yard or Parking Lot standards shall not be counted toward this minimum landscaping requirement.
2. Existing vegetation on site can be counted toward the minimum landscaping requirements.
3. All foundation plantings must be within ten feet of the structures' foundation and should be scrubs, ornamental bushes, ornamental plants, or flowering plants.

**C. LS-03: General Standards for Landscaping:**

1. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.

- 2. No trees may be planted within five (5) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
- 4. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designee.

D. LS-04: Single Family Standards for Landscaping:

- 1. A minimum of one tree, one-and-a-half (1.5) inch caliper or greater or a minimum of eight (8) feet tall, shall be planted in the front yard of each single family residential structure.
- 2. The front yard tree shall be installed prior to the final inspection on the residential structure.

**7.8 Buffer Yard Standards (BY)**

**A. BY-01:**

- 1. The general purpose of a buffer yard is to soften the potential conflicts between potential uses in one zoning district from the potential uses in another adjacent district by using plantings, fences, and mounds. The potential degree (or intensity) of conflict (or potential conflict) between two Zoning Districts will determine the extent of Buffer Yard required.
- 2. The following matrix determines the type of Buffer Yard which shall be installed by the subject development. First find the Zoning District of the Subject Property (across the top). Second, find the Zoning District of the Adjacent property (in the left column). Where the two intersect on the matrix will be a letter (A, B, or C) or a blank space. When there is a blank space no Buffer Yard is necessary. If an "A", "B", or "C" is indicated in the matrix, a Buffer Yard is mandatory.

Adjacent District	Zoning District of the Subject Property															
	R1*	R2*	R3*	R4*	R5*	RC1	RC2	MP	NC	OC	DC	C1	C2	C3	C4	AG
R1	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R2	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R3	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R4	B	B	B	B	B	B	B	C	B	B	B	C	C	C	C	B
R5	A	B	B	B	A	B	B	C	B	A	A	B	C	C	C	B
RC1						A	A	A	A			A	A	C		A
RC2						A	A	A	A			A	A	C	C	A
MP						B	B	B	B	A	A	B	B	C	C	A
NC						A	A	A	A			A	A	C	C	A
OC								A				A	A	B	C	
DC	A	A	A	A				B					A	B	C	
C1								A				A			C	
C2								A					A			B
C3													A			
C4																
AG																

A = "A" Buffer Yard    B = "B" Buffer Yard    C = "C" Buffer Yard

\*Non single family residential use

- 3. General Buffer Yard Standards: The following Buffer Yard Standards will apply to all bufferyards.
  - a. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.
  - b. The developer or owner of the subject property is responsible for installing the Buffer Yard.
  - c. The adjacent property owner shall not have to participate in installing the Buffer Yard.
  - d. An irregular row and spacing of trees is preferred. However, no two (2) trees shall be placed within twenty (20) feet from one another.
  - e. All deciduous trees must have at least a two inch (2") caliper and all needled evergreen must be six feet (6') in height when planted.



- f. All trees must be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.
4. Buffer Yard "A"
- a. An additional five (5) feet of setback shall be required in addition to the normal setback.
  - b. One (1) deciduous canopy tree and one (1) needled evergreen tree must be planted for every sixty (60) feet of contiguous boundary with conflicting district.
  - c. All trees must be planted within five (5) to fifteen (15) feet from the property line which is contiguous to the conflicting property.
5. Buffer Yard "B"
- a. An additional eight (8) feet of setback shall be required in addition to the normal setback.
  - b. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every fifty (50) feet of contiguous boundary with conflicting district.
  - c. All trees must be planted within five (5) feet from the property line.
6. Buffer Yard "C"
- a. An additional thirty-five (35) feet of setback shall be required in addition to the normal setback.
  - b. A row of deciduous canopy trees must be planted forty (40) feet apart from one another.
  - c. Additionally, a five (5) foot tall fence, or five (5) foot tall undulating berm, or a row of needled evergreen trees thirty (30) feet apart will also need to be placed parallel to the property line and at least five (5) feet from the deciduous canopy trees.
  - d. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.

### **7.9 Performance Standards (PS)**

**A. PS-01:** All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards:

1. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
2. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
3. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
4. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittent, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
5. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
6. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
7. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
8. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
9. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

## 7.10 Environmental Standards (EN)

**A. EN-01:** No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

1. **Surface Water:** It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage pattern of surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100 year storm event shall be required unless written statement by Town Engineer or County Surveyor that it is not necessary to prevent harm to adjoining properties. All drainage plans shall be reviewed and approved by the Town Engineer, Cicero Building and Public Works, or the Hamilton County Surveyor.
2. **Drainage:** Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by Town Engineer, Cicero Building and Public Works, Hamilton County Highway Department, the Hamilton County Drainage Board, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.
3. **Permanent Structures:** No permanent structures may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any regulated tile ditch, or within seventy-five feet of the existing top edge of any regulated open ditch or tile, or platted regulated subdivision easement unless approved by the Hamilton County Drainage Board and Hamilton County Surveyor.
4. **Preservation of Natural / Historic Features:** Existing natural and historic features which would add value to development of natural or man-made assets of the county such as trees, streams, vistas, Lakes, historical landmarks, and similar irreplaceable assets, when possible shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.
5. **Landscaping:** Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.
6. **Cut / Fill Grade:** No cut or fill grade shall exceed a slope of 3/1 or 33-1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.
7. **Erosion Prevention:** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within thirty (30) days after the removal or destruction of said natural cover to prevent erosion.
8. **Alterations to Shoreline:** No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources and Army Corp of Engineers, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one half mile of a water body.
9. **Retention, Detention, and Pond Edges:** All retention, detention, and pond edges must be maintained with a buffer of natural plantings within twenty (20) feet of the peak elevation. The use of "rip-rap" or any other engineered hard edges are not permitted except around inlets and outlets. However, the use of "rip-rap" or any other engineered hard edges shall not exceed five percent (5%) of lineal feet of the total edge of any retention facility, detention facility, or pond.
10. **Code Compliance / Hazardous Waste:** All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.
11. **Code Compliance / Environmental Quality:** All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

12. Waste Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
13. Fuel Storage: No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
14. Debris / Refuse: Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, and rotting wood shall not accumulate on any property, in any zoning district.
15. Treatment of Fill: Material used for fill where permitted by this ordinance and/or by the IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.
16. View Requirements: Where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Director of Planning so that the fifty percent (50%) view or exposure may be maintained.
17. Improvement Location Permit Requirements: The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met.
  - a. Normal plowing and preparing the land for farming, gardens, and yards.
  - b. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
  - c. Earth movements related to farming and other agricultural activity.
  - d. Drain tile laying and ditch cleaning.
18. Projects Affecting Regulated Drains: Regulated drains are under the jurisdiction of the Hamilton county Drainage Board. The Hamilton County Drainage Board or Hamilton County Surveyor shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

### **7.11 Floodplain Standards (FP)**

**A. FP-01:** Intent: The intent of floodplain standards are to protect from loss of property and maintain natural areas that help mitigate flooding downstream. Cicero/Jackson Township's Plan Commission and Board of Zoning appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available information. The Director of Planning may require a petitioner to acquire a surveyor or engineer to determine the floodplain on a parcel of land.

Statement of Purpose: Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council adopts the following floodplain management regulations in order to accomplish the following: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to protect human life and health from the hazards of flooding; to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.

All development shall be prohibited within the floodplain except as outlined below.

1. The following uses shall be permitted, provided they are permitted by the underlying district:
  - a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
  - b. Forestry, wildlife areas and nature preserves.
  - c. Parks and recreational uses except golf course and driving range.
  - d. Public streets, bridges, and roadways.
2. Uses permitted as a Special Exception are as follows:
  - a. Unenclosed riding stables or trails,

- b. Telephone exchange,
  - c. Utility substation ,
  - d. Public well,
  - e. Sewage treatment plant,
  - f. Water treatment plant,
  - g. Water management use facilities such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities.
  - h. Public/private parking areas of any type (grass, gravel, or paved),
  - i. Golf course, Driving range,
  - k. Artificial lake - one (1) or more acres.
3. An Improvement Location Permit is required if any structure or use (except farming activities other than the construction of structures) is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for an Improvement Location Permit shall be accompanied by the following:
- a. A description of the proposed development.
  - b. Location of proposed development - sufficient to accurately pinpoint the property and structure in relation to existing roads and streams.
  - c. A legal description of the property site.
  - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
  - e. Elevation of lowest floor (including basement) of all proposed structures.
  - f. Base flood elevations. If the stream or waterway is located outside the FEMA detailed study areas base flood elevations must be approved by IDNR.
4. If the site is in the floodway the staff shall require the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for a permit for construction in a floodway. Under the provisions of IC 13-2-22 a permit from IDNR is required prior to any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the building. No action shall be taken by the staff until a permit has been granted by IDNR granting approval for construction in a floodway. The staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
5. If the site is located in the floodway fringe, the staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
6. Facilities (nonresidential) may be constructed within the floodplain provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile. Floodproofed nonresidential may also be constructed; provided, that the plans and necessary specifications are certified by a professional engineer or registered architect licensed to practice in the State of Indiana. A registered professional engineer or architect shall certify that below the flood protection grade the structure and attendant facilities are watertight and capable of resisting the affects of regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Also, on-site waste disposal systems may be permitted only when in accordance with the policies of the Hamilton County Health Department.
7. The Director of Planning may require any or all of the following measures as conditions of approval of new construction:
- a. Retention or detention of stormwater runoff to minimize the increase in floodflows due to watershed urbanization.
  - b. Erosion and sedimentation control during construction projects to reduce siltation resulting in loss of channel carrying capacity.
  - c. Additional fill to reduce flood danger.

d. Under no circumstance shall there be a net loss of flood water capacity. No development shall be permitted which acting alone or in combination with existing or future similar works will cause any increase in the elevation of the regulatory flood.

9. The Cicero/Jackson Township Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following:

- a. The potential damage to personal property belonging to private individuals other than the property or building owner.
- b. The increased hazard the proposed structure may cause to other structures and properties.
- c. The potential risk to stranded individuals and rescue workers.
- d. Whether the site is subject to more frequent flooding than the 100-year flood.
- e. Whether there are other options for locating the structure.
- f. The applicant shall demonstrate the necessity of the particular use or structure within the floodplain.
- g. The applicant will demonstrate that there will be no net loss of flood storage capacity. All fill shall come from subject property in order to ensure flood water storage capacity.

### **7.12 Lighting Standards (LT)**

**A. LT-01:** The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

1. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
2. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
3. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
4. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
5. All lights within a single development must uses consistent style, design, height, size and color throughout the development.
6. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles).

The only exception to this standard is as follows:

- a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
  - b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
7. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

### **7.13 Parking Standards (PK)**

**A. PK-01:** Two (2) off-street parking spaces, paved or gravel, are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

**B. PK-02:** One and one-half (1.5) paved off-street parking spaces are required per dwelling unit. In multifamily housing developments or manufactured home parks, at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine and one-half (9.5) feet wide and nineteen (19) feet long.

**C. PK-03:** All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations,

and places of assembly must be paved with asphalt, concrete, or other durable material. Gravel, stone, rock, dirt, sand or grass is not permitted as a parking surface. Expansion of existing gravel, stone, rock, dirt, sand or grass lots is not permitted. In addition, these parking lots must also conform to all the following requirements:

1. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.
2. Be striped so as to show each parking space.
3. Be constructed to allow proper drainage.
4. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
5. The interior of all parking lots shall be landscaped with one (1) deciduous shade tree per ten (10) parking spaces (or any part of ten (10) spaces).

D. PK-04: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

1. One (1) parking space per employee that potentially can be working at any given time.
2. One (1) parking space for every three (3) chairs/seats in a restaurants, food services, movie theatre, auditorium, or church.
3. One (1) parking space per five hundred (500) square feet of Gross Floor Area in all furniture stores and automobile sales establishment.
4. One (1) parking space per four hundred (400) square feet of Gross Floor Area in all hardware stores, home improvement stores, and community centers.
5. One (1) parking space per two hundred (200) square feet of Gross Floor Area in all fitness, health spa, entertainment facility, skating rink or similar facilities.
6. One (1) parking space per every three hundred (300) square feet of Gross Floor Area in all convenience stores, gasoline stations, grocery stores, banks, and department stores.
7. One (1) parking space per every ten (10) children enrolled in a day-care facility.
8. One (1) parking space per sleeping unit in a hotel, motel, or bed and breakfast.
9. Twenty (20) parking spaces are required per nine (9) holes at any golf course.
10. One parking space per 250 square feet of gross floor area (or any part of 250 square feet) for general or professional office use.
11. Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.

E. PK-05: Parking spaces shall be installed as follows:

1. Maximum of 30% in front of the primary structure,
2. Maximum of 70% to the side of the primary structure, and
3. Minimum of 10% to the rear of the in rear yard.
4. Under no circumstances shall parking be permitted within any required yard setback or buffer areas.
5. Parking spaces prescribed in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
6. Parking spaces shall be a minimum of 9' x 18'. Parking aisle widths shall be as follows:
  - s. 90 degree angle space - 24' wide parking aisle
  - b. 60 degree angle space - 18' wide parking aisle
  - c. 45 degree angle space - 14' wide parking aisle
7. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of

the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Director of Planning and/or Town Attorney. The agreement shall be recorded in the office of the Hamilton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Director of Planning shall approve aggregate parking lots such as mentioned above.

- 8. A church or temple or like uses may request a variance to a down-size parking requirements if adequate parking is located near the use and which is available during the times of use by the church or temple.

**F. PK-06:** Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.

No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.

**G. PK-07:** The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot where there is a principal building as long as it is:

- 1. Used by a resident of the premises, and
- 2. Parked in an enclosed garage or accessory building, or is located in the rear yard at least ten (10) feet from the rear property line.

This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.

**7.14 Loading Standards (LD)**

A. LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- 1. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a front of the primary structure, or on the side of the primary structure adjoining a street.
- 2. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
- 3. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. There shall be no maneuvering within the right-of-way.
- 4. Surfacing: All open off-street loading berths shall be improved with a compacted base ~~not less~~ of asphalt, concrete or some comparable all-weather, dustless material.
- 5. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
- 6. Off-Street Loading Berth Requirements:

a. Minimum Loading Berths Required Gross Floor Area

1	Up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

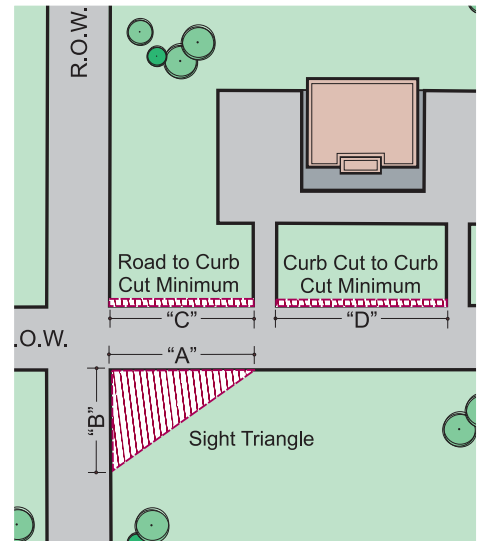


- b. One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.
- c. In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the planning commission may reduce the number required or eliminate the requirement.

### 7.15 Entrance/Drive Standards (ED)

**A. ED-01:** The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

1. All classification of roads shall be based on the Transportation Plan as found and maintained in the Cicero/Jackson Township Comprehensive Plan.
2. No entrance or drive shall be permitted to begin within:
  - a. 220 feet of any intersecting road if along a Primary Arterial (see "C" in the illustration on the following page),
  - b. 175 feet of any intersecting road if along a Secondary Arterial (see "C" in the illustration on the following page),
  - c. 170 feet of any intersecting road if along a Collector (see "C" in the illustration on the following page), and
  - d. 150 feet of any intersecting road if along a Local Road (see "C" in the illustration on the following page).



Entrance and Drive Standards Diagram

*The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement whichever is less) of the entrance or drive.*

3. No two entrance or drive shall be within:
  - a. 120 feet of one another if along a Primary Arterial (see "D" in the illustration on the following page),
  - b. 100 feet of one another if along a Secondary Arterial (see "D" in the illustration on the following page),
  - c. 70 feet of one another if along a Collector (see "D" in the illustration on the following page), and
  - d. 50 feet of one another if along a Local Street (see "D" in the illustration on the following page),

*The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or drive.*

4. No entrance or drive shall be permitted within:
  - a. 140 feet of the apex of a curve (30 degrees or greater) and where the roads is a Primary Arterial,
  - b. 120 feet of the apex of a curve (30 degrees or greater) and where the roads is a Secondary Arterial,
  - c. 100 feet of the apex of a curve (30 degrees or greater) and where the roads is a Collector,
  - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.

The location of drives on or near curves may be investigated individually by the Town Engineer or his designee and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Town Engineer or his designee be able to reduce the above stated distances by greater than fifty percent (50%).

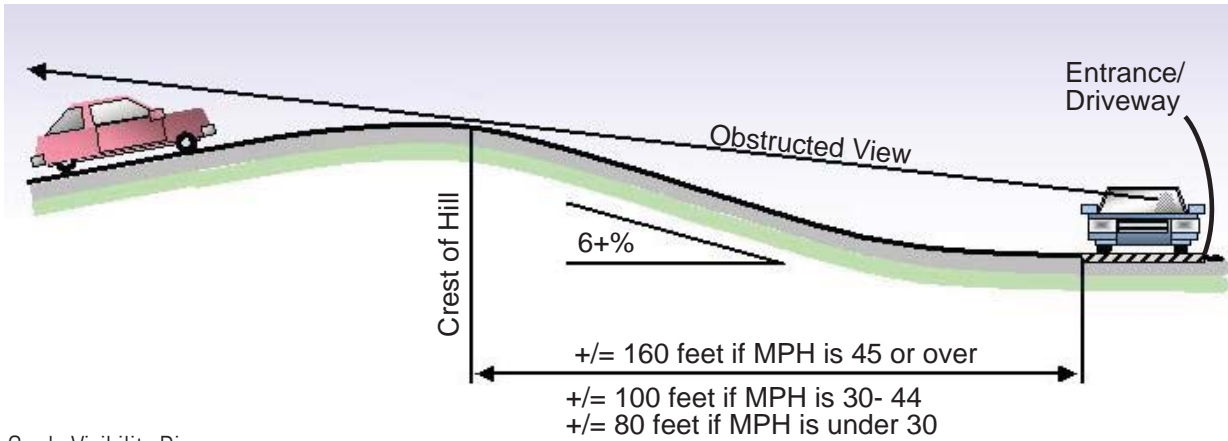
5. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
  - a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
  - b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
  - c. 28 feet if from a commercial Zoning District onto a Collector,



- d. 26 feet if from a commercial Zoning District onto a Local Street,
- e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
- f. 28 feet if from a multifamily residential Zoning District onto a Local Street,
- g. 28 feet if from a single-family residential Zoning District onto any type of street, or
- h. 22 feet if from a single-family residential unit onto any type of street.

*The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.*

- 6. The Planning Commission may determine if the following are necessary:
  - a. an acceleration or deceleration lane, or
  - b. a passing blister at a new entrance or drive.
- B. ED-02: In manufactured home parks with forty (40) or more manufactured homes:
  - 1. Two (2) access points shall be required into and out of the manufactured home park.
  - 2. Individual dwelling sites may only have driveways on interior roads.
- C. D-03: Single family residential driveways:
  - 1. All driveways shall be concrete, concrete pavers, brick, or asphalt.



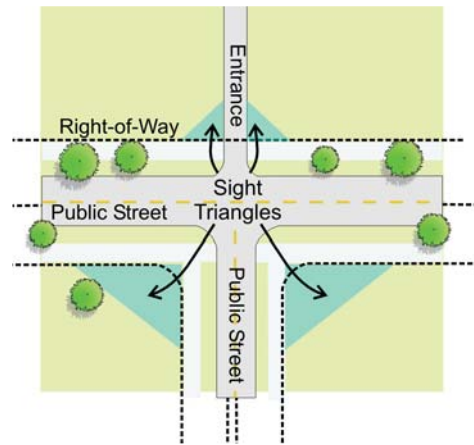
Grade Visibility Diagram

**7.16 Vision Clearance Standards (VC)**

**A. VC-01:** The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- 1. No entrance, curb cut, or drive shall be permitted if within:
  - a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is 45 MPH or greater.



Clear Vision Triangle Diagram

- b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is 30-44 MPH
  - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Director of Planning, County or Town Engineer, and the speed limit is under 30 MPH.
2. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.
  3. The following triangle leg lengths will apply to the determination of a clear vision triangle.
 

a. Along Primary Arterials	45 feet
b. Along Secondary Arterials	40 feet
c. Along Collectors	35 feet
d. Along Local Roads	20 feet

### **7.17 Public Improvement Standards (PI)**

A. PI-01: The following public improvement standards shall apply as follows:

1. Manufactured Home Parks and Multifamily Developments shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.

Any public streets which will carry the increased traffic the park or development shall be adequate to accommodate such traffic. Drainage facilities and public utilities shall have sufficient capacity to serve the development. The town/township engineer shall make a determination as to needed street and drainage improvements. The town/township engineer or his designee shall make a determination as to needed utility improvements. The decision of the town/township engineer or his designee may be appealed to the Board of Zoning Appeals. When public improvements are required, the developer or authorized representative shall be required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.

2. Attachment to public or semi-public water and sanitary facilities shall be mandatory in MP, Manufactured Home Parks.
3. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.
4. All private streets shall be constructed to the public streets standards set forth in the Public Improvement Design Standards Ordinance.

### **7.18 Open Space Standards (OS)**

A. OS-01: The intent of the Open Space standards are to allow adequate open space in the MP, Manufactured Home Parks District:

1. A minimum of 400 square feet per dwelling site shall be dedicated to open space, a portion of which shall be an active recreational area, or a quarter (1/4) acre whichever is greater. Open space shall be configured for the activity for which it is designed.
2. The minimum lot size may be reduced provided that the amount by which the lot is reduced is devoted to common open space and the lot size is not less than 3200 square feet.

### **7.19 Home Occupation Standards (HO)**

A. HO-01: Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply:

1. The home occupation must not involve retail sales or manufacturing operations.
2. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
3. At least one (1) members residing on the premises must be the primary operator of the company.
4. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.

5. There must not be any interior or exterior storage or display of products, equipment or materials used in connection with the home occupation.
6. No more than ten percent (10%) of the total floor area of the primary structure shall be used for the home occupation.
7. There shall not be any interior or exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
8. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
9. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
10. No use of Accessory Structure including attached/detached garages, shall be allowed.
11. No traffic generation due to the business will be permitted.
12. No signage for the business shall be allowed on or off the property.
13. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive.
14. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
15. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
16. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
17. The permitted uses in for Home Occupation #1 shall be limited to small offices or operations which have no clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the home location.
18. Business activities involving escort services, adult bookstores, adult novelty sales, pornographic materials, or nude or partially nude modeling services are strictly forbidden and considered an unpermitted use, and such activities will be considered a public nuisance under Home Occupation #1.
19. Home occupation uses that meet the above described standards are deemed permitted until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Commission that the use is a nuisance.

**B. HO-02: Home Occupation #2:** The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply.

1. The home occupation must not involve retail sales or manufacturing operations.
2. The home occupation must not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
3. At least one (1) members residing on the premises must be the primary operator of the business and be that person(s) primary work.
4. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
5. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
6. No more than twenty-five percent (25%) of the total floor area of any level of the primary structure shall be used for the home occupation.
7. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
8. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
9. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.

10. Business practice in all Accessory Structure is not permitted.
11. Minimal traffic generation due to the business will be permitted.
12. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
13. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
14. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
15. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
16. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
17. The permitted uses in for Home Occupation #2 shall be limited to domestic crafts, professional service, catalog businesses and internet businesses, including but not limited to:
  - a .dressmaking,
  - b .sewing,
  - c. weaving,
  - d. tailoring,
  - e .ironing,
  - f. washing,
  - g. computer/internet based sales,
  - h .catalog order business,
  - i. furniture repair,
  - j. hair grooming - one (1) chair,
  - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
  - l. home office for a real estate, insurance, notary public, or manufacturer's agent,
  - m. office for clergy,
  - n. art studio, writing studio, music studio, photography studio,
  - o. teaching art, writing, or music for one student at one time, and
18. The following types of business shall not be permitted as a Home Occupation #2:
  - a. medical clinics of any kind,
  - b. retail dress shops,
  - c. funeral homes,
  - d. tourist homes,
  - e. animal hospitals,
  - f. kennels,
  - g. trailer rentals,
  - h. automobile, motor vehicles, equipment repair of any kind,
  - i. painting of automobiles, motor vehicles, or equipment of any kind,
  - j. photo developing,
  - k. television, radio or other electronics repair,
  - l. tooling, welding, or machining of any kind,
  - m. retail or manufacturing of any kind,

- n. tool or equipment rental of any kind,
  - o. restaurant or similar establishment,
  - p. salvage operations of any kind,
  - q. freight or trucking operations of any kind,
  - r. contractors business,
  - s. landscaping/lawn care business, and
  - t. escort services, adult bookstores, adult novelty sales, sales of pornographic materials, or nude or partially nude modeling services of any kind.
19. Permitted uses are deemed so until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.
20. Uses not specifically mentioned will be interpreted by the Director of Planning or BZA as to whether the use is permitted or not.

### **7.20 Telecommunication Facilities Standards (TF)**

**A. TF-01: Statement of Purpose:** The purpose of this section of the ordinance is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower in order to reduce the total number of towers needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening.

All Wireless Telecommunication Facilities shall meet the following provisions:

1. The location of the tower and equipment buildings shall comply with all local, state, and federal natural resource protection standards.
2. The following buffer plantings shall be located around the perimeter of the outer most perimeter or security fence of a wireless telecommunications facility:
  - a. A live evergreen screen shall be planted around the entire facility including the guy wires and anchors, if used, that consist of a hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center, height of plants at time of planting shall be no less than 5 feet tall.
  - b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
3. An antenna may be located on a building or structure that is listed on a historic registry only after obtaining all necessary and required approvals. Any antenna located in a historic district will require approval by the Board of Zoning Appeals for a Special Exception approval.
4. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the existing driveways.
5. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
6. Proposed or modified towers and antennas shall meet the following design requirements:
  - a. Tower and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - b. Wireless telecommunication service towers less than 131 feet tall shall be of a monopole design and when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.
  - c. The entire facility must be aesthetically and architecturally compatible with its environment. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures with in the neighborhood or area. Only if the facility will be 100% screened during all seasons will other materials be approved.

- d. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. When approved the lighting shall be oriented inward so as not to project onto surrounding residential properties.
7. Any request submitted to the Office of the Cicero/Jackson Township Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require a building permit and the contract between the applicant company and the owner of the tower.
  8. All towers at a minimum are to be constructed to support the initial user (wireless telecommunication antenna) plus handle the anticipated loading of a second user on a monopole and third user on all other towers equal to the antenna loading of the initial user.
  9. The size of the site of the initial tower and support facility shall be sufficient area to allow the location of one (1) additional tower and associated support facility for future monopole tower and sufficient area to allow for the location of two additional towers and associated support facilities for non-monopole towers.
  10. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate planned or equipment at a reasonable cost.
    - b. The planned equipment would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
    - c. That existing or approved towers, buildings or structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
    - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower, building or structure.
    - e. Unable to enter a commonly reasonable lease term with the existing tower owner.
    - f. If agreement cannot be reached between parties both parties shall agree to binding arbitration.
    - g. Additional land area is not available.
  11. Any proposed commercial wireless telecommunication service tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicants height and at least one additional users for every 30 feet of tower above 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights. Tower sites shall be large enough to accommodate all future accessory structures needed by future antenna users.
  12. All antennas, towers, accessory structure and wiring constructed within the Cicero/Jackson Township Plan Commission jurisdiction, shall comply with the following requirement:
    - a. All applicable provisions of this Code and the Building Code of the State of Indiana and the Federal Communications Commission when applicable.
    - b. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
    - c. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals no part of any antenna or tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line without appropriate approval in writing.
    - d. The tower and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

- e. All towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
  - f. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
  - g. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
  - h. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
  - i. An engineers certification shall be submitted to document and verify the design specifications but not limited to, the foundation for the tower, and anchors for the guy wires if used, co-location, strength requirements, for natural forces; ice, wind, earth movements, etc.
  - j. Towers and antenna shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate any co-location requirements.
13. The following shall apply to Existing Antennas and Towers:
- a. May continue in use for the purpose now used and, as now existing but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
  - b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining a building permit provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance
  - c. Existing antennas or towers cannot be used for anything other than their originally intended use.
14. The following shall apply to the inspection of towers:
- a. All towers may be inspected at least once every one to five (1-5) years by an official of the Cicero/Jackson Township Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.
  - b. Notice of violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the building inspector that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.
15. Any tower unused or left abandon for twelve (12) months shall be removed by the tower owner at its expense.

**B. TF-02: Roof/Wall Mounted Antennas:** The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

<b>1. BZA Approval</b>	<b>Directors Approval</b>
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Directors Approval	Directors Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line
<i>If within 200 feet of residential property lines BZA approval required</i>	

**C. TF-03: This section applies to residential and agriculture districts.**

Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential or agriculture district:



1. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
2. Maximum height: tower 125 feet - accessory structure 15 feet
3. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
4. The tower shall be a monopole design.

D.TF-04: This section applies to the NC, OC, DC, C1 and C2 districts.

Wireless Telecommunications Facility shall require approval as Special Exception by the Board of Zoning Appeals and meet the following and all other requirements within this ordinance:

1. Minimum side and rear property setbacks equal to 80% of the height of the tower. Towers are not permitted in the front yards.
2. Maximum height: tower 180 feet - accessory structure 15 feet.
3. Minimum number of antenna sites for a 180 feet tower is 4; if tower is less than 180' refer to TF-01K.
4. Tower shall be placed no closer than 500 feet to any residential structure. If it is closer it will require Special Exception Approval by the Board of Zoning Appeals.

E. TF-05: This section applies to the HC, C3, and C4 districts.

A Wireless Telecommunications Facility shall be permitted that meet the following and all other requirements within this ordinance:

1. Minimum setback from the side and rear property line: equal to fifty percent (50%) of the height of the tower. Towers not allowed in the front yards.
2. Maximum height: tower two hundred fifty (250) feet and accessory structure fifteen (15) feet
3. Minimum number of Antenna sites for a two hundred fifty (250) feet tower is six (6); if tower is less than two hundred fifty feet (250') refer to TF-01K.
4. Tower shall be placed no closer than five hundred (500) feet to any residential structure. if closer will require Special Exception Approval by the Board of Zoning Appeals.

## **7.21 Fence and Wall Standards (FN)**

**A. FN-01:** All fences and walls are accessory structures and require a building permit:

1. Present the non-structural face outward.
2. Be permitted up to the property line or easements; fences shall not be allowed within any utility and/or drainage easement.
3. Not be greater than six (6) feet in height in the side yard and rear yard or greater than three (3) feet in height in the front yard.
4. Not be closer than two (2) feet to any public right-of-way.
5. Not be placed within the clear vision triangle.
6. Not incorporate security wire or sharpened top spikes.
7. Fences or walls located in the front yard shall have no less than 50% surface open area. (Picket fence/rail fence.)
8. Wire fences and walls for agricultural purposes are exempt from this requirement and do not require a permit.

**B. FN-02:** All fences and walls shall:

1. Present the non-structural face outward.
2. Be permitted up to the property line or easements; fences shall not be allowed within any utility and/or drainage easement.
3. Not be greater than eight (8) feet in height in the side yard and rear yard.
4. Not be closer than two (2) feet to any public right-of-way.
5. Not be placed within the clear vision triangle.



6. Fences or walls located in the front yard shall have no less than 50% surface open area. (Picket fence/rail fence.)
  7. Wire fences and walls for agricultural purposes are exempt from this requirement and do not require a permit.
- C. FN-03: All fences and walls are accessory structures and require a building permit, and shall:
1. Present the non-structural face outward.
  2. Be permitted up to the property line or easements, but shall not be allowed within any utility and/or drainage easement.
  3. Not be greater than eight (8) feet in height in the side yard or rear yard.
  4. Not be greater than six (6) feet in height in the front yard.
  5. Not be placed within the clear vision triangle.
  6. Not incorporate security wire or sharpened top spikes.
  7. Be constructed of brick, ironwork, or decorative masonry blocks.

### **7.22 Architecture Standards (AR)**

- A. AR-01: The following architectural standards apply and shall be shown on plans submitted with a building permit:
1. A minimum roof pitch of 7:12 is required for the primary structure. The minimum roof pitch for an open porch is 5:12.
  2. Siding for all structures shall have a textured surface.
  3. All single family residential structure roof overhangs or eaves shall be no less than twelve (12) inches.
  4. All single family residential structures shall have gutters and down spouts.
- B. AR-02: The primary building material for all facades of the Primary and Accessory Structures are to be brick, natural or cut stone. Other accent materials suggested on the facades include products like stucco or dryvit (no vinyl, aluminum or plywood siding shall be permitted).
1. Gazebos, bath houses, detached garages or carports shall have the same architectural design and look as the Primary Structure, and the same building materials, unless otherwise approved by the Plan Commission.

### **7.23 Miscellaneous Standards (MS)**

- A. MS-01: Each manufactured home in a manufactured home park must be tied down and have perimeter skirting.
- B. MS-02:** Storage or parking of recreational vehicles is subject to the following conditions:
1. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
  2. A recreational vehicle may be permitted to be parked for visitation for up to seven (7) consecutive days, but not to exceed fourteen (14) total days in any one calendar year.
  3. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
  4. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of the vehicle shall project beyond the front of the primary structure, side yard setback, or rear yard setback.
  5. Year-round storage of a recreational vehicle is permitted if it is either enclosed, screened with vegetation, or is not within seventy-five (75) feet of all neighboring residential structures. If either of these conditions is not met, outdoor storing or parking shall not extend more than nine (9) months of any single calendar year.
  6. A recreational vehicle shall not block a sidewalk.
  7. A recreational vehicle shall not be parked on a parcel without a primary structure.
  8. A recreational vehicle shall not be used solely for the purpose of personal storage.
- C. MS-03:** All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.
- D. MS-04:** Farm animals must have a minimum fenced area per animal to be permitted within the jurisdiction of this Ordinance. The minimum lot size to be able to have any farm animal on any lot or combination of lots is three (3) acres. The zoning administrator shall have discretion to determine the minimum acreage for farm animals not listed.

1. The following animals shall have:

Large Animals (horses, cows, buffalo, camels, donkeys)	1.5 acres fenced pasture per animal
Medium Animals (llamas, emu, ostrich, alpacas, sheep)	1 acre fenced pasture per animal
Small Animals (pigs, turkeys)	.5 acre fenced pasture per animal
Very Small Animals (chickens)	.1 acre fenced pasture per animal

**E. MS-05:** All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

**F. MS-06:** All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides in all zoning districts.

**G. MS-07:** Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

H. MS-08 Knox boxes are requested on all commercial, multifamily, residential and residential condominium buildings but are not required.

## 7.24 Wind Energy Conversion Systems (WECS)

### A. WECS-01: General Standards

1. Purpose and Intent. In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, wind energy conversion system (WECS) regulations are necessary in order to:

- Promote the development of wind energy resources in support of Indiana's economic development objectives;
- Facilitate economic opportunities for local residents;
- Provide a framework to allow WECS for the residents and businesses of the community;
- Assure that any development and production of wind-generated electricity is safe and effective;
- Provide a regulatory scheme for the construction and operation of WECS in the jurisdiction of the Plan Commission; subject to reasonable restrictions these regulations are intended to preserve the health and safety of the public;
- Minimize adverse visual effects of WECS facilities through careful design and siting standards;
- Avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements.

2. Compliance with Other Applicable Regulations. Nothing in this Chapter is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration rules and regulations. Nor are they intended to interfere with, abrogate, or annul any other ordinances, rule, or regulation, statute or other provision of law. In the event that any provision of these regulations imposes restrictions different from any other ordinance, rule, regulation, statute, or provision of law, the provisions that are more restrictive or that imposes higher standards shall govern.

3. Prerequisites

- Drainage and erosion control
- Broad use agreements (including mitigation of damages to public infrastructure)
- Federal approvals (FAA)

4. Classifications. For purposes of this ordinance, wind energy conversion systems shall be classified as either Small WECS or Commercial WECS and as further defined in Article 16 Definitions.

### B. WECS-02: Small WECS Development Standards

1. Where Permitted: A Small WECS is permitted by right as an accessory use to a permitted primary use in all zoning districts provided the lot is at least one (1) acre in size and at least one hundred eighty (180) feet wide.

2. Height and Setbacks. Free-standing Small WECS Towers:

- Maximum Height: The maximum height shall be measured to the top of the rotor blade at its highest point and shall be as follows:

## Article 10

# Sign Regulation

### 10.1 General Sign Standards

General Sign Standards. These sign standards apply to uses that are permitted in each respective zoning district by right, special exception, or use variance. The intent of sign standards is to accomplish the goals of the Comprehensive Plan; to regulate time, place and manner characteristics of signs; to avoid the proliferation of signs; to provide businesses with appropriate identification; to create a consistent streetscape; to maintain and enhance the aesthetic environment of the town/township; to eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and, to promote the health, safety, and welfare of the residents of Cicero/Jackson Township.

A. Sign Types. The different types of signs addressed in this ordinance are defined in Section 16 Definitions.

Permitted Signs. The types of signs specifically permitted in each in each zoning district and their respective regulations are listed in this article.

Prohibited Signs. Type types of signs specifically prohibited in each zoning district are listed in this article. In addition, the following types of signs are prohibited in all districts:

1. Animated Signs: Signs that gain attention through animation, including:
  - a. Signs that utilize any motion picture, laser, or visual projection of images or copy.
  - b. Signs that emit audible sound, odor or visible matter.
  - c. Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
2. Misleading Signs: Signs that are misleading, including:
  - a. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
  - b. Signs that may be construed as or have on it a light of an emergency or road equipment vehicle.
  - c. Roof Signs: Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a building.
3. Vehicle Signs: Vehicle signs are prohibited when the vehicle is parked on public, or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be construed as vehicles with signs on them that:
  - a. Are lawfully parked overnight or during nonbusiness hours for that operation, on public or private property;
  - b. Are making deliveries, sales calls, or customary practices relating to doing business;
  - c. Are making trips to transport persons or property; or
  - d. Are in conjunction with customary construction operations on a construction site.
4. Other Prohibited Signs:
  - a. Trailblazer or point of destination signs.
  - b. Search lights.
  - c. Pennants, streamers, and/or spinners.
  - d. Bench signs.
  - e. Signs with moving or movable parts.
  - f. Obscene signs that contain profane language, male genitalia and/or female genitalia are prohibited.
  - g. Human signage
  - h. Inflatable signage

B. Signs Exempt From These Regulations. Signs that are specifically exempt from these regulations and their respective limitations include:

1. Building Addresses: Every building is required to post its numerical street address, and is exempt from needing a permit if installed as follows:
  - a. Single Family Residential Structure Addresses: Street addresses for single family residential structures shall consist of Arabic numerals (i.e. 1,2,3 ... ) no less than three (3) inches in height and no more than eight (8) inches in height on its mailbox and/or at its main entrance door, whichever is more visible.
  - b. Apartment Complex Addresses: Street addresses for apartment complexes shall consist of Arabic numerals (e.g. 1, 2, 3 ...) no less than five (5) inches in height and no more than ten (10) inches in height. Each apartment complex is required to have each building's address displayed in an obvious location if the entrance into each apartment unit is not clearly labeled with a street address.
  - c. Non-residential Use Addresses: The minimum and maximum height for address numbers varies according to front setback as follows:
    - i. If the address is posted one-hundred (100) feet or less from the road right-of-way, the numbers shall be between five (5) and twelve (12) inches in height.
    - ii. If the address is posted between one-hundred (100) and two-hundred (200) feet from the road right-of-way, the numbers shall be between eight (8) and sixteen (16) inches in height.
    - iii. If the address is posted over two-hundred (200) feet from the road right-of-way, the numbers shall be between twelve (12) and twenty (20) inches in height.
  - d. Legibility: All street addresses shall contrast to the color of the surface on which they are mounted and shall be clearly visible and identifiable from the street.
2. Directional Devices: Directional devices if installed as follows:
  - a. Use: Directional devices shall be used to indicate points of entry or exit for a business, public amenity, or off-street parking area.
  - b. Area: Directional devices are limited to a maximum of four (4) square feet in area per entrance.
  - c. Height: Directional devices are limited to a maximum of forty-two (42) inches in height above the ground.
  - d. Placement:
    - i. Directional devices shall not interfere with safe vehicular or pedestrian traffic circulations.
    - ii. Directional devices shall not obstruct tile view of drivers entering or exiting the lot.
    - iii. Directional devices shall not be placed within a public right-of-way.
    - iv. Directional devices shall be on the property to which it refers.
      - a) Quantity: No more than two (2) directional devices shall be used per street frontage, with a maximum of four (4) per parcel.
      - b) Message: Directional devices without a logo may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or directional arrows indicating desired traffic movement.
3. Flags: The flag, pennant, or insignia of any nation, state, city or other political unit are exempt, but shall not be mounted more than thirty-five (35) feet in height and be more than forty (40) square feet in area (e.g. a five (5) foot by eight (8) foot flag).
  - a. Residential: maximum area of a flag shall be twenty-five (25) square feet.
  - b. Non-residential: maximum area of a flag shall be thirty-five (35) square feet.
4. Holiday Decorations: Holiday decorations are exempt and may include window painting, trees, wreaths, decorative lighting, and similar seasonal displays that do not contain the name or logo of an establishment or any type of advertising.
5. Informational Sign: Informational signs including all municipal signage are exempt.
6. Murals: Murals are exempt provided that the mural does not contain the name or logo of an establishment or any type of advertising.

7. Residential Private Property: Informational Signs are permitted on residential private property provided that they do not exceed one (1) square foot in area.
8. Religious Symbols: Religious symbols that are incorporated into the architecture on places of worship or structures owned and operated by religious organizations that are not accompanied with text.
9. Scoreboards: Scoreboards are exempt from needing a permit as follows: (1) when used in conjunction with a legally established sport field, and (2) when not containing any commercial messages, and (3) when the scoreboard does not exceed twenty (20) feet in height above the ground, and (4) when the total scoreboard area does not exceed one hundred (100) square feet, and (5) when the scoreboards are single sided.
10. Wayfinding Signs: Wayfinding signs erected by the municipality.

#### C. Sign Permits.

1. Signs Requiring Permits. A sign permit is required for all signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in the in this Article.
  - a. Permanent signs: A sign permit is required for all new, relocated, and altered signs.
  - b. Temporary signs: A sign permit is required for temporary signs as stipulated within the respective district regulations.
2. Application. Sign Applications are administratively approved by staff of the Department of Planning and Development.
  - a. A permit shall be obtained to erect or display a sign.
  - b. A person proposing to erect or display a sign shall file an application for a permit with the Department of Planning and Development. The application shall contain:
    - i. A drawing or digital image to scale indicating the location, height, and size of sign and the zoning district and if it is in an overlay district.
    - ii. Specifications for the construction of the sign and for its illumination, if any, shall be provided.
  - c. The Director of Planning and Development and/or his/her designee shall issue a permit for the sign if:
    - i. It complies with the regulations for signs contained in this Article.
    - ii. It has been authorized as a variance by the Board of Zoning Appeals.
    - iii. It has been approved by the Aesthetic Review Committee and/or as part of a sign package for a planned development.
    - iv. A permit shall be expedited if previously approved by the Aesthetic Review Committee as part of a sign package.
  - d. Inspections. Signs for which a permit is required may be inspected periodically by the municipality for compliance with this Zoning Ordinance.

#### D. Installation

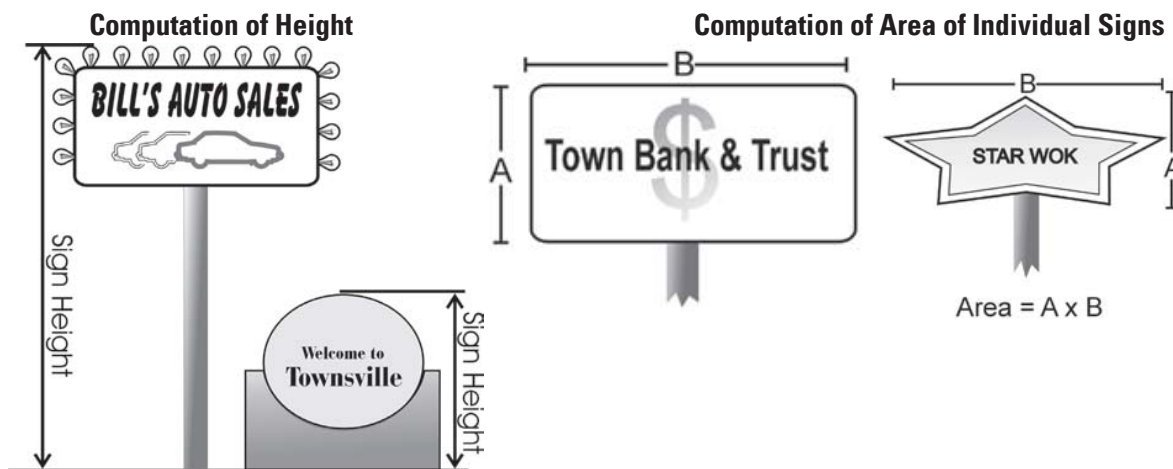
1. The ground shall not be raised or lowered to artificially change the point at which a sign height is measured.

#### E. Location and Placement

1. Signs may not be installed at any of the following locations:
  - a. In any public right-of-way, unless specifically authorized by the Town Council or their designee.
  - b. In any utility easement unless authorized by the Town Council or their designee.
  - c. In any no-build or no-disturb zone.
  - d. In any public park or other public property, with the exception of those signs specifically permitted in this Zoning Ordinance.
  - e. On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.
  - f. Obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
  - g. In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.

## F. Computations

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest rectangle encompassing the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence.
2. Computation of Area of Multifaceted Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces.
3. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade or grade of adjacent right-of-way to the top of the highest attached component of the sign, or structure supporting the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
4. Computation of Maximum Total Permitted Sign Area for a Lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula, contained in the figure below, to the road frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.



G. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and working condition.

H. Abandoned Signs. All on-site signs, their mounting, and related components shall be removed within fourteen (14) days of the day the business which it identifies is no longer conducted. When a permanent sign exists that allows a "face-out/face-in" change to identify a new business, said sign may be left standing, but must be covered with a durable and attractive material. Under no circumstances shall any permanent sign be left in place for more than three (3) months. The owner of the premise upon which the sign is located is responsible for its removal or covering.

I. Non-conforming Signs. Signs existing prior to the adoption of these sign regulations shall be classified as follows (See Article Eleven for more information):

1. Conforming – the sign meets the new regulations;
2. Legally non-conforming – the sign met the old regulations and is now grandfathered; or
3. Illegal - the sign didn't meet the old regulations and doesn't meet the new regulations.

J. Violations and Penalties. Failure to comply with the provisions of this Article will result in notices, enforcement and penalties as per Article Fourteen of the Cicero/Jackson Township Zoning Ordinance.

1. Repeat Violation: A repeat violation means a violation of a specific provision of this section by a person who has been previously found to have violated the same provision within a period of five (5) years prior to a subsequent violation. If a repeat violation is found, the Administrator shall document the violation, but is not required to notify the violator of the repeat violation or required to give the violator time to correct the violation before proceeding with enforcement measures and penalties.

K. The Director of Planing may order the removal of any sign erected or maintained in violation of this ordinance, at the cost of the property owners, consistent with Article 14 of the Cicero/Jackson Township Zoning Ordinance.

District Sign Regulations for Permanent and Temporary Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area of Permanent Signs (square feet)	Permitted Signs	Prohibited Signs
1 per 200 feet of road frontage  (unless otherwise stated by sign type)	2  (unless otherwise stated by sign type)	40	<u>PERMANENT SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign  <u>TEMPORARY SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign	Awning Banner Bench sign Billboard Electronic/Animated Hanging Inflatable Painted Sign Off-premise Pole Portable Projecting Roof Unified Development Vehicle Window

**10.3 Single Family Residential (R1, R2, R3, R4 & R5) Sign Standards**

**A. Overall District Sign Regulations**

District Sign Regulations for Permanent Signs				
Cumulative Total of Permanent Signs Permitted on Site	Cumulative Total of Temporary Signs Permitted on Site	Maximum Cumulative Area of Permanent Signs (square feet)	Permitted Signs	Prohibited Signs
1 per each road frontage  (unless otherwise stated by sign type)	1 per each road frontage  (unless otherwise stated by sign type)	40 square feet per each road frontage	<u>PERMANENT SIGNS:</u> Changeable Copy Marker Sign Monument Sign Wall Sign  <u>TEMPORARY SIGNS:</u> Banner Changeable Copy Marker Sign Monument Sign	Awning Bench Sign Billboard Electronic/Animated Hanging Inflatable Painted Sign Off-premise Pole Portable Projecting Roof Unified Development Vehicle Window

1. Illumination. All illuminated signs shall comply with the following standards:
  - a. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
  - b. All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days or as soon as possible if circumstances (e.g. weather or product availability) do not allow.



- c. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways and parking lots.
- d. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
- e. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Zoning Ordinance.

B. Permanent Signs. The following signs are permitted as permanent signs and are subject to the development standards described for each type of sign respectively. All other types of signs are prohibited.

1. Permanent Changeable Copy Sign Standards

a. Prerequisites:

- i. for institutional uses only
- ii. Sign must be accessory to a primary structure and use on the subject site.

2. Maximum Quantity: 1 sign

3. Maximum Area:

- a. Monument sign: 20 square feet per side
- b. Wall sign: 20 square feet

4. Maximum Height:

- a. Monument sign: 6 feet above ground level
- b. Wall sign: 20 feet above ground level

5. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

6. Landscaping: The permanent base for a monument sign shall be landscaped as follows:

- a. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
- b. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
- c. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.

7. Other Limitations:

- a. No part of a wall sign may protrude more than 4 inches from the wall it is attached to.
- b. At least 100 feet of separation between monument signs on the same lot.

8. Permanent Marker Sign Standards

a. Prerequisites:

- i. for agricultural uses only
- ii. lot must have at least 500 feet of road frontage

b. Maximum Quantity: 1 sign

c. Maximum Area: 16 square feet per side

d. Maximum Height: 12 feet above ground level

e. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest

f. Landscaping: None.

g. Other Limitations: none.

## 9. Permanent Monument Sign Standards

- a. Prerequisites: for subdivision or neighborhood entryways and for institutional uses
- b. Maximum Quantity: 1 sign per road frontage
- c. Maximum Area: 40 square feet per side
- d. Maximum Height: 6 feet above ground level
- e. Setback: 5 foot from right-of-way
- f. Landscaping: The permanent base for a monument sign shall be landscaped as follows:
  - i. The base of the sign shall be effectively landscaped with living plant material or hardscape material (i.e. decorative brick or rock) and maintained in good condition at all times.
  - ii. The minimum landscaped area shall be equal to at least 50% of the total sign face area (cumulative of both sides), and extend beyond all faces or supporting structures in all directions. The landscaped area shall include all points where sign structural supports attach to the ground.
  - iii. Exposed foundations must be covered with a finish material such as brick, stone, or wood, or be screened with vegetation.
- g. Other Limitations:
  - i. Sign shall be maintained by a home owner's association or similar legally binding arrangement.
  - ii. Sign must consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.



Monument Sign

## 10. Permanent Wall Sign Standards

- a. Prerequisites:
  - i. for institutional uses only
  - ii. Sign must be accessory to a primary structure and use on the subject site.
- b. Maximum Quantity: 1 per facade, maximum 2 signs
- c. Maximum Sign Area: 40 square feet based on a measurement of 2 square feet per 1 linear foot of structure or tenant frontage on the front facade.
- d. Maximum Height:
  - i. Top of sign is 15 feet.
  - ii. Base of sign 12 feet.
- e. Other Limitations:
  - i. No part of the sign may protrude more than 4 inches from the wall it is attached.
  - ii. No part of the sign may extend above the eaves of the roof or be mounted on the roof.



Wall Sign

C. Temporary Signs. The following signs are permitted as temporary signs and are subject to the time, placement, and development standards described for each type of sign respectively. All other types of signs are prohibited.

### 1. Temporary Banner Sign Standards

- a. Prerequisites: None.
- b. Duration: For the duration of the temporary event, but the event shall not to exceed 7 consecutive days or 14 total days in any calendar year. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.

- c. Maximum Quantity: 1.
  - d. Maximum Area: 25 square feet
  - e. Maximum Height: 15 feet above ground level.
  - f. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
  - g. Permit required: no
  - h. Other Limitations:
2. Sign cannot be located on any public sidewalk.
3. Temporary Changeable Copy Sign Standards
- a. Prerequisites: for institutional uses only.
  - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
  - c. Type: monument sign only.
  - d. Maximum Quantity: 1 sign per road frontage of the subject lot.
  - e. Maximum Area: 5 square feet per side.
  - f. Maximum Height: 4 feet above ground level.
  - g. Setback: 5 feet from right-of-way or sidewalk, whichever is farthest
  - h. Permit required: no
  - i. Other Limitations: None.
4. Temporary Marker Sign Standards
- a. Prerequisites:
    - i. For agricultural uses only.
    - ii. Lot must have at least 300 feet of road frontage
  - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
  - c. Maximum Quantity: 60 per 300 feet of road frontage.
  - d. Maximum Area: 4 square feet per side.
  - e. Maximum Height: 8 feet above ground level.
  - f. Setback: 10 feet from right-of-way or sidewalk, whichever is farthest
  - g. Permit required: no.
  - h. Other Limitations: None.
5. Temporary Monument Sign Standards
- a. Prerequisites: None.
  - b. Duration: For the duration of the temporary event, not to exceed 7 days. The sign may be posted up to 5 days prior to the temporary event and must be taken down within 7 days after the sign's purpose no longer exists.
  - c. Placement: Sign must be placed adjacent to the public right-of-way.
  - d. Maximum Quantity: 1 sign per road frontage of the subject lot
  - e. Maximum Area: 5 square feet per side.
  - f. Maximum Height: 4 feet above ground level.
  - g. Setback: 1 foot from right-of-way or sidewalk, whichever is farthest
  - h. Permit required: no.

i. Other Limitations:

- i. Sign cannot be located on any public sidewalk.
- ii. Sign may not be permanently affixed to the ground.