

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').



Figure 2 Front Yard Setback

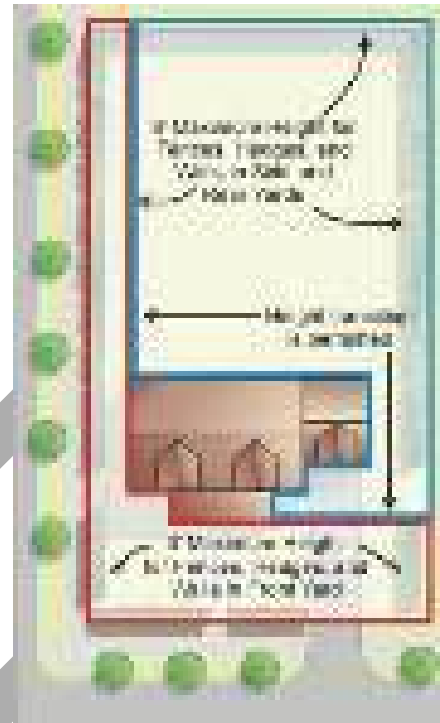


Figure 3 Lots with Two (2) Front Yards Setback (frontage on two (2) streets)

4.17.5 Right-of-way, Public.

- 4.17.5.1 No fence, hedge, or wall shall be constructed in or allowed to encroach upon any public right-of-way.
- 4.17.5.2 Fences, hedges, or walls shall be a minimum of five feet (5') from any public right-of-way.

4.17.6 Easement.

- 4.17.6.1 No fence, hedge, or wall shall cross a public or private easement without the written permission of the easement holder.
- 4.17.6.2 No fence, hedge, or wall shall be located within a utility or drainage easement as designed on the recorded plat.

4.17.7 Measuring.

- 4.17.7.1 Fences, hedges, and walls shall be measured vertically from the surrounding grade, including the any berms, to the top of the fence.
- 4.17.7.2 Fence post or column may extend six inches (6") above the top of the fence.

4.17.7.3 Fences on Retaining Walls.

- A. Combination of retaining walls and fences shall be permitted.
- B. The retaining wall portion may be erected vertically to the higher level of finished grade.
- C. The fence atop a retaining wall shall be of materials identified in this Ordinance and to a height of six feet (6').
- D. Measurement of the fence shall be taken vertically from the top of the retaining wall to the top of the fence.

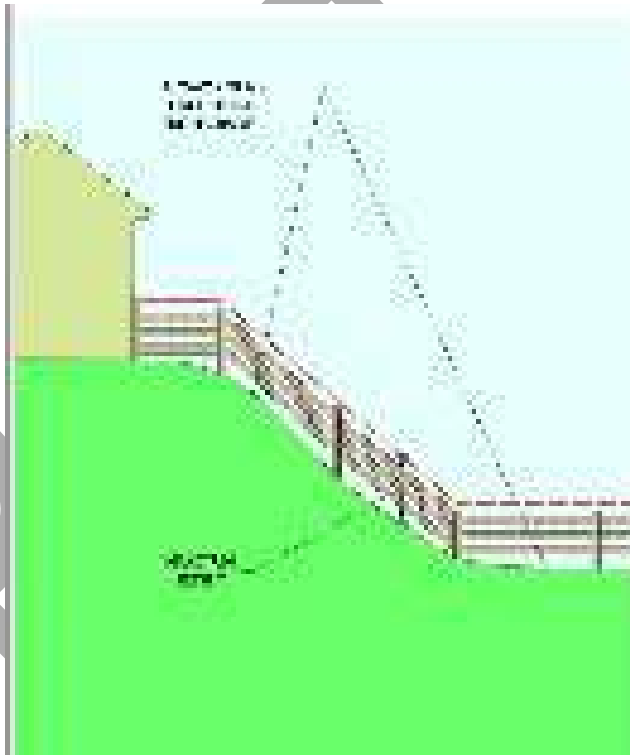


Figure 4. Vertical Measurements

4.18 EXTERIOR LIGHTING STANDARDS.

4.18.1 Illumination Requirements for all exterior lighting.

- 4.18.1.1 Lighting shall be shielded and coordinated throughout the site to have a uniform design, and color.
- 4.18.1.2 Intensity of illumination shall be measured at the property line.
- 4.18.1.3 The average illumination for site lighting shall be a maximum of three (3) foot candle.

- 4.18.1.4 Lighting shall not be directed in to the right-of-way of any public street.
- 4.18.1.5 Lighting shall be shielded to avoid casting light above three tenths (0.3) footcandle or glare upon any property.
- 4.18.1.6 Lighting abutting residential zoned property shall be shielded to one-tenth (0.1) footcandle measured at the property line.
- 4.18.1.7 Illuminated tubing (e.g., neon) which outlines buildings, fences or other structures or parts thereof, shall be limited to:
 - A. Twenty (20) linear feet; or,
 - B. enclosing an area of twenty (20) square feet or less.
- 4.18.2 Light Standards (Poles).
 - 4.18.2.1 Maximum height of light standards shall not exceed the building height, or 25 feet, whichever is less.
 - 4.18.2.2 Maximum height of light standards within ninety feet (90') of residential Zoning Districts shall not exceed fifteen feet (15').
- 4.18.3 Canopy Lighting.
 - 4.18.3.1 Lighting under canopies used for convenience stores, gas stations, drive-up banking, automatic teller machines, and similar purposes shall be either:
 - A. Fully recessed fixtures with lens covers flush with the bottom surface (ceiling) of the canopy; or,
 - B. Indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy.
- 4.18.4 Multi-Family (R-3) Zoning District lighting standards.
 - 4.18.4.1 Maximum height of light standards shall not exceed fifteen feet (15') in height.
 - 4.18.4.2 Wall mounted lighting shall be directed down and away for windows.

4.18.5 Prohibited Lighting.

The following lighting types and methods are prohibited.

4.18.5.1 Hight Intensity Lighting.

Laser light sources, search lights or any similar high intensity light for outdoor advertisement or entertainment.

4.18.5.2 Hazardous Lighting.

Any light source that creates off-site glare and is a hazard to travelers on an adjacent street or road.

4.18.5.3 Exposed Bulb Lighting.

- A. The use of any exposed bulbs, visible from any property line, above, or is part of a sign.
- B. Does not prohibit bulb lighting for decorative purposes for outside dining area or residential rear yard accent light and the footcandle limitation in Section 4.18.1.3 are not violated.
- C. The following bulbed lighting is exempt and are permitted as follows.
 1. Ornamental lighting incorporated into an architecturally design, such as:
 - a. Colored tubes;
 - b. Lighting of fountains;
 - c. Statuary;
 - d. Outdoor art;
 - e. Other building elements provided the light source is shielded to direct light onto the lighted element and the illumination in Section 4.18.1.3 are not violated.
 2. This type of bulb lighting is not applicable to Signs (Chapter 7).

4.18.5.4 Flashing and Moving Lighting.

Lighting that is of a flashing, moving or intermittent type, excluding signs in accordance with Chapter 7, Sign of this Ordinance.

4.18.5.5 Traffic Control or Emergency Lighting.

Lighting that appears similar to that used for traffic control devices or for emergency vehicles.

4.19 OUTDOOR DISPLAY, SALES, AND STORAGE OF MERCHANDISE.

- 4.19.1 For the outdoor display, sales, and storage of merchandise for specific zoned district is set out in this Section.
- 4.19.2 This Section is applicable to the following Zoning Districts:
 - 4.19.2.1 Neighborhood Business, (C1);
 - 4.19.2.2 Community Business, (C2);
 - 4.19.2.3 Light Industrial, (I1), and;
 - 4.19.2.4 Heavy Industrial, (I2).
- 4.19.3 The area dedicated to outdoor display or sales of merchandise shall not exceed ten percent (10%) of allowable lot area.
- 4.19.4 Neighborhood Business (C-1) Zoning District for outdoor display, sales, and storage of merchandise is limited to:
 - 4.19.4.1 Seasonal planting materials;
 - 4.19.4.2 Mulch;
 - 4.19.4.3 Pumpkins;
 - 4.19.4.4 Christmas trees, and wreaths.
 - 4.19.4.5 The area dedicated to the outdoor display for the purposes of selling the following shall not exceed seventy-five percent (75%) of the lot area between the front yard setback and front façade of the primary building:
 - A. Vehicles;
 - B. Motorcycles;
 - C. Recreational vehicles;
 - D. Recreational trailers, and;
 - E. Agriculture implements

4.19.5 Display area for the purposes of selling the following is considered a parking lot and shall comply with parking lot requirements set out in Chapter 5 and landscaping requirements set out in Chapter 6 of this Ordinance.

4.19.5.1 Vehicles;

4.19.5.2 Motorcycles;

4.19.5.3 Recreational vehicles;

4.19.5.4 Recreational trailers, and;

4.19.5.5 Agriculture implements.

4.20 OUTDOOR STORAGE OF OTHER MATERIALS.

4.20.1 No person shall dump or allow the accumulation of solid waste on property with the exception of compost piles and materials defined as inert solid waste to be used during fill operations and not more than ten (10) days.

4.20.2 No person shall dump any solid waste or inert solid waste along City street right-of-way or within City property.

4.20.3 Construction dumpsters or containers that are to be left in an alley or street overnight shall receive approval from the Rushville Street Department and be marked with reflective or lighted barricades or barrels.

4.20.4 All outdoor storage, including static merchandise shall be effectively screened on three (3) sides by an opaque fence, wall, or hedge to a minimum height of eight feet (8') and maximum height of ten feet (10').

4.21 OUTDOOR STORAGE OF VEHICLES.

4.21.1 No unlicensed, inoperable, or partially dismantled vehicle may be stored, except in those Zoning Districts in association with vehicle body repair.

4.21.2 No Parking or outdoor storage of trucks and/or trailers over one (1) ton rated capacity, step vans, cargo vans, buses, is permitted, except as temporary parking for the delivery of goods or services in the following Zoning Districts:

4.21.2.1 Residential Existing (RE),

4.21.2.2 Single Family Residential (R1, R2),

4.21.2.3 Multi-Family Residential (R-3),

4.21.2.4 Manufactured Housing Community (R-4),

4.21.2.5 Neighborhood Business (C1).

- 4.21.3 This Section does not prohibit temporary parking for the delivery of goods or services in any Zoning District.

4.22 ADULT ORIENTED BUSINESSES.

- 4.22.1 All sexually oriented business structures and uses shall be located a minimum of two thousand feet (2,000') from church, school, park, child care facilities, residential zoned districts, public or cultural facility, or any other established adult-oriented business structure or use.
- 4.22.2 The distance shall be measured in straight lines, without regard to intervening structures or objects from the closest property lines of the property on which each use is located.

4.23 RECREATIONAL VEHICLES.

- 4.23.1 **Location Requirement.**
All recreational vehicles and recreational trailers shall be stored on a paved surface, either behind or alongside the primary structure on the property and no portion of the recreational vehicle or recreational trailer shall project beyond the front setback of the primary structure or the minimum side or rear yard setback required for the Zoning District.
- 4.23.2 **Loading and Unloading.**
This provision, however, shall not prohibit parking such vehicle or trailer on a paved area in the front yard for up to forty-eight (48) consecutive hours for the purposes of loading, unloading, cleaning, packing, unpacking or other similar maintenance or preparations.
- 4.23.3 **Occupancy Restriction.**
Recreational vehicles shall not be connected to electric, water, gas, or sanitary sewer facilities, and shall not be used as a dwelling or used for living purposes, or housekeeping.
- 4.23.4 **Temporary Electrical Power.**
Temporary electrical power may be supplied for battery charging purposes only.

4.24 RECREATIONAL VEHICLE AND RECREATIONAL TRAILER PARK STANDARDS.

4.24.1 This Ordinance does not set aside requirements of the Indiana State Board of Health as set out in 410 IAC 7.1, as may be amended from time to time.

4.24.2 Entrance.
Recreational vehicle or Recreational Trailer parks shall have direct access to a public street and shall include sufficient entrances and exits, to facilitate the safe movement of recreational vehicles and Recreational Trailers in and out of the facility.

4.24.3 Design Requirements.
All recreational vehicle or recreational trailer parks shall designate a specific location for each recreational vehicle or trailer through signs and shall meet the following design requirements:

4.24.3.1 Minimum Lot Area.
Minimum lot area for a recreational vehicle park shall be five (5) acres.

4.24.3.2 Density.
Recreational vehicle park shall not exceed more than fifteen (15) recreational vehicle/trailer sites per acre.

4.24.3.3 Separation.
There shall be a minimum of 10 feet between recreational vehicles in their fully open position (including slides).

4.24.3.4 Setbacks.
The minimum required side and rear yard setbacks shall be twenty-five (25) feet from property lines.

4.24.3.5 Vehicular Access and Parking Pads.

A. All vehicle access routes shall be paved surface.

B. Parking pads for recreational vehicles or trailers within the park may be either a paved surface or asphalt millings.

4.24.3.6 Centralized Recreational Use Area.

- A. A minimum of one (1) centralized recreational area shall be provided and shall include.
- B. Bathroom Facilities.
A minimum of one (1) toilet room shall be provided, plus one (1) additional toilet room shall be provided for per each additional fifteen (15) recreational vehicle or trailer parking sites.
- C. Trash Disposal.
Trash dumpsters shall be provided for the collection of garbage and trash. Dumpsters shall be screened in accordance with Section 6.14.2 of this Ordinance.
- D. Sanitary Waste Disposal Stations.
One (1) recreational vehicle/trailer sanitary disposal shall be provided for each fifty (50) parking sites that are not provided with individual sanitary connections to the sanitary sewer.

4.24.4 The following accessory retail sales uses are permitted within the Recreational Vehicle and Recreational Trailer Park.

- 4.24.4.1 Convenient store;
- 4.24.4.2 Fueling (propane, gasoline, or diesel);
- 4.24.4.3 Laundry facilities;
- 4.24.4.4 Registration Office;
- 4.24.4.5 Playground;
- 4.24.4.6 Swimming Pool/Spa

- 4.24.5 Signs.
The following signs are permitted and shall not exceed twelve (12) square feet.

- 4.24.5.1 Directional signs to direct the flow of traffic;
- 4.24.5.2 Identify each individual parking site and accessory features at each site:
 - A. Electricity;
 - B. Fresh water;
 - C. Sanitary sewer connection.
- 4.24.5.3 Identify accessory used in item 4.24.5.4 of this Section.
- 4.24.5.4 Signs may be either internally or externally illuminated.

4.25 AMATEUR RADIO ANTENNAS AND SUPPORT STRUCTURES

- 4.25.1 Amateur radio antennas are considered accessory uses to the primary structure.
- 4.25.2 Location.
 - 4.25.2.1 Amateur radio antennas and support structures shall not be located in the front yard.
 - 4.25.2.2 No antenna anchors or guy wires shall be located in the front yard setback.
 - 4.25.2.3 Amateur radio antennas and support structure shall not be located within the required side and rear yard setbacks.
 - A. Antenna anchor and guy wires are permitted to extend into the required side and rear yard setbacks.

4.25.3 Height.

4.25.3.1 Amateur radio antenna and support structure shall not exceed seventy-five feet (75') in height above average grade.

4.25.3.2 Amateur radio antenna if located on a roof shall not exceed six feet (6') in height above the highest point of the roof of the primary structure.

4.25.4 Interference.

No amateur radio antenna or operation shall create electrical or communications interference, including visual or audible interference with radio or television reception.

4.25.5 Signs.

Signs and any form of advertisement is not permitted to be placed on amateur radio antenna or support structure.

4.26 TELECOMMUNICATIONS FACILITY STANDARDS

4.26.1 Purpose.

In order to protect the public health, safety and general welfare of the community, while accommodating the communication needs of residents and businesses these regulations are necessary in order to:

4.26.1.1 Facilitate the provisions for adequate and reliable public and private wireless telecommunication services to the residences and business in the City of Rushville;

4.26.1.2 Minimize adverse and undesirable visual impact of towers through careful design, and siting standards.

4.26.2 Required Approvals.

4.26.2.1 New Telecommunication Facility Tower.
City of Rushville Planning and Zoning Office Staff shall approve installation of any new telecommunication facility tower(s) once it is determined the new Telecommunication Facility compliance with this Section.

4.26.2.2 New Antenna(s) on existing Telecommunication Facility towers.

The installation of new antenna(s) on existing towers, including non-conforming towers, or on an existing alternative structures, such as:

A. Building;

B. Church steeple, or;

C. Water towers

shall be approved by the Board of Zoning Appeals subject to compliance with all applicable requirements of this Section.

4.26.2.3 New Antenna(s) adding additional height.

New antenna(s) adding additional height to an existing tower or extending over ten feet (10') above the highest point of any alternative structure shall be subject to the provisions of this Section for the installation of new towers.

4.26.3 Location.

Telecommunication facilities shall be permitted in the following Zoning Districts as permitted use and compliance with this Section.

4.26.3.1 Community Business (C-2);

4.26.3.2 Medium Industrial (I-1), and;

4.26.3.3 Heavy Industrial (I-2).

4.26.4 Federal Aviation Administration (FAA) Standards.

Telecommunication tower shall comply with all applicable Federal Aviation Administration (FAA) standards and shall not interfere with air traffic or air travel from or to any existing or proposed airport.

4.26.5 Power Levels.

Protection of the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels permitted by the Federal Communication Commission. (FCC).

4.26.6 Submittal Documents.

4.26.6.1 The following documents shall be submitted to the City of Rushville Planning and Zoning Office.

- A. Fully dimensioned site plan drawn to scale and certified by an Indiana Licensed Land Surveyor providing the following information:
 - 1. Property Line;
 - 2. Location and dimension to property lines of:
 - a. Tower;
 - b. Accessory structures
- B. Construction plans shall be certified by an Indiana Licensed Engineer in accordance with IC §24-31 describing all aspects of the facility including:
 - 1. Antennas;
 - 2. Transmitters;
 - 3. Receivers;
 - 4. Ground based equipment;
 - 5. Cabling,
 - 6. Tower height,
 - 7. potential mounting positions for co-located antenna and the minimum separation distance between antenna(s), and;
 - 8. Construction plans including the area into which any support structure is designed to collapse.
- C. Proof of compliance.
Proof the Telecommunication Facility compliance with all applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Transportation (INDOT) regulations.
- D. Letter of intent.
A letter of intent committing the tower owner, property owner, and their successors to allow the shared (co-location) use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- E. Affidavit of Removal.
 - 1. Commitment affidavit the property owner and their successors will remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned, unused for a period of six (6) months.
 - 2. Affidavit granting the City of Rushville permission to

remove tower(s), and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned, unused for a period of six (6) months.

4.26.7 Design Requirements.

4.26.7.1 Telecommunications facilities shall meet the following design requirements:

- A. Telecommunications facilities shall be fully automated and unattended on a daily basis.
- B. Telecommunication facilities shall be visited only for periodic maintenance and emergencies.
- C. Towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- D. Wireless telecommunication towers shall be of a monopole design.

4.26.8 Tower Height.

4.26.8.1 Tower height shall be expressed using English unit of measure of feet and inches.

4.26.8.2 Tower height shall be measured from finished ground level in all instances.

- A. If the tower is designed to accommodate only one (1) service provider, the maximum height shall be one-hundred and twenty feet (120').
- B. If the tower is designed to accommodate two (2) service providers, the maximum height shall be one-hundred and sixty feet (160').
- C. If the tower is designed to accommodate three (3) or more service providers, the maximum height shall be two hundred feet (200').

4.26.9 Tower Lighting.

Towers shall not be illuminated by artificial means and display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.

4.26.10 Site Requirements.

4.26.10.1 Site size.

- A. Minimum width and depth of any telecommunication facility site shall be a distance equal to one-half (1/2) the support structure height, unless the applicant can demonstrate that the collapse area for the support structure can be accommodated in a smaller area, in which case the minimum site size may be equal to the collapse area.
- B. Site shall be large enough to accommodate all future anticipated accessory structures needed by initial and future service providers.

4.26.10.2 Vehicular access.

- A. Vehicular access to the tower and accessory structures shall, whenever feasible, be provided along existing driveways.
- B. Vehicle access drives shall be a paved surface.
- C. Any portion of the entrance located in an existing or planned public right-of-way shall meet the applicable public street design, construction, and pavement requirements for the City of Rushville.

4.26.10.3 Setback.

- A. Shall comply with the required setback of the applicable Zoning District.
- B. No part of a wireless telecommunications facility, shall be permitted in the required front yard setback including:
 - 1. Support structures;
 - 2. Security fence;
 - 3. Guide wires or bracing, and;
 - 4. Required landscape screening.
- C. Side and rear setback shall be a minimum of fifty feet (50').

- D. An additional setback of two-hundred and fifty feet (250') shall be required from any property located in a residential zoned district.

4.26.10.4 Accessory structures.

- A. Associated accessory structures shall use materials which are architecturally compatible with adjacent property structures.
- B. Acceptable compatible materials are:
 - 1. Brick;
 - 2. Fiber Cement Siding;
 - 3. Stone, or;
 - 4. Wood.
- C. Accessory structure maximum height shall comply with the accessory structure maximum height for the Zoning District.

4.26.10.5 Encroachment.

No part of any wireless telecommunications facility nor associated lines, cables, equipment, wires, braces, stabilizing wires, or landscaping shall extend across or over any part of the public right-of-way, including sidewalks without approval from the Rushville City Council for local public right-of-way or Indiana Department of Transportation for State or Federal highways.

4.26.10.6 Site Lighting.

All ground level security lighting shall be oriented inward so as not to project onto adjoining properties, and shall have 90-degree cut-off luminaries (shielded downlighting)

4.26.10.7 Fencing and Walls.

- A. The base of the tower and each guy anchor shall be surrounding by a security fence or wall at not less than eight (8) feet and not more than ten feet (10') in height.
- B. Each tower guy anchor may be surrounding by a fenced or wall at least eight feet (8') in height separately.
- C. A minimum of ten feet (10') in width shall remain outside of the fence for the purposes of providing the required landscape screen.

- D. Gates installed within fences or walls shall be no less than six feet (6') in height and shall not exceed the height of the fence or wall.
- E. Telecommunication facilities located within one hundred feet (100') of residential zoned property uses a security fence, the fence shall be opaque.
 - 1. Gates within security fencing within one hundred feet (100') of residential zoned property shall be opaque.

4.26.10.8 Landscape Screen.

- A. Landscape screening shall be provided as follows:
 - 1. Evergreen buffer plantings shall be located and maintained around the outer most perimeter of the security fence of all wireless telecommunications facilities, including any wires and anchors.
 - a. Evergreen hedges:
Use of evergreen hedges shall be a minimum of two feet (2') tall at the time of planting (measured from finished ground level) and shall be planted a maximum of three feet (3') on center
 - b. Evergreen trees:
Use of evergreen trees used shall be a minimum of five feet (5') tall at the time of planting (measured from the top of the root ball), and shall be planted a maximum of ten feet (10') on center
 - c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

4.26.10.9 Signs.

- A. Permanent sign identifying service providers are permitted up to a maximum of four (4) square feet.
- B. Permanent signs "warning" signs such as "no trespassing", or other life endangering "warning" sign are permitted up to a maximum of four (4) square feet.

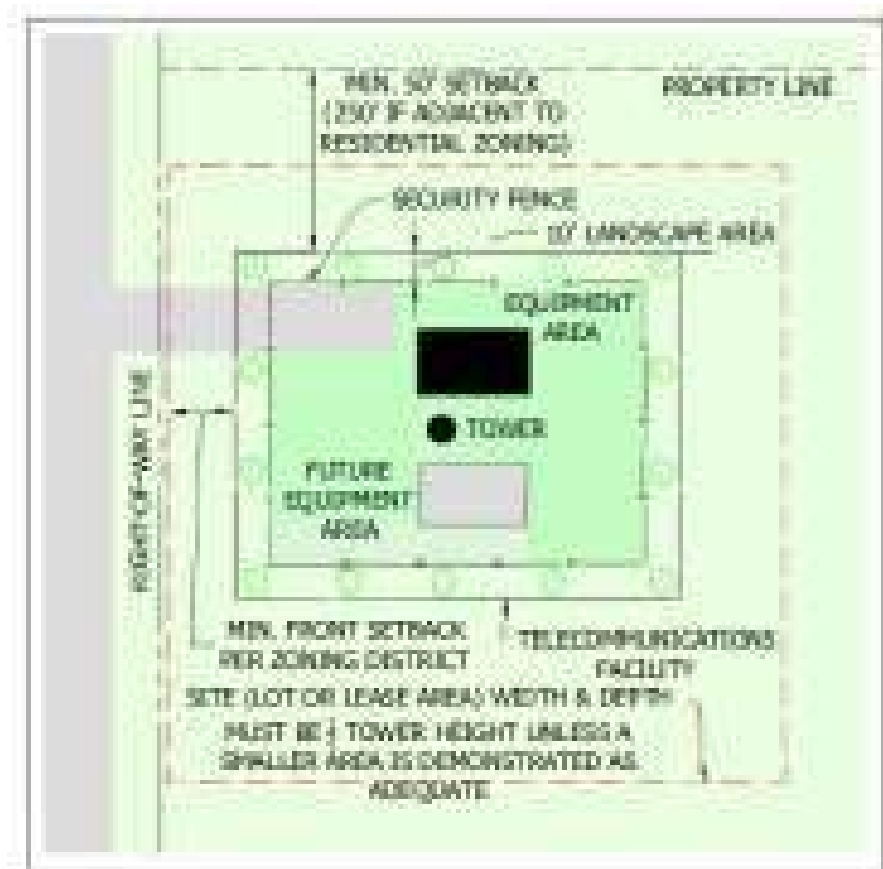


Figure 5. Telecommunication Site.

4.26.11 Outdoor Storage.

Outdoor storage is not permitted on any telecommunication facility site.

4.26.12 Co-User Location.

4.26.12.1 All telecommunication towers shall be designed, engineered structurally, and electrically in all other respects to accommodate both the initial intended equipment and at least one (1) additional service user for every fifty feet (50') in total tower height in excess of seventy-five feet (75').

4.26.12.2 Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

4.26.12.3 Tower supports must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

4.26.13 Determination New Tower Needs.

Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the accordance IC §25-31 that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two (2) mile radius of the proposed tower location due to one (1) or more of the following reasons:

4.26.13.1 Inadequate Structural Capacity.

The proposed antenna(s) would exceed the structural capacity of the existing or approved tower or other structure, and the existing or approved tower, building or other structure cannot be reinforced, modified to accommodate the antenna(s) at a cost less than the installation of a new tower.

4.26.13.2 Interference.

Antenna(s) would cause interference impacting the usability of existing or planned equipment at the existing tower site.

4.26.13.3 Inadequate height.

The existing or approved tower(s) or structures within the search radius cannot accommodate the proposed equipment at a height necessary to function.

4.26.14 Replacement of Existing Telecommunication Facility.

4.26.14.1 Replacement of a legally existing telecommunications facility with a new facility at the same location that is substantially similar to or the same size or smaller than the facility being replaced shall be exempt from the requirements of this Section.

4.26.14.2 If Board of Zoning Appeals approval was required for the legally existing telecommunication facility all conditions of that approval are applicable to the replacement telecommunication facility.

4.26.15 Abandonment.

4.26.15.1 Any tower left unused for a period six (6) consecutive months is deemed abandoned.

4.26.15.2 The tower owner or property owner within six (6) month of cessation of operation are required to remove from the property, all the tower, accessory structures, fences, landscaping, equipment and apparatus there to.

4.26.15.3 If the tower owner or property owner fail to remove from the property tower(s), accessory structures, fences, landscaping, equipment and apparatus there to, within six (6) months after cessation of operation City of Rushville may obtain an order from a court of competent jurisdiction in Rush County, authorizing the City of Rushville to remove tower(s), accessory structure(s), fences, landscaping, equipment and apparatus there to and the cost of removal, and, enforcement, including attorney's fees shall be assessed against the property.

CHAPTER 5

SECTION 5.0 – OFF STREET PARKING REQUIREMENTS

5.1 GENERAL PROVISIONS

5.1.1 Purpose and Intent.

The purpose of the parking standards is to reduce street congestion, ensure proper vehicular and pedestrian circulation, and therefore improve public safety by identifying the appropriate number and location of off-street parking spaces.

5.1.1.1 All buildings, structures and uses of land established after the effective date of this Ordinance, off-street parking and off-street loading shall be provided.

5.1.1.2 When an existing use of a building or structure is changed to a new use, off-street parking and off-street loading shall be provided as required for such new use.

5.1.1.3 Off-street parking shall not be used for the repair, dismantling, or wrecking of any vehicles, equipment, or material.

5.1.1.4 Off-Street parking and off-street loading shall be provided on the same lot as the primary structure.

5.1.1.5 Legally existing off-street parking facilities in existence at the date of adoption of this Ordinance shall not be reduced as to place existing parking facilities into nonconformance.

5.1.1.6 Properties located within the Central Business District (CBD) Zoning District without dwelling units are not required to provide Off-Street Parking.

5.2 PARKING PLAN.

5.2.1 Parking Plan Submittal.

5.2.1.1 Plans for off-street parking lot and off-street loading areas shall be submitted to the City of Rushville Planning and Zoning Office for review and approval.

5.2.1.2 Submitted plans shall be scaled dimensions, and including the following information:

- A. Property lines;
- B. Structures;
- C. Total number of existing parking spaces;
- D. Total number of required parking spaces;
- E. Total number of existing accessible parking spaces;
- F. Total number of required accessible parking spaces;
- G. Location of accessible curb-ramps;
- H. Location of off-street loading area(s);
- I. Width of parking aisles;
- J. Vehicle circulation;
- K. Ingress and egress;
- L. Sidewalks and pedestrian circulation;
- M. Signage;
- N. Lighting;
- O. Storm water detention/retention areas;
- P. Landscape and landscape buffer area(s) with types of planting to be planted.

5.2.1.3 Off-street parking lot drainage shall comply with the City of Rushville Stormwater Technical Manual.

5.3 PARKING LOT REQUIREMENTS AND CALCULATION OF REQUIRED PARKING.

5.3.1 Access.

- 5.3.1.1 Ingress and egress to off-street parking lots shall be located a minimum of seventy feet (70') from the centerlines of intersecting streets.
- 5.3.1.2 Ingress shall be designed to prevent vehicle backup on the adjacent street(s).
- 5.3.1.3 Off-street parking lot ingress and egress shall be consolidated, when possible, to limit the number of access points to the site.
- 5.3.1.4 Curb cut permits shall be obtained from the City of Rushville Street Department for city street access and from Indiana Department of Transportation (INDOT) for State Highways and US Highways.
- 5.3.1.5 Ingress and Egress to off-street parking lots that are one hundred feet (100') or more in width shall have ingress and egress spaced a minimum of fifty feet (50') apart.

5.3.2 Off-Street Parking Lot Design.

- 5.3.2.1 Maneuvering with in parking lots shall not be permitted in the public right-of-way.
- 5.3.2.2 Off-street parking lots shall be setback twenty feet (20') from property line.
- 5.3.2.3 Off-street parking lots shall be provided with circulation aisles to ensure efficient internal circulation.
 - A. Circulation aisles shall comply with Table 5.3.2 3 - Circulation Aisles.
- 5.3.2.4 Off-street parking lots shall be free of impediments that would prevent motor vehicle from maneuvering without moving another motor vehicle.
- 5.3.2.5 Parking lots surfaces shall be separated from non-parking lot surfaces by a continuous curb a minimum of six inches (6") in height.
- 5.3.2.6 Driveway Aprons shall be a paved surface.

5.3.2.7 Parking Lot Surface Materials Permitted:

- A. Concrete
- B. Porous concrete
- C. Bituminous (asphalt)
- D. Porous Bituminous (asphalt)
- E. Bricks
- F. Paving Blocks
- G. Reclaimed Asphalt Pavement is permitted as set out in items 1. through 3. below. Parking lot surface material for areas not specified in items 1. through 3. Shall be of parking lot surface materials listed in items A. through F above.
 - 1. Equipment Sales and Rentals limited to the display and storage area.
 - 2. Farm Implement and Machinery Sales display and storage areas.
 - 3. Semi-truck Parking Areas

5.3.3 Off-street Parking Lot Drive and Circulation Aisles.

Parking lot drives and circulation aisles shall be of the same paved surface as the parking lot.

5.3.4 Off-street Parking Requirements.

- 5.3.4.1 The minimum number of off-street parking spaces shall be provided for each building, structure, or use, which exists or is hereinafter constructed, established, erected, enlarged, or altered for any of the following purposes.
- A. The required number of parking spaces shall be provided as set out in Table 5.3.4; Parking Spaces Required Determined by Use.
 - B. For uses not specified in Table 5.3.4, Off-street Parking Spaces Required Determined by Use shall be determined by the number of parking spaces as determined by the City of Rushville Planning and Zoning Office designated Staff on the basis of similar requirements, the number of persons served, or employed, and the capability of adequately serving the visiting public.

- C. When the calculation of parking spaces is a fraction, it shall be based on the next whole number.
- D. Unless noted in Table 5.3.4 the number of required parking spaces shall be considered the minimum allowable number of parking spaces for any particular use.
- E. Parking spaces shall be delineated by stripping and shall have a minimum width of ten feet (10') and a minimum length of twenty feet (20').
- F. Parking Stops (wheel/bumper guards).
Each parking space shall be provided with parking stop, except where a six-inch (6") curb is provided, as follows:
 - 1. Where off-street parking spaces are adjacent to an exterior line of the off-street parking lot at street right-of-way, so no part of the vehicle extends beyond the parking space.
 - 2. Off-street parking spaces adjacent to landscaping to protect landscaping from vehicular damage.
- G. Parking for one- or two-family dwellings shall not exceed fifty percent (50%) of the front yard.
- H. Accessible parking space shall be provided as set out in:
 - 1. American with Disability Standards for Accessible Design;
 - or;
 - 2. IC §5-16-9.
- I. Mixed uses in the same building or structure, may provide joint off-street parking spaces provided, the total number of spaces is not less than the sum of requirements for the various uses. The total requirement of off-street parking spaces shall not be considered as providing required parking spaces for any other uses.
- J. Collective off-street parking facilities lots for two (2) or more buildings, structures, and their uses shall not be less than the sum of the required parking spaces for the individual uses computed separately.

5.3.5 Design Flexibility.

5.3.5.1 Mixed uses in same buildings or where there are two (2) or more buildings only.

- A. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking spaces in excess of need.
 - 1. Upon the written request by the owner, the City of Rushville Planning and Zoning Office designated Staff may authorize a reduction in the number of required parking spaces based on justifying document submitted not to exceed twenty percent (20%) for the type of use is provided.
 - 2. Approval of a reduction in number of required parking spaces by the City of Rushville Planning and Zoning Office designated Staff shall be in writing and shall include justification for allowing such reduction.

5.4 BICYCLE PARKING REQUIREMENTS

5.4.1 Number of Bicycle Spaces.

All non-residential uses are encouraged to provide bicycle parking based on the number of required automobile parking spaces in accordance with Table 5.4.1 Bicycle Parking Requirements.

5.4.2 Bicycle Racks.

- 5.4.2.1 Bicycle racks shall support the bicycle upright by its frame in two (2) places above the bicycle's center of gravity.
- 5.4.2.2 Bicycle racks shall enable the frame and one (1) or both wheels to be secured with a lock and shall not require the lifting of the bicycle to use any of the rack's parking positions.
- 5.4.2.3 See Appendix "D" for examples of acceptable Bicycle Racks.

5.5 MAINTENANCE – OFF-STREET PARKING LOTS, DRIVE APRONS, AND DRIVEWAYS.

5.5.1 Paved surfaces shall be maintained as follows.

5.5.1.1 In a good condition, free of broken or missing material.

5.5.1.2 Compaction failures allowing water ponding are to be repaired.

5.5.1.3 Free of weeds, trash, debris, and dust.

5.5.2 Reclaimed Asphalt Pavement shall be maintained as follows.

5.5.2.1 In a good condition.

5.5.2.2 Repair damage to reclaimed asphalt pavement to the same as original installation.

5.5.2.3 Free of weeds, trash, and debris.

5.6 LIGHTING

See Chapter 4, of this Ordinance.

5.7 SIGNAGE

See Chapter 7 of this Ordinance

TABLE 5.3.2.3		
CIRCULATION AISLES		
PARKING ANGLES	CIRCULATION AISLE WIDTH	ONE- OR TWO-WAY CIRCULATION
Parallel Parking	12-feet	One
30-degrees	12-feet	One
45-degrees	14-feet	One
60-degrees	18-feet	One
90-degrees	24-feet	Two

TABLE 5.3.4	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Residential Uses	
Single-family or Two-Family	Two (2) spaces per dwelling unit.
Bed and Breakfast Home	Two (2) spaces for owner's; Plus, One (1) space per guest room; Plus, One (1) space for each employee.
Short-Term Rental	Two (2) spaces, for each Short-Term Rental dwelling unit within the structure.
Multi-family	One point Five (1.5) spaces for each one-(1) bedroom or efficiency unit; Two (2) spaces for each two-bedroom unit, Plus, 0.25 time the number of dwelling unit for guest spaces. Example: 100 dwelling units x 0.25 = 25 spaces.
Dwelling Unit - Central Business District	One (1) space for each dwelling unit. *
Home Business	One (1) space; Plus, two (2) spaces per dwelling.
Group Living	
Assisted Living Facility	One (1) space for each Three (3) dwelling units; Plus, One (1) space for each employee on the largest shift.
Group Housing or Rooming or Boarding House	One (1) space for each sleeping room; Plus, One (1) space for each two (2) employees, on the largest shift; Plus, One (1) space for each 200 square feet of assembly or common areas.
Long-Term Care Facility; Convalescent Care	One (1) space per two (2) beds; Plus, One (1) space per employee on the largest shift.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Community and Cultural Facilities	
Auditoriums, Performing Arts	One (1) space for each four (4) seats; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Church/Place of Worship	One (1) space for each 200 square feet of net floor area.
Social Club, Lodge, Fraternal Organization	One (1) space for each four (4) seats in main assembly area; Or Five (5) spaces for each 1,000 square feet of net floor area; Whichever is greater of the two (2) calculations.
Community Center	One (1) space for each 500 square feet of net assembly floor area; Plus, One (1) space for each employee on the largest shift.
Conference; Convention Center	Two (2) spaces for each 1,000 square feet of gross floor area; Plus (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Funeral Home/Mortuary	One (1) space for each 35 square feet of seating area, Plus, One (1) space for each employee.
Government Office	One (1) space per gross square foot of floor area, or; One (1) space per two (2) seats in the largest assembly space capacity; Whichever is greater of the two (2) calculations.
Library/Museum	One (1) space for each 100 square feet of gross floor area; Plus, One (1) space for each employee on the largest shift.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Community and Cultural Facilities (continued)	
Police, Fire or Rescue Station	One (1) space for each employee, on the largest shift; Plus, One (1) space for each stored vehicle (not located inside a fully enclosed building); Plus, One (1) space for each 500 gross square feet for public parking.
Educational Uses	
Elementary or Middle School	Three (3) spaces for each classroom.
High School	Eight (8) spaces for each classroom.
University/College Vocational/Trade School	One (1) space per four (4) students, based upon the maximum enrollment; Plus, One (1) space per 200 gross square feet of office area.
Day-Care [Adult or Child] Caring Facilities include: Child care uses, including children's homes, day care centers, ministry day-care; nurseries; kindergartens and pre-school or similar uses.	One (1) space for each 350 gross square feet of floor area; Plus, One (1) space for each employee, on largest shift.
Entertainment and Recreation	
Amphitheaters	Two point Five (2.5) spaces for each 1,000 gross square feet of site designated as seating; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Arcade, Gaming Centers	One (1) space for each 200 square feet of gross floor area.
Athletic Complex (outdoor)	Twenty-four (24) spaces for each athletic field; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Billiard Hall	Two (2) spaces per billiard table; Plus, One (1) space for each employee, on the largest shift.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Entertainment and Recreation (continued)	
Bowling Center	Four (4) spaces for each bowling lane; Plus, One (1) space per six (6) spectator seats; Plus, One (1) space for each employee, on the largest shift.
Movie Theater - Drive in (outdoor)	One (1) space for each 1,000 square feet of area designed as viewing area on the site plan; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Movie Theater/Cinema (indoor)	One (1) space per two (2) seats; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Sports Arenas; (indoor)	One (1) space for each four (4) seats; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Recreation Building	One (1) space for each 500 square feet of assembly floor area; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.
Skating rinks (Roller or Ice)	One (1) space for each 100 square feet of rink floor area; Plus, One (1) space for each 100 square feet of gross floor area of concession space (food/drink/retail sales, etc.) for employees.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Entertainment and Recreation (continued)	
Swimming pool (indoor or outdoor)	<p>One (1) space for each 100 square feet of pool water surface area;</p> <p>Plus, One (1) space for each Four (4) viewing or spectator seats;</p> <p>Or</p> <p>One (1) space for each 30 square feet of gross floor area used for seating purposes;</p> <p>Whichever is greater of the two (2) calculations.</p> <p>Plus, One (1) space for each 100 square foot of gross floor area concession space (food/drink/retail sales, etc.) for employees.</p>
Food, Beverage, and Lodging	
Banquet Facility	One (1) space for each 100 square feet of gross floor area.
Bar, Brewpub, Distillery, Lounge, Tavern, Nightclub, winery	<p>One (1) space for each 75 net square feet of floor area;</p> <p>Or</p> <p>One (1) space for each Two (2) seats;</p> <p>Whichever is greater of the two (2) calculations.</p>
Restaurants	<p>One (1) space for each Four (4) seats;</p> <p>Plus, One (1) space for each employee on largest shift.</p>
Restaurants with Drive-through	<p>One (1) space for each 75 net square feet of floor area;</p> <p>Plus, one (1) space for each employee on largest shift.</p> <p>Plus, stacking spaces as required by Table 5.9.3</p>
Hotel/Motels	<p>One (1) space for each guest room;</p> <p>Plus, One (1) space for each employee on largest shift.</p>

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Healthcare Facilities	
Hospital	One (1) space for each patient bed; Plus, one (1) space for each employee on largest shift.
Medical Office or Dental Office	One (1) space for each exam room or dental chair; Plus, one (1) space for each employee.
Out Patient Surgery Center	One (1) space for each out-patient bed; Plus, one (1) space for each employee on largest shift.
Urgent Care Facility	One (1) space for each patient exam room; Plus, One (1) space for each employee on largest shift.
Industrial, including manufacturing – NO Wholesale or Retail Sales.	
Light and Heavy Industrial uses; Manufacturing and Assembly of products; Warehousing; Distribution Warehouses	One (1) space for each Two (2) employees on the largest shift for which the building is designed; Plus, one (1) space for each vehicle used in the operation. Exception: Vehicles used in the facility operation parked inside an entirely enclosed building at all times when not in use.
Institutional	
Jail; Detention Center; Correctional Institutions	One (1) space for each Ten (10) offenders; Plus, One (1) space for each employee on the largest shift, Plus, One (1) space for each vehicle used in the operation of the Jail, Detention Center, or Correctional Institution. Exception: Vehicles used in the facility operation parked inside an entirely enclosed building at all time when not in use.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Miscellaneous	
Pet Grooming	One (1) space for each grooming station and bating tub; Plus, One (1) space for each employee.
Veterinary Clinic	One (1) space for each 500 square feet of gross floor area.
Offices, Business and Professional	
Financial Facility/Bank; including Check Cashing without Drive-up Facility	One (1) space for each 400 square feet of net floor area.
Financial Facility/Bank; including Check Cashing -with Drive-up Facility	One (1) space for each 400 square feet of net floor area, Plus, Stacking Lanes per Table 5.9.3
Florists	One (1) space for each 300 square feet of net floor area.
General Office or Professional Office Uses	One (1) space for each 250 square feet of net floor area.
Health club uses, including athletic clubs and spas	One (1) space for each 400 square feet of gross floor area.
Personal Service Uses e.g. Beauty Shop; Barber Shop; Nail Salon; Tattoo/Piercing shop	Two (2) spaces for each customer chair or manicure or pedicure station; Plus, One (1) space for each employee.
Post Office	One (1) space for each 350 square feet of net floor area.
Open Air Uses	
Farmer's Markets	One (1) space for each 1,000 square feet of outdoor display area.

TABLE 5.3.4 (continued)	
REQUIRED NUMBER OF PARKING SPACES DETERMINED BY USE.	
TYPE OF USE	NUMBER OF REQUIRED SPACES
Retail Uses	
Building Supply Store	Two (2) spaces per 1,000 gross square feet of floor area.
Convenience Stores, associated with the sale of fuel. Fuel island fueling aisles are not included in the parking space requirement calculation.	One (1) space for each 200 square feet of gross floor area.
Grocery or Supermarket	Five (5) spaces for each 1,000 square feet of gross floor area.
Retail space less than 50,000 gross square feet	One (1) space for each 200 square feet of gross floor area.
Retail space greater than 50,001 gross square feet	One (1) space for each 500 square feet of gross floor area.
Vehicle Service	
Vehicle Repair; including muffler shops, tire shops, quick lubricating, and other similar uses.	Two point Five (2.5) spaces for each service bay.
Vehicle Repair; including removal and replacement of vehicle body components.	One (1) space for each area designated on floor plan for removal and replacement of vehicle body components, Plus, One (1) space for each employee.
Vehicles, Farm Implements, Motorcycles, Recreational Vehicles, or Trailer Sales	One (1) space for each 400 square feet of sales room floor area.
Warehouse	
Self-Storage/Mini Warehouse	One (1) space for each two (2) employees.
Warehousing	One (1) space for each per 2,500 square feet of gross floor area.

* If the size of the legal lot does not provide lot area to accommodate a legal-size parking space, ten (10) feet by eighteen (18) feet per dwelling unit, no off-street parking is required to be provided.

TABLE 5.4.1	
BICYCLE PARKING	
TOTAL VEHICLE PARKING SPACES REQUIRED	BICYCLE SPACES REQUIRED
1- 25 Parking Spaces	1
26 – 250 Parking Spaces	2
Over 250 Parking Spaces	4

5.8 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

5.8.1 Purpose.

Uses and buildings shall be provided with adequate receiving area, so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, street or alley.

5.8.2 Off Street Loading and Unloading Space Size and Access.

5.8.2.1 Loading and unloading spaces shall have a minimum length of fifty-five (55) feet, a minimum width of twelve (12) feet, and a minimum clear height of fifteen (15) feet.

5.8.2.2 All off-street loading and unloading areas shall be accessed by a driving aisle that is a minimum of twenty-four (24) feet in width for two-way traffic or fourteen (14) feet in width for one-way traffic at all points between the accessed public street and the off-street loading and unloading area.

5.8.3 Number of Off-Street Loading and Unloading spaces required.

5.8.3.1 Off-street loading and unloading areas shall be calculated based upon the total gross square feet of the building or structure in accordance with Table 5.8.3.

TABLE 5.8.3 OFF STREET LOADING AND UNLOADING SPACE REQUIREMENTS	
BUILDING OR STRUCTURE GROSS SQUARE FEET	MINIMUM NUMBER OFF-STREET LOADING AND UNLOADING SPACES.
0 to 1,400 gross square feet	None Required
1,401 to 20,000 gross square feet	One (1) space.
20,001 to 100,000 gross square feet	One (1) space plus; One (1) space for each 40,000 gross square feet in excess of 20,000 gross square feet.
100,001 to 500,000 square feet	Three (3) spaces; Plus, one (1) space for each 40,000 gross square feet in excess of 100,000 gross square feet.
Over 500,000 square feet	Fifteen (15) spaces; Plus, one (1) space for each 80,000 gross square feet in excess of 500,000 gross square feet

5.9 STACKING LANES

5.9.1 Purpose.

For building or structure where drive-through, drive-up, or drop-off – pick up services are provided shall provide vehicle stacking lanes to prevent vehicles from backing up onto or obstructing the public right-of-way, and pedestrian circulation.

5.9.2 Size.

Stacking lane spacing shall be a minimum of ten (10) feet in width by a minimum of twenty (20) feet in length.

5.9.3 Number of Required Stacking Spaces.

Vehicle stacking spaces shall be provided as set out in Table 5.9.3.

TABLE 5.9.3 VEHICLE STACKING		
USE	MINIMUM NUMBER OF STACKING SPACES.	MEASURED FROM PUBLIC RIGHT-OF-WAY TO:
Banks including Live Teller Machines.	4	Teller window Live Teller Machine Key Pad
Automated Teller Machine (ATM).	3	Automatic Teller Machine Key Pad
Car wash stall, automatic drive through	6	Entrance
Car wash stall, self-service	3	Entrance
Day Care (Children or Adult)	4	Entrance Door
Dry Clearer or Laundry Pick-up	2	Pick-up Window
Gasoline pump island	2 per pump island	Pump island
Place of Worship	6	Main Doors
Restaurant – Fast Food - drive-through	6 4	Menu board (Order box) Menu board to payment window.
Schools		
Elementary	15	Entrance
Middle and High	10	Entrance

CHAPTER 6

SECTION 6.0 - LANDSCAPING AND SCREENING REQUIREMENTS

6.1 PURPOSE AND INTENT

- 6.1.1 It is the intent of the city to promote the health, safety, and welfare of its existing and future residents by establishing minimum standards to:
 - 6.1.1.1 Protect, preserve, and promote the aesthetic character of the roadway network and surrounding neighborhoods;
 - 6.1.1.2 Improve environmental quality through reduction of visual pollution, improved air quality, and reduction of storm water runoff;
 - 6.1.1.3 Mitigate impacts created between incompatible land uses; and;
 - 6.1.1.4 Enhance the community's natural resources through tree preservation and increased green space.

6.2 GENERAL

- 6.2.1 Utility Infrastructure.
 - 6.2.1.1 Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections.
 - 6.2.1.2 Trees shall be planted at least ten feet (10') from sanitary sewer, water service lines, and natural gas lines.
- 6.2.2 Visual clearance at corners.

Requirements see Section 4.16 of this Ordinance.
- 6.2.3 Vehicular and Pedestrian Movement.
 - 6.2.3.1 Plant materials shall be located to avoid interference with vehicular and pedestrian movement and shall not project over sidewalks, paths, or trails below a height of eight feet (8').
 - 6.2.3.2 Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of fifteen feet (15').

6.2.4 Distribution.

6.2.4.1 Required landscape shall be reasonably distributed in any areas of a site not covered by a structure, parking lot or required landscape buffer.

6.2.4.2 It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and herbaceous perennial species be used for ornamentation in addition to the required plantings.

6.2.5 Vehicle Overhanging.

6.2.5.1 Vehicles may encroach or overhang into the required landscape area by two and one-half feet (2-1/2').

6.2.5.2 The encroachment or overhang is not to be calculated as part of the required length of the parking space.

6.3 APPLICABILITY

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

6.3.1.1 New construction of building(s).

6.3.1.2 Additional square footage added to existing building(s).

6.3.1.3 Reconstruction of a building on an existing foundation.

6.3.1.4 Subdivision of land resulting in the creation of three (3) or more lots.

6.3.1.5 Installation of new parking lots or loading areas.

6.3.1.6 Expansion of an existing parking lot where additional parking spaces are increased by twenty percent (20%) or more.

6.3.1.7 Expansion of loading/unloading areas.

6.3.1.8 Reconstruction of existing parking lots or loading and unloading area.

6.3.1.9 Reconstruction does not include restriping of parking spaces or driving aisles.

6.4 STREET TREES.

City of Rushville Code of Ordinances, Chapter 98 Trees, regulates street trees as defined § 98.01.

6.5 STANDARDS.

- 6.5.1 Artificial plantings are not to be installed as part of the required landscaping, buffering, or screening. All plant material shall be live plantings.
- 6.5.2 Landscaping, buffering, and screening plant materials shall comply with the following to be considered as complying with the requirements of this Ordinance.
 - 6.5.2.1 Trees and shrubs shall meet the minimum requirements of the American Standard for Nursery Stock (ANSI Z60.1, Current Edition).
 - 6.5.2.2 Tree roots are preferred to be balled and burlapped.
 - 6.5.2.3 The planting minimum for trees is one (1) growing season in a five (5) gallon container.
 - 6.5.2.4 Shrubs shall be well-rooted in a three (3) gallon container or greater.
 - 6.5.2.5 Deciduous trees at the time of planting shall be a minimum of 1.5 inches in diameter measured four feet (4') from the finished ground grade.
 - 6.5.2.6 Evergreen trees shall be a minimum of six feet (6') in height at the time of planting.
 - 6.5.2.7 Shrubs shall be a minimum of twenty-four inches (24") in height at the time of planting.
 - 6.5.2.8 The overall landscape and screening plan shall not contain more than one-third (1/3) of any plant species.
 - 6.5.2.9 Trees and shrubs shall not be placed closer than four feet (4') to a fence, or wall.

6.6 BERMS.

- 6.6.1 Berms shall be designed to vary in height and shape to create a more natural flowing appearance.
- 6.6.2 The maximum slope for a berm shall be one foot (1') vertical to three feet (3') horizontal.
- 6.6.3 Landscape berms which are a combination of trees, evergreens, or shrubs may be provided in the front yard setback to enhance the character of the required landscape area.

6.7 INSTALLATION.

- 6.7.1 New Construction, including expansion of additional building square footage.
 - 6.7.1.1 All landscaping, buffering, and screening shall be installed prior to occupancy of any building or upon completion of new or expanded parking lots, loading/unloading areas.
- 6.7.2 Weather Exception.
 - 6.7.2.1 When weather precludes the timely installation of the landscaping, buffering, or screening materials, planting may be delayed for a period not to exceed six (6) months.
 - 6.7.2.2 When planting is delayed for weather conditions, the owner or developer shall post a financial guarantee with the City of Rushville prior to occupancy.
 - A. Financial guarantees shall be an amount equal to one hundred and ten percent (110%) of the planting materials and installation costs.
- 6.7.3 Landscape plans shall be submitted to the City of Rushville Planning and Zoning Office to determine compliance with this Section.

6.8 PLANT SPECIES

- 6.8.1 All plants, trees, evergreens, and shrubs shall be hardy per climatic conditions in the region and indigenous to the area to the extent practicable.
- 6.8.2 Landscaping and screening shall not use of invasive or aggressive species as these species are considered difficult to control and are known to displace and compete with more desirable native or ornamental species.
- 6.8.3 For acceptable plant species for trees, evergreens, shrubs, flowering plants, and ground cover, see Appendix "E".

- 6.8.4 Unsuitable plant species, for landscaping, landscape buffer, and landscape screening, trees, evergreens, shrubs, flowering plants, ground cover are those species that appear on the State of Indiana Department of Natural Resources, Division of Entomology and Plant pathology official web site, as invasive or aggressive species, which is updated from time to time. See Appendix “F” for unsuitable plant species; however, it is the responsibility of the Owner, to review the State of Indiana Department of Natural Resources, Division of Entomology and Plant pathology official web site.

6.9 GROUNDCOVER.

- 6.9.1 All portions of landscaped, or buffer yards not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation.
- 6.9.2 Stone or other non-vegetative materials may not be substituted for ground-covering vegetation except for areas that incorporate stormwater treatment alternatives, such as swales and culvert outfalls.
- 6.9.3 Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are six feet (6') or less in diameter.

6.10 FOUNDATION PLANTING.

- 6.10.1 Landscaping shall be provided at foundations of buildings fronting on the streets and roadways specified in Section 4.14.2.2 of this Ordinance.
- 6.10.2 Landscaping should consist of a mix of low shrubs, dwarf trees and ground cover.
- 6.10.3 The landscaping shall be distributed along thirty percent (30%) of the foundation façade.

6.11 EXISTING TREES.

- 6.11.1 Existing trees used to comply with landscaping or screening requirements shall comply with the following criteria:
- 6.11.1.1 Be healthy, less than fifteen percent (15%) dead branches, no visible wounds, or girdling roots, and free from obvious signs of disease.
- 6.11.1.2 Shall be four inches (4") in diameter or greater, measured four feet (4') from ground grade.
- 6.11.1.3 Trees smaller than four inches (4") may still be preserved but will not count toward the required tree plantings.

6.11.1.4 Tree protection area.

- A. Prior to any construction a tree protection area shall be erected by fencing three feet (3') beyond the tree canopy.
- B. No material storage, parking, grading, fill or other construction activity shall take place inside of the three-foot (3') protection area.
- C. The tree protection fence may be removed only after all construction is completed.
- D. Only upon removal of the tree protection fencing may undesirable plantings, weeds, or groundcover may be removed. Care shall be taken to minimize damage to surface roots.
- E. The tree protection area may be replanted with sod, annuals, perennials, or mulch.

6.11.1.5 Should a preserved tree used to comply with landscaping or screening requirements dies, the tree shall be re-planted with a similar tree species.

6.11.1.6 Destruction or removal of healthy trees.

- A. In the event healthy plants, trees, or shrubs used to comply with landscaping or screening are cut down, damaged, or destroyed shall be replaced.

6.12 REQUIRED LANDSCAPING AREAS.

6.12.1 Parking Lots.

6.12.1.1 Landscaping is to provide shade and to break up the visual appearance of large, paved areas.

6.12.1.2 The required front setback of twenty feet (20') from the property line shall be provided with landscaping.

6.12.1.3 Trees and Shrubs.

- A. Trees.
 - 1. A minimum of one (1) tree shall be provided for every eighty (80) linear feet measured at the front setback to each side property line.
 - 2. Trees may be a combination of broad leaf/deciduous and evergreen conifers.

B. Shrubs

1. A minimum of one (1) shrub shall be provided for each tree.

6.13 LANDSCAPE BUFFERING.

- 6.13.1 A landscape buffer shall be required whenever a property in a more intensive Zoning District is adjacent to property in a less intensive Zoning District.
- 6.13.2 The landscape buffer shall be provided entirely along the property line on the property within the more intensive Zoning District.
- 6.13.3 Required landscape buffer are not required if the properties are separated by natural features (e.g., streams, creeks, etc.).
- 6.13.4 Whenever a rezoning occurs that requires a landscape buffer where none was required previously, the property that is rezoned shall provide the landscape buffer.
- 6.13.5 Landscape buffer is not required where properties are separated by a public street right-of-way, except an alley as defined in this Ordinance.
- 6.13.6 Landscape buffer requirements as set out in Table 6.13

TABLE 6.13										
ZONING DISTRICT OF ADJACENT PROPERTY	LANDSCAPE BUFFER REQUIREMENTS ¹ .									
	ZONING DISTRICT OF SUBJECT PROPERTY									
	R-1	R-2	RE	R-3	R-4	C-1	C-2	CBD	I-1	I-2
R-1				A	A	B	B	B	C	C
R-2				A	A	B	B	B	C	C
RE				A	A	B	B	B	C	C
R-3	A	A	A		A	B	B	B	C	C
R-4	A	A	A	A		B	B	B	C	C
C-1	B	B	B	B	B		A	A	B	B
C-2	B	B	B	B	B	A		A	B	B
CBC	B	B	B	B	A	A	A		B	B
I-1	C	C	C	C	C	B	B	B		A
I-2	C	C	C	C	C	B	B	B	A	

¹ No landscape buffer requirements for those Zoning Districts identified by a black square.

6.13.6.1 Application of Table 6.13 Landscape Buffer Requirements.

A. Landscape Buffer "A".

1. Landscape Buffer "A" shall be a minimum width of fifteen feet (15') in addition to the minimum side yard setback as required for the Zoning District and shall

meet the following requirement:

- a. Equivalent of one (1) tree per fifty (50) linear feet or fraction of landscape buffer zone length.
- b. No less than fifty percent (50%) of the total number of required trees shall be evergreen trees.
- c. If berms are used for any part of the landscape buffer, required plant material shall be placed on the top and side slope facing the exterior property line.
- d. All areas within the landscape buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.

B. Landscape Buffer “B”.

1. Landscape Buffer “B” shall be a minimum width of twenty (20) feet in addition to the minimum side yard setback as required for the Zoning District and shall be the following requirements:
 - a. Equivalent of one (1) tree per forty (40) linear feet or fraction of landscape buffer zone length.
 - b. A three foot (3’) continuous landscape screen of plant materials, berms, walls or fences, or combination thereof that creates a visually continuous barrier.
 - c. Two-thirds (2/3) of all required trees shall be evergreen and the balance shall be deciduous
 - d. If berms are used for any part of the landscape buffer, required plant material shall be placed on the top and side slope facing the exterior property line.
 - e. All areas within the landscape buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.

C. Landscape Buffer “C”.

1. Landscape Buffer “C” shall be a minimum width of thirty feet (30’) in addition to the minimum side and rear yard setbacks as required for the Zoning District and shall be of the following requirements.
 - a. Equivalent of one (1) tree per 30 linear feet or fraction of the landscape buffer zone length
 - b. A six foot (6’) continuous landscape screen of plant materials, berms, walls or fences, or combination thereof that creates a visually continuous barrier.
 - c. Two-thirds (2/3) of all required trees shall be evergreen and the balance shall be deciduous
 - d. If berms are used for any part of the landscape buffer, required plant material shall be placed on the top and side slope facing the exterior property line.

- e. All areas within the landscape buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.

6.14 LANDSCAPE SCREENING.

6.14.1 Ground-Mounted Mechanical Equipment.

6.14.1.1 Outdoor ground-mounted mechanical equipment (e.g., electrical subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public right-of-way, or from adjacent properties to the maximum extent practicable.

6.14.1.2 In cases when ground-mounted mechanical equipment (e.g. electrical subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment are visible from a public open space, public trail, public right-of-way, or adjacent property, the equipment shall be screened from view by a solid wall or opaque fence or a vegetative screen that satisfy the following criteria:

- A. The wall or fence shall be of a height equal to or greater than the height of the highest piece of mechanical equipment being screened, shall be compatible with the architecture, and landscaping of the development; or,
- B. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the highest piece of the equipment to be screened at the time of planting.

6.14.2 Refuse Collection, Recycling Collection, Dumpsters, and Compaction.

6.14.2.1 Refuse collection, and compaction areas shall:

- A. Be placed on an impervious surface.
- B. Not be located in the front setback.
- C. Be setback a minimum of five feet (5') from the side and rear property lines.
- D. Be setback from an alley a minimum of ten feet (10').

- 6.14.2.2 No outside, unenclosed storage of refuse (whether in containers), or compactor shall be permitted.
- 6.14.2.3 All refuse collection, recyclables collection, and compaction area shall be screened to create a visually opaque screen so as to not be visible from the street on three (3) sides with one (1) of the following materials:
 - A. Walls consistent with or complementary to the architectural style of the principal building(s);
 - B. Architectural or split-face Masonry;
 - C. Wood fencing.
- 6.14.2.4 The screening shall be a minimum of six feet (6') in height and a maximum of twelve feet (12') in height and shall be provided with doors or gates that are opaque.

6.15 LANDSCAPING AT SIGNS:

- 6.15.1 Landscaping plans shall be submitted to the City of Rushville Planning and Zoning Office for review and approval. Landscaping required for signage is not considered a part of the required landscaping in this Chapter.
- 6.15.2 Freestanding Sign.
 - 6.15.2.1 A landscape area for freestanding sign shall have an area of three feet (3') radiating from the base of the sign.
 - 6.15.2.2 Landscaping shall consist of shrubs, perennial ground cover plants, or a combination of both located at the base of the sign structures.
 - 6.15.2.3 Landscaping shall be spaced not more than three feet (3') on-center of the landscape area.
 - 6.15.2.4 If appropriate, ornamental trees or evergreen trees may be planted in a manner to frame or accent the ground sign structure. If ornamental trees or evergreen trees are planted to frame or accent the ground sign structures the mature height shall not exceed four feet (4').
 - 6.15.2.5 Landscaping shall not obstruct visibility of the sign or vehicles entering or existing adjacent driveways.

- 6.15.2.6 Landscaping shall be maintained at the owner's expense. Any plantings installed to comply with the landscaping requirements that are lost, damaged, or die shall be replaced with similar species at the owner's expense.

6.15.3 Ground/Monument Sign Structure.

- 6.15.3.1 A minimum of two (2) square feet of landscaping shall be required for each square foot of sign area.
- 6.15.3.2 Landscaping shall consist of shrubs, perennial ground cover plants, or a combination of both located at the base of the sign structures.
- 6.15.3.3 Landscaping shall be spaced not more than three feet (3') on-center of the landscape area.
- 6.15.3.4 If appropriate, ornamental trees or evergreen trees may be planted in a manner to frame or accent the ground sign structure. If ornamental trees or evergreen trees are planted to frame or accent the ground sign structures the mature height shall not exceed four feet (4').
- 6.15.3.5 Landscaping shall not obstruct visibility of the sign or vehicles entering or existing adjacent driveways.
- 6.15.3.6 Landscaping shall be maintained at the owner's expense. Any plantings installed to comply with the landscaping requirements that are lost, damaged, or die shall be replaced with similar species at the owner's expense.

6.15.4 Development and Subdivision Entry Sign.

- 6.15.4.1 A minimum of two (2) square feet of landscaping shall be provided for each square footage of sign area.
- 6.15.4.2 Landscaping shall consist of shrubs, perennial ground cover, or a combination of both located at the base of the sign structure.
- 6.15.4.3 Landscaping shall be placed not more than three feet (3') on-center of the landscape area.
- 6.15.4.4 Ornamental trees or evergreen trees may be planted in a manner to frame or accent the ground sign structure. Ornamental trees or evergreen trees planted to frame or accent the subdivision entry sign the mature height shall not exceed four feet (4').
- 6.15.4.5 Landscaping shall not obstruct visibility of the sign or vehicles entering or exiting adjacent driveways.

- 6.15.4.6 Landscaping shall be maintained at the developer's expense. Any plantings installed to comply with the landscaping requirements that are lost, damaged, or die shall be replaced with similar species at the owner's expense.

6.16 MAINTENANCE.

- 6.16.1 All landscaping, buffering, and screening shall be properly maintained.
- 6.16.2 Landscape, buffering, and screening areas shall be kept free of weeds and debris.
- 6.16.3 Failure to maintain landscaping, buffering, and screening shall constitute a violation of this Ordinance and subject to the enforcement and penalties set out in Chapter 9 of this Ordinance.
- 6.16.4 Replace diseased or dead plants, trees, evergreens, and shrubs shall be replaced within one (1) growing season.

6.17 SPECIAL PROVISIONS.

- 6.17.1 These Special Provisions are applicable to development and redevelopment of properties which front on the following street and roads:
 - 6.17.1.1 State Road 3, also known as Main Street.
 - 6.17.1.2 State Road 44, also known as 1st Street and 2nd Street.
 - 6.17.1.3 US Highway 52, also known as Main Street and West Third Street.
- 6.17.2 Chain-link fence, unpainted or unfinished masonry walls are prohibited. Masonry walls visible from the public right-of-way or adjacent lots shall be architecturally finished.
- 6.17.3 Outdoor storage shall be screened on all sides by masonry walls, or, opaque fence, constructed of materials compatible with the architecture of the primary structure six feet (6') in height.
- 6.17.4 The exterior side of the screening walls or fences shall be planted with landscaping materials to create a landscape buffer that is at least four feet (4') in height at the time of planting.

6.18 GOVERNMENT, PUBLIC UTILITIES BUILDINGS.

- 6.18.1 Government Buildings, and Public Utility Buildings may be secured with fences, walls, or hedges at side and rear property line to a minimum height of eight feet (8') and maximum height of ten feet (10').
Exception: Correctional Facilities.

6.19 MANUFACTURING FACILITIES STORAGE AREA:

- 6.19.1 Manufacturing facilities on-site storage of production materials, waste containers shall be effectively screened on all sides by an opaque fence, wall, or hedge to a minimum height of eight feet (8') and a maximum height of ten feet (10').
- 6.19.2 All access points shall be gated and closed at all times when not in use.
- 6.19.3 Gates shall be opaque and be a minimum height of six feet (6').
- 6.19.4 Gate material shall match the style of the fence, wall, or hedge.

6.20 JUNK YARDS, VEHICLE SALVAGE/REPAIR, VEHICLE IMPOUNDMENT YARDS, SCRAP OR RECYCLING FACILITIES.

- 6.20.1 Junk yards, vehicles salvage yards, vehicles repair, vehicle impoundment yard, scrap or recycling facilities shall be screened by an opaque fence, wall, or hedge to a minimum height of eight feet (8') and a maximum height of fifteen feet (15') in height.
- 6.20.2 Fences, walls, or hedges shall be setback fifteen feet (15') or more from property lines.
- 6.20.3 All access points shall be gated and closed at all times when not in use.
- 6.20.4 Gates shall be opaque and be a minimum height of six feet (6').
- 6.20.5 Gate material shall match the style of the fence, wall, or hedge.

CHAPTER 7

SECTION 7.0 - SIGNS

7.1 INTENT .

7.1.1 The intent of the sign regulations are to:

- 7.1.1.1 Promote the use of signs that are aesthetically pleasing, of an appropriate scale, integrated into the overall surrounding for the site, landscaping, and building design;
- 7.1.1.2 Maintain and enhance the aesthetic environment of the city;
- 7.1.1.3 Provide businesses and development with appropriate identification;
- 7.1.1.4 Avoid unnecessary proliferation of signs;
- 7.1.1.5 Eliminate potential hazards and distractions to motorists and pedestrians resulting from sign clutter;
- 7.1.1.6 Legible and ease of reading;
- 7.1.1.7 Create a consistent streetscape; and,
- 7.1.1.8 Promote the health, safety, and welfare of the residents.

7.1.2 No part of this Article shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

7.2 APPLICABILITY

No sign or advertising device, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, or maintained except in compliance with this Ordinance.

7.3 DEFINITIONS

Terms used in this Chapter are defined in Chapter 2, Definitions of this Ordinance.

7.4 SIGN STANDARDS, GENERAL

- 7.4.1 Sign or sign structure or parts thereof, that are constructed, erected, converted, enlarged, moved, altered, extended, reconstructed, or relocated shall comply with the requirements of the Zoning District and this Chapter.
- 7.4.2 Signs and sign structures shall be designed to sustain wind and vibration forces which are normally expected.
- 7.4.3 See Appendix “G” for example of each type of Sign. Images and diagrams are provided for reference purposes only as examples to assist with clarity. The written text within the Ordinance shall govern.

7.5 SIGN DESIGN AND CONSTRUCTION REQUIREMENTS, GENERAL

7.5.1 Design.

All signs shall be designed to be an integral part of the architecture and landscape.

7.5.2 Compatibility.

7.5.2.1 The colors, materials, and style of sign(s) and sign structures shall be architecturally compatible and accentuate the buildings and landscaping on the site.

7.5.2.2 The colors, materials, and lighting shall be restrained and harmonious with the building and site to which it principally relates.

7.5.2.3 Signs shall not compete with or obstruct the visibility of sign(s) on adjacent property.

7.5.3 Scale and proportion.

Sign(s) and sign structures shall be designed to be proportionate with the scale and design of the principle building to which the sign it related and the surrounding area.

7.5.4 Franchise signs.

Identification signs of standardized design, such as corporation logos, shall comply with the criteria of this Ordinance.

7.6 INSPECTION AND MAINTENANCE

7.6.1 Maintenance.

- 7.6.1.1 All signs, sign structures and their components shall be maintained in good repair, in a safe, neat, clean, attractive condition.
- 7.6.1.2 All signs shall be maintained in a structurally sound condition.
- 7.6.1.3 All illuminating elements shall be kept in working condition or immediately repaired or replaced.
- 7.6.1.4 Repairs to signs and sign structures shall be equal to or better in quality of materials and design than the original sign.

7.6.2 Inspection.

- 7.6.2.1 Signs and sign structures may be inspected periodically to determine continued compliance with this Ordinance.
- 7.6.2.2 The inspection is to determine that said sign(s) and sign structures have been maintained in compliance with this Ordinance.

7.7 SIGN, ABANDONED OR OBSOLETE

- 7.7.1 Abandoned or obsolete signs which are in violation of this Ordinance may be ordered removed, at the owner's expense.

7.7.2 Abandoned.

- 7.7.2.1 Abandoned sign(s) or sign structure(s) are either:
 - A. Located on property which has become vacant, or;
 - B. Originally associated with a business, including individual tenant spaces, a project, or service which is no longer operating on the subject property.
- 7.7.2.2 Development Complex Center signs shall remove the secondary element signs for the former tenant project, service, or business and replaced with a "sign blank" within thirty (30) days of the sign becoming abandoned.

7.7.3 Obsolete:

An owner, lessee, or tenant of property upon which a sign is located when the business for which the sign advertises is no longer conducted on the property said sign shall be removed at the sign owner's expense.

7.8 SIGN, NON-CONFORMING.

See Chapter 8 of this Ordinance.

7.9 PERMITS

Sign permits shall be required for all signs, located, erected, constructed, reconstructed, moved, altered, enlarged, or divided unless the sign is specifically exempted by this Chapter.

7.10 LOCATION

7.10.1 General.

A sign shall not be in any location where the sign may, by reason of its position, shape, color, lighting, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.

7.10.2 Setback.

Signs and Sign Structures shall be setback ten feet (10') from property lines.

7.10.3 Property Lines.

Signs and the signs supporting structures shall not extend over or beyond any property line of the property on which the signs are located.

7.10.4 Prohibited Location.

7.10.4.1 Right-of-way.

Signs and the signs supporting structures shall not be placed in, upon or over any public right-of-way, including alley

7.10.4.2 Easement.

Signs and the sign supporting structures shall not be placed in or over any easement.

7.10.4.3 Vision Clearance.

Signs shall not be permitted in areas prohibited by Chapter 4, Section 4.16, Vision Clearance of this Ordinance.

7.10.4.4 Other Prohibited Locations.

Light poles, utility poles, trees, fences, or other supporting members shall not be used for the placement of any signs.

7.11 SIGN, ILLUMINATION

- 7.11.1 Intensity of illumination shall be measured at the property line.
- 7.11.2 Illuminated sign(s) shall not create a reflection that would create a traffic hazard to operators of motorized vehicles on any roadway.
- 7.11.3 Illumination from any sign shall be shaded, shielded, or directed to prevent spillage onto adjacent properties.
- 7.11.4 No exposed bulbs, or lamps shall be used on the exterior surface of any sign which exposes the bulbs or lamps to any public right-of-way or adjacent property.
- 7.11.5 In no instance shall the light intensity or brightness exceed:
 - 7.11.5.1 Three-tenths (0.3) foot-candles at the property line of any adjacent property located in a residential Zoning District; or,
 - 7.11.5.2 Five-tenths (0.5) foot candles at the property line of any adjacent property located in a non-residential Zoning District.

7.12 SIGN MEASUREMENT

7.12.1 Sign Height.

Sign height shall be measured as the vertical distance from finished grade, including any artificial berm immediately beneath the sign including any poles or other supports.



Figure 6. Measuring Sign Height

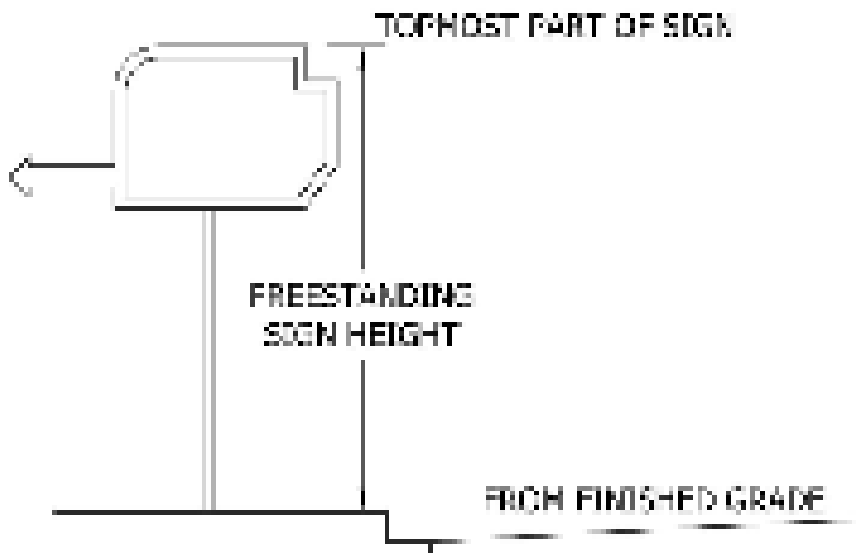


Figure 7. Sign Measurement

7.12.2 Sign Area.

Sign area shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension including the extreme limits of characters, lettering, or figures.

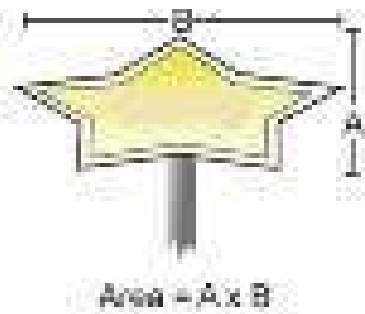


Figure 8. Measuring Sign Area (Square Footage)

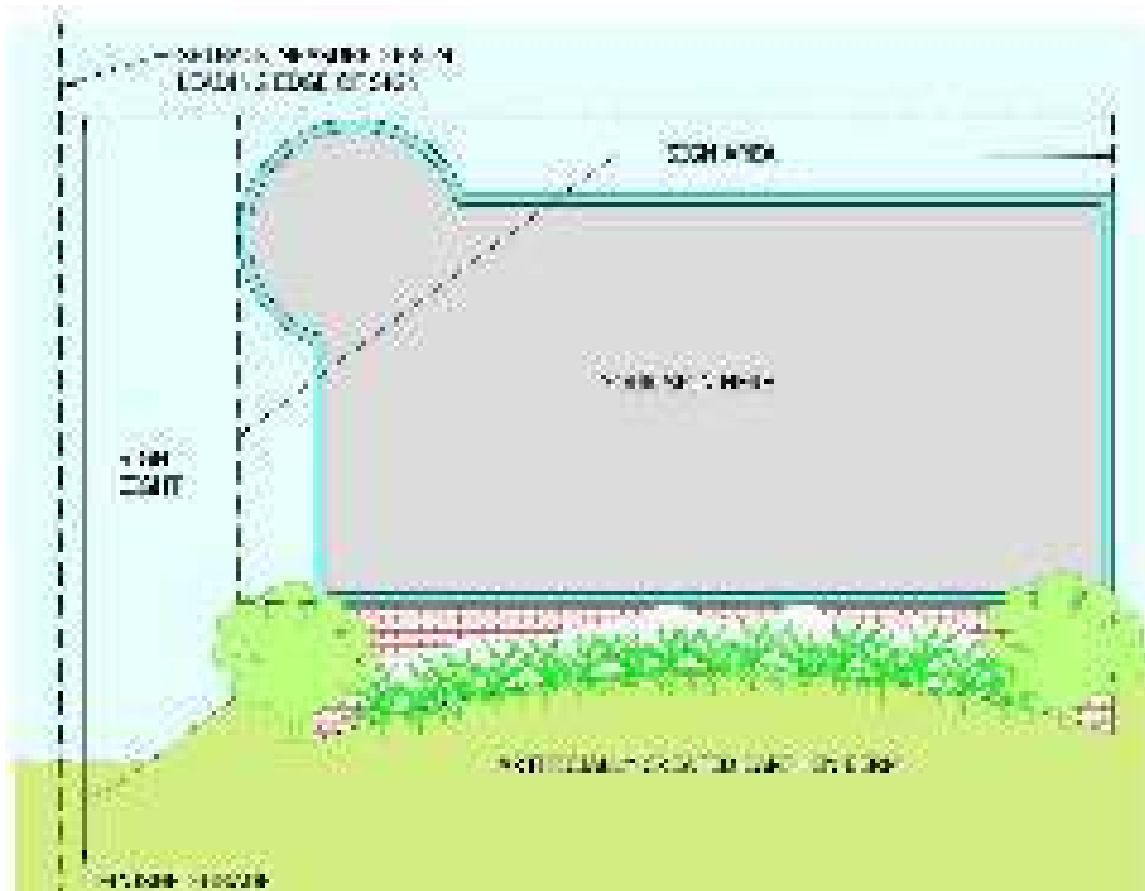


Figure 9. How to measure overall height and area.

7.12.3 Separate Sign.

7.12.3.1 Each portion of a sign display or structure that is both physically and visually separated from other portions shall be considered as separate signs.

- A. Spaces between lines of type, letters, logo elements, etc. are not construed as physical separation where these elements form a single composition intended to be viewed as a whole.
- B. To be considered a single sign the various elements (primary and secondary elements) including components (changeable copy sign, time & temperature, etc.) shall not be separated by more than six inches (6"), horizontally or vertically, regardless of the number of poles or supports.

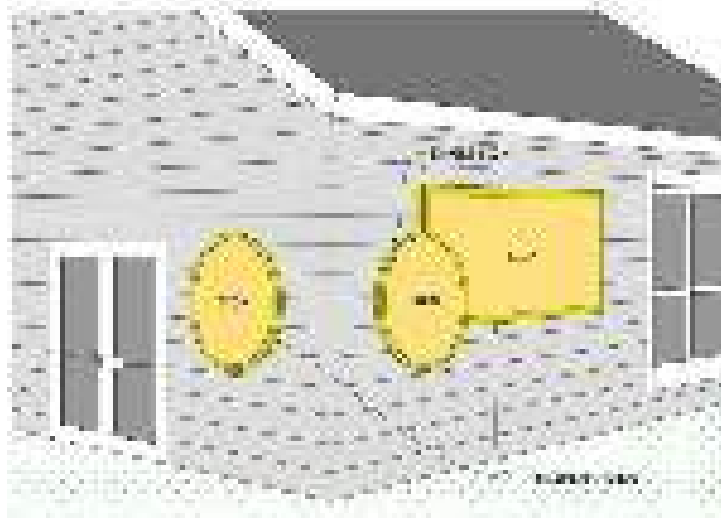


Figure 10. Separate Signage

7.12.4 Multiple Faces (Double-faced Signs).

- 7.12.4.1 Area of a sign that has two (2) or more faces, shall be measured by including the area of all sign faces.
- 7.12.4.2 If two (2) faces are identical and placed back-to-back, of equal size and are not more than two feet (2') apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face.
- 7.12.4.3 If the two (2) back-to-back faces are unequal in size, the larger of the two (2) sign faces shall determine the area of the two (2) back-to-back signs.
- 7.12.4.4 See Appendix "G" for example of Multiple Faced Signs

7.13 SIGN, PROHIBITED

- 7.13.1 Sign types in Table 7.13 are prohibited in all Zoning Districts.
- 7.13.2 Any sign that is not expressly, as either permitted, exempt or temporary shall be prohibited.
- 7.13.3 Signs which contain obscene statements, works, or pictures.
- 7.13.4 Signs which advertise activities that are illegal under federal, state, city, or county laws.

TABLE 7.13 PROHIBITED SIGNS	
SIGN TYPE	DESCRIPTION
Animated Sign; Including Inflatable Sign	
	Signs that blink, flash, or are animated by lighting in any fashion that have the appearance of traffic safety signs or lights, or emergency vehicles.
	Utilizing any flashing lights, motion picture, laser, or visual projection of images.
	Which rotate, swing, inflate, or move as a result of wind (natural or man-made).
Hazardous Signs	
	Signs using words or phrases which interfere with or mislead or confuse drivers with words such as, but not limited to: “Stop”, “Slow”, “Look”, “Danger”, or “Caution”.
	Signs located as to obstruct or otherwise interfere with an official traffic signs, signal, or device, or obstruct or interfere with a driver’s view of approaching, merging, or intersecting traffic.
	Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
	Signs that emit audible sound, odor, or visible matter.
Human Sign	
	Signs held by or supported by a person for commercial advertising purposes.
Inflatable Sign	
	Sign or display that is capable of being expanded by air or other gas. Designed to be airborne or tethered to the ground objects such as vehicles, or structure.
Off-Premises Sign and Billboards	
	Signs that relate to or advertise an establishment, product, merchandise, service, or entertainment which are not located, offered, produced, manufactured, or furnished at the property on which the sign is located.

TABLE 7.13 (continued) PROHIBITED SIGNS	
SIGN TYPE	DESCRIPTION
Portable Sign, includes moveable signs.	
	Signs that are not permanently attached or designed to be permanently attached to the ground, a building, or a pole. This includes any signs that are, or are designed to be, mounted on wheels or built to roll or slide or to be moved.
Poster, Placards, or similar	
	Posters, placards, and other similar signs attached to light poles, gas station, or convenience store canopy supports, trees, and elsewhere outdoors that are not included as permitted permanent or temporary signs by this Chapter.
Roof top	
	Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than the roof. This provision includes signs integrated into the roofing material.
Search Lights (Beacon Light); Twirling Lights, Spot Lights, Strobe Lights	
	Generally affixed to a vehicle or trailer. Lights that twirl, spin, or produce quick flashes of light.
Vehicles	
	Stationary motor vehicles, trailers, and similar vehicles whose sole purpose of the vehicle sign is for advertising.
	Exceptions: <ol style="list-style-type: none"> 1. Vehicles parked for the purpose of making lawfully deliveries or service calls. 2. Vehicles parked at the driver's place of residence during non-business hours. 3. Vehicles customarily used for transporting persons or property

7.14 SIGN, EXEMPT.

7.14.1 Exempt Signs shall comply with the conditions specific to the exempt signs as set out in Table 7.14.

	TABLE 7.14 EXEMPT SIGNS BY ZONING DISTRICT							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
SIGN TYPE								
Address Numbers								
	See the City of Rushville Fire Prevention Ordinance							
Directional Sign	NP	NP	NP	P	P	NP	P	P
Maximum Sign Area *				8	8	8	8	8
Maximum Sign Height ^				4	4	4	4	4
Minimum Setback from Public Right-of-Way ^				2	2	2	2	2
				Logos and advertising are not permitted				
				Shall not be located in Intersection Visibility Clearance (Section 4.16)				
Directory Sign	NP	NP	NP	P	P	P	P	P
				Located internal to the site and is not visible or legible from adjacent properties; or public street right-of-way				
Emergency Sign and other Official Signs.	P	P	P	P	P	P	P	P
	Official Road/Street signs installed by the State of Indiana, or City of Rushville.							
Flags, Government or Institutional	P	P	P	P	P	P	P	P
	Flag poles shall not exceed the height permitted for a primary structure in the specific Zoning District.							
	United States of America and State of Indiana flags are to be illuminated as required by Law; however, the illumination shall not exceed the footcandles permitted in this Section 4.18.							
Historical Markers	P	P	P	P	P	P	P	P
	Officially designed State or Federal Historical Markers							

	TABLE 7.14 (continued) EXEMPT SIGNS BY ZONING DISTRICT							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
SIGN TYPE								
Holiday Sign.	NP	NP	NP	P	P	P	P	P
				Sign(s) not permitted in any public right-of-way. Permitted to be displayed thirty (30) days before the holiday and are to be removed within ten (10) days of the holiday conclusion.				
Integral Identification Feature	NP	NP	NP	P	P	P	P	P
				Permanent Integral Identification Feature				
Interior Sign	NP	NP	NP	P	P	P	P	P
				Any Sign which is located completely within an enclosed building and is not visible from the outside of the building				
Internal Sign	NP	NP	NP	P	P	P	P	P
				Signs internal to a site or property that cannot be read from any off-site location, such as menu boards, credit card decals				
Mural (Temporary or Permanent)	NP	NP	NP	P	P	P	P	P
				Not permitted to display or incorporate logos, images or items not directly related to the use (business or services) on the property.				

P= Permitted; NP = Not Permitted

* = Square footage

⌘ = Feet

7.15 POLITICAL OR EXPRESSION SIGNS. Political signs and signs of personal expression shall be permitted subject to the conditions set out in Table 7.15 of this Section.

TABLE 7.15 POLITICAL OR EXPRESSION SIGNS	
The following is recited from IC §36-1-3-1.1. From time to time the Indiana Code (IC) is amended. If IC §36-1-3-11 is amended after the effective date of this Ordinance, IC §36-1-3-11 as amended shall supersede this Ordinance.	
Number:	
	Maximum number shall be equal to the number of offices on the local ballot.
Maximum Sign Area	
	Thirty-two (32) square feet.
Maximum Sign Faces:	
	Two (2) face signs only one (1) face considered in area calculations, if faces are back-to-back
	AND;
	Angle between faces not greater than fifteen degrees (15°).
Duration:	
	Beginning sixty (60) days prior to the election.
	Ending on the sixth (6th) day after the election.
Illumination:	
	Not permitted.

7.16 SIGN, TEMPORARY

7.16.1 Temporary Signs shall comply with the conditions specific to the temporary signs as set out in Table 7.16 of this Ordinance.

7.16.2 Improvement Location Permits are required for Temporary Signs.

7.16.3 No Temporary Sign shall be used as a permanent sign.

	TABLE 7.16 TEMPORARY SIGN BY ZONING DISTRICT							
	RE; R-1; R-2	MF	MH	B-1	B-2	CBD	I-1	I-2
SIGN TYPE								
Banners	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Sign Area *				24	24	24	24	24
				Limited to Thirty (30) calendar days in any four (4) calendar months.				
Contractor Sign	P	P	P	P	P	P	P	P
Maximum Number	2	2	2	2	2	2	2	2
Maximum Area per Sign *	6	6	6	32	32	32	32	32
Maximum Height above grade ✦	2	2	2	10	15	2	20	20
	All contractor signs shall be removed when construction activity ceases.							
Employment Signs (seeking employees)	NP	P	P	P	P	P	P	P
Maximum Number.		1	1	1	1	1	1	1
Maximum Sign Area. *		32	32	32	32	32	32	32
Maximum Height. ✦		4	4	4	4	4	4	4
		Limited to Thirty (30) calendars in any Four (4) calendar month period.						
		Minimum setback Two (2) feet from public street right-of-way.						

	TABLE 7.16 (continued) TEMPORARY SIGN BY ZONING DISTRICT							
	RE; R-1; R-2	MF	MH	B-1	B-2	CBD	I-1	I-2
SIGN TYPE								
Not (Non) of Profit Organization Special Event Signs	P	P	P	P	P	P	P	P
	Off-site premises signs are permitted.							
	Off Site Premises sign permitted to indicate the Special Event Name and Location.							
	Off Site Premises Signs to be displayed no earlier than One (1) calendar month prior to the special event.							
	Off Site Premises signs to be removed no later than Two (2) hours after the Special Event closes or ceases operation.							
	Off Site Premises sign shall not exceed Six (6) square feet							
	Off Site Premises sign shall not exceed Four (4) feet in height							
	Off Site Premises sign shall not be located in the public street right-of-way							
	Off Site Premises sign shall not be located within the Visual Clearance at Intersections							
	Off Site Premises signs shall have a minimum separation distance of Five Hundred (500) feet between any two (2) such off-premises signs including those on opposite sides of a streets, except where there is a community service central display							
Pennants, Streamers, and any combination	NP	NP	NP	P	P	P	P	P
				Limited to Thirty (30) calendar days in any Four (4) calendar month period.				
Real Estate – “For Sale” or “For Lease”	P	P	P	P	P	P	P	P
Maximum Number per property	1	1	1	1	1	1	1	1
Maximum Number per property located on a corner lot.	2	2	2	2	2	2	2	2
Maximum Sign Area. *	6	32	6	32	32	32	32	32
New Subdivision advertising sale of vacant lots.	1	1	1	1	1	1	1	1
Maximum Sign Area. *	32	32	32	32	32	32	32	32
Minimum Setback	Two (2) feet from the public street right-of-way. Signs shall not be located in the Visibility Clearance at Intersections.							

	TABLE 7.16 (continued) TEMPORARY SIGN BY ZONING DISTRICT							
	RE; R-1; R-2	MF	MH	B-1	B-2	CBD	I-1	I-2
SIGN TYPE								
Real Estate – “Open House”	P	P	P	P	P	P	P	P
Maximum Sign Number of Signs	1	1	1	1	1	1	1	1
Maximum Area of Sign *	6	6	6	6	6	6	126	12
Maximum Height Above Finished Grade. †	3	3	3	3	3	3	3	3
	Signs Setback and Minimum of Two (2) Feet from Public Street Right-of-Way							
	Signs to be displayed no earlier than Two (2) days prior to “Open House”							
	Signs to be removed within Two (2) hours of the posted end time of the “Open House”							
Sandwich Board	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Area. *				8	8	6	12	12
Maximum Height from Finished Grade or Walking Surface to top of Sign. †				4	4	4	4	4
				Located within Ten (10) feet of primary entrance door				
				Permitted for Seven (7) consecutive days. Four (4) time in One (1) Calendar Year.				
Sponsorship	NP	NP	NP	P	P	NP	P	P
				Limited to the inside of Athletic Fields.				
				Limited to Ninety (90) calendar days in One(1) calendar Year.				
				Face of Signs shall be oriented to the interior of the athletic fields.				
				Face of Signs shall not be visible from the public street right-of-way.				
Yard Cards	P	P	P	P	P	P	P	P
Maximum Number	1	1	1	1	1	1	1	1
Maximum Area. *	32	32	32	32	48	32	48	48
Maximum Height from Finished Grade to Top of Yard Card. †	6	6	6	6	6	6	6	6
Time Limits	Limited to Five (5) Calendar Days in One (1) Calendar Year.							

P = Permitted; NP = Not Permitted; * = Square Feet; † = Feet

7.17 LANDSCAPING AT SIGNS.

See Chapter 6 of this Ordinance.

7.18 REQUIREMENTS FOR SIGNS BY SIGN TYPE.

7.18.1 The following development requirements shall apply to each sign type.

7.18.1.1 Table 7.18 provides additional specifications for each permitted permanent sign type.

7.18.1.2 Sign Area calculated based upon street or road frontage.

Where the permitted sign area (square feet) is calculated based on building or tenant space fronting on a public street, private street, or road and building or tenant space and the building or tenant spaces does not front on a public street, private street, or road, and access to the property is by easement the permitted sign area (square footage) shall be calculated based on the façade of the primary entrance to the building or tenant space

7.18.2 Awning Signs.

7.18.2.1 Awning signs shall be considered a wall sign and shall count toward the total square footage of wall signs permitted.

7.18.2.2 Awning signs shall contain printing or sewn on lettering.

7.18.2.3 Awnings signs shall be mounted on the façade of the principle structure.

7.18.2.4 Awnings shall be a minimum of eight and one-half feet (8 ½') above finished grade level or walking surface.

7.18.2.5 Awning signs shall not be backlit.

7.18.3 Canopy Signs.

7.18.3.1 Posters, and placards shall not be affixed to the column supports for any canopy.

7.18.3.2 Signage affixed to a canopy are included in the total allowable area for signage.

7.18.3.3 Signage affixed to the canopy shall not exceed an area equal to twenty-five percent (25%) of the face area of the canopy.

7.18.3.4 Graphic striping, patterns, or color bans on the face of the canopy shall be considered as signage.

7.18.4 Changeable Copy Signs.

7.18.4.1 Changeable copy sign is considered a wall sign or part of a wall sign.

7.18.4.2 Changeable copy signs are permitted as part of the total sign; provided the changeable copy display is static, and the copy is manually changed.

7.18.4.3 The combined area of the changeable copy sign and the non-changeable elements of the sign shall not exceed seventy-five percent (75%) in area of the permitted area for a Wall Sign.

7.18.5 Contractor Signs.

7.18.5.1 Signs posted on property where construction is performed and said sign identifying specific contractor performing said work shall be permitted as set out in Table 7.16.

7.18.5.2 Contractor signs shall not be located in a public right-of-way.

7.18.6 Development Complex Center Signs.

7.18.6.1 Development Complex Center under common ownership or management with shared parking shall be permitted one (1) freestanding sign for the single lot which describe the complex as a whole.

7.18.6.2 The free-standing sign is permitted to identify individual businesses (tenants).

7.18.7 Development Entry Sign or Subdivision Entry Signs.

7.18.7.1 Development entry signs are permitted as follows:

- A. Multi-Family Developments
- B. Manufactured Home Community
- C. Platted Subdivision (residential, commercial, industrial) where the primary entrance is specifically for the development or subdivision.

7.18.7.2 Development entry signs shall be ground/monument type entrance signs, with landscaping, and decorative walls.

7.18.7.3 Sign Height.

The natural grade shall not be altered by mounding, berm, landscaping, or other similar alterations to determine maximum height above finished grade

7.18.7.4 Setback.

- A. Development signs shall be permitted to be setback a minimum of two feet (2') feet from any right-of-way, except when placed in a median of a boulevard.
- B. Development entry sign(s) shall not be placed in the required visible sight clearance as set out in Section 4.16 of this Ordinance.

7.18.7.5 Features.

Ground/monument development or subdivision entry signs shall incorporate design features into the structure such as decorative brick or stone walls, lighting, and landscaping.

7.18.8 Directional Signs.

- 7.18.8.1 Directional signs which do not comply with the requirements of Table 7.14 shall comply with the requirements for signs as set out in this Chapter.

7.18.9 Directory Signs.

- 7.18.9.1 Directory Signs which do not comply with Table 7.14, shall comply with the requirements for signs as set out in this Chapter.

7.18.10 Electronic Message Boards.

7.18.10.1 Electronic message boards shall comply with the following.

A. Location.

1. Electronic message boards shall not be permitted in residential zoned districts.
2. Electronic message boards shall not be permitted within one-hundred twenty-five feet (125') of a signalized intersection.
3. Electronic message boards shall be located on the site of the use identified or advertised by the electronic message board sign.

B. Setback.

1. The leading edge of any electronic message boards shall be one-hundred fifty feet (150') from residential Zoned District.
2. The leading edge of any electronic message boards shall be one-hundred fifty feet (150') feet from any residential use, not located within a residential Zoning District.
3. Electronic message boards shall be separated from all other electronic message boards by a minimum of fifty feet (50').

C. Orientation.

Electronic message boards that are within one-hundred fifty feet (150') of residential uses shall be oriented such that no portion of the electronic message board is visible from a residential use.

D. Duration.

The electronic message boards copy shall not change more than once every twelve (12) seconds.

E. Hours of operation.

Electronic message boards located within six hundred feet (600') of a residential use shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

F. Brightness.

1. Electronic message boards shall not exceed four-hundred sixty (460) foot-candle during daylight hours, or,
2. Forty-six (46) foot-candles between one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise.
3. All electronic message boards shall be equipped with an ambient dimmer control and a black background.

7.18.11 Freestanding Signs.

7.18.11.1 Freestanding signs where, permitted shall be limited to one (1) maximum.

7.18.11.2 Freestanding signs are required to be provided with landscaping in accordance with Chapter 6, of this Ordinance.

7.18.11.3 Construction.

- A. Ground/monument sign base shall be constructed of decorative brick, stone, or masonry.
- B. Ground/monument sign structures shall be constructed of decorative brick, stone, or masonry, stucco, wood, or metal.

7.18.12 Flags: Governmental and Institutional.

7.18.12.1 Flag(s) of any country, state, local government or institution of higher learning, shall comply with Table 7.14 in this Chapter.

7.18.13 Integral Identification Feature Signs.

7.18.13.1 Integral Identification Feature Sign as defined in Chapter 2, are except from this Chapter.

7.18.14 Internal Signs.

7.18.14.1 Internal Sign which do not comply with Table 7.14 of this Chapter, shall comply with the requirements of this Chapter 7.

7.18.15 Marquee Signs.

- 7.18.15.1 Marquee Signs are affixed to and located at the building's primary entrance;
- 7.18.15.2 Illumination is either internal or indirectly illuminated;
- 7.18.15.3 Marquee sign may include manual changing copy, and the sign copy shall be changed manually;
- 7.18.15.4 Electronic message copy or mechanical sign copy is not permitted;
- 7.18.15.5 Marquee signs shall not be visible from property used as residential; and,

7.18.16 Model Home or Temporary Sales Facility Signs.

- 7.18.16.1 Wall, awning, or ground signs shall be permitted on the lot of the sales facility.
- 7.18.16.2 Sales facility signs shall not exceed thirty-two (32) square feet.
- 7.18.16.3 Individual model homes may have one (1) sign not to exceed four (4) square feet and shall be placed a minimum of ten (10) feet from a public right-of-way and ten feet (10') from an adjacent property line.
- 7.18.16.4 Signs shall not be located in the required visual clearance at intersections.

7.18.17 Projecting or Blade Signs.

- 7.18.17.1 A maximum of one (1) projecting or blade sign is permitted per tenant per street frontage.
- 7.18.17.2 A minimum separation of one-hundred feet (100') shall be provided between all projecting or blade signs on the same building façade.
- 7.18.17.3 Projecting or blade sign area is included in the total allowable area for all signs.
- 7.18.17.4 Projecting or blade signs shall be located adjacent to the tenant's lease space.

7.18.18 Time and Temperature sign.

- 7.18.18.1 No more than one (1) time and temperature sign shall be permitted per street frontage.
- 7.18.18.2 Time and temperature signs shall be permitted as part of a wall or freestanding sign.
- 7.18.18.3 Time and temperature signs shall count toward total allowable sign area.
- 7.18.18.4 Time and temperature signs may not include any commercial messages or other changeable copy (electronic or manual).
- 7.18.18.5 The illumination of the copy shall not cause glare to be inflicted upon adjacent property or the traveling public.
- 7.18.18.6 Time and temperature sign components shall not be subject to the duration limitations placed on electronic message boards.

7.18.19 Unified Development Complex Sign.

- 7.18.19.1 Freestanding unified development complex sign is a combination of a primary element and secondary elements.
- 7.18.19.2 The primary element of the freestanding sign is the sign for unified development stating the name of unified development.
- 7.18.19.3 Secondary elements which are smaller and a part of the unified development sign, may name other uses or tenants within the unified development.

7.18.20 Wall Sign.

- 7.18.20.1 The total wall sign area permitted shall be calculated using the area of all façades facing a public or private street.
- 7.18.20.2 The calculation shall include the area of windows, doorways, and other similar features.
- 7.18.20.3 Wall signs shall not project more than twelve inches (12”) from the wall.

7.18.21 Multiple Tenant Space Signs.

7.18.21.1 Multiple Ground Floor Tenant spaces.

- A. For buildings with multiple ground floor tenants, the sign area shall be calculated by taking the tenants portion of the front façade of the building applicable to each tenant and computing sign requirements based only on that portion of the total wall length.
- B. Each ground floor tenant space shall be considered a separate tenant space when separated from adjoining tenant space and each tenant has a separate entrance to the outside.

7.18.21.2 Multi-story / Multi-user Buildings.

- A. Multi-story buildings with separate ground floor tenant spaces and upper floor tenant spaces with a façade fronting on a public or private street shall be used to calculate both the allowed sign area for ground floor tenants and upper floor tenants.

7.18.21.3 Sign Mounting Location.

- A. Wall signs for a specific ground floor or upper floor tenant in a multi-tenant structure shall be located on a wall associated with that tenants' space.
- B. Wall signs may not extend above or beyond the wall on which they are mounted.

7.18.22 Warning sign.

- 7.18.22.1 Warning signs which state, "No Swimming", and "No Ice-Skating" shall be posted at all detention and retention ponds.

- 7.18.22.2 Where a pond is stocked with fish or where fishing may otherwise be possible, a sign shall be posted warning that "anyone under the age of 18 must be accompanied by an adult."

7.18.23 Window Sign.

- 7.18.23.1 Where window signs are installed as a permanent sign the area of the window sign is included in the total sign area permitted.
- 7.18.23.2 Window signs shall comply with the requirements of this Chapter for permanent signs.
- 7.18.23.3 Where window signs are to be a temporary window sign as set out in Table 7.16 and comply with the requirements set out in Table 7.16 the window sign is exempt from complying this Chapter.

7.18.24 Permitted Signs, Table 7.18 User References.

- 7.18.24.1 Maximum sign area is the total square footage.
- 7.18.24.2 Height is dimensioned in feet.
- 7.18.24.3 All signs labeled as (P) (permitted) shall be permitted for any use in the applicable Zoning District.
- 7.18.24.4 All signs labeled as (NP) (not permitted) are signs which are not permitted in the applicable zone district. A Development Standards Variance approved by the Rushville Board of Zoning Appeals would be required for those signs identified as NP.
- 7.18.24.5 All signs labeled as (SE) (special exception) require approval by the Rushville Board of Zoning Appeals.
- 7.18.24.6 Table 7.18 Sign Area Calculation provides the lineal foot multiple for the building fronting on a Public or Private Street.



Figure 11. Determination of Lineal Footage

- 7.18.24.7 Table 7.18 Total aggregate sign area is the sum total sign area permitted. Multiple types of signs are permitted; however, the maximum number of each permitted shall not be exceeded.

7.18.24.8 Table 7.18 sets out permitted permanent signs by type permitted in each Zoning District.

TABLE 7.18 REQUIREMENTS BY SIGN TYPE								
SIGN BY TYPE	Permanent Signs by Zoning District							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
Sign Area Calculation and Total Aggregate Area of all signs permitted.								
Lineal Foot of Building Fronting on Public Street Right-of-way or Private Street		1.5	1.5	1.5	1.5	1.5	2.0	2.0
Total Aggregate Sign Area for all Signs		100	100	200	300	100	300	300
Awning Sign	NP	NP	NP	P	P	P	P	P
Maximum Number Permitted				1	1	1	1	1
Maximum Sign Area								
Minimum Height above finished grade or walking surface.				8.5	8.5	8.5	8.5	8.5
Canopy Sign	NP	NP	NP	SE	P	P	P	P
Maximum Number Permitted Per Canopy Face				2	2	1	2	2
Percent of Sign Area Per Canopy Face				25%	25%	25%	25%	25%
Change Copy Sign	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Sign Area				12	12	12	12	12
Unified Development Complex Sign	NP	NP	NP	SE	P	NP	P	P
Maximum Number				1	1		1	1
Maximum Area for Each Tenant				6	6		12	12
Total Sign Area				200	200		300	300
Maximum Height				10	15		20	20

TABLE 7.18 (continued)
REQUIREMENTS BY SIGN TYPE

SIGNS BY TYPE	Permanent Signs by Zoning District							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
Sign Area Calculation and Total Aggregate Area of all signs permitted.								
Lineal Foot of Building Fronting on Public Street Right-of-way or Private Street		1.5	1.5	1.5	1.5	1.5	2.0	2.0
Total Aggregate Sign Area for all Signs		100	100	200	300	100	300	300
Development Entry Sign – Subdivision Entry Sign	P	P	P	P	P	NP	P	P
Maximum Number Permitted 1 = 1 (one) double sided Sign 2 = 2 (two) single sided signs	1	1	1	1	1 or 2		1 or 2	1 or 2
Maximum Sign Area	32	32	32	48	48		48	48
Maximum Sign Height	4	4	4	6	6		6	6
Electronic Message Board	NP	NP	NP	SE	P	SE	P	P
Percentage of Sign Face Area when incorporated into or as a part of another Sign.				20%	40%	10%	40%	40%
Percentage of Sign Face Area when incorporated into Canopy Face				25%	50%		50%	50%
Maximum Sign Area when NOT incorporated into or as a part of another sign.				32	48	32	48	48
Maximum Height				6	6	6	6	6
Freestanding Sign (Single Use Lot) includes Ground Sign; Monument Sign and Pylon Sign	NP	P	P	P	P	NP	P	P
Maximum Number		1	1	1	1		1	1
Maximum Sign Area		75	75	100	100		200	200
Maximum Height		4	4	6	8		10	10

TABLE 7.18 (continued)
REQUIREMENTS BY SIGN TYPE

SIGNS BY TYPE	Permanent Signs by Zoning District							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
Sign Area Calculation and Total Aggregate Area of all signs permitted.								
Lineal Foot of Building Fronting on Public Street Right-of-way or Private Street		1.5	1.5	1.5	1.5	1.5	2.0	2.0
Total Aggregate Sign Area for all Signs		100	100	200	300	100	300	300
Marquee Sign	NP	NP	NP	SE	SE	P	P	P
Maximum Number						1	1	1
Maximum Sign Area				100	100	100	200	200
Maximum Height above walking surface.				8	8	8	8	8
Projecting or Blade Sign	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Sign Area				24	24	24	32	32
Maximum Horizontal Projection from front façade				4	4	6	6	6
Maximum Height above walking surface				8	8	8	8	8
Suspended Sign	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Sign Area				12	12	12	24	24
Maximum Height above walking surface				8	8	8	8	8
Time and Temperature Sign	NP	NP	NP	P	P	P	P	P
Maximum Number				1	1	1	1	1
Maximum Sign Area				12	12	12	12	12

TABLE 7.18 (continued)
REQUIREMENTS BY SIGN TYPE

SIGNS BY TYPE	Permanent Signs by Zoning District							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
Sign Area Calculation and Total Aggregate Area of all signs permitted.								
Lineal Foot of Building Fronting on Public Street Right-of-way or Private Street		1.5	1.5	1.5	1.5	1.5	2.0	2.0
Total Aggregate Sign Area for all Signs		100	100	200	300	100	300	300
Wall Sign								
* Bed and Breakfast Home	P*	P*	P*	NP	NP	NP	NP	NP
* Maximum Number	1	1	1					
* Maximum Sign Area	12	12	12					
Single Tenant Building Use or Ground Floor Multi-Tenant Use	NP	P	P	P	P	P	P	P
Maximum Number of Signs for each public street frontage per tenant		1	1	1	1	1	1	1
Maximum Percent of Front Wall fronting on street per Tenant Use		10%	10%	15%	15%	10%	15%	15%
Maximum Sign Area per Tenant use		32	32	32	48	32	48	48
Maximum Aggregate Sign area all Wall Signs		100	100	100	150	100	100	100
Multi-Tenant - Upper Floors Uses	NP	NP	NP	P	P	P	NP	NP
Maximum Sign Number of Signs per Tenant Use				1	1	1		
Maximum Percent of Front Wall fronting on street per Tenant Use				15%	15%	15%		
Maximum Sign Area per Tenant use				32	48	32		
Maximum Aggregate Sign area all Wall Signs				100	150	100		

TABLE 7.18 (continued) REQUIREMENTS BY SIGN TYPE								
SIGNS BY TYPE	Permanent Signs by Zoning District							
	RE; R-1; R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2
Sign Area Calculation and Total Aggregate Area of all signs permitted.								
Lineal Foot of Building Fronting on Public Street Right-of-way or Private Street		1.5	1.5	1.5	1.5	1.5	2.0	2.0
Total Aggregate Sign Area for all Signs		100	100	200	300	100	300	300
Window Sign	NP	NP	NP	P	P	P	P	P
Maximum Number of Signs				1	1	1	1	1
Percent of Window Area				10%	10%	15%	25%	25%
Maximum Sign Area				20	20	20	20	20

Area = Square Feet

CHAPTER 8

SECTION 8.0 - NON-CONFORMING USES

8.1 INTENT

Upon adoption of this Ordinance structures, lots, uses, and signs that were previously established and complied with all applicable requirements of previously adopted Zoning Ordinance, may no longer conform to the regulations of the Zoning District in which they are located.

8.2 GENERAL

8.2.1 This Chapter provides the rules, policies and regulations that apply to nonconforming structures, lots, uses, site features, and signs; referred to as Legal Nonconforming. This Ordinance is to allow legally existing nonconforming structures, lots, uses, site features, and signs to continue in productive use.

8.2.2 This Chapter is to inform property owners of the options for using, maintaining, and modifying nonconforming structures, lots, uses, site features, and signs, and to support the gradual elimination of the nonconformities.

8.2.3 This Ordinance.

8.2.3.1 Recognize the interests of property owners in continuing to use their property.

8.2.3.2 Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

8.2.4 Effect on previous Variances, Special Exceptions, or other approvals.

8.2.4.1 Structures, buildings, lots, uses, site features, and signs that are nonconforming due to prior variance, special exception, or other Approvals shall not be subject to the provisions of this Article, but shall be considered conforming as long as the structure, building, lot, use, site feature, and sign continue to comply with the terms and conditions of their approval.

8.2.4.2 The casual, intermittent, temporary, or illegal use of land, buildings or premises shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot or tract shall not be construed

to establish a nonconforming use on the entire lot or tract.

8.2.5 Determination of Conforming, Legal Nonconforming, and Illegal Nonconforming.

8.2.5.1 Each structure, use, lot, site features, and sign are either "conforming" or "nonconforming."

A. Conforming.

Conforming as used describes a structure, use, lot, site features, or sign as being in full compliance with the current City of Rushville Zoning Ordinance.

B. Nonconforming.

1. Nonconforming is used to describe a structure, use, lot, site feature, or sign that is in violation of the current City of Rushville Zoning Ordinance. Nonconforming structures, uses, lots, site features, and signs are either "illegal nonconforming" or "legal nonconforming".

2. The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be solely upon the owner of such nonconformity

C. Legal Nonconforming.

1. Structures.

a. A structure (not including signs) that does not meet one (1) or more development standards of the City of Rushville Zoning Ordinance but was legally established prior to the effective date of current City of Rushville Zoning Ordinance shall be deemed a legal nonconforming structure.

b. Legally established includes structures approved by Development Standards Variance as long as they continue to conform to the terms of approval.

2. Use.

a. The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, and the use is no longer permitted by the City of Rushville Zoning Ordinance in the Zoning District in which it is located, shall be deemed a legal nonconforming use.

b. Legally established includes uses approved by use variance, special exception, as long as they continue to conform to the terms of approval.

3. Lot.
- a. A lot that does not meet one (1) or more lot standards of the City of Rushville Zoning Ordinance but was legally established and recorded in the Rush County Recorder's Office prior to the effective date of current City of Rushville Zoning Ordinance, as amended from time to time, shall be deemed a legal nonconforming lot of record.
 - b. No division of land shall be made after the effective date of this Ordinance which creates a lot in which the lot area and width do not comply with the development requirements of the Zoning District.
 - c. Legally established includes lots approved by development standards variance, as long as they continue to conform to the terms of approval
4. Signs.
- a. A sign (not including all other structures) that does not meet one (1) or more development standards of the City of Rushville Zoning Ordinance but was legally established prior to the effective date of current City of Rushville Zoning Ordinance shall be deemed a legal nonconforming sign.
 - b. Legally established includes signs approved by Development Standards Variance as long as they continue to conform to the terms of approval.
 - c. Any sign located in the public right-of-way shall not be considered a legal nonconforming sign.
5. Site Features.
- a. Any site feature or improvement, such as, but not limited to:
 - i. Landscaping;
 - ii. Parking;
 - iii. Dumpster location including enclosures;
 - iv. Architectural;lawfully established prior to the effective date of the current City of Rushville Zoning Ordinance, as amended from time to time, no longer complies with the applicable development standards shall be deemed a legal nonconforming site features.

D. Illegal Nonconforming.

Illegal nonconforming use shall not be validated by the adoption of this Ordinance.

1. Structure.

A structure (not including signs) constructed in violation of the City of Rushville Zoning Ordinance that was in effect when the structure was constructed, remains a violation of the Current City of Rushville Zoning Ordinance is an illegal nonconforming structure.

2. Use.

A use that was in violation of the City of Rushville Zoning Ordinance that was in effect when the use was initiated, and which remains in violation of the current City of Rushville Zoning Ordinance is an illegal nonconforming use.

- a. In addition, a legal nonconforming use which is abandoned as described in this Chapter shall be considered an illegal nonconforming use.

3. Lot.

A lot established in violation of the City of Rushville Zoning Ordinance or City of Rushville Subdivision Control Ordinance that was in effect at the time of establishment, and which remains in violation of the current City of Rushville Zoning Ordinance is an illegal nonconforming lot.

4. Sign.

A sign (not including all other structures) constructed in violation of the City of Rushville Zoning Ordinance that was in effect when the sign was constructed, and which remains in violation of the current City of Rushville Zoning Ordinance is an illegal nonconforming sign.

5. Site Features.

Any site feature or improvement, such as, but not limited to:

- a. Landscaping;
 - b. Parking;
 - c. Dumpster location including enclosures;
 - d. Architectural,
- in violation of the City of Rushville Zoning Ordinance that was in effect when the site features were constructed or installed, and which remains in violation of the current City of Rushville Zoning Ordinance, as amended from time to time, are an illegal nonconforming site feature.

8.2.6 Repairs & Maintenance.

8.2.6.1 The following applies to legal nonconforming structures, signs, uses of structures, or uses of structures and land, in combination.

A. Structures:

- 1. Incidental repairs and normal maintenance of nonconforming structures shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Ordinance.
- 2. Ordinary repair, maintenance and replacement of interior finishes, heating and/or air conditioning systems, electrical systems, or plumbing system are permitted.

B. Signs.

- 1. Repair and maintenance on a legal nonconforming sign does not permit an increase in sign area or alteration to the sign shape.
- 2. The sign face(s) and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided the nonconformity of the sign is not increased.

C. Structures Declared Unsafe.

Nothing in this Chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the City of Rushville.

8.2.7 Replacement of Nonconformities.

8.2.7.1 Any nonconforming use, structure, site feature, sign, lot, or other characteristic that is lessened in its nonconformity or replaced by a conforming use, structure, site feature, sign, lot, or other characteristic the original nonconformity shall not be restored.

8.2.7.2 A legal nonconforming single-family dwelling located in any non-residential Zoning District is damaged or destroyed by fire, explosion, flood, or other disaster maybe reconstructed using the same building footprint as the damaged or destroyed building and may not be enlarged beyond the existing building footprint.

8.2.8 Change of Tenancy or Ownership.

Change of tenancy or ownership shall not affect the nonconforming status of a property or use, provided that there is no change in or expansion of the use or nonconformity.

8.3 LEGAL NONCONFORMING LOTS.

8.3.1 Legal Lot of Record.

8.3.1.1 Legal nonconforming lots of record may be built upon only if:

- A. The proposed use is permitted in the Zoning District; and,
- B. Compliance with the development standards requirements of:
 - 1. Setback; front, side and rear.
 - 2. Height; primary and accessory; and,
 - 3. Building area.

8.3.2 Loss of Legal Nonconforming Lot Status.

8.3.2.1 Combining Lots Resulting in Conforming Lot.

If a legal nonconforming lot is combined with an adjacent lot as a single unit for development purposes, and the two (2) lots in combination creates a single conforming lot, the legal nonconforming lot(s) shall lose its (their) legal nonconforming status.

8.3.2.2 Once two (2) lots are combined, no future subdivision may occur, except in accordance with this Ordinance and the City of Rushville Subdivision Control Ordinance, as amended from time to time.

8.4 LEGAL NONCONFORMING STRUCTURES

8.4.1 Continuance.

A conforming use in a legal nonconforming structure in existence at the time of the adoption of the current City of Rushville Zoning Ordinance, as amended from time to time, may be continued.

8.4.2 Expansion.

8.4.2.1 A legal nonconforming building with a conforming use may be permitted to expand in area (square footage) and height, as long as the nonconformity is not increased and the expansion meets the requirements of the current requirements of the Rushville Zoning Ordinance, as amended from time to time.

8.4.2.2 If a nonconforming structure is expanded in such a manner to require site features, the required site features shall be provided

8.4.3 Loss of Legal Nonconforming Structure Statue.

8.4.3.1 If the legal nonconforming structure's use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or lot shall comply with the requirements of the currently adopted City of Rushville Zoning Ordinance, as may be amended from time to time.

8.4.3.2 If a legal nonconforming structure is fully removed or razed, the structure shall lose its legal nonconforming status.

8.4.3.3 If a legal nonconforming structure is partially removed or razed which results in a loss of either seventy percent (70%) of its square footage, the remaining structure shall lose its legal nonconforming status and become an illegal nonconforming structure.

8.4.4 Legal Nonconforming Manufactured Home Community.

8.4.4.1 The periodic replacement of individual manufactured homes located in legal nonconforming manufactured home community shall be permitted.

8.4.4.2 The placement of the new manufactured home shall not increase any nonconforming setback or other site feature.

8.4.4.3 Abandonment

A legal nonconforming Manufactured Home Community which does not maintain the required two (2) occupied manufactured homes for twelve (12) months or more, is abandoned and shall lose its legal nonconforming status.

8.5 LEGAL NONCONFORMING USES

8.5.1 Existing nonconforming use.

Legal nonconforming use of a building, structure, or lot, existing at the time of the adoption of the current City of Rushville Zoning Ordinance, as it may be amended from time to time, may have the use continued although the use does not conform to the provisions of this Ordinance.

8.5.2 Change of Use to a Different Nonconforming Use.

8.5.2.1 No structural alterations are permitted to be made to accommodate a different nonconforming use.

8.5.2.2 The change of use to a different nonconforming use shall be similar to the existing nonconforming use.

A. As applied in this Chapter, a similar use shall be considered within the same land use categories as outline in Chapter 3 Zoning Districts in this Ordinance.

8.5.2.3 If the change of use to a dissimilar use as outlined in the land use categories in Chapter 3, Zoning Districts in this Ordinance, shall require approval of a Use Variance granted by the City of Rushville Advisory Board of Zoning Appeals.

8.5.3 Change of Use to Conforming Use.

8.5.3.1 Change of Use to Permitted Use.

- A. A nonconforming use may be changed to any use permitted in the applicable Zoning District as set out in Chapter 3 of this Ordinance, as amended from time to time, and shall comply with the requirements of the Zoning District in which the conforming use is located.
- B. Once the nonconforming use is changed to a permitted use, the nonconforming use may not be resumed.

8.5.4 Loss of Legal Nonconforming Use.

8.5.4.1 Abandonment of Use.

If a legal nonconforming use is abandoned or is discontinued for twelve (12) months or more, except when a government action impedes access to the premises, it shall lose its legal nonconforming status.

8.5.4.2 Any subsequent use shall conform to the provisions of the current Rushville Zoning Ordinance.

8.5.4.3 Change of Use to different Nonconforming Use.

The nonconforming use shall not be permitted to change to a different nonconforming use.

8.6 LEGAL NONCONFORMING SITE FEATURES

8.6.1 Any legal nonconforming site features existing at the time of the adoption of the current City of Rushville Zoning Ordinance, as it may be amended from time to time, may be continued.

8.6.2 Legal nonconforming site features shall not be altered, removed, or modified to increase the amount of nonconformity.

8.6.3 Site features may be modified to lessen the extent of nonconformity, to bring the site features toward compliance.

8.6.4 When there is a change of use the nonconforming site features shall be required to comply with the features for the new use.

8.6.5 If a nonconforming structure is expanded the site features shall be required to comply with the requirements of this Ordinance.

8.7 LEGAL NONCONFORMING SIGN

8.7.1 Continuance.

- 8.7.1.1 Any legal nonconforming sign existing at the time of the adoption of the current City of Rushville Zoning Ordinance, as amended from time to time, may be continued

8.7.2 Change of Copy.

- 8.7.2.1 Any legal nonconforming sign shall be permitted to change the copy or sign face.
- 8.7.2.2 Change of the copy or sign face of any legal nonconforming static display is not permitted to be converted to an electronic message board, unless the legal nonconforming sign is brought into compliance with the currently adopted City of Rushville Zoning Ordinance, as may be amended from time to time.
- 8.7.2.3 The change of copy or sign face does not permit any changes to the structure, framing material, or the dimension of the legal nonconforming sign.

8.7.3 Relocating Sign.

- 8.7.3.1 Legal nonconforming signs shall not be relocated, moved, reconstructed, extended, enlarged, unless brought into compliance with the provisions of this Ordinance.
- 8.7.3.2 If relocation of a legal nonconforming sign is required due to acquisition of public right-of-way, the relocation shall comply with the currently adopted City of Rushville Zoning Ordinance, as may be amended from time to time.

8.7.4 Conversion for Longevity.

Structural components of a legal nonconforming sign to more permanent material to prolong longevity of nonconformity is not permitted.

8.7.5 Natural Weather Acts and Vehicular Damage.

- 8.7.5.1 If a legal nonconforming sign is damaged from acts of weather resulting in a loss of either seventy percent (70%) of the legal nonconforming signs fair market value or seventy percent (70%) of the legal nonconforming sign structure, the reconstruction shall be in accordance with the currently adopted City of Rushville Zoning Ordinance, as it may be amended from time to time.

8.7.5.2 Legal nonconforming signs damaged by vehicles, including semi-tractor trailers resulting in a loss of either seventy percent (70%) of the legal nonconforming signs fair market value or seventy percent (70%) of the legal nonconforming sign structure, the reconstruction of shall be in accordance with the currently adopted City of Rushville Zoning Ordinance, as it may be amended from time to time.

8.7.6 Loss of Legal Nonconforming Sign Status.

8.7.6.1 Abandoned Sign.

A. If a legal nonconforming sign is abandoned or no longer in use for the business or tenant for twelve (12) or more months, the sign shall lose its legal nonconforming status and shall become an illegal nonconforming sign.

B. Abandoned signs shall lose any and all approved associated Development Standards Variances approved by the City of Rushville Advisory Board of Zoning Appeals.

8.7.6.2 If a legal nonconforming sign, through lack of maintenance is declared as a physical or unsafe condition shall lose its legal nonconforming status and become an illegal nonconforming sign.

8.7.6.3 If the building or structure associated with the legal nonconforming sign, is either removed or razed in full or partially, the legal nonconforming sign shall lose its legal nonconforming status and become an illegal nonconforming sign.

8.7.6.4 If removal of the sign is required due to the loss of legal - nonconforming status, the structural supports of said sign such as poles, and framework shall also be removed.

CHAPTER 9

SECTION 9.0 - SPECIAL EXCEPTION USE

9.1 PURPOSE AND INTENT.

- 9.1.1 Special Exception Use is a use for which certain criteria shall be met before it can be established on the subject lot. The Special Exception Use shall only be permitted by the Board of Zoning Appeals.
- 9.1.2 These uses are generally consistent with the purpose of the Zoning District in which they are permitted; however, due to unique operational characteristics, such as traffic, hours of operation, noise, odor, or potential nuisance effects may not be desirable or compatible in all locations within the Zoning District, requires the evaluation of the special exception for appropriateness on a case-by-case basis.
- 9.1.3 This Chapter establishes the review procedure for special exception uses.
- 9.1.4 More specific requirements are established for specific individual uses, as necessary, to mitigate their potential negative impacts

9.2 APPLICATION.

- 9.2.1. A complete application for a Special Exception Use shall be made on forms provided by the City of Rushville Planning and Zoning Office and available on the City of Rushville's official web site.
- 9.2.2 A complete application for a Special Exception Use includes all required documentation set out within the application.
- 9.2.3 Applicable fees shall be paid at the time the Special Exception Use application is filed with the City of Rushville Planning and Zoning Office.

9.3 GENERAL REVIEW CRITERIA.

- 9.3.1 Applicant(s) requesting a Special Exception Use shall have the burden of demonstrating compliance with each of the Finding of Facts and those specific requirements for the specific uses in Section 9.4 of this Chapter.
- 9.3.2 Zoning District and Comprehensive Plan.

The proposed Special Exception Use is consistent with the intent of the Zoning District and the goals and objectives within the City of Rushville Comprehensive Plan.

9.3.3 General Welfare.

The proposed Special Exception Use will not be injurious to the public health, safety, morals and general welfare of the community.

9.3.4 Compatibility.

The proposed Special Exception Use is in harmony with adjacent land uses.

9.3.5 Character.

The proposed Special Exception Use will not adversely alter the character of the Zoning District.

9.3.6 Impact on Adjacent Area.

The proposed Special Exception Use will not substantially affect in an adverse manner adjacent property use or value.

9.3.7 Traffic.

The proposed Special Exception Use will not interfere or affect the public right-of-way traffic flow or restrict access in any way.

9.3.8 Off Street Parking and Off-Street Loading Area.

Off-street parking and off-street loading areas are provided in the numbers required for the Special Exception Use as set out in Chapter 5 of this Ordinance.

9.3.9 Refuse and Dumpsters.

Refuse services will be provided for the Special Exception Use and the dumpster placement and screening shall comply with Section 6.14.2 of this Ordinance.

9.4 SPECIFIC REQUIREMENTS BASED UPON SPECIAL EXCEPTION USE.

9.4.1 Place of Worship

9.4.1.1 The purpose of the following is to integrate a place of Worship into the fabric of the City of Rushville neighborhoods, where the residential character of the neighborhood is not severely impacted.

9.4.1.2 The scale of the place of worship, parking lots and related uses shall be compatible with abutting residential character of the surrounding neighborhood.

A. Lot Size.

1. Minimum one (1) acre.

B. Primary access to the site shall be from the Public Street Right-of-Way.

C. Parking.

1. Parking shall comply with the requirements set out in Chapter 5 of this Ordinance.

- a. The required number of off-street parking spaces may be reduced at a rate of one (1) off-street parking space for each twenty-five (25) lineal feet of street frontage for parallel parking space provided the frontage street width from curb to curb measures a minimum of thirty-two feet (32').
- b. Parallel parking spaces shall not be permitted within twenty (20) feet of a corner or intersecting street.
- c. Parallel parking spaces shall not be permitted within ten (10) feet of a driveway or alley.
- d. Parallel parking is not permitted within twenty feet (20') of a fire hydrant.

D. Exterior Lighting shall comply with Section 4.18 of this Ordinance.

E. Screening of refuse containers and dumpster shall comply with Section 6.14.2 of this Ordinance.

9.4.2 Bed and Breakfast Home

9.4.2.1 Bed and Breakfast Home shall comply with Section 4.8 of this Ordinance.

9.4.3 Short Term Rentals.

9.4.3.1 Short Term Rentals shall comply with Section 4.9 of this Ordinance.

9.5 FINAL ACTION.

9.5.1 The Board of Zoning Appeals shall make findings of fact on the criteria set out in Section 9.3 of this Chapter

9.5.1.1 Approval of findings of fact may be in the form of a general statement.

9.5.1.2 Disapproval of findings of fact shall specify the reason for disapproval.

9.5.1.3 The Board of Zoning Appeals findings of fact may approve the Special Exception Use with reasonable conditions, or;

9.5.1.4 The Board of Zoning Appeals may approve with commitments as set out in IC §36-7-4-1015, which may be amended from time to time.

9.6 COMMITMENTS AND CONDITIONS.

9.6.1 Commitment.

9.6.1.1 The Board of Zoning Appeals may require the owner to make a written commitment.

9.6.1.2 Any such commitment shall be recorded in the Rush County Recorder's Office as set out in IC § 36-7-4-1015, which may be amended from time to time.

A. A copy of any recorded commitments shall be provided to the City of Rushville Planning and Zoning Office for inclusion in the official records of the Special Exception Use application file.

9.6.2 Conditions.

The Board of Zoning Appeals may impose reasonable conditions upon as a part of the approval as deemed necessary to assure compliance with this Chapter.

9.7 DURATION:

9.7.1 Special Exception.

The granting of a Special Exception Use authorizes the use to run with the land until such time as the use conforms with the City of Rushville Zoning Ordinance; as it may be amended from time to time, unless a condition or commitment stating an official duration so stated in the approval.

9.7.2 Commitment or Condition.

A commitment or condition shall be binding on the owner of the land, and any subsequent owner of the land, and any person who acquires interest in the land.

9.8 SPECIAL EXCEPTION USE EXPANSION.

A structure or the area on a lot approved the Board of Zoning Appeals for Special Exception Use shall not be expanded, extended, or enlarged unless reauthorized by an approval granted the City of Rushville Advisory Board of Zoning Appeals.

9.9 SPECIAL EXCEPTION USE EXPANSION.

A structure or the area on a lot approved to be used by the special exception use shall not be expanded, extended, or enlarged unless reauthorized by the Board of Zoning Appeals as set out in this Chapter for granting a Special Exception Use.

9.10 EXPIRATION OF SPECIAL EXCEPTION.

If Special Exception Use has not been established within one (1) year from the date the Special Exception Use was granted by the City of Rushville Advisory Board of Zoning Appeals, the approval shall be null and void.

9.11 TERMINATION OF SPECIAL EXCEPTION USE.

9.11.1 A Special Exception Use may be terminated by the City of Rushville Advisory Board of Zoning Appeals.

9.11.1.1 Notice to Affected Party and Public Hearing:

- A. Upon determination by the City of Rushville Planning and Zoning Office that possible grounds for termination exist, the matter shall be placed on the City of Rushville Advisory Board of Zoning Appeals agenda for a public hearing.

- B. The City of Rushville Planning and Zoning Office shall notify the affected party (applicant and property owner if not the applicant) of the hearing via Certified Mail a minimum of fourteen (14) days prior to the public hearing at which the case will be heard.

9.11.1.2 At the public hearing, the Special Exception Use shall be revoked if a finding is made by the City of Rushville Advisory Board of Zoning Appeals that one (1) or more of the following is true:

- A. The finding of facts on which the approval was based has substantially changed;
- B. The execution of the approval is not consistent with a condition of approval;
- C. The execution of the approval is not consistent with a recorded written commitment, or;
- D. The approval was the result of fraud or the misrepresentation of finding of facts.

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CHAPTER 10

SECTION 10.0 - ENFORCEMENT AND PENALTIES

10.1 AUTHORITY TO ENFORCE

The authority to perform inspections, review applications, issue improvement location permits, issue citations, and to take lawful actions necessary to enforce the terms of this Ordinance as well as conditions imposed by Advisory Plan Commission, Advisory Board of Zoning Appeals Hearing Officer, and the Advisory Board of Zoning Appeals is hereby delegated to the City of Rushville Planning and Zoning Office.

10.1.1 Inspection of Property:

10.1.1.1 Standard of Inspections.

Inspections of property or structures may be conducted by the City of Rushville Planning and Zoning Office Staff at the property where the violation or alleged violation is located with permission from the owner or possessor at the time of the inspection; from a public right-of-way, from an adjacent body of water, or from an adjacent property with permission from its property owner. If requested, the City of Rushville Planning and Zoning Office Staff shall present identification and describe the purpose of the inspection.

10.1.1.2 Denial of Access to Property.

In the event the City of Rushville Planning and Zoning Office Staff is denied entry to a property or structure where there is a violation or alleged violation, City of Rushville Planning and Zoning Office Staff may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.

- A. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired.
- B. The application shall state the facts giving rise to the belief that a violation of this Ordinance exists or violations against terms of approval made by the Advisory Plan Commission, Advisory Board of Zoning Appeals Hearing Office or the Advisory Board of Zoning Appeals on such premises.

10.2 VIOLATION.

10.2.1 Complaint.

- 10.2.1.1 Any person may file a complaint either verbally to the City of Rushville Planning and Zoning Office Staff or in writing whenever a violation of this Ordinance occurs or is alleged to have occurred.
- 10.2.1.2 Such complaint shall state fully the causes and basis of the violation or alleged violation.
- 10.2.1.3 The City of Rushville Planning and Zoning Office Staff shall properly record such complaint and investigate in a timely manner.
- 10.2.1.4 If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, such official shall issue a citation in accordance with this Section and/or file with the City Attorney or the City of Rushville Planning and Zoning Office Attorney a complaint against such person requesting action thereon as provided by this Ordinance and in accordance with law.

10.2.2 Nuisance Declared.

Any buildings erected, raised or converted, or land or premises used in violation of any Section of this Ordinance or regulation thereof is hereby declared to be a common nuisance and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

10.2.3 Injunction.

- 10.2.3.1 The Advisory Plan Commission, Advisory Board of Zoning Appeals Hearing Officer, Advisory Board of Zoning Appeals, or the City of Rushville Planning and Zoning Office Staff may institute a suit or injunction in the Circuit or Superior Court of Rush County to restrain any person from violating any Section of this Ordinance.
- 10.2.3.2 The Advisory Plan Commission, Advisory Board of Zoning Appeals Hearing Officer, Advisory Board of Zoning Appeals, or the City of Rushville Planning and Zoning Office Staff may institute a suit for mandatory injunction directing a person to remove a structure erected in violation of this Ordinance or to make the same comply with the terms of this Ordinance.

- 10.2.3.3 If such The Advisory Plan Commission, Advisory Board of Zoning Appeals Hearing Officer, Advisory Board of Zoning Appeals, or City of Rushville Planning and Zoning Office Staff is successful in its suit, the respondent shall bear the costs of the action including reasonable attorney's fees.

10.3 RESPONSIBILITY FOR VIOLATIONS

- 10.3.1 The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of the City of Rushville Zoning Ordinance.
- 10.3.2 If the possessor of the property or structure is determined to be liable for the violation but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

10.4 NOTICE OF VIOLATION

The City of Rushville Planning and Zoning Office Staff shall provide written notice to the owner of the property upon which the violation is located.

- 10.4.1 Service of Notice of Violation.
- 10.4.1.1 The City of Rushville Planning and Zoning Office Staff shall provide written notice to the property owner and any processor.
- 10.4.1.2 Notice of Violation may be served by at least one (1) of the following methods:
- A. Personally, serving by affixing a copy of the Violation Notice in a conspicuous location on the building or property, or;
 - B. Mailing the Notice of Violation by United States Postal Service to last known mailing address via certified mail, return receipt requested, or;
 - C. Facsimile (Fax), with confirmation the facsimile was successfully transmitted, or;
 - D. Electronic mail (e-mail) with confirmation that electronic mail was received and read.

10.4.2 Notice of Violation.

The notice of violation shall include the following information:

10.4.2.1 Date of inspection;

10.4.2.2 State the violation.

10.4.2.3 Provide the Chapter and Section from the City of Rushville Zoning Ordinance of said violation.

10.4.2.4 Provide a reasonable timeframe, but not more than thirty (30) calendar days, for said violation to be corrected.

10.4.2.5 Provide a statement if the violation is not corrected that the City of Rushville may seek legal action by a court of competent jurisdiction to effect compliance with the City of Rushville Zoning Ordinance.

10.4.2.6 Provide how the owner may appeal the Notice of Violation to the City of Rushville Advisory Board of Zoning Appeals.

10.5 PENALTY.

10.5.1 Any person who violates any Section of this Ordinance or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an Ordinance violation and upon conviction, shall be fined in a sum not less than \$25 nor more than \$500 for each day's violation, with escalations as set forth below. Each day constitutes a separate day violation.

10.5.2 Notwithstanding Section 10.5.1, A person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offence and suffer the penalties herein provided.

10.5.2.1 Penalty for violations.

A. First offense: \$500.00 fine.

B. Second Third offense: \$750.00 fine.

C. Third offense:\$1,000.00 fine.

10.5.2.2 All fines collected shall accrue to the General Fund of the city. If not paid within thirty (30) days, the offender is subject to court summons, with a maximum fine of up to \$2,500.00, and attorney's fees, and court costs.

APPENDIX

TABLE OF APPENDICES	
APPENDIX “A”	Solar Energy Production.
APPENDIX “B	Exterior Façade Materials.
APPENDIX “C	Fences, Hedges, and Walls.
APPENDIX “D”	Bicycle Racks.
APPENDIX “E”	Acceptable Planting Materials
APPENDIX “F”	Prohibited Noxious Weeds
	Restricted Noxious Weeds.
	Prohibited Invasive Aquatic Plants.
	Prohibited Invasive Terrestrial Plants
APPENDIX “G”	Signs.

APPENDIX A – SOLAR ENERGY PRODUCTION INSTALLATION



Figure 1. Solar Roof Shingles



Figure 2. Solar Roof Shingles

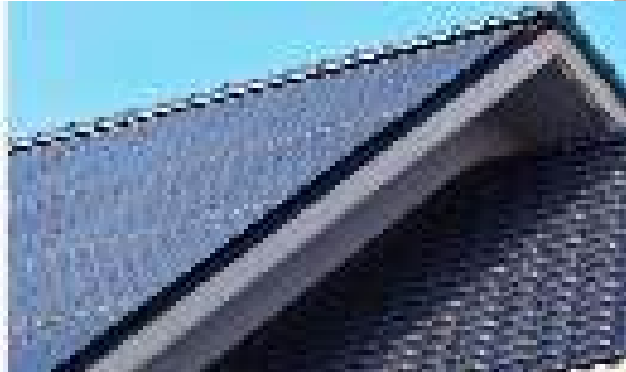


Figure 3. Solar Roof Panels



Figure 4. Solar Roof Title Panel

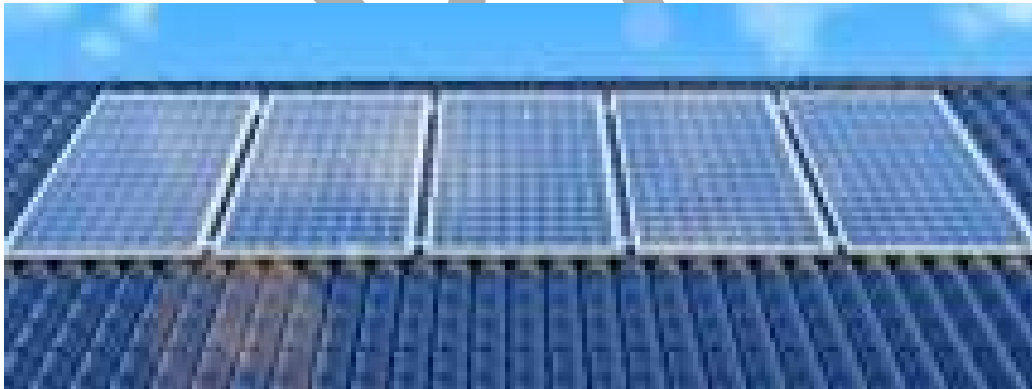


Figure 5. Residential Roof Solar Panels.



Figure 12. Solar Production Residential Ground Mounted



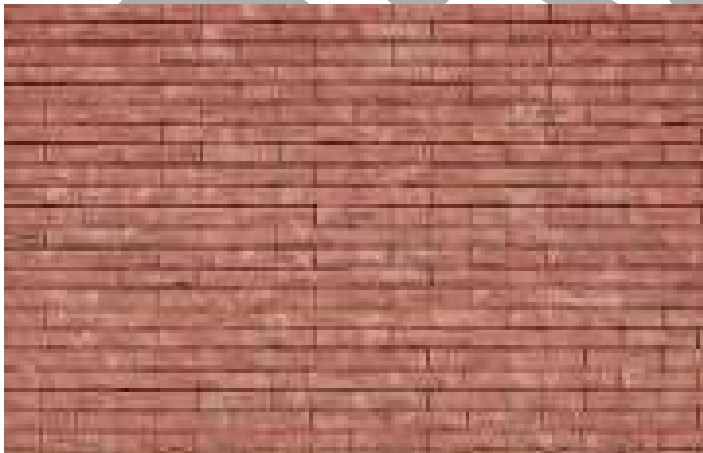
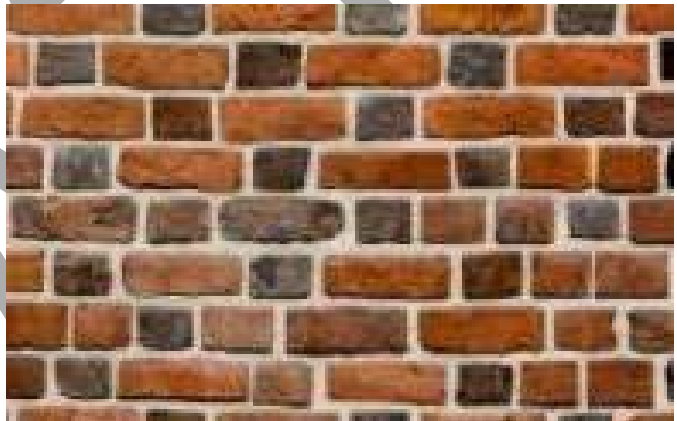
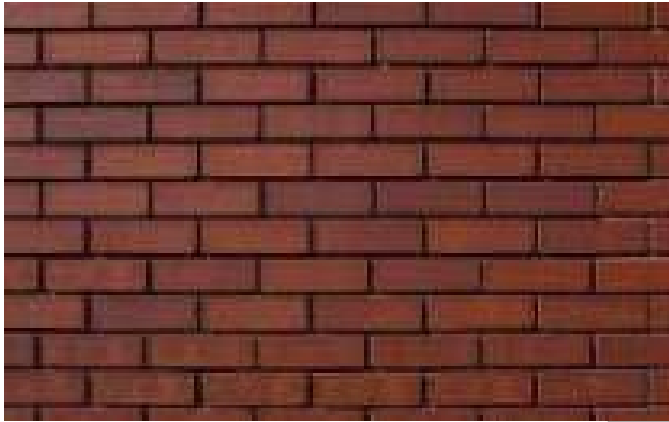
Figure 6. Solar Array Field or Field or Solar Farm Commercial Gound Installation.



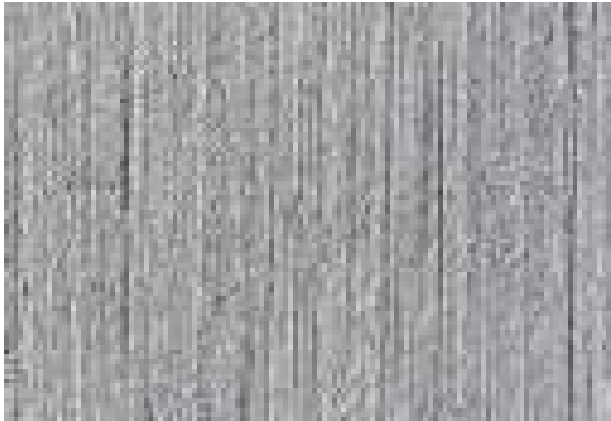
Figure 7. Solar Array or Solar Farm Commercial Roof top Installation.

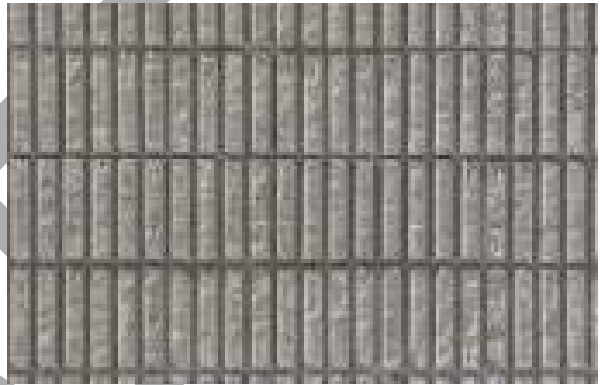
APPENDIX B – EXTERIOR FAÇADE MATERIALS.

Brick Façade.



Brushed or Textured Concrete Façade





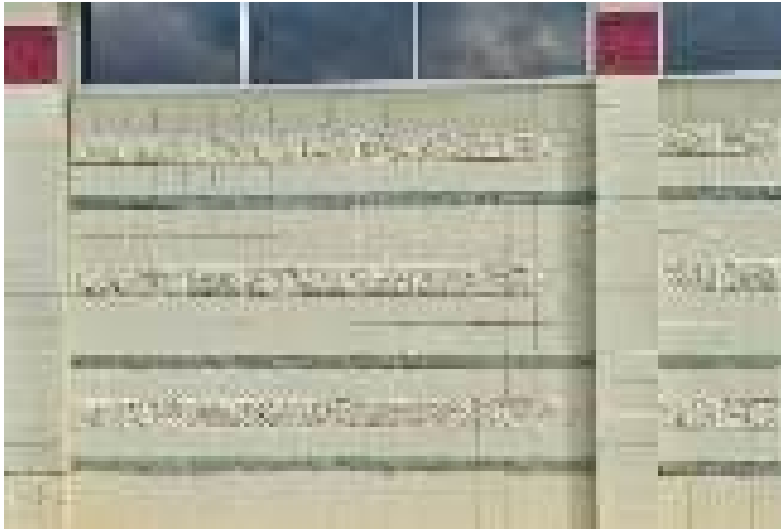
Exposed Aggregated Concrete Façade.



Textured Masonry (Split-Faced) Façade.



Façade with Architectural Use of Masonry.



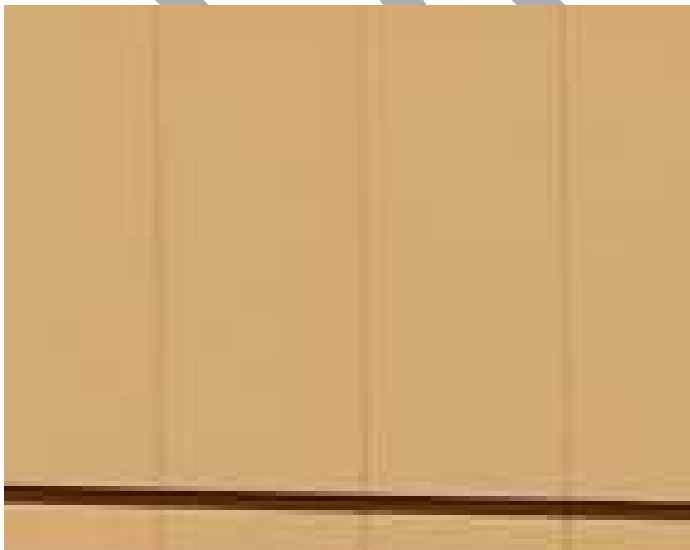
Façade with Random Use of Stone.

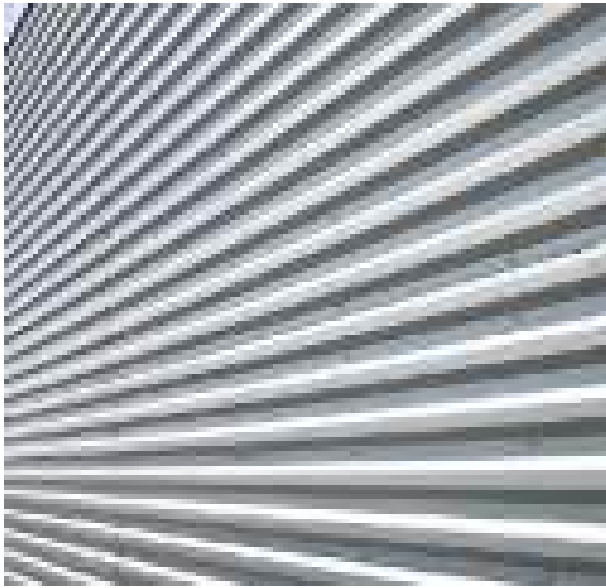


Ashlar Cut Technique Façade.



Architectural Metal Façade.





Fiber Cement Siding Façade.



APPENDIX C – FENCING MATERIAL

Examples of Acceptable Fence Materials.



Figure 1 Brick



Figure 2 Chain Link (PVC coated or non-coated)



Figure 3 Live Hedge (non-noxious nature)



Figure 3a Live Hedge (non-noxious nature)



Figure 4 Masonry (Architectural Finish)



Figure 5 Masonry (Decorative)

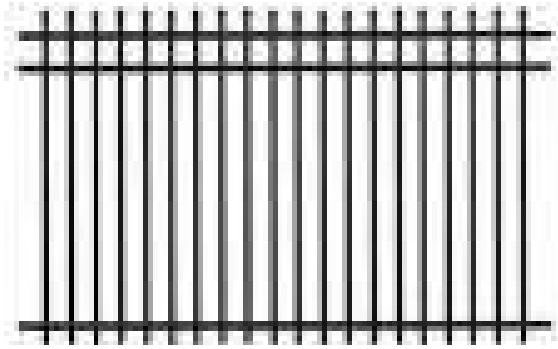


Figure 6 Ornamental Wrought Iron

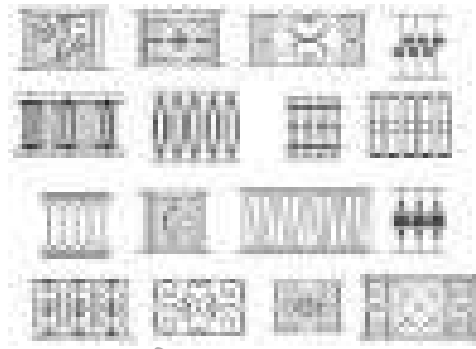


Figure 6a Variations Ornamental Wrought Iron



Figure 7 Stone



Figure 8 PVC/Vinyl



Figure 9 Treated Wood (stockade)

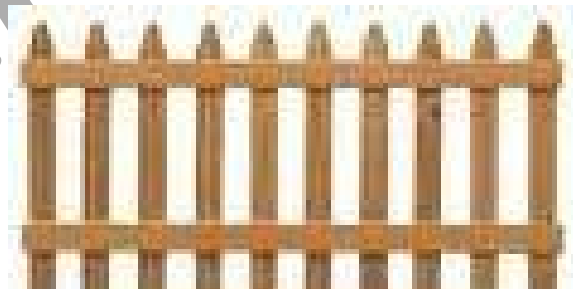


Figure 9a Treated Wood (picket)

Examples of Prohibited Fence Materials.

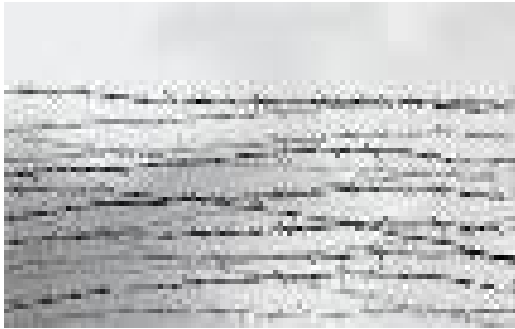


Figure 1 Barbed Wire



Figure 1a Concertina or Razor Wire

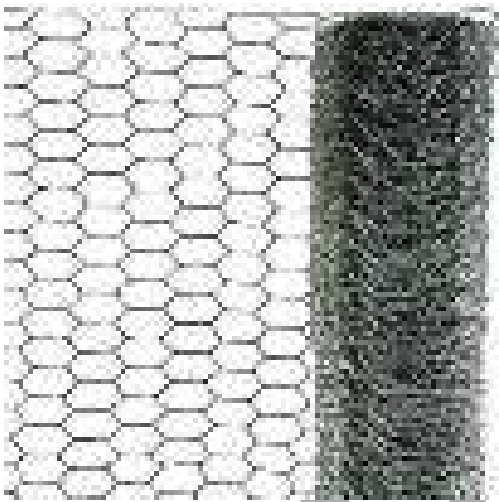


Figure 2 Chicken Wire



Figure 3 Construction Fence



Figure 3a Construction Fence



Figure 4 Pallet/Skid



Figure 5 Fiberglass Sheet Panel



Figure 5a Fiberglass Sheet Panels



Figure 6 Plywood



Figure 6a Oriented Strand Board (OSB)

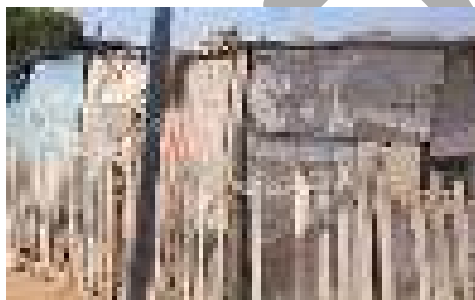


Figure 7 Scrap Lumber



Figure 8 Sheet Metal



Figure 9 Woven Wire

Examples of various “Types” of fencing.



Figure 13 Decorative (wood)



Figure 14 Decorative (PVC/Vinyl)



*Figure 15 Decorative (metal insert)
(PVC/Vinyl)*



Figure 16 Decorative Wood or PVC/Vinyl.



Figure 17 Decorative or Privacy (PVC/Vinyl)



Figure 18 Decorative or Privacy (Treated Wood)



Figure 19 Decorative or Privacy (PVC/Vinyl)



Figure 20 Picket Fence (Treated Wood)

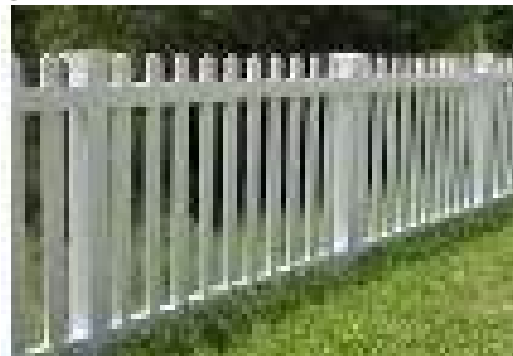


Figure 21 Picket Fence (PVC/Vinyl)



Figure 22 Split Rail (PVC/Vinyl)

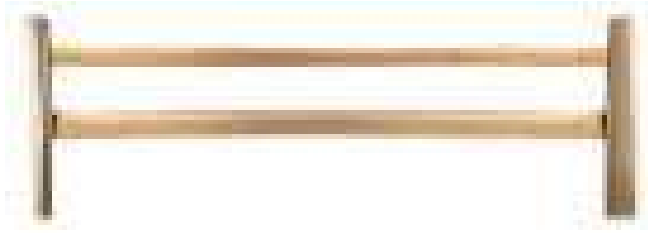


Figure 23 Split Rail (Treated wood)



Figure 24 Stockade (Treated Wood)



Figure 25 Stockade (PVC/Vinyl)



Figure 26 Stockade (Treated Wood)

APPENDIX D – BICYCLE RACKS

Standard Style Bike Rack



Figure 1. "U" Bike Rack



Figure 2. Bike Rack



Figure 3. Circular Bike Rack



Figure 4. Circular Bike Rack



Figure 5. Post and Loop Bike Rack



Figure 6. Ballard and Loop Bike Rack



Figure 7. Loop Bike Rack



Figure 8. Loop Bike Rack



Figure 9. Rectangle Bike Rack



Figure 10. Spiral Bike Rack

Architectural Custom Design Bike Racks



Figure 11. Ribbon Bike Rack



Figure 12. Music Note Bike Rack



Figure 13. Paper Clip Bike Rack



Figure 14 Heat Bike Rack

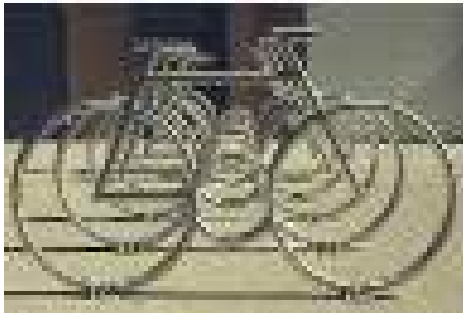


Figure 15. Bicycle Bike Rack



Figure 16 "C" Bike Rack

**APPENDIX E – PERMITTED PLANTING MATERIAL FOR LANDSCAPE,
LANDSCAPE BUFFER, AND LANDSCAPE SCREEN**

LARGE TREES – 45 FEET OR MORE AT MATURE HEIGHT	
Common Name	Scientific Name
Black Maple	Acer Nigrum
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum
Ohio Buckeye	Aesculus glabra
Yellow Buckeye	Aesculus octandra
Common Alder	Alnus Glutinosa
Paper Birch	Betula Papyrifera
Bitternut Hickory	Carya cordiformis
Pignut Hickory	Carya glabra
Shellbark Hickory	Carya laciniosa
Shagbark Hickory	Carya ovata
Mockernut Hickory	Carya tomentosa
Northern Catalpa	Catalpa speciosa
Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
American Beech	Fagus grandfolia
Thornless Honeylocust	Gleditsia triacanthos inermis
Kentucky Coffee Tree	Gymnocladus dioica
Black Walnut	Juglans nigra
Eastern Red Cedar	Juniperus virginiana
Sweetgum	Liquidambar styraciflura
Cucumber Tree	Magnolia acuminata
Blackgum or Tupelo	Nyssa sylvatica
White Pine	Pinus strobus
Virginia Pine	Pinus virginiana
Sycamore	Platanus occidentalis
Black Cherry	Prunus serotina
White Oak	Quercus alba
Swamp White Oak	Quercus bicolor
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Bur Oak	Quercus macrocarpa
Chestnut Oak	Quercus prinus
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Black Oak	Quercus velutina
Bald Cypress	Taxodium distichum
Basswood or American Linden	Tilia americana
Canadian or Eastern Hemlock	Tsuga Canadensis
Accolade Elm	Ulmus Japonica x Wilsoniana "Morton"

Homestead Elm	Ulmus "Homestead" (complex hybrid)
MEDIUM TREES – 25 FEET TO 45 FEET AT MATURE HEIGHT.	
Trident Maple	Acer Buergerianum
Hedge Maple	Acer Campestre
Paperbark Maple	Acer Griseum
Striped Maple	Acer Pensylvanicum
Autumn Flame Red Maple	Acer rubrum
Downy Serviceberry	Amelanchier arborea
River Birch	Betula nigra
American Hornbeam or Blue Beech	Carpinus caroliniana
Upright European Hornbeam	Carpinus Betulas "Fastigiata"
Eastern Redbud	Cercis Canadensis
White Redbud	Cercis Canadensis "Alba"
Yellowwood	Cladrastis lutea
Smoketree	Cotinus Obovatus
Hop Hornbeam or Ironwood	Ostrya virginiana
Sassafras	Sassafras albidum
American Arborvitae	Thuja occidentalis
Frontier Elm	Ulmus Carpinifolia x Parvifolia "Frontier"
SMALL TREE – UNDER 25 FEET AT MATURE HEIGHT	
Shadblow Serviceberry	Amelanchier canadensis
Allegheny Serviceberry	Amelanchier laevis
Pawpaw	Asimina triloba
Eastern Redbud	Cercis canadensis
Pagoda Dogwood	Cornus alternifolia
Flowering Dogwood	Cornus florida
Thornless Cockspur Hawthorn	Crataegus crus-galli
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorn	Crataegus viridis
Persimmon	Diospyros virginiana
Silverbell	Halesia carolina
Wild Plum	Prunus Americana
Staghorn Sumac	Rhus typhina
SHRUBS, BUSHES AND HEDGE SPECIES	
Common Name	Scientific Name
Black Chokeberry	Aronia melanocarpa
Wintergreen Barberry	Berberis Julianae
Japanese Barberry	Berberis Thunbergii
New Jersey Tea	Ceanothus americanus
Buttonbush	Cephalanthus occidentalis
Tatarian Dogwood	Cornus Alba 'Sibirica'
American Hazelnut	Corylus Americana

Eastern Witch Hazel	Hamamelis virginiana
Wild Hydrangia	Hydrangia arborescens
Inkberry	Ilex glabra
Winterberry Holly	Ilex verticillata
Virginia Sweetspire	Itea virginica
Juniper	Juniperus communis
Japanese Holly	Ilex Crenata
Spicebush	Lindera benzoin
Northern Bayberry	Myrica Pensylvanica
Ninebark	Physocarpus opulifolius
Shrubby Cinquefoil	Potentilla
Sand Cherry	Prunus pumila
Fragrant Sumac	Rhus aromatica
Winged Sumac	Rhus copallina
Shinning Sumac	Rhus glabra
Virginia Rose	Rosa virginiana, Rosa setigera, Rosa palustris
Pussy Willow	Salix discolor
Elderberry	Sambucus canadensis
Bladdernut	Staphylea trifolia
Coralberry	Symphoricarpos orbiculatus
Canadian Yew	Taxus canadensis
Highbush Blueberry	Vaccinium corymbosum, Vaccinium vacillans
Mapleleaf Viburnum	Viburnum acerifolium
Arrowwood	Viburnum dentatum
Nannyberry	Viburnum lentago
Black Haw	Viburnum prunifolium, Viburnum rufidulum
Prickly Ash	Zanthoxylum americanum

PERMITTED HERBACEOUS (HERBLIKE) PERENNIAL PLANT SPECIES	
FLOWERING PERENNIALS	
Common Name	Scientific Name
Canada Anemone	Anemone canadensis
Columbine	Aquilegia canadensis
Swamp or Marsh Milkweed	Asclepias incarnata
Common Milkweed	Asclepias syriaca
Butterflyweed	Asclepias tuberosa
Smooth Aster	Aster laevis
Short's Aster	Aster shortii
False Blue Indigo	Baptisia australis
Tall Coreopsis	Coreopsis tripteris
Larkspur	Delphinium tricornis
Purple Coneflower	Echinacea purpurea
Spotted-Joe-Pye-Weed	Eupatorium maculatum
Wild Geranium	Geranium maculatum
Autumn Sneezeweed	Helenium autumnale

Stiff or Prairie Sunflower	<i>Helianthus pauciflorus</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Violet Lespedeza	<i>Lespedeza violacea</i>
Rough Blazing Star	<i>Liatris aspera</i>
Prairie Blazing Star	<i>Liatris pycnostachya</i>
Dense Blazing Star	<i>Liatris spicata</i>
Cardinal Flower	<i>Lobelia cardinalis</i>
Great Blue Lobelia	<i>Lobelia siphilitica</i>
Virginia Bluebells	<i>Mertensia virginica</i>
Bergamot or Bee-balm	<i>Monarda fistulosa</i>
Purple Prairie Clover	<i>Petalostemum purpureum</i>
Blue Phlox	<i>Phlox divaricata</i>
Summer Phlox	<i>Phlox paniculata</i>
Obedient Plant	<i>Physostegia virginiana</i>
Yellow Coneflower	<i>Ratibida pinnata</i>
Orange Coneflower	<i>Redbeckia fulgida</i>
Black-Eyed-Susan	<i>Rudbeckia hirta</i>
Green-Headed Coneflower	<i>Rudbeckia laciniata</i>
Sweet Coneflower	<i>Rudbeckia subtomentosa</i>
Stiff Goldenrod	<i>Solidago rigida</i>
Blue-stemmed Goldenrod	<i>Solidago caesia</i>
Grey Goldenrod	<i>Solidago nemoralis</i>
Royal Catchfly	<i>Silene regia</i>
Fire Pink	<i>Silene virginica</i>
Celandine Poppy	<i>Stylophorum diphyllum</i>
Coralberry	<i>Symphoricarpos orbiculatus</i>
Culver's Root	<i>Veronicastrum virginicum</i>
Violet	<i>Viola sororia</i>
Ground Covers	
Canada Anemone	<i>Anemone canadensis</i>
Wild Ginger	<i>Asarum canadense</i>
Palm Sedge	<i>Carex muskingumensis</i>
Common Oak Sedge	<i>Carex pensylvanica</i>
Running Strawberry Bush	<i>Euonymus obovatus</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Dwarf Crested Iris	<i>Iris cristata</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Creeping Phlox	<i>Phlox subulata</i>
Partridge Berry	<i>Mitchella repens</i>
Wild Stonecrop	<i>Sedum ternatum</i>
Foam Flower	<i>Tiarella cordifolia</i>
Vines	
Wooly Douchman's Pipe	<i>Aristolochia tomentosa</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Creeper	<i>Campsis radicans</i>

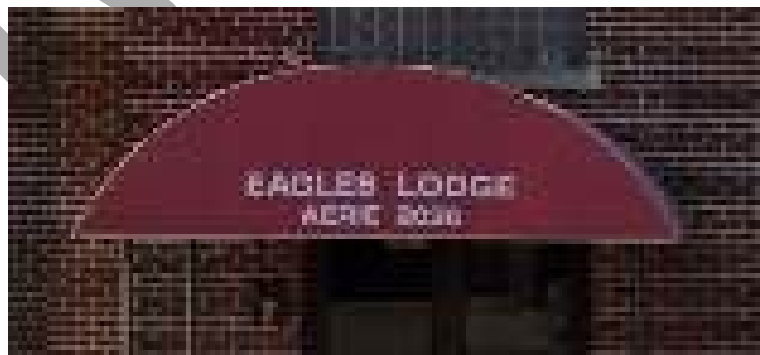
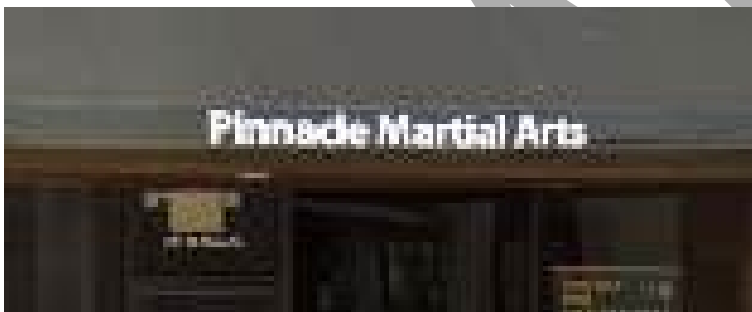
Virgin's Bower (native clematis)	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Ferns	
Maidenhair Fern	<i>Adiantum pedatum</i>
Lady Fern	<i>Athyrium filix-femina</i>
Giant Wood Fern or Goldie's Fern	<i>Dryopteris goldiana</i>
Evergreen Shield Fern	<i>Dryopteris marginalis</i>
Ostrich Fern	<i>Matteuccia struthiopteris</i>
Cinnamon Fern	<i>Osmunda cinnamomea</i>
Christmas Fern	<i>Polystichum acrostichoides</i>
Grasses	
Big Bluestem	<i>Andropogon gerardii</i>
Side-Oats Gramma	<i>Bouteloua curtipendula</i>
Indian Seaoats	<i>Chasmanthium latifolium</i>
Bottlebrush Grass	<i>Elymus hystrix</i>
Virginia Wild Rye	<i>Elymus virginicus</i>
June Grass	<i>Koeleria macrantha</i>
Switch Grass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Prairie Dropseed	<i>Sporobolus heterolepis</i>

APPENDIX F – SIGN TYPES.

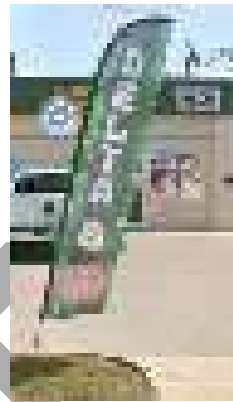
ABANDONED SIGN



AWNING SIGN



BANNERS

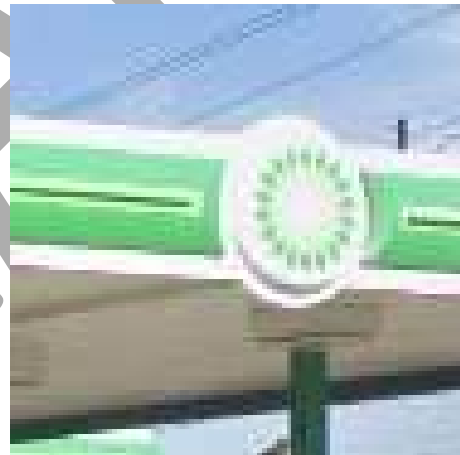
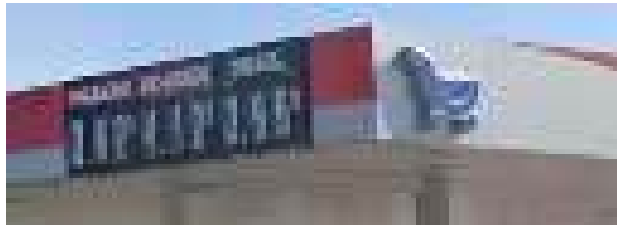


BILLBOARD – OFF PREMISES SIGN





CANOPY SIGN



CHANGE COPY



CHANGE COPY SIGN AS PART OF FREE-STANDING SIGN



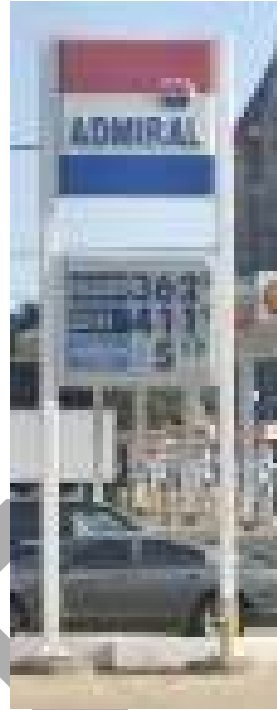
One (1) Sign



One (1) Sign



Two (2) Separate Signs

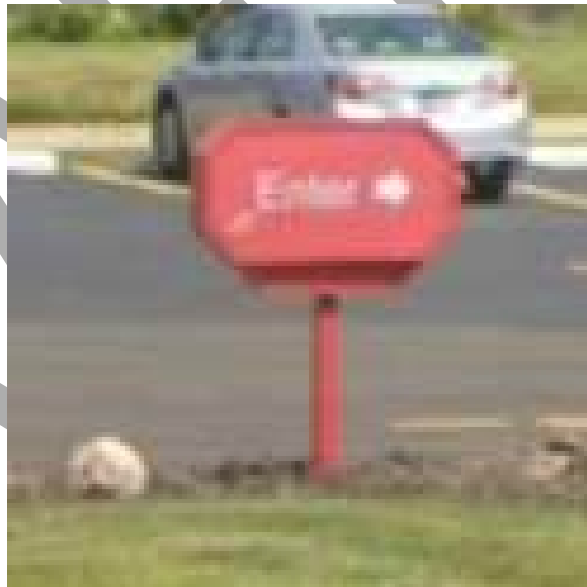
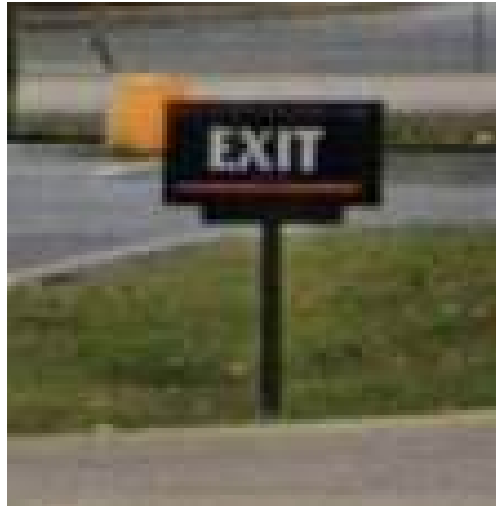
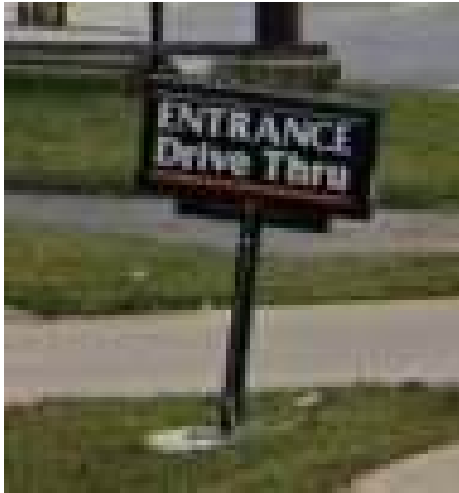


Two (2) Separate Signs

CHANGE COPY SIGN – ELECTRONIC PART OF GROUND MOUNTED SIGN



DIRECTIONAL SIGN



DIRECTIONAL SIGNS WITH NAME AND/OR LOGO COUNT TOWARDS
TOTAL SIGN AREA



DEVELOPMENT COMPLEX SIGN



ELECTRONIC MESSAGE BOARD



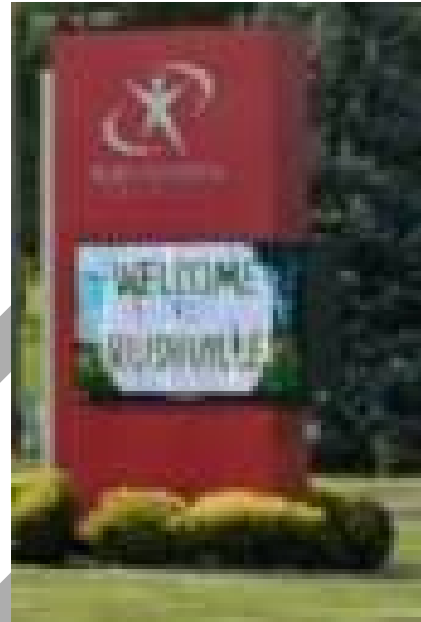
FOR SALE SIGN – FOR RENT SIGN



GROUND MOUNTED SIGN



GROUND MOUNTED SIGN WITH ELECTRONIC MESSAGE BOARD



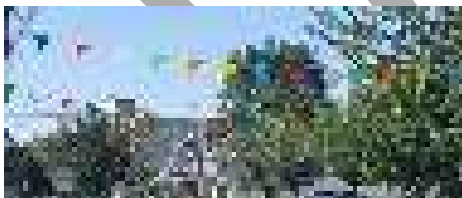
GOVERNMENT INSTALLED STREET SIGN



MURAL



PENNANTS



POLE SIGN – FREE STANDING SIGN



PORTABLE – MOVABLE SIGN



POSTER SIGNS



PROJECTING SIGN



PYLON SIGN



PUBLIC SIGN – HISTORICAL MARKER

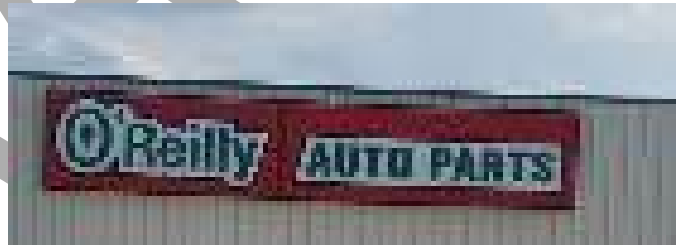
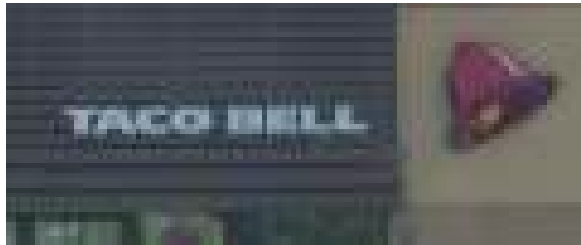


Historical Marker

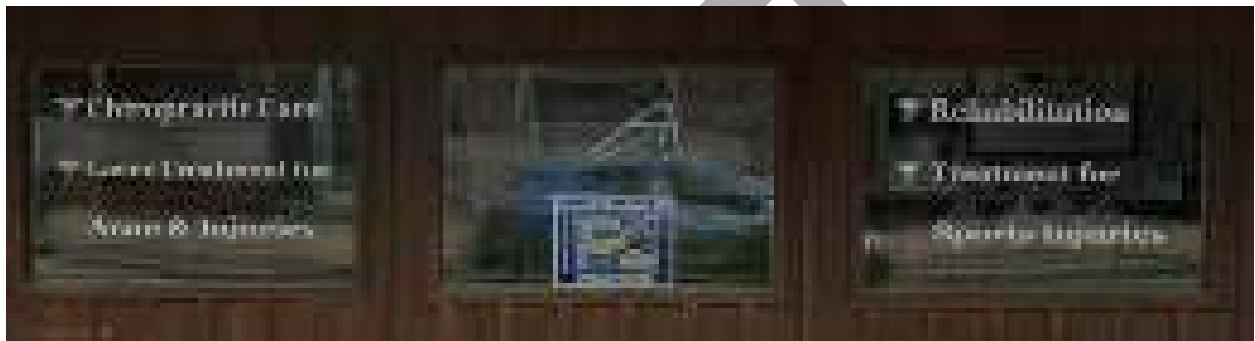
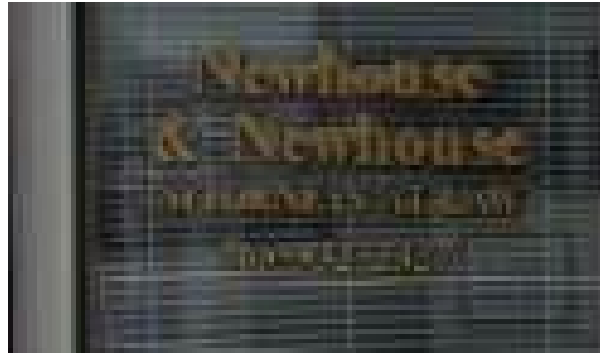
ROOF TOP SIGN



WALL SIGN



WINDOW SIGN



DRAFT