

### 3.1 ESTABLISHMENT

The Town is divided into the following districts for purposes as stated:

- O: Open Space District  
The purpose of the Open Space District (O) is to provide areas for public and quasi-public uses, areas for passive and active recreation, and conservation of unique and/or environmentally sensitive natural areas.
- R-1: Low Density Residential District  
This district (R-1) is established for low density single-family residential development with a density of six (6) dwelling units or less per gross acre. The regulations applicable to this district are intended to promote the new development of larger lot housing opportunities within the community.
- R-2: Medium Density Residential District  
This district (R-2) is established for medium density, single-family and two-family residential development with a density of seven (7) to ten (10) dwelling units per gross acre. This district applies to a large portion of Ashley's existing residential areas. It is the intent of the regulations applicable to this district to promote the development and redevelopment of housing which is supportive in character and proportion to existing residential development adjacent to downtown areas.
- R-3: High Density Residential District  
This district (R-3) is established for relatively high density single-family, two-family, and multi-family residential development with a density of more than ten (10) or more dwelling units per gross acre. The regulations applicable to this district are intended to facilitate a wide variety of multi-family housing opportunities.
- B-1: Limited Business District  
This district (B-1) is established for the purpose of promoting the responsible development and operation of small business establishments which primarily serve the limited shopping and service needs of surrounding residential neighborhoods.
- B-2: General Business District  
The General Business (B-2) District is established to promote and regulate a variety of urban uses within the downtown area and other commercial nodes which will preserve and promote a level of vitality necessary for the regional attraction of commerce.
- I-1: Industrial District  
The Industrial District (I-1) designates areas for the development and expansion of general industrial, manufacturing, and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements.
- PD: Planned Development Districts  
These districts (PD-R, PD-B, PD-I, and PD-E) may be established by a zoning map amendment in order to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the Zoning and Subdivision Control Ordinance. The intent of these districts, as well the classifications, procedures, and other requirements for establishing a PD district are set forth in Section 6 herein.

### 3.2 OFFICIAL ZONING MAP

The zoning map of the Town of Ashley is hereby included as part of this Ordinance. The map shall be known as the Official Zoning Map of the Town of Ashley, Indiana.

- A. The Zoning Map is a public document with the original map located in the Ashley Municipal Building.
- B. The Zoning District boundaries shall be shown on the Zoning Map. The abbreviations for the zoning districts appearing throughout this Ordinance shall be used to identify the zoning districts on the map. Planned developments shall also be shown on the map and shall be identified by the number and date of passage of the Ordinance approving the Planned Development.
- C. The Zoning Map shall be revised annually, or as the Plan Commission determines, with certified copies made thereof, to show the amendments adopted by the Town Council during the previous year. Such revisions may correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Zoning Map except as adopted by the Town Council during the previous year. Such revisions shall be necessary only to correct previous errors.
- D. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Zoning Map which shall supersede the prior Zoning Map.

### 3.3 BOUNDARIES

District boundaries on the Zoning Maps shall meet the following standards:

- A. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerlines.
- B. Boundaries indicated as following section or fractional section lines, platted lot lines, or Town corporation lines shall be construed as following such lines.
- C. Boundaries indicated as parallel to or extensions of above features shall be so construed as so.
- D. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines as established on the effective date of this Ordinance.
- E. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than fifty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- F. The vacation of streets and roads shall not affect the location of such district boundaries.
- G. When the Zoning Administrator or designated agent cannot definitely determine the location of a district boundary by such centerlines, by scale or dimensions stated on the Zoning Map, or by the fact that it clearly does not coincide with a property line, the Administrator or

designated agent shall refuse action and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance. If subject to appeal, the BZA shall interpret.

- H. Where existing physical or cultural features are at conflict with those shown on the Zoning Map, or in other circumstances not covered by subsections A through G above, the Plan Commission shall interpret the district boundaries. If subject to appeal, the BZA shall interpret.

**4.1 PRINCIPAL USES**

Principal uses authorized in the districts established under section 3.1 are shown by a "P" in Table A at the end of this section. Where designated with an "S," the use is permitted in that district only if the special use has been approved according to the procedure established under Section 11.3.

**4.2 ACCESSORY USES**

Accessory uses such as the following are authorized in all districts subject to the provisions of any and all recorded restrictive covenants running with the land:

- A. Bird Baths and bird houses
- B. Accessory buildings/garages\*\*
- C. Curbs
- D. Driveways
- E. Fences and Hedges
- F. Lamp posts
- G. Mail boxes
- H. Name plates
- I. Parking spaces
- J. Private, in-ground swimming pools enclosed by a 5-foot high fence or a private, above-ground pools which are integral with a 5-foot vertical enclosure
- K. Public utility installations for local service (such as poles, lines, hydrants, pump stations and telephone booths)
- L. Retaining walls
- M. Trees, shrubs, plants, and flowers
- N. Walks
- O. Temporary toilets\*

\* Temporary toilets may be placed and maintained at any construction site for the duration of construction activities without a permit. In all other cases, a permit must be obtained, prior to the placement of any temporary toilet, from the Zoning Administrator or designated agent for a fee specified in the Official Fee Schedule maintained in the office of the Clerk-Treasurer.

\*\* Outbuildings not placed on a permanent foundation shall be a maximum of 96 square feet and also comply with Section 5.3 of this ordinance.

---

**4.3 NONCONFORMING USES AND STRUCTURES**

**A. Intent**

Within the districts established by this ordinance or by amendments that may later be adopted, there may exist:

1. Nonconforming lots;
2. Nonconforming structures;
3. Nonconforming uses of land;
4. Nonconforming uses of land and structures in combination; and
5. Nonconforming characteristics of use.

These were lawful before this ordinance was passed or amended, but they are prohibited, regulated or restricted under the terms of this ordinance or may be under future amendments hereto. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed but not to encourage their prolonged existence. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. (Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.)

**B. Incompatibility of Nonconforming Uses**

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

**C. Avoidance of Undue Hardship**

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

**D. Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership or included in a subdivision of record in the office of the County Recorder at the time of passage of this ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area and/or width of the lots shall conform to the regulations for the district in which such lots are located. (Also see Section

5.2). Variances of requirements listed in Section 5 of this ordinance, other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 11.4. (Note: This section shall apply only to single-family residences.)

**E. Nonconforming Lots of Record in Combination**

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

**F. Nonconforming Uses of Land**

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming uses shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

**G. Nonconforming Structures**

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50 percent of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### H. Nonconforming Uses of Structures and Land in Combination

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### I. Repairs and Maintenance

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

**4.4 GARAGE OR YARD SALE**

- A. As used herein "garage or yard sale" is defined as a sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property, including, but not limited to, any sale commonly termed "Porch Sale", "Yard Sale", "Lawn Sale", "Group Family Sale", "Rummage Sale", "White Elephant Sale", "Flea Market Sale", or "Attic Sale".
- B. Any garage or yard sale may be conducted two times in any one calendar year on any premises, but no such sale shall be conducted for more than three (3) consecutive days.
- C. All items of personal property sold at such garage or yard sale shall be owned by the owner or occupier of the premises, unless permission for sale of items not owned is given.
- D. Such garage or yard sale shall only be conducted during the hours between 7:00 a.m. and 7:00 p.m.
- E. All personal property exhibited for sale during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

**4.5 OTHER OUTDOOR SALES**

As used herein "outdoor sales" shall include "roadside sales" and "sidewalk sales" as defined in Section II of the Ashley Unified Zoning and Subdivision Control Ordinance. The regulation of each shall be accomplished as follows:

**A. General**

- 1. An outdoor sale may be held up to two (2) times per calendar year per applicant, but no such sale shall be conducted for more than fourteen (14) consecutive days, except as otherwise authorized by a Resolution.

**B. Roadside Sales**

- 1. No sign, stand, structure or other physical component of a roadside sale shall be placed within ten (10) feet of the curb or pavement edge.
- 2. All items for sale, signs, stands, or temporary structures associated with a roadside sale shall be stored in a secure and enclosed condition upon close of the sale each day or removed.
- 3. A roadside sale may be conducted only in a B-1 or B-2 District between the hours of sunrise and sunset.

**C. Sidewalk Sales**

- 1. No sign, stand, structure or other physical component of a sidewalk sale shall be placed so that it:
  - a. Obstructs greater than 60% of the width of the public sidewalk,
  - b. Obstructs the sight triangle of motorists on adjacent rights-of-way, or



- c. Otherwise threatens the health and/or safety of Town residents.
- 2. All items for sale, signs, stands or temporary structures associated with a sidewalk sale shall be placed inside the store upon close of sale each day.

**D. Automobiles, Boats, Motorcycles, and other Vehicles**

- 1. Vehicles owned by owners or tenants of a private residence may be displayed for sale on the premises of such residence, subject to the following requirements:
  - a. No more than one (1) vehicle shall be displayed for sale at any one time.
  - b. Vehicles may be displayed for sale for not more than fourteen (14) consecutive days, and not more than twice per calendar year.
  - c. Vehicles displayed for sale must be in running condition.
  - d. Vehicles in running condition having current license plates which are parked in a private driveway are exempt from these regulations.

**4.6 DISTRICTS IN WHICH USES ARE PERMITTED**

- A. The permitted and non-permitted uses for each District, as well as those uses which may be considered for special exceptions, are shown in Table A.

**Permitted:**

Where the District column is marked with a "P", the use corresponding with that row is permitted in the District.

**Non-Permitted:**

Where the District column is not marked (blank), the use corresponding with that row is not permitted in the District.

**Special Exceptions:**

Where the District Column is marked with an "S", the use will be permitted if a special exception is granted from the Board of Zoning Appeals as specified in Section 11.3 of this ordinance.

- B. The Plan Commission, upon hearing a recommendation from the Zoning Administrator or designated agent, shall determine into which category any use shall be placed which is not specifically listed or defined herein in Table A.
  - 1. The principal use of the land, building(s), structure(s), or operation shall determine the use. "Principal Use" is defined as being greater than fifty percent (50%), even in the event that three or more land use categories apply, or
  - 2. When no single use is greater than fifty percent (50%), the land usage category with the greatest restriction on the land, building(s), structure(s), or operation will apply.
- C. Where there are two or more land use categories that apply to one proposed development, the following should be used to determine the applicable land use category:

1. The principal use of the land, building(s), structure(s), or operation shall determine the use. "Principal use" is defined as being greater than fifty percent (50%), even in the event that three or more land use categories apply, or
2. When no single use is greater than fifty percent (50%), the land usage category with the greatest restriction on the land, building(s), structure(s), or operation will apply.

**4.7 TATTOO PARLOR**

A tattoo parlor shall be permitted by special exception in a B-2 or an I-1 district, provided that any such tattoo parlor shall:

- A. Be located a minimum distance of four hundred (400) feet from any church building, licensed day care center, public park, school building, school playground, school parking lot, public library, boys and/or girls club, or residential use; and
- B. Have any and all rooms where tattooing is performed separated and not visible from each other or from any other use in the same building and shall have any room where tattooing is performed separated from and not visible by pedestrian circulation to and from other uses within the same building or, from outside the building where the tattooing is performed; and
- C. Not operate at any time between 10:00 p.m. and 8:00 a.m. prevailing time in Ashley, Indiana; and
- D. Not have any outside display of merchandise related to tattooing, shall have no merchandise related to tattooing visible from outside the premises where tattooing is performed and shall have no outside advertising permitted except that a sign may be flush mounted on the building no more than eight (8) square feet in area and an additional flush mounted sign on the building **SHALL BE REQUIRED** at least two (2) square feet, but not larger than four (4) square feet in area indicating that persons being tattooed must be at least eighteen (18) years of age unless a parent or legal guardian of the person being tattooed is present at the time of tattooing and provides written permission for such tattooing prior to the time of such tattooing; and
- E. Comply with any and all other applicable federal, state, and local laws, statutes, ordinances, regulations, and requirements, including but not limited to any regulations adopted by the Indiana State Department of Health concerning the sanitary operation of tattoo parlors.

**4.8 ADULT BOOKSTORE / ADULT ENTERTAINMENT BUSINESS**

An adult bookstore or adult entertainment business as defined under Section 2 herein, shall be permitted by special exception in a B-2 or an I-1 district, provided that any such adult bookstore or adult entertainment business shall:

- A. Be located a minimum distance of four hundred (400) feet from any church building, licensed day care center, public park, school building, school playground, school parking lot, public library, boys and/or girls club, or residential use; and
- B. Have any room where adult entertainment occurs or where materials of a sexually-explicit or otherwise adult nature exist separated from and not visible by pedestrian circulation to and from other uses within the same building or, from outside the building where the adult entertainment occurs or adult materials are located; and

- C. Not operate at any time between 10:00 p.m. and 8:00 a.m. prevailing time in Ashley, Indiana; and
- D. Not have any outside advertising permitted except that a sign may be flush mounted on the building no more than eight (8) square feet in area and an additional flush mounted sign on the building **SHALL BE REQUIRED** at least two (2) square feet, but not larger than four (4) square feet in area indicating that persons entering the premises must be at least the minimum age provided by applicable federal, state, and local laws, statutes, ordinances, and requirements for attendance at such an establishment; and
- E. Comply with any and all other applicable federal, state, and local laws, statutes, ordinances, regulations, and requirements.

**TABLE A**

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

RESIDENTIAL USES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
DWELLING, SINGLE-FAMILY	S	P	P	P	S			X	A	1
DWELLING, TWO-FAMILY / DUPLEX			P	P				X	A	2
DWELLING, MULTI-FAMILY / APARTMENT				P		S		X	C	2
MANUFACTURED HOME		P	P	P	S			X	A	2
MOBILE HOME				S					A	2
MOBILE HOME PARK				S				X	D	2
HOME OCCUPATION		S	S	S	P	P		X	A	2
BOARDING OR LODGING HOUSE				S	S	S		X	C	13
GROUP HOME				S	S	S		X	C	13
NURSING HOME			S	S	S	S		X	C	14
CHILDREN=S HOME				S	S	S		X	C	14
RETIREMENT COMMUNITY			S	S	S	S		X	C	2
BED AND BREAKFAST		S	S	S	S	S		X	C	14

AGRICULTURAL USES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
ARTIFICIAL LAKE OF 3 OR MORE ACRES	S	S	S	S			P	X	A	N/A
COMMERCIAL GREENHOUSE					P	S	P	X	D	12
CROPLAND OR ORCHARD	P						P	X	A	N/A
PASTURE AND GRAZING	P						P	X	A	N/A
PLANT NURSERY	P						P	X	A	10
LIVESTOCK AND /OR FEEDING YARD									E	N/A

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

INDUSTRIAL USES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
BOTTLED GAS STORAGE / DISTRIBUTION							P	X	E	11
LIGHT MANUFACTURING							P	X	E	11
GENERAL MANUFACTURING							P	X	E	11
MFG. / STORAGE / USE OF EXPLOSIVES							S	X	E	11
FOOD PROCESSING							P	X	E	11
SLAUGHTER HOUSE							S	X	E	11
PRODUCT ASSEMBLY							P	X	E	11
WAREHOUSING / DISTRIBUTION CENTER							P	X	E	11
FERTILIZER STORAGE / DISTRIBUTION							P	X	E	11
JUNK YARD / SCRAP METAL YARD							S	X	E	10
RECYCLING CENTER						S	S	X	E	18
COMPOSTING CENTER						S	S	X	E	18
SANITARY LANDFILL							S	X	E	10
INCINERATOR							S	X	E	10
HAZARDOUS WASTE DISPOSAL									E	10
RESEARCH CENTER					P	P	P	X	E	10
INDUSTRIAL / COMMERCE PARK						S	P	X	E	19
GRAVEL / SAND / MINING OPERATIONS							S	X	E	19
GENERAL CONTRACTING					S	S	P	X	E	10
MACHINE SHOP							P	X	E	10
WOOD SHOP					S		P	X	E	10

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

PUBLIC FACILITIES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
AIRPORT							S	X	E	19
CHURCH / TEMPLE / MOSQUE		P	P	P	P	P		X	B	6
GOVERNMENT OFFICES					P	P		X	D	10
CHILDCARE		S	S	S	P	P	S	X	C	10
POLICE / FIRE STATION		S	S	S	P	P		X	D	10
HIGHWAY / MUNICIPAL GARAGE						P	P	X	E	10
MUSEUM				S	P	P	P	X	B	11
PUBLIC PARK	P	P	P	P	P	P	P	X	B	19
THEME / AMUSEMENT PARK	S					S		X	E	19
GOLF COURSE / DRIVING RANGE	P	S	S	S				X	C	21
PUBLIC OR PRIVATE SCHOOL		P	P	P	P	P		X	C	19
TRADE / VOCATIONAL SCHOOL / COLLEGE					P	P	P	X	C	19
ZOO	S					S		X	E	19
RECYCLING CENTER					S	S	S	X	E	18
COMPOSTING CENTER					S	S	S	X	E	18
SANITARY LANDFILL							S	X	E	10
INCINERATOR							S	X	E	10
PUBLIC OR PRIVATE PARKING AREA	P	P	P	P	P	P	P	X	B	--

**DISTRICTS IN WHICH PRIMARY USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 C=CONDITIONAL USE PERMIT REQUIRED  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

COMMUNICATION / UTILITIES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
RADIO / TV STATION					S	P	P	X	D	10
UTILITY SUBSTATION	S				S		P	X	E	19
PIPELINE PUMPING STATION	P	S	S	S	S	S	P	X	E	19
ELECTRICAL GENERATOR	P	S	S	S	S	S	P	X	E	19
PUBLIC WELLS	P	S	S	S	S	S	P	X	E	19
ABOVE GROUND WATER STORAGE TANK	P						P	X	E	19
SEWAGE TREATMENT FACILITIES	S						P	X	E	19
WATER TREATMENT FACILITIES	S						P	X	E	19
TELECOMMUNICATIONS FACILITY - MINOR	C	C	C	C	C	C	C	C	E	19
TELECOMMUNICATIONS FACILITY - MAJOR	C	C	C	C	C	C	C	C	E	19

BUSINESS USES / AUTOMOBILE	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
AUTOMOBILE REPAIR					S	P	P	X	D	18
AUTO PARTS STORE					P	P		X	D	12
AUTO / TRUCK SALES & SERVICE					S	P	P	X	D	18
BODY SHOP					S	P	P	X	D	18
CAR WASH					S	P		X	D	18
ENGINE REPAIR					S	P	P	X	D	18
GASOLINE STATION WITH REPAIR					S	P	P	X	D	18
GASOLINE STATION WITHOUT REPAIR					S	P	P	X	D	10
RV / CAMPER SALES & SERVICE					S	P	P	X	D	18

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / CLOTHING	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
CLOTHING RETAIL					P	P		X	D	12
DRY CLEANING SHOP					P	P		X	D	12
FABRIC SHOP					P	P		X	D	12
SELF-SERVICE LAUNDRY					P	P		X	D	19
SHOE REPAIR SHOP					P	P		X	D	12
TAILOR / DRESSMAKER SHOP					P	P		X	D	12
THRIFT / SECOND HAND CLOTHING STORE					P	P		X	D	12

BUSINESS USES / ELECTRONICS	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
APPLIANCE SALES & SERVICE					P	P		X	D	11
AUDIO / VIDEO EQUIP. SALES & SERVICE					P	P		X	D	11
SATELLITE DISH SALES & SERVICE					S	P		X	D	11
COMPUTER SALES & SERVICE					P	P		X	D	12
VIDEO ARCADE					S	P		X	D	19
BUSINESS EQUIPMENT SALES & SERVICE					P	P		X	D	12
VIDEO / MUSIC STORE					P	P		X	D	12



**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT REGULATIONS  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / FOOD & DRINK	O	R-1	R-2	R-3	B-1	B-2	M-1	PD	Buffer Class	Parking Class
BAKERY, RETAIL					P	P		X	D	12
DAIRY, RETAIL					P	P		X	D	12
DELICATESSEN					P	P		X	D	12
MEAT MARKET / BUTCHER SHOP					P	P		X	D	12
FAST FOOD WITH DRIVE-THROUGH / IN					P	P		X	D	12
GROCERY STORE					P	P		X	D	12
CONVENIENCE STORE					P	P		X	D	12
LIQUOR / WINE / BEER STORE					S	P		X	D	12
RESTAURANT WITH ALCOHOLIC BEV.					S	P		X	D	12
RESTAURANT WITHOUT ALCOHOLIC BEV.					S	P		X	D	12
SIDEWALK CAFE					S	S		X	D	19
ROADSIDE FOOD STAND					S	S		X	--	19
ROADSIDE PRODUCE STAND					S	S		X	--	19

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / OFFICE	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
ACCOUNTANT OFFICE					P	P		X	D	10
CONTRACTOR OFFICE					S	P		X	D	10
CORPORATE OFFICE					S	P		X	D	10
DESIGN SERVICES					P	P		X	D	10
HOME OCCUPATION		S	S	S	P	P		X	A	19
INSURANCE OFFICE					P	P		X	D	10
REAL ESTATE OFFICE					P	P		X	D	10
SECRETARIAL SVC. OFFICE					P	P		X	D	10
SERVICE ORG. OFFICE					P	P		X	D	10
TRAVEL AGENCY					P	P		X	D	10

BUSINESS USES / PERSONAL SERVICES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
ACCOUNTING / TAX PREPARATION					P	P		X	D	10
BARBER SHOP					P	P		X	D	18
BEAUTY SHOP / SALON					P	P		X	D	18
BED AND BREAKFAST					P	S		X	C	13
DENTIST=S OFFICE / PRIVATE PRACTICE					P	P	P	X	D	22
DOCTOR=S OFFICE / PRIVATE PRACTICE					P	P	P	X	D	22
HEALTH SPA / FITNESS CENTER					S	P		X	D	19
HOSPITAL					S	S	P	X	D	17
HOTEL / MOTEL					S	P	P	X	D	13
LARGE ANIMAL CLINIC / VETRINARIAN						S	P	X	D	10
MEDICAL CLINIC					P	P	P	X	D	22
PSYCHIC / PALM READER					P	P		X	D	10
SMALL ANIMAL CLINIC / VETRINARIAN					P	P	P	X	D	10
TANNING SALON					P	P		X	D	18

DISTRICTS IN WHICH USES ARE PERMITTED

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / RECREATION	O	R-1	R-2	R-3	B-1	B-2	M-1	PD	Buffer Class	Parking Class
ADULT BOOKSTORES/ADULT ENTERTAINMENT						S	S	X	D	12
ARCHERY / FIREARMS TARGET RANGE (INDOOR)						P	P	X	D	18
ARCHERY / FIREARMS TARGET RANGE (OUTDOOR)	S						S	X	E	18
BAIT & TACKLE SHOP						P		X	D	12
BILLIARD ROOM						P		X	D	19
BINGO PARLOR						P		X	D	19
BOWLING ALLEY						P		X	D	18
CAMPGROUND, TENT &/OR RV	S					S		X	E	18
DANCE / GYMNASIIC STUDIO					S	P		X	D	19
GOLF COURSE OR DRIVING RANGE	P				S	S		X	C	21
LODGE OR PRIVATE CLUB					S	S	S	X	D	19
NIGHT CLUB / BAR / TAVERN					S	P		X	D	12
PAINTBALL RECREATION FACILITY	S				S	S	S	X	D	19
PRIVATE CAMP	S							X	D	19
RIDING STABLE AND TRAILS	S							X	C	19
SPORTING GOODS STORE, RETAIL					S	P		X	D	12
TATOO PARLOR						S	S	X	D	11
THEATER, INDOOR						P		X	D	5
THEATER, OUTDOOR	S					S		X	E	5
THEME / AMUSEMENT PARK	S					S		X	E	19
VIDEO ARCADE						P		X	D	19

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / RETAIL SALES	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
ANTIQUÉ SHOP					P	P		X	D	12
APPAREL / CLOTHING STORE					P	P		X	D	12
DEPARTMENT STORE						P		X	D	12
DRUG STORE						P		X	D	12
FLORAL SHOP					P	P		X	D	12
FURNITURE STORE					S	P		X	D	11
GIFT / CARD SHOP						P		X	D	12
HARDWARE STORE					P	P		X	D	12
JEWELRY STORE					P	P		X	D	12
LIQUOR / WINE / BEER STORE						P		X	D	12
LUMBER / BUILDING SUPPLY SALES						P		X	E	19
MUSIC STORE					P	P		X	D	12
NEWS / BOOK / MAGAZINE STORE					P	P		X	D	12
PET STORE					S	P		X	D	12
RETAIL SHOWROOM					S	P	P	X	D	12
SHOE STORE					P	P		X	D	12
SPORTING GOODS STORE					S	P		X	D	12
TOBACCO / CIGAR STORE						P		X	D	12
VARIETY STORE						P		X	D	12
VIDEO STORE					S	P		X	D	12

**DISTRICTS IN WHICH USES ARE PERMITTED**

P=PERMITTED S=SPECIAL EXCEPTION X=PER PLANNED DEVELOPMENT  
 BUFFER CLASS IS EXPLAINED IN SECTION 5.9 TABLE J  
 PARKING CLASS IS EXPLAINED IN SECTION 5.5 TABLE H

BUSINESS USES / MISCELLANEOUS	O	R-1	R-2	R-3	B-1	B-2	I-1	PD	Buffer Class	Parking Class
ADULT BOOKSTORE / ENTERTAINMENT						S	S	X	D	12
AGRICULTURAL SEED SALES						S		X	D	12
BANK / CREDIT UNION					P	P	P	X	D	19
BANK MACHINE / A.T.M.					P	P	P	X	D	19
BOAT SALES / SERVICE / STORAGE						P	P	X	D	19
BUILDING TRADES CONTRACTOR					S	S	P	X	E	10
BUS STATION	P				P	P	P	X	D	19
CEMETERY / CREMATORIUM	P							X	B	19
FARM EQUIPMENT SALES & SERVICE						P	P	X	D	19
HOME OCCUPATION		S	S	S	P	P		X	A	19
KENNEL, PET BOARDING						P	P	X	D	10
LIVESTOCK AUCTION BARN						S	P	X	D	19
MORTUARY / FUNERAL HOME	S	S	S	S	P	P		X	B	19
PHOTOGRAPHY STUDIO					P	P		X	D	10
PRINTING SHOP					S	P	P	X	D	11
SIGN PAINTING					S	P	P	X	D	11
TRUCK STOP						P	P	X	E	19
WAREHOUSE / MINI STORAGE						P	P	X	E	19
WELDING SHOP						S	P	X	E	11

5.1 GENERAL

The purpose of this section is to set forth in detail the development standards and restrictions for permitted uses. Such development standards have been developed to promote the goals, policies, and objectives set forth in the Ashley Comprehensive Plan.

5.2 LOT/YARD REGULATIONS

A. Conflicts

All conflicts concerning lot/yard regulations specified in this section in existence prior to the time of adoption of this ordinance shall be considered legal nonconforming lots or structures and are subject to Section 4.3 of this ordinance.

B. Setbacks

No building or structure shall be erected, altered, enlarged, or reconstructed unless such improvement conforms with the yard regulations of the District in which it is located as follows:

I. Front Yard Requirements:

Each lot shall have a front yard with a minimum depth measured from and parallel to the right-of-way as specified in Table B.

TABLE B  
MINIMUM FRONT YARD REQUIREMENTS

TYPE OF FRONTAGE / DISTRICT	O	R-1	R-2	R-3	B-1	B-2	I-1
IN RECORDED SUBDIVISIONS	25 FT	25 FT	25 FT	25 FT	30 FT	10 FT	75 FT
PRIMARY ARTERIAL (NOT IN RECORDED SUBDIVISION)	25 FT	25 FT	25 FT	25 FT	30 FT	10 FT	75 FT
SECONDARY ARTERIAL (NOT IN RECORDED SUBDIVISION)	25 FT	25 FT	25 FT	25 FT	30 FT	10 FT	75 FT
COLLECTOR OR FEEDER (NOT IN A RECORDED SUBDIVISION)	25 FT	25 FT	25 FT	25 FT	30 FT	10 FT	75 FT
LOCAL STREET (NOT IN A RECORDED SUBDIVISION)	25 FT	25 FT	25 FT	25 FT	30 FT	10 FT	75 FT

II. Side Yard Requirements:

Two side yards shall exist for each lot with minimum width as specified in Table C. Side yard requirements vary, as shown, depending upon the zoning district. Dwellings having common party walls shall be considered as One (1) building occupying one (1) lot.

**TABLE C  
MINIMUM SIDE YARD REQUIREMENTS**

ZONING DISTRICT	O	R-1	R-2	R-3	B-1	B-2	I-1
MINIMUM WIDTH	15 FT	7 FT	7 FT	7 FT	10 FT	10 FT	30 FT

III. Rear Yard Requirements:

A rear yard shall exist for each lot, the minimum depth for which shall be as follows:

Residential Uses in All Districts

For residential uses in any district, minimum rear yard depth shall be 20% of the total lot depth or twenty feet (20'), whichever is less.

All Other Uses

For all non-residential uses, if located in or adjacent to a residential district the minimum rear yard depth shall be 20% of the total lot depth or twenty feet (20'), whichever is less; if not located in or adjacent to a residential district, no rear yard is required.

Rear Yard Accessory Building

An accessory building or structure not exceeding twenty feet (20') in height may occupy not more than thirty percent (30%) of the required rear yard area. No accessory building shall be closer than seven feet (7') to any lot line.

**TABLE D  
MINIMUM REAR YARD REQUIREMENTS**

ZONING DISTRICT	O	R-1	R-2	R-3	B-1	B-2	I-1
MINIMUM REAR YARD DEPTH FOR ALL LOTS IN OR ADJACENT TO ANY RESIDENTIAL DISTRICT	20% of total lot depth or 20'	20% of total lot depth or 20'	20% of total lot depth or 20'	20% of total lot depth or 20'	20% of total lot depth or 20'	20% of total lot depth or 20'	20% of total lot depth or 20'
MINIMUM REAR YARD DEPTH FOR ALL NON-RESIDENTIAL LOTS NOT IN OR ADJACENT TO ANY RESIDENTIAL DISTRICT	None	None	None	None	None	None	None

C. Lot Width

No building or structure shall be erected on a lot not meeting minimum lot width standards per Table E.

D. Lot Coverage

All lots must conform to the maximum lot coverage standards per Table E.

E. Lot Area

No building or structure shall be erected on a lot not conforming with the minimum lot area standards per Table E.

**TABLE E  
GENERAL LOT REQUIREMENTS**

REGULATION / DISTRICT	O	R-1	R-2	R-3	B-1	B-2	I-1
MINIMUM LOT SIZE* (SANITARY SEWERS REQUIRED)	NA	10,125 S.F.	10,125 S.F.	10,125 S.F.	10,125 S.F.	10,125 S.F.	10,125 S.F.
MINIMUM LOT WIDTH*	NA	70 FT	70 FT	70 FT	70 FT	70 FT	70 FT
MAXIMUM LOT COVERAGE*	5%	25%	25%	25%	50%	75%	75%
MINIMUM FRONT YARD*	SEE TABLE B	SEE TABLE B	SEE TABLE B	SEE TABLE B	SEE TABLE B	SEE TABLE B	SEE TABLE B
MINIMUM SIDE YARD*	SEE TABLE C	SEE TABLE C	SEE TABLE C	SEE TABLE C	SEE TABLE C	SEE TABLE C	SEE TABLE C
MINIMUM REAR YARD*	SEE TABLE D	SEE TABLE D	SEE TABLE D	SEE TABLE D	SEE TABLE D	SEE TABLE D	SEE TABLE D
MAXIMUM WIDTH:DEPTH*	NA	1:3	1:3	1:3	NA	NA	NA

*\* Only applicable to lots platted subsequent to the adoption of this ordinance.*

**5.3 HEIGHT REGULATIONS**

**A. General**

Structures may be erected or modified to heights no greater than the maximum heights specified in Table F.

**TABLE F  
GENERAL HEIGHT REQUIREMENTS**

TYPE OF STRUCTURE	O	R-1	R-2	R-3	B-1	B-2	I-1
PRIMARY STRUCTURES (WITH ONLY MINIMUM SIDE YARDS)	30 FT	30 FT	30 FT	30 FT	35 FT	35 FT	50 FT
PRIMARY STRUCTURES (PROVIDED THAT SIDE YARDS ARE INCREASED AN ADDITIONAL ONE FOOT (1') FOR EACH THREE FEET (3') SUCH STRUCTURE EXCEEDS THIRTY (30) FEET)	35 FT	35 FT	35 FT	35 FT	NA	NA	NA
ACCESSORY STRUCTURES	12 FT	12 FT	12 FT	12 FT	*	*	*

*\* 18 feet or half of the height of the primary structure*

**B. Special**

- The height of primary structures in a B-1, B-2, or I-1 district may be increased an additional two (2) feet for every one (1) foot that front, side, or rear yards are increased.
- Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, penthouses for mechanical equipment, stacks, tanks, water towers, transmission towers for electric lines, telecommunications



towers, and agricultural structures may be erected or changed to any height, subject to the approval of the Zoning Administrator or designated agent.

#### 5.4 LOADING

##### A. General

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

##### B. Location

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

##### C. Size

Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least fourteen (14) feet.

##### D. Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

##### E. Surfacing

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

##### F. Space Allowed

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

##### G. Off-Street Loading Berth Requirements

Minimum off-street loading berth requirements are as specified in Table G.

**TABLE G  
MINIMUM OFF-STREET LOADING BERTH REQUIREMENTS**

Minimum Number Required	Gross Floor Area
1	up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.
5	160,000 to 240,000 sq. ft.
6*	240,000 to 320,000 sq. ft.*

*\*One additional off-street loading space shall be required for each additional 80,000 square feet after 320,000 square feet.*

## 5.5 PARKING

### A. General

To reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided by Table H. Parking spaces or bays contiguous to the street are in addition to and not in place of the spaces so required. Public parking spaces available within three (3) blocks of a given premise shall be considered in meeting the off-street parking requirements specified by Table H.

### B. Parking Spaces

As used in this Chapter, the term "parking space" means an area, not including any part of a street or alley, designed or used for the temporary parking of a motor vehicle. Parking spaces of the following type have the following minimum dimensions:

- |    |                         |                              |
|----|-------------------------|------------------------------|
| 1. | Handicapped             | 12 feet wide by 20 feet long |
| 2. | Parallel                | 10 feet wide by 20 feet long |
| 3. | Right Angle (90 degree) | 10 feet wide by 20 feet long |
| 4. | Sixty degree            | 10 feet wide by 18 feet long |
| 5. | Forty-five degree       | 10 feet wide by 17 feet long |

The length for the right angle, sixty degree, and forty-five degree parking space shall be measured at right angles to the edge of usable parking area forming the angles, exclusive of passageway.

All uses which are required to provide handicapped parking areas shall be required to (a) provide the minimum number of handicapped parking spaces required for said use, with each parking space conforming to the dimensions shown above; (b) show the proposed dimensions and location of all such handicapped parking spaces on all site plans, plats, and other plans which will be reviewed by the Commission or BZA; and (c) comply with all appropriate parking, traffic, safety, and handicapped accessibility codes.

Except for providing for the minimum number of off-street parking spaces required in this Chapter for residential uses (exclusive of any commercial or lodging operations associated with residential uses), parking spaces shall not be located in required front yards except in business (B-1 and B-2) and industrial (I-1) districts.

Parking spaces for any commercial or lodging operations associated with a residential use shall be provided either in one of the side yards or the rear yard of such dwelling, substantially out of public view from (a) the street fronting the front yard or an interior lot (or both street frontages on a through-lot), and (b) both streets which front the side and front yards on a corner lot (or all street frontages on corner lots which run the entire length of a block).

Off-street parking shall be provided as shown in Table G. Refer to Table A in Section 4 to determine which parking classification shall be met. (Example: if parking class is "3" for a use listed on Table A, the parking requirement found on Table H for the use "3" shall apply).

### C. Parking Areas

As used in this Chapter, "parking area" means a group of parking spaces or an open area not including any part of a street or alley, designed or used for the temporary parking of motor vehicles.

Parking areas prescribed in this section for commercial and industrial uses must be located either on the premises of such commercial or industrial use or on a site approved by the Commission. Said off-street parking, however, must be located within three hundred (300) feet of the respective commercial or industrial site.

All parking lots for commercial, industrial, business, public and private employee parking, offices, and places of assembly, and all interior drives for commercial and light industrial developments must be paved with an impervious hard surface. In addition, all parking lots must also conform to all the following requirements:

1. Be striped so as to show each parking space;
2. Meet all of the parking space requirements in Table H;
3. Be constructed to allow proper drainage;
4. Be designed to prevent vehicles from having to back into public streets; and
5. No point of ingress or egress shall be allowed closer than twenty-five (25) feet of any right-of-way line of any intersecting street or alley.

A group of business and/or industrial uses may provide a joint parking area if the number of spaces required for all uses is adequate, and at least eighty percent (80%) of the total sum required for each use. The Zoning Administrator or designated agent shall approve such aggregate parking lots.

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

All parking areas are encouraged to be located in the rear and side yards for all uses of property. The Commission shall hear requests for variations from this Chapter's requirements only if the parking areas are located in the side or rear lots; front lot parking shall have no flexibility.

**TABLE H  
MINIMUM PARKING REQUIREMENTS**

PARKING CLASS*	REQUIRED MINIMUM NUMBER OF SPACES
1	4 PER HOUSEHOLD / DWELLING UNIT
2	2 PER HOUSEHOLD / DWELLING UNIT
3	1 PER HOUSEHOLD / DWELLING UNIT
4	1 PER 6 SPECTATOR SEATS
5	1 PER 3 SPECTATOR SEATS
6	1 PER 2 SPECTATOR SEATS
7	1 PER 4 EMPLOYEES
8	1 PER 3 EMPLOYEES
9	1 PER 2 EMPLOYEES
10	2 PER 1 EMPLOYEE
11	1 PER 300 SQ. FT. (UP TO 9,000 SQ. FT.)
	1 PER 500 SQ. FT. (9,001 TO 50,000 SQ. FT.)
	1 PER 1,000 SQ. FT. (OVER 50,000 SQ. FT.)
12	1 PER 200 SQ. FT. (UP TO 1,000 SQ. FT.)
	1 PER 400 SQ. FT. (OVER 1,000 SQ. FT.)
13	1 PER SLEEPING ROOM
14	1 PER 2 SLEEPING ROOMS
15	1 PER 5 BEDS PLUS 1 FOR EACH EMPLOYEE
16	1 PER SLEEPING ROOM PLUS 1 PER 2 EMPLOYEES
17	1 PER 4 HOSPITAL BEDS PLUS 1 PER 2 EMPLOYEES
18	2 PER BAY / BOOTH / ALLEY
19	PER PLAN COMMISSION RECOMMENDATION
20	ADD ONE ADDITIONAL SPACE
21	3 PER GOLF HOLE
22	2 PER TREATMENT ROOM

\*As established in Table A, Section IV

## 5.6 ENTRANCES/DRIVEWAYS

### A. Spacing

Entrances and driveways must be spaced away from intersections for vehicular and pedestrian safety and to reduce traffic congestion. Spacing should be as follows in Table I (see Figure 5.1 for reference).

**TABLE I  
DRIVEWAY / ENTRANCE TO INTERSECTION REQUIREMENTS**

ROAD CLASS. / DISTRICT	O	R-1	R-2	R-3	B-1	B-2	I-1
PRIMARY ARTERIAL	60 FT	60 FT	60 FT	60 FT	70 FT	70 FT	80 FT
SECONDARY ARTERIAL	50 FT	50 FT	50 FT	50 FT	60 FT	60 FT	70 FT
COLLECTOR (FEEDER)	40 FT	40 FT	40 FT	40 FT	50 FT	50 FT	60 FT
LOCAL STREET	30 FT	30 FT	30 FT	30 FT	40 FT	40 FT	50 FT

**B. Width**

Driveway width shall be a minimum of twenty-four (24) feet for commercial and multi-family housing uses and thirty-four (34) feet for industrial uses. There are no minimum driveway widths for single-family residential uses.

**5.7 MISCELLANEOUS RESTRICTIONS**

**A. Minimum Size for Dwelling Units**

**1. Minimum Ground Floor Area**

In any zoning district, no building or structure shall be erected, enlarged, or reconstructed for residential purposes having a ground floor area, exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum size as established below:

<u>Dwelling Type</u>	<u>Minimum Ground Floor Area of Building (Square Feet)</u>
One Story, Single Family	1,120 s.f.
Multi-Story, Single Family	700 s.f.
One Story, Two Family	1,600 s.f.
Multi-Story, Two Family	800 s.f.
One Story, Multi Family	2,400 s.f.
Multi-Story, Multi Family	1,600 s.f.

**2. Minimum Total Floor Area**

In any zoning district, no building or structure shall be erected, enlarged, or reconstructed for residential purposes having a total floor area (all floors), exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum size as established below:

<u>Dwelling Type</u>	<u>Minimum Total Floor Area of Building (Square Feet)</u>
Single Family w/ One or Two Bedrooms	1,120 s.f.
Each Additional Bedroom	100 s.f.
Two Family w/ One or Two Bedrooms per Unit	1,600 s.f.
Each Additional Bedroom	180 s.f.
Multi Family w/ One or Two Bedrooms per Unit	2,400 s.f., or 800 s.f. per unit
Each Additional Bedroom	180 s.f.

**3. No Variances**

No variances to the terms and provisions of this sub-section 5.7-A shall be

granted by the Board of Zoning Appeals, Plan Commission, or any other authorized governmental agency within the Town.

**B. Through-Lots**

In the case of a through-lot, the area at each end of the lot between the setback line and the right-of-way line shall be considered as if it were a part of the front yard.

**C. Access to Public Streets**

Every principal building hereafter erected shall be on a zoning lot or parcel of land which adjoins a public street or a permanent easement of access to a public street; such easement to be at least twenty (20) feet wide unless a lesser width was duly established and received prior to the effective date of this ordinance.

**D. Satellite and Digital Dish Systems**

1. All satellite receiving systems having a diameter greater than four (4) feet shall be located within the rear or side yard of any residential zoned lot.
2. In the case of a corner lot, the satellite receiving system shall not be placed in either yard adjacent to a street.
3. All satellite receiving systems shall be placed a minimum of five (5) feet inside the property line of the owner's lot.
4. No satellite system, if elevated, shall exceed a height of 20 feet.
5. If affixed to a structure, digital dish systems shall be attached to a side or rear of the structure when possible.
6. A permit shall be obtained prior to the placement of any satellite dish system (excluding digital dish systems of less than 24 inches in diameter) and a fee paid as specified in the official fee schedule maintained in the Office of the Clerk-Treasurer.

**E. Fences**

Fences or walls may be located in the required front, side, or rear yard subject to the following conditions:

1. Fences or walls shall not be located nearer than ten feet (10') from the traveled portion or surface of any street or roadway.
2. No fences shall be constructed of barbed wire nor be electrified.
3. Fences in any rear yard or side yard behind the front building line shall be a maximum of six feet (6') in height. Fences in any front yard or side yard in front of the front building line shall be a maximum of four feet (4') in height.
4. All fences shall be located a minimum of five feet (5') from any property line and have the ability to be maintained solely from the owner's property.
5. An Improvement Location Permit shall be required for construction of a fence. Before any fence is constructed a release must be obtained from the Zoning Administrator or designated agent. There shall be no fee for obtaining such release. Applicants shall submit a plot plan to the Zoning Administrator or

designated agent showing the location of the proposed fence, with dimensions, in relation to all structures on the lot, as well as to all lot lines and any adjacent streets or roadways. The plot plan shall also reference the materials from which the fence will be constructed, as well as all dimensions of the proposed fence. The Zoning Administrator or designated agent may provide an application form for this purpose.

## 5.8 ENVIRONMENTAL REGULATIONS

### A. General

No land shall be used or structure erected if the Town or its designated agent determines it to be unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. Failure of the Town or its designated agent to make such a determination shall not give rise to any liability or cause of any action against the Town or its agent.

### B. Surface Water

It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. When possible, existing natural surface drainage may be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When the surface drainage is adequate, easement for such surface drainage shall be provided. On-site detention shall be required where necessary to prevent harm to adjoining properties.

### C. Drainage

Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the County Highway Department, the County Drainage Board, County Surveyor, Street Department, or Indiana Department of Transportation, as may be applicable. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.

### D. Preservation of Natural/Historic Features

Existing natural and historic features which would add value to development of natural or manmade assets of the area such as trees, streams, vistas, lakes, historical landmarks, and similar irreplaceable assets, shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize stormwater runoff, and conserve the natural cover and soil.

### E. Landscaping

Any part or portion of non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.

**F. Cut/Fill Grade**

No cut or fill grade shall exceed a slope of 3:1 or 33 1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3:1 in slope.

**G. Erosion Prevention**

All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such activity to prevent erosion.

**H. Alterations to Shoreline**

No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one-half mile of a water body.

**I. Code Compliance/Hazardous Waste**

All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.

**J. Code Compliance/Environmental Quality**

All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

**K. Waste Disposal**

No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to run off, seep, or wash into surface or groundwaters.

**L. Fuel Storage**

No highly flammable or explosive liquids, solids, or gases specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel and except for permitted agricultural uses and permitted uses in an I-1 District, unless in conformance with applicable state statutes or regulations

**M. Debris/Refuse**

Debris and refuse including, but not limited to organic materials, trash, garbage, waste, scrap construction materials, junk vehicles, appliances, etc., shall not accumulate on any property, in any zoning district.



**N. Treatment of Fill**

Bricks, concrete, lumber, and other material used for fill where permitted by this ordinance and/or by the Indiana Department of Environmental Management (IDEM), Indiana Department of Natural Resources (IDNR), or other governmental agency, shall be promptly covered and seeded.

**O. Improvement Location Permit Requirements**

Requirements for Improvement Location Permits can be found in Section 11.1 of this Ordinance. The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met:

1. Normal excavation for structural foundations, driveways, utility installations, and similar preparation activities.
2. Normal plowing and preparing of the land for gardens and yards.
3. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
4. Earth movements related to farming and other agricultural activity, including sod farming.
5. Public and private road construction.
6. Drain tile laying and ditch cleaning.
7. Top soil removal, other than mineral extraction.

**5.9 BUFFERING****A. General**

In addition to regular setback (yard) requirements for structures, a bufferyard shall be provided and maintained by the owner, or lessee of a property in accordance with this section. Bufferyards are required between most land uses on adjacent properties in order to reduce the impact of one use or another. Generally, more intensive uses require greater amounts of buffering than less intensive uses. This section applies only to changes of use, the construction of a principal structure on a lot or the expansion of any existing principal structure by thirty percent (30%) or more.

In the event that residential uses are developed adjacent to legally existing industrial or commercial uses, said industrial or commercial uses shall not be required to retroactively provide required bufferyards, except in the event of a change or expansion of use, as stated above.

**B. Application**

Bufferyard, where required, shall be located along side and rear property lines. In the I-1 District, bufferyards shall also be required along the front property line when adjacent to or facing R-1, R-2, or R-3 residential districts. On lots, which abut a street along more than one property line, the site plan shall designate which property line shall be considered the front and bufferyards shall be provided along all other lines.

9  
Bufferyards shall have the necessary widths and planting and fencing material as required below.

**C. Determining Requirements**

To determine the minimum requirements for bufferyards, the following procedure shall be used:

1. Identify the Bufferyard Classification (Buffer Class A, B, C, D, or E) of the proposed use and/or structure by referring to Table A (Column, Buffer Class) in Section 4 of this ordinance.
2. Identify the Bufferyard Classification (Buffer Class A, B, C, D, or E) of the existing adjacent use by referring to Table A of this ordinance. For vacant land and for existing, adjacent uses, refer to the Zoning Map for the district classification of the land and/or use.
3. Determine the bufferyard requirements for the proposed use and/or structure by referring to Table J. Go down the left column to the Bufferyard Classification of the proposed use and then go across the matrix either to the land use class or the adjacent vacant land zoning district and refer to the numbers (1 through 5) in the corresponding box which indicates the bufferyard type illustrated in Figure 5.2.
4. Refer to the bufferyard type in Figure 5.2 illustrations 1 through 5. Any of the alternative bufferyards may be selected for the determined bufferyard.

8  
**D. Additional Standards**

The following additional standards apply to bufferyards:

1. All bufferyards shall be maintained and kept free of debris, rubbish, weeds, and tall grass.
  2. There shall be no structures, outdoor storage, parking, or loading facilities in bufferyards, except for agricultural or residential uses. However, bufferyards may be coterminous with the required front, side, or rear setback areas but in case of conflict, the larger yard area regulation shall apply.
  3. All plants shall be planted within one year of the Improvement Location Permit issuance or no later than project completion, whichever is shorter. All plants shall be properly maintained. Any plants, which do not live or are destroyed, shall be promptly replaced.
  4. Deciduous trees shall be a minimum of eight feet in height when planted. Deciduous shrubs shall be a minimum of six feet in height when planted.
  5. Evergreens shall be a minimum of four feet in height when planted.
  6. Berms shall be a minimum of four feet in height.
  7. Flowering trees and shrubs shall be encouraged in bufferyards.
- 8

**E. Exceptions**

1. On any parcel of land where there is an existing use or structure, the Zoning Administrator or designated agent may waive up to fifty percent of the required bufferyard if it is physically impossible to locate the required bufferyard due to non-conforming lot size, existing structure or parking lot location, or other similar reasons.
2. Two or more undeveloped lots abutting one another are not required to provide bufferyards. However, upon development, the appropriate bufferyard will be required.

**F. Responsibility**

The owner or developer shall be responsible for providing the necessary bufferyard, and all costs associated therewith, and contain the bufferyard completely within their property limits.

**TABLE J  
MINIMUM BUFFERYARD REQUIREMENTS**

BUFFERYARD CLASSIFICATION (FROM TABLE A)	ADJACENT EXISTING BUFFERYARD CLASSIFICATION					ADJACENT ZONING DISTRICT (IF LAND IS VACANT)			
	A	B	C	D	E	O	R-1 R-2 R-3	B-1 B-2	I-1
A	NA	1	2	3	4	NA	NA	3	5
B	2	1	2	2	3	1	2	2	4
C	3	2	1	2	2	2	3	3	3
D	4	3	2	1	2	3	4	3	2
E	5	4	3	2	1	4	5	4	2

**5.10 INDUSTRIAL PERFORMANCE STANDARDS**

**A. General**

No industrial use shall be located within the jurisdiction of the Ashley Plan Commission which is injurious to the health or safety of humans or animals, injurious to vegetation, or which is noxious or offensive, by reason of the omission of smoke, particulate matter, dust, odor, gas and fumes, glare, vibration or noise and sound beyond the confines of the building in which such industry is conducted.

**B. Exceptions**

The restrictions of this section shall not apply to:

1. The activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings.
2. The operation of motor vehicles or other facilities for the transportation of personnel, materials or products.
3. Conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment, or facilities of emergencies.

4. Safety or emergency warning signals or alarms necessary for the protection of life, limb or property, or
5. Processes for which there are no known means of control. Research shall be promptly conducted to discover methods of control leading to installation of corrective equipment.

**C. Interpretation**

For the purpose of this section, certain terms and words shall be interpreted and defined as follows:

**DECIBEL** - A unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

**FLASH POINT** - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

**FREE BURNING** - A rate of combustion described by a material which burns actively and easily supports combustion.

**INTENSE BURNING** - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**MODERATE BURNING** - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**PARTICULATE MATTER** - Finely divided liquid or solid material which is discharged and carried along in the air.

**RINGELMANN NUMBER** - The number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann No. 0.

**SLOW BURNING OR INCOMBUSTIBLE** - Materials, which do not in themselves, constitute an active fuel for the spread of combustion. A material, which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of 1,200 degrees F.

**SMOKE** - Small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently or the presence of other solids.

**VIBRATION** - Oscillatory motion transmitted through the ground.

**D. Application**

The following general performance standards shall apply to all industrial uses:

1. **SMOKE** - In any 24-hour period, visible emissions and malfunctions shall not exceed forty percent (40%) of No. 2 of the Ringelmann's Scale for more than an accumulated fifteen (15) minutes.

2. DUST - No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.
3. ODOR - No noxious odor of any kind shall be permitted to extent beyond the lot lines.
4. GASES AND FUMES - No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.
5. GLARE - No bright dazzling light produced by the industry shall be seen from any street or any residential area.
6. WATER POLLUTION - No industrial operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943, as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the State of Indiana.
7. FIRE HAZARDS - The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with State and Federal statutes and regulations.
8. PARTICULATE MATTER -  
 Boiler-Generated - No particulate matter from a flue or stack leading from a boiler shall exceed .8 pounds per million BTU's.  
 Foundry-Generated - No particulate matter resulting from a foundry process shall exceed the following:

<u>Rate of Process</u> (Pounds Per Hour)	<u>Pounds of Particulate Matter Per Hour</u>
1,000	3.00
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.65
6,000	11.30
7,000	12.90
8,000	14.00
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	22.80
20,000	24.00
30,000	30.00
40,000	36.00
50,000	42.00
60,000	48.00
70,000	49.00
80,000	50.50
90,000	51.60
100,000	52.60

Incinerator-Generated - No particulate matter resulting from an incinerator with a capacity to process 200 or less pounds per hour shall exceed .3 pounds per thousand pounds of dry gas at standard conditions. All other incinerators shall not exceed five (5) pounds per thousand pounds of dry gas at standard conditions. Further, all incinerators shall have a primary and secondary combustion chamber.

All other processes - For all other processes, no particulate matter from any stack or flue shall exceed a level determined by the following formulae:

Process under 60,000 pounds per hour

$$E = \frac{.67}{4.1P}$$

Process over 60,000 pounds per hour

$$E = \frac{.11}{55P - 4P}$$

Where:

*E* = Rate of emissions in pounds per hour

*P* = Rate of process in pounds per hour

9. EXPLOSIVE MATERIALS - No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically licensed by the Council. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal and the State Administrative Building Council. Such materials shall include, but are not limited to, all primary explosives such as lead oxide, lead styphnate, fulminated, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof; such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
10. If the State or Federal government shall adopt more restrictive environmental controls, those requirements shall apply to the provisions of this ordinance.

FIGURE 5.2

