ORDINANCE NO. 2013-003

AN ORDINANCE AMENDING ARTICLE 1, SECTION 1 OF THE ZONING ORDINANCE OF VERMILLION COUNTY, INDIANA, ORDINANCE 1135

WHEREAS, the Newport Chemical Depot is an area consisting of more than 6,500 acres; and

WHEREAS, said area is currently unzoned; and

WHEREAS, the Area Plan Commission and the Vermillion County Council and Vermillion County Commissioners have previously approved a development plan for the depot;

WHEREAS, the Area Plan Commission and Vermillion County Council are desirous of establishing an appropriate zoning classification for the Newport Chemical Depot which will promote its development and enhance the development of Vermillion County and preserve open spaces and nature uses;

NOW, THEREFORE, BE IT RESOLVED that:

Article 1, Section 1, of the Vermillion County Zoning Ordinance (the "Ordinance") as certified by the Vermillion County Area Plan Commission on June 30, 1970, and adopted by the Vermillion County Commissioners on July 6, 1970, as amended, be amended to add the N-1 Multi-Use Zone to the list of zones, which zone shall be subject to the general terms and conditions of the Ordinance except as specifically set out below;

Article 3, Schedule of District Regulations, of the Vermillion County Zoning Ordinance be amended to add Section 10, N-1 Multi-Use Zone, which section shall read as follows:

Section 10. N-1 - Multi-Use Zone District.

This zoning classification is restricted to developments in excess of 5,000 acres under one ownership which are being developed according to a development master plan.

The area shall include the following permitted uses and structures within the boundaries of each designated area as shown in a map or plat to be prepared at the time the property is designated N-1 Multi-Use Zone.

I. **Open Space District.** The following uses are permitted in the areas designated Open Space Area in the map or plat prepared at the time the property is designated N-1 Multi-Use Zone subject to the restrictions noted below.

(a) **Permitted Uses and Structures.**

(1) Agriculture (including the commercial sale of livestock and nursery or greenhouse operations and orchards, but not confined animal operations.
(2) Forestry
(3) Open space
(4) Prairie land/prairie grass
(5) Wetlands/wetlands bank
(6) Outdoor recreation
(7) Hunting and fishing
(8) Public parks, playgrounds, and recreation areas
(9) Electric and telephone substations and distribution centers; water filtration plant, pumping stations and water reservoirs and distribution systems; sewage treatment and collection systems; public or package treatment plants; gas regulator and distribution systems; telephone exchanges; radio, television, microwave or other similar kinds of transmitting or relay stations; antenna towers; streets, roads, railroads and related or similar facilities, and other similar governmental and private and public utility service uses.

(b) **Uses Permitted as a Special Exception by the Board of Zoning Appeals:** None.

(c) Minimum lot size: 1 Acre. Lot width 200 feet at the building setback line.

(d) Minimum yard sizes: Front yard - 50 feet along Major Highways; 40 feet along Collector Highways; 30 feet along all other roads. Rear Yard – 25 feet. Side Yards 40 feet each side.

(e) Maximum height of structures: None.

(f) Minimum off-street parking requirements:

Gymnasiums stadiums and grandstands – 1 parking space for each 6 seats based on maximum seating capacity, including fixed and movable seats.

Meeting halls and private clubs – parking space equal to 30 percent of the maximum number of people that can be accommodated in accordance with design capacity.

(g) Limitations on signs:

One for each 40 acres of surface area.

For each use, no sign intended to be read from off the premises shall be permitted except non-flashing signs in accordance with the following provisions;

1. Nameplate and identification signs.
   a. Agriculture use – not more than 1 nameplate for each principal farm dwelling.
   b. Non-agricultural use - not more than 1 identification sign indicating only the name and address of the building.
   c. On a corner lot 2 such nameplates or identification signs - one facing each street - shall be permitted.

d. No sign shall be closer than 15 feet to a lot line adjoin a street.
e. No sign shall project higher than 2 stories or 25 feet above curb level, whichever is lower.

2. For sale and to rent signs.
   a. Not more than 1 sign per lot. Not exceeding 12 square feet in area, and not closer than 8 feet to any other lot.
   b. On a corner lot - 2 such signs - one facing each street - shall be permitted.
   c. No sign shall project beyond the property line into the public right-of-way.
   d. No sign shall project higher than 1 story or 15 feet above the curb level, whichever is lower.
3. Roadside stand signs.
   a. Not more than 2 signs, located only on the same lot as the roadside stand, not exceeding 12 square feet in area, and not closer than 50 feet to any other lot.
   b. No sign shall project beyond the property line into the public right-of-way.
   c. No sign shall project higher than 15 feet above curb level.

II. General Commercial District. The following uses are permitted in the areas designated General Commercial in in the map or plat prepared at the time the property is designated N-1 Multi-Use Zone subject to the restrictions noted below.

The intent of the General Commercial District is to accommodate a wide variety of business, commerce, major retail and service centers, which offer a complete range of goods and services to consumers.

(a) **Permitted Uses and Structures.**

(1) Retail businesses and customary accessory service activities.
(2) Personal, business, financial, and professional services.
(3) Temporary buildings and structures incidental to construction work only for the period of such work.
(4) Greenhouses; monument sales; pet shops; second-hand stores and rummage shops, excluding salvage goods; theaters, indoor.
(5) Convenience stores.
(6) Animal hospitals; auction rooms; blue-printing and photostating establishments; cartage and express facilities; frozen food lockers; laboratories—medical and dental; launderettes; model homes or garage displays; schools—music, dance, trade or business; undertaking establishments; and farm service centers.
(7) Clubs and lodges, non-profit; convention and meeting halls; exhibition halls; charitable institutions; and parking lots.
(8) Building material sales, retail, but not including processing or manufacture of millwork; contractors or construction offices and shops; dry cleaning establishments; fuel and ice sales; garages for storage, repair, and

servicing of motor vehicles; printing; publishing; radar installations and towers; and storage, warehousing and wholesale establishments.

(9) Storage of a continually unoccupied mobile home or recreational vehicle.

(10) Highway and road maintenance garages and yards.

(11) Motels, hotels, restaurants, taverns and night clubs, including live entertainment and dancing.

(12) Establishments of the carry-out or drive-in type offering goods or services directly to customers waiting in parking motor vehicles.

(13) Commercial recreational uses, including golf, bowling alleys, pool halls, dance halls, amusement parks, and similar uses.

(14) Sales, rental, storage, and repair of motor vehicles, campers, mobile homes, trailers, machinery, farm machinery, and boats.

(15) Motor vehicle service and repair, farm machinery and equipment sales and service and repair, garages for repair and servicing of motor vehicles; gas and fuel stations.

(16) Professional office uses, including medical and dental clinics, veterinary, and kennels.

(17) Gift shops, antique stores, furniture and appliance stores, farm service centers, and launderettes.

(18) Amusement establishments such as bowling alleys, pool halls, dance halls, amusement parks, and other outdoor amusement facilities.

(19) Building materials with or without outside storage, hardware and plumbing supply stores.

(20) Catering services.

(21) Furniture and appliance repair.

(22) Car wash.

(23) Child care facilities.

(24) Uses permitted in the Open Space Area District.\

(25) Electric and telephone substations and distribution centers; water filtration plant, pumping stations and water reservoirs and distribution systems; sewage treatment and collection systems; public or package treatment plants; gas regulator and distribution systems; telephone exchanges; radio, television, microwave or other similar kinds of transmitting or relay stations; antenna towers; streets, roads, railroads and related or similar facilities, and other similar governmental and private and public utility service uses.

(26) Other similar or comparable uses to those set forth in this section.

(27) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use.

(a) **Uses Permitted as a Special Exception by the Board of Zoning Appeals:** None.

(b) Minimum lot size: Lot Area – 20,000 square feet. Lot Width – 100 feet.

(c) Minimum yard sizes: Front Yard - 50 feet. Rear Yard – 30 feet. Side Yard – 15 feet (each side) when adjoining an interior lot line; 25 feet when adjoining a street; and 50 feet where a side lot line coincides with a side or rear lot line in adjacent Residential or Agriculture District.

(d) Maximum height: 45 feet.

(e) Minimum off-street parking:

1. Private clubs and lodges – 1 parking space for each lodging room and 1 space for each 6 seats in accordance with design capacity of the main meeting room.
2. Motels – 1 parking space for each dwelling unit.
3. Schools - commercial or trade and music, dance, or business – 1 parking space for each 2 employees, plus 1 space for each 5 students based on the maximum student design capacity.
4. Bowling alleys- 7 parking spaces for each alley, plus such additional spaces as may be required herein for affiliated uses.
5. Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial – 1 parking space for each 3 persons based upon maximum design capacity, plus 1 space for each 3 employees.
6. Automobile service stations – 1 parking space for each employee, plus 2 spaces for each 3 employees.
7. Motor vehicle sales, wholesale stores, and stores for repair of household equipment or furniture – 1 parking space for each 400 square feet of floor area.
8. Undertaking establishments and funeral parlors – 8 parking spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises.
9. Auto Laundries – 1 parking space for each 3 employees, plus 1 space for the owner or manager and reservoir parking spaces equal in number to 5 times the maximum capacity of the auto laundry.
10. Warehouse, storage, wholesale and mail order establishments – 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises.
11. Cartage, express, parcel delivery and freight terminal establishments – 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises, plus 1 space for each vehicle maintained on the premises.
12. Medical and dental clinics – 3 parking spaces for each examining or treatment room, plus 1 for each doctor and each employee in the building.
13. Restaurants and taverns – 1 parking space for each 3 persons based upon the maximum number of persons that can be accommodated at eh same time in accordance with design capacity.
14. Banks – 1 parking space for each 300 square feet of floor area.
15. Business, professional, and public administration or service office buildings – 1 parking space for each 500 square feet of floor area.
16. Furniture and appliance stores – 1 parking space for each 300 square feet of gross floor area.

17. Other business and commercial establishments - 1 parking space for each 300 square feet of gross floor area.
18. Other permitted uses: parking spaces as determined by the Board.

(f) Limitations on sign: For each use, no sign intended to be read from off the premises shall be permitted except in accordance with the following provisions;

1. Business signs and advertising signs in accordance with the following provisions:
   A. The gross surface area in square feet of all signs on a lot shall not exceed 6 times the lineal feet of frontage of the lot. Each side of the loth which adjoins a street shall be considered a separate frontage.
   B. The gross surface area of all advertising signs shall not exceed one-half the gross surface area of all signs permitted on a lot. Each side of the lot which adjoins a street shall be considered a separate frontage.
   C. A business sign when affixed to a building shall not project there from more than 8 feet. A business sign not affixed to a building shall be no nearer than 5 feet to a street right-of-way line.
   D. A business sign affixed to a building shall project no higher than 6 feet above the building height. A business sign not affixed to a building shall project no higher than 30 feet.
   E. Advertising signs affixed to a building wall shall not project there from more than 2 feet, nor project higher than the building height. Free-standing advertising signs shall be located no closer than 40 feet to a street right-of-way line, 20 feet to a rear property line, 5 feet to a side lot line, and 100 feet to a residence district boundary line, nor project higher than 20 feet above the mean elevation of the finished grade of the adjoining ground pavement.
   F. Any sign not affixed to a building and located within 3 feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least 9 feet above the mean elevation of the finished grade of adjoining ground or pavement.
   G. Signs may have constant or flashing illumination, provided that where a sign is illuminated by light reflected upon it direct rays of light shall be shielded from residential buildings and the street.

(g) Off-street loading and unloading:

USE	GROSS FLOOR AREA	NO. OF BERTHS
Business or Commercial	5,00 to 10,000 sq. ft.	1 (10 x 25')
	10,000 to 25,000 sq. ft.	2 (10 x 25'each)
	25,000 to 40,000 sq. ft.	2 (10 x 50'each)
	40,000 to 100,000 sq. ft.	3 (10 x 50'each)
	Each additional 200,000 sq. ft. or fraction thereof over 100\,000 sq. ft.	1 (10 x 50')

III. Industrial District.

The following uses are permitted in the areas designated Industrial District in the map or plat prepared at the time the property is designated N-1 Multi-Use Zone subject to the restrictions noted below.

(a) **Permitted Uses and Structures.**

(1) Light manufacturing, including processing, refining, fabricating, assembling, cleaning, testing or repairing of goods, materials, or products.

(2) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.

(3) Wholesaling, warehousing, packaging, storage or distribution facilities.

(4) General offices associated with an industrial use, including service facilities for employees or guests and child care facilities.

(5) Printing, lithographing, publishing, or photography establishments.

(6) Uses as permitted and regulated in the Open Space District.

(7) Electric and telephone substations and distribution centers; water filtration plant, pumping stations and water reservoirs and distribution systems; sewage treatment and collection systems; public or package treatment plants; gas regulator and distribution systems; telephone exchanges; radio, television, microwave or other similar kinds of transmitting or relay stations; antenna towers; streets, roads, railroads and related or similar facilities, and other similar governmental and private and public utility service uses.

(8) Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages, processing animal by-products.

(9) Manufacture and assembly of glass, plastic, paper, cloth, jewelry, and leather products.

(10) Manufacture of colors, dye, paint, and other coatings (excluding tar products).

(11) Machine, welding, tool and die shops; electroplating operations.

(12) Manufacture of pharmaceutical, biological, medical, cosmetic, and candy products.

(13) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical

and mechanical goods, and farm machinery.

(14) Manufacture and assembly of marine, office, and household furniture and appliances; communication and automobile equipment; air conditioning, heating and refrigeration equipment.

(15) Can and container manufacturing and processing and milling of forest products.

(16) Canning, bottling, processing and packaging of food and beverages; (grain elevators; grain processing); and starch manufacture.

(17) Dyeing and cleaning works; and services such as freight movers, communication and canteen operations.

(18) Upholstering and feather goods manufacture.

(19) Trucking terminals.

(20) Vehicle and implement repair and painting shops.

(21) Lumber yards, building materials, millwork, storage and sale; contractor's storage yard.

(22) Warehousing and distribution; freight transportation terminals.

(23) Power generation.

(24) Highway and road maintenance facilities.

(25) Temporary buildings, structures, and facilities incidental to construction work only for the period of such work including batch plants.

(26) Distillation/refinery operations – Operations including ethanol production, coal gasification and/or liquification, manufacture, production, shipping, handling, and storage.

(27) Manufacture, production, shipping, and handling of animal byproducts, charcoal, concrete, fungicides, glue and sizing, gypsum, herbicides, insecticides, lime or plaster, metal extraction or smelting, milling or smelting of ores, paper, pulp and cellulose, petroleum and petroleum products, rubber, including reclaiming, recapturing sugars, starches, tannery, turpentine or the manufacture, process and use, sale or storage of flammable, corrosive, explosive, or toxic substances.

(28) Similar industrial, manufacturing, processing, and cleaning; refining, assembling, wholesaling, cleaning, servicing, testing, repair or storage of materials, goods or products, including outside storage.

Provided, however, that without a special exception, junk yards, landfill operations, and solid waste transfer stations are not permitted within this zone, and incineration or other disposal of offsite generated waste.

(29) Uses, buildings, and structures customarily accessory and clearly incidental to the above permitted uses when located on the same lot as the principal use, including recreational areas for employees.

(b) **Uses Permitted as a Special Exception by the Board of Zoning Appeals**:

(1) Junkyards, landfill operations, and solid waste transfer stations.
(2) DELETED
(3) Creosote manufacturing and treatment.
(4) Manufacture of detergents and soaps.
(5) Monument works and stone cutting.
(6) Concrete mixing, production of concrete blocks, cinder blocks, and similar building materials.
(7) Oil processing, refining and manufacturing.
(8) Fat rendering and fertilizer manufacturing; stock yards, slaughtering, and allied food processing; leather curing and tanning.
(9) Tar, tar paper, and tar products manufacturing and processing; manufacture of matches and fireworks.
(10) Production of emulsified asphalt and asphaltic concrete paving material.

(c) Minimum lot size: Lot Area – 1 acre; Lot Width – 150 feet.

(d) Minimum yard size: Front Yard – 40 feet; Rear Yard – Except where abutting a railroad right-of-way, 30 feet. Side Yards – 15 feet (each side), when adjoining an interior lot line; 25 feet when adjoining a street and 50 feet where a side lot line coincides with a side or rear lot line in an adjacent Residential or Business district.

(e) Maximum height restrictions: 45 feet.

(f) Minimum off-street parking & Loading Requirements:

1. Off-Street Parking:

a. Private clubs and lodges – 1 parking space for each lodging room and 1 space for each 6 seats in accordance with design capacity of the main meeting room.
b. Motels – 1 parking space for each dwelling unit.
c. Schools - commercial or trade and music, dance, or business – 1 parking space for each 2 employees, plus 1 space for each 5 students based on the maximum student design capacity.
d. Bowling alleys- 7 parking spaces for each alley, plus such additional spaces as may be required herein for affiliated uses.

e. Gymnasiums, health salons, swimming pools, skating rinks, and dance halls, commercial – 1 parking space for each 3 persons based upon maximum design capacity, plus 1 space for each 3 employees.
f. Automobile service stations – 1 parking space for each employee, plus 2 spaces for each 3 employees.
g. Motor vehicle sales, wholesale stores, and stores for repair of household equipment or furniture – 1 parking space for each 400 square feet of floor area.
h. Undertaking establishments and funeral parlors – 8 parking spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises.
i. Auto Laundries – 1 parking space for each 3 employees, plus 1 space for the owner or manager and reservoir parking spaces equal in number to 5 times the maximum capacity of the auto laundry.
j. Warehouse, storage, wholesale and mail order establishments – 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises.
k. Cartage, express, parcel delivery and freight terminal establishments – 1 parking space for each 2 employees based upon the maximum number of persons employed on the premises, plus 1 space for each vehicle maintained on the premises.
l. Medical and dental clinics – 3 parking spaces for each examining or treatment room, plus 1 for each doctor and each employee in the building.
m. Restaurants and taverns – 1 parking space for each 3 persons based upon the maximum number of persons that can be accommodated at eh same time in accordance with design capacity.
n. Banks – 1 parking space for each 300 square feet of floor area.
o. Business, professional, and public administration or service office buildings – 1 parking space for each 500 square feet of floor area.
p. Furniture and appliance stores – 1 parking space for each 300 square feet of gross floor area.
q. Other business and commercial establishments - 1 parking space for each 300 square feet of gross floor area.
r. Other permitted uses: parking spaces as determined by the Board.

Manufacturing, fabrication, processing, assembly, disassembly, cleaning, servicing, testing or repairing of materials, goods, or products – 1 parking space for each 3 employees based upon the working period when the maximum number of persons are employed on the premises.

2. Off-Street Loading and Unloading:

USE	GROSS FLOOR AREA	NO. OF BERTHS
Business or Commercial	5,000 to 10,000 sq. ft.	1 (10 x 25')
	10,000 to 25,000 sq. ft.	2 (10 x 25'each)
	25,000 to 40,000 sq. ft.	2 (10 x 50'each)
	40,000 to 100,000 sq. ft.	3 (10 x 50'each)
	Each additional 200,000 sq. ft. or fraction thereof over 100\,000 sq. ft.	1 (10 x 50')

EXCEPT for the following: For any manufacturing, fabricating, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products, having a **Gross Floor Area** of 5,000 to 40,000 sq. ft. – one loading berth is required; **Gross Floor Area** of 40 ,000 to 100,000 sq. ft. two berths are required; for each additional 100,000 sq. ft. of **Gross Floor Area** or fraction thereof – an additional berth is required.
For Planned Developments, Industrial uses, the number of loading berth required will be the total of the required berths for each individual use.

(g) Limitations on signs: For each use no sign, intended to be read, from off the premises shall be permitted except in accordance with the following provisions:

1. Business signs and advertising signs in accordance with the following provisions:
    a. The gross surface area in square feet of all signs on a lot shall not exceed 6 times the lineal feet of frontage of the lot. Each side of the loth which adjoins a street shall be considered a separate frontage.
    b. The gross surface area of all advertising signs shall not exceed one-half the gross surface area of all signs permitted on a lot. Each side of the lot which adjoins a street shall be considered a separate frontage.
    c. A business sign when affixed to a building shall not project there from more than 8 feet. A business sign not affixed to a building shall be no nearer than 5 feet to a street right-of-way line.
    d. A business sign affixed to a building shall project no higher than 6 feet above the building height. A business sign not affixed to a building shall project no higher than 30 feet.
    e. Advertising signs affixed to a building wall shall not project there from more than 2 feet, nor project higher than the building height. Free-standing advertising signs shall be located no closer than 40 feet to a street right-of-way line, 20 feet to a rear property line, 5 feet to a side lot line, and 100 feet to a residence district boundary line, nor project higher than 20 feet above the mean elevation of the finished grade of the adjoining ground pavement.
    f. Any sign not affixed to a building and located within 3 feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least 9 feet above the mean elevation of the finished grade of adjoining ground or pavement.
    g. Signs may have constant or flashing illumination, provided that where a sign is illuminated by light reflected upon it direct rays of light shall be shielded from residential buildings and the street.
2. For Industrial Parks, 1 additional sign on each street frontage, other than those regulated in No. 1 (above) – shall be permitted, subject to the following:
    a. Such sign shall advertise only the name and location of such park and the name and type of business of each occupant of the park.
    b. The gross area in square feet of the additional sigh shall not exceed 3 times the lineal feet of frontage of the lot.

c. Such a sign shall be set back at least 15 feet from the front lot line of such a park.
d. No sign shall project higher than 30 feet above the curb level.

IV. Floating Zones.

Areas totaling not more than 20% in any of the areas designated in the map or plat prepared at the time the property is designated N-1 Multi-Use Zone as General Commercial may be reclassified as Industrial and areas totaling not more than 20% in any of the areas designated as Industrial may be reclassified as General Commercial provided that a 50 foot undeveloped and unimproved buffer area is provided between any parcel which is of a different classification than the reclassified parcel.

VERMILLION COUNTY COMMISSIONERS

Tim Wilson, President

Harry Crossley

Mike Craig

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