

City of Rushville  
Zoning Ordinance

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Effective  
\_\_\_\_\_, 2025

## Zoning Ordinance Rushville, Indiana

When there are no more changes to this document the Table of Content will be inserted and sent to the Advisory Plan Commission.

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# CHAPTER 1

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## SECTION 1.0 – GENERAL PROVISIONS

### 1.1. TITLE

This document shall be formally known as the City of Rushville, Indiana Zoning Ordinance, commonly referred to as “Zoning Ordinance” or “Ordinance.”

### 1.2. AUTHORITY

The Zoning Ordinance is hereby adopted by the City of Rushville, Indiana, pursuant to its authority under I.C. 36-7-4 et seq. When this Ordinance refers to Indiana Code and the Indiana Code has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

### 1.3. PURPOSE

The purpose of this Ordinance is to regulate and control the use and development of land within the jurisdiction of the City of Rushville Advisory Plan Commission. The intent of this Ordinance is to promote the health, safety, and general welfare of the citizens of Rushville, Indiana. More specifically, this Ordinance is intended to:

- 1.3.1 Secure adequate light, air, and convenience of access.
- 1.3.2 Provide safety from fire, flood, and other dangers.
- 1.3.3 Plan for the future development and redevelopment of the City to the end that:
  - 1.3.3.1 The community grows with adequate public ways, utilities, health, education, and recreation facilities.
  - 1.3.3.2 The needs of agriculture, industry, and business be recognized in future growth.
  - 1.3.3.3 Residential areas provide healthful surroundings for family life.
  - 1.3.3.4 The growth of the community is commensurate with and promotes the efficient and economical use of public funds.

## **1.4. INTERPRETATIONS AND APPLICABILITY**

### **1.4.1 Jurisdiction.**

The provisions, standards, and regulations of this Ordinance shall apply to all lands within the incorporated limits of the City of Rushville, Indiana.

### **1.4.2 Minimum Requirements.**

The provisions of this Ordinance shall be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment.

### **1.4.3 Zoning Ordinance Provisions.**

If two or more provisions within this Ordinance conflict or are otherwise inconsistent with one another, then the provision which is most restrictive, or imposes higher standards, shall govern.

### **1.4.4 Overlapping Provisions.**

This Ordinance shall apply regardless of any private covenants, private contracts, or private agreements. In no instance shall this Ordinance be interpreted as altering or negating any such private restrictions or any other applicable regulations, state laws, or federal laws or preventing their enforcement by the appropriate entity.

### **1.4.5 Compliance.**

All structures, land uses, land use changes, structural alterations, structural relocations, 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 regulations applicable to the Zoning District in which they are located. All development activity, as described above, shall be in full compliance with all provisions of this Ordinance and occur only after the lawful issuance of all permits and certificates required by this Ordinance.

### **1.4.6 Diagrams, Illustrations, Images and Photographs.**

Diagrams, illustrations, images and photographs are provided for reference purposes only as examples to assist with clarity. The written text within this Ordinance shall govern.

## **1.5. OFFICIAL ZONING MAP**

- 1.5.1 Official Zoning Map.  
Zoning Map for the City of Rushville is hereby adopted as part of this Ordinance.
- 1.5.2 Official Zoning Map Location and Copies.
  - 1.5.2.1 Official Zoning Map shall be kept on file and available for examination in the City of Rushville Planning Office.
  - 1.5.2.2 Copies of the Official Zoning Map may be requested from the City of Rushville Planning Office upon payment of the applicable fee.
  - 1.5.2.3 Copies of the Official Zoning Map shall be marked as “COPY,” and the date the copy was produced shall be affixed.
- 1.5.3 Zoning Map Boundaries and Identification.
  - 1.5.3.1 The Zoning District boundaries shall be as shown on the Official Zoning Maps.
  - 1.5.3.2 The abbreviations for the Zoning Districts appearing in this Ordinance shall be used to identify the Zoning Districts on the Official Zoning Map.
- 1.5.4 Damaged, Destroyed, or Lost Official Zoning Map
  - 1.5.4.1 In the event that an Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the City of Rushville legislative body may, by Ordinance, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed, or lost map.
  - 1.5.4.2 For purposes of record keeping and to provide a basis to determine pre-existing non-conforming uses and structures, the Prior Official Zoning Map or any surviving portions thereof shall be preserved by the Rushville Planning Office.
- 1.5.5 Zoning District Boundaries.  
  
Zoning District boundaries on the Official Zoning Maps shall be interpreted as follows:

1.5.5.1 Center lines of streets and boundaries.

Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys, railroad right-of-way, or such lines extended.

1.5.5.2 Approximations.

Boundaries indicated as approximately following section lines, half-section, quarter-section lines, city corporate limit lines, or platted lot lines shall be construed as following such lines.

1.5.5.3 Railroad lines.

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

1.5.6 Bodies of Water:

1.5.6.1 Boundaries indicated as approximately following the center lines of streams, creeks, rivers, or other bodies of water shall be construed to follow such center lines.

1.5.6.2 Boundaries indicated as following shorelines shall be construed as moving with any change in the actual shorelines and including all aspects of any uses that extend from the shoreline into the water, such as marinas, mineral extraction operation, floating restaurants, etc., even if their only presence on the land is a dock or other departure point.

1.5.7 Extensions of Lines:

Boundaries indicated as parallel to, or extensions of features listed in Section 1.5.5.1 to 1.5.6.2 above shall be so construed.

1.5.8 Lines splitting lots.

Where a Zoning District boundary line divides a lot which is in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals, on appeal, shall interpret the applicable regulations for either portion of the lot not to exceed 50 feet beyond the Zoning District boundary line into the remaining portion of the lot.

1.5.9 Interpretation Procedure:

1.5.9.1 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zone Map or in other circumstances not covered by this Section, the City of Rushville Planning and Zoning Office shall interpret the district boundaries.

1.5.9.2 Any interpretation by the City of Rushville Planning and Zoning Office may be appealed to the Advisory Board of Zoning Appeals.

**1.6. VACATION AND RELOCATIONS**

The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries. However, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

**1.7. ZONING OR ANNEXED AREAS**

1.7.1 Any Ordinance annexing into the city property that does not have Zoning Designation under this Ordinance shall be accompanied by an Ordinance designating the Zoning District of said property. If an annexed area nonetheless lacks any Zoning Designation, the annexed area shall be deemed to have the Zoning District of the most restrictive Zoning District of any adjacent property until formally re-established.

1.7.2 Whenever an annexed area abuts a public right-of-way, including a street, alley, or another right-of-way, the entire abutting right-of-way shall be included within the property to be annexed.

**1.8. ADMINISTRATION**

1.8.1 Improvement Location Permits

1.8.1.1 An Improvement Location Permit shall be obtained prior to any construction, reconstruction, moving, enlarging, or structural alterations.

1.8.1.2 A single Improvement Location Permit may be issued for a combination of these actions if they occur together:

- A. Construction.
- B. Enlarging/Addition.
- C. Moving:
- D. Placing/or replacement
- E. Reconstruction; or,
- F. Structurally altering any structure placed on a foundation (permanent or non-permanent), including signs;
- G. Swimming pools, hot tubs and spas.
- H. Fences and retaining walls.
- I. Solar Energy Production System

1.8.2 Improvement location Permit Not Required

An Improvement Location Permit is not required for the following:

- 1.8.2.1 Routine maintenance or repair of existing structures not involving any change of use, additional lot coverage, or increase in structure size.
- 1.8.2.2 Lot and yard improvements such as drives, sidewalks, patios, play equipment, and landscaping.

1.8.3 Flood Hazard Determination

The City of Rushville Planning and Zoning Office's designated staff shall review all applications for Improvement Location Permits for new construction, additions to existing construction, or other development to ascertain whether the proposed construction, addition, or development lies in a flood hazard area as set out in this Ordinance.

1.8.4 Advisory Plan Commission

- 1.8.4.1 The Rushville Advisory Plan Commission, as established in Ordinance 2015-11 and shall have the powers and duties set forth in IC 36-7-4, et. seq. Powers and duties are further described by the Rushville Advisory Plan Commission's adopted Rules of Procedures, as amended from time to time.



1.8.4.2 The Advisory Plan Commission, pursuant to Indiana Code 36-7-4, appoints a Variance Hearing Office to hear Development Standards Variances and to establish rules prescribing the authority and procedures of the Variance Hearing Officer pursuant to Indiana Code 36-4-7-923 and Indiana Code 36-7-4-924.

1.8.5 Advisory Board of Zoning Appeals.

The Rushville Advisory Board of Zoning as established in Ordinance 2015-11 and the powers and duties as set forth in IC 36-7-4, etc. seq. Powers and duties are further described in the Rushville Advisory Board of Zoning Appeals Rules of Procedures, as amended from time to time.

1.8.6 Notification Requirements

1.8.6.1 Newspaper notification and mailed notices required for a public hearing for the Advisory Board of Zoning Appeals and the Advisory Plan Commission shall be as set out in the Rules of Procedures applicable to the appropriate Board or Commission.

1.8.6.2 If a conflict exists between Rules of Procedure and state statute, the more restrictive shall prevail.

1.8.7 Posting of Public Hearing Sign

1.8.7.1 An applicant shall post sign(s) on the property where an Advisory Board of Zoning Appeals or Advisory Plan Commission Public Hearing will be held.

1.8.7.2 The posting of said sign shall be in accordance with the Rules of Procedure for the Advisory Board of Zoning Appeals or the Advisory Plan Commission.

**1.9. MEANINGS:**

The following rules shall apply to the text in this Ordinance.

1.9.1 The particular and specific provisions of this Ordinance shall supersede any general standards that may be established.

1.9.2 The words “shall,” “must,” or “will” are mandatory and not discretionary.

1.9.3 The word “may” is permissive.

1.9.4 The phrase “used for” includes arranged for, designed for, intended for, maintained for, and occupied for.

- 1.9.5 A building or structure includes any of its parts.
- 1.9.6 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and,” “or,” or “either or,” the conjunction shall be interpreted as follows:
- 1.9.7 The word “and” indicates that all the connected items, conditions, provisions, or events shall apply.
- 1.9.8 The word “or” indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
- 1.9.9 The use of “either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- 1.9.10 Words used in the present tense shall include the future tense.
- 1.9.11 Words used in the singular number shall include the plural, and the plural shall include the singular unless the context clearly indicates the contrary.
- 1.9.12 In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- 1.9.13 The word “include” does not limit a term to the specified examples but is intended to extend the term’s meanings to all other instances or circumstances of like kind or character.
- 1.9.14 Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

## **1.10. ADOPTION AND AMENDMENTS**

Amendments to the Zoning Ordinance Text and/or Zoning Map shall be made in accordance with IC 36-4.

- 1.10.1 Transition Rules:  
The following transition rules shall apply to the adoption of this Ordinance.
- 1.10.1.1 Previously Approved Subdivision Lot Standards:  
Subdivisions that have received primary plat approval but not completed final plat approval shall be subject to the regulations that were in place at the time of filing for primary plat. Any project that has not started for three (3) years shall be subject to this Ordinance.

- 1.10.1.2 Previously Issued Improvement Location Permits:  
Any application for an Improvement Location Permit that has been filed, completed, and issued prior to the effective date of this Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance that was in effect at the time of filing. However, all administrative procedures and penalties shall follow those established by this Ordinance.
- 1.10.1.3 Previously Filed Zoning Map (Rezoning) Amendment Requests:  
Any application for a Zoning Map Amendment (Rezoning) that was filed with the Advisory Plan Commission and is completed prior to the effective date of this Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in effect at the time of filing. However, if the proposed use would no longer be permitted in the proposed Zoning District or the proposed Zoning District no longer exists, the Advisory Plan Commission shall, with the applicant's consent, amend the application so that the request for rezoning would accomplish the same end goal for the applicant.
- 1.10.1.4 Previously Filed Advisory Board of Zoning Appeal Application:  
Any application (Development Standards Variance, Use Variance, Special Exception, Administrative Appeal) that is full and complete prior to the effective date of this Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance in effect at the time of filing, provided that:
- A. Required:  
The application is still required by the terms of the Zoning Ordinance; or
  - B. Additional Approvals:  
If the proposed use or development requires additional approvals for the Advisory Board of Zoning Appeals pursuant to the terms of this Zoning Ordinance that were not required under the previous Zoning Ordinance, the application will be amended to include only those additional approval that are now required within the jurisdiction of the Advisory Board of Zoning Appeals.
  - C. Applicable Regulations:  
The improvements to which the application relates shall be regulated by the terms and conditions of the Zoning Ordinance that was in effect at the time of approval.

1.10.1.5 Building Lots:

All new building lot shall comply with the Zoning Ordinance unless:

A. Building Permits:

A complete building permit application was submitted, and the building permit was issued and is still a valid building permit; or,

B. A parcel was approved as a building lot by the Advisory Plan Commission or Advisory Board of Zoning Appeals, prior to the effective date of this Zoning Ordinance.

1.10.1.6 Expiration of Previous Approvals:

Expiration dates established prior to the adoption of this Zoning Ordinance shall expire on the date established when the application for approval was granted.

1.10.1.7 Previous Effect on Planned Unit Development:

Any initiative of the Advisory Plan Commission to amend this Ordinance that would affect an approved planned unit development before its completion shall not be enforced on the planned unit development.

New amendments to this Ordinance shall only apply to planned unit developments that have been declared abandoned, or for which an approval has expired.

## **1.11. SEVERABILITY**

If any part or provision of these regulations or application thereof to any property owner(s) or circumstances is judged invalid by any court of competent jurisdiction, the judgment having been rendered shall not affect or impair the validity of the remainder of these regulations or the application thereof to another property owners(s) or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any part, provision, or applications. Failure to enforce any portion of this Ordinance on any particular occasion shall not be deemed a waiver of any other or the same or similar provision enforced on any other occasion.

## **1.12. SAVING PROVISION**

Except as expressly provided for herein, this Ordinance shall not be construed as either:

- 1.12.1 Abating any action now pending under or by virtue of any preexisting Ordinance;
- 1.12.2 Discontinuing, abating, modifying, or altering any penalty accruing or about to accrue;
- 1.12.3 Affecting the liability of any property owner(s), firm, or corporation;
- 1.12.4 Waiving any right of a participating jurisdiction under any Section or provision existing at the time of the effective date of this Ordinance; or
- 1.12.5 Vacating or annulling any right obtained by any property owner(s), firm, or corporation, by lawful action of the participating jurisdictions or administrative bodies thereof.

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**1.13. EFFECTIVE DATE.**

WHEREAS, this matter is now before the Rushville City Council at its regular and properly noticed meeting after certification of the proposed Zoning Ordinance;

DULY ORDERED BY THE CITY COUNCIL OF THE CITY OF RUSHVILLE, INDIANA, This Ordinance shall be in full force and effect from and after its approval and publication according to law. Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025 by the City of Rushville Common Council.

\_\_\_\_\_  
, President

\_\_\_\_\_  
PRESENTED TO ME FOR APPROVAL AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Michael P. Pavey, Mayor  
City of Rushville, Indiana

ATTEST:

\_\_\_\_\_  
Ann L. Copley, Clerk-Treasurer  
City of Rushville

# CHAPTER 2

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## SECTION 2.0 – DEFINITIONS

### 2.1 – Definitions

Certain words used in this Ordinance are defined as follows. Any word not defined shall be construed in their generally accepted meanings.

## A

### ABANDONMENT.

To intentionally stop the use or development of a property for continuous period of time.

### ABUTTING.

Having a common border, including being separate from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this Ordinance, abutting also includes lots or other features within a specific vicinity.

### ACCESSORY STRUCTURE .

A detached building which:

- (1) is subordinate to and serves a primary building or use;
- (2) is subordinate in area, extent, or purpose to the primary building to be served;
- (3) contributes to the comfort, convenience, or necessity of occupants of the primary building or use served; and,
- (4) is located on the same lot as the primary building.

### ACCESSORY USE.

A use customarily incidental to, subordinate to and supportive of the primary use of the lot.

### ADDITION.

Any construction that increases the size of a structure in terms of site coverage, floor area, and/or height.

### ADJACENT.

See “Abutting”

### ADJOINING.

See “Abutting”

### ADVERTISING STRUCTURE (OFF-PREMISE SIGN).

See “Sign; Off Premise)

AGRICULTURAL PRODUCTS PROCESSING.

The processing or treatment of agricultural products as a raw resource for refinement as food and non-edible products.

AGRICULTURAL PRODUCTS TERMINAL.

A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

AIRPORT.

Any facility used primarily for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft. This definition does not include a private airstrip.

ALLEY.

A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

ALTERATION.

Any change, addition, or modification in construction or use of any existing structure or property.

AMATEUR RADIO TOWER.

A free-standing or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for personal, non-commercial two-way airway communication purposes by a person holding a valid amateur radio license from the Federal Communication Commission.

AMEND OR AMENDMENT.

Any repeal, modification, or addition to a regulation or any new regulation.

AMPHITHEATER / OUTDOOR VENUE.

An event venue that is open to the outdoor elements and is designed and constructed for artistic performances, speaking events, and other similar activities. An amphitheater / outdoor venue typically includes a stage, seating area, and related dressing rooms, storage, lighting, etc.

ANIMAL.

Any living vertebrate creature, domestic or wild, excluding human beings.

ANIMAL, DOMESTIC.

An animal that has been adopted by human beings to live and breed in a tame condition.

ANIMAL, EXOTIC

An animal raised and bred healthily and humanely for a unique pet or entertainment, or an animal rescued from the wild or from a zoo. An exotic animal is primarily securely caged. An exotic animal does not include an outdoor pet, household pet, farm animal. Examples of exotic animals include: lion, tiger, wolf, coyote, and elephants.



ANIMAL, FARM.

Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to: horses, cattle, pigs, sheep, goats, mules, donkey, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

ANIMAL, NON-FARM.

See “Pets, Household” and “Pets, Outdoor”

ANIMAL SHELTER.

A facility used to care for, and house lost, stray, homeless abandoned or unwanted animals; including those found running at large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

ANTENNA.

Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional, or omni-directional antenna, panels, and microwave or satellite dishes external to or attached to the exterior of any building.

APARTMENT.

See Dwelling, Multi-family.

APPLICANT.

A landowner, or developer, as hereinafter defined, including their heirs, successors, and assigns who makes application to the Rushville Board of Zoning Appeals or Rushville Advisory Plan Commission for action by said board or commission affecting the real estate owned.

ART GALLERY (MUSEUM).

A facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art, books, paintings, sculpture, or other works of original art that have an architectural, artistic, cultural, literary, historical, or scientific value. Accessory uses can include meeting rooms or cafes.

ART (PUBLIC).

A visual work of art that is permanently displayed in a way that it is visible from a public place, street, or way. The work of art may include but need not be limited to sculptures, murals, monuments, frescoes, fountains, stained glass, or ceramics.

#### ASSEMBLY FACILITY.

A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions. Also, an industrial facility where components are brought to a common location and combined to form a finished product.

#### ASSISTED LIVING FACILITY.

A residential facility where assistance with daily activities, such as dispensing medication, dressing, grooming, and bathing, are provided for the aged or infirm or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

#### ATHLETIC COMPLEX.

An indoor or outdoor facility for the playing of games such as baseball, basketball, football, or soccer. An athletic complex typically includes spectator areas, concessions, equipment storage, and other related facilities.

#### AWNING.

A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walkway, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

## B

### BAKERY (COMMERCIAL).

A facility for preparing cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

### BAKERY (RETAIL).

An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

### BALCONY.

A platform that projects from the wall of a building and is surrounded by a railing.

### BAR.

See Tavern/Bar.

### BARBER SHOP.

Any establishment or place of business within which the practice of cutting hair is engaged in or carried out by one or more employees.

### BATCHING FACILITY.

A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

### BEAUTY SHOP.

Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

### BED AND BREAKFAST HOME.

A private, owner-occupied dwelling, or portion thereof, which provides temporary overnight sleeping accommodations, and may or may not include meals for lodging guest, provided for compensation.

### BERM.

A man-made mound of earth that has been graded, shaped, and improved with groundcover and landscaping in a fashion that can be used for visual or audible screening purposes or to provide changes in elevation or relief of the landscape.

### BIO-FUEL PRODUCTION.

A manufacturing process by which corn, soybeans, or other agricultural products are processed to result in fuel by use in internal combustion engines. Such production may also include related by-products such as animal feed.

BOARDING HOUSE.

A building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than thirty persons.

BOAT STORAGE FACILITY.

A structure or area designed for the storage of watercraft and marine equipment.

BOOKSTORE.

A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed media.

BOTTLE GAS STORAGE AND DISTRIBUTION.

The storage and distribution of bottle gases, including propane, carbon dioxide, helium, and other commercially used gases.

BOWLING ALLEY.

An establishment that devotes much of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

BREW PUB, DISTILLERY, OR WINERY.

A commercial use that brews ales, beers, meads, distilled drinks, wines, and/or similar beverages on site and serves those beverages on site. Off-site sales are permitted as accessory use.

BUILDING.

BUILDING.

Any structure having a roof supported by columns or walls, and designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A building is also a structure.

BUILDING FRONT.

The side(s) of a building that parallels and is visible from the right-of-way of a street.

BUILDING HEIGHT.

The vertical distance measured from the average grade level to the highest point of a building or structure, excluding chimneys, smokestacks, stage towers, spires, bell towers, water towers, ornamental towers, conveyors, or flag poles. Where the finished grade of a structure is not uniform, the average of all sides of a building or structure shall be used to determine the building height.

BUILDING LINE.

The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BUILDING SUPPLY STORE.

A facility where building materials, including electrical and plumbing supplies, paint, hardware, lumber, and similar items are provided to construction professionals on either a retail or wholesale basis. Such facilities are generally not designed for the supply of such items to the general public; however, this may occur as a secondary aspect of the business operation.

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# C

## CALIPER.

A tree trunk diameter measured in inches at a height of four and one-half (4 ½) feet above the ground. If a tree splits into multiple trunks below four and one half (4 ½) feet, the truck is measured at the narrowest point beneath the split.

## CALL CENTER.

An establishment that acts as a central place where customer telephone calls are handled in person and/or through computer automation. Call centers generally act as support for telemarketing companies, mail order companies, computer products services and other similar business.

## CANOPY.

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and serving to provide shelter from the weather.

## CARPORT.

A roofed accessory structure not more than fifty percent enclosed by walls for the purpose of providing shelter for one or more motor vehicles.

## CEMENT PRODUCTION.

See "Gravel/sand/cement production."

## CEMENTITIOUS SIDING.

An exterior building finish that has the shape and appearance of horizontal lap wood siding and is made of a combination of cement, sand, cellulose (wood) fiber, and sometimes clay.

## CEMETERY OR MAUSOLEUM

Property used for interment of deceased persons. Cemeteries may include associated mausoleums, columbaria, and chapels. The term does not include "mortuary" or "crematory," except where separately permitted, and does not include a pet cemetery.

## CHILD CARE FACILITY.

See Daycare Facility.

## CLINIC.

A facility in which human patients are admitted for medical or dental study or treatment on an outpatient only basis.

#### CLUB OR LODGE.

A nonprofit membership organization that holds regular meetings, whose members pay annual dues that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities.

#### COMMERCIAL LAUNDRY.

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply.

#### COMMON OPEN SPACE.

A parcel(s) of land designed or intended for the use or enjoyment of residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants. Street rights-of-way, driveways, and parking lots which directly serve dwellings, or commercial buildings shall not be counted toward area requirements of common open space. Those structures directly serving recreational areas may be counted toward common open space area requirements.

#### COMMUNICATION FACILITY.

Antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum-based transmissions or receptions. The following shall not be considered as "Communications facilities" for the purpose of this definition: satellite reception dishes less than three feet in diameter; wireless communication facilities that are completely located within a primary structure and that operate with the sole purpose of providing communications within that structure; and hand-held wireless communications devices.

#### COMMUNICATION SERVICE EXCHANGE.

A facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone exchange service, a data center, and a server farm.

#### COMMUNICATION TOWER.

Any structure, mast, pole, monopole, guyed tower, or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures, and other such communication towers. Meteorological and other monitoring towers that are capable of merely reporting collected data using a cellular or wireless connection shall not be deemed Communication Towers.

COMMUNITY CENTER.

A building, together with accessory uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, that are accessible to the general public and that is not operated for profit.

COMPREHENSIVE PLAN.

The Comprehensive Plan of Rushville, Indiana including all amendments adopted by the City of Rushville Advisory Plan Commission and the Rushville City Council.

CONCRETE/ASPHALT PRODUCTION FACILITY.

A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

CONFERENCE CENTER.

A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation.

CONDOMINIUM.

The same as defined by Indiana Code (IC), Article 32-25, entitled "Condominiums."

CONFINED FEEDING LOT.

As defined in IC 13-11-2.

CONFINED FEEDING OPERATION.

As defined in IC 13-11-2.

CONTINUING CARE RETIREMENT FACILITY.

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally includes a variety of housing types and provides a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

CONSTRUCTION FACILITY.

Any building or structure used as the permanent place of business for a general contractor or tradesman, but where the site does not include the outdoor storage of construction equipment, material, and company vehicles.

CONSTRUCTION YARD.

Outdoor storage for a general contractor or tradesman, including the storage of construction equipment, material, and company vehicles.



#### CONVENIENCE STORE.

A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may include the sale of gasoline and diesel fuels. A convenience store may include liquid fuel gas (liquid propane) tank exchange where liquid fuel tanks do not exceed fifteen (15) pounds.

#### CORRECTIONAL/DETENTION FACILITY.

A publicly or privately owned and/or operated facility detaining persons (adult or juvenile) while being processed for an arrest, or housing persons (adult or juvenile) awaiting trial and/or persons (adult or juvenile) serving a punishment and/or counseling as a result of sentencing after being found guilty of a criminal offense by a court. A correctional facility includes a jail, prison, work-release center, and any other similar facility. A correctional facility may include the offices of a sheriff's department and other similar uses.

#### CRAFT/FABRIC STORE.

Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

#### CREMATORY.

A facility containing apparatus intended for use in the act of cremation of deceased persons.

#### CUL-DE-SAC.

A Short, dead-end street terminating in a vehicular turnaround area.

# D

## DANCE/MARTIAL ARTS STUDIO.

An establishment where patrons learn and/or practice dance or martial arts.

## DATA PROCESSING.

Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalog sales; and mailing list processing.

## DAY CARE FACILITY.

### ADULT DAY CARE CENTER.

A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care for disabled and/or aged adults. An adult day care center provides care for less than 24 hours per day, with those cared for arriving from and returning to an off-site place of residence each day.

### CHILD CARE.

As defined in IC 12-7-2.

### CHILD CARE CENTER.

As defined in IC 12-7-2.

### CHILD CARE HOME.

As defined in IC 12-7-2.

### CHILD CARE MINISTRY.

As defined in IC 12-7-2.

### CHILD CARING INSTITUTION.

As defined in IC 12-7-2.

### HOME DAYCARE.

Means a provider that does not receive regular compensation, cares only for children who are related to the provider or cares for five (5) or less children, not including the provider's children, stepchildren, guardian, custodian, or other relative.

## DECK.

An open structure at least 12 inches above the ground which may be attached to a building and is commonly used for outdoor leisure activities.

DEPARTMENT STORE.

A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

DELICATESSEN (DELI).

An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.\_

DETENTION FACILITY.

A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPMENT PLAN.

A specific plan presented by a developer for the improvement of land in order to comply with the requirements of the Zoning Ordinance and Subdivision Control Ordinance, or to qualify a proposed subdivision for approval.

DIMENSION(S).

Measurement shall be provided in United States standard lengths of feet and inches. Measurements are to be in feet, with fractional feet, provided in inches.

DISPLAY WINDOW.

A window of a store facing onto a street that is used to display merchandise or signage. Display windows typically include a kick plate and are not typically double-hung windows.

DISTILLERY WITH TASTING ROOM.

A distillery business, with a maximum fifty thousand (50,000) gallon annual production capacity, and containing a tasting room, where spirits are manufactured, packaged, sold, and stored on the premises specified in a Village liquor license in compliance with Federal and State laws.

DISTRIBUTION, WAREHOUSE, OR WHOLESALE FACILITY.

A facility where goods are received for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production. This does not include “Bottled Gas Storage or Distribution.”

DRIVE APRON.

The driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing private property.

#### DRIVE IN OR DRIVE-THROUGH FACILITY.

An accessory use for a business (e.g., banks, restaurants, day cleaners, pharmacies) where the delivery of customer services is done, usually from within the building via a service windows, while patrons remain in their motor vehicle.

#### DRIVEWAY.

A surface area intended solely for the purpose of accessing a garage, public or private parking lot, other than an aisle serving as direct access to a row of parking spaces.

#### DRIVE-UP FACILITY.

A small-scale establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

#### DRIVE-UP WINDOW.

An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

#### DRIVING RANGE.

An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, which may or may not include a snack-bar, a putting area, and pro-shop; but does exclude golf courses and miniature golf courses.

#### DRY CLEANERS (COMMERCIAL).

A large-scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and groups of retail dry cleaning facilities, generally with the commercial cleaners picking up and delivering the clothing to its clients or retail outlets.

#### DRY CLEANERS (RETAIL).

An establishment that cleans fabrics, textiles, apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

#### DUMPING.

The discarding or long-term storage of any items of solid waste commonly known as garbage, rubbish, refuse, construction, and demolition debris, household trash, appliances, diapers, food service wastes, tires, scrap metal, vehicle parts, implement parts, fence wire and all other items and material defined as “solid waste” in IC §13-11-2.

DUMPSTER.

A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash and compacted materials, but excluding recycling bins.

DWELLING.

A building or portion thereof that is used exclusively for human habitation.

DWELLING, SINGLE FAMILY.

A detached building that contains one (1) dwelling unit.

DWELLING, SHORT-TERM RENTAL.

As set out in IC 36-1-24.

Short-Term Rental does not include “Bed and Breakfast Home”, “Residential Rooming House”, or “Hotel/Motel”. This definition does not include offering the use of one’s property where no fee is charged or collected.

DWELLING, TWO-FAMILY.

A detached building that contains two (2) dwelling units separated from each other by fire-resistant wall constructed from foundation to roof.

DWELLING, MULTI-FAMILY.

A building containing three (3) or more dwelling units, including units that are located one over the other.

DWELLING UNIT.

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## E

### EASEMENT.

An authorization or grant by a property owner to a specific person(s) or entity, or to the public to use land for specific purposes, where the ownership of such easement is retained by the granting party.

### EGRESS.

An exit.

### EIFS.

Exterior insulation and finish system.

### EMPLOYMENT SERVICE.

An establishment that seeks and identifies available jobs for patrons seeking employment.

### ENCLOSED MALL SHOPPING CENTER.

A commercial real estate development comprised of department, retail and/or commercial stores, and/or drinking and dining establishments the majority of which stores have entrances facing upon a common enclosed mall. This definition shall not include free-standing buildings located at or about such enclosed mall shopping center.

### EQUIPMENT SALES OR RENTAL.

An establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery, or other equipment used for commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, semi-tractor trailers, farm equipment, bulldozers, cranes, backhoes, rollers, loaders, or lifts. This use includes the selling of farm-specific vehicles such as tractors, tillers, farm trailers, backhoes, graders, boom lifts, and front-end loaders, but not including "Vehicle Sales or Rental."

### EROSION.

The detachment, movement, and wearing a way of soil and rock fragments by flowing surface or subsurface water or by wind.

### ESSENTIAL SERVICES.

The erection, construction, alteration, or maintenance, by public utilities or governmental agencies, underground, surface, or overhead, communication, telephone, gas, electrical, steam, fuel or water, transmission, distribution, collection, supply, or disposal systems. This includes related poles, wires, pipes, conduits, cables, public safety alarm and communication equipment, traffic signals, hydrants, and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network), wind energy conversion systems (WECS), offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment or maintenance depots.

EXCAVATION.

Any act by which earth, sand, gravel, rock, mineral substances, or organic substances, other than vegetation, is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting there from.

EXPLOSIVE MANUFACTURING AND STORAGE.

The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

DRAFT

# F

## FAA.

Federal Aviation Administration, or any successor.

## FCC.

Federal Communications Commission, or any successor.

## FAÇADE.

That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet, covering the entire width of the structure. The façade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a façade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one façade, and a façade may cross building lines, provided there is unitary ownership or control of both buildings.)

## FAÇADE VARIATION.

Shifts in the plan of walls, setbacks, step backs, reveals, overhangs, and details in order to create variations in a building's façade.

## FAIRGROUNDS.

An area of land used for agricultural related office building, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths, grandstands, bleachers, games, rides, rodeos, sales, auctions, storage, and theaters.

## FAMILY.

One (1) or more persons, occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A family does not include a society, club, fraternity, sorority; or group living in a boarding house, motel, hotel, bed, and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other is seasonal or any individuals who are in a group living arrangement as a result of criminal activity.

## FARM IMPLEMENT AND MACHINERY SALES AND SERVICE.

The sale or leasing of new and used farm implements and machinery displayed, stored, and sold or leased on-site, including services on farm implement and machinery.

## FARMER'S MARKET.

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.



### FARM PRODUCE SALES.

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, and baked goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

### FENCE.

#### FENCE.

A barrier or partition of wood, masonry, stone, metal, or similar manufactured materials or combination of materials, including entrance and exit gates, used to prevent or control entrance, confine within or straying stray from within, mark a boundary or act as a screen.

#### FENCE (BARBED-WIRE).

One (1) or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. "Barbed wire" includes "Concertina Wire" and "Razor Wire".

#### FENCE (DECORATIVE.).

Any fence constructed of permitted materials no greater than three (3) inches in width, with the spacing between permitted materials being no less than three (3) inches. This term shall also include wire and chain-link fencing that do not contain privacy slats.

#### FENCE (PRIVACY).

Any fence constructed of board or similar materials, with the spacing of those boards or pieces of material being less than three (3) inches.

#### FENCE (STOCKADE.)

A fence constructed of vertical strips, with no intervening spaces, providing a complete visual barrier.

### FERTILIZER SALES, DISTRIBUTION, AND STORAGE.

An establishment that stores, distributes and sells fertilizers primarily for agricultural crop production use.

### FINANCIAL INSTITUTION.

A federal or State-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term does not include "check cashing," except where separately permitted. Accessory uses may include automatic teller machines and offices.

FITNESS CENTER.

A facility where members or nonmembers use equipment or space for the purpose of physical exercise, improved circulation, flexibility, and/or weight control. Facilities and activities can include running, jogging, aerobics, weightlifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance, and swimming, as well as locker rooms, showers, and lockers. This use includes but is not limited to fitness training studios, exercise facilities, gymnasiums, and health clubs.

FITNESS CENTER – SMALL.

A facility that does not exceed 7,500 square feet gross floor area.

FITNESS CENTER – LARGE.

A facility with more than 7,500 square feet gross floor area.

FLEA MARKET.

An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

FLOOD HAZARD AREAS.

Flood Hazard Definition – See the City of Rushville Flood Hazard Ordinance.

FLOOR AREA (GROSS).

Is the area within the inside perimeter of the exterior walls, including the thickness of the exterior walls. Interior court yards are not calculated as part of gross square feet.

FLOOR AREA (NET).

That portion of the building which is occupied. Net square feet does not include, as identified on the floor plan: corridors, closets, mechanical rooms, stairways, and toilet/bathroom. The square footage of these areas may be deducted from Gross Square Feet, to calculate Net Square Feet.

FLOWER SHOP.

An indoor facility that primarily sells cut flowers. Flower shops may include incidental sales of small gardening equipment and accessories.

FOOD AND BEVERAGE PRODUCTION.

The large-scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

FOOD PROCESSING FACILITY.

A commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

FOOT CANDLE.

A unit of measurement that is used to gauge the brightness or illumination of a projected light source, which is equal to the light flux falling on one square foot of area, one foot away from a light source of one candle power.

FRONTAGE.

See “Lot Line, Front.”

FOUNDATION, PERMANENT.

In-ground support for exterior walls of structures, designed to safely support imposed loads based on soil type, and extending to the frost line.

FUNERAL HOME.

A facility used for the preparation of the deceased for display and burial and the conducting of rituals and rites associated with burial.

DRAFT

# G

## GARAGE.

An attached or detached accessory building whose principal use is to house motor vehicles or personal property associated with related dwelling units or related business establishments. A garage is not to be utilized for human habitation.

## GARBAGE.

All putrescible animal solid, vegetable solid, and semi-solid wastes from the processing, handling, preparation, cooking, serving, or consumption of food or organic matter.

## GAS STATION.

Any building, structure, or area of land used for the retail sale of vehicle fuels, oils, and accessories, without any repair service.

## GIFT SHOP.

An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationery, and other small gift-related items.

## GOLF COURSE.

A tract of land laid out with at least 9 holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters, and excluding miniature golf courses, and other similar commercial enterprises.

## GOLF COURSE, MINIATURE.

A theme-oriented recreational facility composed of a series of putting greens where patrons move in consecutive order from one green to the next.

## GOVERNMENT SERVICE FACILITY.

A facility owned, operated, or occupied by any level of government to provide a governmental service, but not including offices for the provision of governmental services or facilities for any government operation separately.

## GRADE, NATURAL.

The elevation of the ground level in its natural state, before construction, filling, or excavation.

## GRADE, FINISHED.

The average elevation at ground level at the front of wall of the building or sign base after construction and grading is complete.

## GRAIN AND FEED MILLS.

An establishment that produces food, including premixes, supplements, and concentrates., for animal (non-human) consumption from grain, grain byproducts, or alfalfa or other ingredients, without cooking.

GRAVEL, CEMENT, OR SAND PRODUCTION.

A facility for the sorting, grading, storage, manufacture or mixing of aggregate construction materials such as concrete, cement, gravel, crushed stone, sand, or similar products, or products made of these materials.

GREENHOUSE (COMMERCIAL).

A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off site.

GREENHOUSE (NONCOMMERCIAL).

The accessory or temporary use of a structure whose roof and sides are made largely of glass or other transparent or translucent material which is devoted to the protection and cultivation of plants for noncommercial use.

GROCERY STORE.

A retail establishment where most of the floor area is devoted to the sale of food products, both perishable and dry goods, for home preparation and consumption, and limited household goods. A grocery store does not include accessory flower shops, pharmacies, bakeries, bank branches, coffee shops, or similar type accessory uses.

GROUP HOME.

A residential structure or facility where six (6) or more unrelated persons who are in need of care, support or supervision can live together, such as children, or those who are elderly, disabled or mentally ill.

GYMNASTICS CENTER.

An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

# H

## HABITABLE SPACE.

Space in a structure for living, sleeping, eating, and cooking. Rooms or spaces for sanitation, closets, halls, storage, or similar spaces are not considered habitable space.

## HARDWARE STORE.

A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumber yard may be included as an incidental use to the hardware retail sales.

## HAZARDOUS MATERIAL.

Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

## HAZARDOUS MATERIAL PRODUCTION.

All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

## HEALTH SPA.

A place or building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, relaxation, and related activities with or without such equipment or apparatus.

## HEARING OFFICER.

A member of the staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances as specified in the Board of Zoning Appeals rules of procedure. The Hearing Officer is established pursuant to Indiana Code 36-7-4-923.

## HEDGE.

A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense solid, or unbroken visual screen of self-supporting living plants that protects, shields, separated, or demarcates an area.

## HELICOPTER PAD.

A level surface designed to accommodate the landing and taking off of helicopters.

## HELIPORT.

A facility or land area with navigation devices for the takeoff and landing of helicopters with or without services available for aircraft.

#### HISTORIC SITE.

All structures and other features identified as contributing, notable, or outstanding by the *Indiana Historic Sites and Structures Inventory – City of Rushville* or listed in the *National Register of Historic Places* or the *Indiana Register of Historic Sites & Structures*, as well as any subsequent amendments and/or additions to any of these publications.

#### HOME ELECTRONICS/APPLIANCE STORE.

An establishment that primarily sells home appliances, electronics, and related accessories.

#### HOME BUSINESS.

An occupation or activity conducted entirely within a principal dwelling which is, limited in extent, and incidental, and secondary to the use of the building of the dwelling for purpose, and does not change its residential character.

#### HOSPITAL.

Any institution receiving inpatients providing a staffed twenty-four (24) hour emergency care facility, and authorized under Indiana Law to render medical, surgical, and/or obstetrical care. The term “hospital” shall include sanitarium with an approved certificate of need (CON) from the Indiana health planning agency for the treatment and care of various forms of mental illness, but shall not include clinics, convalescent homes, or office facilities for the private practice of medicine, dentistry, or psychiatry.

#### HOTEL/MOTEL.

This definition does not include “Residential Rooming House”, “Bed and Breakfast Home”, “Extended Stay Hotel/Motel”, “Short-term Rentals” or “Homeless Shelter”

A building under single management that provides rooms or suites intended primarily as transient sleeping accommodations for public rental on a daily basis, not to exceed thirty (30) calendar days for registered guests and provides daily room cleaning and linen changes.

#### HOTEL.

A hotel shall maintain a central, internal lobby, where egress and ingress from all rooms are made through an inside lobby or office. and provide daily room cleaning and linen changes.

#### MOTEL.

A motel where egress and ingress from all rooms are entered from the exterior building. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended principally to serve registered guests..

# I

## ICE CREAM SHOP.

Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

## IMPERVIOUS SURFACE.

A paved surface, man-made area that prevents absorption of stormwater into the ground.

## INERT SOLID WASTE.

Uncontaminated earth, rocks, concrete, bricks, tiles, aged asphalt, natural wood, brush, leaves, wood chips, or sawdust used or intended to be used as fill material within thirty (30) days of accumulation or deposit for that purpose.

## INCINERATOR.

A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains)

## INGRESS.

An entrance.

## INVASIVE SPECIES.

A nonnative or alien plant whose introduction does, or is likely to, cause economic or environmental harm or harm to human health. A plant is regarded as invasive if it has been introduced by human action to a location, area, or region where it did not previously occur naturally, becomes capable of establishing a breeding population in the new location without further intervention by humans, and spreads widely throughout the new location.

## INVESTMENT FIRM.

Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.



# J

JEWELRY STORE.

Store that primarily sells new jewelry, with some sales of used merchandise.

JUNK YARD.

See Salvage Yard.

DRAFT

# K

## KENNEL.

Any premises, or portion thereof, on which more than four (4) dogs, cats or other household domestic animals over (4) months of age are kept or on which more than (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

DRAFT

# L

## LANDSCAPE.

### LANDSCAPE BUFFER YARD.

An area adjacent to a property line, measured perpendicularly from that property line intended to screen incompatible uses from each other. Buffer yards are trees, shrubs, walls, fences, berms and are a way to maintain existing trees or natural vegetation to block or reduce noise, glare, or other emissions; and to maintain privacy between incompatible uses. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

### LANDSCAPE, DEFECTIVE.

Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

### TREE PROTECTION AREA.

An existing tree area to be preserved and counted towards the tree requirements.

### TREE PROTECTION FENCE.

A durable, highly visible barrier, at least four feet in height, used to demark trees or tree masses to be protected during the construction process. Typically, a plastic mesh fence, commonly known as "snow fence" is used.

## LEGAL ENTITY.

Legal entity means any of the following: Corporation, S Corporation, General Partnership, Limited Liability Corporation, Limited Partnership, Limited Liability Partnership, Nonprofit Corporation or Benefit Corporation.

## LIGHT INDUSTRIAL PROCESSING & DISTRIBUTION.

Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

## LIBRARY.

A public facility primarily for the use of literary, musical, artistic, or reference materials.

## LIQUOR OR TOBACCO SALES.

An establishment that predominantly sells tobacco products or alcoholic beverages for off-premises consumption. This does not include "Convenience Store", "Grocery Store" or "Supermarket" in which tobacco products or alcoholic beverages make up a minority of the sales of the store.

## LODGING HOUSE.

See "Residential Rooming House."

LOADING, OFF-STREET.

An area which is designated permanently for the loading and unloading of vehicles as well as associated egress areas, none of which may lie within a public right-of-way.

LOADING SPACE.

An off-street portion of a lot designated for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the lot.

LOT.

LOT.

A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat, or record of survey map, or by metes and bounds) for purpose of sale, lease, and transfer of ownership or separate use.

LOT AREA.

The total horizontal area within the lot lines of a lot, excluding any street rights-of-way.

LOT, BUILDABLE AREA.

That portion of a lot bounded by the required front, rear, and side setback lines.

LOT, CORNER.

A lot of which at least two adjacent sides abut for their full lengths upon a street. A corner lot may have two (2) front lot lines.

LOT COVERAGE.

The percentage of the lot area covered by buildings, structures, parking areas, driveways, walkways, and other paved or impervious surface, or surfaces with millings.

LOT DEPTH.

The mean horizontal distance between front and rear lot lines, measured at right angles to the front lot line.

LOT, LEGAL.

A lot that has been subdivided or otherwise established in a manner that meets all requirements of the Subdivision Control Ordinance of the jurisdiction in effect at the time the lot was established.

LOT LINE, FRONT.

On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

LOT LINE, REAR.

A lot line or connected lines between the ends of the side lot lines and which is or are parallel to or approximately parallel to the front lot line.

LOT LINE, SIDE.

A lot line or connected lot lines commencing at an end of a front lot line and terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to or approximately parallel to the front lot line.

LOT OF RECORD.

A lot, which is part of a subdivision, the plat of which has been recorded in the Rush County Recorder's Office, or a parcel of land, the deed to which was recorded in the Rush County Recorder's Office prior to adoption of this Ordinance.

LOT, THROUGH.

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. Such lots shall provide the required front setback along each street, except alleys.

LOT WIDTH.

The horizontal distance between side lot lines, measured at the established front setback line and measured at right angles to the lot depth.

LOT OWNERS ASSOCIATION.

An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member, and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

LUMBER YARD.

An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

LUMEN.

A unit that measures the quantity of light that shines on an area of one square foot, every point of which one foot is away from a light source equal to one-foot candle.

LUX.

A unit of illumination equal to the direct illumination on a surface that is one meter from a uniform point source of one candle intensity, or equal to one lumen per square meter.

# M

## MANUFACTURED HOME.

A dwelling unit which is designed and fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process; bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974; and built after January 1, 1981, and a minimum 950 square feet of main floor area (exclusive of garages, carports, and open porches).

## MANUFACTURED HOME COMMUNITY.

An area of land under single ownership used for the parking (siting) of two (2) or more occupied manufactured homes (regardless of the ownership of such manufactured homes).

## MANUFACTURED HOME SITE.

The area of land in a manufactured home park for the parking of one manufactured home.

## MANUFACTURED HOME SUBDIVISION.

A residential subdivision designed exclusively for, and occupied by, manufactured homes in which the homes and land are owned by the same person.

## MANUFACTURING FACILITY.

A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, or resins.

## MANUFACTURING, HEAVY.

The manufacturing storage, processing, assembly, fabrication, or repairing of any materials or products where processes involved therein may produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, outdoor storage of materials, odors, or other hazardous or commonly recognized offensive conditions.

## MANUFACTURING, LIGHT.

The manufacturing, storage, processing, fabrication, or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbance, air or water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger any neighboring property, and where all operations shall be contained within an enclosed area.

## MAUSOLEUM.

See "Cemetery".

MEASUREMENT.

See Dimension(s).

MEAT MARKET (BUTCHER).

A market that primarily offers retail and/or wholesale meats but may also sell related incidental products.

MEDICAL OFFICE.

A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

MEDICAL CLINIC.

A health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not lodged overnight. This use includes immediate medical care clinics, ambulatory surgical care (as defined by Indiana Code 16-18-2-14), birthing centers, and outpatient care facilities. This definition does not include "methadone treatment facility."

MEETING, BANQUET, OR EVENT FACILITY.

A facility with or without food preparation equipment, available for lease by private parties to accommodate private functions including, but not limited to, banquets, meetings, receptions, fellowship, and other social functions and available on a rental basis to the general public. A "Meeting, Banquet, or Event Facility" may also include on-site kitchen/catering facilities.

MICROBREWERY (BREW-PUB.)

A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar, or live entertainment.

MINERAL AND AGGREGATE.

Includes soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

MINERAL EXTRACTION.

Any operation where soil, topsoil, water, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled for use off-site, including incidental uses and activities such as processing facilities, access roads, structures, offices, parking areas, and stockpiles.

MINIMUM GROUND FLOOR AREA.

The minimum ground floor area of a proposed structure, exclusive of open porches, attached garages, and accessory structures.

MINIMUM ROAD FRONTAGE.

The minimum property on one (1) side of a street measured along the right-of-way of the street between property lines.

MINI-WAREHOUSE SELF-STORAGE FACILITY.

A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of goods. See also Self-Storage Facility.

MOBILE HOME.

A transportable, factory-built structure larger than three hundred twenty square feet, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all manufactured homes construction after June 15, 1976.

MULTI-TENANT CENTER.

A group of separate buildings with multiple tenants, operating under a common name or management; a single building containing multiple uses where there are specific exterior entrance ways for individual uses.

MUNICIPAL PARKING LOT.

A parcel of land owned by the City of Rushville, intended to be used for the temporary off-street parking of motor vehicles, or trailers. Temporary off-street parking of vehicles or trailers does not include the temporary off-street parking of Semi-tractor trailers. Parking may or may not be for a fee.

MUSIC STORE.

An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings, sheet music, and instruments as well.



# N

## NATURAL RESOURCES.

The Indiana Department of Natural Resources (DNR).

## NATURAL STONE.

Quarried stone material used for masonry construction including, but not limited to, granite, marble, sandstone, slate, limestone, river rock, field stone, or other hard or durable all-weather stone. Concrete and synthetic stone shall not be considered natural stone.

## NIGHT CLUB.

A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

## NON-CONFORMING.

### NON-CONFORMING LOTS.

A lot which does not conform to the regulations of the Zoning District in which it is located.

### NON-CONFORMING SIGN.

A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

### NON-CONFORMING SITE FEATURES.

A lot where the site features do not conform to the regulations of the Zoning District for which the lot is located.

### NON-CONFORMING STRUCTURE.

A structure designed, converted, or adapted for a use prior to the adoption of provisions prohibiting such use or structure in such location.

### NON-CONFORMING USE.

Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance, or any of its amendments, does not conform to provisions of the Ordinance.

## NON-INVASIVE.

Species that (1) do not naturally occur in the area, and/or (2) species that have not been identified by the State of Indiana or federal regulatory agency as being invasive species to the area.

## NUISANCE.

An interference with the enjoyment and use of property as defined by the Nuisance Ordinance for the City of Rushville City Code of Laws.

#### NURSING CARE FACILITY.

A facility licensed by the State Board of Health, which provides nursing services amounting to 24-hour per day care on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. Such facilities may also provide other similar medical or health services, including physical therapy services with equipment used in an on-going basis for patient rehabilitation provided that no occupant requires security restraint within the facility. This facility shall not contain equipment for surgical care or for treatment of disease or injury and is not primarily designed for mental patients or alcoholics. Examples of nursing home facilities that provide health services typically include nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

DRAFT

OFFICE SUPPLY STORE.

A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

OFFICE USE.

A facility in which business, professional, administrative, clerical, executive, professional, research activities are conducted, or similar organizations, as well as laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises. This use does not include medical or dental clinics or treatment centers.

OFFICE USE – SMALL SCALE .

A facility which does not exceed 7,500 square feet gross floor area.

OFFICE USE – LARGE SCALE.

A facility greater than 7,500 square feet gross floor area.

OFFICIAL ZONING MAP.

The map or maps that legally denote the boundaries of Zoning Districts as they apply to the properties within a Plan Commission's jurisdiction.

OPAQUE.

Not transparent. Unable to see through.

OUTDOOR STORAGE.

The keeping of the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

OUTLOT.

A lot of record in a subdivision, nonresidential center, or Planned Unit Development that is adjacent to a (public or private) street, roadway, or frontage road, and is intended for an additional and separate building or buildings within the development.

OWNER.

Any person having a legal or equitable title in real estate or premises. In contract sales, both the contract purchaser and the title holder shall be considered Owners.

OWNERS ASSOCIATION.

See “Lot Owners Association”.

# P

## PARAPET.

That portion of a wall that extends above the roof line.

## PARK.

Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

## PARKING LOT.

A ground-level open off-street area to be used for the temporary storage or parking of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

## PARKING, OFF-SITE.

A temporary storage or parking for motor vehicles for a limited period of time that is not located on the same lot as the primary building or primary use.

## PARKING, OFF-STREET.

A storage space for a motor vehicle located outside of the public right-of-way.

## PARKING, ON-STREET.

A temporary storage or parking for motor vehicles that are located within the public right-of-way.

## PARKING, SEMI-TRUCK/TRACTOR.

Any motor vehicle, tractor designed and used primarily for drawing or propelling a semitrailer designed for carrying/transporting persons or property of any kind. The Term "Tractor" does not include a farm tractor.

## PARKING SPACE.

A delineated off-street space within a public or private parking lot for the parking of one (1) motor vehicle.

## PATIO.

A level-surfaced area, which may or may not be directly adjacent to a principal building, that has an average elevation of not more than thirty inches above finished grade, and without walls or a roof, usually constructed of concrete, brick, or other masonry material.

## PAVED SURFACE.

A durable surface of concrete, porous concrete, bituminous (asphalt), porous bituminous (asphalt), brick, paving blocks, or similar materials for parking, driving, riding, or similar activities. Crushed gravel, stone, rock, dirt, sand, or grass are not a paved surface.

PENNANT.

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSON.

Any entity including any of the following: individual, firm, corporation, association, partnership, or limited liability corporation/company. References in the masculine gender include the feminine and the neuter, in the present tense includes the future, and the singular includes the plural.

PERSONAL SERVICES.

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include "Commercial Laundry."

PERSONAL SERVICE, SMALL.

A facility which does not exceed 7,500 square feet of gross floor area.

PERSONAL SERVICE, LARGE.

A facility greater than 7,500 square feet of gross floor area.

PETROLEUM PROCESSING AND STORAGE.

An establishment that processes and stores petroleum and its raw ingredients.

PHARMACY.

A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

PLAYGROUND.

A recreational area for use primarily by children.

POLICE, FIRE, OR RESCUE STATION.

A facility that serves as an office of operation for police, fire, and/or rescue services. Such stations include the housing of personnel and equipment, the storage of vehicles, and office functions. A police station may include a limited number of temporary holding cells which are secondary to the use of the station as an office.

POND.

A still body of water having a surface area of five thousand (5,000) square feet or more.

PORCH.

A horizontal surface consisting of a deck, slab, or other similar construction, covered and attached to a main building and designed for outdoor seating, shelter from the elements or as a means of entry to the building.

POST OFFICE.

A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

PROCESSING FACILITY.

Is the processing and distribution of materials and products from processed or previously manufactured materials.

PROFESSIONAL OFFICE.

An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

PRIMARY BUILDING.

The building in which the primary use on the lot is conducted, with respect to residential uses, the primary building shall be the main dwelling. Primary Structure, Principal Building, and Principal Structure have the same meaning as Primary Building.

PRIMARY USE.

The main use of land or structures as distinguished from an accessory use. A primary use may be either a permitted use by right, approved by variance, or by special exception use. Principal Use has the same meaning as Primary Use.

PUBLIC UTILITY.

Supplies goods and services that are considered essential; water, gas, electricity, telephone, waste disposal, and other communication systems represent much of the public utility market. The transmission lines used in the transportation of electricity, or natural gas pipelines, have natural monopoly characteristics.

PUBLIC UTILITY STRUCTURE.

Electrical and telephone substations and distribution centers, filtration plants, pumping stations, water reservoirs, public or package sewer treatment plants, telephone exchanges, radio and television transmitting or relay stations, antenna towers, and other similar public utility service structures.

# R

## RADIO STATION.

An establishment that broadcasts radio signal programming.

## RECLAIMED/RECYCLED ASPHALT PAVEMENT.

Asphalt paving material milled or scraped off an existing bituminous pavement, consisting of aggregate and asphalt binder.

## RECREATION.

A use designed for active human participation that usually involves exertion or competition as part of leisure, amusement, play, exercise, sports, or similar endeavors, including, but not limited to, health clubs, sports fields, courts and arenas, swimming pools, racquet clubs, billiard parlors, amusement parks, bowling alleys, miniature golf, golf driving ranges, and similar uses. For the purposes of this Ordinance, recreation uses are classified as indoor or outdoor recreation and may be further distinguished as commercial or noncommercial recreation.

## RECREATION, INDOOR.

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, and similar indoor activities take place inside an enclosed building. This definition shall not include gambling devices, adult motion picture theaters, adult entertainment businesses, or any other devices prohibited by law.

## RECREATION, OUTDOOR.

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, bungee jumping, amusement parks, golf courses, golf driving ranges, drive-in theaters, and other similar uses. This does not include any activities offered by the public sector in a park or playground.

## RECREATIONAL EQUIPMENT.

Play apparatuses such as basketball courts, batting cages, swing sets, slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses, basketball goals attached to primary or accessory structures, motorized vehicles, trailers, or storage sheds.

## RECREATIONAL VEHICLE (RV)

A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

#### RECREATIONAL VEHICLE PARK (RV).

An area of land used for the parking of two (2) or more recreational vehicles.

#### RECREATION VEHICLE (RV) STORAGE FACILITY.

A structure or area designed for the storage of recreational vehicles, including self-propelled or towable and recreational equipment associated with recreation vehicles (RV).

#### RECYCLING DROP-OFF, SELF-SERVE.

An accessory or incidental use that serves as a drop-off point for temporary storage for non-hazardous recoverable or recyclable goods such as, but not limited to, newspapers, glassware, plastics, and metal cans. This definition does not include the on-site processing of such items.

#### RECYCLING FACILITY.

May include the following:

##### A. Collection facility.

A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not typically use power-driven processing equipment.

##### 1. Collection facilities may include the following:

- a. Reverse vending machine(s).
- b. Small collection facilities that occupy an area of not more than one thousand (1,000) square feet, and may include:
  - i. Bulk reverse vending machines or a group of reverse vending machines;
  - ii. Kiosk-type units which may include permanent structures; or
  - iii. Unattended containers placed for the donation of recyclable materials.
- c. Large collection facilities that may occupy an area of more than one thousand (1,000) square feet and may include permanent structures.

##### 2. Processing facility.

A "processing facility" is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning.

#### RESTAURANT, STANDARD.

A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at tables within a building or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building. Standard restaurants may include outdoor seating areas.

#### RESTAURANT, DRIVE-IN OR DRIVE-THROUGH.

A business establishment whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive through window, for consumption off the premises. A drive-through restaurant may also have indoor or outdoor seating.



RESEARCH AND DEVELOPMENT FACILITY.

A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

RETAIL SALES.

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Sales, Small - A facility or establishment with up to 5,000 square feet of gross floor area.

RETAIL SALES, SMALL.

A facility or establishment which does not exceed 5,000 square feet of gross floor area.

RETAIL SALES, MEDIUM .

A facility or establishment with not less than 5,001 square feet gross floor area and does not exceed 10,000 square feet of gross floor area.

RETAIL SALES, LARGE.

A facility or establishment with not less than 10,001 square feet gross floor area and does not exceed 60,000 square feet of gross floor area.

RETAIL SALES, BIG BOX.

A facility or establishment which is greater than 60,000 square feet of gross floor area.

RIGHT-OF-WAY. PUBLIC.

Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

# S

## SALES, INCIDENTAL.

Sales that are related and subordinate to the primary service or retail activities of a commercial use.

## SALES, SEASONAL.

Any business or use (primary or accessory) that may include but not be limited to retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses. This definition does not include "Farm Produce Sales."

## SALES, TEMPORARY SEASONAL.

Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

## SALVAGE YARD/JUNK YARD.

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or processed, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but excluding the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

## SATELLITE DISH/ANTENNA.

An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

## SCHOOL.

A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, middle school, and junior and senior high schools, but excluding trade, business, or commercial schools. See also *Trade or Business School*.

## SCRAP LUMBER.

Small pieces or an extract of larger pieces of lumber, left-over oddment of wood.

## SELF-STORAGE FACILITY.

A commercial storage warehouse subdivided into individual units, each having a separate outside entrance and controlled access, in a fenced compound with the individual units offered for lease to the public for storage of customers' goods or wares. A self-storage facility may also include long-term or seasonal outdoor storage of vehicles, such as recreational vehicles.

SETBACK.

The horizontal distance between a structure and a lot line or right-of-way.

SEXUALLY ORIENTED BUSINESS.

Any establishment, whether conducted permanently or intermittently, that primarily engages in the business of offering a service or product, for sale, display, exhibition, or viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This includes but is not limited to adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, adult video arcades, bathhouses, and lingerie modeling studios.

SHOPPING CENTER.

A shopping facility occupying a single lot that includes one or more structures containing numerous individual stores; all of which use common parking and vehicle circulation areas.

SHORT TERM RENTAL.

SHORT TERM RENTAL.

Short Term Rental has the same meaning as set out in IC 36-1-24.

SHORT TERM RENTAL PLATFORM.

Short Term Rental Platform has the same meaning as set out in IC 36-1-24.

SHORT TERM RENTAL; OWNER OCCUPIED.

Short Term Rental; Owner Occupied has the same meaning as set out in IC 36-1-24.

SHRUB.

A woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

SIDEWALK.

A hard-surface pathway within the street right-of-way that is designated for the exclusive use of pedestrian traffic.

SIGN.

SIGN.

Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports, and features, such as poles and lighting. In no instance shall this Ordinance be interpreted as considering the flag of the United States, a County or Official State flag as a sign.

SIGN, ABANDONED.

A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located on or conducted on the property where the sign is displayed.

SIGN, ANIMATED.

A sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign shall be considered to be an animated sign.

SIGN, AREA (TOTAL SQUARE FOOTAGE).

The entire face of a sign including the message surface and any framing or trim but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

SIGN, AWNING.

A sign incorporated into or attached to an awning.

SIGN, BANNER.

A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

SIGN, BENCH.

A message painted on or otherwise affixed to a bench which is located along a public street or plainly visible to pedestrians or passing motorists.

SIGN, BILLBOARD.

See SIGN, OFF-PREMISES.

SIGN, BUSINESS CENTER.

An on-premises sign identifying the name of and/or tenants in a shopping center, strip center, mall, or any multi-tenant commercial, industrial, or office use where the sign is located.

SIGN, CABINET.

A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

SIGN, CANOPY.

Sign permanently attached to canopy over fueling islands.

SIGN, CHANGEABLE COPY.

A sign or portion thereof which has a reader board for the display of text information in which each alphanumeric character, numeric character, graphic, or symbol is defined by objects which may be changed or rearranged manually with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs display a static message.

SIGN, CHANNEL LETTERS.

Individually illuminated letters and graphics. Individual letters that may be fabricated or formed three-dimensional that may accommodate a light source. The use of a raceway must match the color of the facade which the sign is placed.

SIGN, COMMERCIAL MESSAGE.

A sign used to convey information or advertising regarding a place of business, product, service, or other similar commerce-related activity or facility.

SIGN, CONSTRUCTION:

Construction signs, such as those used to identify a builder, tradesman, developer, designer, lender, or future occupant.

SIGN, COPY

Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

SIGN, DEVICE.

Any facility which is located outside of a principal building in a nonresidential Zoning District, which may or may not also include advertising copy or logos. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

SIGN, DIRECTIONAL.

Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

SIGN, DOUBLE-FACED (TWO-SIDED).

A sign designed and/or used to display a message on the outer surface of two (2) identical and opposite parallel planes.

SIGN, ELECTRONIC MESSAGE BOARD.

A sign or portion thereof that display electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area itself. Electronic message board signs typically include computer programmable, microprocessor controlled electronic displays. For the purposes of administering and enforcing this Ordinance, the phrase ELECTRONIC MESSAGE BOARD shall also include projected images or messages onto a building or other object.

SIGN, ENTRY FEATURE.

A permanent on-premises sign identifying an entrance to a residential subdivision, apartment complex, manufactured home community, business park, or industrial park.

SIGN, FACE.

The area or display surface used for the message.

SIGN, FLASHING.

An illuminated sign on which the artificial lighting is not kept constant in intensity at all times and is not maintained stationary when in use. A revolving, illuminated sign shall be considered a flashing sign.

SIGN, FREE-STANDING.

A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property. Freestanding sign includes Ground Sign, Monument Sign and Pylon Sign.

SIGN, GROUND.

A street sign supported by one (1) or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes freestanding signs and monument signs.

SIGN, HEIGHT.

The highest point measured from adjacent finished grade level to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

SIGN, INFLATABLE.

An inflated object tethered or otherwise attached to the ground, a structure, or other object that is erected for the purpose of advertising or drawing attention to a particular use or site. This includes representations of blimps, products, cartoon characters, animals, etc.

SIGN, ILLUMINATED.

A sign lighted by or exposed to artificial lighting either by internal or external illumination.

SIGN, INTEGRAL IDENTIFICATION FEATURES:

Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

SIGN, LAWN GREETING.

A temporary freestanding sign, figure, statue, or object located in a front yard that typically contains a congratulatory or humorous message.

SIGN, MARQUEE.

A sign that is a part of or attached to a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MENU BOARD.

A sign listing available items and pricing information for the establishment at which it is located, typically restaurants, but not designed to be readable from any public thoroughfare or right-of-way or beyond the boundaries of the lot or parcel upon which it is located.

SIGN, MONUMENT.

A sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood, or other material, which is intended to serve as an entry feature or focal point.

SIGN, MOVING.

A sign which revolves rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

SIGN, MURAL.

A sign painted onto the side of a building, wall, ground, or structure.

SIGN, OFF-PREMISES.

A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboards and other outdoor advertising, and directional signs located on private property.

SIGN, OPINION.

A sign which does not advertise a product, good, business, or service and which expresses an opinion or point of view, such as a student achievement announcement, a political, religious, or other sentiment, or support or opposition to a candidate or proposition for a public election.

SIGN, PENNANT.

A small, often triangular, tapering flag attached together in series and often strung between structures and from structures to the ground.

SIGN, STREAMER.

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

SIGN PERMIT.

An Improvement Location Permit issued by the City of Rushville Planning and Zoning Office's designated Staff on behalf of the Advisory Plan Commission must be obtained before temporary and permanent signs are erected.

SIGN, POLITICAL.

Temporary signs announcing candidates seeking political office.

SIGN, POLE.

A free-standing sign, usually double-faced (two-sided), mounted on a round pole, square tube, or other fabricated member without any type of secondary support, a free-standing sign with a visible support structure.

SIGN, PORTABLE.

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; and balloons used as signs.

SIGN, POSTER.

Any sign made of cardboard, metal, plastic, or other semi-rigid material which is attached to outdoor products, structures, or other features or anchored into the ground with the use of stakes.

SIGN, PRIMARY.

Permanent signs that are the principal means of identification of a business, building, or similar entity; designed to be read from off of the site.

SIGN, PROJECTING.

A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

SIGN, PYLON.

A free-standing sign, other than a pole or ground mounted sign, which is secured permanently to the ground by one or more supports. A pylon sign differs from a pole sign in that the support structure (i.e. pole or poles) of a pylon sign is not visible.

SIGN, REAL ESTATE.

A temporary sign that relates to the sale, lease, or rental of property or structures or to construction activity on a site.

SIGN, ROOF.

A sign mounted upon and designed to be visible above the roof of a building.

SIGN, SANDWICH BOARD.

A free-standing sign located at grade level constructed in such a manner as to form an "A" by separating to opposite and parallel sign faces by supporting structural members.

SIGN, SEARCHLIGHT.

A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

SIGN, SECONDARY.

Permanent signs intended to convey information beyond the principal means of identification.



SIGN SETBACK.

The distance between any property line or right-of-way and the nearest portion of any sign at or above finished grade level.

SIGN, SUSPENDED.

A sign that is suspended by chains or hooks and is generally placed under eaves or over walkways.

SIGN, TEMPORARY.

An on-premises sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

SIGN, UNIFIED DEVELOPMENT.

A single sign structure with one (1) or more sign faces indicating the presence of multiple tenants on a property being constructed or managed as a single development. Such developments include, but are not limited to: shopping centers, office parks, and industrial parks.

SIGN, UTILITY MARKER:

Signs necessary to mark the location of underground cables, wiring, or piping for public and private utilities.

SIGN, VEHICLE.

A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

SIGN, VERTICAL ROOF.

A sign attached to a vertical or sloping roof surface.

SIGN, WALL.

A sign attached to or painted on the exterior wall of a structure.

SIGN, WINDOW.

A sign affixed to a window or placed immediately behind a windowpane so as to attract the attention of persons outside of the structure.

SIGNABLE AREA.

A two-dimensional area that describes the largest square, rectangle, or parallelogram on the facade of a building which is free of architectural details.

SLEEPING UNIT.

A room or space used for sleeping and living. Sleeping units are not provided provision for cooking or sanitation.

SOLAR ENERGY PRODUCTION DEVICES/SYSTEMS - GROUND INSTALLED OR BUILDING MOUNTED.

A solar energy production system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is directed mounted to either the ground or to a building.

SOLID WASTE.

As defined in IC § 13-11-2.

SPECIAL EXCEPTION.

A Special Exception Use, as set out in IC §36-7-4-918.2 that is not listed as a permitted use in the particular Zoning District under this Ordinance, but which may be compatible with such uses and may promote the realization of the purposes of this Ordinance if such use is restricted as to intensity and location in the district and to such other conditions as may be required by the Board of Zoning Appeals. References to the Indiana Code may be amended from time to time.

STADIUM.

A permanent facility for the staging of amateur and/or professional sporting events, concerts, or similar activities consisting of an open-air or enclosed arena/stadium and related support facilities.

STREET.

A partially or fully improved public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

STRUCTURE.

Anything constructed, installed, or erected which requires location on the ground or attachment on something having location on the ground, including but not limited to buildings, walls, fences, and signs.

SURFACE.

A paved surface, man-made area that prevents absorption of stormwater into the ground.

SUPPLY YARDS.

A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles or similar vehicles.

SWIMMING POOL.

Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two (2) feet in depth at any point for the purpose of recreation and entertainment of adults and children.

# T

## TAVERN OR BAR.

An establishment that sells and serves alcoholic beverages on the premises, where revenue from the sale of alcohol is greater than that derived from the sale of food and where more than 25 percent of the gross floor area is made up of a bar, being a barrier or counter at which alcoholic beverages are sold or served to and consumed by customers. A tavern may also include areas dedicated to the use of stages, dance floors, standing-room areas and pool tables, and other mechanical amusement devices.

## TELECOMMUNICATIONS ANTENNA.

Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

## TELECOMMUNICATION TOWER.

A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as a telecommunications antenna or to which an antenna is affixed or attached.

## TOOL AND DIE SHOP.

The industrial art of manufacturing process of stamping dies, plastic or metal molds, jigs and fixtures to be used in the mass production of tools, machine components, and similar solid products.

## TRADE OR BUSINESS SCHOOL.

A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

## TRUCK FREIGHT TERMINAL.

An area and/or building where trucks and cargo are stored, where loading and unloading is carried on regularly.

## TRANSPORTATION TERMINAL.

A centralized and/or primary community facility for the transient housing or parking of vehicles related to mass transportation, as well as the loading and unloading of passengers and the transfer of passengers from one form of transportation to another. Such facility may include a bus transfer station, a park and ride location, and/or a train station. The storage of bicycles, personal automobiles, and other similar personal conveyances may also be present.

# U

## USE.

The purpose for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

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# V

## VARIANCE.

A modification of the strict terms of the relevant regulations of this Ordinance for Use as set out in IC §36-7-4-918.4 or for Development Standards as set out in IC § 36-7-4-918.5, where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Noted Indiana Code (IC) cites may be amended from time to time.

## VEHICLE.

### VEHICLE.

A device used as a mode of transportation of persons and/or goods, including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, motorized bike, and like devices.

### VEHICLE, ABANDONED.

A vehicle which does not bear a current license plate and decal, if applicable, unless the vehicle is stored within a completely enclosed building or is located on a bona fide sales lot and is in satisfactory operating condition. Also see IC §9-22.

### VEHICLE DISPLAY LOT.

That portion of an auto-oriented use dedicated to the storage and display of new and/or used vehicles for sale or long-term lease.

### VEHICLE REPAIR, MAJOR.

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; tire recapping or retreading; painting and engine steam cleaning.

### VEHICLE REPAIR, MINOR.

Incidental body and fender work, painting and upholstering, replacement of parts, and motor service to passenger automobiles and trucks not exceeding one-ton capacity, but not including any operation defined as “major vehicle repair.”

### VEHICLE SALES AND SERVICE.

Any establishment dedicated to the storage and display of new and/or used vehicles for sale or long-term lease and where service is provided is incidental to the operation of the new or used vehicle sales. Inoperable vehicles may be stored on a temporary basis, and only if they are to be serviced.

VEHICLE SERVICE STATION.

A building and premises wherein a primary use is the supply and dispensation of retail gasoline, diesel fuel, oil, grease, batteries, tires, and motor vehicle accessories, and where minor repair services may be provided. This service shall not include major vehicle repair.

VEHICLE WASH.

A building or portion of a building that contains facilities for washing vehicles, either using a production line with a conveyor, cleaning devices, blowers, or similar mechanical equipment or by self-service washing and rinsing equipment.

VETERINARY CLINIC/HOSPITAL.

A building where care and treatment of small animals, including household pets, is provided.

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# W

## WATER TOWER.

A tower or standpipe that functions as a reservoir providing water to the community

## WASTEWATER TREATMENT PLANT.

Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

## WIRELESS COMMUNICATIONS TOWER.

As set out in IC §8-1-32.3 which may be amended from time to time..

## WINERY.

A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar, or live entertainment.

## WHOLESALE FACILITY.

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

# Y

## YARD.

### YARD.

A space on a lot that is open and unobstructed.

### YARD, FRONT.

The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

### YARD, REAR.

The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. Corner lots shall have no rear yards, only front yards, and side yards.

### YARD, SIDE.

A yard extending along the side of a lot from the front to the rear yard.

### YARD SALES (includes the term Garage Sale).

The organized sale, barter, or exchange, of new or used merchandise, household items, clothing, furniture, appliances, vehicles, equipment, or any similar items from a structure, yard, or driveway within any residential zoned district or any other zoned district where retail sales are prohibited. Garage sales, yard sales, and similar activities may be held in a residential zoned district by individuals for a maximum of ten (10) days per address in one (1) calendar year.



# CHAPTER 3

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## SECTION 3.0 - ZONING DISTRICTS

### 3.1 ESTABLISHMENT OF ZONING DISTRICTS.

For the purpose of this Ordinance, the City of Rushville is divided into the following Zoning Districts. Only those uses expressly indicated and noted for each district apply to that district.

Section Number	Zoning District Abbreviation	Zoning District Title
3.3	RE	Residential - Existing
3.4	R-1	Single Family Residential
3.5	R-2	Single Family Residential
3.6	R-3	Multi-Family Residential
3.7	R-4	Manufactured Home Community
3.8	C-1	Neighborhood Business
3.9	C-2	Community Business
3.10	CBD	Central Business District
3.11	I-1	Light Industrial
3.12	I-2	Heavy Industrial
3.13	PUD	Planned Unit Development

### 3.2 ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT DISTRICT:

This Ordinance allows for any Zoning District(s) to be rezoned for the creation of a Planned Unit Development (PUD). All Planned Unit Developments shall comply with the requirements of Section 3.13 of this Ordinance.

#### 3.2.1 Subdivision of Land:

- 3.2.1.1 The subdivision of land in every Zoning District shall comply with the provisions of the Subdivision Control Ordinance.
- 3.2.1.2 The subdivision of land in each Zoning District shall be in accordance with development standards as set out in this Ordinance.

### **3.3 RE, RESIDENTIAL – EXISTING DISTRICT**

#### **3.3.1 Intent.**

The “RE”, Residential – Existing District, is intended to ensure the continued viability of the traditional-style neighborhood. The Residential-Existing district is used to maintain traditional, contextually appropriate setbacks, and standards in its traditional neighborhoods.

Residential – Existing District is not applicable to new subdivision development of land. New subdivision development of land is required to use the current Residential Zoning Districts of R-1 and R-2 for Single Family Residential and R-3 for Multi-Family Residential.

#### **3.3.2 Permitted Uses.**

The following are Permitted Uses.

##### **3.3.2.1 Residential Uses:**

- Single Family Residence.
- Short Term Rental – Owner Occupied.

##### **3.3.2.2 Public Uses:**

- Public Parks/Playgrounds.

##### **3.3.2.3 Accessory Uses.**

##### **3.3.2.4 Home Business.**

##### **3.3.2.5 Public Utility Uses.**

#### **3.3.3 Special Exceptions.**

The following special exceptions shall only be specifically authorized by the Board of Zoning Appeals.

##### **3.3.3.1 Residential Uses:**

- Bed and Breakfast.
- Short Term Rental – Non-owner Occupied.
- Boarding House.

##### **3.3.3.2 Commercial Uses:**

- Childcare Home.
- Home Daycare.

### 3.3.3.3 Public/Semi Public Uses:

- Public Parks/Playgrounds.

### 3.3.4 LOT AND YARD REQUIREMENTS.

The following lot and yard requirements shall apply within the RE, Residential - Existing District:

<b>A. Minimum Lot Size</b>	
1. Area	Equal to the average area of any legal lots of record within 100 feet of the subject property
2. Width	Equal to the average width of any legal lot of record within 100 feet of the subject property
3. Road Frontage	Equal to the average of any legal lot of record within 100 feet of the subject property
<b>B. Minimum Setback Lines:</b>	
1. Front	Equal to the average of any legal lot of record within 100 feet of the subject property
	EXCEPT: All garage vehicle entrances facing a public street shall have a minimum front setback of 25 feet.
2. Side (Each Side Yard)	
a. Primary Building	8 feet
b. Accessory Building	8 feet
3. Rear	
a. Primary Building	10 feet
b. Accessory Building	5 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	45 feet
2. Accessory Building	35 feet – or the height of the primary building on the property, whichever is less.
<b>D. Maximum Lot Coverage.</b>	
Equal to the average coverage of legal lots of record within 100 feet of the subject property or 75% whichever is greater.	
<b>E. Minimum Living Area per Dwelling Unit</b>	
Equal to the average living area of all dwellings located on legal lots of record within 100 feet of the subject property.	
<b>F. Primary Structure per lot</b>	
One (1) Primary Structure per Lot.	

- 3.3.5 Accessory Uses and Structures: See Section 4.3
- 3.3.6 Bed and Breakfast Home: See Section 4.8
- 3.3.7 Fences and Hedges: See Section 4.17
- 3.3.8 Home Business: See Section 4.7
- 3.3.9 Outdoor Storage of Vehicles: See Section 4.21
- 3.3.10 Off-Street Parking: See Chapter 5
- 3.3.11 Public Utility Structure: See Section 4.6
- 3.3.12 Short Term Rental: See Section 4.9
- 3.3.13 Solar Energy Production: See Section 4.10
- 3.3.14 Swimming Pool, Hot Tubs, and Spas: See Section 4.4
- 3.3.15 Vision Clearance at Corners: See Section 4.16

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### **3.4 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### **3.4.1 Intent.**

The intent of R-1, Single-Family Residential District is to provide areas of low-density single-family residences.

#### **3.4.2 Permitted Uses.**

The following uses are permitted:

- 3.4.2.1 Residential Uses:
  - Single family dwellings.
  - Short Term Rental – Owner Occupied.
- 3.4.2.2 Public Uses:
  - Park/playgrounds.
- 3.4.2.3 Accessory Uses.
- 3.4.2.4 Public Utility Structures.
- 3.4.2.5 Home Business.

#### **3.4.3 Special Exceptions.**

The following special exceptions shall be permitted only as specifically authorized by the Board of Zoning Appeals:

- 3.4.3.1 Residential Uses:
  - Bed and Breakfast Home.
  - Short-Term Rental – Non-owner Occupied.
- 3.4.3.2 Public Uses:
  - Golf Course.
  - Swimming pool.
- 3.4.3.3 Commercial Public Uses:
  - Child Care Homes.
  - Home Day Care.
  - Worship Facility.

#### 3.4.4 LOT AND YARD REQUIREMENTS.

The following lot and yard requirements shall apply within the R-1, Single-Family Residential District:

<b>A. Minimum Lot Size</b>	
1. Area	10,000 Square feet
2. Width	75 feet
3. Road Frontage	75 feet
<b>B Minimum Setback Lines:</b>	
1. Front	
Front setback lines will be based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	30 feet
e. Local Access	25 feet
f. Cul-de-Sac	25 feet
2. Side	
Each Side Yard	8 feet
3. Rear	10 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	35 feet
2. Accessory Building	18 feet
<b>E. Maximum Lot Coverage.</b>	
Maximum lot coverage shall not exceed Fifty percent (50%).	
<b>F. Minimum Ground Floor Area for Primary Structure</b>	
1. Single Story	1,300 square feet
2. Two or more Stories	1,000 square feet
<b>G. Primary Structure per Lot</b>	
One (1) Primary Structurer per Lot.	

3.4.5 Accessory Uses and Structures: See Section 4.3

3.4.6 Bed and Breakfast Home: See Section 4.8

3.4.7 Fences and Hedges: See Section 4.17

3.4.8 Home Business: See Section 4.7

3.4.9 Outdoor Storage of Vehicles: See Section 4.21

3.4.10 Off-Street Parking: See Chapter 5

3.4.11 Public Utility Structure: See Section 4.6

3.4.12 Short Term Rental: See Section 4.9

- 3.4.13 Solar Energy Production: See Section 4.10
- 3.4.14 Swimming Pool, Hot Tubs, and Spas: See Section 4.4
- 3.4.15 Vision Clearance at Corners: See Section 4.16

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### **3.5 R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### **3.5.1 Intent.**

The intent of R-2, Single-Family Residential District is to provide area of moderate-density single-family residences.

#### **3.5.2 Permitted Uses.**

The following uses are permitted:

##### **3.5.2.1 Residential Uses:**

- Single family Dwellings.
- Short-Term Rental – Owner occupied.
- Two-Family Dwelling.

##### **3.5.2.2 Public Uses:**

- Parks/playgrounds.

##### **3.5.2.3 Accessory uses.**

##### **3.5.2.4 Home Business.**

##### **3.5.2.5 Public Utility Structures.**

#### **3.5.3 Special Exceptions.**

The following special exceptions shall only be specifically authorized by the Board of Zoning Appeals:

##### **3.5.3.1 Residential Uses:**

- Bed and Breakfast Home.
- Short Term Rental – Non-owner occupied.
- Boarding House.

##### **3.5.3.2 Public Uses:**

- Golf Course.
- Swimming Pool.

##### **3.5.3.3 Commercial Uses:**

- Child Care Home.
- Home Day Care.



### 3.5.4 LOT AND YARD REQUIREMENTS.

The following lot and yard requirements shall apply within the R-2, Single-Family Residential District:

<b>A. Minimum Lot Size</b>	
1. Area	7200 Square feet per dwelling Unit
2. Width	50 feet per dwelling unit
3. Road Frontage	50 feet per dwelling unit
<b>B. Minimum Setback Lines:</b>	
1. Front	
Front setback lines will be based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	30 feet
e. Local Access	25 feet
f. Cul-de-Sac	25 feet
2. Side	
Each Side Yard	8 feet
3. Rear	
	10 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	35 feet
2. Accessory Building	18 feet
<b>D. Maximum Lot Coverage.</b>	
Maximum lot coverage shall not exceed Sixty percent (60%).	
<b>E. Minimum Ground Floor Area for Primary Structure</b>	
1. Single Story	1,000 square feet per dwelling unit
2. Two or more Stories	900 square feet per dwelling unit
<b>F. Primary Structure per lot</b>	
One (1) Primary Structure per Lot.	

3.5.5 Accessory Uses and Structures: See Section 4.3

3.5.6 Bed and Breakfast Home: See Section 4.8

3.5.7 Fences and Hedges: See Section 4.17

3.5.8 Home Business: See Section 4.7

3.5.9 Outdoor Storage of Vehicles: See Section 4.21

3.5.10 Off-Street Parking See Chapter 5

3.5.11 Public Utility Structure: See Section 4.6

- 3.5.12 Short Term Rental: See Section 4.9
- 3.5.13 Solar Energy Production: See Section 4.10
- 3.5.14 Swimming Pool, Hot Tubs, and Spas: See Section 4.4
- 3.5.15 Vision Clearance at Corners: See Section 4.16

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### **3.6 R-3 – MULTI-FAMILY RESIDENTIAL DISTRICT**

#### **3.6.1 Intent.**

The intent of R-3, Multi-Family Residential District is to provide areas for moderate to high-density single-family residences and provide a compatible transition between other residential and non-residential land uses.

#### **3.6.2 Permitted Uses.**

The following uses are permitted:

##### **3.6.2.1 Residential Uses:**

- Apartments.
- Assisted Living.
- Lodging House.
- Nursing home.
- Short-Term Rental – Owner Occupied.

##### **3.6.2.2 Public Uses:**

- Public Park/Playground.

##### **3.6.2.3 Accessory uses.**

##### **3.6.2.4 Public Utility Services.**

#### **3.6.3 Special Exceptions.**

The following special exceptions shall be permitted only as specifically authorized by the Board of Zoning Appeals:

##### **3.6.3.1 Residential Use:**

- Bed and Breakfast Home.
- Short-term Rental – Non-owner occupied.

##### **3.6.3.2 Business Use:**

- Home Business.

##### **3.6.3.3 Commercial Use:**

- Day Care [Adult/Children].
- Childcare Homes.
- Home Day Care.
- Worship Facility.
- Schools; public or private.

- 3.6.3.4 Public Use:
- Golf Course.
  - Swimming Pool.

#### 3.6.4 LOT AND YARD REQUIREMENTS.

The following lot and yard requirements shall apply within the R-3, Multi-Family Residential District:

<b>A. Minimum Lot Size</b>	
1. Area	2 Acres (87,120 square feet)
2. Width	100 feet
3. Road Frontage	100 feet
<b>B. Minimum Setback Lines:</b>	
1. Front	
Front setback lines will be based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	30 feet
e. Local Access	25 feet
f. Cul-de-Sac	25 feet
2. Side	
Each Side Yard	20 feet
3. Rear	
	20 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	50 feet
2. Accessory Building	18 feet
<b>D. Maximum Lot Coverage.</b>	
Maximum lot coverage shall not exceed Sixty percent (60%).	
<b>E. Minimum Living Area per Dwelling Unit</b>	
1. Single Story Dwelling Unit	500 square feet
2. Two Story Dwelling Unit	900 square feet
<b>F. Primary Structure per lot</b>	
One (1) Primary Structurer per Lot.	
Exception: Multi-family residential developments with coordinated parking areas, community buildings, pedestrian system may have unlimited primary structures on any one (1) lot, as long as development standards are not violated.	

- 3.6.5 Accessory Uses and Structures: See Section 4.3
- 3.6.6 Architectural Standards: See Section 4.14
- 3.6.7 Exterior Lighting Standards: See Section 4.18
- 3.6.8 Fences and Hedges: See Section 4.17
- 3.6.9 Home Business: See Section 4.7
- 3.6.10 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6.
- 3.6.11 Loading and unloading areas: See Section 5.8
- 3.6.12 Outdoor Storage of Vehicles: See Section 4.21
- 3.6.13 Off-Street Parking: See Chapter 5
- 3.6.14 Public Utility Structure: See Section 4.6
- 3.6.15 Public Spaces and Community Art: See Section 4.15
- 3.6.16 Short Term Rental: See Section 4.9
- 3.6.17 Signs: See Chapter 7
- 3.6.18 Site Design Standard: See Section 4.13
- 3.6.19 Solar Energy Production: See Section 4.10
- 3.6.20 Swimming Pool, Hot Tubs, and Spas: See Section 4.4
- 3.6.21 Vision Clearance at Corners: See Section 4.16

### **3.7 -R-4 – MANUFACTURED HOME COMMUNITY DISTRICT**

#### **3.7.1 Intent.**

The intent of the R-4, Manufactured Home Community District is to provide areas within the City of Rushville for leased-lot parks of manufactured homes. All manufactured home communities shall be established in accordance with IC 16-47-27 et seq., and 410 IAC 6-6, which may be amended from time to time.

#### **3.7.2 Permitted Uses.**

The following uses are permitted within the R-4, Manufactured Home Community District:

3.7.2.1 Manufactured Homes constructed and certified in accordance with 24 CFR 3280, which may be amended from time to time.

3.7.2.2 Community building specifically designed and operated to serve the Manufactured Home Community, which may include:

- Child Care Facilities.
- Laundry Facilities.
- Indoor Recreational Facilities.
- Outdoor Recreational Facilities.

3.7.2.3 Manufactured home sales and management offices, when located in the interior of the community building and sales area is limited to three percent (3%) of the total net floor area of community building.

3.7.2.4 Home business.

3.7.2.5 Public parks and playgrounds.

3.7.2.6 Accessory uses.

3.7.2.7 Public Utilities Services.

#### **3.7.3 Special Exception.**

The following special exceptions shall only be specifically authorized by the Board of Zoning Appeals:

3.7.3.1 Residential Uses:

- Bed and Breakfast.
- Short Term Rental – Non-owner Occupied.

- 3.7.3.2 Commercial Uses:
- Childcare Home.
  - Home Daycare.

#### 3.7.4 Yard Requirements

The following lot and yard requirements shall apply within the R-4, Manufactured Home Community District:

<b>A. Development Size</b>	
1. Minimum	15 Acres
2. First (1 <sup>st</sup> ) Phase Minimum	5 Acres
<b>Minimum Development Lot Width</b>	
	200-Feet
<b>Minimum Development Front, Side and Rear Yard Setbacks</b>	
All dwelling sites, community building, and development amenities	50 feet from any right-of-way
<b>Maximum Development Lot Coverage</b>	
50% of the Development Lot area may be covered by structures and other hard surfaces.	
<b>d. Maximum Development Building Height</b>	
i. Primary Building	30 feet
ii. Accessory Building	18 feet
<b>B. Minimum Dwelling Site Lot Size</b>	
1. Area:	5,000 square feet
2. Width:	50 feet
3. Road Frontage	50 feet
<b>C. Minimum Dwelling Site Setback Lines:</b>	
1. Front:	20-feet from edge of pavement of interior streets
2. Side:	8 feet
3. Rear	8 feet
<b>D. Maximum Height</b>	
1. Manufactured Home	30 feet
2. Accessory Building	12 feet
<b>E. Maximum Lot Coverage.</b>	
Manufactured Home & Accessory Structure	40 percent (40%)
<b>F. Minimum Living Area</b>	
Manufactured Home	900 Square feet.
<b>G. Maximum Area</b>	
Accessory Structure	50 square feet
<b>H. Primary Structure (Manufactured Homes) per lot</b>	
One (1) Primary Structure (Manufactured Home) per Lot.	

### 3.7.5 Development Condition

- 3.7.5.1 Prior to construction of Manufactured Home Community, a final development plan shall be submitted to the Advisory Plan Commission for review and approval.

### 3.7.6 Manufactured Homes Community Standards.

The Manufactured Home Community Standards shall apply to the R-4 Zoning District.

- 3.7.6.1 All manufactured home communities shall comply with the requirements set out in I.C. 16-41-7 and 410 IAC 6, which may be amended from time to time.

- 3.7.6.2 No manufactured home shall be used for any purpose other than a single-family dwelling.

- 3.7.6.3 No commercial businesses shall be conducted in an R-4 Manufactured Home Community District, except permitted in this Section.

- 3.7.6.4 Manufactured homes without sanitary or cooking facilities shall not be occupied and are prohibited from being sited in a Manufactured Home Community.

- 3.7.6.5 Transportation Equipment:  
All hitches, wheels, and other attachments to the home used to aid in transportation shall be removed or concealed beneath the skirting.

- 3.7.6.6 Storage:  
Accessory structure are to be used for storage at each manufactured home lot.

- 3.7.6.7 Sidewalks/Pedestrian Paths
- A. Common: Concrete sidewalks or paved pedestrian pathways of at least four (4) feet in width shall be provided from the front door of each primary structure to the common sidewalks adjoining the interior streets:
    - 1. Adjacent to all interior drives; and,
    - 2. Accessing all recreational accessory use areas.
  - B. All sidewalks and pedestrian paths shall be in accordance with the Americans with Disabilities Act (ADA) standards.



3.7.6.8 Entrances and Interior Road:

- A. Interior manufactured home park streets shall be private streets.
- B. All private interior drives shall be:
  - 1. Designed with curbs and gutters and shall be paved with either asphalt or concrete.
  - 2. Constructed according to the construction standards for public streets.
  - 3. Consistent with the Entrance/Drive Standards and any specific requirements of the City of Rushville.

3.7.7 Vision Clearance at Corners: See Section 4.16

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### **3.8 C-1 – NEIGHBORHOOD BUSINESS DISTRICT**

#### **3.8.1 Intent.**

The intent of C-1, Neighborhood Business District is to provide convenience to goods, services, and amenities of a mix of small scale: offices, retail sales and public uses designed to serve the convenience purposes of a residential neighborhood. The district is intended to enable the development of small-scale, mixed use neighborhood centers, generally to be located at major intersections, should be oriented to pedestrian access, and provide buffering from adjacent residential uses.

#### **3.8.2 Permitted Uses:**

The following uses are permitted within C-1, Neighborhood Business District:

##### **3.8.2.1 Residential Uses:**

- Assisted Care Facility.
- Convalescent Facility.
- Dwelling Units on upper floors of Non-Residential Uses at Street Level
- Hotel/Motel, including Extended Stay Hotel/Motel not more than 30 consecutive day.
- Nursing Care Facility.

##### **3.8.2.2 Offices uses; small scale:**

- Accounting.
- Employment Staffing Firm (private).
- Insurance Agency.
- Real Estate Office.

##### **3.8.2.3 Personal and professional services uses, small scale:**

- Barber and/or Beauty Shop.
- Dry Cleaner, including drive up service.
- Financial Institutions, including drive up services and Automated Teller Machine (ATM).
- Investment Firms.
- Laundromat.
- Medical/Dental Office.
- Nail Salons.

- 3.8.2.4 Commercial Uses:
- Art Studio.
  - Animal Grooming
  - Cultural Facility.
  - Day Care Center (Adult or Child).
  - Dance Studio.
  - Farmer's Market.
  - Fire/Police/Rescue station.
  - Fitness Center/Health Spa.
  - Funeral Home.
  - Gymnastic Center.
  - Government Office [Local/State/Federal].
  - Library.
  - Martial Arts Studio
  - Pharmacy, including drive up service.
- 3.8.2.5 Restaurant Uses.
- Delicatessens.
  - Lunch Counter
- 3.8.2.6 Retail Sales (small scale):
- Antique Shop.
  - Apparel/Footwear Store.
  - Appliance Sales and Service
  - Bakeries (retail).
  - Book Store.
  - Craft and Fabric Store/Hobby Store.
  - Consignment/Second Hand/Pawn Shop.
  - Convenience Store, including the sale of fuel.
  - Florist/Flower Shop.
  - Food Market/Grocery Store
  - Furniture Store.
  - Gift Shop.
  - Hardware Store.
  - Jewelry Store.
  - Music Studio.
  - Pet Store.
  - Sewing Supplies/Fabric/Notions.
- 3.8.2.7 Accessory Uses
- 3.8.2.8 Public Utility Structures

### 3.8.2.9 Temporary Uses

### 3.8.3 Special Exception.

The following special exceptions shall be permitted within C-1; Neighborhood Business District only as specifically authorized by the Board of Zoning Appeals:

#### 3.8.3.1 Residential uses:

- Assisted Care Facility.
- Convalescent Facility.
- Hotel/Motel, including Extended Stay Hotel/Motel not more than 30 consecutive days.
- Nursing Care Facility.

#### 3.8.3.2 Commercial Uses

- Child care centers
- Recycling Drop Off Center – Self Service
- Trade/Business School.
- Worship Facility.

#### 3.8.3.3 Personal/Professional Uses

- Public/Private Lodge/Club
- Tattoo shop and body modification

#### 3.8.3.4 Recreational Uses

- Outdoor Athletic complex

#### 3.8.3.5 Retail Sales:

- Vehicle Sales and Display Lots, including minor repairs.

#### 3.8.3.6 Restaurant Uses

- Microbrewery/Tavern
- Distillery
- Wine Bar
- Winery

#### 3.8.3.7 Telecommunication/Communications Uses

- Amateur Radio Support Structure/Antenna
- Cellular communications facilities and Tower
- Telecommunication Facilities

#### 3.8.4 Lot and Yard Requirements:

The following lot and yard requirements shall apply within the C-1 Neighborhood Business District.

<b>A. Minimum Lot Size</b>	
1. Area	11,000 square feet
2. Width	75 feet
3. Road Frontage	75 feet
<b>B. Minimum Yard Setback Lines:</b>	
1. Front Yard	
Front setback lines will be based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	30 feet
e. Local Access	25 feet
f. Cul-de-Sac	25 feet
2. Side Yard (all side yard):	
20 feet	
3. Rear Yard	
20 feet	
<b>C. Maximum Building Height</b>	
1. Primary Building	50 feet
2. Accessory Building	25 feet
Exception:	Church Steeples; Bell Towers; Spires, Belfries, Cupolas.
<b>D. Maximum Lot Coverage.</b>	
Shall not exceed	60%
<b>E. Minimum Ground Floor Area</b>	
1. Single Story Building	1,000 square feet
2. Two Story Building	500 square feet per story
<b>F. Primary Structure per lot</b>	
One (1) Primary Structure per Lot.	

- 3.8.5 Accessory Uses and Structures: See Section 4.3
- 3.8.6 Architectural Standards: See Section 4.14
- 3.8.7 Exterior Lighting Standards: See Section 4.18
- 3.8.8 Fences and Hedges: See Section: 4.17
- 3.8.9 Home Business: See Section: 4.7
- 3.8.10 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6
- 3.8.11 Loading and Unloading Areas: See Section 5.3
- 3.8.12 Outdoor Storage of Vehicles: See Section 4.19
- 3.8.13 Off-Street Parking: See Chapter 5
- 3.8.14 Public Utility Structure: See Section 4.6
- 3.8.15 Public Spaces and Community Art: See Section 4.15
- 3.8.16 Signs: See Chapter 7
- 3.8.17 Site Design Standard: See Section 4.13
- 3.8.18 Solar Energy Production: See Section 4.10
- 3.8.19 Vision Clearance at Corners: See Section 4.16

### 3.9 C-2 – COMMUNITY BUSINESS DISTRICT

#### 3.9.1 Intent.

The intent of C-2, Community Business District is to provide a diversity in the business offering goods and services to the community and the traveling public, by offering a mix of medium and large-scale businesses requiring access to transportation routes and infrastructure compatible with the serving businesses.

#### 3.9.2 Permitted Uses.

The following uses are permitted within the C-2, Community Business District:

##### 3.9.2.1 All uses permit in C-1, Neighborhood Business District

##### 3.9.2.2 Commercial Uses (medium and large)

- Banquet/Event/Meeting Facility.
- Community Center.
- Daycare Facility (adult and children)
- Distillery
- Fueling Center
- Hospital
- Indoor Mini-Warehouse/Storage
- Museums
- Municipal Parking Lot
- Theaters
- Winery
- Worship Facility
- Vehicle Wash

##### 3.9.2.3 Educational Uses:

- Schools
- Business School
- Trade/Vocational School

##### 3.9.2.4 Office Uses (Medium and Large Scale) Uses:

- Financial Institutions; with or without drive-up facilities.
- Government Offices
- Insurance Agency
- Post Office
- Real Estate

- 3.9.2.5 Personal and professional services (medium and large scale) uses:
- Clinic
  - Club/Lodge
  - Contractor Office, including contractor yard.
  - Funeral Home
  - Tattoo shop and body modification
  - Veterinary Clinic/Hospital, including kennel.
- 3.9.2.6 Recreational uses:
- Auditorium.
  - Arena.
  - Bowling Alley.
- 3.9.2.7 Restaurant uses (standard, Drive-in, and Drive-through):
- Microbrewery
  - Restaurant; Drive-through/Drive-up
  - Restaurant; Standard
  - Taverns
  - Wine Bar
- 3.9.2.8 Retail Sales (Medium and Large scale) uses:
- Bakeries
  - Builder Supply Store
  - Craft and Hobby Store
  - Farm implement sales, including service and repairs.
  - Fueling Center with or without Convenience Store.
  - Furniture Store
  - Grocery Store
  - Liquor Store
  - Tobacco Store, including electronic tobacco Store.
  - Vehicle Sales and Display Lot, including minor repairs.
- 3.9.2.9 Accessory Use and Buildings.
- 3.9.2.10 Public Utility Structures.
- 3.9.2.11 Temporary Uses.



### 3.9.3 Special Exceptions.

The following special exceptions shall be permitted within B-2, Neighborhood Business District only as specifically authorized by the Board of Zoning Appeals.

#### 3.9.3.1 Communication Uses:

- Amateur Radio Support Structure/Antenna.
- Cellular Communications.
- Data Processing Center/Call Center.
- Telecommunication Facilities.

#### 3.9.3.2 Commercial Uses:

- Domestic Shelters.
- Equipment Rental Facilities.

#### 3.9.3.3 Recreational Use:

- Golf Course/Driving Range.
- Outdoor Athletic Complex.
- Recreational Vehicle Park.
- Stadiums.
- Swimming Pool.

#### 3.9.3.4 Retail Sales:

- Manufactured home sales.

#### 3.9.3.5 Transportation:

- Public transportation terminals.

#### 3.9.3.6 Utility Uses:

- Solar Energy Production Field.

### 3.9.4 Lot and Yard Requirements.

The following lot and yard requirements shall apply within the C-2 Community Business District.

<b>A. Minimum Lot Size</b>	
1. Area	23,000 square feet
2. Width	120 feet
3. Road Frontage	120 feet
<b>B. Minimum Yard Setback Lines:</b>	
1. Front Yard	
Front setback lines are based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	35 feet
e. Local Access	35 feet
f. Cul-de-Sac	25 feet
2. Side Yard (each side yard):	30 feet
3. Rear Yard	30 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	50 feet
EXCEPTION: Primary Building exceeding 50 feet in height shall:	
1. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way.	
2. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place.	
3. Comply with all Federal Aviation Administration (FAA) requirements for tall structures.	
2. Accessory Building	25 feet
EXCEPTION: Accessory Building exceeding 35 feet in height shall:	
1. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way	
2. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place	
3. comply with all Federal Aviation Administration (FAA) requirements for tall structures	

D. Maximum Lot Coverage.	
Shall not exceed	60%
E. Minimum Ground Floor Area	
Single Story Building	5,001 square feet
F. Primary Structure per lot	
One (1) Primary Structure per Lot.	

- 3.9.5 Accessory Uses and Structures: See Section 4.3
- 3.9.6 Architectural Standards: See Section 4.14
- 3.9.7 Drainage Plan: See Section 4.13
- 3.9.8 Exterior Lighting Standards: See Section 4.18
- 3.9.9 Fences and Hedges: See Section 4.17
- 3.9.10 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6
- 3.9.11 Loading and Unloading Areas: See Section 5.8
- 3.9.12 Off-Street Parking: See Chapter 5
- 3.9.13 Outdoor Display, Sales, and Storage of Merchandise: See Section 4.19
- 3.9.14 Storage of Other Materials: See Section 4.20
- 3.9.15 Outdoor Storage of Vehicles: See Section 4.21
- 3.9.16 Public Spaces and Community Art: See Section 4.15
- 3.9.17 Public Utility Structures: See Section 4.6
- 3.9.18 Signs: See Chapter 7
- 3.9.19 Site Design Standard: See Section 4.13
- 3.9.20 Solar Energy Production: See Section 4.10
- 3.9.21 Temporary Uses of Land and Structures: See Section 4.5
- 3.9.22 Utility Plan: See Section 4.12
- 3.9.23 Vision Clearance at Corners: See Section 4.16

### **3.10 CBD – CENTRAL BUSINESS DISTRICT**

#### **3.10.1 Intent.**

The CBD, Central Business District is to promote and encourage continued vitality in the established Central Business District as the primary commercial and activity center, where a complete range of goods, services, and entertainment is located. This district is intended to serve as a focal point, and to be the most intensely developed area in the community. This district is further intended to support the continued use of historic structures, to ensure a pedestrian-focused character, and to enable continued investment.

#### **3.10.2 Permitted Uses.**

The following uses are permitted within the CBD, Central Business District:

##### **3.10.2.1 Dwelling unit:**

- Secondary, on floor(s) above non-residential use at street level.

##### **3.10.2.2 Offices uses:**

- Accounting.
- Employment Firm (private).
- Insurance Agency.
- Office for executive, administrative, professional.
- Real Estate, general offices, governmental offices.
- Other Office Uses conducted entirely in enclosed structure, not exceeding 6,000 square feet.

##### **3.10.2.3 Personal and professional services uses:**

- Barber and Beauty Shops.
- Dance Studio/Martial Art.
- Dry Cleaner.
- Financial Institutions with drive up services, including ATM.
- Fitness Center/Health Spa.
- Funeral Home.
- Gymnastic Center.
- Investment Firms.
- Laundromat.
- Library.
- Medical/Dental/Clinic.
- Other personal and professional uses conducted entirely in enclosed structure, not exceeding 6,000 square feet.

3.10.2.4 Public/Semi Public Uses:

- Assembly/Banquet Hall.
- Farmer's Market.
- Fire/Police/Rescue station.
- Government Office.
- Post Office.

3.10.2.5 Recreational Uses:

- Arcade/Billiards.
- Art Studio.
- Bowling Alley.
- Cultural Facility.
- Gallery.
- Museum.
- Music Studio.
- Night Club.

3.10.2.6 Restaurant without drive-through windows:

- Casual Dining.
- Delicatessens.
- Microbrewery/Brewpub/Winery.
- Taverns.

3.10.2.7 Retail Uses:

- Antique Shop.
- Apparel/Footwear Store.
- Bakeries (retail).
- Craft/Hobby.
- Consignment/Second Hand/Pawn Store.
- Florist/Flower Shop.
- Furniture.
- Gift shop.
- Grocery Store/Meat Market.
- Hardware Store (less than 6,000 square feet).
- Jewelry Store.
- Pet Store.
- Sewing supplies/Fabric/Notions.
- other retail businesses conducted entirely in enclosed structure, not exceeding 6,000 square feet.
- Theater (indoor).

3.10.2.8 Park Use:

- Amphitheater/Outdoor venue.
- Conservation Area/nature preserve.
- Park/playground.

### 3.10.3 Special Exception.

The following special exceptions shall be permitted within the CBD, Central Business District only as specifically authorized by the Board of Zoning Appeals:

#### 3.10.3.1 Residential Uses:

- Bed and Breakfast, upper floor(s) above non-residential use at street level.
- Boarding house, upper floors(s) above non-residential use at street level.
- Domestic Shelter.
- Hotel/Motel.
- Multifamily Dwelling Units.

#### 3.10.3.2 Assembly Uses:

- Banquet Facility.
- Lodge/Private Club.
- Reception Hall.
- Worship Facility and customary related uses.

#### 3.10.3.3 Communication Uses:

- Call Center.
- Cellular communication facilities.
- Cellular communication towers.
- Telecommunication Facility/Tower.
- Data processing.

#### 3.10.3.4 Miscellaneous Uses:

- Public or private parking as primary use.
- Private utility structures.
- Solar Energy Production.

#### 3.10.3.5 Recreational Uses:

- Athletic complex
- Commercial recreation facility/Stadium/Auditorium/Arenas

#### 3.10.4 Lot and Yard Requirements.

The following lot and yard requirements shall apply within the CBD, Central Business District.

A. Minimum Lot Size	
1. Area	No minimum lot area
2. Road Frontage	No minimum road frontage required
B. Minimum Yard Setback Lines:	
1. Front Yard	Average of buildings in the same block.
2. Rear Yard	Average of buildings in the same block, but not less than five (5) feet from public right-of-way.
C. Maximum Building Height	
1. Primary Building	50 feet
2. Accessory Building	25 feet
Exception:	Church Steeples; Bell Towers; Spires, Belfries, Cupolas.
D. Maximum Lot Coverage.	
No Maximum lot coverage	
E. Minimum Ground Floor Area for Principal Use:	
No minimum ground floor area square footage requirement	
F. Minimum Living Area per dwelling unit:	
600 square feet	

3.10.5 Accessory Uses and Structures: See Section 4.3

3.10.6 Exterior Lighting Standards: See Section 4.18

3.10.7 Fences and Hedges: See Section 4.17

3.10.8 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6

3.10.9 Loading and Unloading Areas: See Section 5.8

3.10.10 Off-Street Parking: See Chapter 5

3.10.11 Outdoor Display, Sales, and Storage of Merchandise: See Section 4.19

3.10.12 Storage of Other Materials: See Section 4.20

3.10.13 Outdoor Storage of Vehicles: See Section 4.21

3.10.14 Public Utility Structure: See Section 4.6

3.10.15 Signs: See Chapter 7

3.10.16 Site Design Standard: See Section 4.13

3.10.17 Solar Energy Production: See Section 4.10

3.10.18 Temporary Uses of Land and Structures: See Section 4.5

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### **3.11 I-1 – LIGHT INDUSTRIAL DISTRICT**

#### **3.11.1 Intent.**

The intent of the I-1, Light Industrial District, is to provide locations for light production, assembly, warehousing, research and development facilities, and similar land uses with adequate access to transportation and infrastructure. The Light Industrial District uses do not involve the release of nuisance or polluting sounds, odors, or material.

#### **3.11.2 Permitted Uses.**

The following are permitted within the I-1, Light Industrial District:

##### **3.11.2.1 Communication Uses:**

- Communication Facility.
- Communication Service Exchange.
- Telecommunications facilities.

##### **3.11.2.2 Public/Semi Public Uses:**

- Government Facility (non-office).
- Police, Fire, and Rescue Station.
- Water Tower.

##### **3.11.2.3 Commercial Use:**

- Contractor Office, including contractor yard.
- Data Processing Center/Call Center.
- Equipment Rental.
- Farm Implement Sales and Major Repair.
- Retails Sales (Big Box).
- Vehicle Fueling Facility, with or without retail sales.
- Vehicle Repairs and Maintenance (Large Scale).
- Wholesale Facility.

##### **3.11.2.4 Industrial Uses:**

- Light Industrial Assembly, including warehousing and distribution.
- Mini-warehouse, Self-storage facility.
- Tool and Die Shop.
- Research and Development Facility.
- Warehouse and Distribution Facility.

3.11.2.5 Accessory Uses.

3.11.2.6 Public Utility Structure.

3.11.2.7 Temporary Uses.

3.11.3 Special Exceptions.

The following special exceptions shall be permitted within I-1, Light Industrial District only as specifically authorized by the Board of Zoning Appeals:

3.11.3.1 Commercial Use:

- Boat and RV Outdoor Storage.
- Kennel.

3.11.3.2 Industrial Use:

- Recycle Drop-Off, Self Service.

3.11.3.3 Telecommunication/Communications Uses:

- Antenna and Towers.
- Amateur Radio Support Structure/Antenna.
- Cellular communications facilities and Tower.
- Telecommunication Facilities.

3.11.3.4 Transportation Use:

- Airports.
- Helipad.
- Transportation Terminal.
- Truck Freight Terminal.

3.11.3.5 Utility Use:

- Solar Energy Production Array.
- Wastewater Facility.
- Utility Substation.

#### 3.11.4 Lot and Yard Requirements.

The following lot and yard requirements shall apply with in the I-1 Light Industrial District.

<b>A. Minimum Lot Size</b>	
1. Area	25,000 square feet
2. Width	120 feet
3. Road Frontage	120 feet
<b>B. Minimum Yard Setback Lines:</b>	
1. Front Yard	
Front setback lines will be based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	35 feet
e. Local Access	35 feet
f. Cul-de-Sac	35 feet
2. Side Yard (each side yard):	
50 feet	
3. Rear Yard	
50 feet	
<b>C. Maximum Building Height</b>	
1. Primary Building	50 feet
EXCEPTION: Primary Building exceeding 50 feet in height shall:	
i. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way.	
ii. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place.	
iii. Comply with all Federal Aviation Administration (FAA) requirements for tall structures.	
2. Accessory Building	35 feet
EXCEPTION: Accessory Building exceeding 35 feet in height shall:	
i. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way	
ii. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place.	
iii. comply with all Federal Aviation Administration (FAA) requirements for tall structures.	

D. Maximum Lot Coverage.	
Shall not exceed	75%
E. Minimum Ground Floor Area	
	1,000 square feet
F. Primary Structure per lot	
One * (1) Primary Structure per Lot.	
*Combined industrial operations with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one (1) lot.	

- 3.11.5 Accessory Uses and Structures: See Section 4.3
- 3.11.6 Architectural Standards: See Section 4.14
- 3.11.7 Drainage Plan: See Section 4.11
- 3.11.8 Exterior Lighting Standards: See Section 4.18
- 3.11.9 Fences and Hedges: See Section 4.17
- 3.11.10 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6
- 3.11.11 Loading and Unloading Areas: See Section 5.8
- 3.11.12 Off-Street Parking: See Chapter 5
- 3.11.13 Outdoor Display, Sales, and Storage of Merchandise: See Section 4.19
- 3.11.14 Outdoor Storage of Other Materials: See Section 4.20
- 3.11.15 Outdoor Storage of Vehicles: See Section 4.21
- 3.11.16 Public Spaces and Community Art: See Section 4.15
- 3.11.17 Public Utility Structure: See Section 4.6
- 3.11.18 Signs: See Chapter 7
- 3.11.19 Site Design Standard: See Section 4.13
- 3.11.20 Solar Energy Production: See Section 4.10
- 3.11.21 Temporary Uses of Land and Structures: See Section 4.5
- 3.11.22 Utility Plan: See Section 4.12
- 3.11.23 Vision Clearance at Corners: See Section 4.16

## **3.12 I-2 – HEAVY INDUSTRIAL DISTRICT**

### **3.12.1 Intent.**

The intent of I-2, Heavy Industrial District, is to provide locations for industrial manufacturing production, assembly, warehouse, research and development facility and similar uses. The I-2 Heavy Industrial District is intended to accommodate a variety of high intensity industrial uses in locations where transportation and infrastructure support the industrial uses.

### **3.12.2 Permitted Uses.**

The following uses are permitted within I-2, Heavy Industrial:

#### **3.12.2.1 All uses permitted in I-1, Light Industrial District.**

#### **3.12.2.2 Agricultural Uses:**

- Agricultural Products Process Facility.
- Agricultural Products Terminal.
- Grain and Feed Mill.

#### **3.12.2.3 Commercial Use:**

- Boat/Motor Vehicle/Recreational vehicle Storage Facility.
- Flammable and Combustible Gas Storage and Distribution.
- Vehicle Fueling Facility, with or without retail sales.

#### **3.12.2.4 Industrial Uses:**

- Bio-Fuel Production.
- Concrete/Asphalt facility.
- Dry Cleaning (Commercial).
- Food and Beverage Processing.
- Food Processing Facility.
- Heavy Manufacturing.
- Manufacturing Facility.
- Processing Facility.
- Recycle Facility.

#### **3.12.2.5 Transportation Uses:**

- Truck Freight Terminals.
- Transportation Terminals.

#### **3.12.2.6 Accessory Uses.**

#### **3.12.2.7 Public Utility Structures.**

#### **3.12.2.8 Temporary Uses.**

#### 3.12.2.9 Utility Uses.

### 3.12.3 Special Exception.

The following special exceptions shall be permitted within the I-2, Heavy Industrial District only as specifically authorized by the Board of Zoning Appeals:

#### 3.12.3.1 Agricultural Uses:

- Confined Feeding Operations.

#### 3.12.3.2 Commercial Uses:

- Adult Entertainment.
- Animal Boarding.
- Junk Yard.
- Scrap Metal Yard.
- Vehicle Repair, including outdoor storage and parking.

#### 3.12.3.3 Communication Uses:

- Antenna and Towers.

#### 3.12.3.4 Industrial Uses:

- Bio-Fuel Production.
- Bulk Fuel Storage.
- Explosive Manufacturing and Storage.
- Petroleum Processing and Storage.
- Vehicle Repair, Major.

#### 3.12.3.5 Transportation Uses:

- Airport.
- Helipad.

### 3.12.4 Lot and Yard Requirements.

The following lot and yard requirements shall apply within the I-2, Heavy Industrial District.

<b>A. Minimum Lot Size</b>	
1. Area	25,000 square feet
2. Width	120 feet
3. Road Frontage	120 feet
<b>B. Minimum Yard Setback Lines:</b>	
1. Front Yard	
Front setback lines are based on thoroughfare classification, not Zoning.	
a. Major Arterial	45 feet
b. Minor Arterial	40 feet
c. Major Collector	35 feet
d. Minor Collector:	35 feet
e. Local Access	35 feet
f. Cul-de-Sac	35 feet
2. Side Yard (each side yard):	50 feet
3. Rear Yard	50 feet
<b>C. Maximum Building Height</b>	
1. Primary Building	50 feet
EXCEPTION: Primary Building exceeding 50 feet in height shall:	
i. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way.	
ii. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place.	
iii. Comply with all Federal Aviation Administration (FAA) requirements for tall structures.	
2. Accessory Building	35 feet
EXCEPTION: Accessory Building exceeding 35 feet in height shall:	
i. Be setback at least One and one-half (1.5) times the height of such structure from any adjacent property line or public way	
ii. Have written approval from the City of Rushville Fire Department certifying that a satisfactory plan for fire and emergency services is in place.	
iii. comply with all Federal Aviation Administration (FAA) requirements for tall structures.	

D. Maximum Lot Coverage.	
Shall not exceed	75%
E. Minimum Ground Floor Area	
	1,000 square feet
F. Primary Structure per lot	
One * (1) Primary Structure per Lot.	
*Combined industrial operations with coordinated parking areas and pedestrian systems may have unlimited primary structures on any one (1) lot.	

- 3.12.5 Accessory Uses and Structures: See Section 4.3
- 3.12.6 Architectural Standards: See Section 4.14
- 3.12.7 Drainage Plan: See Section 4.11
- 3.12.8 Exterior Lighting Standards: See Section 4.18
- 3.12.9 Fences and Hedges: See Section 4.17
- 3.12.10 Landscaping, Landscape Buffering, and Landscape Screening: See Chapter 6
- 3.12.11 Loading and Unloading Areas: See Section 5.8
- 3.12.12 Off-Street Parking: See Chapter 5
- 3.12.13 Outdoor Display, Sales, and Storage of Merchandise: See Section 4.19
- 3.12.14 Outdoor Storage of Other Materials: See Section 4.20
- 3.12.15 Outdoor Storage of Vehicles: See Section 4.21
- 3.12.16 Public Spaces and Community Art: See Section 4.15
- 3.12.17 Public Utility Structure: See Section 4.6
- 3.12.18 Signs: See Chapter 7
- 3.12.19 Site Design Standard: See Section 4.13
- 3.12.20 Solar Energy Production: See Section 4.10
- 3.12.21 Temporary Uses of Land and Structures: See Section 4.5
- 3.12.22 Utility Plan: See Section 4.12
- 3.12.23 Vision Clearance at Corners: See Section 4.16



### **3.13 PUD – PLANNED UNIT DEVELOPMENT DISTRICT**

#### **3.13.1 Intent.**

The Planned Unit Development District is intended to provide a greater degree of flexibility in the development of land to result in a significantly better design than what would have been the result under the Zoning Regulations.

The Planned Unit Development District is intended for innovations in land development techniques that are unique opportunities that would not have resulted from traditional application of the Zoning Ordinance, such as unique mixed land uses that allows for the implementation of the Comprehensive Plan in ways not considered by the established Zoning District.

#### **3.13.2 Applicability.**

The Planned Unit Development shall only be available for proposed new development on parcels of land greater than two (2) acres.

#### **3.13.3 General.**

3.13.3.1 The Planned Unit Development Zoning District shall not be applicable if the proposed development can be created using the established Zoning Districts.

3.13.3.2 The procedure for platting parcel of real property as a planned unit development district shall be as set out in the City of Rushville Subdivision Control Ordinance, except as further detailed in this Section.

3.13.3.3 A Planned Unit Development shall be identified as a Planned Unit Development on the Official Zoning Map.

#### **3.13.4 Ownership.**

3.13.4.1 A parcel or site proposed for a planned unit development may or may not be under single ownership.

3.13.4.2 Where ownership is multiple owners a legal document, legal partnership or corporation shall be provided indicating all owner of the property support and desire to develop the parcel of land

3.13.4.3 The legal document shall provide who owners appoint as their representative.

3.13.5 Uses.

- 3.13.5.1 All land uses proposed in a planned unit development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and Zoning Districts
- 3.13.5.2 All uses are subject to the discretion and approval of the Advisory Plan Commission.
- 3.13.5.3 Once uses are approved by the Advisory Plan Commission, the uses are granted by right.

3.13.6 Development Requirements.

- 3.13.6.1 Development requirements for all proposed planned unit developments shall be created by the applicant as part of the preliminary plan submittal.
- 3.13.6.2 All proposed development requirements are subject to the review and approval of the Advisory Plan Commission and the City Council.
- 3.13.6.3 All proceedings brought under this Section are subject to the Rules and Procedures of the Advisory Plan Commission.
- 3.13.6.4 A conceptual plan of the proposed development of the property shall be submitted, including:
  - A. Any proposed written commitments as part of the proposed Planned Unit Development.
  - B. If the proposed Planned Unit Development is to be phased, a detailed statement of the proposed phasing order of development.
  - C. Description of private covenants and restrictions that will be established for the Planned Unit Development.
  - D. Layout and design of proposed street systems, including off-street parking, and sidewalks.
  - E. Land use areas and number of acres within the development, including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses.

- F. Detailed text documenting the development requirements that will apply to development. including general dimensioned lot sizes, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements.
- G. Detailed text on architectural standards applicable to the Planned Unit Development for each proposed Zoning District.
- H. Proposed location of open space(s), including parks, natural areas, trail system and other common open spaces.
- I. Concept design of landscaping, landscape buffers, and/or landscape screening, including areas to be preserved.
- J. If applicable a description to accommodate natural waterways, wetlands, and regulated drains.
- K. If applicable, a description of area subject to flooding as identified by the Indiana Department of Natural Resources, in conjunction with the Federal Emergency Management Agency (FEMA).
- L. If applicable, a description to make accommodations for historical features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory – Rush County or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures.
- M. Any additional information the applicant wishes to submit to clarify the concept design and plan of the Planned Unit Development.

# CHAPTER 4

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## 4.0 DEVELOPMENT STANDARDS

### 4.1 APPLICABILITY.

All uses shall comply with the following development standards in the interest of protecting public health, safety and welfare, and lessening injury to property. No use in existence on the effective date of this Ordinance shall be so altered or modified as to conflict with these standards.

### 4.2 PRIMARY BUILDING – STRUCTURE.

There shall be no more than one (1) primary building or structure constructed on any lot, tract, or parcel of land.

Exception: Apartments, Assisted living, Nursing Homes, or Shopping Centers, are permitted to have multi buildings on one (1) lot, tract ,or parcel of land..

### 4.3 ACCESSORY USES AND STRUCTURES.

#### 4.3.1 General:

4.3.1.1 Accessory uses and structures shall be incidental and clearly subordinate in height, area, bulk, to, and commonly associated with, the operation of the primary use of the property; and shall be operated and maintained under the same ownership

4.3.1.2 Accessory structures shall not contain or be used as habitable rooms or dwelling units.

4.3.1.3 No accessory structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary structure.

#### 4.3.2 Accessory Uses and Structures standard applies to the following:

##### 4.3.2.1 RE, R1, and R2 Zoning Districts.

- A. Detached accessory structures shall not exceed fifty percent (50%) of the square footage of the primary building.
- B. Height of detached accessory structures shall not exceed height limitation set out in the specific Zoning District.

4.3.2.2 R-3, R-4, C-1, C-2, CBD, I-1 and I-2 Zoning Districts.

- A. Detached accessory structures located on properties which are required to comply with the Architectural Standard described in Section 4.14 of this Chapter and are not located in-line with and behind the primary building shall comply with the Architectural Standards as applied to the primary structure.
- B. Detached accessory structures located on properties which are required to comply with the Architectural Standard described in Section 4.14 of this Chapter and are located in line with and behind the primary structure are not required to comply with the architectural standards

**4.4 SWIMMING POOL, HOT TUB, AND SPA.**

- 4.4.1 Swimming pool, hot tub, or spa are permitted accessory structures and accessory uses.
- 4.4.2 Swimming pool, hot tub or spa shall comply with yard setbacks requirements as set out in the specific Zoning District

**4.5 TEMPORARY USES OF LAND AND STRUCTURE.**

- 4.5.1 Temporary Uses of Land and Structures are applicable to the following Zoning District: C-1, C-2, CBD, I-1, and I-2.

4.5.1.1 General Requirements.

- A. A permit for a temporary structure or land use such as a carnival, revival meeting, construction facility, seasonal sale, or use of a similar nature may be issued by the Code Enforcement Officer: providing the following conditions are met:
  - 1. The temporary use will terminate on a specific date.
  - 2. The property shall be returned to its original condition, devoid of temporary structures or temporary use remnants, upon termination on the specific date listed on the temporary permit.
  - 3. Adjacent property shall not be adversely affected.

4. The site for the temporary use or temporary structure is of adequate size to accommodate the temporary use or temporary structure use without creating congestion or interfere with traffic egress and ingress from the public right-of-way or interfere with circulation for fire and other emergency vehicles.
5. Egress, ingress and off-street parking shall be provided in accordance with this Ordinance for the temporary structure or temporary use.
6. No banners, pennants, or noise-producing devices of a disruptive nature shall be permitted adjacent to the following Zoning Districts: R-E, R-1, R-2, R-3, or R-4.
7. Exterior lighting shall comply with lighting requirements set out in Section 4.18 of this Chapter.

4.5.1.2 Specific Regulations.

- A. Sales offices, model homes, or model apartments may be approved for a maximum time period of twenty-four (24) months.
- B. Parking lots designed for a special event in any Zoning District may be approved for a maximum of thirty (30) day.
- C. Temporary structures and temporary uses desiring a longer duration of time requires approval of the City of Rushville Advisory Board of Zoning Appeals.

4.5.2 Temporary Uses of Land and Structures are applicable to the following Zoning Districts: RE, R1, R2, and R-3.

- 4.5.2.1 Yard sales, garage sale, or similar sale, shall be limited to ten (10) days per calendar year. No permit is required.

#### **4.6 PUBLIC UTILITY STRUCTURE.**

- 4.6.1 Public Utility Structure as defined in Chapter 2, are permitted uses.
- 4.6.2 Structures required in conjunction with a public utility are required to comply with the requirements of the specific Zoning District for:
  - 4.6.1.1 Minimum Yard Setback;
  - 4.6.1.2 Maximum building height;
  - 4.6.1.3 Lot Coverage;
  - 4.6.1.4 Lighting;
  - 4.6.1.5 Parking;
  - 4.6.1.6 Loading/Unloading Areas;
  - 4.6.1.7 Landscaping, Landscape Screening, and Landscape Buffering;
  - 4.6.1.8 Fencing; and,
  - 4.6.1.9 Signs.

#### **4.7 HOME BUSINESS.**

- 4.7.1 A Home Business is not considered a Bed and Breakfast Home (Chapter 2) or a Short-term Rental (Chapter 2).
- 4.7.2 Purpose.
  - 4.7.2.1 The purpose of home occupation is to establish minimum requirements for home-based businesses in order to protect the residential character of the City of Rushville, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.
  - 4.7.2.2 Personnel.
    - A. Residency.  
The primary operator of the Home Business shall be a member of the family residing in the single-family dwelling.
  - 4.7.2.3 Employees.  
  
No employees other than the family member which reside in the single-family dwelling

#### 4.7.2.4 Activities.:

The face-to-face wholesale or retail of stocked inventory is not permitted. A mail-order or telephone or internet sales, as well as distribution of sold merchandise, is permitted. Manufacturing activities are prohibited.

#### 4.7.2.5 Operation

##### A. Prohibited Type:

Walk-in wholesale or retail sales is not permitted.

##### 1. Nuisance:

- a. Home Business shall not generate offensive noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare.
- b. Home Business shall not use or store toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other hazardous or restrictive materials.

##### 2. Traffic:

The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the neighborhood in which the home business is located.

##### 3. Hours:

Home business hours of operation shall not interfere with the use and enjoyment of adjacent properties.

#### 4.7.2.6 Design.

##### A. Primary Structure:

1. Home business shall be conducted entirely within the primary structure.
2. Home business shall not exceed in total 500 square feet and shall not utilize no more than twenty-five percent (25%) of the gross floor area of the single-family dwelling
3. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior display, or the outdoor storage of materials, or equipment used in the home business.



- B. Accessory Structure:  
Home business is not permitted to utilize any part of an accessory structures.

#### 4.7.2.7 Parking and Loading.

- A. Vehicles associated with the home business shall be limited to not more than one (1) vehicle and shall not be larger than one (1) ton.
- B. The home business shall not necessitate the installation of any additional off-street parking spaces in addition to off-street parking provided for the residential structure prior to the on-set of the home occupation.
- C. Home business shall not receive more deliveries per week than the average residential dwelling.
- D. Deliveries shall be made primarily between 8:00 a.m. and 8:00 p.m. by a vehicle not larger than a utility truck (e.g., USPS, Amazon, FedEx, or UPS delivery vehicles).
- E. Home business shall not utilize scheduled pick up by couriers in excess of one (1) per week.

#### 4.7.2.8 Mechanical Equipment.

Home business shall not require the installation of mechanical equipment/appliances other than that which is common in a residential structure.

#### 4.7.2.9 Utility Service.

Home business shall not require installation, increasing or enhancing the size, capacity for water, gas, sewer, or electrical systems beyond what is present in the primary structure at the on-set of the home business.

## **4.8 BED AND BREAKFAST HOME**

- 4.8.1 A Bed and Breakfast Home is not considered a Home Business (Chapter 2) or a Short-term Rental (Chapter 2).
- 4.8.1 Bed and breakfast home is not intended to change the character of the residential neighborhood, but to coexist with the existing residential neighborhood.
- 4.8.2 A Bed and Breakfast Home are not considered a Home Occupation.
- 4.8.3 The following provisions shall apply to bed and breakfast homes:
  - 4.8.3.1 Bed and Breakfast Home shall be owner occupied.
  - 4.8.3.2 Bed and Breakfast Home guests shall be considered transient in nature and accommodations shall not be provided to guests exceeding thirty (30) consecutive days.
  - 4.8.3.3 There shall be no more than five (5) guest rooms.
  - 4.8.3.4 The total number of employees is limited to two (2).
  - 4.8.3.5 Food and drink if served shall be provided to overnight guests only.
  - 4.8.3.6 There shall be no physical changes in the exterior of the dwelling.
  - 4.8.3.7 Parking.
    - A. Parking for the Bed and Breakfast guest, employees and owners shall be off-street parking.
    - B. On-Street parking is not permitted for bed and breakfast guest, employee, or the owner.
    - C. All parking shall be in addition to parking required for the dwelling.
    - D. Parking for Bed and Breakfast guest may be permitted in the driveway for the dwelling.
    - E. Additional parking shall be provided at the rear of the dwelling.
    - F. All parking shall be screened from adjoining property by landscaping buffer or fencing to a height of five (5) feet.

- G. One (1) parking space per employee plus, one (1) parking space per guest room

4.8.3.8 Signs.

- A. One (1) non-illuminated sign is permitted.
- B. The sign shall be a wall mounted sign parallel to the front façade of the bed and breakfast home. Said sign square footage shall be limited as set out in Chapter 7.
- C. No additional signage is permitted.

**4.9 SHORT TERM RENTAL.**

- 4.9.1 Short-term Rental, definition see Chapter 2.
- 4.9.2 Short Term Rentals are not intended to change the character of the residential neighborhood, but to coexist with the existing residential neighborhood.
- 4.9.3 If Short-Term Rental are located in Multi-Family Developments, requires written approval from the Multi-Family Development Owner or Management.
- 4.9.4 A Short-term rental shall not be used for any of the following:
  - 4.9.4.1 House sex offenders;
  - 4.9.4.2 Operate a structured recover living environment;
  - 4.9.4.3 Operate a commercial or industrial business;
  - 4.9.4.4 Establishment for Adult entertainment.
- 4.9.5 Accessory structures shall not be used for human habitation or occupancy as a dwelling unit or sleeping unit.
- 4.9.6 Permit, required.
  - 4.9.6.1 The owner of each property who offers the property in whole or part as a short-term rental shall submit an application for said permit on a form prescribed by the City of Rushville, Indiana, to obtain a Short-Term Rental Permit.
  - 4.9.6.2 The permit application shall be made by the owner.
    - 4.8.2.2 If the owner is a corporation, partnerships or other legal entity, the permit application shall be submitted by an officer of the legal entity, or agent of the owner.

- 4.9.6.3 The City of Rushville will issue the required permit within thirty (30) days of a completed application providing all applicable information in item #F below is provided.
- 4.9.6.4 The Short-Term Rental Permit expires one (1) year from the date of issue.
- 4.9.6.5 If Short Term Rental Permits are not renewed in thirty (30) days after the expiration the owner may be cited for an Ordinance violations.
- 4.9.6.6 Short Term Rental permit are nontransferable to a new property owner. The new owner is required to submit an Application for a Short-Term Rental.
- 4.9.6.7 Permit application required information:
- A. Non-legal entity Owners.
    - 1. Owner's name;
    - 2. Owner's mailing address, if different from the Short-Term Rental property street address;
    - 3. Short-Term property street address;
    - 4. Owner's electronic mail address; and,
    - 5. Owners phone number.
  - B. Legal entity Owner.
    - 1. Legal entity Owner's name;
    - 2. Legal entity Owner's state of incorporation or organization;
    - 3. Principal owner, officer, or partner's name,
    - 4. Residence address;
    - 5. Principal owner, officer, or partner's electronic mail address; and,
    - 6. Phone number.
  - C. If Property Manager is employed, the following information shall be provided.
    - 1. Property Manager name, including company name, if applicable;
    - 2. Property Manager mailing address;
    - 3. Property Manager electronic mail address; and,
    - 4. Property Manager phone number.

D. Short description describing how the Short-Term Rental property is marketed or advertised, including:

1. Name of marketing or advertising platform;
2. Advertised occupancy limit;
3. Type of short-term rental:
  - a. Single family home;
  - b. Two-family home;
  - c. Multi-family dwelling, or;
  - d. Condominium.

4.9.6.8 Change of Information.

Should any information provided in the Short-Term Rental Permit Application change, it is the owner's responsibility to provide updated information to the City of Rushville. Updated information shall be provided in writing no later than thirty (30) business days of change in information.

4.9.7 Permit Revocation

4.9.7.1 If the owner receives three (3) or more citations for an Ordinance violation of the City of Rushville Ordinances in one (1) calendar years, the permit for Short-Term Rental is subject to revocation.

4.9.7.2 Ordinance violation citations shall be issued in writing in accordance with Chapter 10 of this Ordinance.

4.9.8 Signs.

No signs are permitted for Short-Term Rental property.

4.9.9 Parking.

4.9.9.1 All parking shall be Off-Street parking. On-street parking is not permitted.

4.9.9.2 Off-street parking for Short-Term Rental located within Multi-Family Developments shall not place the existing Off-Street parking lot into non-compliance for the required number of parking spaces for the Multi-family Development.

4.9.9.3 Off-street parking for Short-Term Rental not located in a Multi-Family Development shall comply with the following requirements.

- A. The front yard shall not provide parking except for the driveway provided for the dwelling.
- B. One (1) Off-street parking space shall be provided for trailers, including box trailers.
- C. Parking of trailer and box trailer is permitted in the driveway for the dwelling and does not encroach into the public right-of-way.
- D. Trailer length, including box trailer shall not exceed twelve (12) feet, excluding tongue length.
- E. Trailers, including box trailers may be parked in the rear yard.

#### **4.10 SOLAR ENERGY PRODUCTION**

##### **4.10.1 General.**

4.10.1.1 Solar energy production is a permitted utility use in the following Zoning Districts.

- A. I-1, Light Industrial, and;
- B. I-2, Heavy Industrial.

4.10.1.2 Solar energy production is a permitted accessory use in all Zoning Districts.

4.10.1.3 Reflectors.  
Solar energy production systems using a reflector to enhance solar production must minimize the glare from the reflector onto adjacent or nearby properties.

4.10.1.4 See Appendix “A” for samples of various Solar Energy Products installations..

##### **4.10.2 Permits.**

4.10.2.1 All solar installation is required to obtain an Improvement Location Permit.

4.10.2.2 Additional permits may be required as set out in the City of Rushville’s Code of Ordinances, Title XV: Land Usage, Chapter 150, Building Regulations.

#### 4.10.3 Ground Installation.

4.10.3.1 Any ground installation of solar energy production devices shall be considered an accessory structure as defined by this Ordinance.

4.10.3.2 Ground installation of solar energy production devices shall comply with the setbacks as set out in the specific Zoning District.

##### 4.10.3.3 Measurement.

The height of a solar energy production devices shall be measured as a vertical distance from the highest natural grade below each solar panel to the uppermost point on the device.

##### 4.10.3.4 Height.

Any ground mounted solar energy production devices installation shall not exceed twenty (20) feet in height, or the maximum accessory structure height.

#### 4.10.4 Building Installation.

4.10.4.1 Solar Energy Production system may utilize solar roof shingles, solar tile panels, solar panels supported by mounting hardware.

4.10.4.2 Roof mounted solar energy production system installation may utilize the entire building's roof area.

A. Solar energy systems located on the roof where engineered roof trusses are utilized, the owner shall provide documentation from an Indiana Licensed Engineer (IC 25-31) certifying the engineered roof trusses are designed to support the solar energy production system.

B. Roof mounted solar energy production systems are considered roof top equipment and when located on roadways set out in Section 4.14.2.2 of this Chapter, roof top equipment is required to be screened as set out in Section 4.14.4.6 of this Chapter.

##### 4.10.4.3 Measurement.

The height of a solar energy production devices shall be measured as the vertical distance from the lowest horizontal plane of the system to the uppermost point of the device. Installations on roofs exceeding a one in three (1:3) slope shall be measured as a distance from the plane of the roof, at an angle perpendicular to the roof plan

#### 4.10.4.4 Height.

- A. Rooftop installation of solar energy production devices on a flat roof or roof with a slope less than one in three (1:3) shall not exceed ten (10) feet above the existing height of the structure, but solar installations themselves may exceed the maximum height for a primary structure.
- B. Roofs exceeding a one in three (1:3) slope shall be installed parallel to the roof with the height not exceeding eighteen (18) inches of the existing roof height

#### 4.10.5 Central Business Zoning District.

##### 4.10.5.1 Installation.

- A. Solar energy production system shall be installed on the roof of buildings located in the Central Business Zoning District.
- B. Solar energy production device installation may utilize the entire area of the building's roof.

##### 4.10.5.2 Measurement.

- A. The height of a solar energy production devices shall be measured as the vertical distance from the lowest horizontal plane of the system to the uppermost point of the device.
- B. Roofs exceeding a one in three (1:3) slope shall be measured as a distance from the plane of the roof, at an angle perpendicular to the roof plane

##### 4.10.5.3 Height.

- A. Flat roof or roof with a slope less than one in three (1:3) shall not exceed ten (10) feet above the existing height of the structure,
- B. Installation exceeding a one in three (1:3) slope shall be installed parallel to the roof with the height not exceeding eighteen (18) inches of the existing roof height

#### 4.10.6 Solar Farm Energy Production System.

Where the Solar Farm Energy Production System is the primary use, the Solar Farm Energy Production System shall comply with the lot requirements for the specific Zoning District in Chapter 3 of this Ordinance.



4.10.7 Abandoned Solar Energy Production Devices and Systems.

4.10.7.1 A solar energy production devices and systems shall be considered abandoned if it is inoperable and is not producing energy for more than six (6) months.

4.10.7.2 The owner shall remove solar energy production system within six (6) months of deemed abandoned by the City of Rushville Planning and Zoning Office.

4.10.7.3 The City of Rushville Planning and Zoning Office shall utilize Chapter 10 “Enforcement and Remedies” of this Ordinance to address “Abandoned Solar Production Systems.”

4.10.8 Flood Hazard Areas.

Solar Energy Production Systems and their devices located in areas designated as Flood Hazard areas shall be installed in accordance with any regulation required by the United States Federal Emergency Management Agency and the Indiana Department of Natural Resources.

**4.11 DRAINAGE PLAN**

4.11.1 Drainage Board approval shall be required for all new developments.

4.11.2 Drainage Board approval shall be required for all redevelopment where additions to existing building is five thousand (5,000) square feet or greater.

4.11.3 Drainage Board approval shall be required for redevelopment where the existing grade is altered for parking lot redesign.

4.11.4 Drainage board approval is not required for façade renovations, or interior remodel/renovations confined to the interior of the existing building footprint.

**4.12 UTILITY PLAN**

4.12.1 New Development0

4.12.1.1 The owner of a new development shall provide a development plan to each serving utility provider.

4.12.1.2 The serving utility shall provide a written statement that the serving utility has sufficient infrastructure to support the proposed development.

#### 4.12.2 Additions to Existing Buildings.

4.12.2.1 Where an addition of five thousand (5,000) square feet or greater is proposed the owner of a shall provide a development plan to each serving utility provider.

4.12.2.2 The serving utility shall provide written statement that the serving utility has sufficient infrastructure to support the proposed increased square footage of the proposed addition.

#### 4.12.3 Interior Remodel/Renovation.

Where proposed interior remodel/renovation includes changes to currently provided utilities, the owner shall obtain written documentation from the servicing utility that the proposed interior remodel/renovation will not be adversely affected the existing utility provided.

#### 4.12.4 Interior Remodel/Renovation Adding a Utility.

Where the interior remodel/renovation includes adding utilities not currently installed the owner shall provide written documentation from the servicing utility stating that service is available and sufficient infrastructure is available to support the needs.

### 4.13 SITE DESIGN STANDARDS

#### 4.13.1 Intent.

The intent is to provide for the adequate, consistent review of site development for new developments or redevelopment of existing parcels, to accommodate traffic, aligns site access and circulation, balances the relationship between vehicle and pedestrian providing for safe and convenient access to buildings.

#### 4.13.2 Applicability.

The provisions of this Section shall apply to the following activities:

4.13.2.1 New construction of building(s);

4.13.2.2 Additional square footage to an existing building;

4.13.2.3 Reconstruction of a building on an existing foundation;

4.13.2.4 Subdivision of land resulting in the creation of three (3) or more lots;

4.13.2.5 Installation of new parking lots, and loading areas;

- 4.13.2.6 Expansion of an existing parking lot where additional parking spaces are increased by twenty percent (20%) or more;
- 4.13.2.7 Expansion of loading/unloading areas;
- 4.13.2.8 Reconstruction of existing parking lots or loading/unloading area. Reconstruction does not include restriping of parking spaces or driving aisles.
- 4.13.3 Pedestrian circulation.
  - 4.13.3.1 Pedestrian circulation is intended to maximize safety for pedestrian in relationship to vehicular movements on the site.
  - 4.13.3.2 Pedestrian circulation required by this Ordinance do not supersede the requirements set out in the Americans with Disability Act of 1990, as amended, to provide the required accessible route from the site arrival point to the accessible building entrance.
  - 4.13.3.3 A designed continuous pedestrian walkway shall be provided from the parking lot to the buildings' primary entrance(s).
    - A. The pedestrian walkway from the parking lot to the primary entrance shall be not less than six (6) feet in width.
    - B. The walkway surface shall be distinguishable from the vehicle driving surface by use of one (1) or more of the following:
      - 1. Pavers.
      - 2. Bricks.
      - 3. Scored concrete.
      - 4. Weather appropriate decorative paint.
    - C. The designated continuous pedestrian walkway shall be maintained.
      - 1. Weather appropriate decorative paint shall be reapplied to maintain distinguishable pedestrian walkway.
  - 4.13.3.4 Site plan for pedestrian circulation shall be submitted to the City of Rushville Planning and Zoning Office to determine compliance with this Section.

## 4.14 ARCHITECTURAL STANDARDS

### 4.14.1 Intent.

The intent of the Architectural Standards is to establish aesthetic characteristics through innovative design of the site, buildings, structures, plantings, signs within specific Zoning District when the affected properties fronting on designed roadways.

### 4.14.2 Applicability.

4.14.2.1 The Architectural Standards are applicable to new development and redevelopment of properties in the following Zoning Districts Neighborhood Business (C-1), Community Business (C-2), Multi-Family Residential (R-3), Light Industrial (I-1) and Heavy Industrial (I-2).

4.14.2.2 Architectural Standards for the specific Zoning Districts whose properties front on the following roadways:

- A. State Road 3, also known as Main Street;
- B. State Road 44, also known as 1st Street and 2nd Street; or,
- C. U.S. Highway 52, also known as Main Street and West 3rd Street.

4.14.2.3 Architectural Standard apply to the following:

- A. New Constructions.
- B. Addition to existing building or structure by more than twenty percent (20%) of the building or structure's gross floor area.
- C. Subdivision of land.
- D. Construction of new parking lot.
- E. Expansion of an existing parking lot by more than five (5) parking spaces.

4.14.3 The Architectural Standards supersede all conflicting regulations set out in this Ordinance.

- 4.14.4 The Architectural Standard does not restrict architectural style, except as set out in this Section.
- 4.14.4.1 Monotony of design in single or multiple buildings is to be avoided. Where the development has multiple buildings, individual buildings shall be used to prevent a monotonous appearance.
- 4.14.4.2 Variations of detail, form and position of structures shall be used to provide visual interest.
- 4.14.4.3 Materials shall be selected for suitability to the type of structure and design, which are architecturally harmonious for all exterior building façades fronting on or visible from the public right-of-way of the roadways identified in Section 4.14.2.2 of this Chapter.
- 4.14.4.4 Exterior Façade Color.
- A. Exterior façade colors shall be low reflectance's and subtle tones.
  - B. The use of high intensity, primary, metallic, black, or fluorescent colors are not permitted.
  - C. Exterior façade color samples shall be provided to City of Rushville Planning and Zoning Office Staff for approval.
- 4.14.4.5 Building Trim or Accent.
- A. Trim or accents colors may be of brighter colors.
    - 1. High intensity.
    - 2. Primary Colors.
  - B. Trim or accents using brighter colors shall not exceed ten percent (10%) of any single façade, excluding, windows, and doors.
- 4.14.4.6 Roof Top Mounted Equipment and Appliances.
- Roof top mounted equipment and appliances shall be screened from view through the use of parapet walls, screens, or other architectural elements, approved by the City of Rushville Planning and Zoning Office.
- 4.14.4.7 Exterior Building Enhanced Lighting.
- A. The requirements of this Section are in addition to requirements in Section 4.14.5.2 of this Chapter.

- B. Exterior building enhanced lighting provides safety and security in addition to providing architectural features.
- C. Enhanced building lighting shall be a minimum one (1) of the following:
  - 1. Wall sconces;
  - 2. Building counted accents light;
  - 3. Decorative pedestal lighting; or,
  - 4. Another type of building enhancing exterior lighting approved by the City of Rushville Planning and Zoning Office Staff.

4.14.5 The following architectural standards are in addition to and shall supplement the requirements set out above for the specific Zoning District.

4.14.5.1 Materials shall be selected for suitability to the type of building and design, which are architecturally harmonious for all exterior building façade fronting on or visible from the public right-of-way of the roadways identified in Section 4.14.2.2 of this Chapter.

4.14.5.2 Architectural design applicable to Multi-family Residential (R-3) Zoning District are as follows.

- A. Exterior Building Façade Materials shall include any combination of the following.
  - 1. Brick;
  - 2. Stone;
  - 3. Wood, not exceeding fifteen percent (15%) of the wall area of any exterior elevation;
  - 4. Fiber cement siding – not exceeding fifteen percent (15%) of the wall area of any exterior elevation; or,
  - 5. Vinyl Siding – not exceeding fifteen percent (15%) of the wall area of any exterior elevation.

See Appendix “B” for examples of acceptable exterior building façade materials.

- B. Entrance Ways.
  - 1. Each primary building on the property shall have a clearly defined entrance.
  - 2. The clearly defined entrance shall be provided with a minimum of three (3) of the following:
    - a. Canopy or portico;
    - b. Overhangs;
    - c. Recesses or projections;
    - d. Peaked roof forms;
    - e. Raised corniced parapets over door(s);
    - f. Arches.

- C. Other Architectural Features.
1. Doors, windows, pilasters, and columns shall be used to break up long façades of any building into smaller components.
    - a. Pilasters or columns projecting from the building façade shall be a minimum of eight inches (8”).
  2. No more than thirty percent (30%) of continuous façade of any building may remain unbroken by doors, windows, pilasters, or column that front on or visible from the public right-of-way of roadways in Section 4.14.2.2 of this Chapter.
- D. Minimum Roof Slope.  
Four (4) vertical units to twelve (12) horizontal units (4:12).
- E. Minimum Eaves or Overhang.  
Twelve inches (12”) measured from the façade material on at least eighty percent (80%) of the roofline.
- F. Roof Material.
1. Dimensional Shingles
  2. Architectural standing seam metal, low gloss color.
  3. Cedar Shake, with fire protection.
  4. Tile
  5. Slate
  6. Photovoltaic Shingles – non-reflective.
  7. Solar Energy Production System as set out in Section 4.10 of this Chapter.
- G. Foundation Planting.
1. In addition to the required landscaping in Chapter 6 of this Ordinance landscaping shall be provided at foundations of buildings fronting on the roadways specified in Section 4.14.2.2 of this Chapter.
  2. Landscaping should consist of a mix of low shrubs, dwarf trees and ground cover.
  3. The landscaping shall be distributed along thirty percent (30%) of the foundation façade.

4.14.5.3 Architectural Design Applicable to Neighborhood Business (C-1) and Community Business (C-2) Zoning Districts are as follows:

- A. Exterior building façade materials shall include any combination of the following:
1. Brick (Kiln-fired).
  2. Fiber Cement Siding (known as Hardie Board) – not exceeding fifteen percent (15%) of the wall area of any exterior elevation.
  3. Natural Stone - granite, sandstone, slate, limestone, marble, or other hard durable all-weather stone.
    - a. Ashlar cut stone and dimensioned stone construction techniques are acceptable.
  4. Natural Wood, Vertical or horizontal, not exceeding fifteen percent (15%) of the wall area of any exterior elevation.
  5. Vinyl Siding – Vertical or Horizontal, not exceeding fifteen percent (15%) of the wall area of any exterior elevation.
- See Appendix “B” for examples of acceptable exterior building façade materials.
- B. Entrance ways.
1. Each primary building on the property shall have a clearly defined entrance.
  2. The clearly defined entrance shall be provided with a minimum of three (3) of the following.
    - a. Canopy or portico.
    - b. Overhangs.
    - c. Recesses or projections.
    - d. Peaked roof forms.
    - e. Raised corniced parapets over door(s).
    - f. Arches.
- C. Other architectural features.
1. Doors, windows, pilasters, and columns shall be used to break up long façades of any building into smaller components.
    - a. Pilasters or columns projecting from the building façade shall be a minimum of eight inches (8”).
  2. No more than thirty percent (30%) of continuous façade of any building may remain unbroken by doors, windows, pilasters, or column that front on or visible from the public right-of-way of roadways in Section 4.14.2.2 of this Chapter.



- D. Minimum Roof slope.  
Four (4) vertical units to twelve (12) horizontal units (4:12).
- E. Minimum Eaves or Overhang.  
Twelve inches (12") measured from the façade material on at least eighty percent (80%) of the roofline.
- F. Roof Material.
  - 1. Dimensional Shingles.
  - 2. Architectural standing seam metal, low gloss color.
  - 3. Cedar Shake, with fire protection.
  - 4. Tile.
  - 5. Slate.
  - 6. Photovoltaic Shingles – non-reflective.
  - 7. Solar Energy Production System as set out in Section 4.10 of this Chapter.

4.14.5.4 Architectural Design Applicable to Light Industrial (I-1) and Heavy Industrial (I-2) Zoning Districts are as follows:

- A. Exterior Building Façade Materials shall include any combination of the following:
  - 1. Brick (Kiln-fired).
  - 2. Concrete Tilt-up wall panels with a brush-hammered finish or similar finish.
  - 3. Exposed aggregate, brush-hammered, sand blasted or similar concrete finish.
  - 4. Fiber Cement Siding (known as Hardie Board) – not exceeding fifteen percent (15%) of the wall area of any exterior elevation.
  - 5. Natural Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar cut stone and dimensioned stone construction techniques are acceptable.
  - 6. Natural Wood, Vertical or horizontal, not exceeding fifteen percent (15%) of the wall area of any exterior elevation.
  - 7. Masonry – Split-Face Block.
  - 8. Metal Siding – Vertical or Horizontal. Buildings using 100% metal siding shall have decorative color changes, alternating between two (2) different colors every fifteen feet (15') of the wall area of any exterior elevation.
  - 9. Vinyl Siding – Vertical or Horizontal, not exceeding fifteen percent (15%) of the wall area of any exterior elevation.

See Appendix “B” for examples of acceptable exterior building façade materials.

B. Entrance Ways.

1. Each primary building shall have a clearly defined entrance.
2. The clearly defined entrance shall be provided with at least one (1) of the following:
  - a. Canopy or portico.
  - b. Recesses or projections.
  - c. Raised corniced parapets over door(s).

C. Other Architectural Features.

No more than forty percent (40%) of continuous façade of any building may remain unbroken by doors, windows, pilasters, or columns that front on or visible from the public right-of-way of streets or roads in Section 4.14.2.2 of this Chapter.

D. Minimum Roof Slope.

One-fourth (1/4) vertical units to twelve (12) horizontal units (1/4:12).

E. Eaves or Overhang.

1. Eave or overhang are not required.
2. The maximum eave or overhang shall be no more than twelve inches (12”) measured from the façade material at the roofline.

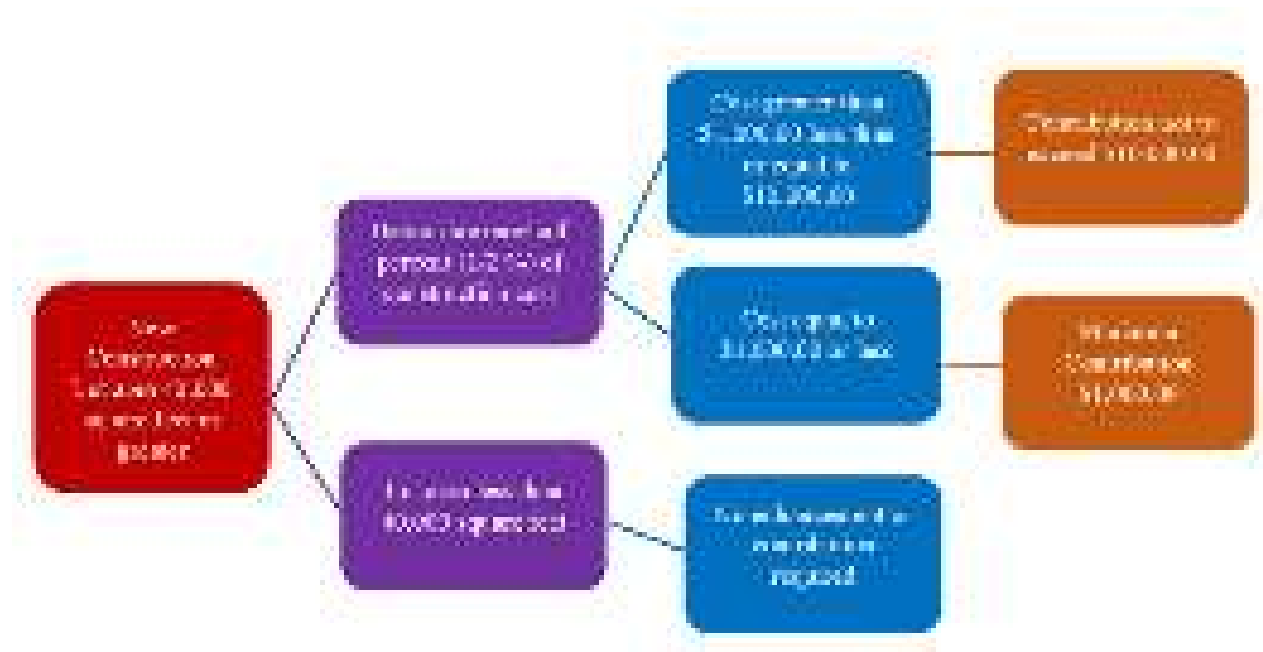
F. Roof Material:

1. Architectural standing seam metal, low gloss color.
2. Dimensional Shingles.
3. Single Ply roof membrane of either, Ethylene Propylene Diene Monomer (EPDM), Polyvinyl Chloride (PVC) or Thermoplastic Polyolefin (TPO).
4. Slate.
5. Tile.
6. Solar Energy Production System as set out in Section 4.10 of this Chapter.

#### **4.15 PUBLIC SPACES AND COMMUNITY ART.**

- 4.15.1 This Section provides an opportunity to provide architectural enhancements that will aesthetically enhance the community and its public spaces. This Section applies to property described in Section 4.14 of this Chapter.
- 4.15.2 For the purposes of this Section construction costs are expenses incurred by a contractor or developer for labor, material, equipment, financing, services, utilities, etc., plus overhead and contractor profit. Construction costs do not include cost of land, architectural design, consultant, and engineering fees.
- 4.15.3 This Section is not applicable to façade renovations, or interior remodel/renovation confined to the existing building footprint.
- 4.15.4 New Construction.
  - 4.15.4.1 Proposed developments or projects with lot area greater than 40,000 square feet shall contribute to enhance the public spaces and community art by providing public spaces or community art which are architecturally consistent with the development and are usable by the public.
  - 4.15.4.2 The proposed development shall contribute to the establishment or enhancement of the communities' public spaces by providing at a minimum two (2) of the following:
    - A. Landscaped patio/seating area; or,
    - B. Pedestrian plaza with benches; or,
    - C. Window shopping walkway; or,
    - D. Outdoor playground area; or,
    - E. Water feature, not related to required detention or retention requirements; or,
    - F. Architectural elements as part of the primary entrance; or,
    - G. Another deliberating shaped area or focal feature or amenity that, in the City of Rushville Planning and Zoning Office Staff, or Rushville Board of Public Works adequately enhances the environment, public spaces or aesthetic quality of the development
  - 4.15.4.3 If the developer of the proposed project wishes in lieu of providing any item listed in Section 4.15.4.2 of this Section, may choose to contribute to the City of Rushville's Art Commission as follow:

- A. Based on one-half percent (1/2%) of the total construction cost of the project, but not less or greater than:
  1. If one-half percent (1/2%) of total construction cost is less than \$1,000.00 the total contribution shall not be less than \$1,000.00, or,
  2. If one-half percent (1/2%) of total construction is greater than \$10,000.00, total contribution shall not exceed \$10,000.00.



#### 4.15.5 Additions to Existing Buildings

- 4.15.5.1 Proposed addition(s) equal to or greater than five thousand (5,000) square feet shall contribute to the enhancement of the community and its public spaces by providing enhancements that are aesthetically consistent with the development standards and are useable by the public.
- 4.15.5.2 The proposed development shall contribute to the establishment or enhancement of the communities' public spaces by providing at a minimum one (1) of the following:
  - A. Landscaped patio/seating area; or,
  - B. Pedestrian plaza with benches; or,
  - C. Window shopping walkway; or,
  - D. Outdoor playground area; or,

- E. Water feature, not related to required detention or retention requirements; or,
- F. Architectural elements as part of the primary entrance; or,
- G. Another deliberating shaped area or focal feature or amenity that, in the City of Rushville Planning and Zoning Office Staff, or Rushville Board of Public Works adequately enhances the environment, public spaces or aesthetic quality of the development.

4.15.5.3 If the developer of the proposed project wishes in lieu of providing any item listed in Section 4.15.4.2 above, may choose to contribute to the City of Rushville's Art Commission as follows:

- A. Based on one-half percent (1/2%) of the total construction cost of the project, but not less or greater than:
  1. If one-half percent (1/2%) of total construction cost is less than \$500.00 the total contribution shall not be less than \$500.00, or,
  2. If one-half percent (1/2%) of total construction is greater than \$1,000.00, total contribution shall not exceed \$5,000.00.



4.15.6 In lieu of Section 4.15.4 or Section 4.15.5 above the contractor or developer of the new construction or addition may wish to contribute to the purchase of public art on behalf of the City of Rushville's Art Commission.

4.15.6.1 If the contractor or developer wishes to contribute to the purchase of public art, the estimated value of proposed public art to be purchased is to have an estimated value as follows:

A. New Construction: lot area equal to or greater than 40,000 square feet: Ten Thousand Dollars (\$10,000.00).

B. Addition(s): equal to or greater than five thousand (5,000) square feet: Five Thousand Dollars (\$5,000.00).

4.15.6.2 Proposed Art to be purchased shall be as follows:

A. Develop a design;

B. Present proposed design, including estimated value to the City of Rushville's Art Commission;

C. Present City of Rushville's Art Commission approved design and estimated value to the City of Rushville Planning and Zoning Office Staff.

4.15.6.3 A plaque will be affixed to the art purchased by the developer or designated person(s) in recognition of their contribution

A. Public art shall be displayed in a location that is visible from U.S. Highway 52, State Road 3 or State Road 44 or other crossing streets or a public plaza.

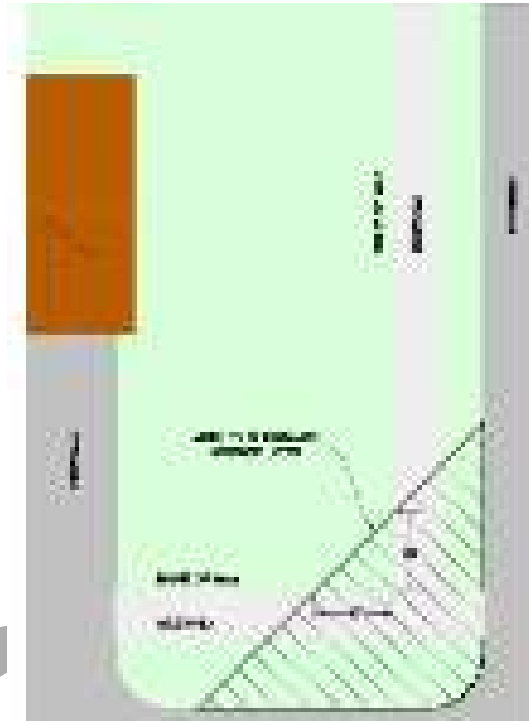
#### **4.16 VISION CLEARANCE AT CORNERS.**

4.16.1 All properties shall maintain an area (sight visibility triangle) at every intersection of an adjoining street with another street, entrance (ingress) driveway or alley.

4.16.2 No hedge, tree, shrub, or other object shall be placed, planted, or permitted to remain which obstructs sight lines and elevations between two and one-half feet (2 1/2') and twelve feet (12') above the top of curb. Where there is no curb, the measurement shall be taken from the pavement of the street.

4.16.3 At corner lot's sight lines shall be determine using the triangular area formed by the street right-of-way lines and a line connecting at points thirty-five feet (35') from the intersection of said street, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.

- 4.16.4 Private driveway on corner lots shall not be permitted within seventy feet (70') of the centerline if intersecting streets.
- 4.16.5 Exception to the height restrictions are city street signs, city light standards (poles) and utility poles.



*Figure 1. Visual Clearance at Corner Lot*

#### **4.17 FENCES AND HEDGES**

##### **4.17.1 General.**

- 4.17.1.1 Fences, hedges, and walls shall be permitted in all Zoning District.
- 4.17.1.2 Electrical charged fences, walls, or hedges are prohibited, except as permitted for correctional institutions.
- 4.17.1.3 All fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside of fences, and walls shall be the side that faces the interior of property.

##### **4.17.2 Materials.**

- 4.17.2.1 Fences, hedges, and walls may be of one (1) or more of the following materials:
- A. Brick;
  - B. Chain Link (PVC coated or non-coated);

- C. Live Hedges shall be of permitted plantings. (See Appendix “C”);
- D. Masonry (architectural finish);
- E. Ornamental wrought iron;
- F. PVC/Vinyl/Composite (stockade, split-rail, picket, lattice);
- G. Stone, or;
- H. Treated Wood (stockade, split-rail, picket, lattice)

4.17.2.2 The following materials are specifically prohibited as fence materials:

- A. Barbed Wire (including concertina, or razor, except correctional facilities);
- B. Chicken wire;
- C. Construction fence (except during construction);
- D. Pallets/skids (composite/wood/PVC);
- E. Plastic or fiberglass sheets;
- F. Plywood/oriented strand board (OSB);
- G. Scrap lumber;
- H. Sheet metal, or;
- I. Woven wire.

4.17.2.3 No fence or wall shall be constructed of or contain broken glass, spikes, or sharp dangerous objects, except blunted decorative spikes that are part of an ornamental wrought iron shall be permitted.

See Appendix “C” for example of each fence material as well as types.



4.17.3 Maintenance.

4.17.3.1 All fences shall be maintained to the standards to which they were designed when originally installed.

4.17.3.2 Maintenance of fences, walls, or live hedges is the responsibility of the property owner or occupant.

4.17.3.3 Failure to maintain fences, walls, or live hedges shall constitute a violation of this Ordinance.

4.17.4 Location.

4.17.4.1 Yard – Front:

A. Properties located at corners of intersecting street are considered as having two (2) front yards.

B. No fence, wall, or hedge shall be permitted to encroach into the required vision clearance for corner lots, as outline in Section 4.16 of this Ordinance.

C. Fences permitted in front yards shall be split rail, ornamental wrought iron, chain link, or picket fences, with forty percent (40%) open spacing, not to exceed three feet (3') in height.

4.17.4.2 Yard – Sides and Rear.

Fences, hedges, or wall may be permitted up to the property line and the maximum height shall not exceed six feet (6').