

## **SECTION 1      TITLE, PURPOSE, AND EFFECT**

### **1.1      TITLE**

These regulations shall hereafter be known and cited as the Zoning Ordinance of Danville, Indiana.

### **1.2      INTENT AND PURPOSE**

The purpose of this Zoning Ordinance is to regulate the use and development of land within the jurisdiction of the Town of Danville. It is intended to promote the public health, safety and general welfare, and more specifically to:

- A. Guide future growth and development in accordance with the Danville Comprehensive Plan;
- B. Reduce traffic congestion in public streets;
- C. Secure safety from fire, flood and other dangers;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land and avoid undue concentration of population;
- F. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- G. Restrict development in areas prone to flooding
- H. Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for the supply of community services;
- I. Protect the historic and architectural heritage of the town;
- J. Provide for performance standards for the emission of pollutants into the air, water, and ground; and
- K. Protect the natural resources of the Town of Danville.

### 1.3 INTERPRETATION

- A. In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. **Public Provisions.** The regulations herein not intended to interfere with, abrogate, or annul any other Ordinance, rule or regulation, statute, or provision of law. Where any provision of this Zoning Ordinance imposes restrictions different from those imposed by any other provision of this Zoning Ordinance or any other Ordinance, rule or regulation, or provision of law, those provisions that are more restrictive or impose higher standards shall control.
- C. **Private Provisions.** The regulations herein are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Zoning Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Zoning Ordinance shall govern.

Private provisions which impose duties and obligations more restrictive or of higher standards than the requirements of this Zoning Ordinance shall be operative and supplemental to these regulations and determinations made thereunder.

### 1.4 SCOPE OF REGULATIONS

- A. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all the regulations of this Ordinance as they apply to the zoning districts in which such buildings uses of land shall be located.
- B. This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing Zoning Ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the Town of Danville under any section or provision existing at the time of the effective date of this Ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town of Danville, except as shall be expressly provided for in this Ordinance.

- C. All previously existing legal uses, lots and structures which do not comply with the regulations in this Ordinance and its amendments, shall be deemed legal nonconforming uses, lots, and structures and shall be subject to the regulations of Section 3.
- D. All territory which may be hereafter annexed to the Town shall, effective the date of such annexation, be considered to be in the RE1 district until otherwise classified by amendment to this Ordinance.

**1.5 SEVERABILITY**

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by a court of law, such judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

**1.6 REPEAL OF PREVIOUS ORDINANCE**

After the effective date of this Ordinance, the Danville Zoning Ordinance adopted December 2, 1991, as amended, and all prior Zoning Maps are hereby repealed.

**1.7 EFFECTIVE DATE**

This Ordinance, Ordinance #13-2000, shall be in full force and effective upon approval, passage, and publication according to law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Town Council of the Town of Danville.

\_\_\_\_\_  
Richard Burrows

\_\_\_\_\_  
Dave Odle

\_\_\_\_\_  
Myron Anderson

\_\_\_\_\_  
Jeff Martin

\_\_\_\_\_  
Mike Neilson

(Constituting a majority of the Danville Town Council)

Attest By: \_\_\_\_\_

Pauletta Frye, Clerk-Treasurer

Signed copy on file with the Clerk-Treasurer of the Town of Danville,  
Town Hall, 147 West Main Street, Danville, Indiana, 46122.

## SECTION 2 DEFINITIONS

### 2.1 WORDS AND PHRASES

For the purpose of this Ordinance, certain terms, phrases, words, and their derivatives are herewithin defined as follows:

- ☐ Words used in the future tense include the present.
- ☐ Words used in the present tense include the future.
- ☐ Words used in the singular include the plural.
- ☐ Words used in the plural include the singular.
- ☐ Words in the masculine include the feminine.
- ☐ Words in the feminine include the masculine.
- ☐ The word “shall” is mandatory.
- ☐ The word “may” shall be deemed as permissive.

### 2.2 DEFINITIONS

**Accessory Apartment.** A second dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation, and sleeping. Accessory apartments shall be clearly subordinate to the primary use in both size and location.

**Accessory Structure or Use.** A structure or use that: (1) is incidental to and serves a principal building or use; (2) is subordinate in height, area, and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provision of this Ordinance. Accessory parking facilities may be authorized to be located elsewhere. An accessory structure is a detached structure.

**Actual Construction.** *See Section 3.4.*

**Administrator.** The official appointed and/or delegated the responsibility for the administration of these as set forth in Section 19.3 of this Ordinance.

**Adult Use.** A use which provides a preponderance of services, trade or material of a sexually explicit nature, including but not limited to, adult arcades, adult bookstores, adult cabarets, adult theaters, and sexual encounter establishments.

**Advisory Plan Commission.** A planning commission serving a single local government jurisdiction, established as defined under the Indiana Code, 36-7-1-2 (1983), as amended. The Danville Plan Commission is an Advisory Plan Commission.

**Airport:** Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

**Airport-Related Use.** A use or activity whose purpose or function is primarily or partially dependent on location or access to the operational area of a public use airport, or whose functions are directly or indirectly necessary for the daily operations and economic viability of a full-service public use airport to include but not be limited to all necessary navigation and flight operation facilities, and accessory uses such as terminal, storage, and servicing facilities for aircraft, air research facilities, and restaurant, hotel, or motel facilities and similar related services for the comfort and accommodation of air crews, air passengers and the public.

**Alley.** A permanent public way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna:** Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.

**Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

**Applicant.** The owner of land who makes application to the Danville Plan Commission or Board of Zoning Appeals for action by said Commission or Board, thereby affecting that land.

**Arterial, Divided Secondary.** A secondary arterial street or portion thereof which has a landscaped median strip dividing the lanes carrying traffic in opposite directions.

**Arterial, Primary.** A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the Town or County and/or as a route for traffic between communities; a major intra- or inter-city thoroughfare as designated by and shown in Appendix B to this Ordinance.

**Arterial, Secondary.** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices; and/or designed to carry traffic from collector streets to the system of primary arterials as designated and shown in Appendix B to this Ordinance.

**Basement.** That portion of a building with more than one half (1/2) of its height below the ground.

**Bed and Breakfast.** An owner occupied dwelling unit containing guestrooms for rent for periods of less than two weeks.

**Billboard.** *See Sign, Off Premise Advertising.*

**Block Face.** One side of a street between intersections

**Block.** A tract of land bounded by street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of municipalities.

**Board.** The Board of Zoning Appeals of the Town of Danville.

**Boarding House.** An establishment that offers rooms for rent, not available to transients, in which meals are regularly provided for compensation for at least three inhabitants, in contradistinction to hotels, bed and breakfast uses, and dwelling units.

**Boarding Kennel.** A place primarily for keeping four or more dogs, cats or other small animals that are ordinarily kept as pets and are at least four months old. The use may include grooming, breeding, training or selling of animals.

**Broadcast:** To transmit information over the airwaves to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

**Buffer Landscaping.** Any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance or the subdivision regulations to be placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers

**Building.** Any roofed structure built for the support, shelter, enclosure, or protection of persons, animals, chattels or movable property of any kind. (Each part of such a structure that is separated from the rest by unbroken party walls is considered to be a separate building for the purposes of this Ordinance.)

**Building Area.** The horizontal projected area of the buildings on a lot; excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

**Building Line.** The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

**Building Permit.** *See Improvement Location Permit.*

**Business.** The purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

**Business District.** Refers to the LB, GB, Primary and Secondary CB, and OD districts.

**Campground.** Any site, lot, field, or tract of land designed with facilities for short-term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

**Cellular Service:** A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.



**Cellular Telecommunications:** A commercial Low Power Mobile Radio Service licensed by the Federal Communications Commission (FCC) to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

**Cemetery.** Land used or intended to be used for the burial of the dead; includes any columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

**Child Care Home.** A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term includes Class I Child Care Homes and Class II Child Care homes.

☐ **Class I Child Care Home:** A childcare home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time.

☐ **Class II Child Care Home:** A child care home that services more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

**Clinic.** An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

**Cluster Housing.** Developments in which dwelling units are clustered in a specific area on the site in order to permit aggregation of the remaining land into common recreational or open spaces.

**Collector Street.** A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and shall if at all possible be designated so that no residential properties face onto it and no driveway access to it is permitted except if the property is to be in multi-family use for four (4) or more dwelling units.)

**Collocation:** Locating wireless communication equipment from more than one provider on a single site.

**Commission.** The Danville Plan Commission.

**Communications Facility:** A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures or towers, and accessory buildings.

**Condominium.** Real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium instruments, and in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Construction Trailer.** A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

**Corner Lot.** *See Lot, Corner.*

**Country Club.** An establishment operated for social or recreational purposes that is open only to members and not to the general public.

**County.** Hendricks County, Indiana.

**Day Care Center.** *See Child Care Home.*

**Density.** The number of dwelling units permitted per gross acre of land.

**Detached Building.** A building that has no structural connection with another building.

**Development Requirement.** A requirement for development of real property in a zoning district for which a site plan is required, and that conforms to Section 17.

**Double Frontage Lot.** *See Lot, Double Frontage.*

**Drive-Through Establishment.** A facility which, by its physical design, either wholly or in part, allows people to receive goods or services while remaining in their automobile.

**Drives, Private.** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way.

**Dwelling.** A building or part of a building that is used primarily as a place of abode, but not including a mobile home, hotel, motel, boarding house, or tourist home.

**Dwelling Unit.** A dwelling or part of a dwelling used by one family as a place of abode, physically separated from any other dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**Easement.** An officially recorded authorization grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose.

**FAA:** The Federal Aviation Administration.

**Façade:** All wall planes of a building or structure which are visible from one side or perspective.

**Façade, Front:** Those portions of a façade which face and are most closely parallel to the front lot line.

**Family.** One or more persons sharing meals and living as a single housekeeping unit, within a single dwelling unit.

**Farm.** An area used for agricultural operations, including roadside produce stands, forestry, the operating of a tree or plant nursery, or the production of livestock, poultry or grain.

**Fast Food Restaurant.** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers. Establishment may include a drive-through service facility as an accessory use.

**FCC:** The Federal Communications Commission.

**Flag Lot.** *See Lot, Flag.*

**Flex Space.** Commercial, office or light industrial uses that require a flexible amount of office or showroom space in combination with related

activities such as manufacturing, assembly, distribution, warehousing, shipping, or other similar activities. These types of uses generally occur in buildings designed and constructed with storefront-type windows, loading dock facilities in the rear, and open floor plans with high ceiling in the interior.

**Flood Plain.** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The Floodplain includes both the floodway and the floodway fringe districts (*See Section 18*).

**Flood Protection Grade.** The elevation of the regulatory flood plus two feet at any given location in the SFHA (*see Section 18*).

**Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream. (*See Section 18*).

**Floodway Fringe.** Those portions of the floodplain lying outside the floodway (*See Section 18*).

**Floor Area Ratio.** The combined floor area of all stories of all buildings within a lot, divided by the land area.

**Foundation.** The supporting member of a wall or structure.

**Frequency:** The number of cycles completed each second by a sound wave; measured in hertz (Hz).

**Front Line.** With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot Line.**

1. For an interior or through lot, the line marking the boundary between the lot and the abutting street or a lake or watercourse; and
2. For a corner lot, the line marking the boundary between the lot and the shorter of the two abutting street segments.

**Front Yard.** *See Yard, Front.*

**Garage.** A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles. (Not a repair facility.)

**Garage or Yard Sale.** A private or public sale of six (6) or more items of personal property, the sale of which is conducted within a residence, garage, or other accessory building, or immediately outside of such building, and which is conducted by the owner or occupier of such structure.

**Gas Pump Island.** Any commercial building, structure, or premises used for the dispensing or sale of automobile fuels, oils, or accessories.

**General Industrial Use.** *See Industrial Use, General.*

**Ground Floor Area.** The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

**Group Homes.** A residential facility, licensed by the Developmental Disabilities Residential Facilities Council, which provides residential services for not more than eight (8) developmentally disabled or mentally ill persons, none of whom has a history of violent or anti-social behavior. Group homes are permitted such staff as are necessary to adequately manage the home, but not to exceed two (2) staff members residing in the home at any one time.

**Height.** With respect to a building, the vertical distance from the average finished grade level to the highest point for a flat roof; to the deck line for a mansard roof; and to the mean height between eaves and ridges for a gable, hip, or gambrel roof.

**Hobby Farming.** The use of land for purposes of beekeeping or horticulture (*See Section 4.4.H*).

**Home Service.** The use of a home for a business or professional service (*See Section 4.4.B*).

**Household Pet.** A domesticated animal, such as a dog, cat, hamster, tropical fish or bird, normally kept in a residential dwelling, intended to provide company, security, or pleasure for its owner and bred for this purpose, but not including animals that would generally be considered, by reason of their number or species, to be an inherent risk to human health or safety.

**Improvement Location Permit.** A document issued under Section 19 of this Ordinance, prerequisite to the issuance of a building permit, and indicating that the proposed use, erection, construction, enlargement,

alteration, repair, movement, improvement, removal, conversion, or demolition any building or structure or use of the land complies with the sections of this Ordinance.

**Industrial Use, General.** Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which some operations, other than transportation, are performed in open area.

**Industrial Use, Light.** Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

**Interior Lot.** *See Lot, Interior.*

**Junk Yard.** A place, usually outdoors, where wastes and discarded or used property other than organic matter, including but not limited to inoperative vehicles and other machinery, is collected, stored, salvaged and/or sold; this shall not include any industrial scrap metal yard.

**Kennel.** *See Boarding Kennel.*

**License:** The rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its system within the boundaries of the municipality for the sole purpose of providing services to persons or areas outside the municipality.

**Light Industrial Use.** *See Industrial Use, Light.*

**Loading Berth.** An off-street, off-alley area designed or used to load goods onto or unload goods from vehicles.

**Local Street.** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Lot.** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

**Lot, Corner.** A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

**Lot, Double Frontage.** A lot other than a corner lot that has frontage on more than one street.

**Lot, Flag.** A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior.** A lot other than a corner lot or a through lot.

**Lot, Through.** *See Lot, Double Frontage.*

**Lot Area.** The horizontally projected area of a lot, computed exclusive of any portion of a street.

**Lot Coverage.** The total ground area of a lot, usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

**Lot Frontage.** The linear distance of a lot measured at the front line where such lot abuts a street, measured between side lot lines.

**Lot Ground Level.**

1. For a building having walls abutting (that is, generally parallel to and not more than five feet from) one street only: the elevation of the sidewalk at the center of the wall abutting the street.
2. For a building having walls abutting more than one street: the average of the elevations of the sidewalk at the centers of all walls that face streets; and
3. For a building having no wall abutting a street: the average level of the ground adjacent to the exterior walls of the building.

**Lot Width.** The distance between the side lot lines as measured on the building setback line.

**Maneuvering Aisle.** A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

**Maneuvering Space.** An open space in a parking area which is immediately adjacent to a parking space, is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space, but is not used for the parking or storage of motor vehicles.

**Manufactured Home.** A single family dwelling unit which is fabricated in one or more modules at a location other than the home site by assembly-line production techniques or by other construction methods unique to an off-site manufacturing process which bears a seal certifying it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.) and which is constructed after January 1, 1981 and exceeds nine hundred and fifty (950) square feet of main floor area exclusive of garages, carports, and open porches and exceeds twenty-three (23) feet in width and which is attached to a permanent foundation of masonry construction in accordance with the CABO One and Two Family Dwelling Code.

**Manufactured Housing Construction and Safety Standards Code.** Title IV of the 1974 Housing and Community Development Act (42 USC 5401 et seq.) as amended (previously known as the Federal Mobile Home Construction and Safety Standards Act).

**MHZ:** Megahertz, or 1,000,000 Hz.

**Micro-cell:** A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

**Microwave:** Electromagnetic radiation with frequencies higher than 1,000 MHZ; highly directional signal used to transmit radio frequencies from point-to-point at a relatively low power level.

**Microwave Antenna:** A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

**Mineral Extraction.** Mining or quarrying and removal of earth materials.

**Mobile Home.** A dwelling unit designed and built in a factory prior to 1976 or built after 1976 and being less than twenty-three (23) feet wide, equipped with the necessary service connections and made so as to be readily transportable, on its own permanent chassis, from one site to another, and to be used either with or without a permanent foundation, and which was built in accordance to the manufactured home construction and safety standards set forth in the Code of Federal Regulations, 24 CFR 3280, 3282, 3283 and 42 USC 5401 et seq., and bearing a HUD manufactured home seal on the exterior. (The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile structure placed thereon may be moved from time to time at the convenience of the owner.)



**Mobile Home Park.** Any plot of ground upon which three (3) or more mobile homes occupied for dwelling or sleeping purposes is located.

**Mobile Structure.** A dwelling unit designed and built in a factory, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its own running gear and designed to be with or without a permanent foundation. (Mobile Structure does not include manufactured homes.)

**Modular Home.** A dwelling unit designed and fabricated in one or more modules at a location other than the home site by assembly line production techniques or by other construction methods unique to an off-site manufacturing process which bears a seal certifying it was built in compliance with the CABO One and Two Family Dwelling Code. (Modular Home does not include mobile homes or manufactured homes.)

**Modular System.** An industrialized building system other than a mobile structure intended for placement upon a permanent foundation.

**Monopole Tower:** A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

**Mural, Artistic.** Artwork applied to the wall of a building which does not contain a commercial message. Artistic murals are not considered signs and are generally for the purpose of decoration or artistic expression. Artistic murals depict scenes or images of natural, social, cultural, or historic significance and may be painted, fresco, mosaic, or created with another approved technique.

**Neighborhood Recreational Area.** A private recreation area which is owned by a neighborhood association or a Developer, and is only for the use of the residents of that subdivision.

**Nonconforming Building or Structure (Legally Established).** Any continuous, lawfully established building or structure erected or structurally altered prior to the time of adoption, revision, or amendment of this Ordinance or granted a variance from this Ordinance, but which fails, by reason of such adoption, revision, amendment, or variance, to conform to the present requirements of the zoning district in which it is located.

**Nonconforming Use.** A legal use of land existing at the time of enactment of this Ordinance, which does not conform to the regulations of the district in which it is situated.

**Occupied Space.** The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

**Omnidirectional Antenna:** An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

**One and Two Family Dwelling Code, Indiana.** The nationally recognized model building code adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and which includes those supplements and amendments promulgated by this agency.

**Open Use.** The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

**Open Space.** The total horizontal area of a lot, excluding the building area, paved roads, and parking areas, but including recreational areas and retention/detention ponds.

**Parcel.** A continuous quantity of land in the possession of, owned by, or recorded as the property of, the same person or persons.

**Parking Lot or Area.** A group of parking spaces, exclusive of any part of a street or alley, designated or used for the temporary parking of motor vehicles.

**Parking Lot, Commercial.** A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which a fee is charged independently of any other use of the premises.

**Parking Garage.** A garage where parking, but not repairs, are available to the public.

**Parking Space.** An open space for the parking of a motor vehicle, exclusive of maneuvering area and driveway.

**Permanent Foundation.** A structural system for transposing loads from a structure to the earth at a depth below the established frost line, without exceeding the safe bearing capacity of the supporting soil.

**Person.** A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

**Planned Unit Development.** A large-scale unified development meeting the requirements for zoning approval under the provisions of Section 15 of this Ordinance.

**Portable Sign.** *See Sign, Portable.*

**Primary Arterial.** *See Arterial, Primary.*

**Principal Building.** A building in which the principal use of the lot or parcel on which it is located is conducted. Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

**Principal Use.** The primary use of land or buildings as distinguished from a subordinate or accessory use.

**Private Garage.** A garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments.

**Private Recreational Development.** A recreational establishment held in private ownership and either open only to members or open to the general public in exchange for an admission fee.

**Professional Office.** An office used by members of a recognized profession including but not limited to architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

**Private Camp.** An area of land used or designed to be used to accommodate groups or organized camping parties; may include cabins, tents, food service and recreational facilities.

**Public Event.** Any event taking place within the Town to which the public is invited that is held or primarily sponsored by a governmental, educational, religious, charitable, or other civic organization of the Town. This shall not include events that primarily serve to promote or benefit a commercial enterprise.

**Public Improvement.** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**Rear Lot Line.** For an interior or corner lot this means the lot line that is opposite the front lot line and farthest from it; except for a triangular or other irregularly-shaped lot where it means the line at least ten feet long, parallel to and furthest from the front lot line, and which is wholly within the lot.

**Recreational Vehicle.** A portable vehicular structure designed as a temporary dwelling for travel and vacation uses which:

1. Is identified on the unit by manufacturer as a travel trailer; and
2. Is of a size that is street-legal

OR

3. Is a structure mounted on an automobile or truck; and
4. Is designed to be used for sleeping and human habitation.

**Regulatory Flood.** The flood having a one percent probability of being equaled or exceeded in any given year as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 18.5 of this Ordinance. The "Regulatory Flood" is also known by the term "Base Flood" (*See Section 18*).

**Regulatory Floodway.** *See Floodway.*

**Remodel:** Updating or altering the appearance and functional utility of a structure.

**Renovation:** Improving a structure to its original or near-original condition.

**Repair:** Any change that does not require a building permit and is not construction, relocation, or alteration.

**Residential District.** Those districts, RC1, RE1, R1, R2C, R2, R3, and R4 as described under Section 6, Use Districts.

**Right-of-Way.** A specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful public use,

typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded in the office of the Hendricks County Recorder.

**Roof and/or Building Mount Facility:** A low power mobile radio service telecommunications facility in which antennas are mounted to a structure on the roof (including rooftop appurtenances) or building face.

**Scrap Metal Yard.** A general industrial use established either independent of another general industrial use or ancillary to and connected with another general industrial use. A scrap metal yard is concerned exclusively with new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type; and it acquires such items incidental to its connection with the other general industrial use, by purchase, consignment or bailment. Such metal items may be stored, graded, processed, melted, cut, dismantled, compressed, cleaned, or in any way prepared for reuse by a related, on site, general industrial use; or they such metal items may be made available for sale, shipment, and use in other industries or businesses, including open hearth electric furnaces and foundry operations. Such establishments shall not include junkyards, dumps, or automobile graveyards.

The storage, dealing of, or accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard. Such yards will be classified as junkyards.

**Secondary Arterial.** *See Arterial, Secondary.*

**Section.** A unit of a manufactured home.

**Service Station.** Any commercial building, structure, or premises used for the dispensing or sale of automobile fuels, oils, or accessories; and where light automobile maintenance may be conducted, including but not limited to oil changes, air conditioning service, tune-ups and detailing. Service stations shall not include heavy automobile maintenance or repair such as body work, painting, engine repair, or auto salvaging.

**Setback Line.** A line parallel to and equidistant from the relevant lot line (front, back, side) which establishes the minimum depth of yard on a lot, beyond which no building or structure is permitted; as measured from the street line or lot line.

**Side Lot Line.** Any lines, other than front or rear lot lines, that separate two lots.

**Side Yard.** *See Yard, Side.*

**Sign.** A name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, or piece of land and which conveys information or directs attention to an object, project, place, activity, person, institution, organization, or business and is visible from the public right-of-way.

**Sign, Animated.** A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display. Animated signs are regulated as electronic message centers.

**Sign, Awning.** A sign on an awning. Similar to a canopy sign, awning signs are typically painted or affixed directly onto a building-mounted structure, which is normally constructed of canvas, cloth, metal, plastic, or similar material, may provide additional functionality as shelter and is typically placed over windows and doors.

**Sign, Bench.** A sign located on the seat or back of a bench that is visible from a public right-of-way. (Bench signs are prohibited.)

**Sign, Blade.** Also known as a Projecting Sign. A building mounted sign with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

**Sign, Canopy.** A sign on a canopy. Similar to an awning sign, a canopy sign is mounted, painted or otherwise applied on or attached to a free-standing canopy or structural protective cover that provides shelter.

**Sign, Changeable-Copy.** A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system.

**Sign, Electronic Message Center.** A variable-message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix. Electronic message centers may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. For purposes of this ordinance, Electronic Message Centers are

considered a type of Flashing Sign. (Electronic Message Centers are prohibited.)

**Sign, Flashing.** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any revolving, illuminated sign shall be considered a “flashing sign”.

**Sign, Freestanding.** A sign that is not attached to a building.

**Sign, Gross Surface Area of.** The entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign with two visible surfaces, the gross surface area shall be the sum of all sides of the sign.

**Sign, Ground.** A type of freestanding sign that has a visible support structure.

**Sign, Human.** A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product. (Human signs are prohibited.)

**Sign, Identification.** A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.

**Sign, Menu Board.** A variable-message sign that allows a retailer to list products and prices (for example, the bill of fare for a drive-through restaurant).

**Sign, Monument.** A type of freestanding sign, other than a pole sign, placed upon or supported by the ground independently of any other structure.

**Sign, Mural.** A sign painted or otherwise placed directly on an exterior surface, which has no supporting sign structure, and contains a commercial message. This type of sign is typically designed for high-impact visibility. Mural signs are considered a type of wall sign and are regulated as such.

**Sign, Nonconforming.** Any sign which was lawfully erected in compliance with applicable regulations of the Town of Danville and maintained prior to the effective date of this Ordinance, and which fails to conform to all applicable standards and restrictions of this Ordinance.

**Sign, Off Premise Advertising.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**Sign, Pole.** A sign erected and maintained on a freestanding mast or pole and not attached to any building, or supported by one or more uprights or braces in or upon the ground, but not including monument signs.

**Sign, Political.** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**Sign, Portable.** Any sign designed to be transported or movable, including but not limited to:

1. Signs with wheels or with wheels removed;
2. Signs with chassis or support constructed without wheels;
3. Signs designed to be transported by trailer, wheels or boat;
4. Signs converted to or constructed as an A- or T- frame sign;
5. Signs painted, mounted, or affixed on a motor vehicle for advertising purposes, parked on or off public right-of-way, and visible from the public right-of-way, except signs identifying the related business when the motor vehicle is being used in the normal day-to-day operations of that business.

**Sign, Public Service.** A sign or device displaying only the time, temperature, stock market quotations or civic messages.

**Sign, Roof.** A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the roof. (Roof signs are prohibited.)

**Sign, Sandwich Board.** Also known as an A-frame sign. A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

**Sign, Snipe.** An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects. (Snipe signs are prohibited.)



**Sign Structure or Support.** Any structure that supports or is capable of supporting a sign, including decorative cover.

**Sign, Projecting.** A sign which is suspended from or affixed to any building wall or other structure and extends beyond the building wall or structure or parts thereof more than eighteen inches.

**Sign, Vehicular.** Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

**Sign, Wall.** A sign affixed, painted, posted, or placed on a building or structure.

**Sign, Window.** A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure that is visible from the nearest right-of-way. Window signs may be either temporary or permanent:

**Sign, Permanent Window.** A window sign that is constructed of durable materials and is intended to exist for the duration of time that the use or tenant is located on the premises.

**Sign, Temporary Window.** A window sign that is typically constructed from light materials, is easily removed and is intended for display for a limited time period.

**Sign, Yard Card.** A type of free-standing temporary sign, not exceeding 32 sq.ft. which is not used for off-premise advertising.

**Site Plan(s).** Specific plan for the residential, commercial, or industrial development or other development of property, setting forth certain information and data required by the Plan Commission.

**Special Exception.** A use that is designated as such by this Ordinance as being permitted in the district concerned if it meets special conditions, following a public hearing and the approval of the Board of Zoning Appeals.

**Storage, Outdoor.** The outdoor accumulation or storage of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this Ordinance, a basement shall not be counted as a story.

**Street.** A right-of-way that is dedicated to a governmental unit or is established by a recorded plat and publicly maintained to provide the principal means of access to abutting property.

**Streetwall:** The main wall of a structure that is closest to and most nearly parallel with an adjacent street.

**Structural Change.** A substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

**Structure.** Anything constructed or erected that requires location on or in the ground or attachments to something having a location on or in the ground.

**Structure, Primary:** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision.

**Telecommunications:** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Through Lot.** *See Lot, Double Frontage.*

**Tourist Home.** *See Bed and Breakfast.*

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

**Town.** The Town of Danville.

**Town Attorney.** Usually that attorney regularly retained to advise or represent the Town in legal matters. In special circumstances the term may refer also to other attorneys retained by the Town for supplemental legal services.

**Use.** The employment or occupation of a building structure or land for a person's service, benefit, or enjoyment.

**Use Variance.** The approval of a use other than that prescribed by this Zoning Ordinance. Changes of allowed uses are not permitted by this Ordinance except by Zoning Map amendment.

**Variance.** A specific approval for development or redevelopment which deviates from the development standards prescribed by this Ordinance, including but not limited to height, bulk, or yard areas; but not including a change in use. Such approvals are granted by the Board of Zoning Appeals in the manner prescribed in Section 19 of this Ordinance.

**Vision Clearance.** (See Section 4.8 for requirements at corners for a clear vision triangle.)

**Yard.** The area of a lot with a principal building that is open and unobstructed except as otherwise authorized by this Ordinance.

**Yard, Front.** The horizontal space between the nearest foundation of a building to the right-of-way line, and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. Lots adjoining more than one street shall have front yards on all sides that adjoin a public or private street.

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

**Yard, Side.** The horizontal space between the nearest foundation of a building to the side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space, steps or terraces not higher than the level of the first floor of the building, and open lattice-enclosed fire escapes or fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.

**Zero Lot Line.** The location of a building on a lot in such manner that one or more of the building's sides rests directly on a lot line.

**Zoning Administrator.** *See Administrator.*

## **SECTION 3      NONCONFORMING USES AND STRUCTURES**

### **3.1      INTERPRETATION & INTENT**

Within the districts established by this Ordinance or by amendments that may later be adopted, there may exist certain structures or uses of land that were lawful before this Ordinance was passed or amended, but which are prohibited, regulated or restricted under the terms of this Ordinance or may be by future amendments hereto. Such legal nonconforming uses and structures may include:

- ☐ Nonconforming lots,
- ☐ Nonconforming structures,
- ☐ Nonconforming uses of land, and
- ☐ Nonconforming uses of land and structures in combination

It is the intent of this Ordinance to permit these nonconforming lots, structures and uses of land to continue under the provisions of this section until they are removed but not to encourage their survival. It is further the intent of this Ordinance that legal nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

### **3.2      INCOMPATIBILITY OF NONCONFORMING USES**

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

### **3.3      ILLEGAL USES**

Illegal uses existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

### **3.4      AVOIDANCE OF UNDUE HARDSHIP**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially completed preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

### 3.5 ORDINARY REPAIRS AND MAINTENANCE

On any legal nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure and market value of real estate, or nonconforming portion of the structure, whichever the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. If a legal nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

### 3.6 SPECIAL EXCEPTIONS NOT CONSIDERED NONCONFORMING USES

Any use which is permitted by this Ordinance as a special exception in the district in which it is located shall be deemed a conforming use in such district with no further action.

### 3.7 NONCONFORMING LOTS

In any district in which single family dwellings are permitted, a single family dwelling may be constructed on a single lot that was legally established and recorded, even if this Ordinance, or its subsequent amendments, establishes a minimum lot width or area requirement for the district that exceeds the width or area of this lot. All other requirements of this Ordinance and its subsequent amendments must be met for the use of this lot.

### 3.8 NONCONFORMING USES OF LAND

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions.

- A. **Enlargement of Use.** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

- B. **Moving.** No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Ordinance.
- C. **Termination by Discontinuance or Abandonment.** If any such nonconforming uses of land are discontinued for a continuous period in excess of one year (except where government action impedes access to the premises), such period of discontinuance of use shall constitute an abandonment of the use, and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. **New Construction.** No additional structure or accessory structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### 3.9 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not now be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. **Structural Alteration or Enlargement.** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. **Damage or Destruction.** Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to the extent of more than 50 percent (50%) of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. **Moving.** Should such structure be moved for any reason or for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### 3.10 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not now be allowed in the district under the terms of

this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. **Structural Alteration or Enlargement.** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension of Use.** A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Change in Use.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. **Termination by Discontinuance or Abandonment.** If any such nonconforming use of a structure, or structure and land in combination, is discontinued for a continuous period in excess of one year (except where government action impedes access to the premises), such period of discontinuance of use shall constitute an abandonment of the use of the structure, or structure and land in combination, and the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- E. **Removal of Structure.** Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. However, any future use of the land must be in conformity with the regulations of the district in which it is located.

### 3.11 NONCONFORMING PARKING

See subsection 11.2.B for regulations concerning nonconforming parking.



## SECTION 4      **GENERAL PROVISIONS OF ZONING DISTRICTS**

### **4.1      USE OF BUILDING OR LAND FOR INTENDED PURPOSE**

- A. No building or land shall be used and no buildings shall be erected, reconstructed, or structurally altered, which are arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in the district in which such building or land is located.
- B. No structure shall be erected or altered to provide for greater height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

### **4.2      PRINCIPAL USES**

A principal use may be authorized as either a permitted use or a special exception. Permitted uses are those uses which are allowed without special permission of the Board of Zoning Appeals, given that they follow the provisions set forth in this Ordinance. Special exceptions are only permitted following a public hearing and approval by the Board of Zoning Appeals, as per Section 5 of this Ordinance.

Principal uses for each district are listed with their provisions under the district headings in Sections 7 through 10 of this Ordinance. A quick reference is available in the form of a use matrix in Appendix A, however, because some principal uses may contain special provisions in some districts, Sections 7 through 10 shall be considered the definitive listing of principal uses and their regulations.

In any district, no more than one (1) principal structure and one (1) principal use shall be located on a single lot; except that primary structures designed and platted as a single unit under single ownership and control, such as a multi-family residential project, business shopping center, or combined industrial operations, may be permissible on a single lot under the terms of this Ordinance.

## 4.3

## ACCESSORY USES

A. **Uses Considered to be Accessory Uses.** For the purpose of this Ordinance, accessory uses will be referred to in Sections 7 through 10 of this Ordinance. Accessory uses are generally permitted in all zoning districts, provided they meet all provisions set forth in this Ordinance.

B. **General Provisions**

1. **Bulk Requirements**

The accessory use shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use, and shall not exceed the following:

- a) **Area.** No accessory structure shall be greater than fifty percent (50%) of the square foot area of the principal structure or no greater than 1000 square feet, whichever is less.
- b) **Yard Depths.** In any residential district except for the R2C district, an accessory building may be located no closer to a side lot line than six (6) feet, no closer to the rear lot line than ten (10) feet, and no closer to the front lot line than the front building line of the principal building.

In R2C districts, an accessory building may be located no closer to a side lot line than three (3) feet, no closer to the rear lot line than three (3) feet and no closer to the front lot line than the front building line of the principal building.

In all other districts, accessory uses must follow the minimum setbacks required by all structures in the district in which they are located.

- c) **Height.** No accessory structure shall exceed the maximum height of fifteen (15) feet or the height of the principal structure, whichever is less. In the R2C district, the height of an accessory garage may be increased up to a maximum of twenty-four (24) feet in order to match the roof pitch of the principal structure. No additional living space may be created as a result of the increased height.
- 2. The accessory use shall be operated and maintained under the same ownership and on the same lot as the principal use.
- 3. Accessory uses shall be limited to three (3) structures in residential districts.
- 4. An accessory use shall not be permitted prior to the erection and operation of a principal use unless a Temporary Improvement Location Permit is issued as per Section 19 of this Ordinance.

### C. **Regulations Specific to Particular Uses**

1. **Household pets**, provided that the keeping of such pets is not for profit and not construed as a kennel.
2. **Accessory apartments**, as set forth in this Section.
3. **Home occupations**, as set forth in this Section.
4. **Garages and carports**, provided that such structures are accessory to private, residential uses, are used for the storage of motor vehicles, and are clearly accessory and not for commercial purposes.
5. **Swimming pools and hot tubs**, subject to the following: Private swimming pools shall be regulated according to the Indiana Swimming Pool Code, as amended. (State Code currently requires access to pools be restricted by one of three means. Refer to 675 IAC 20-4-27.) Swimming pools are subject to all yard requirements in the district in which they are located and shall be permitted in the rear yard only.

## 4.4 **USES GENERALLY PERMITTED**

### A. **Accessory Uses**, as defined in this Section.

### B. **Home Occupations**. Home occupations shall be a permitted accessory use in all residential dwelling units provided that the following conditions are met.

1. No more than one (1) person other than members of the family residing on the premises shall be engaged in such home service.
2. The use of the dwelling unit for the home service shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home service.
3. There shall be no change in the outside appearance of the building or premises, or other visible signs of the conduct of such home service other than one (1) non-illuminated sign, as follows:
  - a) One sign not exceeding four (4) square foot in area permanently mounted on the principle building; or
  - b) One sign not exceeding one (1) square foot in area permanently mounted on a mailbox, fence or other permanent structure within the front yard of the principle building.
4. No home service shall be conducted in any accessory building.

5. No traffic shall be generated by such home service in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home service shall meet the off-street parking requirements as specified in this Ordinance, and shall not be located in a required front yard.
  6. No equipment or process shall be used in such home service which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the parcel. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television off the premises, or causes fluctuations in the line voltage off the premises.
- C. **Group Homes** shall be permitted in all residential districts, as permitted by Indiana law, provided all required licenses, certifications, permits and approvals are up to date and maintained.
- D. **Manufactured Housing.** Manufactured homes as scattered-site residences shall be a permitted use in single family residential districts, subject to the requirements for all residential uses and lots in such districts, and provided the manufactured homes meet the following requirements and limitations:
1. The home shall meet all requirements of this Ordinance, possess all necessary improvement location, building, and occupancy permits and other certification required by this Ordinance;
  2. The home shall be attached and anchored to a permanent foundation in conformance with the regulations of the State's International Building Code and the manufacturer's installation specifications;
  3. The home shall comply with the provisions of the Town's Building Code, pertaining to exterior covering material, roof covering material, and roof pitch as is customarily used on site-built residential dwellings. All exterior covering material shall extend over the top of the foundation;
  4. The home shall meet the minimum square footage requirements for the appropriate zone; and
  5. The home shall be oriented such that its longest side is the side that faces the street frontage.
- E. **Accessory Apartments.** Accessory apartments shall be a Special Exception in all residential districts. Accessory apartments, also

known as in-law quarters and granny flats, shall be limited to occupation by family members only, and must be clearly subordinate to the primary residential use in both size and location on the lot. Special Exceptions for accessory apartments shall be obtained from the Board of Zoning Appeals as per Section 5 of this Ordinance and must be renewed every five (5) years.

F. **Bed and Breakfasts.** The following standards must be met for all Bed and Breakfast establishments:

1. Bed and breakfasts are permitted uses in the R3, R4, LB, GB, and Primary and Secondary CB Districts. Further, they are allowed as Special Exceptions in the R1, R2, and R2C Districts.
2. No exterior alterations to the structure shall be made which would change the residential appearance of the building.
3. The minimum total floor area of the principal residential structure needed to establish a bed and breakfast use shall be 2,500 square feet.
4. Parking standards set forth in Section 11 of this Ordinance shall be met.
5. Guestrooms shall not be used for cooking or eating, however, meals may be provided. Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast guests, unless the Board of Zoning Appeals finds that opening the facilities to the public will not have a negative impact on the surrounding area. The Board may set any additional regulations necessary to ensure that public use of such facilities will be in harmony with the surrounding area.
6. There shall be no more than the equivalent of one non-resident full-time employee hired solely for the purpose of working for the bed and breakfast use.

G. **Public Utility Installations for Local Service**

H. **Hobby Farming.** Hobby farming shall be a permitted use in all districts provided that:

1. The processing and storage of harvested produce or other end products shall not be allowed on site.

2. The hobby farming use shall not exceed twenty-five (25) percent of the land area of the lot and shall abide by all setback regulations.

#### 4.5 TEMPORARY USES

A. **Intent.** Temporary uses shall be permitted in applicable zone districts by the grant of a temporary improvement location permit issued by the Administrator in accordance with the requirements of Section 19.

B. **General Provisions.**

1. The duration of the temporary period is stated in this Section, provided, however, renewal of such permit may be requested. All time periods, listed in days or months, are considered to be consecutive.
2. Temporary uses shall be subject to all the regulations of the applicable zone district.
3. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
4. No public address systems or other noise producing devices shall be permitted in a residential district.
5. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
6. The lot shall be put in clean condition, devoid of temporary use remnants upon termination of the temporary period.

C. **Permitted Temporary Uses.** Within any zoning district, no temporary use shall be used or arranged or designed to be used except in conformance with the following rules and time limits:

1. Mobile homes in single family residential areas are subject to the provisions of Section 19.11.I.2. Maximum use limited to one (1) year with no renewals.
2. Temporary office, model home or model apartment and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the zone district. Maximum use limited to eighteen (18) months.
3. Noncommercial concrete batching plant, both incidental and necessary to construction in the zoning district. Maximum use limited to eighteen (18) months.
4. Temporary portable storage units. Maximum use limited to ninety (90) days.

5. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the zone district. Maximum use limited to eighteen (18) months.
6. Parking lot designated for a special non-profit event in zone district. Maximum use limited to thirty (30) days.
7. Bazaars, carnivals, and other similar temporary uses. Maximum use limited to ten (10) days.
8. Tent or roadside sale are limited to not-for-profit or civic organizations. Maximum use limited to sixty (60) days.
9. Parking of recreational vehicles for visitation. Maximum use limited to seven (7) days.
10. Construction trailers as a temporary office during the period of construction and development. Maximum use limited to eighteen (18) months.
11. Anything herein to the contrary, notwithstanding a recreational vehicle, may be temporarily parked or stored upon the grant of a temporary improvement location permit in the open in connection with the following:
  - a) A public health program sponsored by a public health department.
  - b) A program sponsored by any unit of government.
  - c) A carnival or other public affair or function authorized by proper authority
  - d) Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions and safeguards as the Board may deem necessary.

#### **D. Garage or Yard Sales**

1. **Location and Duration.** A garage or yard sale may be conducted one time in any one calendar year on any premises located in any RC1, RE1, R1, R2, R2C, R3, or R4 zone, but no such sale shall be conducted for more than three (3) consecutive days.
2. **Hours of Operation.** A garage or yard sale shall only be conducted during the hours from sunrise to sunset.
3. **Property for Sale.** All items of personal property sold at a garage or yard sale shall be owned by the owner or occupier of the premises or by a participant at the sale. Personal property for sale must not be property that has been acquired by the owner expressly for the purpose of resale.

4. **Removal of Sale Items and Signs.** All personal property exhibited for sale outside any structure during a garage or yard sale shall be removed from the outside and placed within a building immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.
5. **Requirement for a Permit.** No garage or yard sale shall be held without the owner or occupier of the premises having first obtained a permit for the sale. The permit shall be obtained through application to the Administrator who shall issue such permit upon the payment of a fee of five dollars (\$5.00). The permit shall specify the address and date of the sale, and the permit must be clearly displayed at the site of the garage sale at all times.

#### 4.6 OBSTRUCTIONS IN REQUIRED YARDS

All required yards shall be kept free of all material including but not limited to buildings, structures, parking lots, material for sale, outdoor storage, and advertising or display to attract attention.

The following shall not be considered obstructions when located within required yards except in areas required for vision clearance at intersections:

##### A. In All Yards

1. Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch
2. Awnings or Canopies
3. Steps that are four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a building lot from a street or alley
4. Chimneys projecting eighteen (18) inches or less into the yard
5. Movable recreational and laundry-drying equipment located in rear yards
6. Arbors and trellises
7. Flag poles
8. Walls not exceeding four (4) feet in height above natural grade level

##### B. In Front Yards

1. One-story bay windows and overhanging eaves



2. Down spouts projecting not more than six (6) feet into the yard

**C. In Rear Yards**

1. Enclosed, attached, or detached off-street parking spaces
2. Open, off-street parking spaces
3. Balconies, breezeways and open porches
4. One-story bay windows projecting not more than three (3) feet into the yard
5. Overhanging gutters and eaves projecting not more than two (2) feet into the yard

**D. In Side Yards**

1. Overhanging eaves and gutters projecting no more than two (2) feet into the yard

**4.7 PLACING STRUCTURES OVER UTILITY EASEMENTS**

No building or structure shall be placed or erected over utility easements, except for fences or signs. Such structure shall be subject to the paramount right of the utility or municipality to install, repair, maintain or replace its installation. Structures in easements under the terms of this Section shall be permitted only upon presentation of evidence sufficient to show that the structure will not interfere with any utility facility or drainage system. In the event that such structure must be removed or altered in order to accommodate utilities or drainage, the removal or alteration shall be accomplished at the expense of the property owner.

**4.8 VISION CLEARANCE AT INTERSECTIONS**

At the street intersection of each corner lot, the triangular space determined by the two street centerlines at that corner and by a diagonal line connecting the two points on those centerlines lines that are seventy-five (75) feet respectively from the intersecting point of said centerlines, shall be kept free of any obstruction to vision between the heights of two and one-half (2½) feet and twelve (12) feet above the centerline grade.

**4.9 GENERAL, TRAFFIC, AND OPEN AIR BUSINESS STANDARDS**

In any zone district, where applicable, the following standards shall supplement the business use requirements of the zone district.

**A. General Standards**

1. No amplification of radio music or other audio advertising shall be permitted on the premises
2. No lights utilizing an attracting device or lights or stringers of unshielded incandescent lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
3. There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.
4. Adequate interior or outdoor trash containers shall be required; provided, that outdoor trash containers be screened in accordance with Section 13.5 of this Ordinance.
5. Adequate employee and customer off-street parking areas shall be provided. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets (unless specified in Section 11 of this Ordinance), on any public right-of-way, or in such a manner as to restrict motorists' visibility.

**B. Standards Concerning Traffic Congestion**

1. **Number of traffic access points.** The number of traffic access points for establishments with one hundred (100) feet or less of frontage on a street shall not exceed one (1).
2. **Service Roads.** Whenever practicable, for establishments with frontage of more than one hundred (100) feet, a service road shall be provided of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one (1) street, such service roads may be required on more than one (1) frontage street.

The service road required by this subsection shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments. In general, the use of public improved alleys, interior access roads, or any other designed means to minimize the number of traffic access points and business intersections are encouraged.

**C. Drive Through and Open Air Business Regulations**

Any establishment where the principal uses are the drive-in, drive-through, or open air type business operation shall be subject to the following standards.

1. Gasoline pump islands, canopies and support posts, or other free standing accessory devices which are essential to the operation of the business must observe a setback line of at least fifteen (15) feet. However, no structure or device authorized by this Section shall be located in such a manner as to impede intersection visibility.
2. Such business uses shall be limited to the characteristics customarily associated with such use, and no other.
3. Drive through stacking spaces shall be provided as set forth in Section 11.2.F.6 of this Ordinance.
4. All drive-through establishments shall be subject to plan review and approval by the city engineer prior to the issuance of any building permits. At a minimum this review shall include off-site and on-site circulation related to the use, including turning movement and compatibility with pedestrian circulation.

#### **4.10 ADDRESSES AND STREET NAMES**

##### **A. Addresses**

1. All houses and buildings within the Town shall be numbered in a uniform manner as prescribed by the Plan Commission in conjunction with the U.S. Postal Service.
2. All houses and buildings shall display the building number in a conspicuous place on the side of the building parallel to the street of the corresponding number. Numerals shall be at least three (3) inches in height.
3. The Plan Commission shall direct the Zoning Administrator to change the house or building number of any street or part of a street when the change shall be necessary by reason of readjustment of any kind, inaccuracy, or mistake, or for any other cause.
4. It shall be unlawful for any person to remove, alter, or deface any house or building number properly assigned or placed on or near a building, or to place or retain on any building any number other than the one duly assigned.

##### **B. Street Names**

1. Pursuant to IC 36-7-4-405, all street names shall be reviewed and approved by the Plan Commission to avoid duplication or conflict with other names of streets within the township.

## SECTION 5 SPECIAL EXCEPTIONS

### 5.1 PURPOSE

Special Exceptions are those uses that, because of their unique characteristics and potentially adverse impact upon the immediate area, as well as the Town as a whole, require a greater degree of scrutiny in a given location. Therefore, the determination of a Special Exception as appropriate shall be contingent upon its meeting a set of standards, intended in each case, to weigh the public need and benefit of the use against its impact, giving effect to the measures proposed by the applicant for the amelioration of any adverse impacts through special site planning and development techniques, as well as the provisions of public improvements, sites, right-of-way and services.

### 5.2 AUTHORITY

The Board of Zoning Appeals may approve, approve with supplementary conditions, or deny Special Exceptions.

### 5.3 PARTIES ENTITLED TO SEEK SPECIAL EXCEPTIONS

The owner or lessee of the subject property or other person having a legal or equitable interest in the subject property may file an application for a Special Exception with the Zoning Administrator.

### 5.4 PROCEDURE FOR REVIEW AND DECISION

A. **Application.** At a minimum, the application shall contain the following information:

1. Name, address, and phone number of the applicant;
2. Legal description of the property;
3. Description of the existing use, if any;
4. The particular zoning district;
5. Description of the proposed Special Exception;
6. A plan of the proposed site for the Special Exception showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards, and such other information as the Board deems warranted; and
7. A narrative statement evaluating the effects of the Special Exception on abutting property, as well as other properties in the district, and the relationship of the Special Exception to the

Comprehensive Plan, or any specific land use objectives of the Town of Danville.

- B. **Action by the Zoning Administrator.** Upon receipt of a properly completed application for a Special Exception permit, the Zoning Administrator shall transmit to the Board of Zoning Appeals the application together with any reports and recommendations subject to the proposed application.
- C. **Public Hearing and Notice.** The Board of Zoning Appeals shall hold a public hearing on the application in accordance with its rules. Notice for the public hearing shall be performed in the manner prescribed by the Board.
- D. **Action by Board of Zoning Appeals.** Within thirty (30) days after the close of the public hearing, the Board of Zoning Appeals shall, in writing, either approve, approve with supplementary conditions, or deny the application. Upon reaching a decision, the Board of Zoning Appeals shall instruct the Zoning Administrator to notify the applicant in writing of its decision. If the application is approved or approved with conditions, the Board of Zoning Appeals shall instruct the Zoning Administrator to issue a Special Exception permit which shall specify all conditions associated with the Special Exception approval.
- E. **Review by Certiorari.** A decision of the Board of Zoning Appeals shall be subject to review by certiorari. Any person aggrieved by a decision of the Board of Zoning Appeals may present to the Circuit Court of Hendricks County a petition duly verified setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the Board of Zoning Appeals.

## 5.5 STANDARDS FOR SPECIAL EXCEPTIONS

- A. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Special Exception in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
  - 1. Is in fact a Special Exception listed in the specific zoning district involved;
  - 2. Will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare;

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public expense for public facilities and services, nor be detrimental to the economic welfare of the community or result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance;
6. At least one year has elapsed since any denial by the Board of any prior application for a Special Exception that would have authorized substantially the same for all or part of the site, unless the Board determines that conditions in the area have substantially changed.

## **5.6 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

- A. In granting any Special Exception, the Board of Zoning Appeals may prescribe additional conditions and safeguards concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this Section. Violation of any such condition or safeguard shall be considered a violation of this Section and subject to the procedures for enforcement.
- B. In addition to prescribing additional conditions and safeguards, the Board of Zoning Appeals may require the owner of the subject property to make written commitments concerning the use or development of the property.

## **5.7 NO PRESUMPTION OF APPROVAL**

The listing of a Special Exception within each zoning district shall not constitute an assurance of presumption that such Special Exception will be approved. Rather, each proposed Special Exception shall be evaluated on

an individual basis, in relation to its compliance with the standards and conditions set forth herein and with the standards for the district in which it is to be located.

## **5.8 LIMITATIONS ON SPECIAL EXCEPTIONS**

- A. A Special Exception permit shall be deemed to authorize only the particular use at the particular location for which the Special Exception was granted, and the permit shall automatically expire should, for any reason, the Special Exception cease for more than one (1) year.
- B. A Special Exception may be terminated by the Board upon filing of an application by an interested person or the Zoning Administrator, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance or conditions of approval or commitments have not been met.

## **5.9 EFFECT OF APPROVAL**

- A. The approval of a proposed Special Exception shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Town.
- B. Improvement Location Permit Required. If the Board approves the Special Exception, it shall direct the applicant to apply for an improvement location permit under Section 19 of this Ordinance. If such applications complies with this Ordinance, and all other applicable codes and Ordinances, the Zoning Administrator shall issue the improvement location permit for the approved Special Exception. No Special Exception may be approved without the issuance by the Zoning Administrator of an improvement location permit as per Section 19 of this Ordinance.



## SECTION 6: USE DISTRICTS

### 6.1 DISTRICT CLASSIFICATIONS

The zoning districts established for the Town of Danville are as follows:

#### A. Residential Districts

1. **Residential Conservation District (RC1):** Districts designated “RC1” establish areas for low density, single-family residences while providing for substantial preservation of unique and sensitive natural features.
2. **Residential Estate 1 District (RE1):** Districts designated “RE1” establish areas for very low density, single-family residences with a density of 1.5 or less per acre.
3. **Residential 1 District (R1):** Districts designated “R1” establish areas for low density, single-family residences with a density of two (2) dwelling units or less per gross acre.
4. **Residential 2 Central District (R2C):** The district designated “R2C” encompasses the residential core of the Town and is generally comprised of higher density, single family residences, many with historically unique architectural styles and features.
5. **Residential 2 District (R2):** Districts designated “R2” establish areas for medium density, single-family residences with a density of four (4) dwelling units or less per gross acre.
6. **Residential 3 District (R3):** Districts designated “R3” establish areas for higher density two-family and condominium residential development, and for multi-family residential development. The density in an R3 district shall be six (6) dwelling units or less per gross acre.
7. **Residential 4 District (R4):** Districts designated “R4” establish areas for the highest density two-family and multi-family residential development, as well as amenities to serve those residential units. The density in an R4 district shall be ten (10) dwelling units or less per gross acre.

#### B. Commercial Districts

1. **Local Business District (LB):** Districts designated “LB” establish commercial areas that are close to residential areas, and include uses appropriate to meeting the convenience shopping and service needs of neighboring residents.
2. **General Business District (GB):** Districts designated “GB” establish areas that are appropriate for most businesses, services, and light industrial uses.

3. **Primary Central Business District (CB-P):** The CB-P district encompasses Danville's Courthouse Square. This district is established to provide an appropriate location for businesses and professional uses while protecting the historic character of the district's structures and surroundings.
4. **Secondary Central Business District (CB-S):** The CB-S district encompasses the portion of the Town's core business area not covered by the Primary Central Business District.
5. **Office District (OD):** Districts designated "OD" establish locations appropriate for professional offices, with limited service and retail uses to meet the needs of the district's employees.
6. **Airport Development District (AD):** The AD district is an area adjacent to Gordon Graham Field that permits uses which promote aviation safety, are compatible with and support airport operations, and encourage economic development in the vicinity of the airport.

**C. Industrial Districts**

1. **Industrial Office (IO):** Districts designated "IO" establish areas for research and administrative facilities that are office-like in appearance and service requirements.
2. **Industrial Light (IL):** Districts designated "IL" establish areas for manufacturing and wholesale businesses that are clean, quiet, free of hazardous elements, and generate low volume industrial traffic.
3. **Industrial General (IG):** Districts designated "IG" establish areas for major manufacturing, processing, and warehousing that require extensive community services and need reasonable access to collector or arterial thoroughfares.
4. **Industrial Park (IP):** Districts designated "IP" establish areas for master-planned industrial parks along minor arterials or major collector streets.

- D. Corridor Protection Overlay District (CPOD):** The Corridor Protection Overlay District includes a mix of commercial and residential uses that abut the Main Street corridor from Twin Bridges Road to Clear Creek Drive. Any new construction or exterior renovation occurring in this overlay district is subject to additional development standards in order to protect the character and aesthetic quality of this corridor.

- E. Planned Unit Development Districts (PUD):** Planned Unit Development areas provide for flexibility in the development of land. These areas must be developed following an approved site plan.

“PUD” Districts are established under the provisions of Section 15 of this Ordinance.

- F. **Flood Plain Districts (FP):** Districts designated “FP” are established to regulate development in areas subject to inundation and damage from flood waters. These areas include low lying areas adjacent to lakes and ponds and the areas within the flood plain of rivers and creeks.
- G. **Park Districts (PD):** The designation of a Park District provides the Town of Danville with a means of setting aside land for future park use. It is not intended that privately held land would be given this designation, but that land already purchased by the Town for the purpose of a public park would be given the “PD” designation in order to ensure its eventual development in this capacity. Principle uses in the PD district follow.
  - 1. Permitted Uses
    - a) Public Library or Museum
    - b) Public Park
    - c) Public Swimming Pool
    - d) Skating Rinks (roller or ice)
  - 2. Special Exceptions
    - a) Church or Temple
    - b) Telephone Exchange or Public Utility Substation
    - c) Artificial Lake of 3 or more Acres
    - d) Communication Relay Tower
    - e) Wireless Communication Tower
    - f) Country Club or Neighborhood Recreation Center
    - g) Golf course, Driving Range, or Miniature Golf
    - h) Riding Stable and Trails
    - i) Public Exposition Centers (Fairgrounds or other similar facilities)

## 6.2 ZONING MAP

The boundaries of each zoning district are indicated on the Official Zoning District Map, entitled “Town of Danville Zoning District Map,” attached hereto and made a part of this Ordinance. The notations, references, indications and other matters shown on the Zoning Map shall be as much a part of this Ordinance as if they were fully described herein.

The “Town of Danville Zoning District Map” shall be kept in the custody of the Town Manager and shall be the final authority as to the current zoning status of land and buildings within the Town of Danville. Amendments to the “Town of Danville Zoning District Map” shall be made according to the provisions in Section 19 of this Ordinance.

### 6.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the exact boundaries of any district as shown on the “Town of Danville Zoning District Map,” the following rules shall apply:

- A. When exact boundaries of a district are uncertain, they shall be determined by use of the scale of the Zoning Map.
- B. Boundaries appearing to approximately follow thoroughfares such as highways, streets or alleys shall be interpreted as following the centerlines of such thoroughfares.
- C. Boundaries appearing to approximately follow platted lot lines shall be interpreted as following such lot lines.
- D. Boundaries appearing to approximately follow Town Limits shall be interpreted as following Town Limits.
- E. Boundaries appearing to approximately follow railroad lines shall be interpreted as following the railroad line at a position midway between the main tracks.
- F. Boundaries appearing to approximately follow shorelines shall be interpreted as following such shorelines. In the event that the shoreline changes, the boundary shall be interpreted as moving with the actual shoreline.
- G. Boundaries appearing to approximately follow the centerlines of streams, rivers, canals, lakes or other bodies of water shall be interpreted as following such center lines. However, where streams and rivers meander from their beds as they existed on the effective date of this Ordinance, the boundary shall be interpreted as following the original stream or riverbed, except for floodplain boundaries which are dependent on bodies of water for their definition.
- H. Boundaries appearing to approximately follow flood plain lines shall be interpreted as following such contour lines. Further information regarding the interpretation of flood plain boundaries can be found in Section 18 of this Ordinance.
- I. If the boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and the rest of the lot lies in another, use requirements and restrictions that apply to the front part of the lot apply to the entire lot.

- J. Where physical features existing on the ground differ from those shown on the “Town of Danville Zoning District Map”, or in circumstances not covered in this subsection or Section 18, the Board of Zoning Appeals shall interpret the boundaries.

## SECTION 7: RESIDENTIAL DISTRICTS

### 7.1 INTENT

The intent of the residential zoning districts of the Town of Danville is to provide a wide range of quality housing types to meet the present and future housing needs of the Town's residents.

### 7.2 RESIDENTIAL CONSERVATION DISTRICT (RC1)

A. **Purpose** The Residential Conservation District (RC1) is intended to preserve those areas within the Town of Danville that contain unique and sensitive natural features such as woodlands, steep slopes, streams, meadows, floodplains, wetlands, or other similar features while still providing for single family development that is compatible with and preserves Danville's traditional rural character. Therefore, all new development within the RC1 Conservation District shall be limited to those uses permitted or allowed herein.

B. **Requirements for Establishment of the District**

Establishment of the RC1 Conservation District shall require a minimum of seven (7) acres. Petition for the establishment of the RC1 Conservation District shall be subject to the requirements for amending the Zone Map.

C. **Permitted Uses**

1. Agricultural and horticultural uses, exclusive of feedlots
2. Single Family Dwellings
3. Public Park

D. **Accessory Uses**

1. Accessory uses.
2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see Section 4.3.C.4).
3. Home occupations subject to the regulations set forth in Section 4.4.B of this Ordinance.
4. Public utility installation for local service.

E. **Special Exceptions**

1. Accessory apartments subject to the regulations set forth in Section 4.4.E of this Ordinance.
2. Artificial lakes of 3 or more acres
3. Cemetery
4. Neighborhood Recreational Area

**F. Minimum Area Devoted to and Preserved for Conservation**

A minimum of forty percent (40%) of a development shall be preserved in conservation open space consisting of, but not limited to:

1. Open land left in its natural state;
2. Farmland devoted to the raising of crops, plants, or trees;
3. Pastureland for the grazing of horses and equestrian practice facilities;
4. Noncommercial recreational areas, including ball fields, playgrounds, courts bikeways, and walking trails;
5. Wild game sanctuaries;
6. Lakes, streams, and wetlands; and
7. Noncommercial gardens or meadows.

Parking facilities shall not be counted toward the minimum conservation open space requirement.

Measures shall be taken to permanently preserve all conservation open space. Such measures may include, but not be limited to the granting of conservation easements or the dedication of such space to a homeowners association, public or private trust, municipal government or state agency. Maintenance of such conservation open space shall be the responsibility of the owners of the property. The Danville Plan Commission shall approve the measures taken for permanently preserving the conservation open space during plat approval in accordance with the Danville Subdivision Control Ordinance.

**G. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 10,000 square feet and 7,900 square feet, provided, however, that no more than half a residential subdivision, or any section thereof, may be developed at 7,900 square feet.
2. **Minimum Lot Width:** Seventy-five (75) feet
3. **Minimum Depth of Front Yard:**
  - a.) The following minimum front yard depths apply:
    - 1.) Abutting a local street: twenty-five (25) feet
    - 2.) Abutting a collector street: thirty (30) feet
    - 3.) Abutting a secondary arterial: forty (40) feet
    - 4.) Abutting a primary arterial: sixty (60) feet

- b.) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.

4. **Minimum Depth of Rear Yard:** Twenty-five (25) feet

5. **Minimum Depth of Side Yard:** Six (6) feet

6. **Minimum Ground Floor Area:**

- a.) For lots of 10,000 square feet:

One story buildings: 1,350 square feet

Multiple story buildings

First floor: 1,000 square feet

Total 1,350 square feet

- b.) For lots of 7,900 square feet:

One story buildings: 1,050 square feet

Multiple story buildings

First floor: 850 square feet

Total: 1,050 square feet

- c.) For all lots

Accessory apartment: 1,000 square feet

7. **Maximum Lot Coverage:** Fifty percent (50%)

8. **Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys

9. **Building Material Requirement:** Pursuant to IC 36-7-2-4, all single family structures shall be constructed of brick or stone on at least one hundred percent (100%) of the ground floor.

#### H. Area and Height Regulations for Accessory Uses

Accessory uses shall be subject to the provisions of Section 4.3 of this Ordinance.

#### I. Area and Height Regulations for Special Exceptions

All uses allowed by special exception shall be subject to the same development standards that apply to permitted uses. These regulations are set forth in subsection 7.2.G.

#### J. Other Development Controls



1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
4. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.

### 7.3 RESIDENTIAL ESTATE DISTRICT (RE1)

- A. **Definition** The RE1 District establishes areas for low density, single-family residences.
- B. **Density:** 1.5 dwelling units or less per acre
- C. **Permitted Uses**
  1. Single Family Dwellings
  2. Public Park
  3. School, Public or Parochial
- D. **Accessory Uses**
  1. Accessory uses.
  2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
  3. Home occupations subject to the regulations set forth in subsection 4.4.B of this Ordinance.
  4. Public utility installations for local service.
- E. **Special Exceptions**
  1. Accessory apartments subject to the regulations set forth in Section 4.4.E of this Ordinance.
  2. Artificial Lake of 3 or more acres
  3. Cemetery
  4. Church or Temple
  5. Country Club or Neighborhood Recreational Area
  6. Nursery School, Kindergarten, or Day Care Center
  7. Police Station or Fire Station
  8. Public Swimming Pool
  9. Telephone Exchange or Public Utility Substation
- F. **Area and Height Regulations for Permitted Uses**
  1. **Minimum Lot Size:** 22,000 square feet

2. **Minimum Lot Width:** one hundred thirty (130) feet
3. **Minimum Depth of Front Yard:** thirty (30) feet
  - a.) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
4. **Minimum Depth of Rear Yard:** Thirty (30) feet
5. **Minimum Depth of Side Yard:** Fifteen (15) feet
6. **Minimum Ground Floor Area:**
  - a.) One story buildings: 1,800 square feet
  - b.) Buildings with more than one story: 1,500 square feet
  - c.) Accessory apartment: 1,000 square feet
7. **Maximum Lot Coverage:** Fifty percent (50%)
8. **Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys.

**G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 7.3.F.

**I. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Temporary Structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
4. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.

## 7.4 RESIDENTIAL 1 DISTRICT (R1)

- A. **Definition.** The R1 District establishes areas for low density, single-family residences.
- B. **Density:** two (2) dwelling units or less per gross acre
- C. **Permitted Uses**
  - 1. Single Family Dwellings
  - 2. Public Park
  - 3. School, Public or Parochial
- D. **Accessory Uses**
  - 1. Accessory uses.
  - 2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
  - 3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed
  - 4. Home occupations subject to the regulations set forth in subsection 4.4.B of this Ordinance
  - 5. Public utility installations for local service.
- E. **Special Exceptions**
  - 1. Accessory apartments, subject to the regulations set forth in Section 4.4.E of this Ordinance
  - 2. Artificial Lake of 3 or more Acres
  - 3. Boarding House, including a bed and breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance
  - 4. Cemetery
  - 5. Country Club or Neighborhood Recreational Area
  - 6. Nursery School, Kindergarten, or Day Care Center
  - 7. Police Station or Fire Station
  - 8. Public Swimming Pool
  - 9. Telephone Exchange or Public Utility Substation
- F. **Area and Height Regulations for Permitted Uses**
  - 1. **Minimum Lot Size:** 13,500 square feet
  - 2. **Minimum Lot Width:** Ninety (90) feet
  - 3. **Minimum Depth of Front Yard**

- a) The following minimum front yard depths apply:
  - 1.) Abutting a local street: twenty-five (25) feet
  - 2.) Abutting a collector street: thirty (30) feet
  - 3.) Abutting a secondary arterial: forty (40) feet
  - 4.) Abutting a primary arterial: sixty (60) feet
- b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
- d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.

- 4. **Minimum Depth of Rear Yard:** Twenty-five (25) feet
- 5. **Minimum Depth of Side Yard:** Six (6) feet
- 6. **Minimum Ground Floor Area** (for residential uses only)
  - a) One story buildings: 1,400 square feet
  - b) Buildings with more than one story: 1,200 square feet
  - c) Accessory apartment: 1,000 square feet
- 7. **Maximum Lot Coverage:** Fifty percent (50%)
- 8. **Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys.

**I. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**J. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 7.4.F.

**K. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Temporary Structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
4. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.

**7.5**

**RESIDENTIAL 2 CENTRAL DISTRICT (R2C)**

A. **Definition.** The Town of Danville has a single R2C District. It is generally regarded as the residential core of the Town and includes many residences with historically unique architectural styles and features.

B. **Density:** four (4) dwelling units or less per gross acre

**C. Permitted Uses**

1. Single Family Dwellings
2. Public Park
3. School, Public or Parochial

**D. Accessory Uses**

1. Accessory uses.
2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed
4. Home occupations subject to the regulations set forth in Section 4.4.B of this Ordinance
5. Public utility installations for local service.

**E. Special Exceptions**

1. Accessory apartments, subject to the regulations set forth in Section 4.4.E of this Ordinance
2. Boarding House, including a bed and breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance
3. Cemetery
4. Church or Temple

5. Neighborhood Recreational Area
6. Nursery School, Kindergarten, or Day Care Center
7. Public Library or Museum

**F. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 10,000 square feet
2. **Minimum Lot Width:** Seventy-five (75) feet
3. **Minimum Depth of Front Yard**
  - a) The following minimum front yard depths apply:
    - 1.) Abutting a local street: twenty-five (25) feet
    - 2.) Abutting a collector street: thirty (30) feet
    - 3.) Abutting a secondary arterial: forty (40) feet
    - 4.) Abutting a primary arterial: sixty (60) feet
  - b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.  
  
*Note: Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*
  - c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
  - d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.
4. **Minimum Depth of Rear Yard:** Twenty-five (25) feet
5. **Minimum Depth of Side Yard:** Six (6) feet
6. **Minimum Ground Floor Area** (for residential uses only)
  - a) One story buildings: 1,100 square feet
  - b) Buildings with more than one story: 960 square feet
7. **Maximum Lot Coverage:** Fifty percent (50%)
8. **Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys.

9. **Architecture in the R2C District:** In order to protect the unique historic character of the Town's residential core, all new construction in the R2C District shall conform in street orientation and massing to adjacent structures. Furthermore, any new dwelling must be built in one of the prevailing architectural styles existing on the street where the structure is to be located.

The prevailing architectural styles for a street shall be identified by the Plan Commission based on the determination of architectural consultants engaged by the Commission who shall make such determinations utilizing the existing structures within a minimum two-block radius of the lot where construction will occur.

**G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 7.6.F.

**I. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
4. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.

**7.6 RESIDENTIAL 2 DISTRICT (R2)**

- A. **Definition.** The R2 District establishes areas for medium density, single family residences.
- B. **Density:** four (4) dwelling units or less per gross acre
- C. **Permitted Uses**
1. Single Family Dwellings
  2. Public Park
  3. School, Public or Parochial

**D. Accessory Uses**

1. Accessory uses.
2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed
4. Home occupations subject to the regulations set forth in Section 4.4.B of this Ordinance
5. Public utility installations for local service.

**E. Special Exceptions**

1. Accessory apartments, subject to the regulations set forth in Section 4.4.E of this Ordinance
2. Artificial Lake of 3 or more Acres
3. Assisted Living Facility or Nursing Home
4. Boarding House, including a bed and breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance
5. Cemetery
6. Church or Temple
7. Country Club or Neighborhood Recreational Area
8. Nursery School, Kindergarten, or Day Care Center
9. Police Station or Fire Station
10. Post Office
11. Public Library or Museum
12. Public Swimming Pool
13. Telephone Exchange or Public Utility Substation
14. Two-Family Dwellings

**F. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 10,000 square feet
2. **Minimum Lot Width:** Seventy-five (75) feet
3. **Minimum Depth of Front Yard**
  - a) The following minimum front yard depths apply:
    - 1.) Abutting a local street: twenty-five (25) feet
    - 2.) Abutting a collector street: thirty (30) feet
    - 3.) Abutting a secondary arterial: forty (40) feet
    - 4.) Abutting a primary arterial: sixty (60) feet



- b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
- d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.

**4. Minimum Depth of Rear Yard:** Twenty-five (25) feet

**5. Minimum Depth of Side Yard:** Six (6) feet

**6. Minimum Ground Floor Area** (for residential uses only)

- a) One story buildings: 1,100 square feet
- b) Buildings with more than one story: 960 square feet

**7. Maximum Lot Coverage:** Fifty percent (50%)

**8. Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys.

#### **G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

#### **H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 7.5.F.

#### **I. Other Development Controls**

- 1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
- 2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
- 3. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.

4. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.

## 7.7 RESIDENTIAL 3 DISTRICT (R3)

A. **Definition** The R3 District establishes areas for higher density two family, condominium, and multi family residences.

B. **Density**: Six (6) dwelling units or less per gross acre.

C. **Permitted Uses**

1. Assisted Living Facility or Nursing Home
2. Boarding House, including a Bed and Breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance
3. Condominiums
4. Multi Family Dwellings
5. Public Park
6. Public Swimming Pool
7. School, Public or Parochial
8. Two Family Dwellings

D. **Accessory Uses**

1. Accessory uses.
2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed
4. Home occupations subject to the regulations set forth in Section 4.4.B of this Ordinance
5. Public utility installations for local service.
6. Management offices and other facilities normally associated with tenants' convenience, such as vending machines, laundry facilities, and fitness facilities, provided they are associated with a multi-family development and provided there is no exterior display.

E. **Special Exceptions**

1. Accessory Apartments, subject to the regulations set forth in Section 4.4.E of this Ordinance.
2. Artificial Lake of 3 or more Acres
3. Cemetery
4. Church or Temple

5. Country Club or Neighborhood Recreational Area
6. Nursery School, Kindergarten, or Day Care Center
7. Police Station or Fire Station
8. Post Office
9. Public Library or Museum
10. Telephone Exchange or Public Utility Substation
11. Trade or Business School

**F. Area and Height Regulations for Permitted Uses**

**1. Minimum Lot Size**

- a) Two Family Dwellings and Condominiums: 7,900 square feet
- b) Multi Family Dwellings: 3,000 square feet for the first three (3) dwelling units, plus an additional 1,000 square feet for each additional unit
- c) Nonresidential Uses: 6,800 square feet

**2. Minimum Lot Width**

- a) Two Family Dwellings: Seventy (70) feet
- b) Multi Family Dwellings: Eighty-five (85) feet
- c) Nonresidential Uses: Sixty (60) feet

**3. Minimum Depth of Front Yard**

- a) The following minimum front yard depths apply:
  - 1.) Abutting a local street: twenty-five (25) feet
  - 2.) Abutting a collector street: thirty (30) feet
  - 3.) Abutting a secondary arterial: forty (40) feet
  - 4.) Abutting a primary arterial: sixty (60) feet
- b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
- d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.

4. **Minimum Depth of Rear Yard:** Twenty-five (25) feet
5. **Minimum Depth of Side Yard:** Six (6) feet
6. **Minimum Ground Floor Area** (for residential uses only)
  - a) One story buildings
    - 1.) Two Family Dwellings: 1500 square feet
    - 2.) Multi Family Dwellings: 750 square feet per unit
  - b) Buildings with more than one story
    - 1.) Two Family Dwellings: 1440 square feet
    - 2.) Multi Family Dwellings: 720 square feet per unit
7. **Maximum Lot Coverage:** Fifty percent (50%)
8. **Maximum Building Height:** Thirty-five (35) feet, except that chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in Section 7.7.F.

**I. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
6. A site plan, as regulated by Section 17 of this Ordinance shall be required for any multi-family or school use permitted in this zone.

## 7.8 RESIDENTIAL 4 DISTRICT (R4)

- A. **Definition** The R4 District establishes areas for the highest density two family and multi family residential development, as well as amenities to serve those residential units.
- B. **Density**: Ten (10) dwelling units or less per gross acre
- C. **Permitted Uses**
  - 1. Assisted Living Facility or Nursing Home
  - 2. Boarding House, including a Bed and Breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance
  - 3. Church or Temple
  - 4. Condominiums
  - 5. Multi Family Dwellings
  - 6. Nursery School, Kindergarten, or Day Care Center
  - 7. Police Station or Fire Station
  - 8. Post Office
  - 9. Public Library or Museum
  - 10. Public Park
  - 11. Public Swimming Pool
  - 12. School, Public or Parochial
  - 13. Two Family Dwellings
- D. **Accessory Uses**
  - 1. Accessory uses.
  - 2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
  - 3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed.
  - 4. Home occupations subject to the regulations set forth in Section 4.4.B of this Ordinance
  - 5. Public utility installations for local service.
  - 6. Management offices and other facilities normally associated with tenants' convenience, such as vending machines, laundry facilities, and fitness facilities, provided they are associated with a multi-family development and provided there is no exterior display.
- E. **Special Exceptions**
  - 1. Accessory Apartments, subject to the regulations set forth in Section 4.4.E of this Ordinance

2. Artificial Lake of 3 or more Acres
3. Bakery – Retail (see 7.8.H)
4. Cemetery
5. Coffee Shop or Refreshment Stand (see 7.8.H)
6. Convenience Store, without pumps (see 7.8.H)
7. Country Club or Neighborhood Recreational Area
8. Delicatessen (see 7.8.H)
9. Drug Store (see 7.8.H)
10. Dry Cleaning and Laundry Establishment (see 7.8.H)
11. Self Service Laundry (see 7.8.H)
12. Telephone Exchange or Public Utility Substation
13. Trade or Business School

F. **Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size**

- a) Two Family or Condominium Dwellings: 6,000 square feet
- b) Multi Family Dwellings: 3,000 square feet for the first three (3) units, plus 850 square feet for each additional unit
- c) Nonresidential Uses: 5,000 square feet

2. **Minimum Lot Width:**

- a.) Two Family Dwellings: Sixty-five (65) feet
- b.) Multi Family Dwellings: Eighty (80) feet

3. **Minimum Depth of Front Yard**

- a) The following minimum front yard depths apply:
  - 1.) Abutting a local street: twenty-five (25) feet
  - 2.) Abutting a collector street: thirty (30) feet
  - 3.) Abutting a secondary arterial: forty (40) feet
  - 4.) Abutting a primary arterial: sixty (60) feet
- b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.

- d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.
- 4. **Minimum Depth of Rear Yard:** Twenty-five (25) feet
- 5. **Minimum Depth of Side Yard:** Six (6) feet
- 6. **Minimum Ground Floor Area:**
  - a.) One story buildings
    - 1.) Two Family Dwellings: 1,400 square feet
    - 2.) Multi Family Dwellings: 700 square feet per unit
  - b.) Buildings with more than one story
    - 1.) Two Family Dwellings: 1,300 square feet
    - 2.) Multi Family Dwellings: 650 square feet per unit
- 7. **Maximum Lot Coverage:** Fifty percent (50%)
- 8. **Maximum Building Height:** Thirty-five (35) feet, exclusive of chimneys.

**G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 7.8.F. However, the following special exceptions shall also be subject to a maximum total floor area:

- 1. Convenience Stores, Drug Stores, Dry Cleaning and Laundry establishments, and Self Service Laundry Facilities shall not exceed 5,000 square feet in area
- 2. Bakeries, Coffee Shops, Refreshment Stands, and Delicatessens shall not exceed 2,000 square feet in area.

**I. Other Development Controls**

- 1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
- 2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
- 3. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
- 4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.

5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
6. No outdoor storage of any materials (usable or waste) shall be permitted in this zone, except within enclosed containers.
7. All business activities permitted in this zone shall be conducted within a completely enclosed building, with the exception of off street parking and loading areas and outdoor dining facilities.
8. A site plan, as regulated by Section 16 of this Ordinance shall be required for any multi-family, church, school, or governmental facility use permitted in this zone.



## SECTION 8: COMMERCIAL DISTRICTS

### 8.1 INTENT

The intent of the commercial zoning districts of the Town of Danville is to provide a full spectrum of shopping and service uses to the Town's residents in a manner that ensures such commercial development is compatible with surrounding uses.

### 8.2 LOCAL BUSINESS DISTRICT (LB)

A. **Definition.** The LB District establishes commercial areas in close proximity to residential districts in order to provide retail and service uses appropriate for meeting the convenience shopping and service needs of neighboring residents.

#### B. **Permitted Uses**

1. Assisted Living Facility or Nursing Home
2. Banks and Other Financial Institutions
3. Boarding House, including a Bed and Breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance.
4. Church or Temple
5. Dancing, Aerobics or Gymnastics Studio
6. Drug Store
7. Government Facilities
8. Grocery Store
9. Multi Family Dwelling
10. Nursery School, Kindergarten, or Day Care Center
11. Police Station or Fire Station
12. Post Office
13. Public Library or Museum
14. Public Park
15. Radio, TV, and Music Sales and Service
16. Restaurant, with or without alcoholic beverages
17. School, Public or Parochial
18. Trade or Business School
19. Service Uses, including: Alterations Shop; Dry Cleaning and Laundry Establishment; Self Service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Bakery (retail); Coffee Shop or Refreshment Stand; Dairy (retail); Delicatessen; Convenience Store (without pumps); Meat Market; Barber Shop; Beauty Shop; and Health Spa or Fitness Center.
20. Retail Uses, including: Apparel Shop; Shoe Store; Flower Shop; Gift, Souvenir or Craft Shop; Hardware Store; Jewelry Store;

Newsdealer; Record Shop; Antique Shop; Stationary and Bookstore; Sporting Goods Store; and Furniture Store

**C. Accessory Uses**

1. Accessory uses.
2. Carports and garages, provided such uses are accessory to private residential structures and are for the private storage of motor vehicles (see 4.3.C.4).
3. Foster family care, where not more than six (6) children unrelated to the residents are cared for, provided no sign shall be displayed
4. Public utility installations for local service.
5. Management offices and other facilities normally associated with tenants' convenience, such as vending machines, laundry facilities, and fitness facilities, provided they are associated with a multi-family development and provided there is no exterior display.
6. Outdoor dining associated with a restaurant, provided it meets the following restrictions:
  - a) The limits of the outdoor dining area should be clearly defined.
  - b) The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.
  - c) The outdoor dining area shall not have any entertainment, music, or sound amplifying system.
  - d) The outdoor dining area shall not be within the required yard areas.
  - e) The outdoor dining area shall not be operated any later than 10:00 PM on Sunday through Thursday or later than 11:00 PM on Friday and Saturday.

**D. Special Exceptions**

1. Artificial Lake of 3 or more Acres
2. Auction House
3. Car Wash
4. Cemetery
5. Clinics or Professional Support Services
6. Communication Relay Tower, subject to the requirements set forth in Section 14 of this Ordinance
7. Convenience Store with Pumps
8. Department Store
9. Electric Appliance Service and Sales
10. Liquor Store

11. Lodge or Private Club
12. Movie Theater, indoor
13. Offices
14. Optician or Optical Goods Store
15. Outdoor Commercial Recreational Enterprise
16. Private Recreational Development
17. Public Swimming Pool
18. Roadside Food Sales Stand
19. Satellite Dish Sales and Service
20. Service Station, without repair
21. Studios for Professional Work or Teaching
22. Telephone Exchange or Public Utility Substation
23. Travel Agencies
24. Wireless Communication Facilities, subject to the requirements set forth in Section 14 of this Ordinance

**E. Area and Height Regulations for Permitted Uses**

**1. Minimum Lot Size**

- a) Multi Family Dwellings: 3,000 square feet for the first three (3) dwelling units; add 1,000 square feet for each additional unit.
- b) Nonresidential Uses: 5,000 square feet

**2. Maximum Lot Size: 3 acres**

**3. Minimum Lot Width**

- a) Multi Family: Eighty-five (85) feet
- b) Nonresidential Uses: Fifty (50) feet

**3. Minimum Depth of Front Yard**

- a) The following minimum front yard depths apply:
  - 1.) Abutting a local street: twenty-five (25) feet
  - 2.) Abutting a collector street: thirty (30) feet
  - 3.) Abutting a secondary arterial: forty (40) feet
  - 4.) Abutting a primary arterial: sixty (60) feet
- b) However, in cases where more than fifty percent (50%) of the structures on the blockface contain primary structures, the minimum depth of front yard shall be the average depth of the front yard of the permitted uses on the block, provided that such front yard shall be no less than ten (10) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
- d) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.

- 4. **Minimum Depth of Rear Yard:** Fifteen (15) feet
- 5. **Minimum Depth of Side Yard:** None; except where the lot line of a non residential use abuts a residential district, in which case the minimum side yard depth shall be ten (10) feet.
- 6. **Intensity:** The total floor area of any building shall not exceed 50,000 square feet. However, the total floor area of any single establishment shall not exceed 10,000 square feet.
- 7. **Maximum Building Height:** Thirty-five (35) feet, except that chimneys, cooling towers, elevator bulkheads, fire towers, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

F. **Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

G. **Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 8.2.E.

H. **Other Development Controls**

- 1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
- 2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
- 3. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
- 4. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
- 5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
- 6. No outdoor storage of any materials (usable or waste) shall be permitted in this zone.

7. All business activities permitted in this zone shall be conducted within a completely enclosed building, with the exception of off street parking and loading areas and outdoor dining facilities.
8. A site plan, as regulated by Section 17 of this Ordinance shall be required for any development permitted in this zone.

### 8.3 GENERAL BUSINESS DISTRICT (GB)

A. **Definition.** The GB District establishes commercial areas throughout the town that are appropriate for a wide range of commercial uses, including retail, services, and light industrial uses.

B. **Permitted Uses**

1. Auction House
2. Automobile and Motorcycle Sales and Service
3. Automobile Parts and Accessories Sales
4. Automobile Rental and Leasing Service
5. Banks and Other Financial Institutions
6. Billiard Room
7. Boarding House, including a Bed and Breakfast, subject to the regulations of Section 4.4.F of this Ordinance
8. Bowling Alley
9. Car Wash
10. Church or Temple
11. Clinics or Professional Support Services
12. Commercial Greenhouse
13. Communication Relay Tower, subject to the requirements set forth in Section 14 of this Ordinance
14. Dancing, Aerobics or Gymnastics Studio
15. Electric Appliance Sales and Service
16. Government Facilities
17. Grocery Store
18. Hotel and Motel
19. Laboratories – Medical and Dental
20. Lodge or Private Club
21. Lumber Yard, provided that any outdoor storage of materials that is incidental to the operation of the lumber yard must be completely enclosed by a solid fence of at least six (6) feet in height. Stored materials shall not exceed the height of the fence, and such fence shall be subject to the provisions of Section 13 of this Ordinance.
22. Movie Theater, indoor

23. Night Club
24. Nursery School, Kindergarten, or Day Care Center
25. Offices
26. Optician or Optical Goods Store
27. Outdoor Commercial Recreational Enterprise
28. Playhouse or Dinner Theater
29. Police Station or Fire Station
30. Post Office
31. Private Recreational Development
32. Public or Commercial Parking Lot or Parking Garage
33. Public Library or Museum
34. Public Park
35. Radio, TV, and Music Sales and Service
36. Recycling Center
37. Restaurant, with or without alcoholic beverages
38. Restaurant, drive-through
39. Roadside Food Sales Stand
40. Satellite Dish Sales and Service
41. School, Public or Parochial
42. Service Station, without repair
43. Skating Rinks (ice or roller)
44. Studios for Professional Work or Teaching
45. Telephone Exchange or Public Utility Station
46. Trade or Business School
47. Travel Agencies
48. Tree Nursery
49. Veterinarian, with or without boarding
50. Wireless Communication Tower, subject to the requirements set forth in Section 14 of this Ordinance
51. Service Uses, including: Alterations Shop; Dry Cleaning and Laundry Establishment; Drug Store; Self Service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Bakery (retail); Coffee Shop or Refreshment Stand; Dairy (retail); Delicatessen; Convenience Store (without or without pumps); Meat Market; Barber Shop; Beauty Shop; Health Spa or Fitness Center; Boarding Kennel; and Massage Therapy or Tanning Salon.
52. Retail Uses, including: Bait Sales; Apparel Shop; Shoe Store; Flower Shop; Gift, Souvenir or Craft Shop; Hardware Store; Jewelry Store; Newsdealer; Record Shop; Antique Shop; Stationary and Bookstore; Sporting Goods Store; Liquor Store; Art Supply Store; Camera and Photographic Supply Store; Carpet and Rug Stores; Department Store; Garden Supplies; Pet Shop, excluding boarding; Leather Goods or Luggage Store; Hobby or Fabric Shop; Toy Store; Paint or Wallpaper Store; Glass, Pottery or China Store; Variety Store; and Furniture Store

**C. Accessory Uses**

1. Accessory uses.
2. Public utility installations for local service.
3. Uses listed below that are included within and entered from within any hotel, motel, or office building as a convenience to the occupants thereof, and their patients, clients or customers; provided that the accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building, and no exterior advertising displays for any of the accessory uses shall be visible from outside the building.
  - a) Swimming Pools
  - b) Newsdealers
  - c) Gift, Craft, or Souvenir Shop
  - d) Coffee or Refreshment Stand
  - e) Delicatessen
4. Administrative offices that are incidental to the operation of the permitted use.
5. Outdoor dining associated with a restaurant, provided it meets the following restrictions:
  - a) The limits of the outdoor dining area should be clearly defined.
  - b) The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.
  - c) The outdoor dining area shall not have any entertainment, music, or sound amplifying system.
  - d) The outdoor dining area shall not be within the required yard areas.
  - e) The outdoor dining area shall not be operated any later than 10:00 PM on Sunday through Thursday or later than 11:00 PM on Friday and Saturday.

**D. Special Exceptions**

1. Above Ground Tanks/Storage
2. Artificial Lake of 3 or more Acres
3. Campground
4. Cemetery
5. Crematorium
6. Exhibit, Reception and Assembly Halls
7. Flea Market
8. Funeral Home
9. Golf Course, Driving Range, or Miniature Golf

10. Hospital
11. Penal or Correctional Institutions
12. Private Camp
13. Public Swimming Pool
14. Recycling Collection Facility, defined as a building or trailer providing for a collection location for the temporary storage of recyclable materials. Such facilities shall be restricted to the rear or side yard, and all materials must be completely enclosed within the storage containers at all times.
15. Theater, Outdoor

E. **Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 6,000 square feet
2. **Minimum Lot Width:** 50 feet
3. **Minimum Depth of Front Yard**
  - a) The following minimum front yard depths apply:
    - 1.) Abutting a local street: twenty-five (25) feet
    - 2.) Abutting a collector street: thirty (30) feet
    - 3.) Abutting a secondary arterial: forty (40) feet
    - 4.) Abutting a primary arterial: sixty (60) feet
  - b) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
  - c) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.
4. **Minimum Depth of Rear Yard:** Fifteen (15) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
5. **Minimum Depth of Side Yard:** None; except where the lot line of a non residential use abuts a residential district, in which case the minimum side yard depth shall be ten (10) feet.
6. **Intensity:** The total floor area shall not exceed 20% of the lot area.
7. **Maximum Building Height:** Thirty-five (35) feet, except that chimneys, cooling towers, elevator bulkheads, fire towers, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.



**F. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**G. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 8.3.E.

**H. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
4. Temporary Structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
6. Merchandise may be displayed on sidewalks in the General Business zone in accordance with the following restrictions:
  - a) Only merchandise for sale shall be displayed
  - b) Such displays shall be limited to directly in front of the commercial establishment offering the items for sale.
  - c) No merchandise display shall be permitted within six (6) feet of the edge of the sidewalk nearest the curb, and there must remain a clear walking path of at least six (6) feet in width.
  - d) No stacks shall be greater than five (5) feet high.
  - e) No displays using electricity, animation, lights, or noise making devices will be permitted.
  - f) Displaying multiple copies of the same piece of merchandise shall not be considered to be outdoor display, and is not permitted
  - g) Before displaying merchandise on a public sidewalk, the merchant must obtain a temporary use permit allowing the merchant to display merchandise for no more than three (3) consecutive days.

7. A site plan, as regulated by Section 17 of this Ordinance, shall be required for any development permitted in this zone.

#### 8.4 CENTRAL BUSINESS DISTRICTS (PRIMARY CB & SECONDARY CB)

A. **Definition.** The Town of Danville has two Central Business Districts: the Primary Central Business District, and the Secondary Central Business District. Together the two districts cover the historic core of the Town, and the regulations of these districts are designed to maintain the integrity and historic assets of these areas of Danville. The Primary Central Business District covers the historic courthouse square, while the Secondary Central Business District covers the mix of commercial and residential uses comprising the rest of the historic downtown and its neighboring areas.

##### B. **Permitted Uses in the Primary CB District**

1. Banks and Other Financial Institutions, provided no such facilities include a drive-through window
2. Billiard Room
3. Clinics or Professional Support Services
4. Dancing, Aerobics, Gymnastics Studio
5. Government Facilities
6. Lodge or Private Club
7. Movie Theater, Indoor
8. Night Club
9. Nursery School, Kindergarten, or Day Care Center
10. Optician or Optical Goods Store
11. Playhouse or Dinner Theater
12. Police Station or Fire Station
13. Public Library or Museum
14. School, Public or Parochial
15. Offices
16. Boarding House, including a bed and breakfast, subject to the regulations set forth in Section 4.4.F of this Ordinance.
17. Automotive Parts and Accessory Sales
18. Radio, TV, and Music Sales and Service
19. Studios for Professional Work or Teaching
20. Service Uses, including: Alterations Shop, Dry Cleaning and Laundry Establishment, Shoe Repair Shop, Tailor and Pressing Shop, Bakery – Retail, Coffee Shop or Refreshment Stand, Dairy – Retail, Delicatessen, Convenience Store (without pumps), Meat

Market, Restaurant (with or without alcoholic beverages), Barber Shop, and Beauty Shop

21. Retail Use, including: Liquor Store, Apparel Shop, Shoe Store (sales and repair), Art Supply Store, Camera and Photographic Supply Stores, Drug Store, Flower Shop, Garden Supplies, Pet Shop (excluding boarding), Gift/Souvenir/Craft Shop, Leather Goods or Luggage Store, Hobby or Fabric Shop, Toy Store, Hardware Store, Paint or Wallpaper Store, Jewelry Store, Glass/Pottery/China Store, Newsdealer, Record Shop, Antique Shop, Stationary and Book Store, Sporting Goods Store, and Variety Store

**C. Permitted Uses in the Secondary CB District**

1. All uses permitted in the Primary CB District
2. Banks and Other Financial Institutions, with drive-through facilities
3. Public Park
4. Grocery Store
5. Convenience store, with pumps

**D. Accessory Uses (both districts)**

1. Accessory uses.
2. Public utility installations for local service.
3. Dwelling Units above the first story of a nonresidential use, provided such dwelling units have a separate primary entrance to the street (fire escapes, back stairways, and the like shall not serve as primary access). Such dwelling units shall be accessory to nonresidential primary uses only.
4. Outdoor dining associated with a restaurant, provided it meets the following restrictions:
  - a) The limits of such dining area should be clearly defined.
  - b) The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.
  - c) The outdoor dining area shall not have any entertainment, music, or sound amplifying system.
  - d) The outdoor dining area shall not be within the required yard areas.
  - e) The outdoor dining area shall not be operated any later than 10:00 PM on Sunday through Thursday or later than 11:00 PM on Friday and Saturday.

**E. Special Exceptions in the Primary CB District**

1. Exhibit, Reception, and Assembly Halls
2. Apartments above Ground Floor
3. Bowling Alley
4. Church or Temple
5. Trade or Business School
6. Electric Appliance Service and Sales
7. Health Spa or Fitness Center
8. Funeral Home
9. Carpet and Rug Stores
10. Department Store
11. Furniture Store

**F. Special Exceptions in the Secondary CB District**

1. All Special Exceptions of the Primary CB District
2. Public or Commercial Parking Lot or Parking Garage
3. Crematorium
4. Private Recreational Development

**G. Area and Height Regulations for Permitted Uses****1. Minimum Lot Size**

- a) Primary CB: Area of original platting
- b) Secondary CB: 5,000 square feet

**2. Minimum Lot Width**

- a) Primary CB: 16 feet
- b) Secondary CB: 25 feet

**3. Minimum Depth of Front Yard**

- a) Primary CB: None, all buildings shall set to the prevailing streetwall.
- b) Secondary CB: The minimum depth of front yard shall be the average depth of the front yard of the other buildings on the block, except no front yard depth shall exceed five (5) feet.

***Note:** Buildings to be removed to clear a lot for a new building shall not be included in the calculation of average yard depth.*

- c) Both Districts: Balconies and awnings shall be permitted to encroach within sidewalk areas as follows:

- 1.) Balconies: 3 feet
- 2.) Awnings: 6 feet

**4. Minimum Depth of Rear Yard (both districts): Ten (10) feet**

5. **Minimum Depth of Side Yard (both districts):** None, except where a use in the Secondary Central Business District abuts a residential use or district, the minimum depth of the side yard shall be six (6) feet.
6. **Minimum Building Height in the Primary Business District:** Two (2) stories, or twenty-six (26) feet.
7. **Maximum Building Height (both districts):** Thirty-five (35) feet, except that chimneys, cooling towers, elevator bulkheads, fire towers, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.
8. **Architecture in the Primary Business District:** In order to protect the historic resources of the downtown square, all new construction and rehabilitation in the Primary Business District shall conform in street orientation and massing to adjacent structures. Furthermore, each new building or exterior renovation of an existing building must be built in one of the architectural styles listed in Appendix B.
8. **Demolition in the Primary Business District:** No permits shall be issued for the demolition of any building in the Primary Business District without the owner first obtaining a Certificate of Appropriateness from the Zoning Administrator. Such Certificate of Appropriateness shall only be conveyed following a public hearing and approval of the Plan Commission.

**H. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**I. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 8.4.G.

**J. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.

4. Temporary Structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
6. No outdoor storage of any materials (usable or waste) shall be permitted in this zone.
7. All business activities permitted in this zone shall be conducted within a completely enclosed building, with the exception of off street parking and loading areas and outdoor dining facilities.
8. Merchandise may be displayed on sidewalks in the Central Business zones in accordance with the following restrictions:
  - a) Only merchandise for sale shall be displayed
  - b) Such displays shall be limited to directly in front of the commercial establishment offering the items for sale.
  - c) No merchandise display shall be permitted within six (6) feet of the edge of the sidewalk nearest the curb, and there must remain a clear walking path of at least six (6) feet in width.
  - d) No stacks shall be greater than five (5) feet high.
  - e) No displays using electricity, animation, lights, or noise making devices will be permitted.
  - f) Displaying multiple copies of the same piece of merchandise shall not be considered to be outdoor display, and is not permitted
  - g) Before displaying merchandise on a public sidewalk, the merchant must obtain a temporary use permit allowing the merchant to display merchandise for no more than three (3) consecutive days.
9. A site plan, as regulated by Section 17 of this Ordinance shall be required for any development permitted in this zone except for a single-family residential use.

## 8.5 OFFICE DISTRICT (OD)

- A. **Definition.** The Office District establishes areas for the development of professional offices and the limited retail and service uses to meet the needs of the employees, clients, and customers of those professional establishments.
- B. **Permitted Uses**
  1. Government Facilities

2. Nursery School, Kindergarten, or Day Care Center
3. Police Station or Fire Station
4. Public Library or Museum
5. Public Park
6. Public or Commercial Parking Lot or Parking Garage
7. Telephone Exchange or Public Utility Substation
8. Trade or Business School
9. Post Office
10. Animal Control Authority
11. Coffee Shop or Refreshment Stand
12. Restaurant, with or without Alcoholic Beverages
13. Health Spa or Fitness Center
14. Hospital
15. Lodge or Private Club
16. Banks or Other Financial Institutions
17. Offices
18. Studios for Professional Work or Teaching
19. Clinics or Professional Support Services
20. Laboratories – Medical or Dental
21. Optician or Optical Goods Store
22. Veterinarian, with or without boarding
23. Travel Agencies

**C. Accessory Uses**

1. Accessory uses.
2. Public utility installations for local service.
3. Uses listed below that are included within and entered from within any office building as a convenience to the employees or clientele thereof, provided that the accessory uses shall not exceed ten percent (10%) of the gross floor area of the permitted uses in the building, and provided no exterior advertising displays for any of the accessory uses shall be visible from outside the building.
  - a) Newsdealers
  - b) Gift, Craft, or Souvenir Shop
  - c) Coffee or Refreshment Stand
4. Outdoor dining associated with a restaurant, provided it meets the following restrictions:
  - a) The limits of the outdoor dining area should be clearly defined.
  - b) The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.
  - c) The outdoor dining area shall not have any entertainment, music, or sound amplifying system.

- d) The outdoor dining area shall not be within the required yard areas.
- e) The outdoor dining area shall not be operated any later than 10:00 PM on Sunday through Thursday or later than 11:00 PM on Friday and Saturday.

**D. Special Exceptions**

- 1. Cemetery
- 2. Penal or Correctional Institution
- 3. Public Swimming Pool
- 4. Artificial Lake of 3 or more Acres
- 5. Communication Relay Tower
- 6. Wireless Communication Tower
- 7. Bakery – Retail
- 8. Delicatessen
- 9. Grocery Store
- 10. Barber Shop
- 11. Beauty Shop
- 12. Dancing, Aerobics, Gymnastics Studio
- 13. Outdoor Commercial Recreational Enterprise
- 14. Art Supply Store
- 15. Camera and Photographic Supply Stores
- 16. Drugstore

**E. Area and Height Regulations for Permitted Uses**

- 1. **Minimum Lot Size:** 5,000 square feet
- 2. **Minimum Lot Width:** Fifty (50) feet
- 3. **Minimum Depth of Front Yard**
  - a) The following minimum front yard depths apply:
    - 1.) Abutting a local street: twenty-five (25) feet
    - 2.) Abutting a collector street: thirty (30) feet
    - 3.) Abutting a secondary arterial: forty (40) feet
    - 4.) Abutting a primary arterial: sixty (60) feet
  - b) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
  - c) For a lot which does not abut a public street, the minimum depth of front yard shall be twenty-five (25) feet, measured from the front lot line.



4. **Minimum Depth of Rear Yard:** Fifteen (15) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
5. **Minimum Depth of Side Yard:** None; except where the lot line of a non residential use abuts a residential district, in which case the minimum side yard depth shall be ten (10) feet.
6. **Intensity:** The total floor area shall not exceed sixty percent (60%) of the lot area.
7. **Maximum Building Height:** Thirty-five (35) feet, except that chimneys, cooling towers, elevator bulkheads, fire towers, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**F. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**G. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 8.5.E.

**H. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
3. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
4. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
6. A site plan, as regulated by Section 17 of this Ordinance, shall be required for any development permitted in this zone.

## 8.6 AIRPORT DEVELOPMENT DISTRICT (AD)

A. **Purpose.** The purpose of the “AD” District is to (1) promote aviation safety, (2) encourage the area around Gordon Graham Field to develop with land uses that are compatible with, and support, airport operations, and (3) advance economic development in the Town of Danville.

### B. **Permitted Uses**

1. All uses legally existing before the effective date of this Ordinance, subject to Section 3 of this Ordinance and this Section.
2. Airport-Related Uses
3. Light Manufacturing
4. Medical and Dental Laboratories
5. Commercial and Non-Commercial Recreation
6. Public Parks and Recreation Facilities
7. Publicly Owned Buildings and Utilities
8. Research and Testing Laboratories
9. Warehouses
10. Wholesale Businesses
11. Retail Businesses
12. Offices, Professional and Business
13. Minor Residential Plats
14. Individual Single Family Dwellings
15. Agriculture
16. Any other use the Plan Commission determines supports the purpose of this Ordinance

### C. **Accessory Uses**

Accessory uses shall be permitted as follows:

1. Signs meeting the requirements of this Section and Section 12 of this Ordinance.
2. Other accessory uses and structures in conjunction with a primary use or structure provided the necessary use does not change the character of the district.

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extend, and purpose to the principal use. Accessory buildings shall not be erected prior to the building.

### D. **Special Exceptions**

1. Mixed non-residential uses
2. Shopping centers not exceeding 15,000 sq ft in gross floor area
3. Cemeteries

**E. Prohibited Uses**

1. Major Residential Plats
2. Major commercial or industrial plats with a residential component
3. Auditoriums
4. Amphitheaters
5. Day Care Center
6. Concert Halls
7. Hospitals
8. Mobile Home Parks
9. Nursing Homes
10. Outdoor Music Facilities
11. Public and Private Educational Institutions
12. Churches, Temples, or other Religious Places of Worship
13. Wireless Communication Facilities

**F. Area and Height Regulations for Permitted Uses**

1. Minimum Lot Size:
  - a) Residential use: 1.5 acres
  - b) All other uses: None
2. Minimum Lot Width:
  - a) Residential use: 150 feet
  - b) All other uses: None
3. Minimum Depth of Front Yard
  - a) The following minimum front yard depths apply:
    - 1) Abutting a local street: 25 feet
    - 2) Abutting a collector street: 30 feet
    - 3) Abutting a secondary arterial: 40 feet
    - 4) Abutting a primary artery: 60 feet
  - b) For double frontage and corner lots which have more than one yard abutting a street, minimum front yard depth requirements shall apply to each yard which abuts a street.
  - c) For a lot which does not about a public street, the minimum depth of front yard shall be twenty-five feet, measured from the front lot line.
4. Minimum Depth of Rear Yard:
  - a) Residential use: 15 feet
  - b) All other uses: 20 feet if within district
  - c) All other uses: 40 feet if adjoining less intensive district
5. Minimum Depth of Side Yard:
  - a) Residential use: 15 feet
  - b) All other uses: 20 feet if within district
  - c) All other uses: 40 feet if adjoining less intensive district
6. Maximum Lot Coverage:
  - a) Residential use: 50%

- b) All other uses: 60% principal building
- 7. Maximum Building Height:
  - a) Residential use: 35 feet principal structure
  - b) Residential accessory use: 15 feet
  - c) All other uses: 60 feet for principal structure
  - d) All other uses: 40 feet accessory structure

**G. Area and Height Regulations for Accessory Uses**

Accessory Uses shall be regulated by the provisions of Section 4.3 of this Ordinance.

**H. Area and Height Regulations for Special Exceptions**

All uses allowed by special exception shall be subject to the same development controls that apply to permitted uses. These regulations are set forth in subsection 8.6.F.

**I. Air Safety Land Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of land within this zoning district in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use. The Town of Danville shall require compliance with these restrictions as a condition of issuing an Improvement Location Permit/Building Permit.

1. All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to Gordon Graham Field or in the vicinity thereof.
2. No operations of any type shall produce smoke, glare, or other visual hazards within this zoning district.
3. No operations of any type shall produce electronic interference with navigation signals or radio communications between the Airport and aircraft.
4. Structure height shall be regulated by the standards of both this zoning district and Indiana Code 8-21-10 *Regulation of Tall Structures*.
5. Marking and lighting
  - a) A structure or object of natural growth may require the installation, operation, and maintenance on the structure or object of natural growth any markers and lights necessary indicate to aircraft the presence of an airport hazard.

- b) Notwithstanding other provisions of this section, any structure over two hundred (200) feet above ground level shall have installed lighting in accordance with Federal Aviation Administration Advisory Circular 70/7460-1K and amendments thereto on such structures. This lighting may include flashing red beacons, steady burning red obstruction lights, or high intensity obstruction lights. All required lighting must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1K and amendments thereto.

**J. Airport Hazards Described and Prohibited**

An airport hazard is a land use, structure, or object of natural growth located in this zoning district that:

1. Exceeds the height limits of Section 8.6.G(4) of this Ordinance.
2. Interferes with visual, radar, or other system of tracking, acquiring data relating to, monitoring, or controlling aircraft.
3. Interferes with a pilot's ability to distinguish between airport lights and other lights, results in glare in the eyes of a pilot, or impairs visibility in the vicinity of the Airport.
4. Creates a wildlife hazard, as defined by the Code of Federal Regulations Title 14, Part 139.
5. Otherwise endangers or interferes with the landing, taking off, or maneuvering of an aircraft.

**K. Nonconforming Uses, Structures, and Objects**

1. Nonconforming Uses

- a) All uses legally existing before the effective date of this Section which would not be classified under this Ordinance as a permitted use, accessory use, or special exception shall be classified as nonconforming uses.
- b) All uses legally existing before the effective date of this Section which would be classified as a prohibited use under this Ordinance shall be classified as nonconforming uses.
- c) All uses approved by the Board of Zoning Appeals before the effective date of this Section which are not classified under this Section as a permitted use, accessory use, or special exception shall be classified as nonconforming uses.
- d) Regulation of nonconforming uses. Nonconforming uses shall be subject to the requirements of Section 3 and Section 8.6 of this Ordinance.

2. Nonconforming Structures

- a) All structures legally existing before the effective date of this Section which do not meet the requirements of this Section shall be classified as nonconforming structures.
- b) Regulation of nonconforming uses. Nonconforming uses shall be subject to the requirements of Section 3 and 8.6 of this Ordinance.

3. Nonconforming Objects of Natural Growth

- a) Objects of natural growth existing before the effective date of this Section which do not meet the requirements of this Section shall be classified as nonconforming objects of natural growth, provided, however, that such object of natural growth shall not encumber the imaginary surfaces described in Indiana Code 8-21-10 *Regulation of Tall Structures* in which event the encumbrance may be removed in accordance with any available remedy provided by applicable law.
- b) Nonconforming objects of natural growth that have been removed or destroyed shall not be replaced.

L. **Other Development Controls**

- 1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
- 2. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
- 3. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
- 4. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
- 5. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
- 6. A site plan, as regulated by Section 17 of this Ordinance, shall be required for all commercial development permitted in this zone.

## SECTION 9: CORRIDOR PROTECTION OVERLAY DISTRICT

### 9.1 PURPOSE

The purpose of the Corridor Protection Overlay District is to protect, re-establish and retain the unique architectural, historic, and aesthetic characteristics of the Main Street and US 36 corridor. This overlay district covers a mix of commercial and residential uses with frontage on Main Street and US 36 and applies a set of high quality development standards to ensure that renovated or developed property will be compatible with Danville's traditional character and improves or enhances the livability of local neighborhoods.

### 9.2 CORRIDOR PROTECTION OVERLAY DISTRICT

The CPOD shall apply to all property abutting the right-of-way on either side of Main Street and/or US 36 and to all property adjacent to the Courthouse Square to a depth of one (1) block. If a non-buildable parcel abuts Main Street and/or US 36, then the overlay shall be extended to include the buildable parcel(s) immediately adjacent to and behind it. The overlay district includes the entire Main Street and/or US 36 corridor that is within Danville's corporate limits. If any portion of a piece of property lies within the CPOD, the requirements of this section shall apply to the entire parcel.

#### A. Uses in the CPOD

All permitted uses, accessory uses, and special exceptions permitted in any underlying district to which the CPOD is applied will continue to be permitted as a part of the overlay district. In addition, the following uses are allowed within the CPOD:

1. Special Exceptions, with approval by the Board of Zoning Appeals:
  - a.) Hotel or Motel within the CB-P or CB-S zoning districts
  - b.) Assisted Living Facility or Nursing Home within the CBS zoning district
  - c.) Mail Order Distribution within the OD zoning district
  - d.) Print Shops within the CB-P, CB-S or OD zoning districts
  - e.) Roadside Food Sales Stand within the CB-P or CB-S zoning districts
  - f.) Boarding Kennel or Pet Grooming Service within the GB zoning district
  - g.) Massage Therapy Salon or Tanning Salon within the OD zoning district
  - h.) Pet Shop, excluding boarding within the GB, CB-P or CB-S zoning districts

2. Additional Permitted Uses:
  - a.) Satellite Dish Sales and Service within the GB or CBS zoning districts
  - b.) Massage Therapy Salon or Tanning Salon within the CBP or CBS zoning districts
  - c.) Factory Outlet Store within the LB, GB, CBP or CBS zoning districts

**B. Development Standards for Permitted Uses, Accessory Uses, and Special Exceptions**

1. All development standards established by any underlying zoning district shall also apply if that district is included in the CPOD unless alternate development standards are specified in this ordinance.
2. Properties located in the CPOD shall also be subject to any additional development standards established in this ordinance.
3. If the development standards for the underlying zoning district and the overlay district are inconsistent, the overlay district shall apply.

**C. Design Review**

Design Review is required for most construction or remodeling activities within the CPOD. The Design Review Committee shall conduct the design review when it is required and shall forward a recommendation to the Plan Commission. When design review is required, the Danville Plan Commission must first approve all construction or remodeling before any activity may occur. More specifically, design review is required as follows:

1. Non-residential Uses
  - a.) All new non-residential construction or remodeling located in the CPOD that requires a building permit shall be subject to design review.
  - b.) In addition, the following non-residential construction or remodeling occurring on property located within the CPOD shall be subject to design review, even if they do not require a building permit:
    1. Changes to existing openings for windows and doors
    2. Awnings
    3. Changes to the exterior surface material
  - c.) Non-residential activity that does not require design review includes the following:
    1. Changes to minor accessory structures or minor building details (i.e., mailboxes, shutters, etc.)
    2. Changes to landscaping



3. Changes to the interior
4. Adding, deleting or changing a patio
5. Adding, deleting or changing outdoor lighting
6. Changing the exterior paint color
7. Electrical work that requires a permit

## 2. Residential Uses

- a.) All new residential construction or remodeling located in the CPOD that requires a building permit shall be subject to design review. If a building permit is not required, then design review is not necessary.
- b.) Residential activity that does not require design review includes the following:
  1. Changes to minor accessory structures or minor building details (i.e., mailboxes, shutters, etc.)
  2. Changes to landscaping or fencing
  3. Changes to the interior
  4. Adding, deleting or changing a patio
  5. Adding, deleting or changing outdoor lighting
  6. Changing the exterior paint color
  7. Roofing work that requires a permit
  8. Adding an accessory structure less than 150 sq.ft.
  9. Construction or remodeling under a valid permit that does not increase the square footage of the main structure
  10. Construction or remodeling that does not increase the square footage of an accessory structure to 150 sq.ft. or more
  11. Electrical, plumbing, or HVAC work that requires a permit

## **D. Overlay District Development Standards**

### **1. Architecture in the Corridor Protection Overlay District:**

- a) Any new construction shall conform to one of the following architectural styles, except as approved under subsection c) below:
  - American Four Square
  - Bungalow
  - Colonial Revival
  - Eastern Stick
  - Federal
  - Georgian
  - Gothic Revival
  - Greek Revival
  - Italianate

- Neoclassical
- Prairie
- Queen Anne
- Renaissance Revival
- Roman Classicism
- Romanesque Revival
- Second Empire
- Tudor Revival
- Victorian Gothic
- Victorian Vernacular

Examples of these styles are provided in Appendix B of this Ordinance.

- b) Any exterior renovation of existing buildings within the CPOD shall conform in style and context with the existing building's architecture.
- c) The Design Review Committee may approve new construction in other styles that it determines to be compatible with the Corridor Protection Overlay District.

## 2. **Building Orientation:**

- a) All primary structures shall face the front of the lot on which they are located.
- b) All structures located in the Primary Central Business District shall be set to the prevailing streetwall.
- c) The setback for primary structures located in the Secondary Central Business District shall be no *closer* to the front lot line than the adjacent primary structure that is closest to the front lot line. The primary structure may be no *further* from the lot line than the adjacent primary structure that is farthest from the front lot line. In any case, the structure may not be set back from the front lot line more than 5 feet.
- d) No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any façade which faces a public street.

- 3. **Large Building Elevations:** The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as a porch or a roof over a porch, are also individual building wall planes. This division can be done by:

- a) A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
- b) A bay window that extends at least 2 feet; or
- c) Recessing a section of the façade by at least 2 feet; the recessed section must be at least 6 feet long.

**4. Building Height:**

- a) Maximum height of primary structures in the CPOD shall be 50 feet.
- b) Minimum height of primary structures in the CB-P District shall be 26 feet. Minimum height of primary structures in all other districts shall be 16 feet.

**5. Main Entrance:**

- a) Non-residential Uses:
  - 1) Location of main entrance: the main entrance of each primary structure must face Main Street. On corner lots the main entrance may face either Main Street or be oriented to the corner.
  - 2) Awnings or canopies:
    - a.) Awnings shall be made of professional-grade canvas or fabric.
    - b.) Canopies shall be:
      - 1) integrated into the architectural design of the façade,
      - 2) shaped to fit the opening, and
      - 3) without back lighting.
  - 3.) Ornamental columns: if the front porch or covered balcony at a main entrance provides columns, the columns must be ornamental columns that are consistent with the architectural style.
  - 4.) Openings between porch floor and ground: All openings between porch floor and ground must be covered with a solid material or lattice.
- b) Residential Uses:
  - 1.) Location of main entrance: the main entrance of each primary structure must face Main Street. On corner lots the main entrance may face either Main Street or be oriented to the corner.
  - 2.) Front porch at main entrance: there must be a front porch at all main entrances that face a street. If the porch projects out from the building, it must have a roof. If the

roof of a required porch is developed as a deck or balcony, it may be flat.

- 3.) Covered balcony: a covered balcony on the same façade as the main entrance may be provided instead of a front porch. The floor of the covered balcony must be no more than 15 feet above grade, and must be accessible from the interior space of the building.

- 4.) Awnings or canopies:

- a.) Awnings shall be made of professional-grade canvas or fabric.

- b.) Canopies shall be:

- 1) integrated into the architectural design of the façade,
- 2) shaped to fit the opening, and
- 3) without back lighting.

- 5.) Ornamental columns: if the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that are consistent with the architectural style.

- 6.) Openings between porch floor and ground: All openings between porch floor and ground must be covered with a solid material or lattice.

6. **Reinforce the Corner:** On sites within the CB-P and CB-S Districts, all of the following requirements must be met:

- a) The primary structure must meet the average front setback of adjacent buildings, excluding nonconforming buildings, but in any case may not be setback more than 10 feet from the edge of the right-of-way. This requirement must be met on any corner adjacent to Main Street;
- b) The highest point of the building's street-facing elevation must be within 25 feet of the corner;
- c) A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
- d) There is no parking within 40 feet of the corner.

7. **Exterior Finish Materials:** This requirement must be met on all building facades:

- a) Quarried stone, cultured stone, brick, wood siding, composite lap siding, and architectural concrete are permitted exterior finishes. These permitted materials must comprise at least 80% of the building's exterior finish.
- b) Plain concrete block, split-face concrete block, exposed concrete, corrugated metal, molded plastic, plywood or

sheet pressboard are not allowed as exterior finish material. Metal, wood shakes, or stucco (EIFS) may be used as an accent to highlight architectural details on the exterior, but may cover no more than 20% of the structure's exterior wall area.

- c) Composite boards manufactured from wood or other products may be used when the board product is less than 6 inches wide.
- d) Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches. Vinyl or aluminum siding that is in a clapboard or shiplap pattern may be used where the boards in the pattern are 6 inches or less in width.
- e) Exterior color for all new construction and for all renovations in the CB-P District must be appropriate to the style of the architecture and compatible with surrounding structures.
- f) Other building materials not listed here may be allowed by the Design Review Committee if the Committee determines them to be appropriate for the architectural style and compatible with the purpose of the CPOD.

8. **Foundation Material:** Plain concrete block or exposed concrete may be used as foundation material if the foundation material is not revealed more than 1 foot above the finished grade level adjacent to the foundation wall.

9. **Distinct Ground Floor:** The ground floor of any primary structure in the CB-P or CB-S Districts must be visually distinct from upper stories. This separation is provided by:

- a) a cornice above the ground level;
- b) an arcade;
- c) a portico or;
- d) changes in building material or texture.

10. **Windows:**

a.) New non-residential construction:

- 1) In any commercial zoning district, at least sixty percent (60%) of the street-facing ground level façade must be windows. Each window must be square or vertical—at least as tall as it is wide—or a horizontal window opening may be created when two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used.

- 2) For all other zoning districts in the CPOD, at least 15 percent of the area of a street-facing façade must be windows.
- b.) Non-residential renovation:
  1. When historic windows are too deteriorated to be retained or repaired and must be replaced, they shall be replaced with windows that match the existing windows in size and function. To the extent feasible, historic trim and casing shall be retained.
  2. The Committee may approve replacement windows made of materials that do not match the existing windows when significant cost or durability issues exist.

**11. Trim and Historic Details:**

- a) Trim must mark all building roof lines, porches, windows, and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings constructed with a masonry exterior are exempt from this standard.
- b) In cases of renovation where historic building details are present, they shall be retained and preserved, if economically and structurally feasible. If the details are missing or damaged, they must be replicated to the extent economically possible. The Committee may approve replacements made of materials that do not match the existing when significant cost or durability issues exist.

**12. Roofs:** Primary structures must have:

- a.) A sloped roof with a pitch that is no flatter than 4/12 and no steeper than 12/12; or
- b.) A roof with a pitch of less than 4/12 must have a cornice that meets the following:
  1. There must be two parts to the cornice. The top part of the cornice must project at least six inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice; and
  2. The height of the cornice is based on the height of the building as follows:
    - Buildings 16 feet in height must have a cornice at least 12 inches high.
    - Buildings greater than 16 feet but less than 26 feet must have a cornice at least 18 inches high.
    - Buildings 26 feet or greater must have a cornice at least 24 inches high.

13. **Roof eaves:** Except for the CB-Primary District, roof eaves on all elevations must project from the building wall at least twelve (12) inches.
14. **Exterior stairs and fire escapes:** Exterior stairs, other than those leading to a main entrance, must be at least forty (40) feet from all streets. Except for the CB-Primary District, fire escapes must be at least forty (40) feet from all streets.
15. **Parking Area Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 (fifteen) or more parking spaces (refer to Appendix C for a list of permitted landscaping plants).
  - a) The screening shall be located within five (5) feet of the edge of the parking area and shall provide screening at least four (4) feet in height for at least 75% of the perimeter or the parking area.
  - b) Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
    - 1) If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
    - 2) If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 5 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
16. **Foundation Landscaping:** For any non-residential use, all street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building façade that provide access to the building for pedestrians or vehicles. The foundation landscaping must meet the following standards:
  - a.) The use of native plants common to hardiness zone 5 is encouraged (refer to Appendix C);
  - b.) The landscaped area must be at least 3 feet wide;
  - c.) There must be at least one three-gallon shrub for every 3 linear feet of foundation; and

- d.) Ground cover plants must fully cover the remainder of the landscaped area.

17. **Street Trees:** One (1) tree must be planted in the area between the sidewalk and the street for each 30 feet of street frontage. This also applies to lots with frontage on two streets. The type (see Appendix C) and location of street trees will be determined based on the specific configuration or limitations of each particular project.
18. **Outdoor Storage, Docks, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products or materials for sale, all trash and recycling containers, all truck docks, and all mechanical equipment shall be completely enclosed or screened.
  - a) Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be enclosed by a fence or wall constructed of like materials as the primary structure on the lot.
    - 1) The structure shall not exceed 8 feet in height.
    - 2) No stored products or waste containers or materials may exceed the height of the enclosure.
    - 3) An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
  - b) Mechanical equipment for commercial uses:
    1. Mechanical equipment located on the roof shall be screened on all sides by a parapet or other building feature based on an elevation view of the building.
    2. Mechanical equipment located on the ground shall be screened on all sides by the building, walls, or fences of a material or color which is compatible with the primary building or an evergreen hedge which is not less than the height of the mechanical equipment at the time of planting.
  - c) No area of the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
  - d) All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.



**19. Gas Pump Islands, Gas Island Canopies and Related Facilities**

- a) All structures on the site (including kiosks, car wash buildings, gas pump islands, etc.) shall be architecturally consistent with the main structure.
- b) All building elevations shall be architecturally detailed to avoid the appearance of the “back of the building” and should contribute a positive presence to the street scene.
- c) Gas island canopies shall be built of the same high quality materials as the convenience store or kiosk associated with the gas island. These structures shall be designed to create architectural harmony with the primary structure on the site.
- d) Gas island canopy structural columns shall be covered with the same architectural materials as the associated building.

**20. Fencing:**

- a) The following types of fences shall be permitted in the Corridor Protection Overlay District:
  - 1.) Masonry walls
  - 2.) Ornamental iron
  - 3.) Wood or vinyl
  - 4.) Live hedges
- b) Permitted fences shall comply with the requirements of Section 4.8 and Section 13.8 of this ordinance.
- c) The following fence types shall not be permitted in the Corridor Protection Overlay District:
  - 1.) Chain link or woven wire

**21. Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.

- a) Exterior lighting shall be limited to those areas needed for safety and security purposes only.
- b) All areas containing outdoor lighting shall limit light spillage onto adjacent property to no more than one (1) footcandle through the use of light fixture shielding, location, height, and aim.
- c) All lighting shall have 90-degree cutoff luminaries (shielded down lighting).
- d) Lights illuminating structures shall be designed to wash the façade of the building in light rather than providing a spot or floodlight effect.
- e) Light poles in vehicle use areas shall be round and shall not exceed 20 feet in height.
- f) Sidewalks shall have 90-degree cutoff luminaries (shielded down lighting). Bollard-style lighting is preferred adjacent to pedestrian walkways.

- g) For gas station canopies or similar structures, all canopy lighting shall be flush-mounted or shielded canopy fixtures.

**22. Parking Lot Location:**

- a) In the Primary and Secondary Central Business Districts, no parking lots shall be placed between the primary structure and the abutting public street.
- b) In all other districts, for parking lots of 15 spaces or more, no more than 10% of the parking spaces provided on each lot may be placed between the front façade of the primary structure and the abutting public street.

**23. Pedestrian Walkways/Sidewalks:**

- a) Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
  - 1) Walkways shall be concrete and shall be a minimum of 4 feet in width.
  - 2) Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
  - 3) Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
  - 4) Except for the Primary Central Business District and any property in the CB-S District with frontage on Main Street, walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width.
- b) For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided:
  - 1) a bench or other seating;
  - 2) a bike rack;
  - 3) a decorative fountain; or
  - 4) a landscape planter or similar feature.

Structures built in the CB-P District are exempt from this requirement. Amenities installed in the Secondary Central Business District must conform to the specifications provided in Appendix D.

**E. Signs**

In addition to the sign regulations described in Section 12 of this ordinance, the following regulations apply to signage in the Corridor Protection Overlay District:

- a) Permitted signs in the CPOD shall be limited to the following types:
  - 1) Wall signs
  - 2) Monument or ground signs
  - 3) Projecting or blade signs
  - 4) Awning or canopy signs
- b) Any new sign shall be architecturally integrated with its surroundings in terms of size, shape, color, texture, and lighting so that they are complementary to the overall design of the new development or existing structure.
- c) Sign themes shall be designed so that all signs within a strip-style development are comprised of one single sign type (i.e. cabinet type, channel letters, projecting, etc.) for each commercial use.
- d) All signs shall be constructed of materials and color that match or are compatible with the principal materials of the structure and landscaping on the property.
- e) Monument or ground signs shall not exceed five (5) feet in height.
- f) Monument or ground signs in the Primary or Secondary Central Business Districts with frontage along Main Street are limited to one half (½) square foot of signage per one (1) linear foot of building frontage not to exceed thirty-two (32) square feet.
- g) Monument or ground signs in the Primary or Secondary Central Business Districts shall be allowed a one (1) foot setback from the property line, provided the sign complies with the requirements of Section 4.8 for vision clearance. In all other districts, the minimum setback shall be one (1) foot of setback for every one (1) foot of sign height measured from the road right-of-way and from any other property line.
- h) Internally illuminated signs shall not be permitted in the CB-P and CB-S Districts. For all other districts, the illumination shall comply with Section 12.5.C of this ordinance.
- i) Projecting or blade signs shall not project more than thirty-six (36) inches from the wall surface upon which they are mounted and the bottom edge of the sign shall be at least nine (9) feet from grade.
- j) Signage will not be allowed on roof top screening or roof top equipment penthouses, above the roof line, or on sloped roofs.
- k) A landscaped area shall be provided around the entire base of all monument or ground signs. In the Primary and Secondary Business Districts, the landscaped area shall be one half (½) square foot of landscaping for every one (1) square foot of sign

area. For all other districts, the landscaped area shall be one (1) square foot of landscaping for every one (1) square foot of sign area.

- l) Directional Signs: Non-residential uses shall be permitted directional signs to direct traffic within a site provided such signs do not exceed three (3) feet in height and three (3) square feet in area for each sign. All directional signs shall be used for directional indications and address identification purposes only and shall not be used for business advertising purposes.
- m) In addition to the temporary off-premise signage permitted by Section 12.6 of this ordinance, the Town of Danville may erect off-premise or wayfinding signage in the area of the downtown square.

**F. Design Review Committee**

- 1. Purpose: The purpose of the Design Review Committee is to provide professional and technical advice to the Plan Commission in the administration of the Corridor Protection Overlay District.
- 2. Membership. The Design Review Committee shall consist of a seven (7) member committee appointed as follows:
  - a) One (1) ex-officio member of the Plan Commission appointed from among its members;
  - b) Six (6) members appointed by the Plan Commission who may not be members of the Plan Commission. These members should possess at least one of the following qualifications:
    - i. A college level academic degree in architecture, landscape architecture, art history, historic preservation, history, urban design, or an equivalent combination of education and experience in dealing with the historic and/or visual aspects of the natural and built environments; or
    - ii. A sensitive and keen interest in the protection and enhancement of the community's overall character and image.
- 3. Terms of Office: Members shall be initially appointed with staggered terms. Thereafter each successive member shall be appointed for four (4) years. The staggering of terms is intended for the purpose of giving the committee continuity in its recommendations to the Plan Commission.
- 4. Jurisdiction: The committee shall have a jurisdiction, which is co-terminus with that of the other sections of this ordinance.

5. Design Review Submissions: For any new construction or renovation in the CPOD, the requirements specified in Section 17 for site plan review shall be provided for design review; however, all submissions must include a complete set of building elevations for evaluation by the committee.

**G. Other Development Controls**

1. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance unless specified otherwise in this Section.
2. Temporary uses or structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
3. All business activities permitted in the CPOD shall be conducted within a completely enclosed building, with the exception of off street parking and loading areas and outdoor dining facilities.
4. A site plan, as regulated by Section 17 of this Ordinance, shall be required for all development permitted in the Corridor Protection Overlay District.

## SECTION 10: INDUSTRIAL DISTRICTS

### 10.1 INTENT

The intent of the industrial zoning districts of the Town of Danville is to establish industrial uses in areas best suited for that type of development based on location, accessibility, and other related conditions. Furthermore, Industrial Districts have established performance standards to ensure a safe and healthy co-existence of industrial and non-industrial uses.

### 10.2 INDUSTRIAL OFFICE (IO)

The purpose of the IO District is to encourage the development of research facilities, test laboratories, and administrative facilities that are office-like in physical appearance and service requirements. This district is used as a transitional use or buffer between commercial and more intense industrial uses.

#### H. Permitted Uses

1. Banks and Other Financial Institutions
2. Colleges and Universities
3. Flex Space
4. Governmental or Municipal Buildings or Facilities
5. Local and Suburban Transit
6. Nursery School, Kindergarten or Day Care
7. Office/Laboratories—Medical or Dental
8. Police or Fire Station
9. Post Office
10. Print Shops
11. Service Organizations
12. Telephone Exchange or Public Utility Substation
13. Trade or Business Schools

#### I. Accessory Uses

1. Accessory uses.
2. Public utility installations for local service.

#### J. Special Exceptions

4. Artificial Lake of 3 or more acres
5. Coffee Shop or Refreshment Stand
6. Public Park
7. Restaurant, with or without alcoholic beverages

**K. Area and Height Regulations for Permitted Uses**

- a) **Minimum Lot Size:** 20,000 square feet
- b) **Minimum Lot Width:** 100 feet
- c) **Minimum Depth of Front Yard:** Forty (40) feet
- d) **Minimum Depth of Rear Yard:** Ten (10) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
- e) **Minimum Depth of Side Yard:** Ten (10) feet; except where the lot line abuts a residential district, in which case the minimum side yard depth shall be forty (40) feet.
- f) **Intensity:** The total floor area of the industrial building shall not exceed 80% of the lot area.
- g) **Maximum Building Height:** Eighty (80) feet, except that the setback portion of the building which is in excess of thirty-five (35) feet shall be increased by one (1) foot for each one (1) foot of building height above thirty-five (35) feet up to the maximum height allowed. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**L. Other Development Controls**

- 1. Uses shall be subject to the performance standards set forth in Section 10.6 of this Ordinance.
- 2. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
- 3. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
- 4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
- 5. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
- 6. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
- 7. A site plan, as regulated by Section 17 of this Ordinance, shall be required.

**10.3 INDUSTRIAL LIGHT (IL)**

The purpose of the IL District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, operate entirely within enclosed structures and generate low volume industrial traffic. This district is designated as a transitional use between general industrial uses and other less intense uses.

**A. Permitted Uses**

1. Assembly of Finished Goods
2. Beverage Bottling
3. Colleges and Universities
4. Communication Relay Tower
5. Construction Offices, General or Heavy Contractors
6. Flex Space
7. Food Production, except for canning
8. Governmental or Municipal Buildings or Facilities
9. Light Industry
10. Local and Suburban Transit
11. Machine Shop
12. Mail Order Distribution
13. Packaging of Finished Goods
14. Police or Fire Station
15. Post Office
16. Print Shop
17. Telephone Exchange or Public Utility Substation
18. Trade or Business School
19. Warehousing
20. Wholesale Produce Terminal
21. Wireless Communication Tower

**B. Accessory Uses**

1. Accessory uses.
2. Public utility installation for local service.

**C. Special Exceptions**

1. Animal Control Authority
2. Artificial Lake of 3 or more acres
3. Banks and other Financial Institutions
4. Coffee Shop or Refreshment Stand
5. Office/Laboratories—Medical or Dental
6. Public Park
7. Recreation Center, Indoor or Outdoor



8. Restaurant, with or without alcoholic beverages
9. Self Storage Units (commercial)

**D. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 20,000 square feet
2. **Minimum Lot Width:** 100 feet
3. **Minimum Depth of Front Yard:** Forty (40) feet
4. **Minimum Depth of Rear Yard:** Ten (10) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
5. **Minimum Depth of Side Yard:** Ten (10) feet; except where the lot line abuts a residential district, in which case the minimum side yard depth shall be forty (40) feet.
6. **Intensity:** The total floor area of the industrial building shall not exceed 80% of the lot area.
7. **Maximum Building Height:** Eighty (80) feet, except that the setback portion of the building which is in excess of thirty-five (35) feet shall be increased by one (1) foot for each one (1) foot of building height above thirty-five (35) feet up to the maximum height allowed. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**E. Other Development Controls**

1. Uses shall be subject to the performance standards set forth in Section 10.6 of this Ordinance.
2. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
3. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
5. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
6. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
7. A site plan, as regulated by Section 17 of this Ordinance, shall be required.

**10.4 INDUSTRIAL GENERAL (IG)**

The purpose of the IG District is to encourage major manufacturing, processing, and warehousing uses that require extensive community facilities and reasonable access to arterial or major collector thoroughfares. They may have extensive outdoor storage and service areas, general heavy traffic, and shall be subject to performance and site plan review standards.

**A. Permitted Uses**

1. Assembly of Finished Goods
2. Beverage Bottling
3. Bottled Gas Storage and Distribution
4. Bulk Storage (not commercial self storage)
5. Chemical Processing
6. Commercial Grain Elevators
7. Commercial Greenhouse
8. Commercial Nursery
9. Communication Relay Tower
10. Concrete Mixing Facility
11. Construction Offices, General or Heavy Contractors
12. Food Production, except for canning
13. General Industry
14. Governmental or Municipal Buildings or Facilities
15. Light Industry
16. Local and Suburban Transit
17. Lumber Yard
18. Machine Shop
19. Mail Order Distribution
20. Packaging of Finished Goods
21. Painting and Customizing
22. Police or Fire Station
23. Power Plant
24. Public or Commercial Parking Garages
25. Racing and Testing
26. Telephone Exchange or Public Utility Substation
27. Truck Terminal
28. Warehousing
29. Wholesale Produce Terminal
30. Wireless Communication Tower

**B. Accessory Uses**

1. Accessory uses.
2. Public utility installation for local service.

**C. Special Exceptions**

1. Above Ground Storage Tanks/Storage
2. Animal Control Authority
3. Airport
4. Artificial Lake of 3 or more acres
5. Banks and other Financial Institutions
6. Coffee Shop or Refreshment Stand
7. Junk Yard
8. Liquid Fertilizer Storage & Distribution (commercial)
9. Manufacturing, Storage, or Use of Explosives
10. Mineral Extraction, Borrow Pit, Topsoil Removal, & Storage Areas
11. Mining or Excavation
12. Office/Laboratories—Medical or Dental
13. Penal or Correctional Institution
14. Public or Commercial Sanitary Fill, Refuse Dump, Garbage Disposal Plant, or Trash Transfer Station
15. Public or Commercial Sewage Disposal Plant
16. Public Park
17. Recreation Center, Indoor or Outdoor
18. Recycling Center
19. Restaurant, with or without alcoholic beverages
20. Scrap Metal Yard
21. Self Storage Units (commercial)
22. Slaughter House
23. Storage & Dismantling of Vehicles

**D. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 20,000 square feet
2. **Minimum Lot Width:** 100 feet
3. **Minimum Depth of Front Yard:** Forty (40) feet
4. **Minimum Depth of Rear Yard:** Ten (10) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
5. **Minimum Depth of Side Yard:** Ten (10) feet; except where the lot line abuts a residential district, in which case the minimum side yard depth shall be forty (40) feet.
6. **Intensity:** The total floor area of the industrial building shall not exceed 80% of the lot area.
7. **Maximum Building Height:** Eighty (80) feet, except that the setback portion of the building which is in excess of thirty-five (35) feet shall be increased by one (1) foot for each one (1) foot of building height above thirty-five (35) feet up to the

maximum height allowed. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**E. Other Development Controls**

1. Uses shall be subject to the performance standards set forth in Section 10.6 of this Ordinance.
2. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
3. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
5. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
6. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
7. A site plan, as regulated by Section 17 of this Ordinance, shall be required.

**10.5 INDUSTRIAL PARK (IP)**

The purpose of the IP District is to encourage and accommodate a community of industries, providing a master-planned park-like setting located along minor arterials or major collectors which are developed under a single developer. The industrial park or subdivision may or may not be owned and/or operated under single ownership.

**A. Permitted Uses**

1. Assembly of Finished Goods
2. Beverage Bottling
3. Colleges and Universities
4. Communication Relay Tower
5. Construction Offices, General or Heavy Contractors
6. Flex Space
7. Food Production, except for canning
8. Governmental or Municipal Buildings or Facilities
9. Light Industry
10. Local and Suburban Transit
11. Machine Shop

12. Mail Order Distribution
13. Nursery School, Kindergarten, or Day Care Center
14. Packaging of Finished Goods
15. Painting and Customizing
16. Police or Fire Station
17. Post Office
18. Print Shop
19. Telephone Exchange or Public Utility Substation
20. Trade or Business School
21. Warehousing
22. Wholesale Produce Terminal
23. Wireless Communication Tower

**B. Accessory Uses**

1. Accessory uses.
2. Public utility installation for local service.

**C. Special Exceptions**

1. Animal Control Authority
2. Artificial Lake of 3 or more acres
3. Banks and other Financial Institutions
4. Chemical Processing
5. Coffee Shop or Refreshment Stand
6. Office/Laboratories—Medical or Dental
7. Public Park
8. Racing and Testing
9. Recreation Center, Indoor or Outdoor
10. Restaurant, with or without alcoholic beverages
11. Self Storage Units (commercial)

**D. Area and Height Regulations for Permitted Uses**

1. **Minimum Lot Size:** 20,000 square feet
2. **Minimum Lot Width:** 100 feet
3. **Minimum Depth of Front Yard:** Forty (40) feet
4. **Minimum Depth of Rear Yard:** Ten (10) feet; except where the rear yard abuts a residential district, in which case the minimum rear yard depth shall be forty (40) feet.
5. **Minimum Depth of Side Yard:** Ten (10) feet; except where the lot line abuts a residential district, in which case the minimum side yard depth shall be forty (40) feet.

6. **Intensity:** The total floor area of the industrial building shall not exceed 80% of the lot area.
7. **Maximum Building Height:** Eighty (80) feet, except that the setback portion of the building which is in excess of thirty-five (35) feet shall be increased by one (1) foot for each one (1) foot of building height above thirty-five (35) feet up to the maximum height allowed. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by any other law.

**E. Other Development Controls**

1. Uses shall be subject to the performance standards set forth in Section 10.6 of this Ordinance.
2. Off street parking and loading shall be provided in accordance with Section 11 of this Ordinance.
3. The use and placement of signs shall be subject to the regulations set forth in Section 12 of this Ordinance.
4. Required screening, buffering, and landscaping shall be provided in accordance with Section 13 of this Ordinance.
5. Temporary structures shall be subject to the regulations set forth in Section 4.5 of this Ordinance.
6. Fences shall be subject to the regulations set forth in Section 13 of this Ordinance.
7. A site plan, as regulated by Section 17 of this Ordinance, shall be required.

## 10.6

### PERFORMANCE STANDARDS

**A. Air Pollution.**

1. **Smoke.** For the purpose of grading in the density of smoke, the Ringlemann Chart, published by the United States Bureau of Mines, shall be employed. No industrial use may emit more than sixty (60) smoke units (as defined by the United States Bureau of Mines) per stack or smoke in excess of Ringlemann No. 2. However, for the purposes of soot blowing, process purging, and fire cleaning, once during any 24-hour period, each stack may emit up to ten (10) additional smoke units up to and including Ringlemann No. 3, but not for more than five (5) minutes.

2. **Particulate Matter.** For the purposes of this Section, the term “particulate matter” shall mean divided liquid or solid material that is discharged and carried along in the air. The rate of emission of particulate matter for individual processes within the boundaries of any lot shall not exceed a figure of .06 pounds per 1000 pounds of effluent gas, of which no more than ten percent by weight may be particles larger than 44 microns.
3. **Odor.** The emission of odorous matter in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines is prohibited.
4. **Dust.** Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, oiling, fencing, wetting, collecting or other acceptable means.
5. **Poisonous and Injurious Fumes and Gases.**
  - a) The emission of any fumes or gases across lot lines in concentrations detrimental to or endangering public health, safety, comfort, and welfare or causing injury or damage to property or business is prohibited.
  - b) The emission of toxic and nontoxic fumes or gases may not produce any concentration at a residence or business district boundary line exceeding twenty-five percent (25%) of the threshold limit as set for the fume or gas in question in the latest issue of “Threshold Limit Values For Toxic Materials In Industry,” issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists.
- B. **Glare, Heat and Other Emissions.** No use, operation, activity or structure shall cause heat or glare to be a public nuisance at or beyond any residence or business district boundary. No such use may cause illumination or glare at the or beyond any residential district boundary in excess of one (1) footcandle. Glare from any process (such as or similar to arch weld or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be permitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

C. **Vibration.** No use shall cause vibrations or concussions detectable beyond lot lines without the aid of instruments.

D. **Noise**

1. No use shall produce noise in excess of seventy-five (75) decibels, day or night.
2. No activity or operation producing noise, other than ordinary vehicle noise, shall be conducted so that noise from the activity or operation can be detected at any point off of the lot on which that use is located.
3. Public safety sirens and related apparatus used solely to warn the public of an emergency shall be exempt from this standard.

E. **Fire and Explosion Hazards**

1. **Incombustible to Moderate Burning Materials.** The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined for liquids by a closed cup flash point of less than 187° F, is permitted subject to compliance with all other performance standards for this district.
2. **Free Burning to Intense Burning Materials.** The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning as determined for liquids by a closed cup flash point of less than 187° F but not less than 105°F, is permitted subject to compliance with all other performance standards for this district and provided the following conditions are met:
  - a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
  - b) All such buildings or structures shall be set back at least forty (40) feet from lot lines.
  - c) Buildings or structures containing such free burning to intense burning materials shall be protected throughout by an automatic sprinkler system complying with the installation standards prescribed by the American Insurance Association; or if the materials, goods or products are liquids, the protection thereof shall be in conformity with the standards prescribed by the American Insurance Association Pamphlet No. 30, June 1959, or any subsequent revision or amendment thereto.



3. **Flammable and Explosive Materials.** The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases determined for liquids by a closed cup flash point of less than 105° F shall be permitted in this district, provided:
  - a) That the final manufactured product does not itself have a closed cup flash point of less than 187° F;
  - b) That the use and storage of such materials shall be in conformity with standards prescribed by the American Insurance Association and the requirements of any other ordinances;
  - c) That the storage of more than 50,000 gallons of materials or products having a closed cup flash point of less than 105° F (exclusive of storage of finished products in original sealed containers) is prohibited;
  - d) That the storage of more than 100,000 gallons of materials or products having a closed cup flash point of less than 180°F (exclusive of storage of finished products in original sealed containers) is prohibited.
  
- F. **Electrical Disturbance.** No use shall cause electrical and/or non-visible light (infra-red, microwave, ultraviolet) disturbance adversely affecting radio, television, or other equipment in the vicinity.
  
- G. **Toxic Matter.** The storage, handling, or transport of toxic substances shall comply with all federal, state, county, and local laws and regulations regarding the storage, handling, or transport of toxic material. No use shall discharge across boundaries of its lot toxic matter so as to endanger the public health, safety, or general welfare, or cause injury or damage to an abutting or adjoining property.
  
- H. **Outdoor Storage.** Outdoor storage of fuel, raw materials, and flammable products within two hundred (200) feet of a residential district shall be enclosed by a fence, wall or plant materials adequate to conceal such storage from adjacent properties and public right-of-way. No outdoor storage of fuel, raw materials and flammable products shall be permitted within one hundred (100) feet of a residential district or use.
  
- I. **Exterior Lighting.** Any lighting used for exterior illumination of the building or parking areas shall direct light away from adjoining residential districts or uses.

- J. **Waste Matter.** No use shall accumulate within the lot, or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety, and welfare standards and regulations.
- K. **Water Pollution.** No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or be permitted to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts of 1943, Chapter 214, as amended).

## SECTION 11 PARKING AND LOADING

### 11.1 INTENT

The intent of this Section is to alleviate or prevent congestion of streets by setting forth sufficient requirements for the on-site storage, loading, and/or unloading of motor vehicles in order to meet the needs normally generated by each use.

### 11.2 APPLICATION

No new building or structure shall be constructed or used in whole or in part, and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used unless off-street parking is provided in accordance with the conditions set forth in this Section.

A. **No Elimination of Parking Spaces.** No existing off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure, unless the remaining spaces meet or exceed the required number of parking spaces, or the spaces are replaced by new spaces provided in accordance with this Section.

B. **Nonconforming Parking**

1. Previously lawfully established buildings, structures, or uses, or structures or uses for which improvement location permits have been issued at the time this Ordinance becomes effective shall not be subject to the requirements of this Section, except as otherwise provided in this subsection.
2. For any nonconforming building or structure that has been damaged or destroyed by fire or other disaster, restoration of such existing building or structure shall be permitted without conforming to the requirements of this Section if said restoration or rebuilding complies with the following requirements.
  - a.) The restoration does not reduce the number of parking spaces that were originally available to the building or structure, and were in existence prior to the damage and subsequent restoration.

C. **Additional Parking Required**

1. **Additions.** Enlargements or alterations which result in an increase in the ground coverage or the usable floor area of a building or structure shall require additional off-street parking spaces in accordance with the provisions of this Section, but only to the extent that such increase exceeds five percent (5%) of the original

ground coverage or fifteen percent (15%) of the floor area existing at the time this Ordinance becomes effective.

2. **Change in Use.** Changes in the use of existing buildings, structures, or land shall require additional off-street parking spaces to meet the number of required spaces for that new use.

D. **Accessory Parking Permitted.** Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

E. **Distinction Between Parking and Loading Areas.** Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

F. **Limitations on Parking Areas**

1. **Use of Parking Areas Limited.** Accessory off-street parking facilities shall be utilized solely for the parking of passenger automobiles or light trucks belonging to the residents, patrons, occupants, or employees of the specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling, or wrecking of any vehicle, equipment, or material.
2. Only areas improved with concrete, asphalt, or stone may be utilized for parking. Grass areas are not considered off-street parking areas and shall not be utilized as such.
3. **Commercial Vehicles in Residential Areas.** For each dwelling unit in a residential zoning district, a maximum of one (1) off street parking space may be provided for a commercial vehicle of no more than three (3) tons capacity (manufacturer's rating); provided further, that such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises.
4. This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.
5. **Parking of Inoperable Vehicles.** Automotive vehicles or trailers of any type without current license plates or in an inoperable condition, so as to be deemed dead storage, shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone district unless specifically authorized under the terms of this Ordinance.

6. **Drive-Through Stacking.** Drive through establishments shall provide stacking space for vehicles awaiting use of drive-through windows. Each stacking space must be twelve (12) feet long and each lane of stacking spaces must be at least nine (9) feet wide. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked. Table 11-2, Schedule of Off-Street Parking Requirements denotes the number of stacking spaces required for common drive-through uses. Any drive through use not listed shall be required to provide at least four (4) stacking spaces per drive-through window. Stacking spaces must be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

### 11.3 REQUIRED OFF STREET PARKING RATIOS

- A. **General Requirements.** Except as provided elsewhere in this Section, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 11-2, Schedule of Off-Street Parking Requirements. However, there shall be no minimum parking requirement in the Primary Central Business District.
- B. **Uses Not Specified.** In the case of a use not specifically mentioned in the requirements herein, the requirements for off-street parking or off-street loading for a use which is mentioned, and which is similar to the unmentioned use, shall apply.
- C. **Multiple Tenant Developments.** Where there is a combination of uses on a lot, the minimum required number of parking spaces shall be the sum of the requirements of the individual uses, unless otherwise provided by subsection 11.4.C.
- D. **Fractions.** When determination of the number of off-street parking spaces required by Table 11-2 results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one half shall be counted as one parking space.
- E. **Additional Requirements for Company Vehicles.** Every company car, truck, tractor or trailer normally stored at a business site shall be provided with an off-street parking space. Such space shall be in addition to the parking requirements listed in Table 11-2.
- F. **Public Assembly Seating.** In sports arenas, churches, and other places of assembly in which patrons occupy benches, pews, or other similar

seating facilities, each twenty-four (24) inches of such seating shall be counted as one seat for the purpose of determining requirements the hereunder.

- G. **Parking Spaces Accessible to the Disabled.** The Town of Danville encourages all development within the Town which serves the public to provide facilities which are accessible to people with disabilities as defined by the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal, accessible parking shall be provided by any building or use initiated after the effective date of this code according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.

1. **Required Spaces.** Accessible parking spaces shall be provided at a rate listed in Table 11-1 below. In addition to these requirements, accessible patient parking at outpatient facilities must equal no less than ten percent (10%) of the required parking, and facilities which specialize in treatment or services for persons with mobility impairments must provide accessible parking equaling no less than twenty percent (20%) of the required parking for patient use.

**TABLE 11-1: ACCESSIBLE PARKING SPACE REQUIREMENTS**

Total Number of Parking Spaces In Lot	Minimum Number of Accessible Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

2. **Design and Layout of Accessible Parking Lots.** Access aisles and accessible routes for the mobility impaired shall be provided pursuant to ADA requirements. Accessible spaces must be a

minimum of eight (8) feet wide with a five (5) foot access aisle. One of every eight (8) spaces, however, must have an access aisle of eight (8) feet wide and be designated “van accessible”.

3. **Passenger Loading Zones.** Passenger loading zones shall provide an access aisle of a minimum of twenty (20) feet in length, adjacent and parallel to the vehicle pull up space. If there are curbs between the access aisle and the vehicle pull up space, then a curb ramp shall be provided.
4. **Signage and Marking.** All accessible spaces shall be designated by the international access symbol. Van accessible spaces will be labeled by both the international access symbol and an additional sign indicating that the space is accessible for vans.

Signs shall be a minimum of five and one half (5 ½) feet above ground level so as not to be obscured by parked vehicles. The mobility impaired symbol shall also be painted on the ground to the rear of the parking space.

#### H. Off Street Parking Ratios

Off street parking shall be provided according to the ratios set forth in the following table.

**TABLE 11-2: SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

USE	PARKING SPACES REQUIRED
Airport or Heliport	One space per two employees; plus one space per based or daily transient aircraft
Automobile, Motorcycle, RV, and Camper Sales Automobile Rental and Leasing Service	One space for each two employees; plus one space per 400 sq. ft. per gross floor area of showroom; plus one space per service bay, where applicable
Banks	One space per 300 sq. ft. of gross floor area; plus three stacking spaces for each drive-through lane, where applicable (See Section 10.2.F.3)
Billiard Room	Two spaces per table; plus one per employee on largest shift
Bowling Alley	Three spaces per lane; plus one space per employee on largest shift
Business Offices, Professional Offices, and other Similar Uses not elsewhere listed	One space per 300 sq. ft. of leasable floor area
Boarding House, including Bed and Breakfast	One space per guest room; plus two spaces for the resident owner

USE	PARKING SPACES REQUIRED
Bus Station	One space per 10 seats in waiting area
Car Wash	One space per employee on largest shift; plus one drying space and four stacking spaces per washing space (See Section 10.2.F.6)
Church or Temple	One space per three seats in main auditorium (See also Section 11.3.F)
Clinic – Medical or Dental	One space per employee; plus three spaces per doctor or dentist
Country Club or Private Golf Course	One space per four individual members or one space per two families, based on maximum anticipated membership
Dancing, Aerobics, or Gymnastic Studio	One space per 200 sq. ft. of studio floor area
Driving Range	One space per tee; plus one space per employee on largest shift
Dwellings, Single and Two-Family	Two spaces per unit
Dwellings, Multi-Family	Efficiencies and one bedroom apartments: one space per unit
	Apartments with two bedrooms or more: two spaces per unit
Exhibit, Assembly, and Reception Halls	One space per two persons at maximum occupancy
Funeral Home or Crematorium	One space per two employees; plus one space per four seats in the chapel, if applicable
Greenhouse or Tree Nursery	One space per employee on largest shift; plus one space per 300 sq. ft. of sales floor area
Golf Course, Public	One space per two employees; plus three spaces per golf hole
Health Spa or Fitness Center	One space per 200 sq. ft. of gross leasable area
Home Occupation	One space, in addition to residential requirements
Hospital	One space per two beds; plus one space per two staff members on largest shift, including nurses; plus one space per doctor; plus one space per hospital vehicle
Hotel or Motel	One space per three employees; plus one space per guest room; plus 75% of the required parking figured separately for banquet/meeting rooms and restaurants
Industrial Uses	One space per employee on largest shift; plus one space per 500 sq. ft. of floor area open to the public (See also: Section 10.3.E)
Junk Yard or Recycling Center	One space per employee on the largest shift.



USE	PARKING SPACES REQUIRED
Kennel	One space per employee; plus one space per five animal cages
Kindergarten, Nursery School, or Day Care Center	One space per two employees; plus one space per five children
Miniature Golf	One space per hole; plus one space per employee on largest shift
Motor Vehicle Repair	One space per service bay; plus one space per employee on largest shift (service bay itself does not qualify as a parking space)
Movie Theater, Indoor	One space per four seats; plus one per two employees on largest shift
Night Club or Tavern	One space per three persons at maximum capacity
Nursing Home	One space per five beds; plus one space per employee on largest shift
Outdoor Commercial Recreational Use	One space per employee; plus one space per 500 sq. ft. of use area
Park	Spaces equivalent to one percent (1%) of the total land area (parking along park roads may be used to fill this requirement)
Playhouse or Dinner Theater	One space per four seats; plus one space per two employees on largest shift
Penal or Correctional Institution	One space per employee on largest shift; plus one space per 20 inmates
Police or Fire Station	One space for each person on duty on largest shift
Post Office	One space per employee on largest shift; plus one space per 500 sq. ft. of floor area open to the public (See also: Section 10.3.E)
Private Camp or Campground	One space per camp site; plus one space per cabin; plus one space per two employees on largest shift
Public or Commercial Sewage Disposal Plant and Related Uses	One space per employee on largest shift
Public Library or Museum	Two spaces per 1000 sq. ft. of gross floor area
Restaurant	One space per four seats; plus one space per two employees on largest shift
Restaurant, Fast Food	One space per two and a half seats (2 ½); plus one space per two employees on the largest shift; plus if there is a drive-through, seven stacking spaces per window (See Section 11.2.F.6). If no indoor seating, minimum of 10 spaces.
Retail and Personal Service Stores, not otherwise mentioned	One space per 300 sq. ft. of leasable floor area
Riding Stable	One space for each two stalls
Roadside Food Sales Stand	Five spaces per stand

USE	PARKING SPACES REQUIRED
School, Elementary and Middle	One space per staff member; plus one space per classroom
School, High	One space per staff member; plus one space per four students
Service Station, with repair	One space per employee on largest shift; plus one space per four gas pumps; plus one space per service bay
Service Station, without repair	One space per employee on largest shift; plus one space per four gas pumps
Shopping Center (See also: Section 10.4)	25,000-400,000 sq. ft.: Four spaces per 1000 sq. ft. leasable floor area
	400,000-600,000 sq. ft.: Four and a half (4 ½) spaces per 1,000 sq. ft. leasable floor area
	600,000 sq. ft. or larger: Five spaces per 1,000 sq. ft. leasable floor area
Skating Rinks (ice or roller)	One space per 200 sq. ft. skating area
Swimming Pool	One space per 100 sq. ft. of pool area
Telephone Exchange or Public Utility Substation	One space per employee
Theater, Outdoor	One space per four seats; plus one per two employees on largest shift
Truck Terminal	Four spaces; plus one space per employee on largest shift (See also: Section 10.3.E)
Trade or Business School	One space for every three employees and member of the staff; and one space per every three students
Veterinarian	Three spaces for every doctor; plus one space for each additional employee
Wholesale Produce Terminal	One space per employee on largest shift; plus one space per 300 sq. ft. of sales floor area

## 11.4 PROGRAMS AND INCENTIVES TO REDUCE PARKING REQUIREMENTS

The following programs and incentives are provided to permit reduced parking requirements in the locations and situations outlined herein where the basic parking requirements of this code would be excessive or detrimental to goals and policies of the Town relating to traffic congestion and environmental protection.

- A. **Parking Reductions in the CB Districts.** There are no off-street parking requirements in the Primary CB District. However, for each building erected and for certain other uses of land in the Secondary CB District, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that the Board of Zoning Appeals may approve a special exception that waives the parking spaces required when the use is located within three hundred (300) feet of a public parking lot; and where a use fronts a street with parallel parking, credit toward off-street parking shall be granted at the rate of one (1) off-street space per every twenty-five (25) feet of frontage.
- B. **Credit for On-Street Parking or Public Parking in Non-CB Districts.** Wherever on-street parking or other public parking is provided in the improvement of a street, credit toward off-street parking requirements shall be granted at the rate of one (1) off-street space for every marked on-street or public space.
- C. **Mixed-Use Shared Parking Programs**
  1. **Purpose.** The Town recognizes that strict application of the required parking rations may result in the provision of excessive numbers of parking spaces, and therefore, excessive pavement and impermeable surfaces. A Mixed-Use Shared Parking Program provides an option to reduce the total required parking in large mixed-use facilities in which uses operate at different times from one another throughout the day.
  2. **Applicability.** The Mixed-Use Shared Parking Program may be applied where mixed-uses are proposed.
  3. **Procedure.**
    - a) The Administrator may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing on site parking, if the respective hours of operation of the uses do not overlap.

- b) The total number of parking spaces shall not be reduced by more than twenty percent (20%).

## 11.5 LOCATION OF REQUIRED PARKING

- A. **General Requirements.** Except as otherwise provided in this Section, off-street parking shall be on the same lot or parcel of land as the use it is intended to serve.
- B. **Off Site Parking Facilities.** Required Parking for a nonresidential development may be located off-site under certain circumstances. Requests for variances allowing the substitution of off-site for on-site parking must meet the following requirements, in addition to the standard variance criteria.
  - 1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered:
    - a) Proximity of the off-site parking facilities, generally within three hundred (300) feet of the use they are intended to serve;
    - b) Ease of pedestrian access to the off-site parking facilities; and
    - c) The type of use the off-site parking facilities are intended to serve. For example, off-street parking may not be appropriate for high turnover uses such as retail.
  - 2. A written commitment shall be drawn to the satisfaction of the Town Attorney and executed by all parties concerned, assuring the continued availability of off-site parking facilities for the use they are intended to serve.
- C. **Front Yard Parking Requirements.** Parking spaces may not be located in the required front yard except in business and industrial districts. However, no parking area shall be permitted within five (5) feet of the front property line in any district.

## 11.6 DEVELOPMENT STANDARDS FOR OFF STREET PARKING

Each parking area shall comply with the standards as hereinafter set forth.

- A. **Design**
  - 1. Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table:

**TABLE 11-4: MINIMUM PARKING SPACE AND AISLE DIMENSIONS FOR  
PARKING AREAS  
(IN FEET)**

Angle of Parking	Width of Parking Space	Length of Parking Space	Maneuvering Aisle
61°-90°	9'0"	18'0"	24'0"
46°-60°	9'0"	18'0"	18'0"
45°	8'6"	18'0"	15'0"
Parallel	8'0"	22'0"	12'0"

- Measurement of parking space width and length, aisle width, and parking angle shall be made as per the following diagram. Driveways shall be arranged for the free flow of vehicles at all times, and all maneuvering spaces and aisles shall be so designed that all vehicles may exit from and enter into a public street by being driven in a forward direction, except that residents and employees may be permitted to back in from alleys. (See diagram above.)

Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other or by passing over any other parking space, except where the parking area is limited to employees.

- On any parking area in any district, all paved portions of all parking spaces and maneuvering aisles shall be set back a minimum of five (5) feet from any wall of a building, and a minimum of five (5) feet from any private or public way, or any lot line of any land in residential districts or used for a residential purpose.
- All parking areas shall provide means of pedestrian circulation to the use and between the use and the street.

#### **B. Construction**

- All required parking spaces, maneuvering aisles, and driveways, except in FP districts, shall have a durable, dustless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by

grading and drainage in such a manner that no surface water shall drain onto any lot in other ownership. Such surfaces shall be well maintained.

2. Parking areas in all districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or into required landscaped open space.
3. In any parking area the surface shall be painted, marked, or otherwise delineated so that each parking space is apparent.

C. **Landscaping and Screening.** All parking lots designed for fifteen (15) or more parking spaces shall provide landscaping and screening in accordance with the provisions of Section 13.3 and 13.4. Smaller parking lots shall provide landscaping as deemed appropriate by the Administrator

D. **Lighting.**

1. All parking lots shall be illuminated.
2. All artificial lighting used to illuminate a parking area, maneuvering space, or driveway shall be arranged and shielded so as to prevent direct glare from the light sources into any public street or private way or onto adjacent property. Illumination shall measure no more than five (5) foot-candles on adjacent public or private streets and no more than one (1) foot-candle on adjacent residential properties.

## 11.7 OFF STREET LOADING

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

A. **Location.** All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street.

No loading berth for vehicles over a two (2) ton capacity shall be permitted within fifty (50) feet of any property in a residential district

unless completely enclosed by a building wall or solid wall or fence, or any combination thereof, not less than six (6) feet in height.

- B. **Size.** Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet.

For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a forty-five (45) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.

C. **Access**

1. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
2. A minimum access aisle width of eighteen (18) feet shall be provided for one-way aisles, and a minimum access aisle width of twenty-four (24) feet shall be provided for two-way aisles.

- D. **Surfacing.** All open off-street loading berths shall be improved with a compact base of not less than six (6) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather, dustless material.

- E. **Off-street Loading Space Requirements.** Nonresidential uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths as follows: one off-street loading berth shall be provided for every 10,000 square feet of gross floor area but no more than a total of two spaces up to 40,000 square feet of gross floor area, one space for each additional 40,000 square feet up to 160,000 square feet, and one space for every 80,000 additional square feet.

The minimum number of off-street loading spaces shall not apply to uses within the Primary Central Business (Primary CB) District. However, for those uses within the Primary Central Business District that do transport goods in quantity by truck delivery, no loading or unloading shall be permitted within the right-of-way of any of the streets comprising the courthouse square peak traffic hours. Loading and unloading from these streets shall only be permitted between the hours of 7:30 PM and 6:00 AM.

## SECTION 12 SIGNS

### 12.1 PURPOSE

The purpose of this Ordinance is to provide a legal framework for the comprehensive regulation of signs in the Town of Danville. It recognizes the need for adequate identification, advertising, and communication within the community that is structurally sound, well maintained, and attractive in appearance. To achieve this purpose, the Ordinance is intended to control the height, area, location, and other similar aspects of signs and sign structures:

- A. To allow businesses, institutions and individuals to exercise their right to free speech by displaying an image on a sign and to allow audiences to receive such information.
- B. To provide and maintain visually attractive residential, retail, commercial, historic, open space and industrial areas.
- C. To provide for reasonable and appropriate communication and identification for on-premise signs in residential zoning districts, commercial zoning districts and industrial zoning districts.
- D. To encourage the use of creative and visually attractive signs.
- E. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- F. To protect property values.
- G. To promote the public health, safety, and welfare of the residents of the Town of Danville by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.

### 12.2 SIGNS PROHIBITED

The following signs shall be prohibited:

- A. Commercial billboards, posterboards, and other signs, when located upon vacant lots or parcels or when displaying information not related to the conduct of a business or other enterprise located on the same



premises as said billboard or posterboard, except as such signs are permitted by state or federal regulations.

- B. Commercial signs not advertising bona fide business conducted or a product sold on the property, except as such signs are permitted by state or federal regulations.
- C. Roof signs, except as hereafter authorized.
- D. Signs which move or give the appearance of movement, including but not limited to signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means, and signs containing flashing or running lights giving the illusion of movement.
  - 1. Temporary promotional signs as described in Section 12.6 shall not be deemed to fall within this prohibition, provided a sign permit is first obtained from the Zoning Administrator pursuant to Section 12.3 below.
  - 2. Time and temperature signs shall not be deemed to fall within this prohibition.
- E. Signs which imitate traffic signs, including not but not limited to, signs which incorporate the words STOP, DANGER, WARNING, CAUTION, or GO SLOW, unless such language is part of a name of a business. (Signs which are accessory to a parking lot shall not be deemed to fall within this prohibition).
- F. Portable or wheeled signs converted to a sign permanent in nature.
- G. Signs placed on parked vehicles, boats or trailers where the apparent purpose is to advertise a product or to direct the public to a business or activity located on or off the same premises.
- H. Inflatable images such as balloons, except as specifically authorized in Section 12.6.
- I. Miscellaneous advertising devices, other than signs that conform to the provisions of this Section, shall not be allowed.
- J. Signs which display obscene, indecent, or immoral matter.
- K. Obsolete signs; any sign that contains inaccurate or outdated information.

- L. Pennants, feathers, streamers, portable signs, and festoon lights, except as specifically authorized in Section 12.6 below.
- M. Signs hung across any street or alley or within a public right-of-way, except when authorized by Section 12.4 or the Town of Danville (12.6.C.6).
- N. Signs that emit audible sounds, odors or visible matter.
- O. Beacon lights.
- P. Yard card signs, except in residential zoning districts and as specifically authorized in Section 12.6 below.
- Q. Bench signs.
- R. Human signs.
- S. Snipe signs.
- T. Electronic Message Centers and animated signs.

### 12.3 SIGN PERMITS

- A. **Scope.** No sign, except as provided in Section 12.4 below, shall hereafter be erected, constructed, altered, or relocated without first obtaining a permit from the Zoning Administrator.
- B. **Applications.** Applications for a sign permit shall be filed with the Zoning Administrator in accordance with the requirements of this Ordinance.
  - 1. In addition, all applications shall contain the following information.
    - a) Name, address, email (if applicable), and telephone number of the applicant.
    - b) Location of the building, structure or parcel of property to which, or upon which, the sign is to be attached or erected.
    - c) Position of sign in relation to nearby building, structures and street grade.
    - d) Two (2) copies of plans and specifications showing the method of construction.

- e) Sketch showing sign faces, exposed surfaces and proposed message thereof accurately represented in scale as to size, proportion and color.
- f) Name of person, firm, corporation or association erecting, constructing, altering or relocating the sign.
- g) Written consent of the owners of the building, structure or land on or to which the sign is to be erected.
- h) Such other information as the Zoning Administrator may require demonstrating full compliance with this and all other laws and Ordinances of the Town.

**C. Issuance of the Permit.**

- 1. The Zoning Administrator. Upon receipt of a fully complete sign permit application, the Zoning Administrator shall examine the application and all material attached thereto to determine its compliance with this Section, as well as, any other applicable Town title, Ordinance, or law. The Zoning Administrator shall take formal action on the application within thirty days of the date the application was filed.
- 2. Approval by Electrical Inspector. Applications for a sign permit in which electrical wiring and connections are to be used shall also be reviewed and approved by the Building Inspector for the Town.

**D. Validity of the Permit.** If work authorized under a sign permit has not been completed within one year of the date of issuance, the sign permit shall then become void.

**E. Appeals.** An appeal from the decision of the Zoning Administrator shall be taken to the Board of Zoning Appeals pursuant to Section 19.8.

## 12.4 EXEMPTIONS

**A. Exempt Signs.** The following signs shall be exempt from the permit requirements set forth in Section 12.3 above; provided however, they meet the remaining requirements of this Section, as well as any limitation set forth elsewhere in this Ordinance.

- 1. Public Service Signs. Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way.
- 2. Address Signs. Address numbers not exceeding two square feet in area.

3. Governmental. Signs and public notices erected or required by Governmental bodies, or authorized for a public purpose by any law, statute, or Ordinance, including official traffic signs authorized by the Town of Danville.
4. Public Information Signs. Signs identifying the telephone, restrooms, and similar facilities, providing no advertising matter accompanies the sign.
5. Government Flags. Flags of any country, state, or unit of local government. Flagpoles accompanying such flags shall be limited to a height of thirty feet in residential districts and forty feet in nonresidential districts.
6. Corporate Flags. Corporate flags when flown in conjunction with the flag of the United States of America, provided such corporate flag is not larger than twenty-four square feet in area.
7. Memorial Plaques. Memorial plaques and cornerstones when not exceeding two square feet in area when permanently affixed to a building or premises.
8. Bulletin Boards. Notice and bulletin boards for public, charitable, religious, or similar type institution when not exceeding 16 square feet and located on the same premises as the institution. Such signs shall not be visible from the public right-of-way.
9. Time and Temperature Signs. Time and temperature signs containing computer-generated messages limited to time, temperature, and date are permitted in all districts except Primary Central Business District. These signs may not exceed eighteen (18) square feet.
10. Historical Identification Signs. Signs for property designated by the Federal, State, or local governments as a historical location, site, or landmark, provided such sign does not exceed twelve (12) square feet.
11. Miscellaneous Information Matter. Matter appearing on newspaper vending boxes, automatic teller machines, and other vending machines, or matter appearing on or adjacent to entry doors such as "Push," "Pull," "Open," and "Closed," or matter

appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.

12. No Trespassing Signs. No trespassing signs, warning signs (e.g., "Beware of Dog") and other such signs regulating the use of property when such signs do not exceed two (2) square feet in area.
13. Remembrances. Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events that are noncommercial in nature.
14. Private Traffic Direction Signs. Private traffic direction signs directing traffic movement on a premise or within a premise, not exceeding four (4) square feet in area and four (4) feet in height for each sign and containing no form of advertising.
15. Gas Pump Island Information Signs. Gas pump island informational signs, provided, however, such signs shall comply with the following regulations:
  - a) Gas pump island information signs shall be permanently mounted to gasoline pump island canopy supports, or the canopy face;
  - b) A maximum of four (4) signs, totaling no more than twenty-four (24) square feet of sign area, shall be permitted per gasoline pump-island. No single sign shall exceed nine (9) square feet in area and no sign shall exceed a height of twelve (12) feet;
  - c) A maximum of one (1) sign shall be permitted per canopy support. No sign shall exceed eight (8) square in area, nor shall a sign exceed a height of twelve (12) feet; and
  - d) A maximum of two (2) signs may be attached to the horizontal face of the canopy. No single sign shall exceed sixteen (16) square feet in area, nor shall such signs be permitted to rise above the canopy roofline.
16. Real Estate Signs. Real estate signs in the type and number listed below:
  - a) Signs advertising the sale, lease, or rent of residential property:
    - 1) No sign shall exceed nine square feet in area;

- 2) No sign shall be erected more than six feet above grade and not displayed above the second floor of a multi-story building;
  - 3) Not more than one sign per street frontage is displayed;
  - 4) Every sign is located on the same premises as the subject property; and
  - 5) Every sign is removed seven days after the closing or execution of the lease.
- b) Signs advertising the sale, lease, or rent of unimproved property, provided:
- 1) No sign shall exceed sixteen (16) square feet in area for properties from zero to ten acres; thirty-two (32) square feet in area for properties from eleven acres and above;
  - 2) Not more than one sign per street frontage is displayed;
  - 3) Every sign is located on the same premises as the subject property; and
  - 4) Every sign is removed seven days after the closing or execution of the lease.
- c) Signs advertising the sale, lease, or rent of nonresidential property, provided:
- 1) No sign shall exceed sixteen (16) square feet in area for properties from zero to ten acres; thirty-two (32) square feet in area for properties from eleven to twenty acres; forty-eight square feet in area for properties twenty-one to forty (40) acres; and sixty-four (64) square feet for properties forty-one (41) acres and above;
  - 2) Not more than one sign per street frontage is displayed, except in cases of properties forty-one (41) acres and above which may have two;
  - 3) Every sign is located on the same premises as the subject property; and
  - 4) Every sign is removed seven days after the closing or execution of the lease.
- d) Signs identifying a real estate open house, provided:
- 1) No sign shall exceed six square feet in area,
  - 2) Not more than four signs per property shall be displayed,
  - 3) The signs shall be displayed only between the hours of 9:00 AM and 6:00 PM, and
  - 4) The signs may be located at any intersection within one square mile of the subject property, but only one sign per intersection per property shall be allowed.

17. Construction Signs. Not more than two construction signs each with a sign surface area not to exceed thirty two (32) square feet per sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction and announcing the character of the building enterprise or the purpose for which the building is intended, but not including the advertisement of any product. The signs shall be confined to the site of the construction and shall be removed within fourteen days after the issuance of an occupancy permit. Such signs shall not exceed ten (10) feet in height.
18. Temporary Window Signs. In all commercial districts, two temporary window signs per window with the total sign area for both temporary window signs and permanent window signs not to exceed forty percent of the window surface area. A series of windows that are separated by frames and supporting material of less than six inches in width shall be considered as a single window for the purposes of area computation.
19. Political Signs. Political signs are permitted, however, such signs shall comply with the following regulations:
  - a) No sign shall be placed in the public right-of-way, on utility poles, on municipally owned property, or in any other area prohibited by this Ordinance.
20. Garage Sale Signs. Signs informing the public of a private garage sale for a maximum of five (5) days per year at any one residence and the sign shall not be larger than four square feet or more than forty inches tall and shall be placed only on the premises where the garage sale is to be held.
21. Auction Signs. Signs advertising or informing the public of an auction of real or personal property are permitted only between the hours of 5:00 PM on Friday and 6:00 PM on Sunday. Such signs shall be no larger than four square feet in area nor forty inches in height.
22. Menu Board Signs. Menu board signs, such as those for drive-through restaurants are permitted as long as they are not visible from the public right-of-way.

23. **Sandwich Board Signs.** Sandwich board or A-frame signs are permitted; however all such signs shall comply with the following regulations:
    - a) Sign must be located on the same property it is advertising or on a public sidewalk adjacent to the property.
    - b) Sign must only be displayed during hours of operation and must be removed at the close of business every day.
  24. **Yard Card Signs.** Yard cards are exempt in residential zoning districts only when they are not used for advertising.
  25. **Temporary Window Signs.** Temporary window signs, as long as they do not cover more than 40% of the window area in any single window, in combination with any permanent window sign(s) in the same window.
  26. **Contractor Yard Signs.** Contractor yard signs include signs for such contractors as remodeling, plumbing, landscaping, and similar businesses. One sign, not exceeding six (6) square feet per contractor may be placed on a lot where work is underway or has recently been completed for a period of not more than 30 days per calendar year.
- B. **Changing Sign Copy.** For the purposes of this Section, the changing of the copy of a sign, bulletin board, display encasement, marquee or maintenance where no structural changes are made or changing of interchangeable letters on signs designed for use of interchangeable letters shall not require a permit.

## 12.5 GENERAL SIGN STANDARDS

### A. **General Limitations on Sign Location**

1. All signs requiring a permit shall be located on the premises they serve.
2. No sign shall be erected or maintained at the intersection of any streets in such a manner as to obstruct the free and clear vision of a driver of a vehicle or a pedestrian.
3. No sign shall be erected or maintained so as to prevent the free ingress or egress from any door, window, or fire escape, and no signs shall be attached to a standpipe or fire escape.
4. No sign shall have more than two sign faces.
5. No persons shall permit, maintain, or display any sign painted directly on an exterior wall, fascia or parapet of a building, fence, or chimney; except however, mural signs and existing signs



advertising a business operating on the same premises may be retained, provided the sign receives regular maintenance, including painting every two years.

6. No sign shall be allowed or maintained if the sign shall, in any way, violate existing state or federal regulations governing such signs. Signs controlled by these provisions shall be in compliance therewith and no such sign shall exceed a height of thirty-five feet above ground level.
7. No person shall place, paste, print, or affix, in any manner, a handbill, sign, poster, advertisement or notice of any kind in any public right-of-way on any trees, light standards, telephone poles or other supporting structure.
8. Except as otherwise permitted in this Section, no sign shall be located so as to project above the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and in no case exceed a height of twenty feet, whichever is lower.
9. Signs shall be permitted on awnings, canopies and marquees. However, such signs shall not exceed a height of twenty feet above the average surrounding grade. The area of such signs shall be counted against the maximum sign surface area permitted by this Section.

**B. Specific Limitations on Sign Location.**

1. Residential Districts. In the residential districts, permitted signs may be located anywhere on the property, provided they are no closer than ten feet to any lot line and are not located in the public right-of-way, except for Home Occupation signs conforming to Section 4.4.B.
2. Commercial Districts
  - a. No sign shall be placed or project into the public right-of-way, nor shall a sign attached to a building extend more than twenty-four inches from the face of the building or be less than eight feet above grade.
  - b. Except as otherwise noted in this Section, no building-mounted sign shall extend above the top line of the face of the building or exceed a height of twenty feet, whichever is lower.
  - c. Pole or monument signs, as permitted herein, shall be set back from every lot line one foot for each foot in height above average surrounding grade. For properties with

frontage along Old US 36/E. Main Street (between the 800 block of E. Main Street and CR 400 East) signs may be placed or project in the public right-of-way of Old US 36/E. Main Street to the extent that they are not within 40 feet of that road's centerline.

3. Office and Industrial Districts.

- a. No sign shall be placed or project into the public way nor shall a sign attached to a building extend more than twelve inches from the face of the building.
- b. Except as otherwise permitted by this Section, no building-mounted sign shall extend above the top line of the face of the building or exceed a height of twenty feet, whichever is lower.
- c. Freestanding or ground signs, as permitted herein, shall be set back from every lot line 0.5 feet for each foot in height above average surrounding grade. For properties with frontage along Old US 36/E. Main Street (between the 800 block of E. Main Street and CR 400 East) signs may be placed or project in the public right-of-way of Old US 36/E. Main Street to the extent that they are not within 40 feet of that road's centerline.

C. Illumination.

1. Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be located, shielded and directed so as to not be visible from any public street or private residence. No receptacle or device housing a permitted light source which is attached to the sign itself shall protrude more than twelve inches from the face of the sign or building to which it is attached. If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than twelve inches and must be fully screened from view by landscaping.
2. Level of Illumination. In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed one hundred foot-lamberts at the sign face. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of direct light upon adjacent property or streets. No exposed reflective type bulb or incandescent lamp,

which exceeds fifteen watts, shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property. All sources of light, whether by direct exposure, surface reflection or transmission, having an intrinsic brightness greater than two (2) foot-candle shall be shielded so that the source of light cannot be seen at any point within a residential district.

3. **Signs Adjacent to Residential Areas.** Signs located on a lot abutting a residential district or a sign within one hundred feet of any residentially zoned area shall be so designed, located, shielded, and directed so as to prevent the casting of direct light upon adjacent properties or streets.

**D. Sign Area Computation.**

The following principals shall control the computation of sign area.

1. **Computation of Area of Individual Signs.** The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing unless such framework or bracing is made part of the message or face of the sign.
2. **Computation of Area of Multiple-Faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

- E. **Construction and Design Standards.** All signs shall meet the construction and design standards set forth for signs in the Town of Danville's Building Code.

- F. **Litter Control.** All signs and the premises surrounding the sign shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

- G. **Maintenance.** Every sign established in the Town of Danville shall, at all times, be maintained in good structural condition, and be painted at least once every two years, including all metal parts and supports thereof that are not galvanized or of rust resistant metals. The Zoning Administrator shall have the authority to inspect any sign pursuant to Section 12.9 below, and order any remedial action authorized thereunder.
- H. **Landscaping Requirements.** Every permit application for a monument or pole sign shall be accompanied by a landscape plan meeting the standards hereinafter specified.
1. For every square foot of sign surface area, there shall be provided one and one-half square feet of landscape area.
  2. Sodded or seeded areas shall not qualify as a landscaped area.
  3. The required landscaped areas shall be improved with such plantings as hedges, conifers, flowering plants, evergreens, etc., of a size and in quantity proportionate to the size and height of the sign as judged by the Zoning Administrator.
  4. In addition to the plantings herein described, the landscaped areas shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.
  5. It shall be the duty of each party owning any lot or parcel improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any groundcover or protection provided in accordance with the terms hereof.
- I. **Wind Pressure and Dead Load Requirements.** All signs and sign structures shall be designed and constructed to withstand wind pressures and dead loads as required by the Town's Building Code.
- J. **Identification and Marking.** Each sign hereafter erected or remodeled shall bear in a prominent position thereon a clearly legible identification plate, stating the name of the person responsible for its construction and erection. Electrical signs shall be marked with input amperes at full load input.

## 12.6 TEMPORARY SIGNS

The following signs shall be permitted in the Town, provided that they first obtain a permit in accordance with Section 12.3 Sign Permits. Temporary signs shall, in all respects, comply with the applicable regulations contained in this Section.

A. **Temporary Promotional Signs.** Portable signs, banners, pennants, feathers, inflatables, streamers, festoon lights or other promotional signs related to a specific promotion of a commercial business, specifically approved by the Zoning Administrator, and then only for the location(s) designated by the Zoning Administrator shall be permitted as follows:

1. Each applicant may be permitted a maximum of seventy-five (75) days of temporary signage within one calendar year as follows:

Temporary Sign Type	Maximum Number of Days per Calendar Year
Pennants, inflatables, streamers, feathers, festoon lights	30 days
Banners	75 days
Portable Signs	75 days
Yard Card containing commercial message	30 days
Temporary Window Signs (see Section 12.4 Exemptions)	No limit, but may not cover more than 40% of the surface area of any window in combination with any permanent window signs.

- a) When different temporary signs are used for a commercial business, the maximum number of days shall never exceed 75 days. For example, 30 days of inflatable sign use would be deducted from the maximum 75 days for banners, leaving 45 days remaining and available for banner use in that calendar year.
- b) A temporary sign permit may be issued for a the maximum number of days; however, no temporary sign permit shall be issued for less than five (5) days.
- c) Schools, churches, and parks that receive a sign area bonus per Section 12.7.A.2 Sign Area Bonus, are limited to 30 days per calendar year for any type of temporary sign.

- B. **Change of Business Status Signs.** Portable signs, banners, inflatables, streamers, festoon lights or other signs related to special events specifically approved by the Zoning Administrator such as the initial grand opening, reopening, or closing of a business shall be permitted at a location(s) designated by the Zoning Administrator as follows:
1. The change of business status signs shall be permitted for a period not to exceed thirty days.
  2. Only one thirty day period shall be permitted during each calendar year per tenant.
- C. **Public Event Signs.** In order to control the proliferation of public event signs and to ensure their greatest visibility within the Town, public event signs shall be restricted to certain designated locations provided that the applicant has first obtained permission to locate the sign on the property and in such a manner as to allow complete vision clearance for passing motorists:
1. Designated locations:
    - a) Urban Street and Main Street
    - b) Phi Delta Kappa Drive and East Main Street
    - c) Town Hall campus for municipally sponsored events only.
  2. One public event sign may be permitted at each designated location.
  3. All signs shall be good quality and of weatherproof construction with supports suitable to maintain the sign for the permit period.
  4. No public event sign shall exceed a maximum of 32 square feet for a portable sign or 120 square feet for a banner sign.
  5. In addition to the public event signs approved by the Zoning Administrator, two floating directional signs shall be allowed for each public event. The directional signs shall be located on the secondary or local streets closest to the public event location. The Town of Danville reserves the right to remove any public event sign summarily without notice that creates a visual obstruction or impedes the orderly flow of traffic.
  6. The Town of Danville may allow banners or similar signs to be suspended across US 36 provided any necessary permits are first obtained from INDOT.
  7. The Town of Danville may allow banners or other temporary signage to be placed near the entrance of Ellis Park provided the public event being promoted takes place within park grounds.

D. **Application Information.** In addition to the requirements of Section 12.3 Sign Permits, applications for temporary promotional sign permits shall include the number, location, size and other information identifying any proposed signage and conform to the following regulations:

1. No more than two signs may be included within the temporary promotional signage permit;
2. All said signs may not exceed 32 square feet per face for a portable sign or 120 square feet for a banner sign, and if illuminated, must be internally illuminated but not flashing;
3. All said signs shall not exceed ten feet in height if freestanding or remain one foot below the roofline if placed on a principal building; and
4. Inflatable devices shall not exceed twenty feet in height and shall be properly secured.

## **12.7 REGULATION BY ZONING DISTRICT CLASSIFICATION**

### **A. Residential Zoning Districts.**

1. Subject to the requirements of Section 12.3 Sign Permits, the following signs are allowed in Residential Zoning Districts:
  - a) Exempt signs, in accordance with Section 12.4, Exemptions
  - b) Temporary signs, in accordance with Section 12.6  
Temporary Signs
  - c) Monument or wall signs, in accordance with the following table:

Monument or Wall Sign for:	Maximum Number per Street Frontage	Maximum Sign Area	Maximum Height	Minimum Landscaping	Minimum Distance from any Lot Line
Single-Family Subdivision	2 (per entrance)	20 sq ft maximum sign, attached to 100 sq ft maximum supporting structure	6 ft	For monument signs: in accordance with Section 12.5.H Landscaping Requirements	10 ft
Multi-Family					
Schools, Parks or Churches		24 sq ft maximum sign, attached to 100 sq ft maximum supporting structure			

2. Sign Area Bonus—Schools, parks, and churches that agree to incorporate a manual non-electric changeable copy message board in their monument sign will be awarded a twelve (12) square foot monument sign area bonus, but are limited to 30 days per calendar year for any type of temporary signs.

3. Landscaping—All monument signs shall include landscaping in accordance with Section 12.5.H, Landscaping Requirements.

## **B. Non-Residential Zoning Districts**

1. **Permitted Signs**—Subject to the requirements of Section 12.3, Sign Permits, the following signs are allowed in all non-residential zoning districts:

- a. Exempt signs, in accordance with Section 12.4 Exemptions.
- b. Temporary signs, in accordance with Section 12.6 Temporary Signs.
- c. Permanent Window Signs, with the maximum sign area not exceeding 25% of the window area of each window, or not exceeding 40% of the window area when there are both permanent and temporary window signs in a window, whichever is less.



- d. Wall signs, with one wall sign allowed per business (if there are multiple tenants) or one wall sign per street frontage (for a single tenant). Lots with multiple street frontages are allowed a wall sign on each street frontage. Maximum wall sign area is one (1) square foot of sign area per each lineal foot of front building façade, with the total of all wall signs not to exceed 300 square feet. Note that window signs are not included in the wall sign area maximum.
- e. Pole sign or monument sign. Except as may be provided for through Section 12.8 Localized Alternative Sign Regulations, the use of monument signs and pole signs together on the same street frontage is prohibited.

## **2. Bonus Signs**

- a. Properties in the Corridor Protection Overlay District or Central Business Districts with required off-street parking located directly behind the building shall be allowed one (1) wall sign on the back of the building, provided that no sign established exceeds 50% of the permitted square foot requirement for the allowed wall signage on the front of the building. Buildings with multiple tenants shall be allowed one (1) sign per tenant, with the total of all wall sign on the back of the building not to exceed 50% of the total wall sign area permitted for the front of the building.
- b. Properties with lot frontage on both US 36 and a local collector or arterial road shall be allowed two (2) signs for each sign type, provided that no sign established exceeds the permitted square foot requirement for the particular sign type.

### 3. Non-Residential Freestanding Sign Standards

#### a. Monument sign standards

Building Type	Lot Size	Maximum Number of Monument Signs	Maximum Monument Sign Area <sup>1</sup>	Maximum Monument Sign Height	Minimum Separation from Other Signs
Single Tenant	2.5 acres or less	1 per street frontage (unless qualifying for Bonus Sign in Section 12.7.B.2)	90 sq ft	8 ft	30 ft
	more than 2.5 acres		150 sq ft	12 ft	
Multiple Tenant	2.5 acres or less		125 sq ft	10 ft	
	more than 2.5 acres		150 sq ft	12 ft	

<sup>1</sup>allowed one (1) square foot of sign area per lineal foot of the front building façade up to maximum sign area listed

#### b. Pole sign standards

Building Type	Lot Size	Maximum Number of Pole Signs	Maximum Pole Sign Area <sup>2</sup>	Maximum Pole Sign Height	Minimum Separation from Other Signs
Single Tenant	2.5 acres or less	1 per street frontage (unless qualifying for Bonus Sign in Section 12.7.B.2)	75 sq ft	Office = 12 ft Commercial = 16 ft Industrial = 16 ft	30 ft
	more than 2.5 acres		150 sq ft		
Multiple Tenant	2.5 acres or less		100 sq ft		
	more than 2.5 acres		150 sq ft		

<sup>2</sup>allowed one (1) square foot of sign area per lineal foot of the front building façade up to maximum sign area listed

- c. Landscaping—All freestanding signs shall include landscaping in accordance with Section 12.5.H, Landscaping Requirements.

## 12.8 LOCALIZED ALTERNATIVE SIGN REGULATIONS.

- A. **Authority.** Commercial shopping centers, office parks, universities, colleges, medical centers, and institutions having multi-building campuses may establish a localized alternative sign regulation plan for their property subject to review and approval by the Board of Zoning Appeals, pursuant to the procedures for special exceptions found in Section 5.
- B. **Application.** Applications for a localized alternative sign regulation plan shall be filed in accordance with the requirements of Section 5.
- C. **Sign Plan.** No localized alternative sign regulation plan shall be approved by a special exception unless the regulations set forth in the plan and made part of the special exception are binding on all real property and premises in the plan area.
- D. **Adherence.** If approved, the localized alternative sign regulation plan shall be observed by the persons affected in lieu of compliance with Section 12.7, Regulation by Zoning District Classification.

## 12.9 ENFORCEMENT

- A. **Enforcement Authority.** The Zoning Administrator is hereby authorized to enforce the provisions of Section 12.
- B. **Inspection.** The Zoning Administrator may inspect, at such times as deemed necessary, each sign or sign structure regulated by this Section for the purpose of ascertaining whether the sign is in compliance with this Section or any other relevant Town code, law or Ordinance.
- C. **Unsafe and Unlawful Signs.**
  - 1. **Duty to Remove or Repair.**
    - a. Should the Zoning Administrator find any sign regulated by this Section to be unsafe, unlawful, or a menace to the public, or constructed, erected, or maintained in violation of the provisions of this Section, he shall cause notice to be given to the holder of the permit.

- b. If the holder of the permit should fail to remove the sign or bring the sign or other advertising structure in compliance, the Zoning Administrator may cause, at the holder's or property owner's expense, the sign or other advertising structure to be removed or brought into compliance.
  - c. If the holder or owner fails to pay the costs and expenses of such repair or removal within thirty days of the notice, then such costs and expenses shall become a lien against the property. In addition, the Zoning Administrator shall refuse to issue a Sign Permit to any holder or owner who refuses to pay the costs and expenses assessed under this provision.
- 2. Unlawful signs. Unlawful signs, regardless of type, shall be removed within twenty-four hours of the time when notice was perfected.
  - 3. Signs Causing Immediate Peril. The Zoning Administrator may cause any sign or other advertising structure that is in immediate peril to persons or property to be removed summarily without notice.

**D. Signs No Longer in Use.**

- 1. Removal. Any sign advertising a defunct business, or an unavailable product or service, shall be taken down and removed by the owner, agent, or person having the control of the premises upon which the sign is located.
- 2. Notice. The Zoning Administrator shall give notice to the owner or to any person occupying the property that the sign on the premises is in violation.
- 3. Failure to Comply. Failure to comply with the notice within the time specified shall cause the Zoning Administrator to authorize removal. Expenses related to removal shall be the responsibility of the owner of the premises upon which such sign is located.
- 4. Lien. The Zoning Administrator shall notify the owner or occupant of the premises of the total costs incurred for such repair or removal of the sign. If the owner or occupant fails to pay the costs and expenses of such repair or removal within

thirty days of the notice, then such costs and expenses shall become a lien against the property.

**E. Signs Not Conforming to This Section.**

1. Authority to Continue. Any lawful sign located within the Town at effective date of this Ordinance or which shall come to be located in the Town as a result of annexation after effective date of this Ordinance, which does not conform to the provisions of this Section, may continue provided, the sign remains in conformance with the provisions of this Section.
2. Conditions of Lawful Status. For the purposes of this Section, legal, nonconforming status shall be conferred only on signs authorized by a sign permit or variance of a preceding Ordinance, title, code, or law; or if no sign permit was required under the applicable preceding Ordinance, code, or law.
3. Ordinary Maintenance and Repair. Nothing in this Section shall relieve the owner or beneficial user of a legal nonconforming sign, or the owner of the property on which the legal nonconforming sign is located from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including repainting, cleaning, or routine repair of a legal nonconforming sign shall not be deemed to a condition which triggers a loss of lawful status described below, unless such maintenance increases, in fact, the nonconforming aspects of the sign.
4. Repairs Pursuant to Public Order. Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign in accordance with a reasonable order of a public official who is charged with protecting the public safety and who declares such a sign to be unsafe and order its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed signs.
5. Loss of Lawful Status.
  - a) Legal nonconforming status shall terminate under the following conditions:

- 1) if the use of a sign is discontinued for a period of sixty days it shall be deemed abandoned and shall not thereafter be reestablished; or
  - 2) if a sign is structurally altered such that its nonconforming aspects increase; or
  - 3) if a sign is relocated, replaced, or moved in any way; or the sign is damaged and the cost of repair is fifty percent of its replacement value.
- b) Upon the happening of any of the aforementioned events, the sign shall be immediately brought into compliance with this Section in conjunction with a new sign permit or the sign shall be removed. For the purposes of this Section, the changing of copy shall not be considered the replacement of an existing legal nonconforming sign.

#### **12.10 REVOCATION OF PERMIT**

All rights and privileges acquired under the provisions of this Section 12, Signs, are mere licenses and are revocable at any time by the Town. Revocation of a sign permit will be in accordance with Section 19.6, Enforcement of Violations.

## SECTION 13 LANDSCAPING, SCREENING, AND FENCES

### 13.1 INTENT

The intent of this Section is to increase the compatibility of adjacent uses and in doing so, minimize the harmful impacts of noise, dust and other debris; motor vehicle headlight glare and other artificial light intrusions; and other such harmful impacts that may be created by adjacent uses.

### 13.2 APPLICATION

The provisions of this section shall apply to each of the following situations.

- A. All parking areas containing fifteen (15) or more spaces;
- B. All refuse disposal dumpsters; and
- C. Required buffer areas between incompatible uses, as specified in subsection 13.7.

### 13.3 PARKING LOT LANDSCAPING

The following landscaping requirements shall apply for all parking areas containing fifteen (15) or more parking spaces.

- A. **Interior Landscaping.** A minimum of five percent (5%) of the gross area of the interior vehicular use area of a parking lot shall be landscaped. Perimeter parking lot landscaping and/or buffering shall not be included toward satisfying this requirement.
  - 1. One hundred percent (100%) of said landscaping area shall be planted with ground cover.
  - 2. Appropriate ground cover may include shade trees, ornamental trees, shrubbery, hedges, and grasses. However, at least one shade tree shall be provided for every 120 lineal feet of landscaped area.
  - 3. Required trees shall have a trunk with a diameter of at least two and one half (2 ½) inches and shall be at a height of at least five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot.
- B. **Perimeter Landscaping.** All parking lots regulated by this section shall have a perimeter landscaped area of at least five (5) feet in width and extending the full length of the parking lot.
  - 1. One hundred percent (100%) of said landscaping area shall be planted with ground cover exclusive of walkways.

2. At least one shade tree shall be planted in the perimeter landscaping area for every ten (10) parking spaces in the parking lot. However, if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement.

*Note:* When determining the number of trees required, fractions shall be rounded to the nearest whole number.

3. Required trees shall have a trunk with a diameter of at least two and one half (2 ½) inches and shall be at a height of at least five (5) feet at the time of planting and shall be of a species characterized by rapid growth and by suitability and hardiness for location in a parking lot.
- C. **Maintenance.** All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with the landscaping requirements.

#### 13.4 PARKING LOT SCREENING

##### A. **Applicability**

1. Screening by a berm, fence or wall may replace or supplement the perimeter landscaping requirements of subsection 13.4.E. Such screening shall meet the requirements of this subsection.
2. Where a parking lot abuts a residential district or is located within a residential district, the following provisions shall apply to the length of the parking lot adjacent to those residential uses or districts.

- B. **Width.** Screening shall be in a strip of landscaped open space at least five (5) feet wide.

- C. **Location.** Screening may only be installed behind the front setback line.

- D. **Maintenance.** All required plant materials shall be maintained in a healthy condition and whenever necessary replaced with new plant materials to insure continued compliance with the screening requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance, and whenever necessary, they shall be repaired or replaced.



**E. Screening Materials**

Screening may consist of both natural and man-made materials. The following screening types may be used.

1. **Plant Materials.** Plant materials shall be characterized by dense growth and shall form an effective year-round screen.
2. **Fences and Walls.** Fences and walls shall be solid and opaque and shall be made of wood, brick, or masonry materials.
3. **Berms.** Berms shall not exceed a slope of thirty degrees (30°) and shall be completely covered with shrubs, grass, or other living cover.

F. **Height.** Parking lot screening shall reach a minimum height of three (3) feet.

**13.5 SCREENING OF REFUSE DISPOSAL DUMPSTERS**

All refuse disposal dumpsters shall be screened on all sides by a solid screening material such as those listed in subsection 13.4.E. Such screening shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, and be gated.

**13.6 ADDITIONAL SCREENING REQUIREMENTS**

A. The following uses shall be screened in accordance with the regulations of subsection 13.4.E and to the heights as prescribed in the following table.

**TABLE 13-1: ADDITIONAL SCREENING REQUIREMENTS**

Use	Screen Height
Motor Vehicle storage associated with a service station or motor vehicle repair operation	6 feet
Nursery School, Kindergarten, or Day Care Center	4 feet
Junk Yard	Sufficient to hide from view
Mineral Extraction, borrow pit, topsoil removal, and storage areas	6 feet
Outdoor Commercial Establishment, if accessible to public	6 feet
Outdoor Theater	8 feet
Public or Commercial Sewage Disposal Plant	6 feet
Wholesale Produce Terminal	6 feet

- B. When the following uses are located adjacent to a residential district or use, they shall require a screen that is effective in all seasons to block them from view. Such screening shall be subject to the provisions of subsection 13.4.E and shall be built to the height and width as prescribed in the following table.

**TABLE 13-2: SCREENING REQUIREMENTS ADJACENT TO RESIDENTIAL DISTRICTS AND USES**

Use	Screen Height	Screen Width
Mineral Extraction, borrow pit, topsoil removal, and storage areas	6 feet	3 feet
Motor Vehicle storage associated with a service station or motor vehicle repair operation	6 feet	3 feet
Private Recreational Development	8 feet	3 feet
Private Camp or Campground	8 feet	3 feet
Public or Commercial sanitary fill, refuse dump, garbage disposal plant or trash transfer station	6 feet	6 feet
Truck Terminal	6 feet	6 feet
Wholesale Produce Terminal	6 feet	6 feet

### 13.7 BUFFER AREAS BETWEEN INCOMPATIBLE USES

- A. **Multi-Family Development.** Where a multi-family development built in an R3 or R4 district abuts an RC1, RE1, R1 or R2 district or a single family use, a landscape buffer of at least five (5) feet in width shall be provided and shall be subject to the following regulations.
1. All fences shall be subject to the regulations set forth in Section 13.8
  2. Trees shall be planted within the landscaped area at a rate of one tree for every thirty (30) feet of buffer.
  3. Areas not planted with trees or shrubs shall be maintained as turf or other living ground cover.
- B. **General Business, Local Business, and Office Districts.** Where a GB, LB or OD lot abuts a residential district or use, a landscape buffer of at least fifteen (15) feet in width shall be provided and shall be subject to the following regulations.

1. All fences shall be subject to the regulations set forth in Section 13.8.
2. Trees shall be planted within the landscaped area at a rate of one tree for every thirty (30) feet of buffer.
3. A continuous hedge or other screening element as proscribed in Section 13.4.E shall be planted/placed along the entire length of the landscape buffer.
4. Areas not planted with trees or shrubs shall be maintained as turf or other living ground cover.

C. **Industrial Districts.** Where an IO, IL, IG, or IP lot abuts a residential district or use, a landscape buffer of at least twenty (20) feet in width shall be provided and shall be subject to the following regulations.

1. All fences shall be subject to the regulations set forth in Section 13.8.
2. Trees shall be planted within the landscaped area at a rate of one tree for every thirty (30) feet of buffer.
3. A continuous hedge or other screening element as proscribed in Section 13.4.E shall be planted or placed along the entire length of the landscape buffer.
4. Areas not planted with trees or shrubs shall be maintained as turf or other living ground cover.

### 13.8 FENCES AND WALLS

A. **Permitted Fence Types.** The following types of fences shall be permitted in the zoning districts of the Town of Danville, subject to the regulations herein.

- ☐ Masonry Walls
- ☐ Ornamental Iron Fences (at least 80% open)
- ☐ Woven Wire (at least 80% open) or Chain Link
- ☐ Wood or Other Materials (at least 50% open)
- ☐ Solid fences, wood or other materials (less than 50% open)
- ☐ Hedges

B. **Measuring**

1. All fences and/or wall heights shall be measured along the fence or wall locations.
2. All locations for distance measurements shall be measured from lot lines.

C. **Fences in Utility Easements.** Fences shall be permitted in utility easements pursuant to Section 4.7 of this Ordinance.

D. **Fences in Residential Districts**

1. **Residential Uses—Front Yards.**

- a) The following types of decorative fences shall be permitted in front yards:
  - 1.) Wrought Iron
  - 2.) Wood Split Rail
  - 3.) Wood or Vinyl Picket
  - 4.) Masonry or Stucco Wall
  - 5.) Live continuous dense hedge of a non-noxious nature.
- b) Fences, walls, or like structural barriers located in a front yard shall be limited to a maximum height of four (4) feet (48 inches), except for live continuous dense hedges which shall be limited to a maximum height of three (3) feet (36 inches).
- c) Fence posts or support framework may exceed these height limitations by three (3) inches.
- d) Fences in front yards of corner lots shall comply with Section 4.8 of this Ordinance. For corner lots, any yard adjacent to a street shall be considered a front yard. Solid fences that do not exceed six (6) feet in height may be erected on corner lots provided they are constructed behind the building setback line and comply with Section 4.8 of this Ordinance.

2. **Residential Uses—Side and Rear Yards.**

- a) The following types of fences shall be permitted in the rear and side yards of residential uses in residential districts, provided they do not exceed the maximum height prescribed by the following table:

**TABLE 13-3: FENCES AND WALLS ACCESSORY TO RESIDENTIAL USES**

Permitted Fence Type	Maximum Height
Masonry Walls	4 feet
Ornamental Iron (at least 80% open)	4 feet
Woven Wire (at least 80% open) or Chain Link	4 feet
Wood or Other Materials (at least 50% open)	4 feet
Solid fences, wood or other materials (less than 50% open)	6 feet
Hedges	Any height

### 3. **Nonresidential Uses**

- a) Fences Permitted in Front Yards. Only eighty percent (80%) open fences such as ornamental iron, woven wire, or chain link are permitted in the front yard of a nonresidential use in a residential zone. Such fences shall not exceed a height of six (6) feet. For a corner or double frontage lot, any yard adjacent to a street shall be considered a front yard.
- b) Fences Permitted in Side and Rear Yards. All fences listed in subsection 13.8.A are permitted in the side and rear yards of nonresidential uses in residential districts. Such fences shall not exceed a height of six (6) feet, except as provided for below.
- c) Exceptions. Fences in recreational areas located in residential districts may be erected to a height up to eight (8) feet, although fences used to enclose tennis courts or used as backstops for ball fields may reach a maximum height of twelve (12) feet.

#### E. **Fences in Commercial and Industrial Districts**

- 1. **Commercial Districts.** All fences listed in subsection 13.8.A shall be permitted in the LB, GB, OD, and CB (primary and secondary) districts. However, fences within the required vision clearance triangle (see Section 4.8) must be at least 80% open. Fences in the Commercial Districts shall not be higher than six (6) feet in the side and rear yards and no higher than four (4) feet in the front yard. For a corner or double frontage lot, any yard adjacent to a street shall be considered a front yard.
- 2. **Industrial Districts.** All fences listed in subsection 13.8.A shall be permitted in the IL, IG, and IP Districts. Such fences shall not exceed seven (7) feet in the side and rear yards and four (4) feet in the front yard. However, fences in the front yard may be extended to six (6) feet in height if they are at least 80% open.

- F. **Barbed Wire and Sharp Pointed Fences.** In all zones, no barbed wire or sharp points shall be placed at any position on a fence that is less than five (5) feet above the ground level.

- G. **Fences on Retaining Walls.** Combinations of retaining walls and fences shall be permitted. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the type and height permitted within this section for its respective zone. Said measurement shall be made at and along the location of the fence and retaining wall.

H. **Structural Elements of Fences.** Fences shall be constructed so that all structural members shall be located on the inside of the fence. The inside shall be the side that faces the property where the fence is being built.

I. **Safety Fencing**

The Zoning Administrator may require safety fencing for all construction sites that present an immediate danger to the public health, safety, and welfare.

## SECTION 14 WIRELESS COMMUNICATION FACILITIES

### 14.1 PURPOSE

The purpose of this Section is to regulate the placement, construction, and modification of wireless facilities within the corporate limits of the Town of Danville. This Section is designed to protect the health, safety, and general welfare of the public, while at the same time, not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within the corporate limits of the Town of Danville.

### 14.2 APPLICATION

- A. Application for the installation of a wireless communication facility shall be filed with the Zoning Administrator. In addition, applications for wireless service facilities shall include the following information:
- (1) The name, address, and telephone number of the owner and lessee of the parcel of land upon which the wireless communication facility is to be situated. If the applicant is not the owner of the property, documentation that the owner of the property has granted, by agreement, use of the property for the proposed facility must be provided. The agreement shall also reflect who shall have maintenance responsibility for the facility and that the applicant shall be required to remove the facility or any portion thereof upon cessation of operation.
  - (2) A report signed by an Engineer licensed in the State of Indiana, which:
    - a) Describes the facility's height and design and includes cross sections and elevations for the proposed facility;
    - b) Provides landscape screening plans drawn to scale;
    - c) Describes the facility's capacity, including the number and type of antennas it can accommodate;
    - d) Documents the height above grade for all potential mounting positions for all antennas and the minimum separation distances between antennas;
    - e) Documents the steps that the applicant will take to avoid interference with established public safety telecommunications;
    - f) States that the facility is designed in accordance with the Town's Building Code, in addition to all other state and federal laws and regulations applicable thereto including:

- i) A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) shall be submitted to the Zoning Administrator; and
  - ii) Proof of compliance with all applicable FCC regulations;
- g) Any other relevant data the Zoning Administrator deems necessary to a complete review of the application; and
- (3) A site plan, drawn to scale, showing the lot lines, land uses, and tree coverage, including average tree height, for all properties within five hundred (500) feet of the proposed site.
- (4) A map showing all existing wireless service facilities within the service area of the proposed facility, including the name, address, and telephone number of all owners of such facilities.
- (5) Where a wireless communication facility is not collocating, an affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts to receive permission to install or collocate the applicant's facility on another service provider's facility within the service area desired by the applicant because:
- a) The planned equipment would exceed the structural capacity of the existing or approved facility, and the existing or approved facility cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost;
  - b) The planned equipment would cause interference materially impacting other service providers, and the interference cannot be prevented at a reasonable cost;
  - c) An existing or approved facility within the search area cannot accommodate the planned equipment at a height necessary to provide service to the applicant's service area; or
  - d) Other unforeseen reasons make the subject site of practical necessity for the applicant.

### **14.3 ADDITIONAL REQUIREMENTS**

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before introduction of a new service or changes in existing service, telecommunication providers shall notify the



Town at least ten (10) calendar days in advance of such changes so that the Town may monitor interference levels during the testing process.

#### **14.4 DESIGN AND CONSTRUCTION**

- A. Wireless communication facilities may be either freestanding monopoles, roof mounted towers, or building mounted antennas. No guyed or latticed personal wireless service facilities shall be permitted.
- B. All wireless communication facilities shall be designed in accordance with the Town's Building Code, in addition to all state and federal laws and regulations concerning aviation safety. Notwithstanding the foregoing, all tower structures shall be constructed with at least one release point so as to bend and fold over on themselves.
- C. Wireless communication facilities shall be designed to accommodate more than one personal wireless antenna.
- D. Wireless communication facilities shall be designed to be compatible with neighboring buildings and uses. All facilities including building and structures accessory thereto, shall be designed to blend or match with a host building or the environment. Support structures and antennas shall be of a single blue, gray, or similar color and have a flat, non-gloss, non-florescent finish. The color scheme for the facility shall be subject to the approval of the Zoning Administrator.
- E. Advertising, logos, or corporate symbols shall not be permitted on any wireless communication facilities or any building or structure accessory thereto.
- F. No signals or lights or other illumination shall be permitted on the wireless communication facilities unless required by the Federal Communication Commission, the Federal Aviation Administration, or by the Town of Danville.
- G. Every wireless communication tower shall be separated from all other personal wireless communication towers a minimum of 1,000 lineal feet.
- H. Every wireless communication facility shall be fully automated. No employee of the service provider shall be stationed at the site, except for the completion of periodic maintenance.
- I. The maximum height of any freestanding monopole facility shall be 125 feet.

- (1) To decrease the unnecessary proliferation of wireless communication towers within the Town of Danville, the Town shall encourage the collocation of wireless communication antennas on existing or planned wireless communication facilities. Therefore, a height bonus may be granted to an applicant that incorporates two or more antennas upon the applicant's facility at a rate of twenty-five (25) feet per additional antenna, however, no facility shall exceed a height of two hundred (200) feet.
  - (2) The height of roof and building mounted facilities and antennas shall be subject to the limitations set forth in Section 14.5.
- J. Screening techniques such as landscaping, berming, screening, and fencing shall be incorporated into each site as deemed appropriate by the Zoning Administrator. A fence or wall of 8 feet in height shall be required to encompass a free standing wireless communication facility, including any associated accessory building or structure.
  - K. Building and structures accessory to wireless communication facilities shall not exceed a height of fifteen (15) feet, nor exceed four hundred fifty (450) square feet.
  - L. All wireless communication facilities, including any associated accessory building or structure, shall meet the setback requirements of the district in which they are located. All wireless communication facilities, including any associated accessory building or structure, shall be setback a minimum of five hundred (500) feet from any residential use or district.

#### 14.5 PERMITTED LOCATIONS

Subject to site plan approval, the location of wireless communication facilities shall be regulated as follows:

- A. **Permitted Uses.** The following wireless communication facilities shall be considered permitted uses:
  - (1) Wireless communication facilities and antennas collocated on existing towers and facilities;
  - (2) Wireless communication facilities and antennas located on municipally owned property pursuant to an executed agreement with the Town;
  - (3) Roof and building mounted wireless communications facilities and antennas located in the GB, IO, IL, IG, and IP districts are subject to the limitation that the height of any such facility or

antenna shall not exceed a height of one hundred percent (100%) of the host building.

B. **Special Exceptions.** Wireless communications facilities shall be considered special exceptions and require approval of the Board of Zoning Appeals subject to Section 5 of the Ordinance in the following districts:

- (1) (LB) Local Business District, and
- (2) (OD) Office District.
- (3) Where the wireless commercial facility or antenna is roof and building mounted, the height of any such facility or antenna shall not exceed a height in excess of one hundred percent (100%) of the host building.

#### **14.6 TEMPORARY WIRELESS COMMUNICATIONS FACILITIES**

A temporary wireless communication facility designed for use while a permanent wireless communication facility is under construction, or for a special event may be permitted subject to the facility receiving a temporary use permit prior to construction and installation. A temporary wireless communication facility shall not be permitted longer than thirty (30) days in cases of new construction and no longer than seven (7) days in cases of special events. All temporary wireless communication facilities shall be subject to the applicable requirements of this section.

#### **14.7 COMPLIANCE**

All wireless communication facilities shall maintain compliance with the plans and specifications approved and made part of the application for the installation of the facility. Noncompliance, including but not limited to, discoloration, cracking, missing components, rusting, settling damage or general disrepair shall be deemed a violation of this Ordinance and subject to the enforcement procedures herein.

#### **14.8 ABANDONMENT**

Abandoned, obsolescent, or unused wireless communication facilities or portions thereof shall be removed within three months of notice to the FCC of intent to cease operations at a site, unless the Zoning Administrator grants an extension. In the event that a wireless communications facility, or portions thereof, is not removed within three months of such notice, or other agreed time, the Town may, in addition to any other remedy provided by this Ordinance, remove the facility or portion thereof, at the applicant's expense.

## **SECTION 15 PLANNED UNIT DEVELOPMENTS**

### **15.1 PURPOSE**

The purpose of the planned unit development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities and town services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

- A. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located;
- B. Provide substantial buffers and transitions between areas of different land use and development densities;
- C. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
- D. Counteract urban monotony and congestion on streets;
- E. Promote architecture that is compatible with the surroundings;
- F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
- G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
- H. Effectuate implementation of the Comprehensive Plan.

### **15.2 DEFINITION**

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved site plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the site plan

not fully described in the map and text. The map, exhibits, and text constitute a site plan. The uses and standards expressed in the site plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

### 15.3 REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT

- A. The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments, which run to the benefit of the Zoning Jurisdiction.
- B. The Concept plan shall indicate the land use, development standards, and other applicable specifications of the Town of Danville Code, which shall govern the Planned Unit Development. If the Concept plan is silent on a particular land use, development standard, or other specification of the Town of Danville Code, the standard of the underlying district or the applicable regulations shall apply.
- C. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- D. The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Town of Danville Code and other pertinent regulations, except where specifically varied through the provision of this Section of the Ordinance.
- E. Designation and Conveyance of Permanent Open Space.
  1. **Definition.** Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.
  2. **Designation.** No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped or natural open space. A minimum of 25 percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.
  3. In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. Provided, however, the permanent open space need not

be located in proximity to the use in the case of preservation of existing features.

4. If the Concept Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
5. **Conveyance.** Permanent open space shall be conveyed in one of the following forms:
  - a) To a municipal or public corporation; or
  - b) To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Plan Commission and the Town Council, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or
  - c) To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
  - d) Included in single family residential lots under the control of lot owners.

- F. Uses permitted in a Planned Unit Development may be any use which is found in Appendix A, subject to the approval of the Plan Commission and Town Council of the Town of Danville.

#### **15.4 PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT**

- A. **Introduction.** Application shall be accompanied by all plans and documents required by Section 15.5. A three-step application process shall be used. The steps in the process are:
  - 1 Pre-Design Conference;
  - 2 Concept Plan Approval; and
  - 3 Site Plan Approval.

B. **Pre-Design Conference.** Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the Planning Director. The purpose of the pre-application conference shall be to:

1. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies.
2. Allow the Planning Director to inform the applicant of applicable policies, standards and procedures for the Planned Unit Development.
3. The pre-design conference is intended only for the above purposes; neither the Developer nor the jurisdiction is bound by any decision made during a pre-application conference.

C. **Procedure for Concept Plan Approval:**

1. The Concept Plan and application for the Planned Unit Development shall be submitted to the Planning Director who, after certifying the application to be complete, shall initiate a review by the Planning Director and Town Engineer.
2. The application and the results of the review shall then be forwarded to the Plan Commission for its consideration, public hearing and recommendations together with the Planning Director's report and such other documents as may be pertinent to the Planned Unit Development.
3. The Plan Commission shall hold a **public hearing** in accordance with its Rules of Procedure.
4. Where there are environmentally sensitive features on the site or the site plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the site plan. And, where the Plan Commission recommends denial of a Concept Plan and the Town Council approves the plan, the Plan Commission shall review the site plan.
5. Upon completion of its review, the Plan Commission shall certify the application to the Town Council with a favorable recommendation, an unfavorable recommendation or no recommendation.
6. The Town Council shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it

had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within 90 days, the proposal is defeated.

**D. Effect of Approval of Concept Plan:**

1. When a Concept Plan for a Planned Unit Development has been approved by the Council, the Plan shall become effective and its location shall be shown on the Zoning Map. The Zoning Map shall be amended to designate the site as a Planned Unit Development.
2. Upon such amendment of the Zoning Map, the use and development of the site shall be governed by the Planned Unit Development Concept Plan, subject to approval of a site plan.
3. No permit of any kind shall be issued until the site plan has been approved.

**E. Site Plan:**

1. Purpose of Site Plan Approval. The purpose of the site plan is to designate the controls for development of the Planned Unit Development. The site plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
2. Time Limit for Approval of Site Plan. The site plan shall be submitted to the Planning Director not more than 18 months following Town Council approval of the Concept Plan. The Concept and Site Plans may be submitted as a single plan if all requirements of Sections 15.5.B and C are met. The site plan may be submitted and approved in stages, with each stage representing a portion of the Concept Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Concept Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of site plan for good cause, consistent with the purposes of this Ordinance.
3. Expiration of Time Limit. Periodically, the Planning Director shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation.



4. Relationship of Site and Concept Plan. The site plan shall conform to the Concept Plan as approved.
5. Procedure for approval of a site plan shall be:
  - a) Site Plan Submission. The site plan and supporting data shall be filed with the Planning Director.
  - b) Director Review. The Planning Director shall review the site plan to include site plan review, in accordance with the requirements of this Ordinance.
  - c) Director Approval. It shall generally be the responsibility of the Planning Director to review Site Plans unless the Plan Commission reviews the Site Plans as provided in Section 15.4.C.4, or where a new site plan is required.
  - d) Plan Commission Review. If the Plan Commission has retained site plan approval authority, the Plan Commission shall hold a **public hearing** in accordance with its Rules of Procedure. The Commission may approve, deny or approve with modifications.
6. Expiration of Site Plan. The site plan shall expire 2 years after approval, unless grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a site plan approved in stages. The applicant may request an extension of time in writing, and the approving authority may extend the time limit where appropriate. Such extension may be considered at the time of site plan approval.
7. Effect of Approval of Site Plan. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved site plan, and after acceptance by the Town of all required guarantees for improvements pursuant to Section 15.5.C.6.

## 15.5 SPECIFIC CONTENT OF PLANS

Planned Unit Site Plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance unless certain documentation is deemed superfluous by the Planning Director due to the specific circumstances of the particular request.

### A. Pre-Design Conference Requirements

1. A written letter of intent from the applicant describing the applicant's intention for developing the site.
2. A scaled drawing of the site, in simple sketch form, showing the

proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

**B. Concept Plan Requirements**

1. A drawing of the Planned Unit Development shall be prepared at a scale not less 1" = 50', or as considered appropriate by the Planning Director, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:
  - a) A site location map.
  - b) The name of the development, with the words "Concept Plan".
  - c) Boundary lines and acreage of each land use component.
  - d) Existing easements, including location, width and purpose.
  - e) Existing land use on abutting properties.
  - f) Other conditions on adjoining land: topography (at 2-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat.
  - g) Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.
  - h) Proposed public improvements; streets and other major improvements planned by the public for future construction on or adjacent to the tract.
  - i) Existing utilities on the tract.
  - j) Any land on the tract within the 100-year floodplain.
  - k) Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees 6 inches or more in diameter, existing structures and other significant features.
  - l) Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.
  - m) Map data such as north point, scale and date of preparation.
2. Miscellaneous: The Planning Director shall inform the applicant of any additional documents or data requirements after the pre-application conference.

3. Written Statement of character of the Planned Unit Development: An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:
  - a) A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land in question.
  - b) Ownership: A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
  - c) Development scheduling indicating:
    - 1) Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
    - 2) Projected dates for beginning and completion of each stage.
  - d) Proposed uses:
    - 1) Residential Uses: gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;
    - 2) Nonresidential Uses: specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.
  - e) Facilities Plan: Preliminary concepts and feasibility reports for:
    - 1) Roads
    - 2) Sidewalks
    - 3) Sanitary sewers
    - 4) Stormwater management
    - 5) Water supply system
    - 6) Street lighting
    - 7) Public utilities
4. Traffic Analysis: If requested by the Planning Director or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact may be required.

C. **Site Plan Requirements.** The application for site plan approval shall include, but not be limited to, the following documents:

1. Such additional information as may have been required by the Concept Plan approval.
2. An accurate map exhibit of the entire phase for which site plan approval is being requested, showing the following:
  - a) Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
  - b) Design and precise location of all streets, drives, and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters and culverts.
  - c) Location of all utility lines and easements.
  - d) A final detailed landscape plan, in conformance with Section 13.
  - e) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
3. If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Concept Plan approval, is required where platting is to be done concurrent with the site plan approval.
4. Projected construction schedule.
5. Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
6. Guarantee of Performance for Completion of Improvements: A bond or other guarantee acceptable to the Town shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first.

Improvements that must be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Concept or Site Plan approval. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements,

and shall be in an amount of 125 percent of the estimated cost of the improvements.

## **15.6 REVIEW CONSIDERATIONS**

- A. In his/her consideration of a Planned Unit Development Concept Plan, the Planning Director in his/her report to the Plan Commission, the Plan Commission in its recommendation, and the Town Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:
  1. The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the Town.
  2. The extent to which the proposed plan meets the requirements, standards, and state purpose of the Planned Unit Development regulations.
  3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards, and the reasons which such departures are or are not deemed to be in the public interest.
  4. The proposal will not be injurious to the public health, safety, and general welfare.
  5. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.
  6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
  7. The desirability of the proposed plan to the Town's physical development, tax base and economic well being.
  8. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
  9. The proposal preserved significant ecological, natural, historical, and architectural resources to the extent possible.

**15.7 CHANGES IN THE PLANNED UNIT DEVELOPMENT**

- A. Changes Requiring New Concept Plan Approval. Changes which alter the concept or intent of the Planned Unit Development including but not limited to:
1. Significant increases in density;
  2. Significant changes in the proportion or allocation of land uses;
  3. Changes in the list of approved uses;
  4. Changes in the location of uses;
  5. Changes in functional uses or open space, where such change constitutes an intensification of use of the open space; and/or
  6. Changes in the final governing agreements where such changes conflict with the Concept Plan approval.
- B. Changes Requiring New Site Plan Approval. These changes shall include the following:
1. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
  2. Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this Ordinance;
  3. Changes to the internal street system or off-street parking areas;
  4. Changes in drainage management structures;
  5. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
  6. All other changes not expressly addressed under Section 15.7.A shall require new site plan approval.

## **SECTION 16 WRITTEN COMMITMENTS**

### **16.1 AUTHORITY OF PLAN COMMISSION AND BOARD OF ZONING APPEALS**

The Danville Town Council, Danville Plan Commission or the Danville Board of Zoning Appeals may, when authorized by this Ordinance or state statute, require or permit the owner(s) of a parcel of property to make written commitments concerning the use or development of that property in connection with a map amendment, planned unit development, site plan, variance, or special exception.

### **16.2 STANDARD FORM**

A. The appropriate standard form shall be used whenever a written commitment is permitted or required. When necessary, the standard form may be modified in order to conform to the type of commitment needed. An otherwise modified form may be rejected by a majority vote of the Plan Commission or Board of Zoning Appeals.

### **16.3 BINDING EFFECT**

- A. Unless modified or terminated as described in Section 16.9, a written commitment is binding on:
1. the owner of the parcel;
  2. a subsequent owner of the parcel; and
  3. a person who acquires an interest in the parcel.
- B. A written commitment shall be binding on the owner of the parcel even if the commitment is unrecorded (see Section 16.8 on Recording); however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

### **16.4 EFFECTIVE DATE OF COMMITMENT**

A written commitment shall take effect upon the approval of the map amendment, planned unit development, site plan, special exception, or zoning variance related to the commitment.

### **16.5 COVENANT RUNNING WITH THE LAND**

A written commitment shall be considered a covenant running with the land and shall bind all subsequent owners to its terms and conditions and to any subsequent modification thereto made pursuant to this instrument, statutes of the State of Indiana, or Ordinances of the Town of Danville.

**16.6 ENFORCEMENT**

Written commitments may be enforced jointly and severally by:

- A. The Danville Plan Commission
- B. The Danville Board of Zoning Appeals; and
- C. Owners of all parcels of ground adjoining the real estate involved in the relevant commitment to a depth of 300 feet. The identity of such owners shall be determined from the records of the Office of the Hendricks County Auditor which lists the current owners of record. For purposes of this paragraph, the cutoff date for such determination shall be at twelve (12) o'clock noon on the date of filing for enforcement.

**16.7 RECORDING**

- A. Commitments shall be recorded in the office of the Hendricks County Recorder.
- B. The Zoning Administrator shall require the owner of the parcel giving a written commitment to provide proof that the commitment was recorded.
- C. Commitments shall be recorded upon the granting of the approval.

**16.8 MODIFICATION AND TERMINATION**

A written commitment may be modified or terminated only by a decision of the Plan Commission or Board of Zoning Appeals made at a public hearing after notice as provided by Section 16.9, or upon change in zoning classification of the affected land.

**16.9 PUBLIC NOTICE**

When notice of a public hearing is desired or required by this Section, such notice shall be given in the following manner:

**A. Newspaper**

Notice by publication shall be given by the Plan Commission or Board of Zoning Appeals in one (1) newspaper of general circulation in the Town of Danville, and shall be published at least ten (10) days prior to the public hearing. A proof of publication affidavit from each publisher shall be submitted at least three (3) days prior to the hearing.



**B. Mail**

Written notice of the public hearing shall also be given by the Plan Commission or Board of Zoning Appeals to all interested parties or property owners by certified return receipt mail post marked at least ten (10) days prior to the hearing. For purposes of notice given under this Section, “interested parties or property owners” shall mean the owner(s) of the real estate giving the relevant commitment and the owners of all parcels of ground adjoining said real estate.

**16.10 VALIDITY OF OTHER LAND USE RESTRICTIONS**

This Article does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

**16.11 NO OBLIGATION FOR APPROVAL**

By permitting or requiring commitments, the Town Council, Plan Commission, or Board of Zoning Appeals does not obligate itself to favorably recommend or grant the relevant development application or approval.

**16.12 POST-PLAN COMMISSION/BOARD OF ZONING APPEALS APPROVAL PROCESS**

- A. During the time when a proposal to change the zone maps incorporated by reference into the Danville Zoning Ordinance is being considered by the Town Council, the owner of a parcel of land may make a new written commitment or modify the terms of a written commitment made when the proposal was before the Plan Commission or Board of Zoning Appeals. No further action of the Plan Commission or Board of Zoning Appeals is required for a new written commitment described in this Section to be effective.
- B. An owner who makes or modifies a written commitment under subsection A above must comply with these Rules.
- C. If a written commitment made when the proposal was before the Plan Commission or Board of Zoning Appeals is later modified:
  - 1. No further action is required by the Plan Commission or Board of Zoning Appeals for the commitment to be effective if the effect of the commitment modification is to make the commitment more stringent; or
  - 2. The modified commitment must be ratified by the Plan Commission or Board of Zoning Appeals if the effect of the commitment modification is to make the commitment less stringent.

## SECTION 17 SITE PLAN REQUIREMENTS

### 17.1 AUTHORITY OF THE PLAN COMMISSION TO REVIEW SITE PLANS

The Danville Plan Commission is hereby authorized to review and make findings on all Site Plans that are required by this Ordinance.

Uses For Which Site Plans Shall be Required:

#### A. Residential Districts

1. **Residential 3:** Site Plans shall be required for all multi-family developments, schools, and churches developed in the R3 District.
2. **Residential 4:** Site Plans shall be required for all multi-family developments, schools, and churches developed in the R4 District.

#### B. Commercial Districts

1. **Local Business:** Site Plans shall be required for all uses developed in the LB District.
2. **General Business:** Site Plans shall be required for all uses developed in the GB District.
3. **Primary and Secondary Central Business:** Site Plans shall be required for any development permitted in the Central Business Districts except for a single-family residential use.

#### C. Airport Development District: Site Plans shall be required for all uses developed in the AD District.

#### D. Corridor Protection Overlay District: Site Plans shall be required for all uses developed in the CPOD District.

#### E. Office District: Site Plans shall be required for all uses developed in the OD District.

#### F. Industrial Districts: Site Plans shall be required for all uses developed in any industrial district.

**17.2 SITE PLANS REQUIRED**

Site plan approval shall be required for those projects as listed above. Land Alteration Permits and Building Permits shall not be issued until the conditions and requirements of this Ordinance have been met.

**17.3 APPLICATION**

All applications for site plan review shall be made on application forms prescribed by the Plan Commission and follow established submittal deadlines.

**17.4 DESIGN REQUIREMENTS AND IMPROVEMENTS REQUIREMENTS**

Requirements, standards and specifications for engineering design for construction of improvements for Site Plans shall be equal to or greater than the minimum requirements, standards, and specifications established for design and improvements in the Danville Subdivision Control Ordinance. In addition to the plan sheets specified below, the applicant shall submit a complete drainage report, including calculations and justifications. The Town Engineer may approve other engineering designs or practices when deemed necessary.

**17.5 CONTENTS OF SITE PLANS**

All Site Plans shall be submitted under the seal and signature of a Professional Engineer or Registered Land Surveyor licensed to practice in the State of Indiana. All sheets shall be 24" x 36" size drawn to scale at a minimum 1"=50' and a maximum 1"=10' with the exception of the maps on Sheet One, unless otherwise approved by the Town Engineer. Site Plans submitted for review shall observe the following format:

**A. Sheet One (Title Sheet)**

The following information shall be submitted as part of Sheet One:

1. Full legal description with sufficient reference to section corners and boundary map of the subject project, including appropriate benchmark references;
2. Name of the Project;
3. Name and address of the owner, Developer, and person who prepared the plans;
4. Total acreage within the project and the number of residential dwelling units or the gross square footage of nonresidential buildings whichever is applicable;
5. Existing zoning of the subject land and all adjacent lands;

6. Boundary lines of adjacent tracts of land, showing owners of record;
7. A key or vicinity map at a scale of one inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located;
8. A statement of the proposed uses, stating the type and size of residential and nonresidential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
9. Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations; and
10. Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing;

**B. Sheet Two (Existing Site Conditions)**

The following information shall be submitted as part of Sheet Two:

1. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, street classifications as per the Thoroughfare Plan, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within three hundred (300) feet of the proposed project;
2. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
3. Existing contours based in U.S.G.S. datum with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). Elevations shall be based on sea level datum; and
4. The water elevation at the date of the survey of lakes, streams, or designated wetlands within the project or affecting it, as well as the approximate high and low water elevation of such lakes, streams, or designated wetlands. The plan shall also show the contour line of the regulatory flood (100-year flood) elevation and the contour

line for the floodway fringe boundary. All elevations shall be based on sea level datum;

**C. Sheet Three (Proposed Site Conditions)**

The following information shall be submitted as part of Sheet Three:

1. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within three hundred (300) feet of the proposed project;
2. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
3. Building setback lines, showing dimensions;
4. Full description and details, including engineering calculations, for provision of storm water drainage plans and facilities, including basin mapping. The standard for drainage detention is that the run-off rate of a 100-year post-development event cannot exceed the rate for a 10-year pre-development event;
5. Internal and perimeter sidewalk system/pedestrian circulation plan; and
6. Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). The plan shall also show the contour line for the floodway fringe boundary.
7. Show the location and detail plans for all trash dumpsters.

**D. Sheet Four (Erosion Control Plan)**

The following information shall be submitted as part of Sheet Four:

1. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within

three hundred (300) feet of the proposed project;

2. Proposed contours with intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%).
3. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.
4. The direction of drainage flow and the approximate grade of all existing or proposed streets.
5. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated runoff of the area served by the drains.
6. A description of the methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
7. Measures for soil erosion and sediment control which must meet or exceed the methods and standards adopted by the Indiana Department of Natural Resources and/or set forth in the Indiana Handbook For Erosion Control in Developing Areas and which must comply with the design principles, performance standards, and requirements set forth in this chapter.
8. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.
9. Include the following notes on the sheet:
  - a) "All erosion control practices shall be in accordance with the IDNR "Indiana Handbook For Erosion Control In Developing Areas" dated October 1992 and the SCS "Field Office Technical Guide."
  - b) "The Town Engineer has the right to require additional erosion control measures in the field as conditions warrant."
10. Copies of the letter of intent and response from the Hendricks County Soil and Water Conservation District office for Rule 5 compliance, when required.

11. Any other information reasonably required by the Commission or Administrator to properly evaluate the plan.

**E. Sheet Five (Landscape Plan)**

A landscape plan prepared to the standards specified in this Section 13 of this Ordinance.

**F. Sheet Six (Plat-like dedication sheet, if necessary)**

The following information shall be submitted as part of Sheet Five if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Plan Commission or its authorized designee:

1. Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;
2. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
3. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.

**G. All sheets shall contain the following information:**

1. The proposed name by which the project shall be legally and commonly known;
2. Date of survey, scale, and north point;
3. All lots or outlots intended for sale or lease shall be designated with boundary lines and numbered or labeled for identification purposes;
4. Private parks, common areas, or excluded parcels shall be designated as such and clearly labeled on the plans;
5. Such other information as may be deemed necessary for proper review of the site plan by the administrator, Town Engineer, or commission; and
6. All necessary reference points tying the subject property to the appropriate section corners.
7. Each sheet shall be sealed and signed by the professional preparing the drawings.
8. All sheets shall be tied to state plane coordinates for horizontal and vertical controls.

## **17.6 OTHER REQUIRED SUBMITTALS**

The Applicant shall be required to submit written documentation of the following, when applicable:

- A. A complete set of building elevations, a landscape plan, a lighting plan, and a signage plan must be submitted for any development occurring in the Corridor Protection Overlay District;
- B. Utility encroachment approvals;
- C. Hendricks County Drainage Board approval;
- D. Other local, state, and federal approvals, including other Town boards, commissions, or departments;
- E. Inspection and testing agreements as required by the Town;
- F. Outside reviews as required by the Town; and
- G. Easements and rights-of-ways not on a plat-like document shall be submitted in the form prescribed by the Town and include both a full legal description and a drawing exhibit.

## **17.7 RE-SUBMITTAL OF PLANS**

Submit five (5) complete sets of the final, revised plans showing conditions required by the Plan Commission. Final revised plans shall be submitted at least ten working days prior to issuance of a land alteration permit.

## **17.8 REJECTION STATEMENT**

The Administrator may reject any submittal for the following reasons:

- A. Incomplete application;
- B. The drawing set or supporting documents not complete nor stapled; or
- C. Poor legibility.

## **17.9 DEVIATION FROM THE APPROVED SITE PLAN AND ADDITIONS TO EXISTING STRUCTURES**

If the installation of the elements on the site plan materially deviate from the approved site plan (as determined by the Planning Director or Town Engineer), the site plan shall be resubmitted to the Commission for a new site plan approval in accordance with the procedures and requirements for



site plan approval. For purposes of this section, material deviation is one that:

- A. adds, removes, or reconfigures an internal street or relocates an access point;
- B. affects a condition of site plan approval that was established by the Commission during the site plan approval stage;
- C. reduces the area devoted to open spaces or buffer landscaping;
- D. involves the enlargement of a nonresidential building footprint on the site due to future additions that are more than 10 percent of the gross floor area or 5,000 square feet, whichever is less.

Minor changes that do not constitute material deviation shall be reviewed and approved by the Town Planning and Engineering staff.

#### **17.10 ENGINEERING ASSURANCES**

Each application for approval of a site plan shall be accompanied by:

- A. A Certificate of Obligation to Observe; both properly executed in the form prescribed by the Commission by the licensed engineer, or surveyor preparing the site plan.

#### **17.11 FINANCIAL ASSURANCES**

The Town of Danville reserves the right to require financial assurances to guarantee construction according to plans of all public improvements proposed in a site plan and for certain private improvements, including but not limited to site grading, drainage improvements, erosion control, sanitary sewers, private streets, landscaping and buffering, or other improvements which may directly impact adjacent properties or the health, safety, or welfare of the general public. Such assurances of performance shall be in an amount and form as prescribed by the Town. Maintenance bonds shall be required for public improvements. Public improvements shall be dedicated within two years of the date of Planning Commission approval unless time extensions are granted by the Town. If public improvements are not dedicated within two years, the Town may take any action deemed necessary to insure completion to a point of dedication.

#### **17.12 RECORD DRAWINGS AND CERTIFICATE OF COMPLETION AND COMPLIANCE**

The Developer or Owner shall cause record drawings to be prepared and

submitted to the Administrator for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project. Said record drawings shall be filed with the Administrator prior to the release of any performance assurances. The record drawings plans shall be accompanied by a Certificate of Completion and Compliance properly executed in the form prescribed by the commission by the licensed engineer, or surveyor preparing the site plan and/or record drawings. Record drawings, including the approved final plat shall be submitted in the forms specified by the Plan Commission.

**A. General Requirements:**

Plans are to contain a certification statement that the improvements have been installed in reasonable compliance with the original design plans with respect to horizontal locations and grades and any deviations of locations, grade or material used are shown in these record drawings. Said certification is to be sealed and signed.

**B. Specific Requirements:**

1. Grading on site plan(s)
  - a) Grades:
    - 1.) Major drainage swales and percents of slope;
    - 2.) Pad grades;
    - 3.) Street grades;
      - Centerline and curb if street is bituminous pavement with concrete curb. Centerline only if streets are concrete and placed with electronic control. (Maximum 50 ft. spacing)
      - All sag and crest points.
    - 4.) Paved swales if any, at 50 ft. intervals;
    - 5.) Lake or pond if applicable;
    - 6.) Locations of sidewalk ramps.
2. Plan and Profiles
  - a) Sanitary Sewers:
    - 1.) Invert elevations and percents of slope;
    - 2.) Top of casting elevations;
    - 3.) Lateral locations based on distances along main from manholes;
    - 4.) Locations of each manhole or structure (to make sure they are sufficiently within designated easements to permit future excavation to system if needed) ;
    - 5.) Designate any material change from design plans; where plans show any alternatives, indicate alternative actually used.

- b) Storm Sewers:
  - 1.) Invert elevations and percents of slope;
  - 2.) Top of casting elevations;
  - 3.) Location of pipe and structures (to make sure they are within designated easements);
  - 4.) Designate any material change from design plans; where plans show any alternatives, indicate alternate actually used.
- c) Streets:
  - 1.) Grades
  - 2.) All low and high points;
  - 3.) All percents of slope;
  - 4.) Any deviation of alignment;
  - 5.) Grades and dimensions on acceleration and deceleration lanes if applicable.

### **17.13 EXPIRATION DEADLINES**

- A. Approval of Site Plans shall expire two years from the date of Plan Commission approval if necessary land improvements have not been completed. Plan Commission, at its discretion, may grant extensions for a period up to two years.
- B. Bonded improvements must be completed within two years of issuance of Improvement Location Permit.

Request for extension must be submitted in writing stating the justification for the extension.

## SECTION 18 FLOOD HAZARD AREAS

### 18.1

#### STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

##### A. Statutory Authorization

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Danville does hereby adopt the following floodplain management regulations.

##### B. Findings of Fact

- (1) The flood hazard areas of the Town of Danville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

##### C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

- (6) Make federally subsidized flood insurance available for structures and their contents in the Town of Danville by fulfilling the requirements of the National Flood Insurance Program.

#### **D. Objectives**

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

## **18.2**

#### **DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A zone** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance

purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

**Zone AO:** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

**Zone AH:** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

**Zone AR:** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

**Zone A99:** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Accessory structure** (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from

one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation of the one-percent annual chance flood.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Building** - see "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development** means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevated structure** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

**Elevation Certificate** is a certified statement that verifies a structure's elevation information.

**Emergency Program** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction** means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

**Five-hundred year flood (500-year flood)** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance



Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Floodplain** means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Flood Protection Grade (FPG)** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway** is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe** is those portions of the floodplain lying outside the floodway.

**Functionally dependent facility** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Increased Cost of Compliance (ICC)** means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Amendment (LOMA)** means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
  - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map amendment** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the

structure or parcel to be within the SFHA).

**Map panel number** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

**Market value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum of 1929 (NGVD)** as corrected in 1929 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred year flood (100-year flood)** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

**Participating community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)** is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Post-FIRM construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM construction** means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance**, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regular program** means the phase of the community’s participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 18.3(B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdictions (including extraterritorial jurisdictions) of the Town of Danville subject to inundation by the regulatory flood. The SFHAs of the Town of Danville are generally identified as such on the Flood Insurance Rate Map of Hendricks County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated September 25, 2009. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a

manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" or repetitive loss regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), National Geodetic Vertical Datum of 1929 (NGVD), or other datum where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**X zone** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A** (see definition for A zone)

**Zone B, C, and X** means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

### 18.3

#### **GENERAL PROVISIONS**

##### **A. Lands to Which This Ordinance Applies**

This ordinance shall apply to all SFHAs within the jurisdiction of the Town of Danville.

##### **B. Basis for Establishing Regulatory Flood Data**

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the Town of Danville shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Hendricks County and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated September 25, 2009.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of the Town of Danville delineated as an "A Zone" on the FIRM of Hendricks County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.

##### **C. Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

##### **D. Compliance**

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.



**E. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**F. Discrepancy between Mapped Floodplain and Actual Ground Elevations**

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

**G. Interpretation**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**H. Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the Town of Danville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

**I. Penalties for Violation**

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance. All violations shall be punishable by a fine not exceeding \$2,500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

- (3) Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### **J. Increased Cost of Compliance (ICC)**

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure”, the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

### **18.4**

#### **ADMINISTRATION**

##### **A. Designation of Administrator**

The Town Council of the Town of Danville hereby appoints the Town Manager or an appointee to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

##### **B. Permit Procedures**

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

- a). A description of the proposed development;
- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
- g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same.

When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### **C. Duties and Responsibilities of the Floodplain Administrator**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 18.5(E) and Section 18.5(G)(1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 18.4(B);
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Section 18.4(B);
- (11) Review certified plans and specifications for compliance.
- (12) Stop Work Orders
  - a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
  - b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (13) Revocation of Permits
  - a). The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

## 18.5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### A. General Standards

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

### **B. Specific Standards**

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Section 18.5(A), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - a). Construction or placement of any new structure having a floor area greater than 400 square feet;
  - b). Addition or improvement made to any existing structure:
    - i. where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
    - ii. with a previous addition or improvement constructed since the community’s first floodplain ordinance.
  - c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
  - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days;
  - e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - f). Reconstruction or repairs made to a repetitive loss structure.
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to

facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 18.5(B)(4).

- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:
  - a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 18.4(C)(10).
  - b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - (i) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
    - (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
    - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
    - (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in

connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and

(vi) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
- b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
- c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e). The top of the lowest floor including basements shall be at or above the FPG.

(6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

- a). The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- b). Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and

- c). The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
- d). Utility systems within the crawlspace must be elevated above the flood protection grade.
- e). An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
- f). Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
- g). The interior grade of the crawlspace must be at or above the base flood elevation.

**(7) Standards for Manufactured Homes and Recreational Vehicles.**

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
  - (i) outside a manufactured home park or subdivision;
  - (ii) in a new manufactured home park or subdivision;
  - (iii) in an expansion to an existing manufactured home park or subdivision; or
  - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
- b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.



- c). Recreational vehicles placed on a site shall either:
  - (i.) be on site for less than 180 days; and,
  - (ii.) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - (iii.) meet the requirements for “manufactured homes” as stated earlier in this section.

### **C. Standards for Subdivision Proposals**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

### **D. Critical Facility**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

### **E. Standards for Identified Floodways**

Located within SFHAs, established in Section 18.3(B), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if

fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 18.5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

#### **F. Standards for Identified Fringe**

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 18.5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

#### **G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes**

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit

may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 18.5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 18.5 of this ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

## 18.6

### VARIANCE PROCEDURES

#### A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals as established by Town Council of the Town of Danville shall hear and decide appeals and requests for variances from requirements of this ordinance.

#### B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Hendricks County Circuit Court, as provided by Statute.

#### C. Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

#### **D. Conditions for Variances**

- (1) Variances shall only be issued when there is:
  - a). A showing of good and sufficient cause;
  - b). A determination that failure to grant the variance would result in exceptional hardship; and,
  - c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to Section 18.5(E) or Section 18.5(G)(1) of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to Section 18.5(E) or Section 18.5(G)(1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of Section 18.5(B), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- (7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section 18.6(E)).

- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section 18.6(E)).

#### **E. Variance Notification**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

#### **F. Historic Structure**

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

#### **G. Special Conditions**

Upon the consideration of the factors listed in Section 18.6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

### **18.7**

#### **SEVERABILITY**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

### **18.8**

#### **EFFECTIVE DATE**

This ordinance shall take effect upon its passage by the Town Council.

## SECTION 19 ADMINISTRATION

### 19.1 AUTHORITY OF PLAN COMMISSION, BOARD OF ZONING APPEALS, AND STAFF

The Plan Commission, Board of Zoning Appeals, and staff shall have the following authority, respectively:

- A. The Plan Commission is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 *et seq.* and other applicable sections of Indiana law and such other responsibilities as may be assigned to it from time to time by the Town Manager or Town Council. The Commission shall adopt written rules of procedure for the administration of the affairs of the commission and its staff for investigations and hearings.
- B. The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in IC 36-7-4-900 *et seq.* and other applicable sections of Indiana law. The Board shall adopt written rules of procedure pertaining to the administration of this Chapter and the conduct of hearings.

### 19.2 BOARD OF ZONING APPEALS

There is hereby re-established an Advisory Board of Zoning Appeals to be known as the BOARD OF ZONING APPEALS OF THE TOWN OF DANVILLE, INDIANA. The Board of Zoning Appeals shall be a continuation of the present Board of Zoning Appeals of the Town of Danville heretofore established under IC 36-7-4-900 Series.

- A. **Membership.** The Board of Zoning Appeals shall consist of five members appointed as follows:
  - 1. Three (3) members appointed by the Town Council President, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
  - 2. One (1) member appointed by the Town Council of the Town of Danville, must not be a member of the Plan Commission.
  - 3. One (1) member appointed by the Plan Commission from the Plan Commission's membership who must be a citizen member of the Plan Commission other than a member appointed under subsection 19.2.A.1.

Members of the Board of Zoning Appeals may not hold other elective office in municipal, county or state government, except as permitted in this section; and all members must be residents of the Town of Danville.

- B. **Terms of Office.** Following adoption of this Ordinance, each of the above members shall be re-appointed for the balance of the term being served on the present Board of Zoning Appeals of the Town of Danville. Thereafter each member shall be for a term of four (4) years. Each term shall expire on the first Monday in January of the year of termination.
- C. **Territorial Jurisdiction.** The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Zoning Ordinance.
- D. **Subject Matter Jurisdiction.** The Board of Zoning Appeals shall have exclusive jurisdiction for the following:
1. To review, approve or deny Special Exceptions.
  2. To review, approve, or deny variances of use from the terms of this Ordinance.
  3. To review, approve, or deny variances from the development standards (such as height, bulk, or area) of this Ordinance.
  4. To review, hear and determine appeals from:
    - a) Any order, requirement, decision, or determination made by an administrative official or staff member under the Zoning Ordinance; and
    - b) Any order, requirement, decision or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of the Zoning Ordinance.
- E. **Staff.** The Staff of the Board of Zoning Appeals shall consist of the Administrator as defined in this Ordinance and any other employees of the Town of Danville that he may direct from time to time to assist him or the Board of Zoning Appeals.
1. **Authority.** The staff shall have the authority to take those lawful actions necessary to enforce the terms of this Ordinance on behalf of the Plan Commission and the Board of Zoning Appeals.
  2. **Duties.** The authority to perform inspections, review applications, and issue permits is hereby delegated to the staff.

## **F. Rules and Procedures**

1. **Rules and By-Laws.** The Board of Zoning Appeals shall have sole authority to adopt rules as permitted by IC 36-7-4-916 as well as by-laws concerning organization, selection of officers, forms for applications, filing requirements, procedures, and notices for and conduct of meetings. Upon adoption of such rules and by-laws they shall be applicable to the Board of Zoning Appeals and shall be printed and made available to applicants and other interested parties.
2. **Facilities and Funding.** The Town of Danville shall provide suitable facilities for the holding of Board of Zoning Appeals hearings and the storage of its recorded documents and accounts. The Town shall, in its annual budget, provide sufficient funds for the functioning of said Board and its staff.
3. **Minutes.** The Board of Zoning Appeals shall keep minutes of all of its proceedings and keep a record of all votes and actions taken. All minutes and records shall be considered public records.
4. **Filing.** All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the Planning Director.
5. **Hearings.** All hearings required for variances and appeals shall be by the Board of Zoning Appeals. Procedures for public notice setting forth time and place for all hearings of the Board of Zoning Appeals shall be established by the Board of Zoning Appeals, except that public notice and due notice to all interested parties shall be given at least ten days before the date set for the hearing, and shall comply with the regulations set forth in IC 5-3-1-2 and IC 5-3-1-4.

### **19.3 DESIGNATION OF THE ADMINISTRATOR**

The Danville Plan Commission hereby designates its Town Manager or his designated appointee as the Administrator for the purposes of implementing this Ordinance.

### **19.4 FILING OF FEES**

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing of fees hereinafter specified. For each petition or application for a permit or certificate required by this Ordinance, the Town Board of Trustees shall establish a schedule of fees. Said fees shall be paid to and collected by the Clerk-Treasurer, to be deposited in the General Fund. No part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner.



## 19.5 VARIANCES

### A. Findings of Fact.

1. **Variances of Use.** The Board of Zoning Appeals may approve a variance of use from the terms of this Ordinance only upon the determination in writing that:
  - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - c) The need for the variance arises from some condition peculiar to the property involved;
  - d) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - e) The approval does not interfere substantially with the Comprehensive Plan for the Town of Danville.
  
2. **Variance of Development Standards.** The Board of Zoning Appeals may approve a variance of the development standards (such as height, bulk, or area) of this Ordinance only upon the determination in writing that:
  - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - c) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

### B. Conditions on Variances.

1. The Board may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Ordinance upon any lot benefited by a variance as may be necessary or appropriate. Such conditions shall be expressly set forth in the Ordinance or order granting the variance. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the variance.

2. The Board may permit or require the Owner of a parcel of property to make written commitments concerning the use or development of that parcel as per IC 36-7-4-921 and Section 16 of this Ordinance.
- C. **Effect of Grant of Variance.** The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance or other Ordinances of the Town of Danville.
  - D. **Failure to Comply.** Where an Owner has failed to comply with any terms of this Ordinance or condition and/or commitment permitted or required by approval of the variance, such failure shall be deemed a violation of this Ordinance and the Board may authorize such action, including the revocation of the variance, as it deems appropriate.

## 19.6 ENFORCEMENT OF VIOLATIONS

- A. **Authority.** The designated Administrator has the principal responsibility for enforcing this Ordinance.
- B. **Responsibility for Compliance.** The Owner and occupier of all land, structures, buildings, businesses, and residences shall be responsible and liable for compliance with all applicable provisions of this Ordinance.
- C. **Complaints Regarding Violations.** Any person may file a complaint whenever a violation of this Ordinance occurs or is alleged to have occurred. Such complaint shall be filed in writing with the Administrator and shall state fully the causes and basis of the complaint.
- D. **Investigation of Violations.** The Administrator shall, on receipt of information of the violation of this Ordinance, make an investigation of the alleged violation. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the Administrator may file a complaint against the person and prosecute the alleged violation.
- E. **Right of Entry.** The Administrator or his authorized representatives may make inspections of all buildings, structures, and premises located within the jurisdiction of this Ordinance to determine their compliance

with the provisions of this Ordinance. Such inspections shall be made between the hours of 8:00 AM and 8:00 PM on any day except Sunday. All inspections shall be subject to the following standards and conditions.

1. An inspection may only take place if a complaint has been received by the Administrator pursuant to this Section, and such complaint, in the opinion of the Administrator, provides reasonable grounds for the belief that a violation exists; or an inspection may be undertaken as part of a regular inspection program whereby certain areas of the Town are being inspected in their entirety under the direction of the Administrator.
2. The Administrator or his authorized representative shall furnish to the Owner, tenant, or occupant of the building, structure, or premises sought to be inspected, sufficient identification and information to enable the Owner, tenant, or occupant to determine the purpose of the inspection and that the person is a representative of the Town.
3. The Administrator or his authorized agent may apply to any court of law for a search warrant or other legal process for the purpose of securing entry to any premises into which the Owner, tenant, or occupant shall refuse to grant entry.

F. **Procedures Upon Discovery of Violations.** If the Administrator finds that any provision of this Ordinance is being violated, he shall provide written notice to the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

In cases where delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety or welfare, the Administrator may seek enforcement without prior written notice by invoking any penalties or remedies authorized under this Section.

Pursuant to IC 36-1-6-2, as amended, when a condition exists on real property in violation of this Ordinance, the Administrator or his authorized representative may enter onto the subject property and take the appropriate action to bring the property into compliance. However, before such compliance action shall be taken, the Administrator shall provide notice to all persons holding a substantial interest in the property of his intentions and provide such persons reasonable time to bring the subject property into compliance. If the Administrator is required to take appropriate action under this Section, the Town's expenses involved in such action shall be made to become a lien against the subject property.

## 19.7 PENALTIES & REMEDIES FOR ACTION

- A. **Declaration as a Public Nuisance.** A structure erected, raised or converted, or land or premises used that violates this Ordinance or regulation made as a part of this Ordinance shall be treated as if it were a common nuisance, and the Owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for maintaining a common nuisance.
- B. **Penalties.** Any person or corporation, whether Owner or possessor, who shall violate, or who permits or allows a violation, of any of the provisions of this Ordinance, or who fails to comply therewith or with any requirements thereunder, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this Ordinance, shall, upon complaint filed in any court of the county and upon judgment finding such violation, be fined not less than twenty-five dollars (\$25.00) and not more than two thousand five hundred dollars (\$2,500.00) for each violation.

Each day that such violation or noncompliance shall be permitted to exist may constitute a separate violation, and further, any such judgment for a fine hereunder shall include an amount sufficient to pay the Town's reasonable attorney fees and all costs related to the enforcement of the Ordinance and the procurement of judgment.

- C. **Removal of the Violation.** The Plan Commission, the Board of Zoning Appeals, the Zoning Administrator, the Building Inspector, or any designated enforcement official or any person or persons, firm or corporation, jointly or severally aggrieved, may institute a suit for injunction in the circuit or superior courts of Hendricks County against the Owner or possessor of the real estate.

The Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition existing in violation of this Ordinance.

- D. **Grievances.** Any person who is a resident of Danville, who is aggrieved or whose property has been damaged by a violation of this Ordinance may, by suit in a circuit or superior court of the county, enjoin in the violation of this Ordinance.

**19.8 APPEALS**

A. A decision of the Administrator enforcing this Ordinance may be appealed to the Board of Zoning Appeals by any person who is adversely affected by the decision

**B. Stay of Work Pending Appeal**

1. When an appeal from the decision of an official or board has been filed with the Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order.
2. After notice to the officer or board and to the Owner of the premises affected, and after due cause is shown, the Circuit or Superior Court of the County in which the premises affected are located may grant the restraining order necessary to require a stay of work under subsection 19.8.C.1.
3. After the Owner of, or a person in charge of the work on, the premises affected has received notice that an appeal has been filed with the Board of Zoning Appeals, the official or board charged with the enforcement of the Ordinance may order the work stayed and call on the police power of the municipality to give effect to that order.

**19.9 ATTORNEY'S FEES**

If the Board of Zoning Appeals or the Town of Danville is required to utilize the services of the Town Attorney or any other attorney in investigating a possible violation of this Ordinance or in enforcing the provisions of this Ordinance pursuant to this Section or any other Section; and such investigation results in a determination that a violation has occurred, or if the Board of Zoning Appeals or Town is successful in its enforcement of the Ordinance by way of suit, appeal or other appropriate proceeding; the respondent, defendant or party investigated for a violation shall pay the Town's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Ordinance, unless such attorney fees or the costs are specifically waived by the Town Council of the Town of Danville.

**19.10 AMENDMENTS**

From time to time, after the initial adoption of this Ordinance, it may become necessary to amend the text of this Ordinance or to amend the

Zoning Map. This amendment process is not intended to relieve particular hardships or to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

- A. Parties Entitled to Initiate Amendments. Amendments to the text of this Ordinance may be initiated by the Plan Commission or by the Town Council in accordance with IC 36-7-4-602(b). Amendments to the Zoning Map may be initiated by the Plan Commission, by the Town Council, or by a petition signed by property owners owning at least fifty percent (50%) of the land involved. Such Zoning Map amendments shall adhere to the requirements of IC 36-7-4-602(c).
- B. Standards for Amendments. The wisdom of amending the text of this Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. However, in preparing and considering amendments to the Ordinance, the Plan Commission and the Town Council shall pay reasonable regard to:
  - 1. The Comprehensive Plan,
  - 2. The current conditions and the character of current structures and uses in each district,
  - 3. The most desirable use for which the land in each district is adapted,
  - 4. The conservation of property values throughout the jurisdiction, and
  - 5. The need for responsible growth and development within the Town of Danville.

## 19.11 IMPROVEMENT LOCATION PERMITS

### A. Definition

An improvement location permit is a document issued by the provisions listed hereunder, permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done, or to change the use or condition of the land.

### B. Applicability

- 1. **Circumstances in which an Improvement Location Permit must be issued.** No change in the use of land that involves a change in the condition of the land or in any structure on the land, including special exceptions under Section 5 and changes in flood

plain districts under Section 18, may be made unless the Administrator issues an improvement location permit authorizing such a change.

2. **Exceptions for agricultural land, uses, and structures.** Agricultural land, farm barns, farm outbuildings, and other farm buildings, other than the farm residence structure, which are adapted for agricultural purposes, shall not be subject to the requirements for improvement location permits.

#### C. **General Provisions**

1. **Certificate of Occupancy Required.** No application for an improvement location permit under this Section may be considered unless the applicant has also applied for a certificate of occupancy.

Furthermore, no land or structure for which an Improvement Location Permit has been issued may be used for the purpose stated in the permit until the Administrator, after the change is completed, issues a certificate of occupancy stating that the change complies with this Ordinance and with the permit. Said certificate of occupancy shall be issued following an inspection by the Administrator or his designee within ten (10) days of the completion of the change authorized by the Improvement Location Permit.

2. **Failure to Obtain an Improvement Location Permit.** Failure to obtain an Improvement Location Permit shall be a violation of this Ordinance and therefore shall be punishable under the provisions of Section 19.7 of this Ordinance.
3. **Limitations of the Improvement Location Permit.** Improvement Location Permits issued on the basis of the plans and applications approved by the Administrator authorize only the use or arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangements, or construction. Any use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance and shall be punishable under the provisions of Section 19.7.

#### D. **Site Plan Review**

In addition to all other required applications, information and permits from other governmental agencies, any person who applies for an improvement location permit under Section 19.11 must furnish the Administrator with a site plan.

1. **Site Plan Requirements.** The following items shall be portrayed on plans drawn to scale:

- a) The location of the land concerned, including property lines and right-of-way lines;
- b) The location and size of all buildings and structures already on the land as well as those to be erected, including parking, signage, open space, landscaping, screening, and sidewalks where applicable;
- c) The size and location of all entrances to and exits from the land, both vehicular and pedestrian, including all adjacent streets and highways;
- d) Detailed drawings showing all construction and materials;
- e) Elevations of all buildings to be constructed; and
- f) Drainage and/or erosion solutions, where applicable.
- g) Plans so furnished shall be kept by the Administrator as permanent records.

2. **Action of the Administrator.** The Administrator shall either approve, disapprove, or approve with modifications, the site plan submitted, except in cases which require a public hearing in which the Administrator shall forward his findings to the body conducting the hearing.

As a condition of the issuance of the Improvement Location Permit, the Administrator may require changes in the site plan in the interest of the public welfare, public safety, or to balance the interests of the persons in the vicinity of the property under consideration.

**E. Issuance or Denial**

With the exception of the longer period of time required for industrial uses as specified in subsection 19.11.I.1, the Administrator shall either accept the application and issue the improvement location permit or deny the application together with a statement of reasons for the denial, within a period of eight (8) working days following application.

**F. Expiration**

The work or use authorized by an Improvement Location Permit must be commenced within one (1) year of the issuance of the permit. After such time, if the work or use has not begun, said permit shall lapse and become null and void.



With the exception of temporary uses, if work or the use authorized by the permit has begun within one (1) year of the issuance of the permit, the Improvement Location Permit shall remain in full force and effect.

**G. Appeals**

A decision of the Administrator may be appealed to the Board of Zoning Appeals subject to the provisions of Section 19.2.D.

**H. Public Record**

A record of each improvement location permit and each certificate of occupancy shall be kept by the Administrator and shall become part of the public record.

**I. Special Cases**

1. **Industrial Uses: Certificate of Compliance.** If an application for an improvement location permit relates to an industrial use, it must be accompanied by a certificate of compliance, certified by a registered professional engineer of the state, stating that the use will meet the performance standards of the district concerned.

If, after ten (10) working days, the Administrator has not required additional information or objections in writing, the Administrator shall issue the permit.

2. **Mobile Homes**

- a) Mobile homes shall be permitted as temporary uses only, subject to Section 4.5.
- b) In the event that a single family home has been destroyed by fire, explosion, act of God, or the public enemy and an improvement location permit has been issued for its replacement or reconstruction, the property owner may make application for an improvement location permit for a mobile home to be placed on the same property for a period not to exceed one (1) year. No extensions of time shall be permitted by the Administrator.
- c) Application procedures and requirements shall be the same as for any other improvement location permit.
- d) Placement of the mobile home shall be subject to all use requirements and restrictions applicable to a single family home.
- e) In addition to all other requirements, the property owner shall post a one thousand dollar (\$1,000.00) cash bond in favor of

the Town of Danville to be held by the Town Clerk. Said cash bond shall be returned without interest upon the removal of the mobile home and the issuance of a certificate of occupancy for the constructed or reconstructed single family home. Said cash bond may be drawn on by the Trustees of the Town of Danville, at the Trustees discretion, upon the advice of the Administrator that the property owner has failed to remove the mobile home either at the end of one (1) year or within two (2) weeks of the issuance of the certificate of occupancy for the constructed or reconstructed single family home, whichever comes first. Said cash bond may be used to defray expenses incurred by the Town for the removal of the mobile home and/or legal costs and attorney fees directly associated with the enforcement of Section 19.11.I.2 of this Ordinance.

## 19.12 CERTIFICATE OF OCCUPANCY

- A. **Requirement.** It is unlawful to occupy or permit the occupancy of any structure hereafter created, erected, changed, converted, or wholly or partly altered or enlarged, except for structures other than residences incidental to agricultural operations, until an certificate of occupancy has been issued by the Building Inspector.
- B. **Temporary Certificate of Occupancy.** A temporary certificate of occupancy may be issued for a period not to exceed six (6) months during alterations or partial occupancy of a structure pending its completion; provided, that such temporary certificate of occupancy includes such conditions and safeguards as will protect the health, safety, and welfare of the occupants and the public.
- C. When an certificate of occupancy is requested and all landscaping screens or buffers as required by Section 13 of this Ordinance have not and cannot be installed due to weather or other conditions, the staff may issue an certificate of occupancy, provided that the party requesting such occupancy shall first submit a detailed landscaping plan. Such landscaping plan shall contain a schedule for the installation of all materials, and the applicant shall certify in writing that such schedule will be followed unless an extension is granted by the staff.