

**ARTICLE V. SUPPLEMENTAL REGULATIONS**

**Section 5000            Landscape Regulations for Development.**

Intent -Landscaping is an essential element of the site design process and is an important feature in promoting the public health, safety, comfort, and general welfare of the City of Goshen. The purpose of these regulations is to advance the economic, aesthetic, and ecological qualities of our built up environment and surroundings by:

Taking advantage of natural features where possible in development and redevelopment projects;

Aiding in stabilizing economic and environmental balance by contributing to the process of air purification, oxygen regeneration, and ground water recharge, while managing soil erosion control and storm water runoff;

Aiding in abatement of noise, light, water, soil, and air pollution;

Promoting energy conservation and personal comfort by maximizing the cooling effects of vegetation;

Helping delineate separation of spaces and activities, thereby reducing visual and functional conflicts between land uses and activity areas associated with a site;

Enhancing community appearance, and identify unique natural beauty;

Creating visual interest, variety, and harmony and provide contrast and relief from the built-up environment;

Protecting and enhancing property values;

Establishing the minimum landscaping and criteria necessary to achieve the desired quality of life described by the purposes set forth above.

**Section 5000.1            General Landscaping Provisions.**

Applicability – The provisions of this ordinance shall apply to any land within the City of Goshen and any land under the planning and zoning jurisdiction of the City, except as may be exempted by this ordinance. All new development and additions to existing development (i.e., building addition, parking area expansion, etc.) unless exempted shall provide landscaping as required.

Location of Landscaping – Required landscaping areas may consist of four (4) locations on a site: (i) streetside, (ii) bufferyards; (iii) foundation (optional); and, (iv) off-street parking areas.

TABLE 1 – LOCATION OF LANDSCAPING BY ZONING DISTRICT													
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD
Streetside Landscaping		X	X	X	X	X	X	X	X	X	X	X	X
Bufferyard Landscaping					X		X	X	X	X	X	X	X
Foundation Landscaping					O*		O*		O*	O*			O*
Off Street Parking Area Landscaping					X		X	X	X	X	X	X	X

\*O (optional)

Table 1 specifies the general information on landscaping requirements by zoning districts. It is intended to be used as a guide to identify the location of landscaping by zoning district where new development, redevelopment, additions, or alterations occur, unless otherwise exempted. It is only a guide and not intended to provide definitive and detailed information. Specifics on location of landscape areas are identified in the following sections.

**Section 5000.2            Streetside Landscaping.**

Street trees shall be planted at the time a parcel is developed or redeveloped and final landscape grade is completed in all zoning districts, and in accordance with the following regulations which are requirements for planting of street trees. Street trees shall be planted in the right-of-way or on private land adjacent to the right-of-way within the front yard setback. To maximize good ecological practice, large trees, if not limited by utility clearances at maturity, and diverse species shall be required.

- A. All developers shall plant trees along public streets of their developments in such a manner, of permitted types, in such quantity, and in such locations as set forth below. New lots on newly dedicated streets and undeveloped or redeveloped lots on existing streets shall conform to these requirements at the time of the development. Ordinance Number 4008, as amended, identifies prohibited and recommended trees. Recommended trees under Ordinance Number 4008 may be planted as street trees and is the accepted list for this section. For purposes of this section, trees shall be defined by mature heights they reach as indicated by the following: large – over forty (40) feet, medium – up to forty (40) feet, and small – up to twenty (20) feet.
  1. In determining the number of streetside landscaping trees required per zoning lot, the lot frontage shall be calculated. The number of streetside landscaping trees required shall be calculated by determining the width of the lot frontage measured at the front lot line, less and excepting the width of the access drive (driveway) serving the lot, up to a maximum of twenty-four (24) feet in width.
  2. The minimum spacing between trees shall be 40 feet for large trees, 30 feet for medium trees, and 20 feet for small trees. No streetside landscaping trees are required for fractions thereof for minimum spacing requirements between trees.
  3. The maximum spacing between trees shall be 60 feet for large trees, 40 feet for medium trees, and 30 feet for small trees.

4. The minimum distance between the center of the tree and the edge of the street pavement or the lawn side edge of the curb and between the center of the tree and the sidewalk shall be four feet for a large tree, three feet for a medium tree and two feet for a small tree.
5. Any tree shall be located at least 30 feet from a traffic information sign or signal (or, if no such sign or signal is actually close by from the standard location of such signs or signals at street intersections) and ten feet from fire hydrants and utility poles.
6. A small tree shall be used when planted within ten lateral feet of overhead utility wires. A medium tree shall be used when planted within 20 lateral feet of overhead utility wires.

B. Alternative Landscape Plan - In lieu of the above requirements of this section and in order to provide flexibility and creativity in landscape design, the Zoning Administrator may approve an alternate landscape plan. If the Zoning Administrator does not approve the alternate landscape plan, the applicant may appeal the Zoning Administrator's decision and take the alternate landscape plan to the Goshen City Plan Commission for approval. The alternate landscape plan shall be prepared in accordance with the following requirements:

1. The number of trees shall not be diminished as required by this section.
2. The location of the trees, to the greatest extent possible, shall be located within the front yard setback not in conflict with visibility requirements.
3. If, because of unforeseen circumstances or difficulty, it is impractical to locate trees within the front yard setback, other locations on the lot including the side or rear of the lot, may be approved.

**Section 5000.3      Bufferyard Landscaping.**

Landscaping shall be required in bufferyards as shown in Table 2 of this Section 5000 Landscape Regulations. In Table 2, OL designates Open Landscaping, PL designates Partial Landscaping, and FL designates Full Landscaping. These varying intensities of required bufferyard landscaping are described in subsection A of this section.

TABLE 2: REQUIRED BUFFERYARD LANDSCAPING									
Land Use of Neighboring Property <sup>(1)</sup>	Zoning of Subject Property <sup>(2)</sup>								
	R-1	R-2	R-3	B-1	B-3	B-4	M-1	M-2	PUD
R-1	X	X	PL	PL	PL	FL	FL	FL	(1)
R-2	X	X	PL	PL	PL	FL	FL	FL	(1)
R-3	OL	OL	OL	PL	PL	FL	FL	FL	(1)
PUD <sup>(2)</sup>	(1)	(1)	OL	PL	PL	FL	FL	FL	(1)
LAH	FL	FL	FL	OL	OL	PL	PL	PL	(1)

(1) Neighboring property includes property that abuts the subject property and property across a street or highway from the subject property. Designations include the least intensive use in any Planned Unit Development (PUD).

(2) Designations include the most intensive use in any Planned Unit Development (PUD).

A. Types of Bufferyard Landscaping – Three (3) types of landscape are provided for in this Section: (A) Open Landscaping; (B) Partial Landscaping; and, (C) Full Landscaping. These three (3) types of landscapes are intended to provide a progression of landscaping options suitable to a variety of landscaping and buffering needs between land uses and districts.

1. Open Landscaping creates a pleasant visual experience but provides a minimal visual barrier. Therefore, Open Landscaping is intended for use on lots where the district of the abutting lots includes permitted uses with similar intensities, lights, sounds and regular operations and would have minimal, if any, negative impact on adjacent properties. Open Landscaping requires a majority of the landscape materials to be of a deciduous shade tree variety with flexibility to add color, interest, or heavier visual landscaping, if desired.

Open Landscaping shall contain a minimum of one (1) deciduous shade tree for every forty (40) feet of applicable lot line. Such trees may be evenly spaced at forty (40) feet on-center or grouped together, provided however, in no case shall spacing between trees exceed eighty (80) feet. Deciduous ornamental trees may be substituted for deciduous shade trees; however, a minimum of one (1) ornamental tree shall be planted for every twenty-five (25) feet of the applicable lot line. Such trees may be evenly spaced at twenty-five (25) feet on-center or grouped together, provided however, in no case shall spacing between trees exceed fifty (50) feet. Naturalized Landscaping is permitted in accordance with provisions of Ordinance Number 4066, passed and adopted by Goshen Common Council, February 5, 2002, as may be amended from time to time. Naturalized landscaping shall be maintained and not contain weeds or other rank or noxious vegetation as defined in Ordinance Number 4066.

2. Partial Landscaping creates a partial visual barrier and is intended for use on lots where the district of the abutting lots includes permitted uses that may be similar in land use intensity, but may still contain lights, sounds and regular operations which may adversely impact adjacent properties. Partial Landscaping requires the use of coniferous trees to provide year-round buffering while allowing flexibility to add color and interest with deciduous trees or shrubs/hedge plants.

Partial Landscaping shall contain a minimum of two (2) coniferous trees for every twenty-five (25) feet of applicable lot line. Such trees shall be evenly spaced. A minimum of four (4) shrubs or hedges shall be planted for every twenty-five (25) feet of applicable lot line. Shrubs or hedges may be grouped together; however; in no case shall spacing between grasses or shrubs exceed fifty (50) feet. Naturalized Landscaping is permitted in accordance with provisions of Ordinance Number 4066, passed and adopted by Goshen Common Council, February 5, 2002, as may be amended from time to time. Naturalized landscaping shall be maintained and not contain weeds or other rank or noxious vegetation as defined in Ordinance Number 4066.

3. Full Landscaping shall be designed to create a substantial visual barrier consisting of a variety of plant material such as shrubs, large, dense ornamental grasses, deciduous, and coniferous trees. In addition to the plant material, an undulating earthen berm having a mean height of six (6) feet shall be required. The berm should undulate both horizontally and vertically between five (5) and seven (7) feet with a slope of 3:1 or 4:1 depending upon the height of the berm. The berm shall have a crown equal in width to the height of the berm. Full Landscaping is required where more intensive uses abut less intensive uses that may be adversely impacted by the regular operations of the more intensive uses. Full Landscaping requires significant use of coniferous trees to provide year-round buffering while allowing flexibility to add color and interest with deciduous trees or shrubs/hedge plants.

Full Landscaping shall contain a minimum of four (4) coniferous trees for every thirty (30) feet of length of applicable lot line. Such trees shall be evenly spaced in staggered double row, not more than twelve and one-half (12.5) feet apart and centered at the peak or crown of the berm. In addition to the coniferous trees, deciduous shade trees or deciduous ornamental trees shall be planted on the side of the berm closest to the adjacent residential district or limited access highway. One (1) deciduous shade tree shall be planted for every forty (40) feet of applicable lot line. Such trees may be evenly spaced at forty (40) feet on-center or grouped together, provided, however, in no case shall spacing between trees exceed eighty (80) feet. Deciduous ornamental trees may be substituted for deciduous shade trees, however, a minimum of one (1) ornamental tree planted shall be for every twenty-five (25) feet of the applicable lot line. Such trees may be evenly spaced at twenty-five (25) feet on-center or grouped together, provided, however, in no case shall spacing between trees exceed fifty (50) feet. Full Landscaping also includes a combination of large ornamental grasses and deciduous shrubs which shall be planted four (4) plants every thirty (30) feet. Such ornamental grasses or deciduous shrubs may be grouped together; however, in no case shall spacing between grasses or shrubs exceed sixty (60) feet. Naturalized Landscaping is permitted in accordance with provisions of Ordinance Number 4066, passed and adopted by Goshen Common Council, February 5, 2002, as may be amended from time to time. Naturalized landscaping shall be maintained and not contain weeds or other rank or noxious vegetation as defined in Ordinance Number 4066.



Example of Type A – Open Landscaping



Example of Type C: Full Screening Landscaping

- B. An option to the berm described above is a seven (7) foot tall, solid masonry wall, placed not closer to the applicable lot line than fifty (50) feet and not further from the applicable lot line than sixty (60) feet. The masonry wall may be substituted for the berm with the remaining Full Landscaping requirements. If the masonry wall is in conflict with other provisions of the zoning ordinance, those provisions shall have precedence. The exterior side of the masonry wall shall be constructed of decorative block, brick, or stone; the interior side may be plain block and shall be covered with an evergreen ivy to aid in noise abatement and enhance the natural landscape. The wall shall be constructed to meet city standards and specifications.
- C. Utility Easement Landscaping – In those instances where overhead utility lines are located within perimeter or residential bufferyards, plant material selections shall be limited to small trees, which typically do not exceed twenty-five (25) feet in height at maturity. Appropriate utility easement plant materials may include: ornamental trees or, coniferous trees (narrow spread.)
- D. Alternative Landscape Plan – The Zoning Administrator shall not have the authority to modify the requirements of Section 5000.3, Bufferyard Landscaping.

**Section 5000.4**            **Foundation Landscaping.**

Foundation landscaping, while not required, is encouraged for all new primary buildings and for any primary building addition that increases the overall area of the building by at least 50% in all districts. Foundation landscaping may be substituted for other required landscaping. Substitution shall be determined by a documented comparison of the required landscaping at a ratio of one to one. No substitution credit will be given for foundation landscaping that exceeds the recommendations. Also, no substitution credits will be given for foundation landscaping of buildings in the CBD – Central Business District identified as the Core Historic District, described in Appendix I of this ordinance; single-family dwellings or two-family dwellings; and any industrial building in the M-1 or M-2 districts. In order to be credited as substituting for other landscaping requirements, foundation landscaping shall be in compliance with the following recommendations:

- A. Foundation landscaping shall be applicable to any elevation of a new building or building addition which is:
  - 1. Over thirty-five (35) feet in width; and,
  - 2. Includes the main or primary customer entrance or is orientated toward a front yard.



Example of Foundation Landscaping

- B. Foundation landscaping shall be:
  - 1. One (1) deciduous shade tree for every fifty (50) feet of building width; or
  - 2. One (1) ornamental tree or one (1) coniferous tree for every thirty-five (35) feet of building width; or,
  - 3. Ten (10) hedge plants or shrubs for every fifty (50) feet of building width.
- C. Foundation landscaping areas shall maintain a minimum dimension of eight (8) feet, perpendicular to the foundation, with a minimum of forty-eight (48) square feet of foundation landscaping area provided for each tree and for every two hedge plants or shrubs.
- D. Foundation landscaping areas shall be located
  - 1. Adjacent to the building; or
  - 2. Beginning within fifteen (15) feet of the building (i.e., to allow for a walkway or similar improvements adjacent to the building).

- E. Alternative Landscape Plan - In lieu of the recommendations in subsections A through D above and in order to provide flexibility and creativity in landscape design, the Zoning Administrator may approve an alternative landscape plan which includes any combination of shade trees, ornamental trees, coniferous trees, or hedge plants/shrubs, provided that the total amount of plant materials along the building remains proportional to the recommendations in subsections A through D of this Section 5000.4, Foundation Landscaping. The alternate landscaping need not be contiguous to or adjacent to the foundation, but may be clustered in a different location on site meeting the intent of this ordinance. If there is insufficient landscaping area to provide required landscaping, aboveground planters (built-in or moveable) or decorative pots maybe installed, provided the above-ground planters or decorative pots are of sufficient size to support the tree at maturity. If the Zoning Administrator does not approve the alternate landscape plan, the applicant may appeal the Zoning Administrator's decision and take the alternate landscape plan to the Goshen City Plan Commission for appeal.

**Section 5000.5            Off-Street Parking Area Landscaping**

All new off-street parking areas containing thirty (30) parking spaces or more and all off-street parking areas which are increased, after the effective date of this ordinance, by thirty (30) parking spaces or more, whether such increase occurs at one (1) time or in successive stages, shall be subject to the following landscape regulations:



Example of Off Street Parking Area Landscaping

- A. Off-street parking areas shall include at least one (1) required interior landscape island or peninsula for every twenty (20) parking spaces.
- B. Each required interior landscape island or peninsula shall measure a minimum of eight feet by eighteen feet (8' X 18').
- C. Each required interior landscape island or peninsula shall contain a minimum of one (1) tree.
- D. Interior landscape islands or peninsulas shall be located at the end of parking bays to define vehicular and pedestrian traffic patterns.
- E. Off-street parking area landscaping required under this section shall be in addition to any other required landscaping.

- F. Groundcover shall make up the balance of the landscape islands or peninsulas



Example of Off Street Parking Area Landscaping

- G. Off-street parking areas shall include areas used for the parking or display of automobiles, boats, truck or farm equipment associated with a dealership or leasing business.
- H. Off-street parking areas shall not include areas used for semi-truck loading areas, semi-truck maneuvering areas, and semi-truck parking areas.
- I. If an off-street parking area is located in a yard or an otherwise vacant lot that is adjacent or contiguous to, or across the street from, a residential use or a residential zoning district, the off-street parking area shall be screened by a compact row of shrubs/hedge plants, planted four feet on-center (4' on center) a minimum of eighteen inches (18") in height at the time of planting and located between the lot line and the edge of the improved portion of the parking area. If an off-street parking area is not adjacent or contiguous to, or across the street from, a residential zoning district or a residential use, the developer may substitute one (1) deciduous shade tree for every ten (10) hedge plants or shrubs, or substitute one (1) ornamental tree for every six (6) hedge plants or shrubs.
- J. Alternative Landscape Plan - In lieu of the above requirements of this section and in order to provide flexibility and creativity in landscape design, the Zoning Administrator may approve an alternate landscape plan. If the Zoning Administrator does not approve the alternate landscape plan, the applicant may appeal the Zoning Administrator's decision and take the alternate landscape plan to the Goshen City Plan Commission for approval. The alternate landscape plan shall be prepared in accordance with the following requirements:
1. The area required to be devoted to individual interior landscape islands or peninsulas may be aggregated into one or more larger landscape islands. When aggregated into one or more larger landscape islands, such larger landscape islands shall, at a minimum, include the number of trees and shrubs/hedges and area of landscaping as required for the respective individual interior landscape islands or peninsulas and shall function to preserve existing trees, create boulevard treatments, create landscape features, create common open space areas for passive recreational activities, or define vehicular and pedestrian traffic patterns.
  2. An alternate landscape plan may include hedge plants or shrubs in combination with an ornamental or decorative fence, a masonry wall, or an undulating earthen berm, provided that between a front, side, or rear building line and the corresponding lot line:
    - a. The ornamental or decorative fence or masonry wall is not less than twenty-four inches (24") in height nor more than thirty-six inches (36") in height, with an open space percentage equal to or less than seventy (70) percent; or,



- b. The undulating earthen berm is not less than twenty-four inches (24") in height nor more than thirty-six inches (36") in height, has a minimum crown width of two (2) feet and has a side slope of not greater than three feet horizontal to one foot vertical (3:1); and
- c. The total number of shrubs/hedge plants shall not be reduced by more than fifty percent (50%) of the number of shrubs/hedge plants required in Section 5000.5 – Off-Street Parking Area Landscaping, above.

**Section 5000.6            Minimum Plant Material Sizes at Planting.**

All plant materials specified by this Section 5000 – Landscape Regulations shall comply with the minimum sizes at time of planting as specified in Table 3 below.

TABLE 3: MINIMUM SIZE AT TIME OF PLANTING	
Plant Category	Minimum Size
Deciduous Shade Tree	2 inch caliper at 1' above the ground
Deciduous Ornamental Tree	1 ½ inch caliper at 1' above the ground
Coniferous Tree	6' high
Coniferous Tree (Narrow Spread)*	4' high
Hedge Plants / Shrubs	18" high

\* – Coniferous Tree (Narrow Spread), such as arborvitae, may only be used as an alternate plant material

**Section 5000.7            Installation of Landscaping.**

- A. All landscaping plant materials required by this section shall be planted in soil prepared in accordance with good landscaping practices and shall be installed prior to the issuance of a final certificate of occupancy for the use of the real estate. If seasons, weather, or other conditions beyond the applicant's control create a situation which is not appropriate for the installation of landscaping required by this section immediately prior to the issuance of a final certificate of occupancy, the Zoning Administrator may issue a temporary certificate of occupancy pending the installation of landscaping required by this Section not later than three (3) months after the start of the next planting season.
- A. Excavated topsoil shall be stored on-site and redistributed over all planting areas meeting good landscaping practice standards for grass, shrubs, and trees.

**Section 5000.8            Maintenance of Landscaping.**

- A. Any required landscape planting material which is removed, diseased, dead, or no longer exhibiting healthy and normal growth, as determined by the Zoning Administrator, shall be replaced within three (3) months after the start of the next planting season.

- B. Required landscaping plant-materials shall be properly maintained. Lawns shall be kept mowed. Plants shall be properly groomed and maintained disease-free. Maintenance shall not be required, however, in naturally occurring dense growth areas approved as part of a Tree Save Area.
- C. Naturalized Landscaping is permitted in accordance with provisions of Ordinance Number 4066, passed and adopted by Goshen Common Council, February 5, 2002, as may be amended from time to time. Naturalized landscaping shall be maintained and not contain weeds or other rank or noxious vegetation as defined in Ordinance Number 4066.

**Section 5000.9            Credit for Preservation of Existing Trees and Vegetation.**

- A. Credit for Preservation of Existing Trees and Vegetation – In order to encourage the preservation of existing trees and vegetation, the Zoning Administrator may approve a Preservation Landscape Plan which utilizes the designation of one or more Tree Save Areas in lieu of new plantings within a required landscape area. Such Preservation Landscape Plan shall:
  - 1. Demonstrate that sufficient trees or vegetation exhibiting the potential for long-term health and vigor shall be preserved to equal or exceed the level of landscaping required by the applicable basic provisions of Section 5000 – Landscape Regulations.
  - 2. Protect existing trees (see City Tree Ordinance 4008 for Standard Specifications). A tree may be preserved in the process of land development by maintaining it without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint at the drip line, such as temporary protective fencing, shall be provided to prevent alteration, compaction, or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the drip line of the tree.
  - 3. Provide that, in the event trees designated for saving in the Tree Save Area are damaged or die within three (3) years of completion of construction on the site, replacement trees shall be planted in the designated Tree Save Area sufficient to provide landscaping which, at a minimum, equals or exceeds the level of landscaping required by the basic provisions of Section 5000 – Landscape Regulations.

**Section 5000.10            Landscape Plan.**

At the time of (i) submission for a zoning clearance for a building or construction permit, or (ii) any requiring Plan Commission approval, a landscape plan, separate and apart from other required plans, shall be submitted as part of the submission or application as the case may be and made a part of the file. However, no landscape plans shall be required for single-family or two-family residential developments.

- A. Landscape plans shall include provisions for landscaping in the following locations for landscaping, as applicable:
  - 1. Streetside
  - 2. Bufferyards

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3. Foundation
4. Off Street Parking Areas

B. Landscape plans shall include provisions for the following types of landscaping, as applicable:

1. Open Landscaping (OL)
2. Partial Landscaping (PL)
3. Full Landscaping (FL)

C. Landscape plans shall contain the following information, unless specifically waived by the Zoning Administrator as allowed in this ordinance:

1. The location and dimensions of all existing and proposed buildings and structures, property lines, easements, parking lots and drives, signs, refuse containers, rights-of-way, parks and open space (dedicated for public or private use), and any other significant or unique features deemed necessary by the Plan Commission or Zoning Administrator.
2. The location of existing buildings and structures and any significant plant material on adjacent property within twenty (20) feet of the site.
3. The location, type, quantity, size, and names (both botanical and common) of all existing plant material, including trees and other significant material, indicating plant material to be retained and removed.
4. The location, type, quantity, size (where applicable) and names (both botanical and common), of all plant material, including but not limited to trees, hedge plants/shrubs, and ground cover, proposed for the site and intended to meet the landscaping requirements of this ordinance.
5. Existing and proposed grading of site indicating contours at two (2) foot intervals. Proposed berms shall be indicated using one (1) foot intervals and cross sections.
6. The notation of all trees on the site with a diameter of six (6) inches or greater at a point four (4) feet above grade, as well as details of estimated canopy size, health, and whether the tree is to be retained or removed.
7. Elevations of all fences and retaining walls proposed for the site.
8. Any other reasonable details on the site deemed necessary by the Plan Commission or Zoning Administrator.



**Section 5100**            **Signs.**

It the intent of this section to encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate. To ensure that the physical appearance of the community is protected and maintained, it is necessary to regulate the size, location, construction, and manner of the display of signs as set forth in this section. The regulations of this section shall govern and control the erection, alteration, relocation, maintenance, removal, and design of all signs outside the Historic Commercial District (Overlay District, which includes the Core Historic Commercial District), of the City of Goshen.

**Section 5100.1**            **General Provisions.**

- A. All signs shall be constructed, connected, operated, and maintained according to the specifications of the applicable building and electrical codes.
- B. All signs shall be maintained in a good state of repair.
- C. Unless otherwise provided by this Ordinance, the following illumination standards shall apply:
  - 1. Illumination shall be prevented from striking or causing a glare on the street or adjacent properties.
  - 2. Illumination shall be constant in intensity and color and shall not consist of flashing, animated, chasing or scintillating lights. Cool white lights shall be required for any sign that is interior lit.
  - 3. The intensity of illumination for the sign shall be even over the face of the sign with no bright spots.
  - 4. Freestanding signs that are illuminated externally shall be by concealed fixtures so that no reflectors, extension arms, or fixtures are visible from the street.
  - 5. Signs that are part of a building shall have internal lighting or a concealed means of illumination. The only exception shall be decorative fixtures that are consistent with the style of the building.

**Section 5100.2**            **Permitted Sign Types.**

- A. Freestanding Signs
  - 1. General Provisions
    - a. The sign, pole, or standard shall not extend beyond the property line or into the public right-of-way.
    - b. Freestanding signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is

attached and shall not be visible. Exposed guy wires, chains or other connections shall not be made a permanent part of the sign.

- c. All freestanding signs shall be located a minimum of five feet (5') from any property and right-of-way line.
- d. When measuring area, the area of only one face of a double-face freestanding sign shall be counted.
- e. The location of a freestanding sign shall be measured as the distance between the point of reference specified and the closest point on the sign.
- f. All freestanding signs shall be located in a landscaped area separated and protected from vehicular circulation and parking areas. A minimum of two (2) square feet of landscaping will be required for every one (1) square foot of sign face. All landscaped areas shall be maintained and kept in a good state of repair.
- g. Any freestanding sign adjacent to a residential use or residential zoning district shall not be illuminated, either internally or externally.

2. Height and Area

- a. The maximum height and area of permitted freestanding signs shall be limited to the following:

Lot Width	Maximum Height	Maximum Area
1-100 feet	8 feet	32 square feet
101-200 feet	15 feet	50 square feet
Over 200 feet	20 feet	60 square feet

- b. In the Commercial B-3 District along US 33, south of College Avenue and north of Riverside Boulevard, the maximum height of a freestanding sign shall be 20 feet (20') and the maximum area of a freestanding sign shall be 60 square feet in area for lot widths of two hundred feet (200') or less. For lot widths greater than two hundred feet (200'), the height and area for freestanding signs shall be limited to a maximum height of 22 feet (22') and a maximum area of 90 square feet.

B. Changeable Copy and Electronic Message Center Signs

1. Manual changeable copy signs are subject to the following:

- a. Lettering used on manual changeable copy signs directed to local or collector streets shall be at least 3 inches (3") in height.
- b. Lettering used on manual changeable copy signs directed to secondary or major arterial streets shall be at least 6 inches (6") in height.

c. Letters used on manual changeable copy signs directed to pedestrians shall be 1 inch (1") in height.

d. No more than sixty percent (60%) of the sign area may be changeable copy sign.

2. Electronic message center signs are subject to the following:

a. The electronic message center shall have no illumination which is in continuous motion or which appears to be in continuous motion. Continuous scrolling of messages is prohibited.

b. The electronic message center sign must show the entire message at one time.

c. The electronic message center sign shall not consist of flashing, scintillating, chasing or animated lights, and must remain static and depicted for a minimum of three (3) seconds.

d. The intensity of illumination shall not change within the context of the same message.

e. Electronic message center signs shall be programmed not to exceed 250 Nits during the day and 125 Nits at night.

f. Electronic message center signs are counted as part of the sign area. The sign face for electronic message centers on arterial or collector streets-must be a minimum height of 18 inches (18"). The sign face for electronic message centers on all other streets must be a minimum height of 15 inches (15").

g. An electronic message center sign shall not be added to any non-conforming sign.

h. Only one electronic message center sign is permitted per zoning lot.

i. No more than fifty percent (50%) of the sign area may be electronic message center.

j. Electronic message centers shall be permitted for all public or private schools, and churches, in any district (except in the Core Historic Overlay District) provided they meet the requirements herein.

### C. Wall Signs

1. Any number of wall signs is permitted provided that the aggregate area of all wall signs on any particular wall does not exceed the allowable percentage of signable wall area of the façade where the sign is placed, as depicted in Appendix G, Illustrations 3 & 4.

2. Wall signs shall be permitted on any wall of a primary building, provided the wall upon which the sign is located is visible from a dedicated public street.

3. Any wall sign adjacent to a residential use or residential zoning district shall not be illuminated, either internally or externally.
4. No wall sign shall project from the building wall more than eighteen inches (18").
5. The top of any wall sign shall be placed no higher than thirty feet (30') from finished grade or two (2) stories, whichever is less.
6. There shall be at least an eight foot (8') clearance between the grade of the sidewalk and the lowest point of a canopy sign.

D. Projecting Signs

1. The area of a projecting sign shall not exceed twenty-five (25) square feet.
2. One (1) projecting sign per street frontage for each ground floor use with a separate entrance shall be permitted, provided no other signs for such use are located on the same building wall.
3. Where a use has frontage on more than one street, there may be one projecting sign for each frontage, provided that only a sign computed for the frontage of the street shall face that street, or there may be one corner projecting sign, which shall be computed on the basis of one-half the frontage of the use on both streets.
4. Projecting signs require the use of lateral supports that are contained within the framework of the sign or lateral supports that run parallel to the sign frame.
5. The top of a projecting sign shall not extend above the roof line of the building, or sixteen feet (16') from grade, whichever is less. The lowest point of the projecting sign shall not be less than ten feet (10') above grade.
6. A projecting sign shall not project more than five feet (5') from a building wall, provided the closest point of the sign is a minimum of five feet (5') from any property and right-of-way line.
7. Any projecting sign adjacent to a residential use or residential zoning district shall not be illuminated, either internally or externally.

E. Temporary and Mobile Signs

1. There shall not be more than a total of one (1) mobile or temporary sign per zoning lot.
2. Temporary or mobile signs shall not exceed 50 square feet in area, excluding swallowtail streamers or temporary pennants.
3. Temporary pennants and swallowtail streamers shall be for temporary use only, not to exceed 120 days in a twelve month period of time following the issuance of a zoning clearance and



sign permit by the Goshen Building Department, if required. Temporary pennants and swallowtail streamers shall be displayed for a minimum interval of 60 days, no more than two times in a twelve month period of time.

4. Permanent pennants and fringe streamers may be displayed permanently provided they are kept in good repair.
5. A mobile or temporary sign shall be for temporary use only, not to exceed 30 days in a twelve month period of time following the issuance of a zoning clearance, and sign permit by Goshen Building Department if required; provided, the holder of said mobile or temporary sign permit may apply for a 30 day extension.
6. Flashing lights of any size, type or dimension shall be prohibited.

F. Human Signs

1. Human signs are permitted only in commercial and industrial zoning districts, or within commercial or industrial districts of a Planned Unit Development, except as prohibited in the Historic Commercial District.
2. Human signs shall not exceed ten (10) square feet in area.
3. Spinning, waving, bouncing, tossing, throwing or juggling of the human sign is prohibited.
4. No audio devices to attract attention to the sign or business shall be permitted.
5. Human signs shall meet Article V, Section 5180, Visibility Requirements, of the Goshen Zoning Ordinance, regulating visibility at street intersections and street and alley intersections.
6. Human signs must be located entirely on private property. No sign may be displayed on public property without permission of the Goshen Board of Public Works and Safety.
7. Human signs, provided they meet the additional requirements identified in other sections of this ordinance, shall be permitted without time limits.

**Section 5100.3**            **Permitted Signs by District**

- A. Signs permitted in the A-1 Agricultural District and R-1, R-1S, R-2, R-3, and R-4 Residential Districts are as follows:
1. The maximum aggregate area for all signs on the zoning lot, regardless of sign type, shall be no greater than eight (8) square feet.
  2. Only ground signs are permitted.

3. All signs must be located entirely on private property, meeting required setbacks.
4. In addition to any other permitted signs, any lot that is currently for sale or rent may have one additional sign, provided that it does not exceed seven (7) square feet in area and is removed within seven (7) days of the real estate closing or lease transaction.
5. In addition to any other permitted signs, in the R-3 and R-4 Residential Districts mobile home parks and apartment complexes are permitted one non-illuminated monument-style freestanding sign per street frontage, with each sign not exceeding 32 square feet in area and 8' in height, and meeting setback and landscaping requirements of this Ordinance.

B. Signs permitted in the B-1 Neighborhood Commercial District are as follows:

1. One temporary sign following this Ordinance.
2. One wall sign not exceeding 20% of the signable wall area on the façade of the wall facing a public street, flush-mounted and unlit.
3. One non-illuminated, monument style freestanding sign per zoning lot, not exceeding 32 square feet in area and 8' in height, and meeting setback and landscaping requirements of this Ordinance.
4. One ground sign is permitted.
5. In addition to any other permitted signs, any lot that is currently for sale or rent may have one additional sign, provided that it does not exceed seven (7) square feet in area and is removed within seven (7) days of the real estate closing or lease transaction.
6. In addition to any other permitted signs, any lot where a business is operated may have one window sign, provided that sign does not occupy more than twenty-five percent (25%) of the total area of the windows facing a street frontage up to a maximum of twenty (20) square feet in area.

C. Signs permitted in the B-2, B-3, and B-4 Commercial Districts, and the M-1 and M-2 Industrial Districts, are as follows:

1. Temporary and mobile signs following this Ordinance.
2. Projecting signs following this Ordinance.
3. Wall signs following this Ordinance, with sign area not exceeding forty percent (40%) of the signable wall area of the façade on which the wall sign is located.
4. With the exception of Planned Shopping Centers and Planned Industrial Parks, there may be only one freestanding sign per zoning lot.
5. Planned Shopping Centers and Planned Industrial Parks permit one freestanding sign for the first 200 feet of frontage and one additional freestanding sign for every additional 300 feet of frontage contained in the project.

6. One ground sign is permitted, along with one ground sign at each entrance or exit.
7. Manual changeable copy signs and electronic message center signs shall be permitted when incorporated into a permitted wall or freestanding sign, subject to all applicable standards.
8. In addition to any other permitted signs, any lot that is currently for sale or rent may have one additional sign, provided that it does not exceed seven (7) square feet in area and is removed within seven (7) days of the real estate closing or lease transaction.
9. In addition to any other permitted signs, any lot where a business is operated may have one window sign, provided that sign does not occupy more than twenty-five percent (25%) of the total area of the windows facing a street frontage up to a maximum of twenty (20) square feet in area.

**Section 5100.4            Lawful Non-Conforming Signs.**

Any sign lawfully existing at the time of the passage of this Ordinance may be continued or maintained subject to the following:

- A. The owner or beneficial user of any non-conforming sign shall maintain such sign in good and safe condition and repair. The sign structure shall not be changed or altered in any manner, except for normal day-to-day maintenance. Face changes are permitted, provided the face change does not involve any structural changes to the existing sign. The sign shall not be moved in whole or part to any other location. The lawful non-conforming status of the sign shall be lost when the sign is replaced.
- B. Any non-conforming sign which is damaged or destroyed by any means in excess of fifty percent (50%) of its fair market value immediately preceding the damage or destruction shall be removed immediately.
- C. Any non-conforming sign which is abandoned, as defined in Section 5100.4, shall be removed within ten (10) days after given notice.
- D. Non-conforming signs which are within ten percent (10%) of compliance of any height, area or location requirement and which conform to all other provisions of this section, shall be considered conforming for purposes of these regulations.

**Section 5100.5            Abandoned Signs.**

- A. Any sign which is located on property which becomes vacant for greater than sixty (60) days shall be presumed to have been abandoned.
- B. Any sign which has been abandoned shall be removed, or have the face replaced with a weatherproof, blank face by the owner, agent or person having the beneficial use of the building, structure or zoning lot upon which such a sign is located within ten (10) days after given notice. Failure to comply with this section shall constitute a violation of the Zoning Ordinance subject to Article VI, Section 6260.

**Section 5100.6**            **Sign Permits.**

After the effective date of this ordinance, no sign, permanent or temporary, shall be erected or altered except in accordance with the provisions of this ordinance.

- A.     A sign permit shall become null and void unless work thereon is substantially under way within four months of the issuance of said permit, provided however, that when a sign permit is issued in connection with a building permit for the site on which the sign is to be located, the sign permit shall run concurrent with the building permit. The holder of a sign permit may apply through the Zoning Administrator for a three month extension on the permit within ten working days of the expiration date. A sign permit shall be renewed only once, after which time the permit shall be null and void.
- B.     Temporary signs shall be issued with a temporary sign permit for a period not to exceed 30 days. The holder of a temporary sign permit may apply through the Zoning Administrator for a 30 day extension on the permit within ten working days of the expiration date. A temporary sign permit shall be renewed only once, after which time the permit shall be null and void.

**Section 5100.7**            **Sign Permit Application.**

Application for a sign permit shall be made to the Zoning Administrator and shall include the following information:

- A.     Location of the building, structure, or land to or on which the sign is to be erected.
- B.     The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
- C.     The dimensions of the sign's structural members.
- D.     The proposed location of the sign in relation to the face of the building or to the lot lines of the property on which it is to be located, whichever is applicable.
- E.     Statements by the owner, in written form, that:

The City of Goshen shall be held harmless from any claims, damages, liabilities, losses, actions suits, or judgments which may be brought, presented, sustained, or obtained against the City of Goshen or its officials because of the negligence of the sign hanger, contractor, or his agents, or by reason of defects in the construction, or damages resulting from the collapse or failure of a sign. The owner shall maintain the sign by repairing peeled surfaces and replacing inoperative components. Should the owner fail to maintain the sign as outlined herein within a reasonable time, the City of Goshen shall remove the sign after first giving the owner of the sign 30 days written notice of its intent to do so.

**Section 5100.8**            **Standards for Review and Approval.**

- A.     The Zoning Administrator shall review an application for a sign permit and issue such permit in accordance with the provisions of this ordinance or deny the application within ten working days of its receipt.

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- B. Where required under the provisions of this ordinance, the application shall also be reviewed by the Historic Preservation Commission in which case, the Zoning Administrator shall be required to issue the permit or deny the application within ten days of receipt of the recommendation of the Historic Preservation Commission.
- C. If the Zoning Administrator does not take such action within the specified period of time, the sign permit shall be granted upon demand by the applicant.

### **Section 5100.9            Sign Permit Exceptions.**

The following signs and alterations to signs shall not require a sign permit:

- A. Ordinary maintenance and repair to existing signs, provided that such work does not affect the structure to a degree greater than 25 percent of the current replacement cost, exclusive of the structural support of the sign.
- B. Change of copy on changeable copy signs.
- C. Home occupation signs meeting the conditions of the home occupation criteria as described in this Ordinance.
- D. Ground signs.

### **Section 5100.10            Prohibited Signs**

The following signs are not permitted in any district within the City of Goshen:

- A. Mobile and temporary signs shall not be permitted, except under a Temporary Sign Permit.
- B. Signs which are structurally unsafe, as determined by the Building Commissioner.
- C. Signs obstructing free ingress or egress from a required exit, or which prevent light or ventilation as required in local codes and ordinances.
- D. Signs which by reason of size, location, content, coloring, or illumination violate state highway standards.
- E. Signs, words, phrases, symbols, colors, or characteristics which may mislead, interfere with, or confuse traffic.
- F. Signs erected on or attached to any sidewalk, street, highway right-of-way, curb, curbstone, hydrant, lamp pole, tree, barricade, temporary walkway, telephone, telegraph, or electric light pole, other utility pole, public fence, or on a fixture of the fire alarm or police system.
- G. Signs which involve revolving or rotating beams of light.
- H. Inflatable Displays
- I. Roof-mounted Signs
- J. Revolving Signs
- K. Strings of pennants, propellers, pinwheels, streamers and other similar small objects except as permitted as temporary signs.



**Section 5110            Parking Requirements.**

It is the intent of this section to establish minimum off-street parking requirements for permitted and conditional uses based on the peak-hour demand for parking space under normal circumstances. It is further the intent of this section to set forth standards by which to improve circulation within parking lots, as well as to ensure adequate access into the public right-of-way.

**Section 5110.1            General Provisions.**

- A.     Parking facilities shall be provided for all uses constructed, established, moved, or changed.
- B.     All parking facilities shall be located on the same lot as the structure or use served, except as herein provided in section 5110.2, Off-Site Parking Facilities.
- C.     Additional parking facilities shall not be required where a non-conforming use is repaired or renovated to an extent of less than 50 percent of the replacement cost, provided that the original use is not increased in intensity or changed so as to require additional facilities.
- D.     Where repair, renovation, or alteration exceeds 50 percent of the replacement cost, parking facilities shall be provided in accordance with the requirements for a new structure.
- E.     Mobile homes shall not be parked or stored, except on the premises of a permanent mobile home establishment or in a mobile home development, except as permitted by the Board of Zoning Appeals in accordance with article VI, section 6120.
- F.     Trucks, tractor-trailer combination vehicles, and detached trailers in excess of one ton capacity shall not be parked or stored in any residential area and shall only be stored in any other district except as provided in this ordinance.
- G.     Recreational vehicles, boats, and boat trailers shall not be parked or stored in front of the rear line of the primary structure in a residential district.
- H.     Parking requirements for a use not specifically listed in the parking requirements contained herein shall be the same as for a listed use of similar characteristics of parking demand generation as determined by the Zoning Administrator.
- I.     In the case of mixed uses, uses with different parking requirements occupying a building or premises, the spaces required shall equal the sum of the requirements of the various uses computed separately.
- J.     Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- K.     All on-site parking spaces required to service the principal building or use shall be located on the same Zoning lot as the principal building or use unless otherwise provided for in this ordinance.

**Section 5110.2            Off-Site Parking Facilities.**

When an increase in the number of parking spaces is required by a change of use or an enlargement of a use, or when practical difficulties prevent the location of the parking spaces from being on the same lot, the spaces may be located on a separate lot, providing that the following terms are met:

- A.     The off-site lot is within 300 feet of the nearest entrance used by the general public.
- B.     The zoning of the off-site parking lot allows parking.
- C.     The off-site parking lot shall be owned by the same person as the use that it will serve, or a written agreement shall be properly drawn and executed by the parties concerned, approved as to the form by the City Attorney, and recorded in the Office of the County Recorder, assuring that the owner of the lot to be used for parking, his or her heirs and assigns will maintain the required parking spaces during the existence of the use the parking lot is intended to serve. A copy of said agreement shall also be filed with the Office of the Zoning Administrator.
- D.     The parking lot shall meet all design standards herein set forth.

**Section 5110.3            Design Standards.**

The following design standards shall apply to all required parking lots and spaces:

- A.     Parking facilities may occupy any portion of a lot, provided that:
  - 1.    Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot; and
  - 2.    Garages and carports shall be subject to applicable side yard requirements.
  - 3.    Parking lot and driving aisle setbacks shall maintain the same as established for accessory buildings of the district in which they are located or designated on the official Zoning Map of the City of Goshen.
- B.     All parking facilities shall be arranged so that parking maneuvers shall be accomplished without entering a public right-of-way or walkway within or adjoining the facility, and further:
  - 1.    Access drives shall be located in accordance with city standards.
  - 2.    Access shall be only from the district in which the facility is located.
- C.     Land area dimensions of parking facilities shall follow these minimum standards:

<b>Parking Angle</b>	<b>Stall Width</b>	<b>Stall Depth<sup>1</sup></b>	<b>Aisle Width</b>
0 degrees	9'	23.0'	12'
30 degrees	9'	17'	11'
45 degrees	9'	19.5'	13'
60 degrees	9'	21'	18'
90 degrees	9'	20.0'	24'

<sup>1</sup> Perpendicular to aisle.

- D.     All areas for parking and maneuvering shall be paved or improved in conformance with the standards established by the Board of Works.



- E. Adequate lighting shall be provided if facilities are operated after 6:00 p.m.
- F. When required by other parts of this ordinance, parking facilities shall be effectively screened from residential uses, except when the use is served by the parking facility.
- G. Screening shall be in accordance with article V, section 5190 of this ordinance.
- H. Off-street parking requirements shall be computed on the following units of measure:
  - 1. Every 20 inches of pew, bench, or other seating space shall count as one seat.
  - 2. The shift or employment period (be it daily or seasonal) during which the greatest number of employees is present shall determine the number of employees.
  - 3. When the unit of measurement determining the number of required parking stalls resulting in a fraction of one-half or more, an additional parking stall shall be required.
- I. When a determination of the number of off-street spaces required by this section results in a requirement of a fractional space, the parking spaces required shall be construed to be the next highest whole number.

**Section 5110.4            Table of Parking Requirements.**

The table of parking requirements is included in Appendix F.

**Section 5120            Loading Requirements.**

Loading facilities shall be provided on the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, in accordance with the provisions of this section and in the amount set forth in the Table of Loading Requirements.

**Section 5120.1        Design Standards.**

- A. Loading berths may occupy any portion of a lot, provided that they shall not be permitted in any required front or side yard.
- B. All loading facilities shall be arranged so that all maneuvers shall be accomplished without entering a public right-of-way or walkway, and further:
  - 1. Access drives shall be located in accordance with city standards.
  - 2. Access shall be only from the district in which the facility is located.
  - 3. Drives shall be directly accessible to the building or structure served.
- C. Loading berths shall be a minimum of ten feet in width and 50 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of 14 feet.

- D. All loading berths and maneuvering areas shall be in conformance with the standards established by the Board of Works.
- E. Loading facilities be effectively screened from an adjacent residential district or residential use.
- F. Screening shall be in accordance with article V, section 5190, of this ordinance.
- G. Loading requirements shall be computed on the basis of the gross floor area.

**Section 5120.2            Table of Loading Requirements.**

Loading requirements shall be established for permitted and conditional uses, irrespective of the zoning district in which they are located, as follows:

<b>TABLE OF LOADING REQUIREMENTS</b>		
<b>Use</b>	<b>Gross Floor Area</b>	<b>Loading Requirements</b>
Dormitories and Other Group Housing Facilities, Hotels, Motels, Hospitals and Institutions	Less than 50,000 square feet	1
	50,000 to 100,000 square feet	2
	Each additional 100,000 square feet	1 additional
Offices and Professional Uses, Retail and Wholesale, Manufacturing and Additional Storage	Less than 20,000 square feet	1
	20,000 to 100,000 square feet	2
	100,000 to 500,000 square feet	3
	Each additional 100,000 square feet	1 additional

**Section 5130**                    **Fence Regulations.**

**A.        General Provisions.**

1. No fence or wall shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects, nor be electrically charged, except that barbed wire may be used at the top portion of a permitted fence in an industrial district.
2. All fences and walls permitted herein may be located immediately adjacent to the lot lines, but shall be located entirely on the lot.
3. Visibility Requirements, article V, section 5180, of this ordinance, shall take priority over the provisions of this section in location and height of permitted fences.
4. All fences and walls shall be kept in a state of good repair.

**B.        Fences Permitted in Residential and Business Districts.**

1. Fences and walls not exceeding four feet in height shall be permitted in the front yard.
2. A fence or wall, not more than eight feet in height, may be installed in the side and/or rear yards of any lot in a residential or business district. On a through lot where such rear yard or portion thereof abuts a front yard of an adjacent property, said fence or wall shall not exceed four feet in height, unless the fence is screening outside storage; then it must meet the requirements of article V, section 5190, of this ordinance.

**C.        Fences Permitted in Industrial Districts.**

1. In an industrial district, a fence or wall, not to exceed 12 feet in height, may be installed immediately adjacent to any property line subject to Visibility Requirements, article V, section 5180, of this ordinance. In an industrial district, barbed wire may be used at the top portion of a permitted fence or wall if located more than six feet above the adjacent ground level. Such permitted barbed wire shall be considered part of the fence height restrictions.

**D.        Fences Around Junk Yards or Automobile Wrecking Yard.**

1. An opaque fence, not less than eight feet in height, nor more than 12 feet in height, shall be maintained in a state of good repair around all junk yards and/or automobile wrecking yards subject to the Visibility Requirements of article V, section 5180, of this ordinance. It is the intention of this provision that required fences shall be more attractive than the view they are constructed to obscure.

**Section 5135**                    **Solar Panel Regulations.**

- A. Solar panels shall be located such that reflected solar glare shall not be directed onto adjacent structures, properties or roadways.
- B. Solar panels shall be kept in a state of good repair.
- C. Inoperable, non-functioning, and poorly maintained solar panels shall be removed by the owner, agent or person having the beneficial use of the building, structure or zoning lot upon which the solar panels are located within 90 days after given notice.

**Section 5140**                    **Primary Buildings or Structures.**

- A.     More than one primary structure may be constructed on a single parcel in the R-3 and R-4 Residential District, the B-2, B-3, and B-4 Commercial Districts, and in the M-1 and M-2 Industrial Districts, provided that all requirements of this ordinance shall be met for each primary structure and accessory structure as though it were on an individual lot.
- B.     All other zoning districts in this ordinance shall allow only one primary building or structure per lot.

**Section 5150**                    **Accessory Uses.**

Accessory uses are defined in article II, section 2110, of this ordinance, and the following regulations shall apply to said accessory uses:

- A.     Accessory buildings may only be constructed subsequent to the primary use being established and a building permit obtained for said primary building. No accessory building shall be used prior to the primary building or use, except as a construction facility for such primary use during construction. At no time shall it be used for residential purposes.
- B.     Accessory buildings shall not exceed 14 feet, or one story in height, unless specifically permitted in a given district.
- C.     Accessory buildings shall meet the yard requirements set forth in the individual zoning district regulations for side and rear yards.
- D.     Accessory buildings shall meet the front yard requirements for primary buildings as set forth in the individual zoning district regulations.

**Section 5160**                    **Street Access - Primary Structures or Buildings.**

Every primary building or structure shall have direct access to a public street, or to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, emergency vehicles, and required off-street parking.

**Section 5170**                    **Parking, Storage or Use of Major Recreational Equipment and Other Vehicles.**

- A.     No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or on any location not approved for such use.
- B.     Automotive vehicles including campers and motor homes, of any kind or type without current license plates, shall not be parked or stored for more than seven days on any residentially zoned property other than in completely enclosed buildings.

**Section 5180**                    **Visibility Requirements.**

- A.     **Street Intersection Visibility Requirements.** On a corner lot, in any district, no fence, hedge, or other structure shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and eight feet above the established grade level of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the point of the intersection, except that the location of principal buildings, traffic control devices and public utility fixtures shall not be affected by this requirement (shown as Diagram #4 in Appendix C).

- B. **Driveway and Alley Visibility Requirements.** At the intersections of driveways and alleys with streets, no fence hedge, wall, sign or other structure shall be erected, placed, or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and ten feet above the established driveway or alley grade level in the area bounded by the driveway or alley lines and lot lines and a line joining points along said lines ten feet from the point of intersection of such driveway or alley lines and such lot lines (shown as Diagram #4 in Appendix C).

**Section 5190                      Screening Requirements.**

The following screening requirements shall apply to all zoning districts requiring screening, except where specific requirements are stated in the district regulations:

- A. Screening materials shall be a minimum of six feet in height and shall be opaque.
- B. Screening location shall meet the Visibility Requirements set forth in section 5180, of this ordinance.
- C. Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions and shall be not less that four feet high and which at maturity are not less than eight feet high.
- D. When plant materials are used, a strip of land a minimum of six feet in width shall be reserved for the plant materials.
- E. Where permitted, all outside storage areas shall be screened from contiguous or adjacent residential uses or residential zoning district boundary lines.
- F. Outside storage shall be screened from any street and/or public right-of-way.



**Section 5200**                    **Conditional Uses.**

As shown in article IV, section 4120, Table of Permitted Uses, the following uses are hereby designated as conditional uses. All uses shown here are subject to the requirements set out in this section except that wherever a conflict occurs between the conditions set out in this section and the requirements of other sections of this ordinance, the conditions established in this section shall take precedence.

**Conditional Use**

- Adult Arcade
- Adult Bookstore, Adult Novelty Store, and/or Adult Video Store
- Adult Business
- Adult Cabaret
- Adult Entertainment Center
- Adult Motel
- Adult Theater
- Airports
- Amusement Centers (Video Arcade)
- Animal Clinics & Hospitals
  - A. No outside Pens or Runs
  - B. With outside Pens or Runs
- Asphalt Product Manufacturing and/or Batch Plant
- Auction Houses (Agriculture)
- Automobile Body Shops
- Automobile Dismantling & Impoundment Yards
- Automobile Repair Shops
- Boarding Houses
- Campgrounds
- Cemeteries
- Chemical Manufacturing and/or Processing
- Child Care Centers
- Child Care Homes
- Chiropractor Office
- Churches, Chapels, Temples, Synagogues, etc.
- Community Centers
- Concrete Products w/ Batch Plant
- Confined Feeding Operations
- Contractor's Materials & Supplies (Outside Storage Included)
- Convents & Monasteries
- Drive-in Establishments
- Dwelling Units
- Electrical & Plumbing Sales, Wholesale (Outside Storage Included)

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### **Conditional Use**

Extraction & Related Industries

Family Care Centers

Family Care Homes

Farm Implements

Feed, Fertilizer, Seed Sales

Fertilizer Manufacturing

Gas - Liquefied Petroleum, Bottled & Bulk Storage & Manufacturer

Gasoline Service Stations

A. Gasoline Service Stations (Major Repair)

B. Gasoline Service Stations (Minor Repair)

Golf Courses (Quasi-Public)

Grazing & Pasture

Greenhouses, Private

Group Care Homes (7 to 12 Occupants)

Group Housing Quarters (Dormitories, etc.)

Gun Clubs (Indoor Range)

Heliport

Home Occupations

Hospitals, Institutions, & Sanitariums

Junkyards

Kennels (with outside pens and/or runs)

Land Reclamation Projects

Library, Branch

Lodging Houses

Massage Establishments

Meat & Poultry Packing & Processing

Mining

Model Homes

Non-permanent Food Vendor

Nursing Homes

Offices

Paper Products Manufacturing

Parks, Playgrounds, Tot Lots & Public Golf Courses

Poultry

Race Tracks

Research & Development Facilities (Involving Fire or Explosive Hazards, Radioactivity or 7Dangerous Gases)

Roadside Stands

Rooming Houses

Sanitary Landfills



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**Conditional Use**

Schools (Elementary, Middle & High)

Sexual Encounter Center

Slaughterhouses, Meat & Poultry, Packing & Processing

Social Rehabilitation Centers

Storage, Inside (Involving Fire or Explosive Hazard, Radioactivity or Dangerous Gases)

Swimming Pools (Quasi-public)

Swimming Pools (Private)

Tattoo Parlors

Tennis Courts (Quasi-public)

Tennis Courts (Private)

Theaters, Drive-in

Tourist Homes

Tower, Data Communication

Utility Substations

Veterinary Clinics & Hospitals

5201            Review of Conditional Uses

5202            Appeal

5203            Variance

**Adult Arcade.**

Adult Arcades shall be permitted in the B-3 General Commercial District provided that they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Adult Bookstore, Adult Novelty Store, and/or Adult Video Store.**

Adult Bookstores, Adult Novelty Store and/or Adult Video Store shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Adult Business.**

Adult Businesses shall be permitted in the B-3 General Commercial District provided that they meet the following requirements:

- A. Adult Businesses shall be located a minimum of 1,500 feet from any school building, school playground, public park, church building, established licensed day care, and at least 1,500 feet from another adult business.
- B. Adult Businesses shall not be located adjacent to or contiguous to a residential use or any residential zoning district boundary line. Said residential use or zoning district boundary line shall include ones inside the city limits of Goshen and outside the city limits line.
- C. There shall be no outside display of merchandise. Merchandise shall not be visible from the outside. Any identification sign shall not be greater in area than 20 square feet and must contain notification that customers must be 18 years of age to enter.

**Adult Cabaret.**

Adult Cabarets shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Adult Entertainment Centers.**

Adult Entertainment Centers shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Adult Motel.**

Adult Motels shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Adult Theater.**

Adult Theaters shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Airports.**

Airports shall be permitted in the M-2 Industrial District provided that they meet all other local requirements and meet all current state and federal regulations.

**Amusement Centers (Video Arcades).**

Amusement centers or video arcades shall be permitted in the B-3 General Commercial District provided that they meet the following requirements:

- A. Amusement Centers or Video Arcades shall be located a minimum of 1,500 feet from any school building, school playgrounds, public parks, church buildings, and at least 1,500 feet from another such center or arcade.
- B. The room where the machines are located shall be separated from any other uses in the same building and shall be separated from pedestrian circulation to and from other uses.
- C. Said room shall be designed so that there is an attendant within the room, or so that said attendant can easily see and supervise the interior of the room from outside.
- D. Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two feet shall be provided per machine where the machine is designed for use by one player, and three and one-half feet where the machine is designed for use by two players. The depth of the space in front of the machine shall be at least five feet, and there shall be a minimum aisle width beyond this five feet of an additional three feet.
- E. Readily visible signs shall be installed stating that the use of the machines or games by persons under 16 years of age shall not be permitted during normal school hours, and where the premises are used primarily for the serving or consumption of liquor, the use of the machines or games by persons under the age of 21 is prohibited at all times.

**Animal Clinics & Hospitals (Veterinary Clinics).**

Animal clinics and hospitals with no outside pens or runs shall be permitted in the B-3, Commercial District and in the M-1 and M-2 Districts provided that they meet the following requirements:

- A. The facilities be located on lots that have a minimum of 10,000 square feet.
- B. The facilities shall be sound-proofed, air conditioned, heated, and have no outside pens or runs.
- C. The buildings or structures shall be located a minimum of 50 feet from adjacent side and rear property lines, except where the adjacent uses are residential or are residentially zoned. Then the side and rear yards shall be increased to 100 feet.
- D. The sanitary systems for such facilities shall be subject to approval of the health department.

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Animal clinics and hospitals with outside pens and/or inside pens shall be permitted in the M-1 and M-2 Industrial Districts provided that they meet the following requirements:

- A. Said facilities shall be located on lots that have a minimum of 20,000 square feet.
- B. Openings in the building from the pen or run be provided or some sort of cover be provided for the animals in case of inclement weather.
- C. Buildings and pens or runs shall be located a minimum of 100 feet from adjacent side and rear property lines, except where the adjacent uses are residential or residentially zoned. Then the side yards and rear yard shall be increased to 300 feet.
- D. The sanitary systems for such facilities shall be subject to approval of the health department.

### **Asphalt Product Manufacturing and/or Batch Plant.**

The requirements for this use will be found under Extraction and Related Industries, of this ordinance.

### **Auction Houses (Agricultural).**

Agricultural Auction Houses shall be permitted in the A-1 Agricultural District provided that they meet the following requirements:

- A. If animals are to be stored on the premises, Auction Houses shall meet the requirements set forth in Confined Feeding Operations of this ordinance.
- B. Auction Houses shall be located on a lot with a minimum of five acres.

### **Automobile Body Shops.**

Automobile body shops shall be permitted in the B-3 General Commercial District provided that they are in completely enclosed buildings.

### **Automobile Dismantling and Impoundment Yards.**

Automobile dismantling and impoundment yards shall be permitted in the M-2 Industrial District provided that they meet the following requirements:

- A. Said uses shall be located on a lot having a minimum size of one acre.
- B. Buildings or structures shall be located a minimum of 50 feet from all property lines except where the adjacent uses are residential or are residentially zoned. Then the side yard and rear yard setbacks shall be in accordance with yard requirements in the M-2 Industrial District.
- C. Outside storage in this district shall include the storage of autos, trucks, and auto and truck parts. These areas must meet the requirements of the M-2 Industrial District.
- D. Screening of these uses shall be in accordance with article V, section 5190, in this ordinance, and in accordance with the requirements of the M-2 Industrial District.
- E. Machinery required for such operation shall be installed and operated so as to minimize noise and vibration.

**Automobile Repair (without gas pumps/major repair).**

Automobile repair shall be permitted in the B-3 General Commercial District provided that they are in completely enclosed buildings.

**Boarding Houses.**

Boarding houses shall be permitted in the R-1S Special Residential District provided that they meet the R-3 requirements.

**Campgrounds.**

Campgrounds shall be permitted in the A-1 Agricultural District provided that they meet the following requirements:

- A. Campgrounds shall have direct access to and from arterial or collector streets.
- B. Sanitary facilities for the campground must meet all local and state regulations regarding waste "dumping" and disposal.
- C. Campgrounds must be screened with a greenbelt as required under article V, section 5190, of this ordinance.
- D. Campgrounds shall be certified by the State of Indiana.

**Cemeteries.**

Cemeteries shall be permitted in the A-1 Agricultural and the R-1, R-1S, R-2 and R-3 Residential Districts provided that they meet the following requirements:

- A. Cemeteries shall be located on a site with a minimum of ten acres and shall meet the 2:1 ratio of depth to width explained under article IV, section 4130, of this ordinance.
- B. Cemeteries shall have direct access to and from arterial or collector streets.
- C. Building or structures located in the cemeteries shall be set back a minimum of 50 feet from all property lines.
- D. Graves shall be set back a minimum of 25 feet from all collector streets and/or 25 feet from all arterial streets.

**Chemical Manufacturing and/or Processing.**

Chemical manufacturing or processing plants shall be permitted in the M-2 Industrial District provided that they meet the following requirements:

- A. All manufacturing, processing and storage of chemicals must be in a completely enclosed building or structure.
- B. All hazardous chemical manufacturing or processing buildings must be set back 500 feet from any residential use or residential zoning district boundary.
- C. Chemical manufacturing or processing shall meet all other local, state or federal codes, ordinances and laws.

**Child Care Centers.**

Child care centers shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts in the B-1, B-2, and B-3 Commercial Districts, and in the PUD District, provided they meet the following requirements:

- A. The facility is located at least 1,000 feet by the most direct route from another child care center.
- B. The lot on which the facility is located provides at least 500 square feet of lot size per person for whom the center is licensed.
- C. There is at least 35 square feet of indoor play space and 50 square feet of fenced outdoor play area per child for whom the facility is licensed.
- D. There is one off-street parking space located in the side or rear yard for each ten children for whom the center is licensed, plus one additional parking space.
- E. The child care center is effectively screened from adjacent residential uses, meeting the requirements of Article V, Section 5000, Landscape Regulations for Development.
- F. If the child care center is located on arterial or collector streets, there is provided an off-street pickup area for children.
- G. If the facility is licensed to serve more than 25 children, there is provided at least 25 feet between the child care center structure and the adjacent property line.
- H. If the facility is licensed to serve more than 25 children, the lot on which the facility is located is a minimum of 20,000 square feet.
- I. The facility meets the other zoning requirements for the district in which it is located.
- J. A copy of the State of Indiana license or registration is on file with the Planning Office.

**Child Care Homes.**

Child care homes shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, in the B-1 and B-2 Commercial Districts, and in the PUD District, provided they meet the following requirements:

- A. The total number of full-time and part-time children does not exceed sixteen (16), including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative.
- B. Children will not be permitted to play outside if the yard where the children play is not completely fenced.
- C. All provisions of a Home Occupation of this Ordinance are complied with, except that traffic is permitted as necessary for dropping off and picking up children.
- D. A copy of the State of Indiana license or registration is on file with the Planning Office.

**Chiropractor Office.**

The requirements for this use will be found under Offices, of this ordinance.

**Churches, Chapels, Temples, Synagogues, etc.**

Churches, chapels, temples, synagogues, or other places of worship (not including, however, rescue missions or temporary revivals) shall be permitted in all districts provided that they meet the following requirements:

- A. Churches, etc. shall have direct access to and from arterial or collector streets.

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- B. Buildings or structures shall be set back a minimum of 50 feet from all residential uses or residential zoning district boundary.
- C. Parking areas adjacent to residential uses or residential zoning districts shall be screened in accordance with article V, section 5190, of this ordinance.
- D. Churches meeting the Conditional Use requirements are permitted the following signs:
  - 1. One monument style freestanding sign meeting the following requirements:
    - a. Maximum permitted area of 36 square feet.
    - b. Maximum permitted height of five feet (5').
    - c. Minimum setback of five feet (5') measured from any right of way and property line to the closest point on the sign.
    - d. Internally illuminated only.
    - e. Located in a landscaped area separated and protected from vehicular circulation and parking areas, with a minimum of two (2) square feet of landscaping required for every one (1) square foot of sign face. All landscaped areas shall be maintained and kept in a good state of repair.
  - 2. One non-illuminated wall sign meeting the following requirements:
    - a. Maximum permitted area of 36 square feet.
    - b. Not extending above the roof line of the building on which the sign is located.

### **Community Centers.**

Community centers shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts and in the PUD District provided that they meet the following requirements:

- A. Building and structures shall be located a minimum of 50 feet from all residential uses or residential zoning district boundary.
- B. Parking areas adjacent to residential uses or residential zoning districts shall be screened in accordance with article V, section 5190, of this ordinance.

### **Concrete Products with Batch Mixing Plant.**

The requirements for this section will be found under Extraction and Related Industries, of this ordinance.

### **Confined Feeding Operations.**

Confined feeding operations shall be permitted in the A-1 Agricultural District provided that they meet the following requirements:

- A. Building, structures or enclosures housing the confined feeding operation shall be a minimum of 150 feet from all property lines except that when such uses are adjacent to residential uses or residential zoning district boundary (other than the principal farm dwelling), the side and rear setbacks shall be increased to 300 feet.
- B. Confined feeding operations shall meet all other local and state codes, ordinances, and laws.

### **Contractors Materials & Supplies (outside storage included).**

Contractors materials and supplies, including outside storage, shall be permitted in the B-3 Commercial District provided that they meet the following requirements:

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- A. Building and structures shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.
- B. The outside storage area shall be screened by an opaque fence at least six feet in height.
- C. The outside storage area shall be subordinate in area to the principal use structure on the property which use must be a contractors materials and supply operation.

### **Convents and Monasteries.**

Convents and monasteries shall be permitted in the R-1, R-1S, and R-3 Residential Districts provided that they meet the following requirements:

- A. Convents and monasteries which include classrooms and dormitory facilities shall be located on sites having a minimum of one acre. Uses without classrooms, etc., shall be located on a site having a minimum of 20,000 square feet.
- B. All buildings or structures shall be set back a minimum distance of 50 feet from all adjacent residential uses or residential zoning district boundary. However, dormitories or group housing quarters located on the premises, heating or air conditioning equipment, laundry and kitchen facilities and parking areas, shall be located a minimum of 100 feet from an adjacent residential use.

### **Drive-In Establishment.**

Drive-in establishments shall be permitted in the B-2 and B-3 Commercial Districts provided that they meet the following requirements:

- A. All uses shall have direct access to and from arterial or collector streets.
- B. All uses shall be located a minimum of 500 feet from an automobile or gasoline service station or other drive-in establishment located on the same side of the street, as measured by a line along the right-of-way between the nearest property line.
- C. Buildings or structure shall be located a minimum of 50 feet from all residential uses or residential zoning district boundary.

### **Dwelling Units.**

Two family and single family attached dwelling units shall be permitted in the R-1S Special Residential District and in the B-2 Commercial District (Central Business District - CBD) provided that they meet the R-2 Residential District (Two Family) requirements, and in the case of the B-2 Commercial District (Central Business District - CBD), each dwelling unit must contain at least seven hundred twenty (720) square feet. Multi-family dwelling units shall be permitted in the R-1S Special Residential District and the B-2 Commercial District (Central Business District - CBD) provided they meet the R-3 Residential District (Multi-Family) requirements, and in the case of the B-2 Commercial District (Central Business District – CBD), each dwelling unit must contain at least seven hundred twenty (720) square feet. Single family dwellings shall be permitted in the B-2 Commercial District (Central Business District CBD) provided that they meet the R-1 Residential District (Single-Family) requirements.



**Electrical and Plumbing Sales, Wholesale (outside storage included).**

Electrical and plumbing sales, wholesale, including outside storage, shall be permitted in the B-3 district provided that they meet the following requirements:

- A. Buildings and structures shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.
- B. The outside storage area shall be screened by an opaque fence at least six feet in height.
- C. The outside storage area shall be subordinate in area to the principal use structure on the property which use must be an electrical and plumbing sales, wholesale, operation.

**Extraction and Related Industries.**

Extraction and related industries shall include, but not be limited to, mining and hauling of sand, gravel, or other aggregate and the processing thereof, including concrete batch plant and asphalt manufacturing, shall be permitted in the M-2 Industrial District provided that they meet the following requirements:

- A. Such uses shall be located on sites having a minimum of 40 acres in area.
- B. Such operations shall be conducted a minimum of 100 feet from adjacent property lines, provided, however, that when the adjacent property is also being mined, there shall be no side or rear yard requirements along the common property lines, and further provided that where such operations are located adjacent to a residential district or principal residential use, the side and rear yard requirements shall be increased to 300 feet. However, said setbacks may be reduced to 50 feet for adjacent uses other than residential and 200 feet for residential uses if soil borings are taken and certified by an engineer and if said borings indicate that no erosion or collapse will occur because of the nature and properties of the soil.
- C. All roads and access drives within the site shall be treated and maintained so as to remain dust-free at all times.
- D. Asphalt producing operations, concrete batch plants, crushing, washing or similar processing operations, equipment and facilities shall be located so as to minimize noise, vibration, and dust.
- E. If excavations are made to water-producing depth, the areas which are not permanently submerged shall be graded so as to eliminate the collection of stagnant water.
- F. Prior to commencing such operations, the owner shall execute an indemnity agreement in favor of the City Council for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time, as established in the agreement:
  - 1. A uniform contour which blends in with the topography of the surrounding area, shall be established throughout the excavated area;
  - 2. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six inches; and
  - 3. The excavated area shall be seeded, landscaped and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.
- G. When such uses are adjacent to residential uses, screening shall be installed in accordance with article V, section 5190, of this ordinance. Said screening shall be required along the property line adjacent to the residential use and for a distance of 100 feet past the residential use.
- H. Said operations shall be fenced to prevent unauthorized entrance.

**Family Care Centers**

Family Care Centers shall be permitted in the Residential R-3, Commercial B-2 and B-3, and Industrial M-1 Districts provided they meet the following requirements:

- A. The center is located at least 1,000 feet by the most direct route from another family care center.
- B. The lot on which the facility is located provides at least 500 square feet of lot size per guest at maximum capacity.
- C. The center provide on-site at least 35 square feet of indoor play area and 50 square feet of fenced outdoor play are per child. The center provide at least 35 square feet of indoor area and 50 square feet of outdoor area per adult.
- D. The family care center is effectively screened from adjacent residential uses.
- E. No more than 50% of the lot area shall be covered with buildings. This shall include both primary and accessory buildings, combined.
- F. If the family care center serves more than 25 guests, there is provided at least 25 feet between the family care center and the adjacent property line.
- G. If the family care center serves more than 25 guests, the lot on which the center is located shall be a minimum of 20,000 square feet.
- H. If the family care center is located on an arterial or collector street, there is provided an off-street pick-up area for guests.
- I. No overnight accommodations shall be provided.
- J. The family care center meets the other zoning requirements for the district in which it is located.

**Family Care Homes.**

Family care homes shall be permitted in the R-1, R-1S, R-2, and R-3 Residential Districts provided that they meet the following requirements:

- A. The facility is located at least 1,000 feet by the most direct route from another family care home, group care home, social rehabilitation center, or day care center.
- B. The lot on which the facility is located provides at least 500 square feet of lot size per person residing within the facility.
- C. The facility provides at least 60 square feet of sleeping area per resident in multiple sleeping rooms, and not less than 80 square feet of sleeping area in single rooms.
- D. The facility provides at least 80 square feet of living, dining, or activity area for each resident.
- E. The facility meets the other zoning requirements for the district in which it is located.

**Farm Implement Sales & Service (including outside storage).**

Farm implement sales and service shall be permitted in the B-3 Commercial District provided that they meet the following requirements:

- A. Said uses shall be located on a lot having a minimum of 20,000 square feet.
- B. Buildings and structures shall be located a minimum of 50 feet from the side and rear property lines when they are adjacent to a residential use or a residential zoning boundary.
- C. Outside storage and parking areas shall be a minimum of 25 feet from the side and rear property lines when they are adjacent to a residential use or a residential zoning boundary. Said screening shall be in conformance with article V, section 5190, of this ordinance.
- D. Product display shall not be allowed in the required front yard setback.

**Feed, Fertilizer & Seed Sales.**

Feed, fertilizer and seed sales shall be permitted in the B-3 Commercial District provided that they meet the following requirements:

- A. Said uses shall be located on a lot having a minimum of 10,000 square feet.
- B. Buildings, structures and outside storage shall be located a minimum of 25 feet from side and rear property lines when they are adjacent to a residential use or a residential zoning boundary.
- C. Outside storage and parking shall be screened from residential uses or residential zoning districts in conformance with article V, section 5190, of this ordinance.
- D. Outside product display will not be permitted.

**Fertilizer Manufacturing.**

Fertilizer manufacturing plants shall be permitted in the M-2 Industrial District provided that they meet the following requirements:

- A. All manufacturing, processing and storage of fertilizer must be done in a completely enclosed building for structure.
- B. Any hazardous material must be kept in a building set back 500 feet from any residential use or residential zoning district boundary.
- C. Said use shall meet all other local, state or federal codes, ordinances or laws.

**Gas - Liquefied Petroleum, Bottled & Bulk Storage & Manufacture.**

Said uses shall be permitted in the M-2 Industrial district provided that they meet the following requirements:

- A. All manufacturing or storage of said uses must be set back 500 feet from any residential use or residential zoning district boundary.
- B. Said uses shall meet all other local, state and federal codes, ordinances and laws.

**Gasoline Service Stations.**

- A. **Gasoline Service Stations (Major Repair).** Gasoline service stations shall be permitted in the B-3 Commercial District and in the M-1 Industrial District provided that they meet the following requirements:
  - 1. Such uses shall be located a minimum of 500 feet from another gasoline service station or drive-in establishment on the same side of the street, as measured by a line drawn along the right-of-way of said street between the closest property line.
  - 2. Such uses shall be located on sites having a minimum of 15,000 square feet, with an additional 2,000 square feet required for each service bay over the two operated in connection with the service station or in connection with an accessory automobile washing and waxing facility.
  - 3. Pump islands shall be located a minimum of 15 feet from the right-of-way line of an arterial or collector street.

4. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district or boundary line.
5. All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties.
6. Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks used by the establishment, and rental vehicles, no vehicles shall be parked or stored on the premises.
7. Abandoned vehicles shall not be stored on the premises.
8. Whenever a gasoline service station is abandoned for a period of one year, the owner shall remove all appurtenances connected therewith, such as, but not limited to, gasoline pumps and signs, and shall fill or otherwise vacate underground storage tanks in accordance with the provisions of applicable fire codes and safety standards and shall maintain the premises so as not to become a public nuisance.
9. Said uses shall be screened from adjacent residential uses or residential zoning district boundary lines in accordance with article V, section 5190, of this ordinance.

**B. Gasoline Service Stations (Minor Repair Only).** Gasoline service stations shall be permitted in the B-2, B-3, and B-4 Commercial District and M-1 Industrial District provided that they meet the following requirements:

1. Such uses shall be located a minimum of 500 feet from another gasoline service station or drive-in establishment on the same side of the street, as measured by a line drawn along the right-of-way of said street between the closest property lines.
2. Such uses shall be located on sites having a minimum of 15,000 square feet, with an additional 2,000 square feet required for each service bay over two operated in connection with an accessory automobile washing and waxing facility.
3. Pump islands shall be located a minimum of 15 feet from the right-of-way line of an arterial or collector street.
4. Buildings or structures shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district boundary line.
5. Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks used by the establishment, and rental vehicles, no vehicles shall be parked or stored on the premises.
6. All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties.
7. Abandoned vehicles shall not be stored on the premises.
8. Whenever a gasoline service station is abandoned for a period on one year, the owner shall remove all appurtenances connection therewith, such as, but not limited to, gasoline pumps and signs, and shall fill or otherwise vacate underground storage tanks in accordance with the provisions of applicable fire codes and safety standards and shall maintain the premises so as not to become a public nuisance.
9. Said uses shall be screened from adjacent residential uses or residential zoning district boundary lines in accordance with article V, section 5190, of this ordinance.
10. Minor Repair is defined in article II, section 2110, Definition of Words an Phrases, in this ordinance. No repair work, other than that defined in said section 2110, shall be permitted.

**Golf Courses (Quasi-Public).**

Golf courses shall be permitted in the A-1 Agriculture District and the R-1 and R-1S Residential Districts provided that they meet the following requirements:

- A. Buildings, structures, and parking areas shall be located a minimum distance of 50 feet from any adjacent residential use or residential zoning district boundary lines.
- B. Access to said use shall be directly from an arterial or collector street.

**Grazing and Pasturage.**

Grazing and pasturage shall be permitted in the A-1 Agricultural District and the R-1 and R-1S Residential Districts provided that they meet the following requirements:

- A. Areas where the animals are kept shall be separated from any residential use or residential zoning boundary by a minimum of 500 feet. This will not apply to the principal farm dwelling.
- B. Animals shall not exceed the following number per acre:

Cattle	3
Swine	20
Poultry	250
Sheep or Goats	100
Horses or Mules	3
Fur Bearing Animals	1,000

**Greenhouses, Private.**

Private greenhouses shall be permitted in the A-1 Agricultural District and in the R-1, R-1S, R-2, R-3 and R-4 Residential Districts provided that they meet the following requirements:

- A. Said greenhouses be located on a residential lot and be clearly an accessory use to the residential use.
- B. All required yards be maintained as required by the individual zoning district in which it is located.
- C. Said greenhouse have a maximum of 200 square feet of occupied space or floor area.

**Group Care Homes (7 to 12 Occupants).**

Group care shall be permitted in the A-1 Agricultural District and all Residential Districts and the PUD District provided that they meet the following requirements:

- A. The facility is located at least 1,000 feet by the most direct route, lot line to lot line, from another family care home, group care home, social rehabilitation center or day care center; the lot on which the facility is located provides at least 500 square feet of lot size per person residing with the facility.

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- B. The facility provides at least 60 square feet of sleeping area per resident in multiple sleeping rooms, and not less than 80 square feet of sleeping area in single rooms.
- C. The facility provides at least 80 square feet of living, dining, or activity area for each resident.
- D. The facility meets all other zoning requirements applicable to the district in which it is located.

### **Group Housing Quarters (Dormitories, etc.).**

Group housing quarters, which shall include, but not be limited to, fraternity and sorority houses and nurses residences, shall be permitted in the R-1S and R-3 Residential Districts and PUD Districts provided that they meet the following requirements:

- A. Buildings and structures shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.
- B. Parking areas shall be located a minimum of 25 feet from an adjacent residential use or residential zoning district boundary, and said parking areas shall be screened in accordance with article V, section 5190, of this ordinance.

### **Gun Clubs (Indoor Range Only).**

Gun clubs with indoor ranges shall be permitted in the B-2 and B-3 Commercial Districts and in the M-1 and M-2 Industrial Districts provided that they meet the following requirements:

- A. Buildings or structures housing the range must be sound-proofed and be located a minimum of 50 feet from all property lines except when adjacent to a residential use or residential zoning district boundary and then they must be 100 feet from all property lines.
- B. Parking areas shall be a minimum of 25 feet from side and rear property lines and shall be screened in accordance with article V, section 5190, of this ordinance when adjacent to residential uses or residential zoning district boundary lines.

### **Heliports.**

Heliports shall be permitted in the M-1 and M-2 Industrial District provided that they comply with all other local, state and federal codes, ordinances and laws.

### **Home Occupations.**

Home occupations shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District and in the PUD District provided that they meet the following requirements:

- A. The occupation is conducted by the occupants living in the dwelling unit.
- B. Any existing accessory building shall not be expanded so as to be larger than those normally found on a residential lot.
- C. Any new accessory building shall not be constructed so as to be larger than those normally found on a residential lot.
- D. Any new accessory building shall be constructed with the exterior materials and design similar to those normally found on a residential lot.

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- E. The occupations be clearly incidental and subordinate to the use of the unit as a residence, and in no case can the occupation use more than 25 percent of the total floor area of the unit (including a basement) or use more than 500 square feet of floor space.
- F. The exterior appearance of the unit shall not be altered or other visible evidence given to indicate that the unit is being used for a home occupation.
- G. In addition to other permitted signs, the home occupation is permitted one non-illuminated sign, no larger than two square feet in area, flush mounted on the primary dwelling unit.
- H. No traffic shall be generated by the home occupation in greater volume than would normally be generated by a residence and any need for parking caused by the home occupation be provided on site, meet off-street parking requirements of this structure, and meet all required setbacks as set forth in this ordinance.
- I. No equipment or process shall be used in a home occupation except those customarily used in a residential dwelling unit. Any equipment or process used shall not cause unreasonable noise, vibration, glare, fumes, odors, or electrical interference that can be detected off the lot where the home occupation is being conducted. Electrical interference shall not create visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
- J. No retail sales shall be permitted on site.

### **Hospitals, Institutions, and Sanitariums.**

Said uses shall be permitted in the B-3 Commercial District provided that they meet the following requirements:

- A. Said uses shall be located on a site having a minimum of three acres of land.
- B. Buildings or structures, including heating and air conditioning equipment and laundry and kitchen facilities shall be located a minimum of 100 feet from any adjacent residential use or residential zoning district boundary.
- C. Parking areas shall be set back 50 feet from side and rear property lines when they are adjacent to residential uses or residential zoning district boundary. Said parking areas shall also be screened in accordance with article V, section 5190, of this ordinance.

### **Junkyards.**

The requirements for this use will be found under Automobile Dismantling and Impoundment Yards, of this ordinance.

### **Kennels (with outside pens and/or runs).**

Kennels shall be permitted in the A-1 Agricultural District, B-3 Commercial District, and the M-1 and M-2 Industrial Districts provided that they meet the following requirements:

- A. Said facilities shall be located on lots having a minimum of 20,000 square feet.
- B. Buildings or structures, including pens or runs, shall be located a minimum of 100 feet from adjacent property lines except where the adjacent uses are residential or residential zoning district boundary lines. Then the side yards and rear yard shall be increased to 300 feet.
- C. The sanitary system for such facilities shall be subject to approval of the health department.

**Land Reclamation Projects.**

Land reclamation projects shall be permitted in all zoning districts provided that they meet the following requirements:

- A. Fill used in said projects shall not be organic, metal, or any hazardous materials or chemicals. Only soil, concrete, and brick may be used to fill the site.
- B. The fill operation is to be approved by the county or state health department.
- C. When finished, a uniform contour which blends with the topography of the surrounding area shall be established throughout the reclaimed areas.
- D. Soil suitable for growing vegetation shall be replaced over the land to a permanent and uniform depth of not less than six inches.
- E. The reclaimed area shall be seeded and maintained until a permanent ground cover is established to prevent erosion.

**Library, Branch.**

Branch libraries shall be permitted in the R-1, R-1S, R-2, R-3 and R-4 Residential Districts provided that they meet the following requirements:

- A. Said libraries shall be located on a site having a minimum of 20,000 square feet.
- B. Access shall be from and to arterial and collector streets.
- C. Said library buildings shall be located a minimum of 50 feet from residential uses or residential zoning boundary lines.
- D. Parking areas shall be located a minimum of 25 feet from residential uses and residential zoning boundary lines. Said parking areas shall also be screened in accordance with article V, section 5190, of this ordinance.

**Lodging Houses.**

Lodging houses shall be permitted in the R-1S Special Residential District provided that they meet the R-3 requirements.

**Massage Establishments.**

Massage establishments shall be permitted in the B-3 General Commercial District provided that they meet the following requirements:

- A. Said use shall meet the requirements of Adult Bookstores as shown in this article.

**Meat & Poultry Packing & Processing.**

Said uses shall be permitted in the M-1 and M-2 Industrial Districts, provided that they meet the following requirements:

- A. Said uses shall be located on a site having a minimum of five acres.



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- B. Buildings and structures shall be located 100 feet from any property line except when the use is adjacent to residential uses or a residential zoning district boundary line. Then the use shall be 500 feet from the side and rear property lines.
- C. Sanitary systems for such facilities shall be approved by the health department.
- D. Said uses shall comply with all other local, state and federal codes, ordinances and laws.

### **Mining.**

The requirements for this use will be found under Extraction and Related Industries, of this ordinance.

### **Model Home (Sales Office), Temporary.**

Model Homes or Temporary Sales Offices shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts and in the PUD District, provided that they meet the following requirements:

- A. Said Model Home and/or Sales Office must be constructed for use as a single family unit, or must be easily converted into a single family unit or apartment.
- B. Parking spaces (off-street) must be provided as in section 5110, Parking Requirements, Office.
- C. Said uses shall only be permitted for a period of one year from the date that the certificate of occupancy is issued by the Building Commissioner.
- D. Said Model Home or Sales Office shall only be permitted as a part of a subdivision development, two-family or multi-family development and shall not be permitted in an already developed area of the city.

### **Non-permanent Food Vendor.**

Non-permanent food vendors shall be permitted in the Commercial B-3 and B-4 Districts provided they meet the following requirements:

- A. Application for a Conditional Use Permit shall be made to the Zoning Administrator. If all of the requirements set forth in this section are met, the Zoning Administrator shall issue a Conditional Use Permit for the vendor.
- B. Written approval of the use from the owner of the zoning lot where the vendor is proposed to be located shall be on file with the Zoning Administrator.
- C. The zoning lot where the vendor is proposed to be located must have a separate, active, permitted, principal use on it.
- D. The use is limited to the sale of food products only. Most of the food must be: (i) made, processed, or produced in the vendor's licensed vehicle used for the food sales business activity; or, (ii) grown locally.
- E. All applicable zoning district developmental standards shall be met, including, but not limited to:
  - 1. Setback for customer parking and vendor's licensed vehicle location must meet either building or parking lot setback, whichever is greater.
  - 2. On-site parking requirements.
  - 3. Safe and efficient ingress and egress.
  - 4. Visibility requirements.
- F. No outside tables or other temporary or permanent structures are permitted related to this use. The use is for walk-up pedestrian traffic only. No drive-up window is permitted.

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- G. Vendor vehicle may be located on a particular zoning lot for no more than eight (8) consecutive hours in one calendar day.
- H. One sandwich board sign will be permitted meeting the requirements for such sign as set forth in the Zoning Ordinance.
- I. Any one vendor may only have Conditional Use Permits for this use for up to three (3) different locations within the City of Goshen per calendar year. Site locations for the proposed use must be identified at the time the Conditional Use Permit is requested.
- J. There shall not be more than one Conditional Use Permit for this use for a particular zoning lot at any one time.
- K. Conditional Use Permits for this use are required to be renewed annually.
- L. Vendors in conjunction with a City of Goshen sponsored or authorized event approved by the Board of Public Works and Safety shall be exempt from this regulation.
- M. Vendors shall be registered with the Elkhart County Health Department for a retail food establishment and have an approved inspection report on file with the vendor vehicle and with the Zoning Administrator.
- N. All applicable state and local permits shall be on file with the vendor vehicle and with the Zoning Administrator.
- O. Vendors in conjunction with: (i) any food sales by or sponsored through societies acting for charities, religious or public purposes, or other legally established not-for-profit organizations, or (ii) any food sales in conjunction with community events given approval by the Board of Public Works and Safety of the City of Goshen, shall be exempt from this regulation.

### **Nursing Homes.**

Nursing homes shall be permitted in the R-1S and R-3 Residential Districts and the B-3 Commercial District, provided that they meet the requirements as found under Group Care Homes, in this ordinance.

### **Offices.**

Offices shall be permitted in the B-1 Commercial District and PUD District, provided that they meet the following requirements:

- A. The office shall be intended to serve only the neighborhood in which it is located. Said office shall not attract large volumes of vehicle traffic from the areas away from the adjacent neighborhood.
- B. No drive-in type service of any kind will be permitted in conjunction with these offices.

### **Paper Products Manufacturing.**

Paper products manufacturing shall be permitted in the M-1 and M-2 Industrial Districts, provided that they meet the following requirements:

- A. Buildings and structures shall be located a minimum of 300 feet from all property lines, except when adjacent to residential uses or residential zoning district boundary lines. Then the side and rear setback lines shall be a minimum of 500 feet.
- B. Parking areas adjacent to residential uses or residential zoning district boundary lines shall be screened in accordance with article V, section 5190, of this ordinance.

**Parks, Playgrounds, Tot Lots, and Golf Courses (Public).**

Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts and in the PUD District provided that they meet the following requirements:

- A. No building or structure shall be located closer than 50 feet from any residential use or residential zoning district boundary line.
- B. Parks intended to serve areas larger than the immediate neighborhood in which it is located shall have vehicle access to and from an arterial or collector street.
- C. Parking areas shall be screened from residential uses or residential zoning district boundary lines, when possible, in accordance with article V, section 5190, of this ordinance.
- D. Lighting for nighttime activities shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties.
- E. Parks meeting the Conditional Use requirements are permitted the following signs:
  - 1. One non-illuminated monument style freestanding sign meeting the following requirements:
    - a. Maximum permitted area of 36 square feet.
    - b. Maximum permitted height of five feet (5').
    - c. Minimum setback of five feet (5') measured from any right of way and property line to the closest point on the sign.
    - d. Located in a landscaped area separated and protected from vehicular circulation and parking areas, with a minimum of two (2) square feet of landscaping required for every one (1) square foot of sign face. All landscaped areas shall be maintained and kept in a good state of repair.

**Poultry Dressing, Packing and Processing.**

The requirements for these uses will be found under Meat and Poultry Packing and Processing, in this ordinance.

**Race Tracks.**

Race tracks shall be permitted in the B-3 Commercial District and in the M-1 and M-2 Industrial Districts provided that they meet the following requirements:

- A. Said uses shall be located on a site having a minimum of 20 acres.
- B. Building and structures, including stands and the race track itself, shall be located a minimum of 100 feet from all property lines. However, when said uses are adjacent to residential uses or residential zoning district boundary lines, the side and rear yards shall be 500 feet.
- C. Lighting for nighttime activities shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties.
- D. Parking areas, when adjacent to residential uses or residential zoning district boundary lines, shall be located a minimum of 50 feet from the property lines and shall be screened in accordance with article V, section 5190, of this ordinance.
- E. Access to said use shall be from and to arterial streets only.

**Research and Development Facilities and Laboratories (Involving Fire or Explosive Hazards, Radioactivity or Dangerous Gases).**

Said uses shall be permitted in the M-2 Industrial District, provided that they meet the following requirements:

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- A. The uses are located on a site with a minimum of 20 acres.
- B. Buildings or structures are located a minimum of 500 feet from all property lines.
- C. All work and all storage shall be located inside a completely enclosed building or structure.
- D. Said use shall meet all other local, state, and federal codes, ordinances and laws.

### **Roadside Stands.**

Roadside stands shall be permitted in the A-1 Agricultural District, provided that they meet the following requirements:

- A. Roadside stands shall be clearly incidental to a principal agricultural use and shall be erected only for the purpose of displaying and selling agricultural products legally produced on the premises.
- B. The maximum area of such structures shall be 200 square feet.
- C. There shall be a front yard of 25 feet, and such structures shall be located a minimum of 50 feet from adjacent property lines.
- D. There shall not be more than one such stand per lot.
- E. A minimum of 1,000 square feet shall be provided for off-street parking.
- F. Signs shall meet the following standards:
  - 1. Identification signs for roadside stands shall not exceed six square feet in area.
  - 2. Signs shall be erected only for the purpose of identification of the roadside stand and for advertising the products for sale thereon.
  - 3. There shall not be more than one such sign per lot.

### **Rooming Houses.**

Rooming houses shall be permitted in the R-1S Special Residential District provided that they meet the R-3 Requirements.

### **Sanitary Landfills.**

- A. Sanitary landfills shall be permitted in the A-1 Agricultural District, and the M-1 and M-2 Industrial Districts, provided that they meet the following requirements:
  - 1. The location, installation, and operation of said landfills shall be subject to the approval of local and state health departments and must comply with all other local, state and federal codes, ordinances and laws.
  - 2. Said facilities shall be fenced to prevent unauthorized entrance.
  - 3. Such operations shall be constructed a minimum of 50 feet from adjacent property lines, except where said use is adjacent to a residential use or residential zoning boundary line. Then the side and rear yards shall be a minimum of 100 feet.
  - 4. Such facilities shall be located on sites no less than 40 acres in area.
  - 5. Said uses shall be screened using plant material and/or trees, as well as earth mounds, and shall be in accordance with article V, section 5190, of this ordinance.
- B. Prior to commencing such operation, the owner shall execute an indemnity agreement in favor of the City Council for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time as established in the agreement:
  - 1. A uniform contour which blends in with the topography of the surrounding area shall be established throughout the area.

2. Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than six inches.
3. The area shall be seeded and maintained until a permanent type ground cover is established to prevent erosion.

**Schools (Elementary, Middle, and High).**

Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District, and the PUD District, provided that they meet the following requirements:

- A. Buildings and structures shall be located a minimum of 50 feet from all property lines when adjacent to residential uses or residential zoning district boundary lines. Buildings used for musical instruction, power houses, heating and air conditioning units, and athletic fields and stadiums shall be located 100 feet from said residential uses or zoning districts.
- B. Middle and high schools shall have access to and from arterial or collector streets.
- C. A data communication tower may be permitted as an accessory use, meeting the requirements of a data communication tower as shown in this section, with the exception of the underlying zoning district.
- D. Schools meeting the Conditional Use requirements are permitted the following signs:
  1. One monument style freestanding sign meeting the following requirements:
    - a. Maximum permitted area of 36 square feet.
    - b. Maximum permitted height of five feet (5').
    - c. Minimum setback of five feet (5') measured from any right of way and property line to the closest point on the sign.
    - d. Internally illuminated only.
    - e. Located in a landscaped area separated and protected from vehicular circulation and parking areas, with a minimum of two (2) square feet of landscaping required for every one (1) square foot of sign face. All landscaped areas shall be maintained and kept in a good state of repair.
  2. One non-illuminated wall sign meeting the following requirements:
    - a. Maximum permitted area of 36 square feet.
    - b. Not extending above the roof line of the building on which the sign is located.

**Sexual Encounter Center.**

Sexual Encounter Centers shall be permitted in the B-3 General Commercial District provided they meet the following requirements:

- A. Said use shall meet the requirements of an Adult Business as shown in this section.

**Slaughterhouses, Meat and Poultry Packing and Processing.**

Said uses shall be permitted in the M-2 Industrial District, provided that they meet the following requirements:

- A. Slaughter, dressing, and packing operations shall take place within a completely enclosed building.
- B. Such facilities shall be located a minimum of 100 feet from adjacent property lines, except when said use is adjacent to a residential use or a residential zoning district boundary line. Then the side and rear yard shall be increased to 300 feet.
- C. There shall be no outside storage of garbage, feathers, or objectionable waste. The sanitary systems of such facilities shall be subject to the approval of the health department.
- D. Said uses shall be located on a site having a minimum of five acres.
- E. Said uses shall comply with all other local, state or federal codes, ordinances or laws.

**Social Rehabilitation Centers.**

Social rehabilitation centers shall be permitted in R-1S, and R-3 Residential Districts and the PUD District, provided that they meet the following requirements:

- A. The facility is located at least 1,000 feet by the most direct route from any day care center, school, child caring institution, family care home, group care home, or congregate housing for the elderly.
- B. The facility is located at least 3,000 feet from another social rehabilitation center.
- C. The lot on which the facility is located provides at least 750 square feet lot size per person residing within the facility.
- D. The facility provides at least 60 square feet of sleeping area in multiple sleeping rooms, and at least 80 square feet of sleeping area in single rooms.
- E. The facility provides at least 80 square feet of indoor living, dining, and activity area for each resident.
- F. The facility provides at least one off-street parking space for each four persons residing within the facility.
- G. The facility meets the other zoning requirements of the district in which it is located.

**Storage, Inside (Involving Fire or Explosive Hazards, Radioactivity).**

Said uses shall be permitted in the M-1 and M-2 Industrial Districts, provided that they meet the following requirements:

- A. Said uses shall be located on a site having a minimum of ten acres.
- B. Storage shall be within a completely enclosed building or structure.
- C. Buildings or structures shall be located a minimum of 100 feet from all property lines, except when adjacent to a residential use or residential zoning boundary line. Then the uses shall be located 500 feet from the side and rear property lines.
- D. Said uses shall comply with all other local, state and federal codes, ordinances or laws.

**Swimming Pools (Quasi-Public).**

Swimming pools shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts and the PUD District, provided that they meet the following requirements:

- A. Such facilities shall be operated and maintained by a nonprofit corporation whose membership is limited to the residents of a block, subdivision, neighborhood, community, or other specified area of residence.
- B. Such facilities shall be located and designed for the exclusive use of members and their guests.
- C. The location, installation, design, and construction of a swimming pool, water supply, treatment, and drainage systems, and appurtenant structures, installations, and equipment, including showers, dressing rooms, and plumbing, heating, or air conditioning equipment shall be subject to approval by the Building Commissioner and applicable state regulations.
- D. No building or structure, including pumps, filters, and other similar equipment, shall be located closer than 50 feet from an adjacent residential use or residential zoning district boundary line.
- E. The area shall be adequately lighted, provided that all lights shall be shielded so as to protect adjacent residential properties from glare or reflection.
- F. Such uses shall be fenced to prevent unauthorized entrance.

**Swimming Pools (Private).**

Private swimming pools shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, and the PUD District provided that they meet the following requirements:

- A. Private swimming pools shall be permitted to encroach on the rear yard setback, however, it shall not be permitted to encroach on a side or front yard setback. Said pool must meet front and side yard requirements set forth in the zoning district in which it is located.
- B. All swimming pools shall be secured following applicable state regulations. The enclosure shall be maintained in a secure condition at all times.
- C. Lighting shall be so arranged and sheltered so as to prevent illumination, glare, or reflection on adjacent properties.

**Tattoo Parlors**

Tattoo Parlors shall be permitted in the Commercial B-3 and Industrial M-1 Districts provided they meet the following requirements:

- A. Tattoo parlors shall be located a minimum distance of 750 feet from any church buildings, licensed day care centers, public parks, school building, or school playgrounds.
- B. The room where the tattooing is performed shall be separated from any other use in the same building and shall be separated from pedestrian circulation to and from other uses.
- C. Tattoo parlors shall not be located adjacent to or contiguous to a residential use or any residential zoning district boundary line.
- D. There shall be no outside display of merchandise related to tattooing, merchandise related to tattooing shall not be visible from outside, and no outside advertising shall be permitted except a sign flush mounted on the building no more than eight (8) square feet in area. An additional flush mounted sign on the building shall be required no more than two (2) square feet in area indicating that persons being tattooed must be at least 18 years of age unless accompanied by a parent or legal guardian of the person being tattooed is present and provides written permission.

**Tennis Courts (Quasi-Public).**

Quasi-public tennis courts shall be permitted in the R-1, R-1S, R-2, R-3 and R-4 Residential Districts, and the PUD District, provided that they meet the following requirements:

- A. Such facilities shall be operated and maintained by a nonprofit corporation whose membership is limited to the residents of a block, subdivision, neighborhood, community, or other specified area of residence.
- B. Such facilities shall be located and designed for the exclusive use of members and their guests.
- C. No building or structure shall be located closer than 50 feet from an adjacent residential use or residential zoning district boundary line.
- D. Lighting shall be so arranged and sheltered so as to prevent illumination, glare, or reflection on adjacent properties.

**Tennis Courts (Private).**

Private tennis courts shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, and the PUD District, provided that they meet the following requirements:

- A. Private tennis courts shall be permitted to encroach on the rear yard setbacks; however, it shall not be permitted to encroach on a side or front yard setback. Said tennis court must meet front and side yard requirements set forth in the zoning district in which it is located.
- B. Lighting shall be so arranged and sheltered so as to prevent illumination, glare, or reflection on adjacent properties.

**Theaters, Drive-In.**

Drive-in theaters shall be permitted in the B-3 Commercial District and the M-1 and M-2 Industrial Districts provided that they meet the following requirements:

- A. Theaters shall be located on sites having a minimum of ten acres.
- B. Buildings or structures and parking areas shall be a minimum of 50 feet from all property lines, except when they are adjacent to a residential use or residential zoning district boundary line. Then the side and rear yards shall be increased to 100 feet.
- C. Said theaters shall be completely enclosed with a solid fence not less than eight feet in height and which shall bear no advertising on the outside of the fence.
- D. Picture screen or screens must not be visible from any adjacent streets.

**Tourist Homes.**

Tourist homes shall be permitted in the R-1S Special Residential District provided that they meet the R-3 Requirements.

**Tower, Data Communication.**

Data communication towers shall be permitted in the B-2, B-3 and B-4 Commercial Districts, in the M-1 and M-2 Industrial Districts, and in the PUD District, provided they meet the following requirements:

- A. Towers must comply with all other local, state and federal codes, ordinances and laws.
- B. Towers are permitted only as an accessory use on a zoning lot with an active primary use.
- C. Towers not attached to a primary structure shall meet the applicable setbacks for accessory structures.
- D. Towers not attached to a primary structure shall not exceed 180 feet in height.
- E. Towers attached to a primary structure shall not exceed 20' above the applicable maximum height permitted for the primary structure.

**Utility Substations.**

Utility substations shall be permitted in all zoning districts, provided that they meet the following requirements:

- A. Such uses shall be located on a lot having a minimum of 6,000 square feet.
- B. Such uses shall, when feasible, have direct access to and from arterial or collector streets.



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- C. Buildings or structures shall be located a minimum of 50 feet from any residential use or residential zoning district boundary line.
- D. Buildings or structures shall be of an architectural style that is compatible with the character of the neighborhood in which it is located.

**Veterinary Clinics and Hospitals.**

The requirements for this use will be found under Animal Clinics and Hospitals, in this ordinance.

**Section 5201**                    **Review of Conditional Uses.**

The Zoning Administrator shall review each application for a building permit or proposed change of use to ensure that said building or change of use complies with the provisions of section 5200, Conditional Uses. All site plans submitted must show the required information and if said use cannot meet the requirements shown in the conditional use section, no building permit shall be issued, until such time as compliance with the requirements is achieved.

**Section 5202**                    **Appeal.**

An appeal from a decision from the Zoning Administrator relative to a conditional use may be taken to the Board of Zoning Appeals. Said appeal shall be carried out in conformance with article VI, section 6220, of this ordinance.

**Section 5203**                    **Variance.**

A variance from any of the requirements listed under section 5200 shall not be granted by the Zoning Administrator but must be taken to the Board of Zoning Appeals. Said variance shall only be granted in conformance with article VI, section 6230, of this ordinance.

