

# CROWN POINT

I N D I A N A



## Chapter 150: Zoning Code

Adopted June 7, 2021



## CHAPTER 150: ZONING CODE

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## BASIC PROVISIONS

### 150.01 TITLE

The official title of this chapter is the Crown Point Zoning Code (also may be referred to as “Zoning Ordinance”).

### 150.02 DEFINITIONS

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed them respectively.

ABANDONMENT. The relinquishment of property or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property owner nor of resuming the use of the property.

ABUT. To physically touch or border upon, or to share a common property line.

ACCESS. A way or means of approach to provide physical entrance to a property.

ACCESSORY STRUCTURE. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE. A use of land or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ACRE. A measure of land area containing 43,560 square feet.

ADDITION. Any construction that increases the size of an existing building or structure in terms of site coverage, height, length, width, or gross floor area.

ADJOINING LOT OR LAND. A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land; or is directly across a street, private street, alley or access easement, or right-of-way (other than a freeway or principal arterial).

ADULT BOOKSTORE. An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs, and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy. For the purpose of such use, principal activity shall mean a use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

ADULT ENTERTAINMENT BUSINESS. One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, and adult nightclub.

ADULT MINI-MOTION PICTURE THEATER. An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths. For the purpose of such use, principal activity shall mean a use

accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons having a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein. For the purpose of such use, principal activity shall mean a use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

ADULT NIGHTCLUB. A business with the principal activity of providing entertainment by nude or partially nude performers. For the purpose of such use, principal activity shall mean a use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

ADULT NOVELTY BUSINESS. A business which has as a principal activity the sale of devices to simulate human genitals or devices designed for sexual stimulation. For the purpose of such use, principal activity shall mean a use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

ADULT PERSONAL SERVICE BUSINESS. A business having as a principal activity a person, while nude or partially nude, providing personal services for a person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, or individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state. For the purpose of such use, principal activity shall mean a use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

AGRICULTURE. The raising of crops for food and fiber through the cultivation of land for profit.

AIRPORT. A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

AISLE, PARKING. An area within a parking facility intended to provide ingress and egress to parking spaces.

ALLEY. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATION. Any change or rearrangement in the supporting members of an existing building; such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

AMENITY. A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

AMORTIZATION. A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

ANIMAL FEEDLOT. The feeding of livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

ANIMAL HOSPITAL. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL KENNEL. Any structure or premises in which animals are kept, bred, or trained for commercial gain.

ANNEXATION. The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

ANTENNA. An exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, data, internet, or similar forms of electronic communication.

APARTMENT UNIT. One or more rooms with a private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building containing more than two dwelling units, all of which share a common access with one or more of the other units.

APPLICANT. A person submitting an application for review and action by the city or any of its departments or commissions.

APPROVED PLAN. A plan which has been granted final approval by the appropriate approving authority.

APPROVING AUTHORITY. The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

ARCHITECTURALLY DESIGNED TOWER. A tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.

AREA. The number of square feet within a lot or site, calculated from dimensions derived by a horizontal projection of the site.

ATTACHED GARAGE. An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling by a foundation or wall.

ATTENTION-GETTING DEVICE. A device designed or intended to attract; by noise, sudden intermittent or rhythmic movement, physical change or lighting change; such as banners, flags, streamers, balloons, propellers, whirligigs, search lights, and flashing lights.

ATTIC. That part of a building which is immediately below and wholly or partly within the roof framing.

AUTOMATIC CAR WASH. A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

AUTOMOBILE. A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

MOTOR VEHICLE BODY SHOP. A facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

MOTOR VEHICLE SALES. The use of any building, land area, or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, and including any warrantee repair work and other repair service conducted as an accessory use within an enclosed building.

MOTOR VEHICLE SERVICE STATION. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensation or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

MOTOR VEHICLE REPAIR SERVICES AND GARAGES. Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

AWNING. A roof-like cover made of fabric, metal, or other material that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BASE FLOOD ELEVATION. The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in a regulatory base flood.

BASEMENT. That portion of a building all or partly underground but having at least one-half of its height, the distance between the ceiling and floor, below grade.

BED AND BREAKFAST. An operator occupied structure that provides sleeping accommodations to the public for a fee; not to exceed six guest rooms in the existing square footage of the principal structure; provides meals to guests (only); provides sleeping accommodations for not more than 21 days to a guest. The term does not include hotels, motels, or boarding houses.

BEDROOM. A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

BILLBOARD. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

BLOCK. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARD. The Board of Zoning Appeals, of Crown Point, Indiana.

BOARDERS. (Roomer, Tenant) A person who occupies a bedroom or room of structure long-term basis.

BOARDING HOUSES. A structure or portion of a structure providing housing for extended periods, in exchange for a fee. Meals may be provided to boarders.

BUFFER. A strip of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUFFER ZONE. A landscape area which serves to visually obstruct view from abutting uses.

BUILDABLE AREAS. The areas of a lot remaining after the minimum yard and open space requirements of the zoning code have been met.

BUILDING. Any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

BUILDING, ACCESSORY. See Accessory Structure.

BUILDING COVERAGE. The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT. The vertical distance on a building, measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

BUILDING INSPECTOR. That individual designated by the appointing authority to enforce the provisions of the building code.

BUILDING LINE. A line parallel to the right-of-way line of a street, at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

BUILDING PERMIT. Written permission issued by the proper municipal authority for the construction, repair, alteration, addition to, or demolition of a structure.

BUILDING, PRINCIPAL. A building in which is conducted the primary (principal) use of the lot on which it is located.

BULK FUEL STORAGE. The storage of chemicals, petroleum products, and other materials in above ground containers, for the subsequent resale to distributors or retail dealers or outlets.

BUSINESS or COMMERCE. Engaging in the purchase, sale, lease, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

CALIPER. The diameter of a tree trunk measured two feet above grade.

CANOPY. See AWNING.

CARRY-OUT RESTAURANT. An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

CEMETERY. Property used for the interring of the dead.

CERTIFICATE OF OCCUPANCY. A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable municipal codes and ordinances.

CHANGE OF USE. A change in the classification of use from the previous use of a building or land.

RELIGIOUS INSTITUTION. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith.

CLINIC (MEDICAL CLINIC/OFFICE). An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers; and where patients are not usually lodged overnight.

CIRCULATION PATTERN. Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

CLUSTER. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COMMERCIAL SCHOOL. A school engaged in specialized education in a trade or vocational field of endeavor.

COMMUNICATION ANTENNA. An antenna or array of antennas at on location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

COMMUNICATION TOWER. A ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital microwave, data, internet, cellular, telephone or similar forms of electronic communication.

COMPREHENSIVE PLAN. A comprehensive, long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

CONTIGUOUS. Next to, abutting, or touching and having a common boundary or portion thereof, which is coterminous.

CHILD CARE CENTER (DAY CARE CENTER). A private establishment enrolling four or more children, or adults, and where tuition, fees, or other forms of compensation for the care of the children or adult is charged, operating for a period of five or more hours during the day, and which is licensed by the state as approved to operate as a day care center.

DENSITY. The number of families, individuals, dwelling units, or housing structures per unit of land.

DIAGONAL SIGN. A sign which projects outward from a building at a 45 degree angle.

DIRECTIONAL ANTENNA. An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

DIRECTOR, PLANNING. The duly appointed City Planner who would serve as Executive Secretary to the Board of Zoning Appeals, Plan Commission, and any other planning boards or committees.

DWELLING. A structure or portion thereof which is used exclusively for human habitation.

DWELLING, ATTACHED. A one-family dwelling attached to two or more one-family dwellings, only by common vertical walls which have no openings.

DWELLING, DETACHED. A dwelling which is not attached to any other dwelling by any other means.

DWELLING, FARM. A single-family dwelling or accessory dwellings used to house persons primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling or accessory dwellings are incidental and subordinate to the principle agricultural use of the parcel or adjacent parcels.

DWELLING, MULTI-FAMILY. A dwelling containing more than two dwelling units.

DWELLING, SINGLE-FAMILY. A building containing one dwelling unit.

DWELLING, SINGLE-FAMILY DETACHED. A dwelling which is designed for and occupied by not more than one family, and surrounded by open space or yards, and which is not attached to any other dwelling by any means.

DWELLING, TOWNHOUSE. A one-family dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside; no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO-FAMILY. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (also may be called a duplex).

DWELLING UNIT. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters; with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another entity.

EATING AND DRINKING ESTABLISHMENTS/RESTAURANT. Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

EAVE. The projecting lower edges of a roof overhanging the wall of a building.

EGRESS. An exit.

ELECTRIC-GENERATING WIND DEVICE (EGWD). An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as electric utility interconnections and battery banks, in such configuration as necessary to convert the power of wind into mechanical or electrical energy and most commonly known as wind charger, windmill, wind turbine, and windspire.

ELECTRIC-GENERATING WIND DEVICE HEIGHT. The total vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

ENVIRONMENTALLY SENSITIVE AREA. An area with one or more of the following characteristics:

- (1) (l) slopes in excess of 20%;
- (2) floodplain;
- (3) soils classified as having a high-water table;
- (4) soils classified as highly erodible, subject to erosion, or highly acidic;
- (5) land incapable of meeting percolation requirements;
- (6) land formerly used for landfill operations or hazardous industrial uses;
- (7) fault areas;
- (8) stream corridors;
- (9) estuaries;
- (10) mature stands of native vegetation;
- (11) aquifer recharge and discharge areas.

EROSION. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance of underground, surface, or overhead electrical, gas, steam, water, and sewerage transmission and collection systems; and the equipment and appurtenances necessary for those systems to furnish an adequate level of public service.

ESTABLISHMENT. An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations performed.

FAMILY. One or more persons related by blood, adopted or marriage, or a group of not more than four persons, not related blood, marriage or adoption, maintaining a common household in a single dwelling unit.

FARM. A parcel of land on which agricultural activities are the principal use, including buildings and dwellings essential to agricultural production.

FAST FOOD RESTAURANT. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (1) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;

- (2) More than 45% of the available floor space devoted to food preparation, related activities, and other floor space not available to the public.

FIRE STATION. Municipal building devoted to the storage and housing of fire equipment and personnel.

FENCE. A free-standing, artificially-constructed barrier, composed of any material or combination of materials (including, but not limited to, wood, metal, plastic, or other materials), including without limitation screens and walls, and hedges, shrubbery, or other vegetation, planted or erected to enclose, screen, or otherwise restrict ingress or egress to an area.

FINAL APPROVAL or SECONDARY APPROVAL. The last official action of the Plan Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary or primary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees property posted for their installation, or approval conditioned upon the posting thereof.

FINANCIAL INSTITUTION. A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). Financial institution shall not include a currency exchange.

FLOOD. The temporary overflowing of water onto land which is usually devoid of surface water.

FLOOD DAMAGE POTENTIAL. The susceptibility of a specific land use to increased off-site flooding or flood-related damages.

FLOOD FRINGE AREA/FLOODWAY. That portion of the flood hazard area outside of the floodway which is inundated by the regulatory flood.

FLOOD HAZARD AREA. The floodplain, consisting of the floodway and the floodway fringes.

FLOOD HAZARD DESIGN ELEVATION. The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

FLOOD INSURANCE RATE MAP. The official map on which FEMA delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD OF RECORD. A flood which has occurred for which there are accurate local records available.

FLOOD, REGULATORY BASE or 100-YEAR FLOOD. Flood having a 1% chance of being equalled or exceeded in any given year.

FLOODPLAIN. The channel and the relatively flat area adjoining the channel of a natural or man made stream or river, which has been or may be covered by the regulatory flood.

FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, for the reduction or elimination of flood damage to properties, water and sanitary facilities, and other utilities, structures, and the contents of buildings.

**FLOODWAY.** The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are required to carry and discharge the floodwater or flood flow of any natural stream or river.

**FLOODWAY, REGULATORY.** The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than 0.14'.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings; but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**FLOOR AREA, NET.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FLOOR AREA RATIO or F.A.R.** The gross floor area of all buildings on a lot divided by the lot area.

**FRATERNAL ORGANIZATION.** A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

**FRONTAGE.** The side of a lot abutting on a street or alley; the front lot line.

**FRONT YARD.** The space not containing any structures between a structure and thoroughfare right-of-way line.

**FULL SERVICE EATING AND DRINKING ESTABLISHMENT.** An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the following:

- (1) Customers are normally provided with an individual menu; are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- (2) Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**GARAGE.** A deck, building, structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**GARAGE, PUBLIC.** A publicly owned, deck, building, structure, or part thereof, used or intended to be used for the parking and storage of vehicles and is not used to perform mechanical services or repairs of a commercial nature.

**GARAGE, PRIVATE RESIDENTIAL.** A structure which is accessory to a residential building, located on the same lot of the primary structure of which it is intended to serve, and may or may not be

attached to the primary structure, and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public, and is not used to perform mechanical services or repairs of a commercial nature.

GARAGE, REPAIR. Any building, premises and land in which or upon which a business, service, or industry involving the maintenance, servicing, painting, or repair of vehicles is conducted or rendered.

GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

GLARE. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE. A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GRADE. The degree of rise or descent of a sloping surface.

GRADE, FINISHED. The elevation of the ground surface after development.

GRADE, NATURAL. The elevation of the ground surface in its natural state, before man-made alterations.

GRADING. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

GREENBELT. The land abutting a public street, private street, or access drive (front yard setback area) that shall be reserved as a landscape area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

GROUND COVER. Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other rank vegetation.

GROUND FLOOR. The first floor of a building other than a cellar or basement.

GROUNDWATER. The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

GROUNDWATER RUNOFF. Groundwater that is discharged into a stream channel as spring or seepage water.

GROUP CARE FACILITIES. A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household, as regulated by the State.

GUEST. An individual who rents a guest room for sleeping purposes.

GUEST ROOM. A sleeping room intended to accommodate not more than four guests each night.

HAZARDOUS MATERIALS. Includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, nitrogen, chromium, phosphorous, selenium, arsenic, and their common salts or metallo-organic derivatives; coal, tar, acids such as phenol and cresols and their salts; dioxins, carcinogens, and all radioactive materials.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

HOME OCCUPATION. An occupation carried on in a dwelling which is clearly secondary to the use of the building for dwelling purposes, and which does not change the character of the unit as a dwelling.

HOSPITAL. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions; and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

I-65 CORRIDOR. The land area encompassing Interstate 65 from the northern municipal boundary (at 101<sup>st</sup> Avenue) to the southern municipal boundaries (131<sup>st</sup> Avenue on the west side of I-65 and 137<sup>th</sup> Avenue on the east side of I-65).

IMPERVIOUS SURFACE. Any material which reduces and prevents the absorption of stormwater into the ground.

IMPROVEMENT LOCATION PERMIT. A permit which allows the improvement of an improved or unimproved lot after it has been determined that the lot meets the requirements of the zoning and building regulations and that the requisite fees have been paid.

INGRESS. Access or entry.

INSTITUTIONAL USE. A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

INTERSECTION. The point where two or more roads cross at grade.

JUNK VEHICLE. An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable; or such a vehicle which does not comply with state or city laws or ordinances.

JUNKYARD. Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles, or other type of junk.

KENNEL. An establishment in which more than two dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

LAND. Ground, soil, or earth, including structures on, above, or below the surface.

LAND USE. A description of how land is occupied or utilized.

LAND USE PLAN. A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

LATTICE TOWER. A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

LATTICE TOWER (ELECTRIC GENERATING WIND DEVICES). A self-supporting tower consisting of metal pieces that form a lattice tower structure used for an electric-generating wind device but does not include any towers that use guy wires.

LIBRARIES. Institutions for the storage and circulation of books, films, and other materials for use by the general public.

LIGHT INDUSTRIAL. Industrial uses engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. All uses must meet the performance standards, bulk controls, and other requirements established in this chapter.

LOADING SPACE. An off-street area or berth used for the loading or unloading of commercial vehicles.

LOT. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law (see ZONING LOT).

LOT AREA. The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT CORNER. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

LOT COVERAGE. That portion of the lot that is covered by buildings or structures.

LOT DEPTH. The distance measured from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT FRONTAGE. The length of the front line measured at the street right-of-way line.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. The lot line separating a lot from a street right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to, and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF. The smallest lot area established by the zoning code on which a single use or single structure may be located in a particular district.

LOT OF RECORD. A lot which exists as shown or described on a plat or deed in the records of the County Recorder.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED HOME. A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law.

MANUFACTURING FACILITY. Establishment engaged in the mechanical, chemical, or nuclear transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MANUFACTURING, GENERAL. The manufacturing, processing, assembling, fabrication, or repairing of any materials or products, where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where some operations and storage may be in open areas. Materials used in such processes are primarily extracted or raw.

MANUFACTURING, LIGHT. The manufacturing, processing, assembly, fabrication, or repairing of certain materials or products, where no process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where all operations and storage are entirely within enclosed buildings or areas. Materials used in such processes are predominantly from previously prepared materials, of finished products or parts.

MARKET STUDY. A study that measures the economic demand for a particular site and/or land use.

MARQUEE. Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association, or corporation engages in or carries on or permitted to be engaged in or carried on the activity of massage, defined as any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or

without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice by a certified massage therapist. . "Massage" does not include actions taken by licensed acupuncturists, chiropractors, cosmetologists, estheticians, nail technicians, naprapaths, nurses, occupational therapists, physical therapists, physicians, or podiatrists in a manner consistent with their training and the code of ethics or their respective professions.

MEDICAL OFFICE. An establishment, other than a hospital as defined herein, where human patients who are not lodged overnight are admitted for examination and treatment by one or more physicians, dentists, other health care professionals, or similar professions.

MICROBEWERY. An establishment which produces small quantities of beer or ales on the premises from malt and hops, by infusion, boiling and fermentation. Such products may be bottled and sold on the premises. Maximum annual production of a microbrewery is subject to State regulation.

MINI-WAREHOUSE. A structure containing separate storage of varying sizes leased or rented on an individual basis.

MIXED USE ZONING. Regulations which permit a combination of different uses within a single development.

MOBILE HOME. A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

MOBILE HOME PARK. A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

MONOPOLE TOWER. A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

MONOPOLE/UNIPOLE STRUCTURE (ELECTRONIC WIND GENERATING WIND DEVICES). A self-supporting, free-standing structure consisting of a single metal pole used for an electric-generating wind device.

MORTUARY. A place for the storage of dead human bodies prior to burial or cremation.

MOTEL. An establishment providing the transient accommodations, with all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MUNICIPAL BUILDING/OFFICE. A structure housing an operation of a municipality.

MURAL. Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a the exterior of a building or fence.

NATURAL RETENTION AREA. A naturally occurring pond or wetland which retains stormwater runoff.

NONCONFORMING LOT. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

NONCONFORMING SIGN. Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE or NONCONFORMING BUILDING. A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning code.

NONCONFORMING USE. A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning code, but which fails, by reason of such adoption, revision, or amendment, to conform to current requirements of the zoning district.

NORTHPOINT. The designation on a map illustrating the direction of north.

NOXIOUS. Offensive or disturbing.

NUISANCE. An unlawful or unreasonable interference with the enjoyment and use of property, or a property right or a use or building in violation of this zoning code.

NURSERY SCHOOL. See CHILD CARE CENTER.

OCCUPANCY PERMIT. A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand, as permitted by this Code.

OFF-STREET PARKING SPACE. A temporary storage area for a motor vehicle, that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

OMNI-DIRECTIONAL ANTENNA. An antenna that transmits signals in 360 degrees. Such as a whip antenna.

OPACITY. Degree of obscuration of light.

OPEN SPACE. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use and enjoyment, or for the use and enjoyment of owners or occupants of land adjoining or neighboring that open space.

OPEN SPACE, COMMON. Land within or related to a development, not individually owned or dedicated for the public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as may be necessary or appropriate.

OPEN SPACE, GREEN. An open space area not occupied by any structures or impervious surfaces.

OPEN SPACE, PRIVATE. An open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

OPEN SPACE, PUBLIC. Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

OPEN SPACE RATIO. Total area of open space divided by the total site area in which the open space is located.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place, on non-residential property for more than twenty-four (24) hours.

OWNER. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

PARCEL. A lot or tract of land as determined by the tax key number recorded in the Office of the Lake County Auditor and Recorder's Office.

PARK. A tract of land designated and used by the public for active or passive recreation.

PARKING ACCESS. The area of a parking lot that allows motor vehicles ingress and egress from the street.

PARKING AREA. Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated private streets.

PARKING AREA, PRIVATE. A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

PARKING AREA, PUBLIC. A parking area available to the public, with or without fees, or used to accommodate clients, customers, or employees.

PARKING LOT. An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PARTIALLY NUDE. Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

PASSIVE RECREATION AREA. An open area designed for walking or sitting and enjoying nature or surroundings.

PERFORMANCE STANDARDS. A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICES FACILITIES. Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PLANNED UNIT DEVELOPMENT or PUD. An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi- public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified. The use of the term PLANNED UNIT DEVELOPMENT or PLANNED UNIT DEVELOPMENT PLAN shall also mean PLANNED UNIT DEVELOPMENT DISTRICT, when applicable.

PLANNED UNIT DEVELOPMENT DISTRICT. Land under unified control, planned and developed as a whole, in a single development operation or definitely programmed series of development operations including all land and buildings, for principal and accessory structures and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, lot or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other; and with a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general expense.

PLANNING COMMISSION. The duly designated advisory plan commission of the municipality.

PORTABLE TEMPORARY STORAGE CONTAINERS. A standardized, reusable vessel, designed without an axle or wheels that are rented or leased on a temporary basis for the purpose of moving personal or business property and goods. Such containers are also commonly known as portable moving containers or moving pods.

PRELIMINARY PLAN. A preliminary map indicating the proposed layout of the subdivision, PUD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

PRINCIPAL USE. The primary or predominant use of any lot.

PRIVATE CLUB OR LODGE. A building and related facilities owned and operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members, and not primarily for profit, and whose members meet certain prescribed qualifications for membership.

PRIVATELY OWNED PARKS AND PLAYGROUNDS. Parks and playgrounds which are not open to the general public and which are held in private ownership.

PRIVATE RECREATION. Recreational activities which are not open to the general public and for which a fee may or may not be charged.

PROCESSING. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROFESSIONAL SERVICES. Services offered to the general public by the traditional professions, such as law, medicine, engineering, accounting, and architecture.

PUBLIC/CIVIC/INSTITUTIONAL USE, INDOOR. Civic or institutional uses which occur within an enclosed building. Examples may include government offices, libraries, community centers, post

office, fire/police/rescue station, civic/social organization, labor union/organization, political organization, charitable organization, non-profit organization.

PUBLIC FACILITIES. Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

PUBLIC UTILITY. A closely regulated private enterprise with an exclusive franchise for providing a public service.

PUBLIC UTILITY BUILDING. A building owned and operated by a closely regulated private enterprise with an exclusive franchise for providing a public service.

PUBLIC WAY. A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

PUBLICLY-OWNED PARKS AND PLAYGROUNDS. Parks and playgrounds which are open to the general public and which are held in public ownership.

QUASI-PUBLIC AGENCY. A service owned and operated by a non-profit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

QUORUM. A majority of the full membership of a board or agency.

RECREATION, ACTIVE. Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION FACILITY. A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

RECREATION FACILITY, COMMERCIAL. A recreation facility operated as a business and open to the public for a fee.

RECREATION, COMMERCIAL. Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios (including yoga), bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors, and swimming pools.

RECREATION, PASSIVE. Any leisure time activity not considered active.

RECREATIONAL DEVELOPMENT. A recreational development planned, maintained, operated and integrated with a major recreational facility.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation; which can be towed, hauled, or driven; and primarily designed as temporary living accommodations for recreational, camping, and travel use; and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RECYCLING. The process by which waste products are reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER. A building or yard specializing in transforming waste products back into raw materials and converting them into new and often different products.

REFUSE CONTAINMENT AREA. An area located on the exterior of a structure, which area is used, either primarily or incidentally, for the storage, temporarily or otherwise, of refuse.

RELIGIOUS USE. A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular deity or system of beliefs are held.

RESEARCH AND TESTING LABORATORY. An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESIDENCE. A home, abode, or place where an individual is actually living at a specific point in time.

RESTRICTION. A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

RESTRICTIVE COVENANT. A restriction on the use of land usually set forth in a deed or other appropriate document. The use of the term COVENANT shall also mean RESTRICTIVE COVENANT where applicable.

RETAIL TRADE. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary sewer, storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

RIGHT-OF-WAY LINES. The lines that form the boundaries of a right-of-way.

RINGLEMANN CHART. A device to measure the opacity of smoke emitted from stacks and other sources.

RUNOFF. The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

ROOFTOP MOUNTED MONOPOLE/UNI POLE. A single metal pole attached to a roof or the side of a structure that is used for an electric-generating wind device.

SALES LOT. An area of land improved and used for the sale of products.

SANITARY LANDFILL. A site for solid waste disposal.

SANITARY LANDFILLING. A planned method of solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each working day.

SATELLITE DISH ANTENNA. A dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter.

SAVINGS AND LOAN. A financial institution engaged in banking, with an emphasis on mortgage lending.

SCALE. The relationship between distances on a map and actual ground distances.

SCHOOL. Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

SCHOOL, ELEMENTARY. Any school licensed by the state and which meets the state requirements of elementary education.

SCHOOL, PAROCHIAL. A school supported and controlled by a church or religious organization.

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which use does not secure a major part of its funding from any governmental agency.

SCHOOL, SECONDARY (HIGH SCHOOL). Any school licensed by the state and which is authorized to award diplomas for secondary education.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SETBACK. The minimum distance by which any building or structure must be separated from a street right-of-way line or side, front, or rear lot line(s).

SETBACK LINE. That line that is the required minimum distance from the street right-of-way, or any other lot line that establishes the area within which the structure must be erected or placed.

SEWAGE TREATMENT PLANT. A plant designed for the treatment of raw sewage.

SHORT-TERM RENTAL. A dwelling unit that is used as a primary residence by its owners, in which the dwelling unit or portion of such a unit is rented for less than thirty (30) consecutive days at a time. Such short-term rentals are also commonly known as, VRBO, Airbnb and HomeAway, or the like.

SIGHT TRIANGLE. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN. Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution,

organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

SIGN, ADVERTISING. A sign which depicts information concerning the products sold on the premises or services provided.

SIGN, ANIMATED. Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.

SIGN AREA. The entire face of the sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign excluding any structural members shall be used.

SIGN, AWNING, CANOPY, OR MARQUEE. A sign that is mounted on or painted onto, an awning, marquee, or canopy that is otherwise permitted by ordinance.

SIGN, BILLBOARD. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, BULLETIN BOARD. A sign which identifies an institution or organization on the premises which it is located, and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

SIGN, BUSINESS. A sign which depicts only the name, address, number, or logo of the business located on the zoning lot.

SIGN, CONSTRUCTION. A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

SIGN FACE. The area or display surface used for the message.

SIGN, FLASHING. Any directly or indirectly illuminated sign which exhibits changing, natural or artificial light or color effects by any means whatsoever.

SIGN, FLUSH-MOUNTED. A sign mounted against a principal structure, the depth of which does not exceed 12 inches, with no printed messages on end spaces.

SIGN, FREESTANDING. Any nonmovable sign not affixed to a building.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.

SIGN, GROUND. Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.

SIGN, IDENTIFICATION. A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED. A sign lighted by or exposed to artificial lighting, either by lights in the sign or directed towards the sign.

SIGN, POLITICAL. A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state, or local election, movement, or cause.

SIGN, PORTABLE. A sign that is not permanently affixed to a building, structure or the ground.

SIGN, PROJECTING. A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from the building.

SIGN, TEMPORARY. A sign or advertising display constructed of cloth, canvas, fabric, or wood and designed or intended to be displayed for a short period of time.

SIGN, VEHICLE. Any advertising or business sign attached to a transportation vehicle for the purpose of identification or advertising a business, public or quasipublic institution.

SIGN, WALL. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. Such sign is parallel to that of the wall to which it is painted, mounted or attached.

SIGN, WINDOW. A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window.

SINGLE OWNERSHIP. Ownership by one or more persons in any form of ownership of a lot or lots partially or entirely in the same ownership.

SITE. Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN. The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot and any other information that reasonably may be required in order that an informed decision can be made by the approving authority. The use of the term DEVELOPMENT SITE PLAN shall also mean SITE PLAN where applicable.

SKETCH PLAN. A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

SLOPE. The deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOIL. All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

SOIL PERCOLATION TEST. A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

SPECIAL EXCEPTION. A variance to a regulation, granted by the Board of Zoning Appeals, for a change in use on a given piece of property.

SPECIAL USE. A use of property in a zoning district as designated on Table A (Page 116) of this code.

SPOT ZONING. Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the comprehensive zoning plan.

STADIUM. A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

STAFF. As referred to in IC 36-7-4-900 et seq., shall mean and refer to a group consisting of the following members: The City Building Commissioner, the City Planner, the City Engineer, the City Attorney, and their respective assistants or designees.

STALL, PARKING. The parking space in which vehicles park.

STORM SEWER. A conduit that collects and transports runoff.

STORMWATER DETENTION. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements fused for the principal use.

STORY, HALF. A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

STREAM. A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

STREET. Any vehicular way which an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law; or is approved by other official action.

STREET, COLLECTOR. A street which collects traffic from local streets and connects with minor and major arterials.

STREET, CUL-DE-SAC. A street with a single, common ingress and egress, and with a turnaround at the end.

STREET, DEAD END. A street with a single common ingress and egress.

STREET LINE. The right-of-way line of a street.

STREET, LOCAL. A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET, LOOP. A local street which has its only ingress and egress at two points of the same collector street.

STREET, MAJOR ARTERIAL. A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

STREET, MINOR ARTERIAL. A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

STRUCTURAL ALTERATION. Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

STUDIO. A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

SUBDIVIDER. Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

SUBDIVISION.

- 1) The division of a parcel of land into lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms or conditions, including resubdivision, SUBDIVISION includes the division of development of land zoned for residential and nonresidential uses whether by deed, metes, and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.
- 2) Exempt Divisions - the following parcels are exempt from the definition of a SUBDIVISION as found in 150.02(A):
  - a) Division of land for agriculture purposes only;
  - b) Division of land into 20-acre parcel or more for single family residential use, provided parcel meets the minimum lot frontage requirement and not involving any new street or easement of access.
  - c) Parcels and lots of record prior to adoption of Ordinance 766 passed 12-2-68.

SUPPLY YARD. A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

SURFACE HYDROLOGY. The properties, distribution, and circulation of water and snow for a given area.

SWALE. A depression in the ground which channels and conveys runoff.

SWIMMING POOL. A water-filled enclosure, permanently constructed, portable, or temporary having a depth of more than 24 inches below the level of the surrounding land; or an above surface pool, having a depth of more than 24 inches, designed, used and maintained for swimming, wading, diving, or bathing.

SWIMMING POOL (IN GROUND). Any swimming pool whose sides rest in partial or full contact with the earth.

SWIMMING POOL (ON GROUND). Any swimming pool whose sides rest fully above the surrounding earth.

SWIMMING POOL, PUBLIC. A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain, or by a municipality or other entity for the general public, whether or not an admission fee is charged and whether or not for profit.

SWIMMING POOL, RESIDENTIAL. Any in ground or on ground pool capable of a water depth of greater than 24 inches and all pools installed inside a residence for noncommercial use as a swimming pool by not more than two owners' families and their guests.

TASTING ROOM. A permanent location dedicated to the tasting of beer or wine within a duly licensed retail establishment within which beer or wine may be provided for sale and / or consumption by the customer prior to their retail purchase.

TATTOO PARLOR/BODY-PIERCING STUDIO. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or both of the following:

- (1) the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TATTOOING. Any method (other than branding) of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or in scars or scarring.

TAVERN, LOUNGE, OR BAR. A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TAX IMPACT STUDY. A study which examines the impact of a particular project on the community in terms of needed additional services and tax benefits and costs.

TEMPORARY CERTIFICATE OF OCCUPANCY. A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

TEMPORARY STRUCTURE. A structure without any foundation or footings, and which is removed when the designated time period, activity, or use, for which the temporary structure was erected, has ceased.

TENANT. An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

THEATER. A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

THOROUGHFARE SYSTEM. The collection of streets, traffic control devices, and intersections which make up a city's road system.

TOPOGRAPHIC MAP. A map of a portion of the earth's surface showing its topography.

TOPOGRAPHY. The configurations of a surface area showing relative elevations.

TOWNHOUSE. A type of multi-family dwelling one or two stories in height. Typically, the living room, dining room, and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common side wall and are owner-occupied.

TOXIC POLLUTANTS. A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

TRAILER. A vehicle without motive power, used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which may be equipped with wheels or other devices for transporting the structure from place to place. The term TRAILER shall include CAMP CAR and HOUSE CAR.

TRANSITION ZONE. A zone permitting transitional uses.

TRANSITIONAL USE. A land use of an intermediate intensity between a more intensive and a less intensive use.

TRAVEL TRAILER. A recreational vehicle that is towed by a car or a truck.

TRUCK AND RAILROAD TERMINALS.

(A) A place where transfer between modes of transportation takes place.

(B) A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

UNIFIED CONTROL. The combination of two or more tracts of land, wherein each owner has agreed that their tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

USE. The purposes for which land or a building thereon is designed, arranged, or intended; or for which it is occupied, maintained, let, or leased under single ownership or control.

USE, LAWFUL. The use of any structure or land that conforms with all of the regulations or this code or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

USE, NONCONFORMING. See NONCONFORMING USE.

VALUE. For the purpose of this code, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

VARIANCE. Permission to depart from the literal requirements of the zoning code.

VARIANCE FROM DEVELOPMENT STANDARDS or AREA VARIANCE. A variance which authorizes deviations from restrictions upon construction and placement of buildings and structures, or a variance that involves such matters as setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard requirements.

VARIANCE OF USE or USE VARIANCE. A variance which authorizes a use of land other than permitted in a particular district by ordinance or a variance that changes the character of the zoned district by permitting an otherwise prescribed use.

VEHICLE, MOTOR. A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

MOTOR VEHICLE SALES LOT. A zoning lot on which cars, trailers, or trucks are displayed for sale or trade outside of buildings.

VERTICAL AXIS WIND DEVICE (VAWD). An electric-generating wind device with a turbine on a vertical axis which has a rated capacity of up to 60 kilowatts operating at the rated wind speed and is intended to supply electrical power for on-site use.

VETERINARY HOSPITAL/CLINIC. A structure designed for the care and treatment of animals.

VOCATIONAL SCHOOL. A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational facility.

WAREHOUSE. A building primarily used for the storage of goods and materials.

WATER SUPPLY SYSTEM. The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

WETLANDS. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition shall be considered to be automatically amended to conform with the definition of a wetlands established from time to time by the United States of America or United States Army Corps of Engineers.

WHOLESALE BUSINESS. Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or

to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD.** An open space that lies between the principal or accessory building or buildings and the nearest lot line. A yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in the zoning code.

**YARD, CORNER.** A space extending between the corner lot line and the corner zoning lot line. Such corner yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

**YARD DEPTH.** The shortest distance between the zoning lot line and a yard line.

**YARD, FRONT.** A space extending between the front yard line and the front zoning lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

**YARD LINE.** A line drawn parallel to a zoning lot line at a distance therefrom equal to the depth of the required yard.

**YARD, REAR.** A space extending between the rear yard line and the rear zoning lot line. The REAR YARD is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

**YARD, REQUIRED.** The open space between a zoning lot line and the yard line within which no structure shall be located except as provided in the zoning code.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the side yard line and the side zoning lot line. The SIDE YARD is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this code.

**ZERO LOT LINE.** The location of a building in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONE.** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**ZONING.** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING ENVELOPE.** The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

**ZONING LOT.** A parcel of land, composed of one or more recorded lots or a parcel of land described by metes and bounds, that is of sufficient size to meet the minimum requirements of this code concerning use, coverage, width, area, yards, or other requirements of this code, and having frontage on an improved public street, which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under single ownership or control. A ZONING LOT may or may not coincide with the definition of a LOT OF RECORD.

**ZONING LOT AREA.** The total area within the zoning lot lines of a zoning lot, excluding any street right-of-way.

**ZONING LOT COVERAGE.** That portion of the zoning lot that is covered by buildings and structures.

**ZONING LOT DEPTH.** The distance measured from the front zoning lot line to the rear zoning lot line.

**ZONING LOT FRONTAGE.** The length of the front zoning lot line measured at the street right-of-way line.

**ZONING LOT LINE.** A property line of record bounding a zoning lot, which divides one zoning lot from another zoning lot or from a public or private street or any other public space.

**ZONING LOT LINE, CORNER.** The zoning lot line separating a zoning lot from a street right-of-way, but is not the front zoning lot line.

**ZONING LOT LINE, FRONT.** The zoning lot line separating a zoning lot from a street right-of-way.

**ZONING LOT LINE, REAR.** The zoning lot line opposite and most distant from the front zoning lot line, or in the case of triangular or otherwise irregularly shaped zoning lots, a line ten feet in length entirely within the zoning lot, parallel to and at a maximum distance from the front zoning lot line.

**ZONING LOT LINE, SIDE.** Any zoning lot line other than a front or rear zoning lot line.

**ZONING LOT, MINIMUM AREA OF.** The smallest zoning lot area established by the zoning code on which a single use or a single structure or single building may be located in a particular district.

**ZONING LOT WIDTH.** The horizontal distance between the side lines of a zoning lot, measured at right angles to its depth along a straight line located at or tangent to the minimum required building setback line.

**ZONING MAP.** The map or maps which are part of the zoning Code, and which delineate the boundaries of a zoning district.

### **150.03 AUTHORITY**

This chapter is adopted pursuant to IC 36-7-4-100 et seq., and all acts supplemental and amendatory thereto.

### **150.04 COMPLIANCE**

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuances of the permits required by this chapter.

### **150.05 JURISDICTIONAL AREA**

This chapter shall apply to all incorporated land within the corporate boundaries of the City of Crown Point as shown on the zone map on file with the City Clerk- Treasurer.

**150.06 APPLICATION**

It is not intended by this chapter to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, annul, or in any way interfere with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the uses of buildings or premises, provided that where this chapter imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this chapter shall control; but where such private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control.

**150.07 ANNEXATION**

All territory which may be hereafter annexed to the city shall automatically, upon annexation, acquire the R-1A Residential District classification and shall remain so zoned until otherwise classified by amendment to this chapter, in accordance with 150.65 through 150.68.

**150.08 SEVERABILITY**

If any part, section, sections, provisions, clause or portion of these Rules shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the Code as a whole or any other part, section clause, provision, or portion thereof.

## DISTRICT REGULATIONS

### 150.10 ZONING MAP

A map entitled "Crown Point Zoning Map" is adopted as part of this chapter. The Zoning Map shall be kept on file and available for examination at the office of the City Clerk-Treasurer.

### 150.11 ZONING DISTRICTS

The city is divided into the districts stated in this chapter, as shown by the district boundaries on the Zoning Map. The districts are:

|                         |                       |                        |
|-------------------------|-----------------------|------------------------|
| "A-1" Agricultural      | "R-1A Residential"    | "BP-1" Business Park   |
| "B-1" Downtown Business | "R-1" Residential     | "HS-1" Highway Service |
| "B-2" Business          | "R-2" Residential     | "I-1" Industrial       |
| "B-3" Business          | "R-3" Residential     |                        |
| "C-1" Conservation      | "OS-1" Office Service |                        |

### 150.12 DISTRICT BOUNDARIES

District boundaries shown within the lines of streets, streams, and transportation rights-of- shall be deemed to follow their center lines. The vacation of streets shall not affect the location of zoning district boundaries. When the Planning Administrator cannot definitely determine the location of a district boundary by center lines by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, they shall refuse action, and the board of zoning appeals, upon appeal, 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 chapter.

### 150.13 CONSERVATION DISTRICT

The district designated for conservation, "C-1," is limited to agricultural, recreational and certain other open land uses. Residential and related uses are permitted if approved by the Board of Zoning Appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development.

#### 150.13.1 AGRICULTURAL DISTRICT

The agricultural districts are those open areas of the City where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately out-weigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the area and nation.

### 150.14 RESIDENTIAL DISTRICTS

Four zoning classifications for residential uses are provided within this Code and reflect on the official zoning map. Residential Districts are as follows, R-1A Single Family Residential, R-1, Single Family Residential, R-2 Single Family Residential, and R-3 Attached Single Family Residential. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these districts is to create an attractive, stable, and orderly

residential environment. However, the families per dwelling and the lot and yard requirements are different in the districts to provide for the various housing needs and desires of the citizens. The bulk regulations for principal structures for each residential district are set forth in Table B: Bulk Regulations for Principal Structures, Residential Zoning Districts, page 120, within this Code.

Each residential district is described below:

1. R-1A Single Family Residential is intended to provide for single family dwelling on a lower density scale. The required lot dimension and yard requirements provide for a greater building separation and maximum building space on larger lots.
2. R-1 Single Family Residential is intended to provide for single family dwellings at a medium density. Larger lot widths and side yard separations are intended to provide for maximum building space.
3. R-2 Single Family Residential is intended to provide for single family dwellings at a smaller lot size. With the approval of a special use, attached two-family dwelling units may be allowed within this zoning district. If attached housing is located within the proximity of single-family residential it shall be done in such a way to act as a transition in land use.
4. R-3 Attached Single Family Residential is intended to provide for a variety of attached housing within the City. Such land uses may include both two-family and multi-family dwellings. The lots sizes are generally smaller per unit and building separation is generally less than that what is typically found in single-family districts. This district is generally used to provide a transition between lower density residential and non-residential uses and zoning districts.

#### **150.15 OFFICE SERVICE DISTRICTS**

The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

#### **150.16 BUSINESS DISTRICTS**

Three zoning classifications for business uses are provided within this Code and reflect on the official zoning map. The districts designated for business, "B-1," "B-2" and "B-3," are limited to business and public uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located. Each business district is described below:

1. B-1 Downtown Business District is intended to preserve and enhance the commercial area around and within the Historic District. The B-1 District provides for a variety of goods and services to the City as a whole. The District provides for a mix of commercial uses, with the opportunity of mixed commercial and residential. The standards are designed to provide for a pedestrian orientated development, as well as increased density and relief from strict parking regulations. All properties in the Historic District are subject to the review and approval of the Historic Preservation Committee.

*Business District, Cont*

2. B-2 Community Business is intended to provide for services in retail for residents of the City as well as neighboring Communities. This District provides for the typical businesses and offices uses as well as service establishments. It is encouraged that such developments within this district shall be designed in a comprehensive manner with respect to building location, parking, loading and access. The locations of this district may be near major thoroughfares within the City.
3. B-3 Regional Business is intended to provide for commercial, business, services and office establishments that serve a population much greater than the City and nearby communities. Developments within the District are of a greater scale in terms of building size and comprehensively designed with respect to architecture, building location and parking. The locations of this district are located along major thoroughfares within the City.

**150.17 INDUSTRIAL DISTRICT**

The district designated for industry, "I-1," provides suitable space for existing industries and their expansion as well as for future industrial development. Industrially zoned properties shall be developed in such a manner to ensure safety and compatibility with adjacent properties and uses. The locations of the district are near railroads or highways in order to meet the transportation needs of industry. This light industrial district provides space for industries which do not cause conditions that would be objectionable to neighboring properties.

**150.18 HIGHWAY SERVICE BUSINESS DISTRICT**

This district, "HS-1" is intended to accommodate those commercial uses which are directly automobile-oriented and must, by necessity, be located on major regional highways or at the intersections of these highways and expressways. Certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.

**150.18.1 BUSINESS PARK DISTRICT**

This district, "BP-1" Business Park District is intended to provide for buildings which will support office, research, warehousing distribution center, and light industrial uses that are conducted wholly within the building and do not create a nuisance to adjacent properties. Developments shall be designed in such a matter to provide for greater setbacks and yards to create a park/campus like setting. No outdoor storage is allowed in this district, and all operations conducted within this district must be in an enclosed building.

**150.19 PERMITTED USES**

The permitted uses for each district are shown on Table A, located in the appendix of this Code, page 116. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in 150.02. Uses not specifically listed or defined to be included in the categories within Table A shall not be permitted. No structure or land shall be occupied or design for use, except for a permitted use found within the zoning district of which the structure or land is located.

### 150.20 SPECIAL USES

The special uses for each district that may be permitted by ordinance are listed in Table A, located in the appendix of this Code, page 116.

- (A) The formulation and enactment of a comprehensive zoning code is based on the division of the entire city into districts, in each of which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which on account of their potential impact upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community. No structure or land shall be occupied as a designated special use and no existing special use shall be changed to another special use, unless a special use permit has been secured in accordance with the provisions of Section 150.51 and 150.54 of this Code. Such uses are classified in this section as "special uses" and fall into 2 categories:
1. Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest; and
  2. Uses entirely private in character which on account of their peculiar locational need or the nature of the service they offer to the public may have to be established in a district or districts in which they cannot be reasonably allowed as a permitted use under the zoning regulations.
- (B) An application for special use shall be filed with the Advisory Board of Zoning Appeals ("the Board") through the City Planner's office, upon such forms and accompanied by such information as shall be established from time to time by the Planning Department, in accordance with Section 150.51 of this Code.

### 150.21 INTERPRETATION OF PERMITTED AND SPECIAL USE TABLE

The City may allow land uses, whether permitted or special, which are not specifically identified on the Permitted and Special Uses, Table A (page 116), that are deemed to be similar in nature and clearly compatible with the listed uses. Formal review and consideration by the Planning Administrator, in conjunction with review by City Attorney, prior to issuance of permit for such use.

### 150.22 PERMITTED AND SPECIAL USES, TABLE A

The Table of Permitted and Special Uses, found in the Appendix of this Code (page 116), lists the uses allowed within zoning districts. The list is divided into categories which include Agriculture, Residential, Commercial, Recreational Amusement, Industrial, Public and Institutional, and Miscellaneous Uses.

- (A) A "P" indicates that a use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code.
- (B) An "S" indicates that a use is allowed only if reviewed and approved as a Special Use, in accordance with Section 150.51 and 150.54 of this Code.
- (C) A blank cell indicates that a use is not allowed in the respective zoning district.
- (D) The "Use Regulations" column refers to the application Section in which additional and specific standards shall be applied to that land use. Such regulations can be found in Section 150.23 of this Code.

*Permitted and Special Uses, Cont*

- (E) Regulations for accessory and temporary uses can be found in Section 150.31 and 150.32 of this Code.

**150.23 USE REGULATIONS**

The City has determined specific uses, whether permitted or special, require additional regulations in which such land use or establishment operate. All regulations shall be complied with, unless waived and or modified by the approval of City Council. In no way do these established regulations preclude City council from place additional condition on such a land use as allowed for under Section 150.53 of this Code. Regulations for specific uses can be found in this Section of the Code.

**150.20.1 ADULT ENTERTAINMENT BUSINESSES; REGULATIONS.**

Refer to Section 150.02 definitions relating to Adult Entertainment Businesses and defined uses. No such business shall be located on a parcel within 700 feet of a district which, pursuant to this section, has been classified C-1, R-1, R-1A, R-2, R-3, B-1, B-2, B-3, OS-1, BP-1, or PUD.

- (A) Such business shall only be located in a district classified HS-1 Highway Service, as outlined on Table A Permitted and Special Uses, page 116.
- (B) No such business shall be established within 700 feet of another adult entertainment business.
- (C) No such business shall be established within 700 feet of indoor/outdoor recreational facilities, public institutions, schools, religious institutions, day care center, nursing home, or on same block of a residential use.
- (D) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.
- (E) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- (F) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
- (G) No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the City Clerk's office following an inspection to determine compliance with the ordinances of the city and upon payment of a license fee of \$100. Such business license must be prominently displayed in the reception area.
- (H) No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
- (I) No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- (J) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

**150.23.2 MOBILE HOME PARKS.**

Mobile home parks, where permitted, shall be in accordance with the Mobile Home Parks Act of 1955, as amended; the Indiana State Board of Health Regulations, as amended; and the requirements of this section.

- (A) The minimum area of a mobile home park shall be five acres.
- (B) Each mobile home site within the mobile home park shall have a minimum area of 3,600 square feet.
- (C) Each mobile home site shall have a minimum width of 40 feet.
- (D) Not less than 10% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.
- (E) The mobile home park shall be appropriately landscaped and screened from adjacent properties.
- (F) The mobile home park shall meet all applicable requirements of the Subdivision Control Code, Chapter 151.
- (G) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided:
  - 1. They are subordinate to the residential character of the park;
  - 2. They are located, designed and intended to serve only the needs of persons living in the park;
  - 3. The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and
  - 4. The establishments shall present no visible evidence of their commercial nature to areas outside the park.
- (H) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

**150.23.3 REQUIREMENTS FOR COMMUNICATION TOWERS AND FACILITIES.**

The purpose of these regulations is to control the location, construction, appearance, maintenance, and removal of communications towers and facilities.

Communication Towers and Facilities are only permitted in those zoning districts as outlined in Table A, Permitted and Special uses, page 116. In addition, all communication towers and facilities shall comply with the regulations outlined below and all local, state and federal regulations. Refer to Section 150.02 definitions relating to Communication Towers and Facilities. Towers must be designed as an architecturally compatible element to an existing non-residential use such as school, churches, etc. and communication antennas mounted on existing non-residential structures.

- (A) Towers must be approved as a special use in accordance with Section 150.51 and 150.54 of this Code.
- (B) Antennas on Existing Structures are allowed in all zoning districts in accordance with Table A, page 116 and the following:

*Communication Towers and Facilities Cont.*

1. Antennas on Existing Structures are permitted on buildings and structures 2 stories or greater.
  2. Allowed on buildings less than 2 stories in height when architecturally compatible to the building structure.
  3. The mast supporting the antenna may extend up to ten (10) feet above the roof line.
  4. In residential districts, the existing structure may be on property developed with a non-residential use.
- (C) Application for communication tower. Applications for special use permits to construct communication towers and related facilities shall include, as a minimum, the following information:
1. Site plan, as outlined in Section 150.70
  2. A report from a licensed professional engineer which describes the tower's capacity, including the number and type of antennas it can accommodate.
  3. A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers in excess of 100 feet and properties where towers are permitted. The Board of Zoning Appeals may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The applicant must demonstrate to the Board satisfaction that the alternative site or tower is not available due to one or more of the following reasons:
    - a. Unwillingness of the owner to entertain a communications facility proposal.
    - b. Topographic limitations of the site.
    - c. Adjacent impediments that would obstruct adequate communication tower transmission.
    - d. Physical site constraints that would preclude the construction of a communication tower.
    - e. Technical limitation of the system.
    - f. The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing a planned use for those facilities.
    - g. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
    - h. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
    - i. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  4. A signed statement from the applicant indicating their intention to share space on the tower with other providers.
  5. A copy of the lease between the applicant and the landowner. The lease is encouraged to contain the following provisions:

*Communication Towers and Facilities Cont.*

- a. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
  - b. The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.
- (D) All communication towers and facilities shall comply with the following standards, unless otherwise regulated the FAA:
  1. Height. The maximum height which may be approved for a communication tower is 150 feet. However, if a tower is designed and constructed to accommodate more than one antenna, the height may be increased up to 200 feet. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations. All new towers in excess of 100 feet shall be designed to accommodate at least two additional providers. The location of additional antenna on a legally existing tower shall require additional approval from the Board of Zoning Appeals and Council.
  2. Tower color. All towers shall maintain a galvanized finish unless otherwise approved by the Board of Zoning Appeals and Council.
  3. Tower design. All communication towers shall be encouraged to be of a monopole design unless recommended by the Board of Zoning Appeals and required by the City Council to be architecturally compatible to the surrounding development.
  4. Setbacks. Towers shall maintain a minimum ~~be~~ setback from the property line equal to the towers fall zone. Documentation shall be provided to determine such area to ensure adequate setback has been provided. Accessory buildings shall meet the setbacks of the zoning district in which they are located.
  5. Advertising device. No advertising devices permitted on tower such as logos, banners, flags. In no case does this prohibit the placement of signage as required by local, state, and federal regulations.
  6. Separation requirements. All communication towers, except those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the property, shall maintain a distance separation of 1,500 feet for towers greater than 100' in height and 1,000 feet for towers 100' or less in height.
    - a. The Board of Zoning Appeals may recommend, and the City Council shall have the ability to grant a deviation from the separation standards. In support of a deviation request from the separation standards, the applicant shall submit a technical study acceptable to the city which confirms that there are no other suitable sites available.
  7. Parking areas and drives. All parking areas and drives associated with the communications tower shall comply with Zoning Ordinance requirements.
  8. Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication towers unless repairs to the tower are being made.

*Communication Towers and Facilities Cont.*

- a. Accessory uses.
    1. Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, and shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.
    2. All accessory buildings shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan or final development plan approval. Where there is no primary use other than the tower the building materials for the accessory building shall be subject to the review and recommendation of the Board of Zoning Appeals and approval of the City Council.
  - b. Lighting. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights of way.
  - c. Screening and landscaping. The base of the tower shall be densely landscaped from view to a height of a minimum of six feet. The materials of a security fence, including any proposed razor wire or other security wire, shall be subject to the recommendation of the Board of Zoning Appeals and City Council. A continuous landscaped area shall be provided around the perimeter of the accessory building and security fence. All plant materials shall include minimum height of six feet upon planting, a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived upon recommendation by the Board of Zoning Appeals and approval of the City Council.
- (E) Façade Mounted Facilities shall comply with the regulations outlined above, along with the following regulations and standards:
1. Where possible, all façade mounted telecommunications facilities shall be located and incorporated into the design of the structure. Façade mounted antennas shall be camouflaged and integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible.
  2. Façade mounted antennas shall be painted to match the existing structure, unless used as a design element consistently throughout the building which is found to add visual interest to the building.
  3. Façade mounted antennas shall not exceed the height of existing façade, roof line, or parapet.
- (F) All Small Wireless Facilities, as defined by the State of Indiana, shall be subject to the regulations established in IC 8-1-32.3.
- (G) Security for maintenance or removal of antenna or tower. In order to ensure that the owner maintains or removes any antenna or tower as required by the following subsections, the owner shall provide the following to the city:

*Communication Towers and Facilities Cont*

1. Financial security in the form of a bond, letter of credit, or other financial security as required by the Board of Zoning Appeals and City Council, and
  2. Right of access.
- (H) Tower maintenance. To ensure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in the building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, the Building Inspector shall report the noncompliance to the Board of Works and Public Safety. Section 152.20 Unsafe Building Code. The Board of Works and Public Safety may then order the removed or repaired at the owner's expense and may draw upon the financial security to recover incurred costs.
- (I) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The property owner or tower owner shall notify the City Planning Department within 30 days, by certified mail in the event the communication tower is no longer in use or abandoned. The owner shall be notified by the Planning Director by certified mail, return receipt requested, of such determination and be given 15 days to respond. If the owner fails to respond or acknowledges that the tower or antenna has not operated for a continuous period of more than 12 months, the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the Board of Public Works and Safety notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Board of Public Works and Safety may remove such antenna or tower at the owner's expense, 152.20 Unsafe Building Code, and may draw upon the financial security to recover incurred costs. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**150.23.4 VEHICLE SERVICE AND REPAIR, AND TOWING SERVICE, WHEN VEHICLES STORED ON SITE**

- (A) If vehicles are to be stored outdoors, vehicles must be adequately screen from public right-of-way by a fence, wall, or solid landscaping. No vehicle may be stored at a height greater than the screening.
- (B) Disabled vehicles cannot be stored on the property for more than two weeks, and cannot be within public view.

**150.23.5 MASSAGE ESTABLISHMENTS**

- (A) Persons administering massages much be licensed by the Indiana Professional Licensing Agency, State Board of Massage Therapy.
- (B) All massage establishments must maintain a current copy of all State licenses, including license number, for all persons employed at the establishment, and must be available upon request, and displayed in plain view.

**150.23.6 OUTDOOR SEATING ASSOCIATED WITH A PERMITTED USE**

- (A) Outdoor seating is only permitted in conjunction with a permitted use.
- (B) All outdoor seating must be located in such a manner as to not impact pedestrian access or block any emergency exits of the associated building.
- (C) All outdoor seating must comply with the standards for outdoor seating prepared and reviewed and approved by the Board of Works.

**150.23.7 RESIDENTS OF THE PROPRIETOR OF THE COMMERCIAL USE**

- (A) Separate entrances shall be provided for the residential use and the commercial use.
- (B) The commercial use must occupy the first-floor street frontage space of the building.
- (C) No more than 50% of the floor area may be occupied by the residential use.

**150.23.8 SELF SERVICE STORAGE FACILITY**

- (A) The facility shall be completely enclosed on all sides by a opaque fence or landscaping. This requirement may be waived when the subject parcel is adjacent to a property zoned I-1.

**150.23.9 ANIMAL HOSPITAL/KENNEL**

- (A) No animals may be kept outdoors during non-business hours or between the hours of 7pm and 7am.
- (B) All facilities must comply with the Performance Standards of Section 150.37 of this Code, particularly odor.
- (C) All outdoor play/exercise areas must be adequately screened from adjacent properties and public right-of-way. All areas shall be enclosed with a solid fence or wall. All play areas must maintain a minimum setback of 75' feet from residential property.

**150.23.10 TASTING ROOMS ASSOCIATED WITH A RETAIL BUSINESS OR MICROBREWERY**

- (A) Tasting rooms must be associated with a permitted retail establishment or microbrewery and shall not be the primary use of any property.
- (B) Tasting rooms shall not occupy more than 20% of the floor area of the business.
- (C) All establishments must possess all appropriate liquor licenses.

**150.24 LOT SIZE REQUIREMENTS**

The minimum lot area and minimum width of lot for each zoning district has been established and provided for in the Table B and C, pages 120-121, entitled Lots and Bulk Regulations. Refer to Section 150.30.2 in regards to non-conforming lots of record.

**150.25 LOT YARD REQUIREMENTS**

The minimum depth of front yard, minimum width of each side yard, and minimum depth or rear yard for each district has been established and provided for in the Table B and C, pages 120-121, entitled Lots and Bulk Regulations. The following regulations shall apply to lot size:

- (A) Lots which abut on more than one thoroughfare shall provide the required front yards along every thoroughfare, except alleys.
- (B) No portion of a principal structure, including attached garages, carports, covered porches, decks, patios or balconies, shall project into any minimum front, side or rear yard. Accessory

*Lot Yard Requirements, Cont*

structures (unattached garages, storage sheds, swimming pools) shall comply with all required setbacks as established by Section 150.31 and Table B and C of this Code, pages 120-121. No accessory structure be attached to the primary structure, in any way, which results in the primary structure becoming non-conforming with respect to the regulated established in this Code.

- (C) Eaves may encroach into the required yard provided the encroachment does not exceed 24 inches.
- (D) In any residential district where at least 25% of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.
- (E) The minimum front yard setback of those lots that have frontage on a non-dedicated right-of-way the primary structure, including attached garages, carports, covered porches, decks, patios or balconies, may be determined by calculating the average of the depths of the front yards of the existing residential structures on the same block.

**150.26 BULK REGULATIONS**

The floor area and height for each district has been established and provided for in the Table B and C, pages 120-121, entitled Lots and Bulk Regulations. The following regulations shall apply to lot size:

- (A) Floor Area: No residential dwelling unit shall be erected or altered so that its ground floor area is less than indicated below, exclusive of porches, terraces, garages, and exterior stairs. Mobile homes shall have a floor area of at least 500 square feet. All square foot floor areas of buildings shall be calculated on the dimensions of the perimeter walls.
- (B) Principal structures shall comply with the regulations established in Table B, pages 120, and all accessory structures shall comply with Section 150.31 of this Code. In any district the board may authorize a variance to this height regulation if:
  - 1. All front and side yard depths are increased one foot for each additional foot of height; or
  - 2. The structure is any of the following and does not constitute a hazard to an established airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smokestacks, conveyors, and flag poles.

**150.27 GENERAL DISTRICT REGULATIONS AND CONDITIONS**

The following regulation shall apply to ALL zoning districts.

- (A) Signs: Signs shall be in accordance with the regulations established by Section 150.80 to 150.99.
- (B) Off-Street Parking and Loading Requirements: Off-street parking and loading facilities shall be provided for in accordance with Section 150.34 of this Code.
- (C) Landscaping: Landscaping shall be in accordance with the regulations contained within Section 150.28 of this Code.
- (D) Site Lighting: Lighting for all site shall be according to the standards established by the IESNA (Illuminating Engineering Society of North America). Exterior lighting shall be arranged and operated so that they neither unreasonably disturb occupants of adjacent properties nor

*General District Regulations Cont.*

interfere with traffic. Exterior lighting shall be shaded, directed away from residential properties, directed down or other designed so as to avoid glare onto neighboring residential properties.

- (E) Accessory Structures: All accessory structures shall be in compliance with the regulations established in Section 150.31 of this Code.
- (F) Performance Standards: All properties shall be in compliance with the regulations established in Section 150.37 of this Code
- (G) All requirements for greenbelts must be in compliance with the regulations set forth in this Code Section 150.28.
- (H) All requirements for buffer zones must be in compliance with the regulations set forth in this Code Section 150.28. The Planning Commission has the discretion to modify the requirements of the buffer zone as appropriate to adjust to site conditions or use proposed, by the review and approval of a variation, in accordance with Section 150.51 and 150.52 of this Ordinance.

**150.27.1 REQUIRED CONDITIONS OF NON-RESIDENTIAL DISTRICTS**

In addition to the regulations established by Section 150.27 of this Code, the following conditions are required for those non-residential districts which include, B-1, B2, B3, I-1, BP-1 and OS-1 Districts.

- (A) Outdoor Sales: All outdoor sales shall only occur in those zoning districts as permitted by Table A, page 116, of this Code and shall comply with the following requirements
  1. Outdoor sales can only occur on private property and can only be conducted on the premises of the businesses in which the sales are occurring.
  2. All outdoor sales shall be kept in a neat and orderly fashion. All material for sale must be closed/sealed and not create a hazard.
  3. The location of the material for sale shall not be located as to block pedestrian or vehicle traffic.
  4. No goods and merchandise shall occupy any designated and required parking areas or spaces.
  5. The merchandise for sale cannot obstruct sight triangle and must be located on a concrete or asphalt surface.
  6. Outdoor sales can only include seasonal type merchandise or material approved by the Board of Zoning Appeals through review and approval of a use variance. In no case shall items such as food, toys, clothing, and beverages be sold outside the building.
- (B) Outdoor Storage: All outdoor storage shall only occur in those zoning districts as permitted by Table A, page 116, of this Code. Storage of materials or equipment within a front yard setback of a lot within any zoning district is prohibited.
- (C) Screening and fencing: All fences and screening shall be in compliance with Section 150.31.3. A solid, opaque fence or a thick vegetative planting consisting of shrubs or hedges not less than 5 feet in height shall be required on and along rear or side yards of any non-residential use that abuts residentially-zoned land or a lot or other parcel of land used for residential purposes, except as may be approved by variance by the City's Advisory Board of Zoning Appeals. See Section 150.27.2 for regulations for the Highway Service District.

*Conditions of Non-Residential Districts Cont.*

- (D) Dumpster/Garbage: A property owner shall erect and maintain a fence, not less than five feet in height, completely enclosing containers used for the collection of refuse, including, without exclusion, dumpsters, trash cans, wastebaskets, boxes, garbage bags, garbage containers, paper bags, and plastic bags. All dumpsters/ garbage containers and enclosures must maintain a side and rear yard setback of not less than 5', and are not permitted in the front yard.
- (E) Mechanical equipment, utility meters, and other unattractive equipment shall be screened from public view, and shall be accomplished by the use of walls, fencing, planting or combinations of all of the measures that follow. Screening shall be equally effective year-round.
- (F) Building Material and Design: All non-residential structures must comply with the regulations outlined in Section 150.27.4, except for those businesses in the B-1 and I-1 Zoning Districts. Those structures in the B-1 District, Historic District are subject to the regulations and review of the Historic Preservation Commission. Structures in the I-1 District are required to provided, at a minimum, 20% brick veneer or stone on all façades of the structure.

**150.27.2 REQUIRED CONDITIONS OS-I OFFICE SERVICE DISTRICT AND HS-1 HIGHWAY SERVICE BUSINESS DISTRICT.**

In addition to the regulations established in Section 150.27 and 150.27.1, the following conditions are required for any use in the OS-I District:

- (A) No interior advertising display shall be visible from exterior of the building in the OS-1 District.
- (B) Warehousing or indoor storage of goods or material, beyond that normally incidental to the permitted or special uses, shall be prohibited, in the OS-1 District.
- (C) In addition to the requirements in Section 150.28 of this Code, one deciduous or evergreen tree shall be planted and maintained for each 2,000 square feet of lot area which is site planned, in the HS-1 District. Deciduous trees shall have a minimum caliper of 2-1/2 inches at six inches above the root ball. Evergreen trees shall be a minimum of six feet in height above the root ball. Arrangement of trees in clusters or groupings is encouraged and must be shown on the approved site plan.

**150.27.3 STRUCTURES PER ZONING LOT**

There shall be no more than one principal structure on any zoning lot.

**150.27.4 ARCHITECTURAL GUIDELINES FOR ALL STRUCTURES IN THE BUSINESS DISTRICT (B-2 and B-3), OFFICE SERVICE DISTRICT, HIGHWAY SERVICE BUSINESS DISTRICT AND BUSINESS PARK DISTRICT**

- (A) Purpose: The purpose of this section is to provide regulations for all development, or redevelopment of properties located in the B-2, B-3, OS-1, HS-1, and BP-1 Districts. In addition to other regulations established by this Code, the following regulations address architecture, building materials, trash enclosures, and site elements. It is the City of Crown Point's goal and vision to achieve high-quality architectural designs and building maintenance within these zoning districts. The construction should respect the overall streetscape and should preserve and enhance the natural features present on the project site.

1. Architecture: The following describes a range of prescriptive architectural practices that can be employed in numerous ways, but still assure that any new construction or redevelopment is done in such a way that complements and contributes to the existing scale and character of the surrounding properties and area.
  - a. Building design should be complementary to surrounding uses and deemed appropriate by the Plan Commission.
  - b. Sensitively designed modern architecture contributes vitality and cultural continuity to these corridors. Exceptional contemporary architectural designs should address the unique site requirements and relate successfully to nearby styles and architecture.
  - c. Sustainable design and the creative use of sustainable materials will be reviewed by the Plan Commission on a case-by-case basis.
  - d. Side and rear elevations should relate to the design elements and materials of the front elevation.
  - e. Large or multiple building projects should use a variation of detail, form, and siting to provide visual interest and to prevent monotonous design and appearance. When the prominent facades of a new building are longer than 30 feet, they should be modulated with breaks in the façade. Traditional window proportions shall be incorporated into freestanding restaurants and offices and retail structures.
  - f. Franchise buildings and franchise building design and elements permitted however, franchise developments are required to use elements that are appropriate to the character of the City which support and enhances the community's identity.
2. Roof Design: A roof is a critical design element with both the shape and material contributing to the appearance of the building. Roofs and roof materials are important elements and will be given the same consideration as other exterior elements. Key considerations include shape, pitch, overall massing, color, and materials.
  - a. Pitched roofs shall be used for freestanding restaurants, offices and retail structures. However, parapet roof lines with cornices crown molding is also acceptable and will be reviewed on a case by case basis.
  - b. Roof materials and colors must complement the architectural style of the building. Slate, synthetic slate, architectural grade fiberglass shingles, cementitious shingles and standing seam metal roof are acceptable when used as an architectural element to complement the style of the building. All roof materials shall be of earth tone colors. All other materials and colors may be acceptable subject to review on a case by case basis. Regardless of the material, no roof shall be shiny.
  - c. For large commercial structures, flat roofs may be allowed if adequate detail and visual interest is provided by a parapet or roof design.
3. Building Material: The selection of appropriate building materials is critical to the overall architectural building character and the area. Consistently applied building materials will create a sense of place and-cohesiveness.

*Architectural Guidelines Cont.*

- a. Buildings and structures shall be consistent with the architectural design and materials of the vicinity and of adjacent property.
  - b. Building materials shall be selected for suitability in the context of the neighborhood.
  - c. Materials such as brick and or stone masonry are highly encouraged. Other high-quality products may be acceptable on a case by case basis if the form, detailing, painting, and overall appearance convey the visual appearance convey of the authentic material.
  - d. Applied stucco may not be used as the primary building material. However, applied stucco may be acceptable as an accent material on buildings of contemporary design.
  - e. Materials for railings may be wood, wrought iron, steel or aluminum and should be designed to complement the architectural design of the building. Synthetic railings will be considered on the case-by -case basis.
  - f. Hollow vinyl materials and rails are not acceptable.
  - g. High quality solid synthetic materials that resemble wood are acceptable as trim.
  - h. Prefabricated metal buildings are prohibited.
  - i. Samples of the proposed material must be submitted with the application.
4. Gasoline and Other Canopies: Canopies greatly affect the visual character of a commercial corridor.
  - a. The design of canopies should build upon the overall design of the site to include the main building. The height of the canopy or canopies should not exceed the height of the main building.
  - b. Cantilevered canopies are not recommended and will be only considered on a case by case basis.
  - c. Canopy supports should be proportional to the design and canopy size.
  - d. Canopy colors and materials should complement and be consistent with the main building and streetscape. Bright and glaring colors are not acceptable.
  - e. Canopy lighting must be designed to minimize glare from the fixtures and installed to prevent spill over onto adjacent roads and properties.
5. Trash Enclosures and Fences: Trash enclosures and fences greatly affect the visual character of a commercial corridor.
  - a. Materials should be brick or masonry complementing the building with vinyl gates or other acceptable materials.
  - b. Fences should contribute to the site's character and not detract from the site's principal architectural features and should be compatible with adjacent sites.
  - c. Fences that disrupt the harmony of the streetscape by breaking up established architectural rhythm are discouraged.
  - d. The finished side must face the street and/or adjoining properties.
6. Site Element, Signs and Landscape Features: Site Elements, signs, and landscape greatly affect the visual character of a commercial corridor.

*Architectural Guidelines Cont.*

- a. Site elements such as tables, benches, and landscaping should contribute to the site's character and not detract from the site's principle architectural features.
- b. Mechanical equipment and trash facilities should be in a side or rear yard and screened with material to match the building.
- c. Signs and awnings should be designed to enhance the visual image of the property complementing the building and existing conditions found along the corridor.

**150.28 LANDSCAPE DEVELOPMENT GUIDELINES**

- (A) **Purpose:** This Section establishes landscaping standards for all developments. These standards are intended to preserve and promote the health, safety and general welfare of the public through establishing requirements for screening and buffer yard for incompatible uses, plantings along corridors and streets, detention and retention ponds. With the establishment of these standards, it is the City's intent to minimize the harmful effects development will have on stormwater runoff and the impact on surrounding and adjacent properties due to lights, noise, dust, debris and other elements. These regulations and guidelines are established to promote quality design throughout the City.
- (B) **Definitions:** Refer to Section 150.02 for definitions relating to the regulations found within this Section.
- (C) **General Provisions:**
1. With the exception of those land uses and developments outlined below, all development which includes new construction, structure expansion, vehicular parking areas, rezoning, special use or change of use or as determined by the Plan Commission, must comply with the regulations established herein and must submit a landscape plan.
  2. All landscape plans for the non-residential uses, and those parcels zoned B-1, B-2, B-3, I-1, OS-1, HS-1 and BP-1, must be reviewed and approved by the Plan Commission and the Tree Board.
  3. These regulations outlined within this Section shall not apply to individual single and two family residential lots.
  4. All landscape plans as required by this Ordinance, must be prepared professionally, and shall be prepared in accordance with the regulations outlined in Section J, found below.
  5. All landscaping must be installed in accordance with the approved plan and subject to inspection.
  6. Landscaping shall be designed and installed to ensure adequate sight visibility for traffic signs and devices, motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines adequate separation from underground utilities and accessibility to fire hydrant. Where such conditions prohibit full compliance the Planning Commission may adjust location of the required materials.
  7. Existing plant material on the site may be used to satisfy the requirements outlined in this ordinance provided that:

*Landscape Development Guidelines Cont.*

- a. A plant/tree survey is provided confirming all material to remain is healthy and free of injury/damage.
  - b. A tree preservation plan is to be provided, which includes preservation technique for all material remaining, including construction fencing, shall be installed at the periphery of the drip line of the tree or beyond to prevent storage of materials or vehicles.
  - c. Grading plans are to reflect all plant material to remain and no grade changes or removal of soil shall be permitted within ten feet (10') of the trunk of any preserved tree.
  - d. All grading and construction equipment shall be forbidden from encroaching upon the drip line of any tree.
  - e. No materials or vehicles shall be stored, driven, or parked within the drip line of any trees.
8. All landscaped areas shall be maintained in an attractive manner, free of weeds and noxious vegetation
  9. Street trees, as required by the Subdivision Control Code, Chapter 151, shall be removed and replaced only after receiving approval from the City.
  10. In consideration of the over-all design and impact of the landscape plan, the Planning Commission may modify or adjust the requirements outlined herein for landscaping, provided that any such adjustment is in keeping with the intent of this section.

(D) **Standards for Plant Material:** The following regulations are established as the minimum standards for the size and condition of plant material at the time of installation.

1. Landscape material selected shall be appropriate to local growing and climate conditions and follow the guidelines set by the American Standard of Nursery Stock, American Association of Nurserymen, Inc, as amended from time to time.
2. Size of Plant Material: All plant material shall be installed in accordance to the following size specifications below, unless otherwise noted on the Landscape Plan. Fractions of trees shall be rounded upward to the nearest whole number.
  - a. Canopy: Minimum caliper of two (2) inches when measured from six (6) inches above ground level.
  - b. Ornamental Trees: Minimum caliper of two (2) inches when measured from six (6) inches above ground level.
  - c. Evergreen Trees: Minimum height of six (6) feet.
  - d. Shrub (deciduous and evergreen): Minimum height of two (2) feet.
  - e. Ground Cover/Ornamental Grass: Minimum size of one (1) gallon
3. Plant material variety: To ensure plant diversity, a minimum and maximum number of species of trees, shrubs, and ground covers should be utilized Single species planting shall not be permitted and not more than 25% of any planting area shall be of one (1) species or plant type.
4. Landscape Zones: Landscape zones refer to distinct areas within a particular site and the specific landscape requirements that apply therein. A site may or may not have all of the different landscape zones described below, however, if such a zone is present, plant

*Landscape Development Guidelines Cont.*

material shall be provided for each zone in accordance with the regulations outlined in this Section. The Landscape Zones are as follows:

- a. Interior Landscaping
  - b. Greenbelt
  - c. Buffer Zone
  - d. Parking Lot
  - e. Detention Ponds
  - f. Signage
5. Interior Landscaping Standards: For all uses, except one single and two family residential lots, all developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a buffer zone, greenbelt, parking lot landscaping or detention and retention pond plantings are required:
- a. All portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except those areas not covered by buildings, parking areas, driveways, signs, water surfaces, paved patios, terraces, sidewalks and similar site features.
  - b. Interior landscaping areas shall include open area remaining after required landscape areas have been accounted for. Such areas shall include a mixture of evergreen and deciduous trees and shrubs provided at the following proportions:
    1. One (1) canopy or evergreen tree for each eight hundred (800) square feet and in addition, two (2)-canopy trees to be planted in required front yard, not to exceed 50-foot separation.
    2. One (1) shrub for each two-hundred (200) square feet.
- (E) **Greenbelt:** (front yard setback area): A greenbelt is the land abutting a public street, private street or access drive that shall be reserved as a landscape area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.
1. Greenbelt calculations: All plant material outlined below is to be provided per forty (40) linear feet or fraction thereof, of the entire road frontage. The greenbelt shall contain a minimum of:
    - a. One (1) canopy tree
    - b. Five (5) shrubs
  2. The frontage calculation shall include any openings for driveways, sidewalks or easements with the number of trees.
  3. The greenbelt shall contain only living materials and planting beds with the exception of approved sidewalks, bike paths, signs, driveways, essential services, and detention ponds as dictated by site conditions.
  4. Greenbelt plantings shall be arranged to emulate the landscape character of the surrounds areas.
- (F) **Buffer Zones:** A buffer zone is a landscape area which serves to visually obstruct views from abutting uses. A buffer shall be provided between the subject site and all adjacent properties as follows:

*Landscape Development Guidelines Cont.*

| Subject Site                        | Adjacent to                               | Buffer Zone Type |
|-------------------------------------|-------------------------------------------|------------------|
| Multiple Family District or Use     | Single Family Residential District or Use | Type B           |
| Institutional Uses                  | Any Residential District or Use           | Type B           |
| Business and Office District or Use | Any Residential District or Use           | Type A           |
| Industrial District or Use          | Any Business or Office District or Use    | Type B           |
| Industrial District or Use          | Any Residential District of Use           | Type A           |
| Industrial/Industrial               | Industrial                                | N/A              |

1. Buffer yard calculations: All plant material outlined below is to be provided per forty (40) linear feet along the property line, rounded upward.
2. Type "A" Buffer Zone shall include the following plant material:
  - i. One (1) large deciduous canopy tree
  - ii. One (1) ornamental tree
  - iii. Four (4) shrubs or one (1) evergreen tree
  - iv. One (1) large deciduous canopy tree and four (4) shrubs
3. Type "B" Buffer Zone shall include the following plant material:
  - i. One (1) large deciduous canopy tree
  - ii. Four (4) shrubs or one (1) evergreen tree
  - iii. Four (4) shrubs
4. Buffer Zone Width Required. At a minimum, the width of the buffer shall be equal to the required building setback. Setback area may be considered for the area used for buffer zone.
5. Buffer Zones are not required between two adjacent industrial properties, however, all industrial properties still require green belt areas and must meet the minimum tree planting requirements.
6. I-65 Landscape Buffer Zone Development Guidelines.
  - i. A 100-foot landscape buffer shall be maintained along both sides of I-65, measured from the outside border of the I-65 right-of-way, in accordance with the following terms and conditions:
    - a. The landscape buffer shall consist of a turf-covered earthen berm no less than six (6) feet in height, with the turf areas to contain turf consistent with the specifications contained in the table following this section.
    - b. With the exception of commercially and industrially zoned property, the buffer zone shall contain trees of such a nature and in such a configuration as specified in Exhibit A of this Ordinance "Approved Tree Species for Along the Corridor" for those trees permitted in the I-65 Buffer Zone.
    - c. Commercially and industrially zoned property within the landscape buffer may contain trees and an aesthetically pleasing water feature but are not required to do so.

*Landscape Development Guidelines Cont.*

- d. The landscape buffer zone shall contain, to the extent not excepted by the city, a bike path constructed in such a manner as is consistent with the specifications outlined in this Ordinance.
  - e. No portion of any roadway is permitted within the landscape buffer zone.
  - f. The landscape buffer zone will only be considered to satisfy the recreational land requirements of the Subdivision Control Code, Chapter 151, upon a specific finding of such by the Advisory Plan Commission, in its sole discretion, during its development plan review and approval process.
  - g. Groupings of plants to be combinations of three's or five's, or three of one type and two of another (i.e. three Blue Spruce and two Austrian Pine). It shall not be one of each type of tree. This also applies to all groupings of plants.
  - h. A five-inch wide wood mulch ring three-inches deep shall be placed around each tree.
  - i. All shrub groupings to have wood mulch three-inches deep.
  - j. Turf Areas to be seeded with LoGro Fescue Mixture.
    - ii. 20% Discovery Hard Fescue.
    - iii. 30% Aurora Gold Hard Fescue.
    - iv. 30% Warwick Hard Fescue.
    - v. 20% Seabreeze Creeping Red Fescue.
- (G) **Parking Area Landscaping:** All parking areas, associated drive aisles, loading areas, and other paved ground surface areas used for vehicular parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. The following parking area landscaping is required.
- 1. Required parking area landscaping shall be placed within the parking lot envelope, defined as the area including the parking lot surface and extending ten (10) feet from the edge of the pavement.
  - 2. Parking lots adjacent to a residential lot or residence shall be screened with minimum 5-foot high solid evergreen plantings; and/or a solid, opaque fence not less than 5 feet in height, as permitted and approved by the City Engineering Department.
  - 3. One (1) canopy tree shall be required for each 2,000 square feet of the total paved surface, including parking, loading and driveways. The number of required trees shall be rounded upward to the nearest whole number. At least two (2) parking lot trees shall be provided on each site.
  - 4. If not adjacent to a buffer zone or greenbelt, a minimum of one-third (1/3) of the required trees shall be placed within the paved portion of the parking lot.
  - 5. Trees shall have a minimum clearance of six (6) feet between the ground and the lowest branches.
  - 6. Not more than twenty-five (25) parking spaces shall be permitted in a continuous row without being Interrupted by landscaping.
  - 7. Landscaped islands must be located at the end of rows.
  - 8. Landscaping parking lot islands shall meet the following requirements:
    - a. Each separate landscape area shall be a minimum of one hundred and thirty

*Landscape Development Guidelines Cont*

(130) square feet

- b. Each parking lot island shall be a minimum of nine (9) feet wide.
- c. The island shall be two (2) feet shorter than adjacent parking spaces.
- d. A minimum curve radius of nine (9) feet is required.
- e. Each Island shall contain at least one (1) tree.

(H) **Detention and Retention Ponds:** For sites requiring detention or retention ponds, the following landscaping is required.

- 1. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where these requirements are not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site.
- 2. The edge of the pond shall consist of sculptured landforms to filter and soften views of the pond.
- 3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.
- 4. Trees and shrubs should be planted in a natural pattern and are not limited to strict placement along the edge of the pond. Trees and shrubs planted below the water line of the pond must be tolerant of wet or moist soil conditions. The location of plant material shall be done in consideration of the need to provide access for a minimize disruption of plant material during routine pond maintenance.
  - a. Detention and Retention Pond Planting Calculations: All plant material outlined below is to be provided per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank.
    - i. One (1) canopy tree or two (2) ornamental trees and
    - ii. One (1) large shrub or two (2) small shrubs

(I) **Freestanding Signs:** Landscaping of all freestanding signs shall be subject to the review and approval of the City of Crown Point Tree Board

(J) **Additional Screening Requirements:**

- 1. Dumpsters, recycling containers, and utility or equipment areas must be adequately screened with a minimum 5-foot-high solid evergreen plantings around the enclosure.
- 2. All ground utility meters, pedestals and transformers, HVAC equipment, and other utility equipment shall be incorporated into the overall design of the building and adequately screened with minimum 5-foot-high solid evergreen plantings and/ or a solid, opaque fence not less than 5 feet in height, as permitted and approved by the City.
- 3. Areas for outdoor storage shall be screened with minimum 5-foot-high solid evergreen plantings and/ or a solid, opaque fence not less than 5 feet in height, as permitted and approved by the City.

(K) **Landscape Plan Requirements:** The following information shall be provided on the landscape plan.

- 1. Description of the nature and purpose of the project.
- 2. A legend on plans with symbols representing all plant materials.
- 3. Land use of all adjacent properties.
- 4. Standard tree and/or shrub installation detailed drawing.
- 5. Permanent seeding specifications with seed mix details and application rates.

*Landscape Development Guidelines Cont*

6. Identification and delineation of existing vegetative cover such as grass, weeds, brush, and trees on the project site. Locations of existing trees and/or shrubs shall indicate species and DBH.
  7. Locations and protection zones of trees for conservation (if applicable).
  8. Tree protection details (see local tree ordinance# 2008-08-31).
  9. Show locations of proposed grass areas and other types of ground covers with respect to buildings, parking areas, driveways, signs, water surfaces, paved patios, terraces, sidewalks and similar site features.
  10. Locations of all proposed trees and/or shrubs on plan sheet(s).
  11. Locations of all known utilities and easements
  12. General list of all tree/shrub species and size to be planted
  13. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
- (L) **Landscape Plan Submittal Process:** All landscape plans shall be submitted to the City as outlined below:
1. Submit all copies of documentation for landscape plan submittal to the Crown Point Planning & Building Department, Attn: Tree Board.
  2. A copy of this completed checklist is required for all landscape plan approvals.
  3. The applicant and/or plan preparer must be present at the Tree Board meeting during the review process.
  4. A copy of the landscape plan, landscape plan checklist and any other supplemental documentation must be attached to the site development plan.
  5. Early coordination is encouraged and can be scheduled upon request to assist with landscape design and requirements.
  6. All landscape plans must be approved by the Tree Board.

## GENERAL REGULATIONS

### 150.30 NON-CONFORMING USES

Any lawful use of structures, land or the combination of, established prior to the effective date of this Code that is no longer a permitted use in the district of which it is located shall be deemed legal non-conforming. All legal non-conforming uses may continue. The following provisions shall apply to all non-conforming uses.

- (A) A non-conforming use may be continued but may not be extended, expanded, moved, or changed unless to a conforming use, except as permitted by the board of zoning appeals in accordance with the provisions of this chapter.
- (B) No new or additional structures shall be constructed in conjunction with the legal non-conforming use.
- (C) Once the structure in which the non-conforming use occupies has been removed, the legal non-conforming status of the land shall be abolished.
- (D) Once the legal non-conforming use is no longer in operation and replaced by a conforming use, the property shall no longer be able to operate as the previous non-conforming use.
- (E) In the event the legal non-conforming use is listed as a Special Use in the zoning district in which it is located, a special use may be sought in accordance with Section 150.51 and 150.54, and if approved non-conforming status will be removed.
- (F) In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed, except with the approval of a board of zoning appeals.

#### 150.30.1 NON-CONFORMING STRUCTURES

Any lawful structures established prior to the effective date of this Code that no longer comply with the regulations established for the district in which the structure is located shall be deemed legal non-conforming. All legal non-conforming structures may continue to exist. The following provisions shall apply to all non-conforming structures.

- (A) Any legal non-conforming structure shall not be extended, expanded, or altered in such a manner that will increase the structure's non-conformity. Nothing in the Code shall prohibit any alteration that will decrease the non-conformity of the structure provided such alteration complies with the regulations of this Code.
- (B) Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before in the same location and same footprint if such reconstruction is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

#### 150.30.2 NON-CONFORMING LOTS OF RECORD

All lots legally established prior to the effective date of this Code that no longer comply with the regulations established for the district in which the lot of record is located shall be deemed legal non-conforming. All legal non-conforming lots of record may continue to exist. The following provisions shall apply to all non-conforming lots of record.

*Non-Conforming Lots of Record cont.*

- (A) Legal non-conforming lots may be built on or upon provided that the proposed use is permitted within the zoning district in which the property is located and that the proposed use and structures comply with all application regulations of this Code.
- (B) Any lot created in conjunction with a Final Plat of Subdivision, which has been approved prior to the adoption of this Code and does not meet the minimum lot requirements may be built upon in accordance with the bulk regulations established for the zoning district in which the property is located and in accordance with the regulations established for said Zoning District at such time the lot was created.
- (C) Where adjacent lots that do not conform to the dimensional requirements of the zoning district in which the lot of record is located, the land owner shall combine the lots to create lots which are in full compliance with the regulations of this Code. The only case in which this requirement may be waived is when it is determined the creation of the new lot will alter the essential character of the area in which the lot of record is located.

**150.30.3 REPAIR AND MAINTENANCE OF NON-CONFORMING USES, STRUCTURES, OR LOTS OF RECORD**

The following regulations shall apply to the repair and maintenance of all non-conforming uses, structures, and/or lots of records.

- (A) Repair and maintenance may be conducted when required by law.
- (B) Repair and maintenance may be conducted when it will reduce the non-conformities.
- (C) Ordinary repairs and maintenance may be conducted, provided that the footprint of the structures is not increased in any way.
- (D) Nothing in this section shall preclude or prevent the repair or maintenance of a building which is deemed unsafe, but the City or its designees, in which such maintenance and repairs will restore the structure to a safe condition.
- (E) If a structure must be removed because it is deemed to be unsafe, any structure built in replacement must comply with all regulations established in this Code.

**150.31 ACCESSORY USES AND STRUCTURES GENERAL REGULATIONS**

- (A) Accessory structures and uses are permitted in residential zoning districts in conjunction with the primary use or structure on the same zoning lot and must comply with the following regulations.
- (B) Accessory garages and sheds are permitted in the B2, B3, and I1 Districts and are subject to the regulations outlined within this Code. Such structures shall be subordinate in size to the primary structure and the use of such structure shall be accessory to the primary use of the property.
- (C) Any accessory structure which is attached to the primary structure shall comply with all bulk requirements of the primary structures as established by the zoning district.
- (D) No more than two accessory structures (excluding swimming pools, covered porches, balconies, patios, or similar structures ) may be located on a zoning lot.

*Accessory Uses and Structures cont.*

- (E) No accessory structure shall be placed or established on a zoning lot prior to the construction of the primary structure.
- (F) No accessory structure shall be used for living quarters unless otherwise expressly permitted here within.
- (G) All accessory structures must maintain a minimum rear and side yard setback of not less than 5 (five) feet. No accessory structure is allowed in the required front yard or corner side yard setback.
- (H) No accessory structure shall be constructed in any drainage, sewer, water or other utility easement.
- (I) Building material and design of the accessory structure shall be architecturally compatible and similar building materials of the primary structure, for those accessory structures located in non-residential zoning districts.
- (J) For the purpose of this chapter the following structures shall be considered, but not limited, to accessory structures, detached garages, carports, covered porches, patios, balconies, and storage sheds
- (K) All accessory structures must meet the minimum building separation from the primary structure as required by Fire Code.

**150.31.1 GARAGES, STORAGE SHEDS, PORCHES, PATIOS AND DECKS**

In addition to the regulations outlined below, all garages, storage sheds, porches, patios, and decks must comply with the regulations outlined in Section 150.31 of this Ordinance.

- (A) One detached garage permitted is permitted per zoning lot and is subject to the following regulations:
  - 1. Detached garages shall not exceed 900 square feet in area.
  - 2. The maximum height of a detached garage is limited to 16' feet in height.
  - 3. Those detached garages associated with a multi-family dwelling that are 80 feet in length or less must maintain a minimum 16' building separation from the primary structure. The building separation for those structures greater than 80 feet in length, must be approved by the local Fire Chief.
- (B) One storage shed, garden shed, or the like may be permitted per zoning lot and is subject to the following regulations.
  - 1. The maximum height of a storage shed is limited to 16' feet.
  - 2. Those storage shed less than 121 square feet in area are exempt from obtaining a zoning and building permit, provided the structures meets all regulations, including height and setback requirements, of this Ordinance.
- (C) Garages, barns, storage sheds, silos and grain elevators in Agriculture Districts, are not restricted, if said structures are for agriculture uses on the land they are located; provided however, that all requirements of 150.24 through 150.26 for lot area and yard requirements are met.
- (D) Porches, Patios and Decks
  - 1. All open porches, patios and decks shall maintain a minimum five (5) foot setback from all side and rear properties lines.

**150.31.2 SWIMMING POOLS AND HOT TUBS**

In addition to the regulations outlined below, all swimming pools must comply with the regulations outlined in Section 150.31 of this Code.

(A) Swimming pools and hot tubs: All swimming pools, shall be permitted as an accessory use provided the following conditions are met. These regulations shall only apply to swimming pools, including temporary pools, over two (2') feet in depth.

1. No portion of an outdoor swimming pool or hot tub, its deck shall be located closer than five (5) feet from the side or rear property line, in addition, shall be set back an additional two (2) feet for each one (1) foot of structure height exceeding five (5) feet. For the purpose of this section, the words "structure height" shall include any railings or other projections above the pool surface. No portion of an outdoor swimming pool hot tub, its deck or including pumps, filter and other equipment, shall be located in the front yard or corner side yard.
2. Existing swimming pools and hot tubs not in compliance with these provisions shall be considered non-conforming uses.
3. A residential pool shall be provided with a suitable handhold around its perimeter in areas where depths exceed three feet six inches. Handholds shall be provided no farther apart than four feet and shall consist of any one or a combination of items listed as follows:
  - a. Coping, ledge, or deck along the immediate top edge of the pool that provides a slip-resistant surface of at least four inches minimum horizontal width and located at or not more than 12 inches above the waterline.
  - b. Ladders, stairs, or seat ledges.
  - c. A secured rope or railing placed at or not more than 12 inches above the waterline.
4. Rope anchor devices shall be installed at a minimum of one foot and a maximum of two feet on the shallow end side of a point of change in floor slope. In pools where the slope change occurs in water depths less than four feet six inches, a transition rope supported by buoys shall be installed.
5. Access to residential pools shall be restricted by one of the following means:
  - a. Walls or fencing not less than four feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.
  - b. Other means not less than four feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.
  - c. A combination of divisions 5(a) and 5(b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked. This applies to divisions 5(a) and 5(b) and this division only.
  - d. A power safety pool cover that (for in-ground pools): shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool; shall be mechanically operated such that the cover cannot be drawn open or retracted without the use

*Pools and Hot Tubs cont.*

- of a key; or key and switch; or touch pad with a personal access code; is installed with track, rollers, rails, guides or other accessories necessary to accomplish items 8(a) and 8(b), in accordance with the manufacturer's instructions; and shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F 1346-91 (2018), Standards Performance Specification for Safety Covers and Labeling Requirements for all Covers for Swimming Pools, Spas and Hot Tubs, as published by ASTM International, for power safety pool covers.
6. Not less than the following lifesaving equipment shall be installed with each residential swimming pool:
    - a. A ring or throwing buoy fitted with 40 feet of one-fourth inch diameter line.
    - b. A pole not less than 12 feet in length.
    - c. Access to a telephone.
  7. Electrical service (N.I.P.S.C.O. service to house; meter/weather head; and underground) shall meet N.E.C. 90 Edition Sec. 680 (Separation and clearance is required from pool, ten foot minimum for overhead service and five foot minimum for underground service).
  8. Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.
  9. Time switches. Time switches that can automatically turn off and on heaters and pumps according to a pre-set schedule shall be installed on swimming pool heaters and pumps. Exceptions:
    - a. Where public health standards require 24-hour pump operation.
    - b. Where pumps are required to operate solar and waste heat recovery pool heating systems.
  10. Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water's surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12. Exception: pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy sources.
  11. Local building and electrical permits issued pursuant to Ch. 152, shall be required prior to commencement of construction.
  12. No portion of the swimming pools, hot tub, deck or equipment shall not be constructed in any utility or drainage easements.
  13. No final certificate to occupy pool area will be issued until all inspections are approved, required fence and gates are installed, and all regulations of Indiana Administrative Code (Chapter 675, Article 20) are met. It shall be a violation to use pool prior to the issuance of a certificate of occupancy.

**150.31.3 FENCES**

In addition to the regulations outlined below, all fences must comply with the regulations outlined in Section 150.31 of this Code.

- (A) The following are general regulations that apply to all fences.

*Fences cont.*

1. No fence or wall may be placed in any drainage, utility, landscape, access or other easement without written approval from the City.
  2. All fences shall be constructed/installed with the finished side of the fence facing out toward the property line or neighboring property where applicable.
  3. It is the responsibility of the owner to ensure proper maintenance of the fence, in accordance with the regulations set forth in this Chapter. The term maintenance includes repair, removal and replacement of damaged material of the fence.
  4. All fences at an intersection must be located in such a way as to not obstruct line of sight.
  5. Requests for variances dealing with fence locations, height and construction shall be administratively determined by the Department of Community Development and its Director and they shall have the power to adjust said requirements on a case to case basis taking into consideration public safety, sightlines, surrounding structures, effect on property value, and esthetics, but in no case shall a fence setback be closer than ten (10) feet from the right-of-way.
- (B) Residential fences. A fence shall be permitted as an accessory use in all residential zoning districts, except in floodways, provided the following conditions are met along with those regulations outlined above in Section 150.31.3(A):
1. A fence shall not exceed seven feet in height if located in a rear or side yard. No fences shall be allowed in the required front and corner side yard.
  2. A fence may be constructed on a side or a rear property line, provided that the property line does not lie in a parkway or in a street right-of-way.
  3. Fences shall be ornamental in nature and shall be constructed of vinyl, treated wood, masonry, split rail, picket fence (40% open space between pickets in any front or corner side yard), wrought iron or metal building materials, and other material deemed appropriate by the Planning Administrator. The following fencing materials are expressly prohibited plywood, sheet metal, plastic, or fiberglass sheets. No fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically charged wire.
  4. No fence shall be constructed of man-made materials in a front yard, except as otherwise provided in this section.
- (C) Business and Industrial Fences. A fence shall be permitted as an accessory use in business and industrial zoning districts, except in floodways, provided the following conditions are met along with those regulations outlined above in Section 150.31.3(A):
1. A fence may be constructed within side and rear yard property lines of a lot, provided that the height of the fence does not exceed eight feet.
  2. A fence may be constructed on a side or a rear property line, provided that the property line does not lie in a parkway or in a street right-of-way. No fence shall be located in the required front or corner side yard.
  3. Fences shall be constructed of vinyl, treated wood, masonry, wrought iron or metal building materials, and other material deemed appropriate by the Building Commissioner. The following fencing materials are expressly prohibited plywood, sheet

*Fences cont.*

metal, plastic, or fiberglass sheets. No fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically charged wire. However, that for security purposes a fence may have strung across its top one or more strands of barbed wire, but not above a height of two feet over the eight-foot height limitation of division (C)(1) above.

4. Fences in agricultural zones may be located on property lines and the use of barb wire and electric wire is permitted, provided the fence does not exceed seven feet in height.

#### **150.31.4 WIND DEVICES**

(A) General provisions. The following provisions apply to all electric-generating wind devices permitted by this section. General requirements:

1. Electric-generating wind devices shall not cause electrical signal interference.
2. Electric-generating wind devices shall not have any illumination located on the device or the structure supporting the device.
3. There shall be no more than one electric-generating wind device permitted for each parcel or lot of record.
4. Electric-generating wind devices shall comply with all other building codes and other federal, state and local regulations and the manufacturer's requirements for installation and operation.
5. Electric-generating wind devices shall be a non-obtrusive color such as tan, sand, gray, black, white or similar colors. Galvanized steel or other metal is acceptable for the support structure for the electric-generating wind device.
6. All towers, structures and supports with electric-generating wind devices shall be utilized for only the electric-generating wind devices and shall not have affixed any other components, appurtenances, or advertising signs.
7. All climbing apparatus shall be located at least 15 feet above the ground and the tower must be designed to prevent climbing within the first 15 feet from top of foundation. Sound level or noise. An EGWD shall not exceed 55 decibels (dB) measured at the closest property line as regulated in 98.05 except during short-term events such as severe wind storms or utility outages.
8. Sound level or noise. An EGWD shall not exceed 55 decibels (dB) measured at the closest property line as regulated in 98.05 except during short-term events such as severe wind storms or utility outages.
9. Shadow flicker. Shadow flicker is the visible flicker effect when rotating blades of a wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow. EGWD shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant for any EGWD has the burden of proving that any shadow flicker will not have significant adverse impact on neighboring or adjacent occupied buildings.
10. Any electric-generating wind device that is not operated for a continuous period of 12

*Wind Devices cont.*

11. months shall be considered abandoned, and the owners of such device shall remove all structures within 90 days of receipt of notice from the city notifying the owner of such abandonment. If such device and structure is not removed within 90 days, the city may remove all devices and structures at the owner's expense and lien the property for costs of the removal.
- (B) Rooftop mounted electric-generating wind devices requirements.
1. Noise levels shall not exceed 55 decibels (dB), as measured at the owner's property line. The level, however, may be exceed during short-term events such as utility outages and/or severe wind storms.
  2. No rooftop mounted electric-generating wind device shall be installed until evidence has been submitted that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (C) Application requirements.
1. A standard drawing of the electric-generating wind device and support structure, including the tower, base, and electric connections.
  2. A plat plan or survey that shows the proposed location of the electric-generating wind device, including proposed setbacks in compliance with this section, the location and height of existing buildings, locations of all overhead utility lines.
  3. All permit fees shall be paid at the time of the issuance of the building permit, including the building permit fee, zoning fee and electrical permit fee.
- (D) Zoning Districts. Monopole/unipole structures supporting electric-generating wind devices are permitted in all zoning districts on lots or land parcels one acre or larger, subject to the following requirements:
1. An electric-generating wind device height shall not exceed 100 feet in height except by Special Use approval by the Board of Zoning Appeals and City Council.
  2. Electric-generating wind device towers shall maintain a setback from all property lines equal to the height of the electric-generating wind device height.
  3. Minimum ground clearance shall be at least 25 feet from grade level to the blade tip at the lowest point.
  4. Shall be located in the rear yard.
- (E) Rooftop mounted electric-generating wind devices are permitted in all zoning districts subject to the following requirements:
1. The electric-generating wind device shall not exceed six feet in height measured from the peak of the roof to the center of the turbine.
  2. The electric-generating wind device shall have a minimum clearance of two feet from the roof peak to the blade tip at its lowest point.
  3. Rooftop electric-generating wind devices are prohibited from being located on any face of a structure facing any street from roof peak toward the street.
- (F) Vertical axis wind devices. Vertical axis wind devices are allowed in all zoning districts subject to the requirements as provided in division (D) of this section.

*Wind Devices cont.*

Other laws, codes, ordinances. Any EGWD shall comply with all federal, state and local laws, including the Federal Aviation Administration regulations. The burden of proof for compliance of these regulations is the responsibility of the owner or applicant for any such EGWD.

**150.32 TEMPORARY STRUCTURES/USES**

Temporary structures and/or construction trailers used in conjunction with construction work or emergencies are temporary permitted uses in business, highway service, office service, business park, and industrial districts. The Building Commissioner may issue permits for no more than two such temporary structures and/or construction trailers per each construction project for a period of time not to exceed 12 months provided all other building and zoning laws or requirements are met.

- (A) Requests for a temporary sales office, seasonal sales office, and temporary construction trailers or structures in a residential district that exceed 12 months may only be permitted after the approval of a variance, subject to any reasonable time limits or other conditions that may be imposed, by the Advisory Board of Zoning Appeals.
- (B) Portable, temporary storage containers are permitted in a residential district and the I-1, Industrial District. A permit is required for those portable, temporary storage containers in residential district. The Building Commissioner may issue a permit for up to seven days at a time, and up to 30 days total per calendar year, provided all other building and zoning laws or requirements are met. All portable, temporary storage containers in residential districts must be placed on a paved surface. All such containers must be kept in like new condition at all times. No storage containers shall be located in the public right-of-way. Alternative location of such portable storage Portable temporary storage containers may be permitted upon the approval of the Crown Point Police Department.
- (C) All parking of boats, recreational vehicles, and trailers shall be in compliance with Section 92.50 of the City of Crown Point Code of Ordinances.
- (D) All parking of junk vehicles shall be in compliance with Section 92.0 (92.01-92.07) of the City of Crown Point Code of Ordinances.
- (E) Unless specifically prohibited by regulations of a Homeowner Association, short-term rentals are permitted in the residential districts and only in non-residential zoning districts which residential uses are permitted or have received prior approval as a special use. No short-term rental may be rented for less than 24 hours.
- (F) All other building or other permits required by any state or local building or zoning law shall be obtained prior to the issuance of any permit by the Building Commissioner for any temporary structure.
- (G) An extension for the time period in which a temporary structure/use may be granted by the Board of Zoning Appeals.

### 150.33 HOME OCCUPATIONS

The purpose of this section is to allow for home occupations which are compatible with the neighborhoods in which they are located. Such home occupations must comply with all applicable laws and obtain all applicable permits required by the State and comply with the following criteria. Home occupations, as outlined and permitted in this chapter are permitted by right, except when a home occupation involves patrons entering the premises to receive a service(s) or good(s) may be granted by the Board of Zoning Appeals as a special use in a residential zone if such use complies then such use must be reviewed and approved by the Board of Zoning Appeals as a special use in a residential zone.

(A) Customarily home occupations include, but are not limited to, the following, provided each home occupation complies with the regulations of this Section.

1. Legal or professional offices, including but not limited to architects, brokers, engineers, lawyers, insurance agents and similar professions.
2. Business offices, when used only for record keeping, telephoning and/or consultation.
3. Telecommuting for outside employee, company or agency.
4. Dressmakers, seamstresses and tailors.
5. Music teachers, with regular instruction, limited to one pupil at a time.
6. Artists, sculptors and authors or composers.
7. Hand crafts, including wood working and similar professions, providing no machinery or equipment is used, except machinery customarily considered for hobby use.
8. General Contractor

(B) The following uses are prohibited as home occupations:

1. Medical and dental offices
2. Retail sales/use
3. Manufacturing use
4. Repair shops
5. Barber shops, beauty shops and nail salons performing any personal service with more than 2 service stations
6. Dance studios
7. Animal Care facilities.

(C) The home occupations shall be conducted wholly within the enclosed living area of the dwelling unit or attached garage but not in any other accessory or detached structure. ATTACHED GARAGE as used in this section, shall mean an outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof or, at the least, connected to the dwelling by a completely enclosed by a permanent breezeway. No outdoor storage or display of goods and materials associated with the home occupation is allowed.

(D) The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.

*Home Occupation, cont.*

- (E) There shall be no exterior evidence of the conduct of a home occupation, which includes a specially designated entrance. All signs of the associated home occupation must be in compliance with Section 150.80 to 150.99 of this Code.
- (F) Electrical or mechanical equipment which creates visible or audible interference with radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise, vibrations, smoke, dust, odors, heat or glare not normally associated with residential uses is prohibited.
- (G) The home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.
- (H) The establishment and conduct of a home occupation shall not change the principal character of use of the dwelling unit involved. Not more than 20% of the usable space in the dwelling unit shall be devoted to the home occupation.
- (I) The home occupation shall not involve the extensive use of heavy commercial vehicles for delivery of materials to or from the premises.
- (J) The home occupation shall be conducted in such a manner that it does not create parking or traffic congestion that is deemed unreasonable and a negative impact on the surrounding residential properties.
- (K) The permit for the home occupation cannot be transferred to another party and will be immediately repealed once the property in which the home occupation is located is sold, leased or rented.
- (L) Anyone requesting to establish a home occupation shall submit a request for registration on a form provided by the City. No home occupation permit shall be issued until all requirements have been met and approval obtained. A permit fee of \$10 will be required.
- (M) In the event the Building Administrator determines that any home occupation granted after the effective date hereof or any home occupation previously granted and not in compliance with existing or prior law as applicable thereto, then the Building Administrator shall notify the operator of the home occupation to comply with all necessary conditions and criteria within 30 days of the notice of noncompliance. If the operator of the home occupation fails to comply or agree to comply within a specific period of time designated by the Building Administrator, then legal action to enforce the requirements of existing or prior law, as the case may be, shall be taken or the permit shall be revoked.

**150.34 OFF-STREET PARKING AND LOADING**

Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts. No structure/building shall be designed, built, moved, used/occupied, or enlarged, and shall not hereafter be used or occupied, unless the minimum off-street parking and off-street loading spaces by this Code are provided. No structure or use already established on the effective date of this Code shall be enlarged unless the minimum off-street parking and loading spaces which would be required for such enlargement are provided.

- (A) Off-street parking shall be provided for all properties in accordance with the regulations within this Section, along with those regulations outlined in Table D, page 122. A minimum five car off-street parking lot required for each business or office located or provided for on the property.

*Off-Street Parking and Loading Cont.*

(B) Computation of the required number of parking spaces as required by Table D, page 122, shall comply with the following regulations:

1. When determination of the number of off-street parking spaces required by this Code results in a requirement of a fractional space, a fraction shall be counted as one (1) parking space.
2. In the case of offices, merchandising or service type of uses, floor area shall be the area of use or intended to be used by tenants and/or owners for service to the public as customers, patrons, clients, and patients, include areas occupied by fixtures and equipment use for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, processing or packing of merchandise, for show windows, toilets or restrooms, for utilities or dressing rooms, fitting or alteration rooms.
3. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.
4. Benches or Seats: A seat shall be the space intended for one (1) individual, in a place where patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of seating facilities shall be counted as one (1) seat.
5. In the case of mixed uses, the parking spaces required shall be equivalent to the sum of the required number of spaces for each individual use. Shared or Joint Parking may be considered with site plan approval of (insert review body), and in accordance with the regulations established in Section H below.
6. In the case of multi-family and two-family dwellings, the driveway shall not constitute a required parking space except to satisfy the requirement for guest parking spaces, where such driveway is at least 25' in length, as measure from the front of the structure.

(C) The following regulations shall apply to all Zoning Districts

1. Parking spaces shall be provided on the same zoning lot for which they are required. Parking lots may be located on a lot other than that containing the principal use as provided in a 150.19 permitted use, as described in Table A, page 116, only upon the approval of a Special Use. However, in no case shall such off-street parking be located greater than 700 feet from the property in which the parking is serving.
2. All off-street parking lots or driveways shall be constructed of concrete or asphalt (hot asphaltic concrete or hot asphaltic emulsion) all subject to the approval and satisfaction of the City Engineering Department. Concrete curbs are required for all parking lots and associated driveway/entrances to define the edge of paving .
3. Parking lots, and all driveways providing access to parking lots, shall meet the minimum yard (setback) requirements of the underlying zoning district as outlined in Table B and C , page 120-121, of this Code.
4. Parking lots and drives to shall have proper drainage pursuant to city standards and any other requirements deemed necessary by the City Engineering Department.

*Off-Street Parking and Loading Cont.*

5. Handicapped parking shall be provided pursuant to all local, state and federal law and the requirements of the federal Americans with Disabilities Act of 1990 and all regulations promulgated thereunder.
6. Parking spaces shall not be permitted in or on any road, street, parkway or alley right-of-way or easement. The provision does not apply to driveways or drive aisles.
7. Fire Lanes, appropriately signed, marked and designated, as required by the Fire Chief or any state or local fire code shall be designated in every parking lot. Adequate maneuverability shall be provided for the specified type of delivery vehicles which will be entering and existing the property. Adequate maneuverability shall also be extended to emergency vehicles.
8. No motor vehicle maintenance, repair work, or storage of any motorized vehicles or component part thereof, shall be permitted or conducted in any parking lot.
9. Parking lots are to be constructed on vacant parcels of property shall require a zoning permit and approval of the City Engineering Department; and, if required by ordinance, a Special Use approval.
10. Except for lots which occupy single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway designed in accordance with the requirements for parking lot dimensions in the table below, entitled Parking Space and Interior Drive Requirements.

**Parking Space and Interior Drive Requirements**

| Parking Angle | Minimum Aisle Width<br>Serving (Feet) |          | Minimum Parking<br>Space Size (Feet) |         |
|---------------|---------------------------------------|----------|--------------------------------------|---------|
|               | One Row                               | Two Rows | Width*                               | Length* |
| Parallel      | 12                                    | 12       | 10                                   | 20      |
| 30            | 12                                    | 12       | 10                                   | 18      |
| 45            | 15                                    | 14       | 9                                    | 20      |
| 60            | 18                                    | 19       | 9                                    | 20      |
| 90            | 20                                    | 24       | 9                                    | 19      |

\*The calculation of the width and length of the parking space shall be exclusive of curb and gutter.

11. All parking spaces shall be properly striped.
12. Landscape screening for all off-street parking lots shall be provided in accordance with Section 150.28.

*Off-Street Parking and Loading Cont.*

13. Parking spaces and lots shall have a vertical clearance of at least eight (8') feet and shall be measured at right angles to the ground.
  14. All lighting used to illuminate any off-street parking lot shall be in compliance with Section 150.27.D of this Code.
  15. Signage accessory to the parking lot and facility shall be in accordance with the signage regulations established in Section 150.80 to 150.99 of this Code.
  16. All parking lots and driveways, in business, office, service, and residential uses over two units, and all non-residential uses, shall be designed with curbs and gutters; curbing may be waived upon the approval of the site development plan by the Advisory Plan Commission or by approval of the Advisory Board of Zoning Appeals.
    - a. Minimum five car off-street parking lot required for each business or office located or provided for on the property.
  17. Parking lots for employees or storage areas for vehicles in an I-1 Industrial Zoned area, that are not accessible to the public, may be gravel only upon the approval of the Board of Zoning Appeals or by the Site Development Plan approved by the Plan Commission. The type(s), color(s) and grade of gravel utilized in such use shall be subject to the approval of the City Engineering Department.
    - a. Not more than twenty-five (25) parking spaces shall be permitted in a continuous row without being interrupted by landscaping. Landscape parking lot islands shall meet the following requirements:
      - i. Each separate landscape area shall be a minimum of one hundred and thirty (130) square feet.
      - ii. Each parking lot island shall be a minimum of nine (9) feet wide.
      - iii. The island shall be two (2) feet shorter than the adjacent parking spaces.
      - iv. A minimum curve radius of nine (9) feet is required.
      - v. Each landscape island shall contain at least one (1) tree.
- (D) All drive-thru facilities shall meet the minimum requirements outlined below:
1. Pharmacies, financial institutions and all other businesses not specifically identified below, shall provide a minimum of four (4) stacking spaces per window, which may include the space at the window.
  2. Drive-Through Restaurant shall provide a minimum of five (5) stacking space per window, which may include the space at the window.
  3. For the purpose of this Section, a stacking space is nine (9') feet in width and nineteen (19') feet in length, exclusive of access drives and aisles.
  4. A minimum of eight (8') feet vertical clearance shall be provided.
- (E) Shared, Joint, or Off-Site Parking: With the review and approval of the Plan commission, the required number of parking space may be adjusted in the case where shared, joint, of off-site parking can be provided. The purpose of the reduction is to provide for a reduction in impervious surface, unnecessary off-street parking facilities, provide for more green space, and to avoid construction of unnecessary and excessive off-street parking facilities. The reduction/adjustment of the minimum required parking spaces in all non-residential zoning districts, will be reviewed by the Plan Commission on a case-by-case basis. The applicant shall

*Off-Street Parking and Loading Cont.*

provide the Plan Commission with the following information to demonstrate the reduction in parking spaces still provides adequate parking for employees, customers, and visitors of the business or businesses. When reviewing the request, the applicant shall provide the Plan Commission with the following information to review and consider the requested reduction:

1. In the case where joint parking is being considered, evidence shall be provided demonstrating the parking lots are large enough to accommodate multiple users.
2. In the case where shared parking is being considered, evidence shall be provided that the parking spaces will be shared at specific times of the day, where one activity uses the parking during the daytime hours and another activity during the evening hours.
3. In the case where off-site parking lots are being considered, the total reduction in parking shall not account for not more than 50-percent of the required parking and shall be located not more than three-hundred (300) feet from the principal use that it is intended to serve.
4. In the case of off-site parking and joint parking, the applicant shall provide written correspondence, which may include, contracts, easements, etc. demonstrating permission of use of the parking facility for employees, customers, visitors of the business or businesses. Such correspondence shall include language stating such agreement is applicable to all successors, including lessors, and may be modified only at the review and approval of the City.

(F) Off-Street Loading Every building, except for those located in the B-1 District, which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case will loading or unloading be permitted within public rights-of-way. All uses shall provide off-street loading in accordance with the following regulations:

1. The minimum number of loading berths shall be provided in accordance with table below, entitled Schedule of Loading Berth. At the discretion of the Plan Commission, a specific study relating to the use of the property in which the loading berth serves may be required to determine the appropriate size and number of berths required.

**Schedule of Loading Berth**

| Gross Floor Area<br>(in square feet) | Number of Berths<br>Required                                        |
|--------------------------------------|---------------------------------------------------------------------|
| Up to 40,000                         | 1                                                                   |
| 40,001 to 80, 000                    | 2                                                                   |
| 80,001 to 120,000                    | 3                                                                   |
| 120,001 to 160,000                   | 4                                                                   |
| Greater than<br>160,000              | 1 additional berth for<br>every 80,000 square<br>feet of floor area |

*Off-Street Parking and Loading Cont.*

- No portion of off-street loading area or any vehicle associated with off-street loading shall occupy any portion of the public right-of-way.
2. The off-street loading area shall be provided on the same lot as the building in which it is associated.
  3. All off-street loadings areas shall be adequately screened from public right-of-way and in compliance with City Code.
  4. The surface of the off-street loading area shall be constructed with asphalt or concrete.
  5. A required off-street loading bay shall be at least
    - a. Local Delivery Trucks: Twelve (12) feet in width and sixty (60) feet in length for local delivery trucks, exclusive of aisle and maneuvering space.
    - b. Large Semi-tractor Trailers: Fourteen (14) feet in width and 120 feet in length exclusive of aisle and maneuvering space.
    - c. All loading areas shall provide a vehicle clearance of at least fifteen (15) feet.
- (G) Site Access for all non-residential zoning lots and within multi-family developments access shall comply with the following regulations.
1. All points of ingress and egress must maintain a minimum width of twenty (20) feet, and a maximum width of thirty-one (31) feet, measured from the inside of curbs at the property line, unless demonstrated additional width is necessary for access by emergency or delivery vehicles.
  2. The location determined by the City Engineering Department, of designee.
  3. Specifications regarding the ingresses and egresses, including but not limited to location, are to meet State, County and City requirements.
  4. Points of ingress and egress shall be aligned with existing entrances and streets.
  5. Ingress and egress points (curb cuts) to/from the site shall be no less than 50' from any street intersection (as measured from the property corner to the nearest side of the curb cut) nor closer than 75' to another curb cut on the same street.
  6. No more than two curb cuts per site shall be permitted.
  7. Ingress and egress points shall be perpendicular to the right-of-way and allow for adequate stacking of vehicles for egress.

**150.35 BICYCLE PARKING REQUIREMENTS**

Bicycle parking shall be provided in accordance with the specifications in this section in all districts. No structure/building shall be designed, built, moved, used/occupied, or enlarged, and no shall hereafter be used or occupied, unless the minimum bicycle parking spaces by this Code are provided. No structure or use already established on the effective date of this Code shall be enlarged unless the bicycle parking spaces which would be required for such enlargement are provided. The requirements setforth in this Section may be reduced at the discretion of the Plan Commission.

*Bicycle Parking Requirements, cont. .*

- (A) Bicycle parking shall be provided for all properties in accordance with the regulations within this Section, along with those regulations outlined in Table D, page 122, except in the I-1 District, when deemed appropriate.
- (B) Bicycle parking facilities shall comply with the following location and design elements.
  - 1. The racks shall be of the inverted U-structure design.
  - 2. The racks shall accommodate U-locks/chains and support bicycles at two locations on the rack.
  - 3. The racks shall have a thermoplastic powder coating and must be anchored securely to ground per the manufacturer's specifications.
  - 4. Bicycle parking should be reasonably and safely separated from vehicle parking (e.g. grade differences, landscaping, poles, etc.)
  - 5. Rack spaces shall be two feet by six feet per bicycle with a five-foot-wide access aisle from behind. Sidewalk adjacent may serve as access site.
  - 6. Parking spaces shall be within 50 feet of a main entrance to the business or residential establishment which it serves and be safely and conveniently located upon the premises (including lightning if appropriate for safety).
  - 7. Parking areas may be shared by and serve two separate venues if within 50 feet of one another.
  - 8. Parking areas should be easily accessible from bicycle trails, sidewalks and other non-motorized modes of transportation.

**150.36 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS**

- (A) Statement of Intent. The purpose of planned unit development district regulations is to encourage and allow for more creative and imaginative design for land development than is possible under conventional district regulations. The planned unit development district also provides for more efficient use of land resulting in more economical land development, preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the normal results of the planned unit development process. This Section is not intended to allow for an increase in density than what is deemed acceptable, or to avoid compliance with the City's bulk regulations and standards. This Section shall be applied where the community as a whole will benefit from such deviations of the regulations.
- (B) Objectives: The following objectives may be obtained through the use of a planned unit development district:
  - 1. To permit a maximum choice in the types of environment available to the public, by allowing a development that would not be possible under the strict application of other sections of this chapter;
  - 2. To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities;
  - 3. To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design;
  - 4. To encourage a pattern of development to preserve natural vegetation, topographic and geologic features, and environmentally appropriate features;

*PUD Cont*

5. To provide for the prevention or control of soil erosion, surface flooding, and the preservation of subsurface water;
6. To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development and the public at large, if appropriate;
7. To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
8. To promote more efficient use of the land resulting in more economic networks of utilities, streets, and other facilities;
9. To encourage a method for the permanent preservation of architectural and historic landmarks;
10. To encourage a land use which promotes the public health, safety, and welfare.

**(C) Development Standards**

All Planned Unit Development shall comply with the development standards establish herein.

1. Design standards: The provisions of the Subdivision Control Code, Chapter 151, and all other applicable codes, shall be adhered to unless a variance is granted by the City Council. Such regulations shall include, but not limited to parking, site design, landscaping, signage, and lighting.
2. Comprehensive Plan: A planned unit development must conform with the planning objectives of the city as specified in that portion of the comprehensive plan.
3. Size and Ownership: The site of the planned unit development should be a minimum of five acres and should be under a single owner or unified control.
4. Compatibility: The uses permitted in a planned unit development must be of a type and so located as to exercise no undue detrimental influence upon the surrounding properties. In addition, a planned unit development shall not endanger the public health, welfare, or safety; nor shall it substantially diminish or impair the values in the neighborhood in which it is to be located.
5. Character and Uses: The planned unit development must be of a character and contain such uses that are needed in the area of the proposed project.
6. Traffic: Adequate provision shall be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. Utilities: Planned Unit Development Districts shall be so located in relation to sanitary sewer, storm and drainage surface systems, and other utility systems and installations that neither extension nor enlargement of those systems will be required in a form, character, manner, location, degree, scale, or timing resulting in higher net public costs or earlier incursion of public costs than would developments in forms generally permitted under existing zoning for the area.
8. Public Facilities/Services: Planned unit development districts shall be so located with respect to necessary public facilities as to have access in the same degree as would development permitted under existing zoning; and shall be so located, designed, and scaled that access for public services is equivalent to, and net cost for services is

*PUD Cont.*

not greater than access for public services for development as permitted under existing zoning.

9. Industrial performance standards: If industrial uses are included in the planned unit development, industrial performance standards, as specified in the Industrial Districts herein, shall be adhered to and may not in any instance be waived.
10. Open Space: All Planned Unit Developments shall be designed in such a way to protect and preserve natural and sensitive areas. All Planned Unit Development that include a residential component, whether attached or detached residential, and that are 5 acres or more, shall provide for common open space within the development. This common open space shall be permanent and usable. For the purpose of this Section "usable open space" shall include those areas not occupied by pipelines, detention, floodplain, floodway, and/or wetlands. All areas deemed as common open space shall meet the following standards:
  - a. Location: Common open space shall be located within the development in a location that will adequately serve all residents.
  - b. Use: The common open space may be used for recreational purposes or as a visual and environmental amenity.
  - c. Minimum Amount Requirement: The proposed amount of common open space shall be of appropriate scale and character of the planned unit development of which it is located, considering size of development, density and expected population (dwelling units). A minimum of 500 square feet of open space per dwelling unit shall be provided. The minimum amount of open space provided shall be one acre. For the purpose of calculating required open space, a dwelling unit shall be defined as a single-family home (attached and detached), condominium, or apartment, rental unit.
  - d. Improvements: All common open space shall be improved for its intended use or unimproved if designated for preservation. If the open space area is to be improved with a trail purposes the minimum open space width shall be 20 (twenty) feet. All improvements shall be identified, and a schedule and timing of such improvements shall be provided. And in no case shall such open space be developed in any manner than that approved in conjunction with the Planned Unit Development.
  - e. Ownership: All common open space shall be owned and maintained by the homeowner association and shall be represented as an outlot or lot on the Final Plat of Subdivision.
  - f. By recommendation of the Plan Commission to the City Council, the amount of open space within the development may be reduced if the open space has been improved with amenities, which may include multi-use trails, or structures, including by not limited to such structures as gazebos or shelters. The open space may also be reduced or combined with a community park within the development, as required by the Subdivision Code.

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## (D) Departure From Standards:

The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and specific content regulations of this section to the extent specified in the preliminary plan and document authorizing the planned unit development, so long as the planned unit development provides tangible benefits to the neighborhood or community in which it is located. The waiver of any requirements shall be the direct cause of accrual of positive benefits to residents of the development as well as to the general community. Departure from any requirement specified in this section or other city ordinances is a privilege, and shall be granted only upon recommendation of the Plan Commission to the Common City Council, and only with the approval of the Common City Council. Departures from standards and regulations of this Code shall comply with the following:

1. **Density:** The density of a planned unit development (either in dwelling units for residential, or floor area for other uses) shall generally correspond to the density regulations imposed by the underlying or previous zoning district. However, increases in density may be granted in accordance with the provisions of division J3j. The density of the planned unit is not necessarily required to precisely correspond with the normal density of the underlying or previous zoning district, but instead should reflect the district's character through complementary building types and architectural design. At the discretion and recommendation of the Plan Commission, the allowable increase shall be deemed a "density bonus" and shall only be considered when exceptional site design and amenities have been provided for within the Planned Unit Development. Such amenities may include, but not limited to, community swimming pool, community tennis court, club house/community facility, increased landscaping and buffer, additional open space than required by Section 150.36.C.10 of this Code, and unique land uses such as senior housing.
2. **Yard, Height, and Bulk Requirements:** Yard, height and bulk requirements shall conform to the requirements of the underlying or previous zone in which the proposed planned unit development is to be located, unless specifically varied by the Plan Commission as part of the planned unit development process, in accordance with the provision of Section 150.36.F and 150.36.G. In circumstances where the City Council, acting upon the recommendation of the Plan Commission, in reviewing a particular Planned Unit Development, may upon ample evidence of exceptional design or construction features, which are deemed both architecturally and environmentally superior, include the provision of an inordinate amount of amenities, are in strict compliance with City building, fire, health, and other applicable codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of the City, may lower the required rear yards along the periphery of the Planned Unit Development, along with any of the required bulk regulations, from the standards required in the adjacent or underlying zoning district to the extent deemed appropriate in direct relationship to the exceptional architecture, site design, and environmentally superior design and construction features.

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3. **Building Separation:** As allowed by Section 150.36.D.2 of this Code, upon the review and recommendation of the Plan Commission, to the City Council, a decreased in the required yard requirements may be permitted. However, buildings shall maintain a minimum separation as follows:
    - a. Single Family Detached Residential: minimum side to side separate for principal buildings shall be no less than 10'
    - b. Attached Single Family Residential: minimum side to side separate for principal buildings shall be no less than 10', side to rear 20' and rear to rear 35'.
  4. **Private Street:** All private streets must be approved by the Plan Commission in conjunction with the Planned Unit Development. All private streets must meet minimum road width and design standards as established by the City Code. The Plan Commission may consider permitting a reduction in the width of the required right-of-way.
- (E) **Procedure:** All Planned Unit Development shall follow the procedure for review as outlined below:
1. **Pre-Application Conference.** Prior to filing a formal application, all applicants interested in seeking approval for a planned unit development district shall meet with the City Planner and Engineering Department to discuss the overall project, clarify any questions regarding the procedure and steps the applicant is to follow. At such time the City will direct the application to all appropriate and pertinent City documents which may provide assistance in the design and review process of the proposed planned unit development. Prior to the pre-application meeting, the City shall be provided with a concept/sketch plan of the proposed development. At such time the City will provide the applicant with preliminary comments regarding the development with respect to land use and compliance with Code and other City documents. These comments are only advisory and do not constitute any form of approval. The applicant will continue to work with the City on the concept/sketch plan and forward to the Plan Commission accordingly.
  2. **Workshop session with Plan Commission.** An informal presentation of the applicant's project for review by the Plan Commission in order to receive an initial Plan Commission reaction to the proposed plan is required.
    - a. The developer will submit a brief written description of the proposed project, with a concept/sketch-plan of the proposed project. An appropriate number of copies must be submitted to the Commission twenty days advance of the proposed workshop.
    - b. After receiving staff and Plan Commission comments, the developer may proceed to preliminary plan approval or schedule another workshop, if needed.
    - c. The Concept/Sketch Plan shall include all information and supporting documents as required by Section 150.36.F of this Code.

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3. Preliminary plan approval.
  - a. Purpose. The purpose of preliminary plan approval is to obtain tentative approval or commitments from the City that the plans, design, and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plan approval and subsequent construction. This is a relatively detailed submission, drawn to scale and dimensioned, that assures the developer that the plan is acceptable and that the necessary monetary investment can be made to prepare final plans with the assurance that the final plan will be accepted, if it substantially conforms to the preliminary plan. It is at this stage that final modifications, adjustments, and interpretations are made to the sketch-plan previously submitted.
  - b. Procedure. A request for preliminary approval of the planned unit development shall be submitted to the secretary of the Plan Commission, who shall refer it to the Plan Commission for public hearing. A report and recommendation of the Plan Commission to the City Council on the preliminary approval of the PUD district is required. The required procedure for review of the preliminary plan shall be as follows.
  - c. Submission of the following:
    1. Written application for review of the preliminary plan on forms prescribed by the city
    2. The applications shall be accompanied by the fee set by the City Council for the application;
    3. Sufficient supporting data, plans, or information to indicate the extent and nature of the proposal and that the project is ready for a public hearing. The public hearing shall not be held if these documents are not received.
    4. The Preliminary Plan shall include all information and supporting documents as required by Section 150.36.F of this Code.
  - d. A public hearing shall be scheduled and held by the Plan Commission in accordance with procedures established by Section 150.51 and Section 150.54 of this Code.
  - e. Copies of the preliminary plan and supporting data shall be submitted to the Department of Planning and Development, the City Engineering Department, and the Building Commissioner at days in advance of the public hearing for their comments and review.
  - f. Following the public hearing and review of the preliminary planned unit development plan and supporting data for conformity to these regulations, the Plan Commission shall, within 45 days, unless an extension is requested by the petitioner, recommend approval, modification, or disapproval, and the reason therefor, or indicate why a report and recommendation cannot be made to the City Council. The Plan Commission shall set forth its reasons for

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- g. recommending approval or denial based on the information received from the applicant, staff, and interested third parties.
    - h. The City Council, after receipt of the preliminary planned unit development plan from the Plan Commission, shall approve, modify, or disapprove the preliminary plan within a period of 60 days unless an extension is requested by the petitioner. Upon preliminary approval, the planned unit development
    - i. plan shall return to the Plan Commission for final plan approval. Approval of the preliminary plan shall not be deemed approval of the final plan.
- 4. Final plan approval.
  - a. Purpose. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands
  - b. not so subdivided, into common open space and building sites. The final plan shows the exact location of facilities, while the preliminary plan shows the general scale location of the same facilities.
  - c. Procedure. The final plan shall be submitted as a planned unit development plan and shall conform substantially to the preliminary plan as approved; and, if desired by the developer or required by the city, may be submitted in stages with each stage reflecting the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
    - 1. A final planned unit development plan and other supporting data required for approval shall be submitted to the secretary of the Plan Commission twenty days in advance of the Plan Commission meeting, and shall conform to the requirements of this Section. Final plans and supporting data shall show in detail the design, location, and use of all buildings, facilities, and site improvements, as well as additional information the Plan Commission may require. The Final Plan shall include all information and supporting documents as required by Section 150.36.F of this Code.
    - 2. The final plan and accompanying engineering shall be approved by the City Engineering Department.
    - 3. The final plan shall also be reviewed by the Director of Planning and Development and the Building Commissioner and checked for conformance with this section by those two offices.
    - 4. After review of the final plan, the Plan Commission shall recommend approval or disapproval of the final plan and the reasons therefor, within 30 days, unless the petitioner requests an extension. Review and approval shall follow the procedure as outlined in the Subdivision Control Code, Chapter 151.
    - 5. The City Council, after receipt of the final plan from the Plan Commission, shall act upon the final plan within 60 days, unless the petitioner shall request an extension, and may pass an ordinance

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granting the Special Use Planned Unit Development District and authorizing the planned unit development and the issuance of the necessary permits. No permit shall be issued until the final plan and supporting data have been recorded by the County Recorder and shall be issued in full conformance with this section.

5. Recording of the final plan.

The final plan shall be recorded in conformance with the requirements of the county and in accordance with the procedure outline in the Subdivision Control Code, Chapter 151.

(F) Required information and data. The planned unit development plans and supporting data shall include at least the following information.

1. Concept/Sketch-plan stage.

- a. Concept/Sketch-plan. A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the overall land use pattern, general circulation system, open space or park system, and the major features of the development. The sketch-plan does not require a detailed site plan of buildings, roads, walks, and the like. The sketch-plan should include:
  - i. Boundary lines or legal description.
  - ii. Easements, general location, and purpose.
  - iii. Streets on or adjacent to the tract (circulation pattern).
  - iv. Land use pattern proposed.
  - v. Map data, name of development, name of site planner, north point, scale, date of preparation, and acreage of site.
- b. Site data. A written explanation of the graphic elements of the plan, including:
  - i. Description and quantity of land uses.
  - ii. Description of residential units by type.
  - iii. Number of dwelling units.
  - iv. Estimated population.
  - v. Description of the development standards and design criteria.
- c. Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.
- d. Ownership. A statement of the present and proposed ownership of all land within the project.
- e. Environment. A preliminary statement identifying existing natural and environmental resources and the method to protect the physical amenities of the site, including information on:
  - i. Topography.
  - ii. Floodplains and surface hydrology.
  - iii. Vegetation and natural coverage.

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- iv. Soils and subsurface conditions.
    - v. Geology.
    - vi. Scenic vistas and views.
  - f. Utilities. A preliminary engineering study providing information on existing and proposed sanitary sewer, storm sewer, water, and other utilities necessary to adequately service the development.
  - g. Traffic. A preliminary traffic analysis providing information on the existing road network and future improvements deemed necessary to service the development.
  - h. Financial impact. A preliminary school and tax impact study shall be prepared indicating the impact of the development on local taxing bodies.
  - i. Market study. Preliminary evidence showing the need and feasibility of the proposed development.
  - j. Schedule. A preliminary development schedule indicating the approximate dates when construction of various stages of the development can be expected to begin and be complete.
2. Preliminary plan stage.
- a. Detailed plan. A drawing of the planned unit development shall be prepared at a scale of not less than one inch equals 100 feet and shall show such designations as proposed streets (public and private), all buildings and the use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings must include:
    - i. Boundary lines. Bearing and distance.
    - ii. A legal description of the entire area within the planned unit development.
    - iii. Easements on, proposed and adjacent to the tract. Including location, width, and purpose.
    - iv. Streets on, proposed and adjacent to the tract. Street name, right-of-way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, and the like.
    - v. Utilities on, proposed and adjacent to the tract. Location, size, and invert relation elevation of sanitary, storm, and combined sewers, location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction, distance to, and size of nearest usable water mains and sewers adjacent to the tract, showing invert elevation of sewers.
    - vi. Ground elevations on the tract. Provide one-foot contour; also show spot elevations at all low point breaks in grades, along all drainage channels or swales, and at points of special significance.
    - vii. Subsurface conditions on the tract if required by Plan Commission and/or City Engineering Department. Locations and results of tests

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- viii. made generally to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet, location and results of soil percolation tests if septic tanks are proposed.
- ix. Other conditions on tract. Water courses, floodplains, marshes, rock out-crop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings, and other significant features.
- x. Other conditions on adjacent land. Approximate directions and gradient of ground slope, including any embankments or retaining walls, character and location of major building, railroads, power lines, towers, and other non-residential land uses or adverse influences; owner of adjacent unplatted land. For adjacent platted land refer to subdivision by platter name and show approximate percent built-up, typical lot size, and dwelling type.
- xi. Zoning. Show zoning districts on and adjacent to the tract.
- xii. Proposed public improvements. Highways or other major improvements planned for future construction on or near the tract.
- xiii. Open space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.
- xiv. Structures. General location, purpose, and height, in feet or stories, of each building other than single- family residences on individually platted lots.
- xv. Map data. Name of development, name of site planner, north point, scale, date of preparation, and acreage of site.
- xvi. Miscellaneous. Such additional information as may be required by the Plan Commission.
  - 1. Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.
  - 2. Character. Explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the flexibility of these regulations and referencing the general benefits that will accrue to the public as a result of planned unit development.
  - 3. Ownership. Statement of present and proposed ownership of all land within the project.
  - 4. Names. Names and addresses of persons to whom the notice of the public hearing to be held by the Plan Commission should be

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sent. A list of all persons and addresses of the persons to whom notices of the public hearing to be held by the Plan Commission should be sent. (Developer, designer, and the owners of land immediately adjoining within 300 feet of the proposed project.)

5. Schedule. Development schedule indicating:
  - i. Stages, in which project will be built, with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.
  - ii. Approximate dates for beginning and completion of each stage.
  - iii. If different land uses are to be included with the planned unit development, the schedule must include the mix of uses to be built in each stage.
  - iv. The schedule is also to include a plan which identifies the phasing of the project including the order in which the phases will seek final approval.
6. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space.
7. Density. Provide information of the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type.
8. Non-residential use. Provide information on the type and amount of ancillary and non-residential uses, including the amount of common open space.
9. Service facilities. Provide information on all service facilities and off-street parking facilities.
10. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of development, the design of the building, and the number, size and type of dwelling unit. Also provide floor area of building types and total ground coverage of the buildings.
11. Landscape plans. Preliminary plans for plant materials, earth sculpturing, berming, and aesthetic features shall be submitted.
12. Facilities plans. Preliminary plans for information, adequate to indicate that the proposed development can be reviewed, shall be submitted for:

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- i. Roads, including classification, right-of-way width, and width of pavement.
    - ii. Sanitary sewer.
    - iii. Water supply system.
    - iv. Storm drainage.
    - v. Lighting program.
    - vi. Sidewalks, paths, and cycle trails.
  13. School impact study. Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.
  14. Tax impact study. Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.
  15. Traffic analysis. Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by planned unit development. Also, an analysis should be made of the adequacy of the internal vehicular circulation pattern.
  16. Market study. Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.
3. Final plan stage.
  - a. Final detailed plan. A final planned unit development plan suitable for recording with the County Recorder shall be prepared. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other land, not so treated, into common open areas and buildable area. Plan Commission may request any of the requirements outlined for submission of Preliminary Plan be included with the Final Plan. The final plan shall include:
    - i. A legal description of the entire area under immediate development within the planned unit development.
    - ii. A planned unit development plan of all lands which are a part of the final plan being submitted and meeting all the requirements for a final plan. If lands which are a part of the final plan are to be subdivided, then a subdivision plan is also required.
    - iii. An legal description of each separate unsubdivided use area including common open space.
    - iv. Designation of the exact location of all buildings to be constructed.
    - v. Certificates, seals, and signatures required for dedication of lands, and recording the document.

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- vi. Tabulation on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
- b. Common open space documents. All common open space shall be conveyed to a specific property owner or established Homeowners Association for the residents of the planned unit development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open area will be permanently preserved as open area. All land conveyed to a specific property owner, the Homeowners Association or retained by the developer be subject to the right of that corporation to impose a legally enforceable lien for the maintenance and improvement of common open space.
- c. Public facilities. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plan or a subdivider bond posted to guarantee construction of the required improvements. The subdivider bond, payable to the city, shall be sufficient to cover the total cost of the improvements plus 10%. Detailed construction plans shall be submitted for all public facilities to be built.
- d. Construction plans. Detailed plans shall be submitted for the design, construction, or installation of site amenities, including buildings, landscaping, lakes, and other site improvements.
- e. Construction schedule. A final construction schedule shall be submitted for that portion of the planned unit development for which approval is being requested.
- f. Guarantee deposit. A deposit shall be made to the city in the form of cash, letter of credit, or maintenance bond approved by the Plan Commission, in a form acceptable to the City Attorney as required by the Subdivision Ordinance. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the city for a period of two-years from the date of acceptance of the facilities by the city. After the 2-year period, the deposit shall be refunded if no defects have developed; or if any defects have developed, then the balance of the deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
- g. Delinquent taxes. A certificate shall be furnished from the appropriate county official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the title have been paid.
- h. Covenants. Final agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit shall be recorded at the same time as the final planned unit development plan.
- i. Findings. The Plan Commission shall, after the public hearing, set forth to the City Council the reasons for the recommendations, and those

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recommendations shall set forth with particularity in what respects the proposal would be in the public interest, including, but not limited to, finding of fact on the following:

- i. In what respects the proposed plan is consistent with the stated purpose of the planned unit development district regulations.
  - ii. The extent to which the proposed plan meets the requirements and standards of the planned unit development district regulations.
  - iii. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property; including, but not limited to, the density, dimensions, area, bulk, and use; and the reasons why the departures are deemed to be in the public interest.
  - iv. The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation, and visual enjoyment.
  - v. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhoods.
  - vi. The desirability of the proposed plan as regards physical development, tax base, and economic well-being of the city.
  - vii. The conformity with planning objectives of the city.
  - j. Conditions and guarantees. Prior to the granting of any planned unit development district, the Plan Commission may recommend, and the City Council shall stipulate, such conditions and restrictions upon the establishment, design, location, lay-out, height, density, construction, aesthetics, operation, and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in this section. In all cases in which planned unit developments are granted, the Board of Public Works and Safety shall require such evidence and guarantees as it may deem necessary as proof of the conditions stipulated in connection with the approval of the planned unit development
- (G) Submission Timing and Reversion Clause: The final plans must be submitted for approval in accordance with agreed to scheduling and phasing plan. If this schedule and phasing plan as required by Section 150.36.F was agreed upon and the final plan of each phase is substantially compliant with original approval, then such phase may receive final approval from the Plan Commission, and not require formal review and approval by the City Council. However, the final plan for any phase is not substantially compliant with the original approved plan, then final approval must be obtained by both the Plan Commission and City Council. The first final plat must be submitted not later than one year from approval of the preliminary plan; and construction, as authorized by the issuance of a building permit, must begin within one year of

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date of the filing of the final plan dealing with such construction, unless the Plan Commission grants an extension. However, in the event that this is not done, the planned unit development district shall revert to the zoning classification affixed to that property prior to the approval of the planned unit development district, or the Plan Commission shall initiate such zoning changes as it deems necessary to serve the public interest, with the approval of the City Council. In addition, if sketch-plan approval is granted and the first preliminary plat is not submitted for review within one year of the approval, then the aforementioned procedure dealing with reversion shall be followed. If construction falls more than two years behind the building schedule filed with the final plan, the Plan Commission shall either extend the schedule period or initiate action to revert the zoning of the area of the planned unit development district. Extension in the building schedule for one-year periods may be recommended by the Plan Commission and granted by the City Council.

- (H) Occupancy. Upon the completion of the planned unit development, a portion thereof, or an individual building or element of the planned unit development in full compliance with the final planned unit development plan and supporting data, then and only then can a certificate of occupancy be issued by the Building Commissioner to allow the use of a building or facility.
- (I) Changes in the Planned Unit Development: The planned unit development project shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the planned unit development set forth therein. Changes to the recorded planned unit development shall be made as follows:
  - 1. Major Changes: Changes which alter the concept or intent of the planned unit development, including changes in density, reduction of proposed open space, changes in the development schedule, changes in the road standards, or changes in the final governing agreements, provisions, covenants, or other changes, maybe approved only by submission and reconsideration of a new preliminary or final planned unit development plan and supporting data, and following the preliminary or final plan procedure. If the major change alters data or evidence submitted during the sketch-plan or preliminary plan stages, then resubmission must begin at preliminary plan stage. If only final plan data or evidence is altered as a result of the major change, then the resubmission shall begin at the final plan stage. If major changes are proposed, a new public hearing shall be required during the resubmission of the preliminary or final plan. The City Council, after receipt of the final plan of the major change from the Plan Commission, shall act upon the final plan within 60 days, unless the petitioner shall request an extension. All approved changes to the "original" final plan shall be recorded with the County Recorder as amendments to the final plan or reflected in recording of a new corrected final plan.
  - 2. Minor Changes: The Plan Commission may, in accordance with the procedure established in their rules, approve minor changes in the planned unit development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a major change.

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3. Administrative Changes: The Planning Director has the authority to approve an application to modify the approved architecture of the Planned Unit Development if it is demonstrated that the proposed modification is in substantial compliance and that the elevations and building materials of building(s) and have substantially similar architectural expressions as those of the approved plans.

### **150.37 PERFORMANCE STANDARDS**

All uses established or placed into operation after the effective date of this chapter shall comply with the following performance standards in the interests of protecting the public health, safety and welfare, and lessen injury to property. No use in existence on the effective date of the chapter shall be so altered or modified to conflict with these standards. No use shall operate in such a manner that does not meet the required standard and obtaining appropriate permits as required by State and Federal governments.

- (A) Fire protection. Firefighting equipment and prevention measures acceptable to the City Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
- (B) Electrical disturbances. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
- (C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. All Uses are subject to the regulations outlined in Chapter 98 of the City Code: Noise control regulations.
- (D) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines. Any uses that emits smoke or particulate matter shall submit proper document confirmation that all requirements and standards are met as established by Federal and State Air Quality Standards set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40) and the State of Indiana.
- (F) Air pollution. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property.
- (G) Heat and glare. No use shall produce heat or glare in such a manner as to create a nuisance perceptible from any point beyond the lot lines.
- (H) Water pollution. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with water pollution standards established by public agencies.
- (I) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations.
- (J) Lighting: Refer to Section 150.27 for regulations relating to site lighting.

## ADMINISTRATION AND ENFORCEMENT

### 150.50 PURPOSE

The purpose of this Section is to establish and describe the various boards, commissions, committees, and role of City Staff that are responsible for the review and approval of various land use decisions within the City.

### 150.51 REVIEW AND ADMINISTRATIVE BODIES

The following Administrative Bodies shall be established in conjunction with the review process and approval of regulations outlined in the Code. The review bodies and duties/responsibilities are described below:

(A) Board of Zoning Appeals: The duties and responsibility of the Board of Zoning Appeals (BZA) are as follows:

1. Establishment: In accordance with state law and IC 36-7-902, and as amended from time to time, the Board of Zoning Board of Appeals shall be established. The Zoning Board of Appeals may adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. When permitting any appeal, variance, special exception, or change of a nonconforming use, the Board may impose such conditions and requirements as it deems necessary for the protection of adjacent property and public interest.
2. The Board of Zoning Appeals is subject to the established regulations outlined in the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.
  - a. General administration, procedures and duties of the Board of Zoning Appeals shall be in accordance with Article II of the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.
  - b. Public hearings shall be conducted in accordance with Article III of the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.
  - c. Appeals to the Board of Zoning Appeals shall be conducted in accordance with Article IV of the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.

(B) Plan Commission: The duties and responsibility of the Plan Commission are as follows:

1. Establishment: In accordance with state law and IC 36-7-902, and as amended from time to time, the Plan Commission shall be established. The Plan Commission may adopt rules to govern its, the The Plan Commission shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law.
2. The Plan Commission is subject to the established regulations outlined in the Rules of Practice and Procedures of the Crown Point Indiana Plan Commission.
  - a. Meetings of the Commission shall be conducted in accordance with Article I of the Rules of Practice and Procedures of the Crown Point Indiana Plan Commission.
  - b. Petitions for zoning map and ordinance amendments, rezoning and plat of Planned Unit Developments (PUDs) and Subdivision Primary Plat or Replat

*Review and Administrative Bodies Cont*

- c. shall be reviewed in accordance with Article III and Article VII entitled Consideration and Recommendation on Zoning Petitions (including Planned Unit Development) and Article IX entitled consideration and decision on Subdivisions Plat and Replats of the Rules of Practice and Procedures of the Crown Point Indiana Plan Commission
  - d. Petitions for site development plans shall be reviewed in accordance with Article IV and Article VIII entitled Consideration and Decision on Development Plans of the Rules of Practice and Procedures of the Crown Point Indiana Plan Commission.
  - e. All Meetings and work session of the Plan Commission shall be conducted in accordance with Article V, Workshop Session/Advisory Meetings and Article VI Conduct and Hearings and Meetings of the Rules of Practice and Procedures of the Crown Point Indiana Plan Commission.
3. The Plan Commission shall review and approval of implementation of the design guidelines established by 150.27.4 of this Ordinance.

(C) City Council: The and responsibility of the City Council are as follows:

1. Review, approve or deny any proposed amendments, including text amendments, to the Comprehensive Plan, Zoning Code or any other plans reviewed by the Plan Commission and special uses and variances of uses reviewed by the Board of Zoning Appeals.
2. Review, approve or deny any map amendments to the Official Zoning Map, as reviewed by the Plan Commission.
3. Review, approve, or deny any Planned Unit Development reviewed by the Plan Commission.

### **150.52 VARIANCES FROM DEVELOPMENT STANDARDS OR AREA**

Variances from development standards of the zoning Code. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning Code. A variance may be approved under this section only upon determination in writing that:

- (A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The strict application of the terms of the zoning Code will result in particular difficulties in the use of the property. However, the Zoning Code may establish a stricter standard than the "practical difficulties" standard prescribed by this subdivision.

### **150.53 VARIANCE OF USE FROM TERMS OF ZONING CODE**

A Board of Zoning Appeals shall recommend to the legislative body for a favorable or unfavorable or no recommendation for variances of use from the terms of the zoning Code. The Board may impose reasonable conditions as a part of its approval. All variance requested shall be reviewed and approved in accordance with Article II of the the Rules of Practice and Procedures of the Crown Point Indiana

*Variances of Use From Terms of Zoning Code, cont.*

Board of Zoning Appeals. A variance may be approved under this section only upon a determination in writing that:

- (A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The need for the variance arises from some condition peculiar to the property involved;
- (D) The strict application of the terms of the zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (E) The approval does not interfere substantially with the comprehensive. (Ord. 2002-05-19, passed 5-2-02)

**150.54 SPECIAL USE**

The Board of Zoning Appeals shall hear and decide on applications for special use to the terms of this zoning code. The Board may authorize a special use if it has determined that such authorization is with the qualifications outlined below. All review of Special Uses shall comply with the procedure and notification requirements as outlined in this Code and the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.

- (A) Findings of Fact: No special use shall be recommended to the City Council unless:
  - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - 3. The need for the variance arises from some condition peculiar to the property involved;
  - 4. The strict application of the terms of the zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - 5. the approval does not interfere substantially with the comprehensive plan.
- (B) Conditions. In the event the Board recommends a special use, it may impose reasonable conditions and restrictions upon the construction, location, operation and time limit in which construction must commence, including but not limited to provisions for off-street parking, loading, unloading, and as shall be necessary to secure the general objectives of this chapter and to reduce injury to the value of neighboring property.

**150.55 SPECIAL EXCEPTIONS**

The Board of Zoning Appeals shall hear and decide on applications for special exceptions to the terms of this zoning code in the classes of cases set forth hereinafter. The board may authorize an exception if it has determined that such authorization is consistent with the spirit of this chapter, and that the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. All Special Exceptions shall

*Special Exception, cont.*

following the regulations outlined in the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.

- (A) Granting. After a public hearing has been noticed and held in the manner prescribed hereinafter for variations and appeals, the board of zoning appeals may allow, as a special exception, the following:
1. The same off-street parking facility to qualify as a required facility for 2 or more uses, provided the substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;
  2. A nonconforming use or building to be continued beyond the period of time prescribed for the termination thereof, provided that the extension of time shall be granted within 6 months before the end of the original period and shall be no longer than the original termination period. However, the board may, after public hearing noticed and held, renew any extension of time within 6 months before the end thereof, but not for longer than the original termination period and in no case for longer than 10 years.
  3. In a residentially zoned district on sites not less than 10 acres in area, outdoor recreation uses, including the dispensing of food or beverages, or any merchandise or equipment directly related to the recreational use, and provided further that:
    - a. Paved off-street parking be provided in an amount as determined by the board of zoning appeals.
    - b. Trash and litter control and collection be provided by the petitioner.
- (B) Restrictions. The board of zoning appeals may impose such restrictions and conditions upon the premises benefitted by an exception as may be necessary to prevent injurious effect therefrom upon other property in the neighborhood and to better carry out the general intent of the chapter.
- (C) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of ' 150.37.
- (D) The special exception shall be sited, oriented and landscape to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- (E) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
- (F) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
- (G) The special exception shall preserve the purpose of this chapter.
- (H) The petitioner to whom a special exception is granted shall commence construction consistent with the authorization of the board of zoning appeals within one year. If the petitioner fails to commence construction within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by said board upon good cause being shown by the petitioner or his successor in interest.

**150.56 AUTHORIZED CHANGE TO NON-CONFORMING USES**

The Board shall have the power to authorize changes of lawful non-conforming uses as follows:

- (A) A non-conforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located. No change of a non-conforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.
- (B) The board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.
- (C) Any change of a lawful non-conforming use authorized by the board of zoning appeals shall be acted upon within one year of the board's authorization. If the petitioner fails to make the change within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by the board upon good cause being shown by the petitioner or his successor in interest. (Ord. 799, passed 12-18-70; amend. Ord. 840, passed 10-2-72)

**150.57 APPEALS**

The Zoning Board of Appeals shall have the power to hear and decide, as outlined. Any person aggrieved or affected by any provision of this chapter, or by any decision of the administrator, may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by certiorari. All appeals shall be done in accordance with the Rules of Practice and Procedures of the Crown Point Indiana Board of Zoning Appeals.

**150.58 PERMITS**

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this chapter, or unless a written order is received from the Board of Zoning Appeals, the Plan Commission, or a court in accordance with this chapter and state legislation.

**150.60 BUILDING PERMIT FOR IMPROVEMENT LOCATION PERMITS**

- (A) A Building Permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered in any zoning district. For the purpose of Section 105.53(A) a fence is considered a structure, therefore a building permit is required, both residential and non-residential. If an improvement location permit is issued the applicant shall apply for an occupancy permit, which permit shall not be issued until the structure is complete and compliance with this chapter is in evidence. Prior to issuance of an improvement location permit, any property subject to the regulations outlined in Section 150.51. of this Code shall be reviewed and approved by appropriate review body.
- (B) No improvement location permit shall be required for:
  - 1. Essential Services as defined in 150.02;
  - 2. Patios, landings, balconies, decks less than 30 inches height from lot grade; retaining walls less than four feet in height; lawn furniture, play equipment; and tree houses.

*Building Permit for Improvement Location Permits, cont.*

- (C) If the work described in any permit has not begun within 180 days from the date of issuance thereof, the permit shall expire, and a written cancellation notice shall be sent to the property owner.
- (D) If the work described in any permit has not been completed within 2 years of the date of issuance thereof, the permit shall expire, and a written cancellation notice shall be sent to the property owner. Further work shall not proceed unless a new permit is obtained.

**150.61 OCCUPANCY PERMITS**

- (A) An occupancy permit shall be obtained before any person may:
  - 1. Occupy or use any vacant land;
  - 2. Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or structurally altered;
  - 3. Change the use of a structure or land to a different use; or
  - 4. Change the use of a nonconforming use.

**150.62 APPLICATION FOR PERMIT**

- (A) All applications for permits, except in the case of a Planned Unit Development refer to Section 150.36 of this Code, shall be accompanied by a plot plan and include all information as required by Section 150.70 of this Code.
- (B) All grading performed on individual parcels of real property or upon subdivision lots shall be in conformance with a grading plan submitted with and as a part of the application for a building permit. The grading plan must indicate final elevations and grades and must be prepared and certified by a professional engineer or land surveyor licensed by this state, and shall bear their stamp at the time of submission. The grading plan shall be designed so as to minimize surface water drainage onto adjacent lots or parcels of real property, and so as to minimize flooding or ponding conditions on the subject or adjacent or downstream subdivision lot or parcel of real property. Existing topography shall be used as the basis of proposed grading, shown on the subject parcel and extending offsite. If a subdivision lot, the grading plan shall additionally be in substantial conformance with the subdivision grading plan or storm drainage plan, if any. Before an occupancy permit may be issued as outlined in Section 150.61, a professional engineer or land surveyor licensed by this state must certify in writing that the grades of the improved subdivision lot or parcel of real property are in substantial conformance with those shown on the grading plan first submitted pursuant hereto, or as amended, if the amendment has been approved by the City Engineering Department. Thereafter, the Building Commissioner may issue an occupancy permit, provided all other requisites for such a permit have been satisfied. All engineering and surveying costs incurred by an applicant for an occupancy permit shall be the responsibility of that applicant.
  - 1. However, the following activities for which a building permit is required are exempted from the provisions and requirements of this division (E):
    - a. Residential room additions.
    - b. Residential swimming pools.
    - c. Garages on residential lots or parcels.
    - d. Storage sheds on residential lots or parcels.

*Application for Permit, cont.*

2. The provisions of this division (E) shall apply only to lots and parcels of real property first platted after December 31, 1985.
3. A lot owner whose property is subject to this provision shall not change the grades of the lot so as to materially deviate from the grading plan, without having first obtained the written approval of the City Engineering Department.

**150.63 TEMPORARY OCCUPANCY PERMIT**

- (A) A temporary occupancy permit may be issued for a period not exceeding 6 months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as necessary to protect the safety of the occupants and the public.

## AMENDMENTS

### 150.65 GENERAL

The council may introduce and consider amendments to this chapter and to the zone map, as proposed by council, by the plan commission or by a petition by the owners of 50% or more of the area involved in, or defined by, the petition.

(Ord. 799, passed 12-18-70)

### 150.66 PETITIONS

Petitions for zone map change shall be filed with the city planning department, and the petitioner, upon such filing shall, whether or not the proposed change is enacted, pay a fee as required in 150.75, and shall pay the publication costs of all required public notices.

(Ord. 799, passed 12-18-70; amend. Ord. 1508, passed 10-2-89)

### 150.67 REFERRAL

Any proposed amendment not originating from the plan commission shall be referred to the plan commission for consideration and report before any final action is taken by council. The plan commission shall hold a public hearing, as prescribed by law, and report its findings and recommendations in writing to the council within such reasonable time after the public hearing as the council may specify in the referring action.

(Ord. 799, passed 12-18-70)

### 150.68 ACTION

After receiving the plan commission's report, city council may proceed to take action on the proposed amendment. In the event the report of the plan commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by an affirmative vote of at least 75% of the members of council. Failure of council to pass such proposed amendment ordinance by affirmative vote within 90 days after its rejection by the Plan Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Plan Commission or Council until the expiration of one year after the date of its original rejection by the Plan Commission.

**ADMINISTRATION SITE DEVELOPMENT REVIEW****150.70 SITE DEVELOPMENT PLAN REVIEW AND APPROVAL**

A Site Development Plan shall be submitted when a building permit is required, as outlined in Section 150.60, in accordance with the regulations outlined below. The City has the discretion to request additional information that may be necessary to complete the review. The City also has the discretion to waive any plan submittal requirements.

- (A) The Plan Commission must approve or disapprove Site Development Plans in all Business, Industrial, Office Service, Business Park, and Highway Service Zoning Districts.
- (B) Site Development Plan application and 12 copies of the plan and any supporting information shall be filed at the Planning Department 21 days prior to the scheduled Plan Commission meeting date on city application forms and accompanied by a fee as outlined in Section 150.75. It shall be the responsibility of the petitioner to deliver two copies of the plan to utility companies, Soil Conservation Service, County Health Department (if on a septic system) and State Highway Department (if on a State Highway), and return comments to the Director of Community Development/Planning. The City may request electronic copies of all submittals.
- (C) Development Plan requirements. All development plans shall be submitted measuring not more than 24 X 36 inches drawn to scale of not smaller than 50 ft. to the inch, the plan shall be certified by a site planner, engineer, land surveyor, or architect. All Planned Unit Developments shall also submit development plans in accordance with Section 150.36 of this Code. Development plans for all others shall include the following:
  - 1. The proposed name of the development.
  - 2. The name, address, and phone numbers of developer and/or owner.
  - 3. Location map showing location within the city (Vicinity Map).
  - 4. A map including date, scale, and north point.
  - 5. Building setbacks, coverage, separation.
  - 6. Proposed buildings and structures.
  - 7. Architectural Plans which include building height, scale, materials of all buildings.
  - 8. Signage on all buildings and the location free-standing signs on the plans.
  - 9. All outdoor lighting, style, height, and location within the development.
  - 10. The site layout of the development including the location, size, arrangement and parking capacity of area to be used for vehicular access, parking, loading and unloading, trash containment area, and their construction specifications. A parking analysis is to be provided identifying required parking for each proposed use.
  - 11. The name of public way giving access to the development and locations, width and name of platted public ways, railroads, parks, utility easements and other public open space.
  - 12. The layout of proposed public ways, their names and widths, construction design and the widths of alleys, walkways and sidewalks.
  - 13. Traffic management, marginal access street (frontage roads) may be required if development is abutting a state or federal highway. Marginal access roads shall be designed according to the Subdivision Control Code, Chapter 151.

*Site Plan Review and Approval Cont.*

14. The location, size, and arrangement of areas to be devoted to planting lawns, trees, site-screening, and landscaping plan.
  15. The location, size, and arrangement of areas to be devoted to stormwater management facilities.
  16. The proposal for sewer, water, gas electricity, storm drainage, fire hydrant location.
  17. Existing topography, wetlands, and vegetated areas.
  18. The contours with spot elevations of the finished grade and the directions of storm water runoff. Submit drainage calculations (if required), and flood hazard information.
  19. The layout of proposed lots with dimensions, utility and drainage easements, existing or proposed.
  20. Any outstanding legal matters, such as proposed covenants and lease agreements.
  21. Properties to be dedicated for public use and letter of commitment for their acceptance.
- (D) Review, approval, and appeals of development plan. The Plan Commission shall review each development plan to determine if it is consistent with the comprehensive plan and the Crown Point Development Guidelines and meets all Zoning and Subdivision Ordinance requirements. The process of review, approval and appeals by the Plan Commission shall be in accordance with the process outlined in Section 150.51 of this Code.

## FEES

### 150.75 FEES

Fees as required by Chapter 150, Zoning Code shall be paid in accordance with those outlined in the City of Crown Point Municipal Code.

## SIGNS

### 150.80 DEFINITIONS

(A) Refer to Section 150.02 for definitions relating to this Section.

### 150.80.5 PERMITS AND FEES REQUIRED

- (A) A fee as per 152.75 shall be collected by the Clerk-Treasurer when the sign permit is issued.
- (B) Every application for a permit shall be accompanied by a plan or plans drawn to scale, and shall include the following:
  - 1. The dimensions of the sign, and when applicable, the dimensions of the wall surface of the building to which it is to be attached.
  - 2. The dimensions of the sign's supporting members.
  - 3. The maximum and minimum height of the sign.
  - 4. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
  - 5. A current photograph of the face of the building to which the sign is to be attached, when applicable.

### 150.81 NONCONFORMING SIGNS

- (A) Any sign or sign structure lawfully existing or under construction at the time of the adoption of this subchapter or of a later amendment, but whose location or use does not conform with that required or permitted in the regulations herein, shall be known as NONCONFORMING. Thereafter, such signs will continue to be nonconforming but will be also considered obsolete and subject to the regulations thereof.
- (B) A nonconforming sign shall not be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, excepting routine maintenance or relocation in whole or in part to any other location where it would remain nonconforming.
- (C) Any sign not conforming to the provisions of 150.30 or 150.81 shall be removed within 10 years from the effective date of this chapter, or within 10 years from the date the sign becomes non-conforming whichever is later.

### 150.82 INSPECTION

- (A) All signs for which a permit is required shall be subject to inspection by a representative of the City who shall be authorized to enter at all reasonable times upon any property or premises to ascertain compliance with provisions of this subchapter.
- (B) The City may order the removal of any sign that is not in accordance with the provisions of this subchapter, or take such other legal or equitable action as may be required to insure compliance therewith.

### 150.83 ERECTION, MAINTENANCE, AND REPAIR

- (A) Every sign, and all parts, portions, units, and materials comprising it together with the frame, background, supports, or anchorage thereof, shall be built in accordance with applicable building codes.

*Erection, Maintenance, and Repair, Cont.*

- (B) Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times; including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.
- (C) If the sign is not made to comply with applicable safety standards, the Building Department may require its removal in accordance with this subchapter
- (D) Every sign must comply with all applicable regulations of the Building Code, see 152.50 - 152.61, including but not limited to electrical, structural and wind pressure load.

**150.84 ALTERATIONS**

No sign shall be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this subchapter. The repainting, changing of parts, or preventative maintenance of signs shall not be deemed to be an alteration if performed by the sign permit holder.

**150.85 UNSAFE AND UNLAWFUL SIGNS**

- (A) If the Planning and Building Department shall find that any sign is unsafe or insecure, or is a public nuisance, or has been constructed, erected or is being maintained in violation of the provisions of this subchapter, then that Department shall give written notice of the nonconformance to the person who owns or manages the property.
- (B) Failure to remove or alter the sign so as to comply with the standards herein set forth within ten days after notice, or failure to file an appeal with the Board of Zoning Appeals within permissible time limits, shall subject such sign to removal or alteration by the city at the expense of the owner of the property upon which it is located.
- (C) The Planning and Building Department may cause any sign which it determines is an immediate peril to persons or property to be removed summarily and without notice.

**150.86 REMOVAL OF OBSOLETE SIGNS**

- (A) With the exception of an approved billboard, any sign that does not advertise a bona fide business conducted on the zoning lot, or a product sold on the zoning lot, shall be removed by the owner, agent, or person having the beneficial use of the property upon which the sign may be found, within ten days after written notification thereof by the Planning and Building Department.
- (B) Upon failure to comply with the notice within the time specified in the order, the city may cause removal of the sign, and any expense incident thereto shall be paid by the owner of the property upon which the sign is located or attached.

**150.87 GENERAL STANDARDS**

- (A) No sign shall be attached to a tree, utility pole, or be located in a public right-of-way.
- (B) All signs shall be located on the zoning lot where the structure or event advertised upon the sign is located.
- (C) Temporary signs are intended to be used for advertising. Temporary signs are expected to contain information regarding sales, special events, business promotions, and other events which occur over a limited time.

*General Standards, Cont.*

- (D) All signs shall be kept and properly maintained in like new condition and all components in good working order.
- (E) LED, electronic message board or electronic digital signs, are permitted in the B-2 and B-3 Districts. These signs shall reduce their brightness at dusk and cannot change messages for eight (8) seconds. The signs shall not flash, rotate, display animation. All LED signs shall follow the standards outlined in Exhibit B of this Ordinance, and INDOT standards, as amended from time to time. Such regulations shall apply to billboards as allowed and regulated by this Chapter.
- (F) No signs may be permitted within a sight triangle, except for safety-related signs.
- (G) No freestanding sign shall conflict with drainage or located in an easement.
- (H) Neon is only permitted in the B2, B3, I-1, OS-1, HS-1 and BP-1 Districts. Neon may only be used within the design of a sign as an accent around the perimeter of the sign, and cannot be used to illuminate the text or logo of such sign. Neon may be used to outline the perimeter of the windows.

**150.87.1 EXEMPTIONS AND EXEMPT SIGNS**

- (A) While these exceptions would not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance, and its compliance with the provisions of this subchapter, the following changes or activities do not require a sign permit.
  - 1. The changing of the advertising copy or message of a painted, plastic face, or printed sign; provided, however, except for signs specifically designed for the use of replaceable copy, electric signs are not included in this exception.
  - 2. The electrical maintenance, repainting, or cleaning of a sign.
  - 3. The repair of a sign.
  - 4. Placement of temporary signs on the real estate for the purpose of sale or lease of that real estate, and temporary construction signs upon real estate on which the construction is taking place.
  - 5. Political signs, subject to the provisions of 150.90.
  - 6. Memorial signs and tablets or monuments.
  - 7. Address numerals and signs not exceeding one and a half (1.5) square feet, bearing the names of occupants of the premises in residential districts.
  - 8. Governmental flags and insignia and legal notices.
  - 9. Governmental signs.
  - 10. House numbers, name plates for residential housing units identifying the occupancy and address of the premise.
  - 11. Residential Real Estate Sale/Lease/Rent signs.
  - 12. Garage/Yard Sale signs
  - 13. Political and election signs
  - 14. Utility Marker Signs necessary to mark cables and lines for public and private utilities, provided such signs are determined by Public Works as being required for public safety and welfare.
  - 15. Traffic, directional and informational signs authorized by a governmental unit; and
  - 16. Informational signs, such as No Dumping, No Trespassing, No Hunting, Beware of Dog, etc.

*Exempt Signs, Cont.*

17. Seasonal or holiday signs, temporary including lighting the City erected in connection with the observance of holidays, such decorations may not be used for advertising purposes, or for sale of product, and shall have a time limit on display of forty-five (45) days.
18. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
19. Information signs such as "open" "business hour signs", "help wanted signs" not to exceed one (1) square foot in area.

**150.87.2 PROHIBITED SIGNS**

(A) It shall be unlawful to erect or maintain:

1. No sign shall rotate, display animation, flash or be of the animation type, except for electronic message board or electronic digital signs, which are subject to the regulations outlined in Section 150.87.
2. Any sign which is not included under the types of signs permitted in a district.
3. Any sign which advertises or publicizes an activity not conducted on the premises.
4. No sign shall be permitted to contain statement, words, or pictures of any obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.
5. Flashing signs. Any sign which rotates, revolves, or has any visible moving part, or gives the appearance of movement.
6. Signs which emit visible smoke, vapor, particles, or odor.
7. Roof signs, except those located on a mansard roof.
8. Pennants, streamers, festoons lighting, and other attention-getting device, except as permitted herein.
9. Inflatable signs.
10. Any signs It shall be unlawful to erect or attached to any tree, fence, or public utility pole other than warning.
11. Bare bulb illumination.
12. Portable signs, except as permitted herein.
13. Any sign or sign structure which constitutes a hazard to public health or safety.
14. Billboards, except as permitted here in.
15. Vehicle Signs.
16. Signs which are confusingly similar or in any way imitate any official marker erected by a governmental unit or agency to mimic or appear to mimic any traffic sign or signal or railroad device.
17. Any sign and or sign structure which obstructs the view of, may be confused with or purports to be, a governmental or traffic direction/safety sign.
18. Murals, except in the B-1 District, which is subject to review and approval of the Historic Preservation Commission.

**150.88 DISTRICT REGULATIONS**

- (A) All districts. In all zoning districts, highway directional signs and markings shall be made and installed in accordance with the specifications of the state or city. Included shall be signs announcing the location of, or directing traffic to, given locations which include, but are not limited to, the following:
1. Service areas for automobiles, food, and lodging.
  2. Public and quasi-public information signs.
  3. Business or business districts.
- (B) Square footage, height and setback requirements for Free Standing Signs: The table below establishes the maximum area, projection depth for On Building Signs, and minimum setback requirements for freestanding signs for all zoning districts.

**Bulk Regulations On Building Signs and Free Standings Signs**

|      | On Building Signs |                             | Free Standing Sign <u>For Individual Lots****</u> |              |                 |      |      |
|------|-------------------|-----------------------------|---------------------------------------------------|--------------|-----------------|------|------|
|      | Maximum Area      | Projection Depth            | Maximum Area                                      | MAX. HEIGHT@ | Minimum Setback |      |      |
|      |                   |                             |                                                   |              | FRONT           | SIDE | REAR |
| C-1  |                   |                             |                                                   |              | 50              | 20   | 20   |
| A-1  |                   |                             |                                                   |              | 50              | 20   | 20   |
| RES. | 12 SF             | Refer to Section 150.88.C.1 |                                                   | N/A          | N/A             | NA   | N/A  |
| B-1  | *                 | 12"                         |                                                   | N/A          | 0               | 0    | 0    |
| B-2  | 100 SF***         | 18"                         | 150 SF**                                          | 20'          | 15              | 8    | 10   |
| B-3  | 100 SF***         | 18"                         | 150 SF**                                          | 20'          | 35              | 10   | 10   |
| HS   | 100 SF            | 18"                         | 150 SF**                                          | 20'          | 35              | 10   | 10   |
| BP-1 | 100 SF            | 18"                         | 150 SF**                                          | 20'          | 30              | 20   | 20   |
| I-1  | 100 SF            | 18"                         | 50 SF**                                           | 6'           | 30              | 20   | 20   |
| OS-1 | 100 SF            | 18"                         | 150 SF**                                          | 20'          | 30              | 10   | 20   |

*Bulk Regulations On Building Signs and Free Standing Signs, cont.*

- \* 3 square feet per linear foot of frontage of the zoning lot.
- \*\* Total for all businesses
- \*\*\* For more than one tenant in a commercial strip mall, plaza, or center, 3 square feet per linear foot of each individual business frontage, not to exceed 100 sf ft. per business.
- \*\*\*\* Refer to Section 150.88.F.4 for regulations regarding Development Identification Freestanding Signs for the B2, B-3, HS, BP-1, I-1 and OS-1 Districts.
- @ No sign permitted under this category shall be higher than the permitted uses

*District Regulations, Cont.*

(C) All Residential (R-1, R-1A, R-2, R-3) and Conservation Districts (C-1). In all residential and conservation districts the following listed signs are permitted subject to the regulations noted after each.

1. Residential On Building Identification signs:
  - a. Area (size): Multi -family dwellings, apartments, hotels, and buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed,
  - b. Number. Only one sign is permitted per development, however on a corner lot, two such signs, one facing each street, shall be permitted.
  - c. Location. Permitted signs shall be located directly upon the structure or premises within the buildable area of the zoning lot, depending on the permitted use.
  - d. Height. No sign shall be located higher than the first floor of the building on which it is located, nor higher than six feet, if free-standing.
  - e. Illumination. No sign in this category may be illuminated except by indirect lighting (no back lighting)
  - f. Projections. Signs mounted upon dwelling structures shall be flush and not project more than two inches beyond the surface of the structure upon which it is mounted.
2. For sale or for rent signs and temporary construction signs shall be subject to the following:
  - a. Area. No sign shall exceed sixteen (16) square feet in area.
  - b. Number. There shall not be more than one such sign per zoning lot, except that on a corner lot, two signs, one facing each street, shall be permitted.
  - c. Location. Permitted signs may be located within the front yard, but not within ten feet of another zoning lot. Signs may be located on the permitted structure or use, but not within any road right-of-way.
  - d. Illumination. No sign under this category may be illuminated.
  - e. Projections/Mounting. A sign mounted to a permitted structure or use must be flush and not project beyond two inches from the surface upon which it is mounted and shall not be of the flashing or intermittent type.
3. Bulletin Board/Informational Signs for non-dwelling uses shall be subject to the following:
  - a. Area. No sign shall exceed fifty (50) square feet in area.
  - b. Number. There shall be not more than one sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted.
  - c. Location. A permitted sign may not be located within any required yard and it shall not be closer than twenty-five (25) feet to any other zoning lot.
  - d. Setback. A permitted sign shall be set back from the front property line thirty (30) feet.
  - e. Height. No sign shall be higher than six (6) feet above the curb level.

*District Regulations-Residential Cont*

4. Illumination. Permitted signs may be illuminated, but only so as to not shine on any adjacent property or onto a public highway so as to interfere with the vision of motorists. The message and illumination shall not be of the flashing or intermittent type.
  5. Projection/Mounting. If a permitted sign is located upon a building, it shall be mounted flush and shall not project more than eighteen (18) inches from the surface of the building on which it is mounted.
- (D) B-1 Business District. In the B-1 Business District, the following signs are permitted, subject to approval by the Historic Preservation Commission and the regulations noted after each. Each zoning lot is permitted either one of the following signs described below:
1. Signs on marquees, canopies, and awnings shall be subject to the following:
    - a. Area. The area of marquees, canopies, and awnings shall be determined by the linear frontage of the building on which the sign is erected and shall not exceed three (3) square feet per linear foot of frontage of the zoning lot, however in no case shall the signage area exceed one-hundred (100) square feet.
    - b. Number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.
    - c. Location. The location of permitted marquees, canopies, and awnings will determine the location of signs on each.
    - d. Height. All signs shall have the same height as the marquee, canopy, or awning on which they are located.
    - e. Projection/mounting. No sign shall project more than twelve (12) inches from the surface area of the marquee, canopy, or awning on which it is located, but shall be affixed flat and flush to the surface when feasible.
    - f. Illumination. Signs permitted under this category may be externally illuminated and cannot be of the flashing or intermittent type. Illumination of such signs shall not be red, green or amber in color. Internally illuminated signs are prohibited in the B-1 District.
  2. On Building Business wall signs subject to the following:
    - a. Type. Only signs that depict the name or logo of the business located on the zoning lot shall be permitted under this category
    - b. Area. The area of all signs shall not exceed three square feet for each lineal foot of frontage of the zoning lot, however in no case shall the signage area exceed one hundred (100) square feet.
    - c. Number. There shall be not more than one sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted.
    - d. Location. All signs under this category shall be located directly upon the building located on the zoning lot.

*District Regulations B-1 Cont.*

- e. Height. No sign is permitted to cover, wholly or partially, any wall opening, nor project beyond the ends, top, or bottom of the wall to which it is affixed.
  - f. Projection/mounting. A sign on a building shall be mounted flush, and no sign shall project beyond the top of the permitted building or beyond eighteen (18) inches from the wall surface of the permitted buildings.
  - g. Illumination. Signs permitted under this category may be externally illuminated and cannot be the of flashing or intermittent type. Illumination of such signs shall not be red, green or amber in color. Internally illuminated signs are prohibited in the B-1 District.
3. Perpendicular/projecting (shingle or blade) business identification signs.
- a. Area. The surface area of such signs shall not exceed eight (8) square feet per face. Such signs shall be double faced as long as the opposing sign surfaces are parallel to each side and the same design is identical to the design on the opposite side.
  - b. Number. Only one sign per business under this category that depicts the business name, address number, or logo of the business shall be permitted under this category.
  - c. Sign Thickness. Such projections signs shall not exceed one and one-half inches (1 ½) in thickness.
  - d. Location. All signs under this category shall be mounted directly on the ground level facade of the building near the entrance to business.
  - e. Height. No signs installed under this category shall have any part lower than eight feet from the elevation of the existing sidewalk.
  - f. Projections. No signs under this category shall project more than fifty-five (55) inches from the building wall. No part of the sign shall be closer than twelve (12) inches from the inside edge of the street curb, as measured from a line extended vertically from the inside edge of the street curb.
  - g. Spacing. Spacing between signs shall be no less than twenty (20) feet measured from the center of the proposed sign to the center of the closest projections sign.
  - h. Corner building. Signs under this category which are applied on corner buildings may use a sign projecting from a point at which two walls meet to form a corner and may be oriented in any direction. Such projecting signs shall not exceed one and one-half (1 ½) inches in thickness.
  - i. Stacking. In instances where a second-floor business exists, stacking of projection signs may be permitted, not to exceed eight (8) square feet of area. The lower sign in such application shall advertise the business on the first level. The sign above shall advertise the second-floor business.
  - j. Illumination. No signs permitted under this section shall be internally illuminated. The source of illumination shall be mounted on the building from which the sign is fixed or mounted on the hanging apparatus from which the sign hangs. Illumination of such signs shall not be red, green or amber in color.

*District Regulations B-1 Cont.*

- k. Shape. Projection sign shape shall satisfy the Downtown Historic District Design Guidelines.
    - l. Hangers/bracket supports. Projection sign hangers and supports shall satisfy the Downtown Historic District Design Guidelines. Supports shall not attach to sidewalks.
  - 4. Permanent Window Signs zones shall be subject to the following:
    - a. The total area of all window signs shall not to exceed twenty-five percent (25%) of the total window area of the business.
    - b. All permanent windows in the B-1 District are subject to review and approval of the Historic Preservation Commission.
- (E) Business District (B-2 and B-3), I-1, BP-1, and OS-1. The following listed signs are permitted subject to the regulations following each.
  - 1. Signs on marquees, canopies, and awnings, subject to the following:
    - a. Area. The area of marquees, canopies, and awnings shall be a maximum of one hundred (100) square feet for a single tenant building. For buildings that have more than one tenant in a commercial strip mall, plaza or center, the sign shall not exceed three (3) square feet per linear feet of each individual business frontage, not to exceed 100 sf per business.
    - b. Number. On each marquee, canopy, wall sign, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.
    - c. Projection/Mounting. No signs permitted under this category shall project beyond the surface area of the marquee, canopy, or awning on which it is located and shall be mounted flat and flush to the surface.
  - 2. On Building signs subject to the following:
    - a. Type. Only signs that depict the name or logo of the business located on the zoning lot shall be permitted under this category.
    - b. Area. The area of all signs shall be a maximum of one hundred (100) square feet for a single tenant building. For buildings that have more than one tenant in a commercial strip mall, plaza or center, the sign shall not exceed three (3) square feet per linear feet of each individual business frontage, not to exceed 100 sf per business.
    - c. Number. There shall be not more than one sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted.
    - d. Location. All signs under this category shall be located directly upon the building located on the zoning lot.
    - e. Height. No sign is permitted to cover, wholly or partially, any wall opening, nor project beyond the ends, top or bottom of the wall to which it is affixed.
    - f. Projection/mounting. A sign on a building shall be mounted flush, and no sign shall project beyond the top of the permitted building or beyond eighteen (18) inches from the wall surface of the permitted buildings.

*District Regulations B-2, B-3, I-1, BP-1 and OS-1 Cont.*

- g. Illumination. Signs permitted under this category may be externally or internally illuminated and shall be in compliance with the LED Regulations. No Illumination shall create a hazard to motorists, and shall not be of the flashing or intermittent type.
- 2. Business identification freestanding signs for individual zoning lots in (B-2, B-3, I-1, HS-1, OS-1) zones shall be subject to the regulations established in Table entitled Bulk Regulations for On Building Signs and Free Standing Signs and the additional regulations outlined below:
  - a. Number. Only one freestanding sign that depict the name, address, number or logo for the business located on a zoning lot shall be per zoning lot.
  - b. Landscaping: Landscaping shall be provided in accordance with Section 150.28. The landscaping shall be well maintained which shall include but not limited to the removal of dead or dying plant material and weeds. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, free and clear of all obnoxious rubbish.
  - c. Material and Design: Freestanding Signs shall be constructed of materials complementary to the building(s) on the property of which the sign is located. All structural supports of the signs shall either be encased in a masonry material or painted/coated and maintained in a like new condition. All posts, anchors and bracing shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
- 3. Development Identification Freestanding signs in (B-2, B-3, I-1, HS-1, OS-1) zones shall be subject to the following:
  - a. Development Identification Signs are those permanent signs designed to identify commercial or industrial subdivisions, planned unit developments, or other development. These signs are located at the entrance to the development.
  - b. Area. The freestanding identification signs shall not to exceed two-hundred (200) square feet in size, which shall be for the purpose of identification of all businesses located within the development.
  - c. Number. Only one freestanding development sign that depict the name, address, number or logo for each business located within a development shall be permitted per development.
  - d. Height. No sign permitted under this category shall be higher than the permitted uses, or higher than thirty (30) feet above curb level, whichever is less.
  - e. Landscaping: Landscaping shall be provided in accordance with Section 150.28. The landscaping shall be well maintained which shall include but not limited to the removal of dead or dying plant material and weeds. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, free and clear of all obnoxious rubbish.

*District Regulations B-2, B-3, I-1, BP-1 and OS-1 Cont.*

- f. **Material and Design:** Freestanding Signs shall be constructed of materials complementary to the building(s) on the property of which the sign is located. All structural supports of the signs shall either be encased in a masonry material or painted/coated and maintained in a like new condition. All posts, anchors and bracing shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
- 4. **Permanent Window Signs ( B-2, B-3, I-1, HS-1, OS-1)** zones shall be subject to the following:
  - a. The total area of all window signs shall not to exceed twenty-five percent (25%) of the total window area of the business.
- 5. **Directional signs accessory to parking areas** shall be subject to the following:
  - a. **Area.** Each sign shall not exceed nine (9) square feet in area.
  - b. **Number.** Signs designating parking area entrances or exits are limited to one sign for each exit or entrance in addition to one sign per parking area, designating the conditions of use or identity of the parking area and limited to a maximum size of nine (9) square feet, provided that on a corner lot no more than two such signs, one facing each street, may be permitted.
  - c. **Setback.** All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.
  - d. **Height.** No sign under this category shall exceed a height of five (5) feet above curb level.
  - e. **Projection/mounting.** Signs permitted under this category may be mounted or erected upon standards or separate supports.
  - f. **Illumination.** Signs permitted under this category may be illuminated only from within the structure of the sign itself and so as not to create a hazard to motorists, and shall not be of the flashing or intermittent type.
  - g. **Landscaping:** Landscaping shall be provided in accordance with Section 150.28 The landscaping shall be well maintained which shall include but not limited to the removal of dead or dying plant material and weeds. All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, free and clear of all obnoxious rubbish.
- (F) **Billboard signs outside of I-65 Corridor** may be permitted only within the B-2 and B-3 Districts subject to the following:
  - 1. **Type, area, number, and administrative approval.** One free-standing sign which depicts information concerning products not sold or services not provided on the zoning lot upon which it is located and which sign does not exceed 300 square feet in area, may be permitted subject to other provisions within this division and after approval of a special use and site development plan approval.
  - 2. **Location.** A permitted billboard under this category shall be located within the buildable area of the zoning lot. No sign shall be located closer than 1,320 feet to any residential district or 660 feet to any B-1 district.

*District Regulations B-2, B-3, I-1, BP-1 and OS-1 Cont.*

3. Setback. A permitted billboard sign under this category shall be subject to the same setback as permitted uses.
  4. Spacing. No billboard sign shall be spaced or located closer than 2,500 feet to any other billboard sign.
  5. Height. A sign permitted under this category shall not be higher than 35 feet above curb level of the nearest adjoining road.
  6. Illumination. LED, electronic message board or electronic digital signs, are permitted in the B-2 and B-3 Districts. These signs shall reduce their brightness at dusk and cannot change messages for eight (8) seconds. The signs shall not flash, rotate, display animation. All LED signs shall follow the standards outlined in Exhibit B of this Ordinance, and INDOT standards, as amended from time to time.
- (G) Billboard signs within the I-65 Corridor may be permitted only within the B-2 and B-3 Districts subject to the following:
1. Type, area, number, and administrative approval. One free-standing sign which depicts information concerning products not sold or services not provided on the zoning lot upon which it is located and which sign does not exceed six-hundred and seventy-two (672) square feet in area, may be permitted subject to other provisions within this division and after approval of a special use and site development plan approval.
  2. Location. A permitted billboard under this category shall be located within the buildable area of the zoning lot. No sign shall be located closer than 300 feet to any residential district or six hundred and sixty (660) feet to any B-1 district.
  3. Setback. A permitted billboard sign under this category shall be no closer than 20 feet or no farther than two-hundred (200) feet from the right-of-way of I-65. The location of the billboard will be coordinated with any existing or proposed berms, trail, or landscaping required under the I-65 Buffer Zone Development Guidelines.
  4. Spacing. No billboard sign shall be spaced or located closer than 1,250 feet to any other billboard sign.
  5. Height. A sign permitted under this category shall not be higher than 65 feet above curb level of the nearest adjoining road.
  6. Illumination. LED, electronic message board or electronic digital signs, are permitted in the B-2 and B-3 Districts. These signs shall reduce their brightness at dusk and cannot change messages for eight (8) seconds. The signs shall not flash, rotate, display animation. All LED signs shall follow the standards outlined in Exhibit B of this Ordinance, and INDOT standards, as amended from time to time.

#### **150.90 PORTABLE ADVERTISING SIGNS OR DISPLAYS TEMPORARY SIGNS ALL DISTRICTS**

(A) The following temporary signs shall be allowed in all zoning districts.

1. Temporary political signs shall be subject to the following:
  - a. Area and number. Not more than one sign on behalf of a candidate for political office or for a political party is permitted. Each sign shall not exceed thirty-two (32) square feet in area.

*Portable Signs B-2, B-3, I-1, BP-1 and OS-1 Cont.*

- b. Location/Setback. Signs permitted in this category may be located only within the boundaries of the zoning lot of each permitted use.
  - c. Illumination. No sign shall be illuminated.
  - d. Removal. Removal of signs permitted under this category shall be the responsibility of the candidate or political party advertised, and shall be removed within five days after the election. Signs may not be erected earlier than thirty (30) days prior to the applicable election day.
  - e. Projection/mounting. No sign shall be mounted on a dwelling structure except for placement in windows.
- 2. Real Estate.
  - a. Signs advertising real estate for sale or lease may be permitted upon the real estate that is for sale or lease, and shall not exceed 32 square feet in area unless otherwise restricted by ordinance or statute, in which case the more stringent requirements will prevail.
- (B) Signs advertising acreages of over twenty (20) acres for sale or lease shall be permitted on the real estate for sale or lease, and shall not to exceed 96 square feet in area unless otherwise restricted by ordinance or statute, in which case the more stringent requirements will prevail.
- (C) Illumination of real estate signs is prohibited.
- (D) Business District (B-2 and B-3), I-1 and BP-1 and OS-1. The following listed temporary signs are permitted and subject to the regulations following each. For purposes of this subchapter "PERMANENTLY AFFIXED" shall mean fastened or secured in accordance with the design and material specifications of applicable building codes.
  - 1. Portable advertising signs or displays, such as sandwich boards or "A" framed boards, which are not permanently affixed to real estate or structural improvements thereon, are not in conformance with sign provisions herein and shall not be permitted, in all districts, except the B-1 District, which are only permitted upon the approved by the Board of Works.
  - 2. Portable advertising signs, and displays, located within public right-of-way shall be permitted only upon application to and by approval of the Board of Public Works and Safety.
  - 3. Banners, Pennants and Feather Flags. Banners, Pennants and feather flags, are only permitted in conjunction with the opening of new business. A permit must be obtained and shall be limited in duration to 30 days, except when extended by the review and approval of the Planning Director. All special event signs must be removed by the permit holder within 24 hours after the expiration of the permit. All banners, pennants and feather flags are subject to the review and approval of the Planning Director. All banners must meet the following requirements.
    - a. Location: All Banners and pennants must be securely affixed to the wall of the associated building
    - b. Number: One Banner, pennant or feather flag will be allowed per permit.
    - c. Illumination: Illumination of Banners, pennants and feather flags is prohibited.
    - d. The maximum permitted height of a Banner is four (4) feet to the highest part of the sign or post.

*Business District, Cont.*

- e. Area: The maximum permitted area of a Banner is twenty-four (24) square feet per sign face.

(C) Business District B-1 District. The following listed temporary signs are permitted and subject to the regulations following each.

- 1. Advertising signs subject to the following:
  - a. All temporary signs located in the B-1 District must be approved by the Board of Works.
  - b. Signs which depict information concerning the products sold on the premises or services provided shall be limited to 50% of the area of all windows of the building located on the zoning lot, but subject to applicable building codes.
  - c. Location. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.
  - d. Illumination. Signs permitted under this category may be externally illuminated only.

**150.99 PENALTY**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any regulation in or any provisions of this chapter or of any regulation enacted hereunder by the Board of Zoning Appeals. The Board or the Plan Commission may institute a suit for a mandatory injunction directing the removal of a structure erected in violation of this chapter. Any police officer or code enforcement office who witnesses a violation of the above is hereby empowered to effect the immediate removal of the offending structure and cite the offending owner of the structure and/or landowner. Any structure or use that violates this chapter shall be deemed to be a common nuisance and the owner of the structure or land shall be liable for maintaining a common nuisance. Any person who violates any provision of this chapter shall upon conviction shall be fined not less than \$10 and not more than \$300. Each day that the violation continues shall constitute a separate offense.

**EXHIBIT A**

## Approved Tree Species for Along the Corridor

## Typical "Ornamental Trees 2" Cal B&amp;B or Container:

|                   |                               |
|-------------------|-------------------------------|
| Serviceberry      | <i>Amelanchier Canadensis</i> |
| Cockspur Hawthorn | <i>Crataegus stCrusgalli</i>  |
| Crabapple         | <i>Malus Species</i>          |
| Hedge Maple       | <i>Acer campestre</i>         |

## Typical "Large Shrubs" 24-30" B&amp;B or Container:

|                     |                                       |
|---------------------|---------------------------------------|
| Chokeberry          | <i>Aronia Arbutifolia melanocarpa</i> |
| Winterberry         | <i>Rex vertillata</i>                 |
| Mockorange          | <i>Philadelphus coronares</i>         |
| Alpine Currant      | <i>Ribos alpinum</i>                  |
| Bridalwreath Spirea | <i>Spirea x vanhouttei</i>            |
| Lilac               | <i>Syringa Vulgaris</i>               |

## Typical "2" Cal B&amp;B or Container:

|              |                               |
|--------------|-------------------------------|
| Honey Locust | <i>Gleditsia triancanthos</i> |
| Red Oak      | <i>Quercus rubra</i>          |
| White Oak    | <i>Quercus alba</i>           |
| Bur Oak      | <i>Quercus macrocarpa</i>     |

## Typical "Evergreen Trees" 5-6' B&amp;B or Container:

|                       |                               |
|-----------------------|-------------------------------|
| Colorado Green Spruce | <i>Picea Pungens</i>          |
| Blue Spruce           | <i>Picea 'Pungens glauca'</i> |
| Norway Spruce         | <i>Picea abies</i>            |
| White Spruce          | <i>Picea glance</i>           |
| Black Hills Spruce    | <i>Picea glauca densata</i>   |
| Austrian Pine         | <i>Pinus Nigra</i>            |
| Japanese Black Pine   | <i>Pinus Nigra</i>            |

## Appendix

### OAAA Recommended Brightness Guidelines

#### Criteria #1 - Lighting Standards – Measurements:

The industry recommended criteria follows the lighting standards established by the Illuminating Engineering Society of North America (IESNA). The OAAA and member companies voluntarily adhere to the following guidance.

Recommended regulatory criteria:

Lighting levels should not exceed 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurements should be taken as close to perpendicular to the face as practical.

Measurement distance criteria:

| Nominal Face Size | Distance to Measure From |
|-------------------|--------------------------|
| 12' x 24'         | 150'                     |
| 10'6 x 36'        | 200'                     |
| 14' x 48'         | 250'                     |
| 20' x 60'         | 350'                     |

Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

#### Criteria #2 - Alternate Regulatory Criteria

The brightness of light emitted from a changeable message sign should not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') feet for those sign faces less than or equal to three hundred square feet (300 sq. ft.), measured at a distance of two hundred feet (200 ft.), for those sign faces greater than three hundred square feet (300 sq. ft.) but less than or equal to three hundred eighty-five square feet (385 sq. ft.), measured at a distance of two hundred fifty feet (250 ft.), for those sign faces greater than three hundred eighty-five square feet (385 sq. ft.) and less than or equal to six hundred eighty square feet (680 sq. ft.), measured at a distance of three hundred fifty feet (350 ft.) for those sign faces greater than six hundred eighty square feet (680 sq. ft.)

Or use Alternate Table:

| Sign Face Size       | Distance of Measurement |
|----------------------|-------------------------|
| 681-1200 square feet | 350 feet                |
| 385-680 square feet  | 250 feet                |
| 300-385 square feet  | 200 feet                |
| 200-300 square feet  | 150 feet                |

Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

**Criteria #3 - Optional Regulatory Addendum** - (If standardized distances cannot be achieved in compliance with MUTCD roadside work, or if the site conditions will not allow measurements from the previous distances.)

In the event it is found not to be practical to measure a digital billboard at the set distances prescribed above, a measurer may opt to measure the sign at any of the alternative measuring distances described in the applicable table set forth below. In the event the sign measurer chooses to measure the sign using an alternative measuring distance, the prescribed footcandle level above ambient light shall not exceed the prescribed level, to be determined based on the alternative measuring distances set forth in the following tables (A), (B), (C), and (D), as applicable:

(A) For changeable message signs less than or equal to 300 square feet:

| Alternative Measuring Distance | Prescribed Foot Candle Level |
|--------------------------------|------------------------------|
| 100                            | 0.68                         |
| 125                            | 0.43                         |
| 150                            | 0.3                          |
| 200                            | 0.17                         |
| 250                            | 0.11                         |
| 275                            | 0.09                         |
| 300                            | 0.08                         |
| 325                            | 0.06                         |
| 350                            | 0.06                         |
| 400                            | 0.04                         |

(B) For changeable message signs greater than 300 square feet but less than or equal to 385 square feet:

| Alternative Measuring Distance | Prescribed Foot Candle Level |
|--------------------------------|------------------------------|
| 100                            | 1.2                          |
| 125                            | 0.77                         |
| 150                            | 0.53                         |
| 200                            | 0.3                          |
| 250                            | 0.19                         |
| 275                            | 0.16                         |
| 300                            | 0.13                         |
| 325                            | 0.11                         |
| 350                            | 0.1                          |
| 400                            | 0.08                         |

(C) For changeable message signs greater than 385 square feet but less than or equal to 680 square feet:

| Alternative Measuring Distance | Prescribed Foot Candle Level |
|--------------------------------|------------------------------|
| 100                            | 1.88                         |
| 125                            | 1.2                          |
| 150                            | 0.83                         |
| 200                            | 0.47                         |
| 250                            | 0.3                          |
| 275                            | 0.25                         |
| 300                            | 0.21                         |
| 325                            | 0.18                         |
| 350                            | 0.15                         |
| 400                            | 0.12                         |

(D) For changeable Message Sign greater than 680 square feet: Alternative Measuring Distance:  
Prescribed Foot Candle Level:

| Alternative Measuring Distance | Prescribed Foot Candle Level |
|--------------------------------|------------------------------|
| 100                            | 3.675                        |
| 125                            | 2.35                         |
| 150                            | 1.63                         |
| 200                            | 0.92                         |
| 250                            | 0.59                         |
| 275                            | 0.49                         |
| 300                            | 0.41                         |
| 325                            | 0.35                         |
| 350                            | 0.3                          |
| 400                            | 0.23                         |
| 425                            | 0.2                          |
| 450                            | 0.18                         |
| 500                            | 0.15                         |

# City of Crown Point

## Permitted and Special Uses

Table A

P=Permitted Use S=Special Use

| Use                                                                                                      | C-1 | A-1 | R-1A | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | OS-1 | HS-1 | BP-1 |
|----------------------------------------------------------------------------------------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|------|------|
| <b>Agricultures</b>                                                                                      |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Agriculture                                                                                              | P   | P   | S    | S   |     |     |     |     |     | S   |      |      |      |
| Animal Feedlots/Piggeries                                                                                |     | S   |      |     |     |     |     |     |     |     |      |      |      |
| Green Houses or Nurseries                                                                                |     | P   |      |     |     |     |     |     |     |     |      |      |      |
| Farm Dwellings                                                                                           |     | P   |      |     |     |     |     |     |     |     |      |      |      |
| Markets for Sale of Products Grown on Premises                                                           |     | S   |      |     |     |     |     |     |     |     |      |      |      |
| Riding Stables                                                                                           | S   | S   |      |     |     |     |     |     |     |     |      |      |      |
| <b>Residential Uses</b>                                                                                  |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Boarding House/Fraternity and Sorority House                                                             |     |     |      |     | S   | S   |     |     |     |     |      |      |      |
| Mobile Home Park, <i>see 150.23.2 for additional regulations</i>                                         |     |     |      |     |     | S   |     |     |     |     |      |      |      |
| Non-farm Single Family Dwelling                                                                          |     | P   |      |     |     |     |     |     |     |     |      |      |      |
| Nursing Home, Assisted Living, Independent Living                                                        |     |     | S    | S   | S   | S   | S   | S   | S   |     |      |      |      |
| Single-Family Detached Dwelling                                                                          | S   |     | P    | P   | P   | P   |     |     |     |     |      |      |      |
| Two-Family Dwellings (Duplex)                                                                            |     |     |      |     | S   | S   |     |     |     |     |      |      |      |
| Multi-family Dwellings (Townhome)                                                                        |     |     |      |     |     | S   |     |     |     |     |      |      |      |
| Dwellings unit(s) above first floor commercial use                                                       |     |     |      |     |     |     | P   |     |     |     |      |      |      |
| Residence of the Proprietor of a commercial use                                                          |     |     |      |     |     |     | S   |     |     | S   | S    |      |      |
| Lodging Rooms and Dwelling Units (provided office services uses occupy the first floor of same building) |     |     |      |     |     |     |     |     |     |     | S    |      |      |
| Planned Unit Developments, Residential                                                                   |     |     | S    | S   | S   | S   |     |     |     |     |      |      |      |
| <b>Commercial Uses</b>                                                                                   |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Packaged Liquor Sales                                                                                    |     |     |      |     |     |     | P   | P   | P   |     |      | P    | S    |
| Car Wash/Automatic Car Wash                                                                              |     |     |      |     |     |     |     | S   | P   | P   |      | P    |      |
| Vehicle Fueling Station                                                                                  |     |     |      |     |     |     |     | S   | P   | P   |      | P    | S    |
| Motor Vehicle Sales (including Boats, RVs, motorcycles, campers, large equipment)                        |     |     |      |     |     |     |     | S   | S   | S   |      | S    | S    |

| Use                                                                                                                                          | C-1 | A-1 | R-1A | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | OS-1 | HS-1 | BP-1 |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|------|------|
| Motor Vehicle Service, Repairs (including Boats, RVs, motorcycles, campers, large equipment), <i>see 150.23.4 for additional regulations</i> |     |     |      |     |     |     |     | S   | S   | S   |      | S    | S    |
| Body Shop                                                                                                                                    |     |     |      |     |     |     |     |     | S   | P   |      |      |      |
| Vehicle Rental Agency                                                                                                                        |     |     |      |     |     |     |     | S   | P   | P   |      | P    |      |
| Banks, Credit Union, Financial Institutions, Savings and Loans                                                                               |     |     |      |     |     |     | P   | P   | P   |     | P    | P    | P    |
| Bed and Breakfasts                                                                                                                           |     |     |      |     | S   | S   | S   | S   | P   |     |      |      |      |
| Convenient Store                                                                                                                             |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Dry Cleaners and Laundry Services                                                                                                            |     |     |      |     |     |     | S   | S   | P   |     |      |      | S    |
| Medical Clinics/Office                                                                                                                       |     |     |      |     |     |     | P   | P   | P   |     | P    | S    | P    |
| Child Care Center, as regulated by the State                                                                                                 |     |     |      |     |     |     | S   | S   | S   |     | S    | S    | S    |
| Child Care Home as regulated by the State                                                                                                    |     |     | P    | P   | P   | P   |     |     |     |     |      |      |      |
| Drive-Ins and Drive Thru                                                                                                                     |     |     |      |     |     |     | P   | P   | P   |     | P    | P    | P    |
| Equipment Rental (Large)                                                                                                                     |     |     |      |     |     |     |     |     | S   | P   |      | S    |      |
| Equipment Rental (Small)                                                                                                                     |     |     |      |     |     |     |     | P   | P   | P   |      | P    |      |
| Restaurant (Eating and Drinking Establishments) that do not serve alcoholic beverages                                                        |     |     |      |     |     |     | P   | P   | P   | S   | S    | P    | P    |
| Restaurant, (Eating and Drinking Establishments) that serve alcoholic beverages                                                              |     |     |      |     |     |     | P   | S   | P   | S   | S    | P    | S    |
| Restaurant, Fast Food                                                                                                                        |     |     |      |     |     |     |     | P   | P   |     | S    | P    | S    |
| Farm Implement Sales, Services and Repairs                                                                                                   |     |     |      |     |     |     |     |     | S   | S   |      | S    |      |
| Funeral Home and Crematorium                                                                                                                 |     |     |      |     |     |     |     | S   | S   |     | S    |      |      |
| Hospitals/Urgent Care                                                                                                                        |     |     |      |     |     |     |     | S   | S   |     | P    | S    |      |
| Hotels and Motels                                                                                                                            |     |     |      |     |     |     |     |     | P   |     |      | P    | S    |
| Massage Establishment, <i>see 150.23.5 for additional regulations</i>                                                                        |     |     |      |     |     |     | P   | P   | P   |     |      |      | S    |
| Mobile Home Sales                                                                                                                            |     |     |      |     |     |     |     |     | S   | S   |      |      |      |
| Mortuary Establishments                                                                                                                      |     |     |      |     |     |     |     |     |     |     | S    |      |      |
| Offices and Professional Services                                                                                                            |     |     |      |     |     |     | P   | P   | P   |     | P    | P    | P    |
| Personal Services Facilities                                                                                                                 |     |     |      |     |     |     | P   | P   | P   |     | S    | P    | S    |
| Printing Shops                                                                                                                               |     |     |      |     |     |     | S   | S   | S   |     |      |      | S    |
| Retail Business, Services and Sales in Structures of Less than 20,000 Square Feet in Gross Floor Area                                        |     |     |      |     |     |     | P   | P   | P   |     |      | P    | P    |
| Retail Business, Services and Sales in Structures of 20,000 square feet to 65,000 Square Feet in Gross Floor Area                            |     |     |      |     |     |     | S   | P   | P   |     |      | P    | S    |
| Retail Business, Services and Sales in Structures of 65,000 square feet, or greater, in Gross Floor Area                                     |     |     |      |     |     |     | S   | S   | S   |     |      | S    |      |
| Supply Yard                                                                                                                                  |     |     |      |     |     |     |     |     | S   | S   |      |      |      |
| Tasting Room, <i>see 150.23.10 for additional regulations</i>                                                                                |     |     |      |     |     |     | S   | S   | S   | S   |      | S    |      |
| Tattoo Parlor/Body Piercing studio                                                                                                           |     |     |      |     |     |     |     |     |     | P   |      |      |      |

| Use                                                                                 | C-1 | A-1 | R-1A | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | OS-1 | HS-1 | BP-1 |
|-------------------------------------------------------------------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|------|------|
| Tavern, Lounge or Bar                                                               |     |     |      |     |     |     |     | S   | S   |     |      |      | S    |
| Theaters, Indoor                                                                    |     |     |      |     |     |     |     |     | S   |     |      | S    |      |
| Theaters, Performing Arts                                                           |     |     |      |     |     |     | S   | S   | S   |     |      | S    |      |
| Veterinary (Animal)Hospital/Clinic, <i>see 150.23.9 for additional regulations</i>  |     | P   |      |     |     |     |     |     | P   | S   |      |      |      |
| Animal Kennel, <i>see 150.23.9 for additional regulations</i>                       |     |     |      |     |     |     |     |     | S   | S   |      |      |      |
| Warehouses/Wholesale Business                                                       |     |     |      |     |     |     |     |     | S   | P   |      |      | P    |
| Limited Retail associated with a Warehouse Use                                      |     |     |      |     |     |     |     |     | S   | S   |      |      | P    |
| <b>Recreational Amusement Uses</b>                                                  |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Adult Entertainment, <i>see 150.23.1 for additional regulations</i>                 |     |     |      |     |     |     |     |     |     |     |      | S    |      |
| Commercial Recreation and Entertainment, Indoor                                     | S   | S   |      |     |     |     | S   | S   | S   | S   |      | S    | S    |
| Commercial Recreation, Outdoor                                                      | S   | S   |      |     |     |     |     | S   | S   | S   |      | S    |      |
| Game Preserves                                                                      | P   |     |      |     |     |     |     |     |     |     |      |      |      |
| Golf Courses                                                                        | S   | S   |      |     |     |     |     |     |     |     |      |      |      |
| Fitness Center/Health Club                                                          |     |     |      |     |     |     | S   | S   | S   | S   | S    | P    | S    |
| Hunting Preserves                                                                   |     | S   |      |     |     |     |     |     |     |     |      |      |      |
| Private Clubs                                                                       |     |     | S    | S   | S   | S   | S   | S   | P   |     |      | S    | S    |
| Public Parks and Playgrounds                                                        | P   |     | P    | P   | P   | P   | S   | S   | S   |     |      |      |      |
| Swimming Pools, Public                                                              | S   |     | S    | S   | S   | S   |     |     |     |     |      |      |      |
| Wildlife Reserves                                                                   |     | P   |      |     |     |     |     |     |     |     |      |      |      |
| <b>Industrial Uses</b>                                                              |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Automotive Body Shop                                                                |     |     |      |     |     |     |     |     |     | P   |      |      |      |
| Building Trade and Contractor Office                                                |     |     |      |     |     |     |     |     |     | P   |      |      |      |
| Concrete Mixing                                                                     |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Earth Removal or Extraction Services/Mineral Excavation                             |     | S   |      |     |     |     |     |     |     | S   |      |      |      |
| General Manufacturing                                                               |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Grain Manufacturing                                                                 |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Junkyard                                                                            |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Landscape Company                                                                   |     | P   |      |     |     |     |     |     |     | P   |      |      |      |
| Light Manufacturing                                                                 |     |     |      |     |     |     |     |     |     | P   |      |      | P    |
| Manufacturing of Explosive Materials                                                |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Microbrewery, <i>see 150.23.10 for additional regulations</i>                       |     |     |      |     |     |     |     |     | S   | S   |      | S    |      |
| Research and Testing Laboratory                                                     |     |     |      |     |     |     |     |     |     | P   | S    |      | S    |
| Recycle Center and Sanitary Landfill                                                |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Self-Service Storage/Mini-Warehouse, <i>see 150.23.8 for additional regulations</i> |     |     |      |     |     |     |     |     |     | P   |      |      |      |
| Stockyard and Slaughterhouse                                                        |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Towing Service, <i>see 150.23.4 for additional regulations</i>                      |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Truck and Railroad Terminal                                                         |     |     |      |     |     |     |     |     |     | S   |      | S    |      |

| Use                                                                                                                                           | C-1 | A-1 | R-1A | R-1 | R-2 | R-3 | B-1 | B-2 | B-3 | I-1 | OS-1 | HS-1 | BP-1 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|------|------|
| <b>Public and Institutional Uses</b>                                                                                                          |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Churches and Religious Institution(s)                                                                                                         | S   | S   | S    | S   | S   | S   | S   | S   | S   |     | S    | S    | S    |
| College and University                                                                                                                        |     |     |      |     | S   | S   |     | S   | S   | S   | S    |      | S    |
| Commercial Schools                                                                                                                            |     |     |      |     |     |     | S   | S   | S   |     |      |      | S    |
| Day Schools                                                                                                                                   |     |     |      |     |     |     |     |     |     |     |      |      | S    |
| Essential Services                                                                                                                            | P   | P   | P    | P   | P   | P   | P   | P   | P   | P   | P    | P    | P    |
| Public and Civic Institutions, Indoor (including Fire and Police Station, Municipal Buildings/Office and Libraries, does not include schools) |     |     | S    | S   | S   | S   | S   | S   | S   | S   | S    | S    | S    |
| School, Public and Private, Parochial (Elementary and Secondary)                                                                              |     |     | S    | S   | S   | S   | S   | S   | S   |     |      |      |      |
| Public Transportation Terminal                                                                                                                |     |     |      |     |     |     | S   | S   | S   | S   | S    | S    | S    |
| Public Utility Buildings and Associated Offices                                                                                               |     |     |      | S   | S   | S   | S   | S   | S   | P   | S    | S    | S    |
| Water and Sewer Treatment Plant                                                                                                               | S   |     |      | S   |     |     |     |     |     | S   |      |      |      |
| <b>Miscellaneous Use</b>                                                                                                                      |     |     |      |     |     |     |     |     |     |     |      |      |      |
| Accessory Use                                                                                                                                 | P   | P   | P    | P   | P   | P   | P   | P   | P   | P   | P    |      | P    |
| Airports and heliport                                                                                                                         |     |     |      |     |     |     |     |     |     | S   |      |      | S    |
| Bulk Fuel Storage                                                                                                                             |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Cemeteries                                                                                                                                    | S   | S   | S    | S   |     |     |     |     |     |     |      |      |      |
| Communication Towers, <i>see 150.23.2 for additional regulations</i>                                                                          | S   | S   |      |     |     |     | S   | S   | S   | S   | S    | S    | S    |
| Off-Street Parking on a zoning lot separate from the associated use                                                                           |     |     |      | S   | S   | S   | S   | S   | S   | S   | P    |      | S    |
| Outdoor Storage, contained material                                                                                                           |     |     |      |     |     |     |     | P   | P   | P   |      |      |      |
| Outdoor Storage, uncontained material                                                                                                         |     |     |      |     |     |     |     |     |     | S   |      |      |      |
| Public Parking Garage                                                                                                                         |     |     |      |     |     |     | S   | S   | P   | S   | S    | S    | S    |
| Parking Lot                                                                                                                                   |     |     |      | S   | S   | S   | P   | P   | P   | P   |      |      |      |

**City of Crown Point**  
**Bulk Regulations for Principal Structures**  
**RESIDENTIAL ZONING DISTRICTS**  
**TABLE B**

|                                                       | Conservation<br>District C-1 | Agriculture<br>District A-1 | Residential<br>District R-1A | Residential<br>District R-1                                  | Residential<br>District R-2                                                                                                                   | Residential<br>District R-3 |
|-------------------------------------------------------|------------------------------|-----------------------------|------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>Minimum Lot Size (Square Feet) Residential</b>     | 80,000                       | 10 acres                    | 15,000**                     | 10,000**                                                     | 7,200**                                                                                                                                       | 6,000**                     |
| <b>Minimum Lot Size (Square Feet) Per Family</b>      | 80,000                       | 10 acres                    | 15,000**                     | 5,000                                                        | 3,500                                                                                                                                         | 3,000                       |
| <b>Minimum Lot Size (Square Feet) Non-Residential</b> | 80,000                       | 10 acres                    | 30,000                       | 20,000                                                       | 15,000                                                                                                                                        | 15,000                      |
| <b>Minimum Lot Width (Feet)</b>                       | 200                          | 330                         | 100                          | 80                                                           | 80                                                                                                                                            | 50                          |
| <b>Minimum Lot Width (Feet) Non-Residential</b>       | 200                          | 330                         | 200                          | 150                                                          | 100                                                                                                                                           | 100                         |
| <b>Minimum Lot Width Corner Lots (Feet)</b>           | N/A                          | N/A                         | 120                          | 100                                                          | 80                                                                                                                                            | 70                          |
| <b>Minimum Depth Front Yard (Feet)</b>                | 50                           | 50                          | 30                           | 30                                                           | 30                                                                                                                                            | 30                          |
| <b>Minimum Width Side Yard (Feet)</b>                 | 20                           | 20                          | 10                           | Minimum 5 feet<br>on one side and<br>10 feet on the<br>other | Minimum 5 feet or 5 feet on<br>one side and 10 feet on the<br>other side if the residential<br>structure does not have an<br>attached garage. |                             |
| <b>Minimum Width Side Yard (Feet) Non-Residential</b> | 20                           | 20                          | 20                           | 20                                                           | 20                                                                                                                                            | 20                          |
| <b>Minimum Width Corner Side Yard (Feet)</b>          | 50                           | 50                          | 30                           | 30                                                           | 30                                                                                                                                            | 30                          |
| <b>Minimum Depth Rear Yard (Feet)</b>                 | 20                           | 20                          | 30                           | 20                                                           | 20                                                                                                                                            | 20                          |
| <b>Minimum Depth Rear Yard (Feet) Non-Residential</b> | 50                           | 50                          | 40                           | 30                                                           | 30                                                                                                                                            | 30                          |
| <b>Minimum Floor Area (Square Feet)</b>               |                              |                             |                              |                                                              |                                                                                                                                               |                             |
| <i>Residential Single-Family One-Story</i>            | 960                          | 1,200                       | 2,000                        | 1,300                                                        | 960                                                                                                                                           | 720                         |
| <i>Residential Single-Family Over One-Story</i>       | 800                          | 1,000                       | 1,700                        | 1,000                                                        | 800                                                                                                                                           | 672                         |
| <i>Residential Two-Family Dwelling</i>                | N/A                          | N/A                         | N/A                          | 600                                                          | 960                                                                                                                                           | 720                         |
| <i>Residential Multi-Family</i>                       | N/A                          | N/A                         | N/A                          | N/A                                                          | 600                                                                                                                                           | 600                         |
| <b>Maximum Building Height (Feet)</b>                 | 35                           | 35                          | 35                           | 35                                                           | 35                                                                                                                                            | 35                          |

\*\* The minimum lot area shall be 43,560 square feet if the lot is not served by community sanitary sewer system approved by the state board of health.

**City of Crown Point**  
**Bulk Regulations Principal Structures**  
**Non-Residential Zoning Districts**  
**TABLE C**

|                                                               | <b>Downtown<br/>Business District<br/>B-1</b> | <b>Business District<br/>B-2</b> | <b>Business District<br/>B-3</b> | <b>Industrial District<br/>I-1</b> | <b>Office Service<br/>District<br/>OS-1</b> | <b>Highway Service<br/>Business District<br/>HS-1</b> | <b>Business Park<br/>District<br/>BP-1</b> |
|---------------------------------------------------------------|-----------------------------------------------|----------------------------------|----------------------------------|------------------------------------|---------------------------------------------|-------------------------------------------------------|--------------------------------------------|
| <b>Minimum Lot Size (Square Feet)</b>                         | 3,000**                                       | 7,200**                          | 10,000**                         | 20,000**                           | 12,500**                                    | 20,000**                                              | 20,000                                     |
| <b>Minimum Lot Width (Feet)</b>                               | 30                                            | 100                              | 100                              | 100                                | 75                                          | 100                                                   | 150                                        |
| <b>Minimum Depth Front Yard (Feet)</b>                        | 0                                             | 15                               | 35                               | 30                                 | 30                                          | 35                                                    | 40                                         |
| <b>Minimum Width Side Yard (Feet)</b>                         | 0                                             | 8                                | 10                               | 20                                 | 10                                          | 10                                                    | 1                                          |
| <b>Minimum Width Side Yard (Feet) Adjacent to Residential</b> | 15                                            | 15                               | 20                               | 20                                 | 20                                          | 20                                                    | 20                                         |
| <b>Minimum Width Corner Side Yard</b>                         | 0                                             | 15                               | 35                               | 30                                 | 30                                          | 35                                                    | 40                                         |
| <b>Minimum Depth Rear Yard (Feet)</b>                         | 0                                             | 10                               | 10                               | 20                                 | 20                                          | 10                                                    | 20                                         |
| <b>Minimum Depth Rear Yard (Feet) Adjacent to Residential</b> | 15                                            | 30                               | 30                               | 40                                 | 30                                          | 40                                                    | 40                                         |
| <b>Minimum Depth Buffer Zone</b>                              | 5                                             | 10                               | 10                               | 10                                 | 10                                          | 10                                                    | 10                                         |
| <b>Maximum Building Height (Feet)</b>                         | 35                                            | 35                               | 35                               | 35                                 | 35                                          | 35                                                    | 35                                         |

\*\* The minimum lot area shall be 43,560 square feet if the lot is not served by community sanitary sewer system approved by the state board of health.

**Off Street Parking Requirements**  
**Table D**

| <b>Use</b>                                                                                                                                      | <b>Parking Spaces Required</b>                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential Uses</b>                                                                                                                         |                                                                                                                                                                                                                                                                   |
| Residential, Multifamily Dwelling                                                                                                               | 2 spaces per dwelling unit; plus 0.5 space guest spaces for each dwelling unit.                                                                                                                                                                                   |
| Independent Living Facilities                                                                                                                   | 1 space per bedroom.                                                                                                                                                                                                                                              |
| Nursing Home, Assisted Care Living Facilities                                                                                                   | 1.5 spaces per dwelling unit.                                                                                                                                                                                                                                     |
| Residential, Single Family and Two Family Dwelling                                                                                              | 2 spaces per dwelling unit.                                                                                                                                                                                                                                       |
| College Residence Hall or fraternity                                                                                                            | 1 space per 4 occupants.                                                                                                                                                                                                                                          |
| <b>Commercial Uses</b>                                                                                                                          |                                                                                                                                                                                                                                                                   |
| Bank, Financial Institutions                                                                                                                    | 1 space per 200 square feet of floor space; plus 1 space per employee of the work shift with the largest number of employees. Section 150.34 for stacking requirements, with an associated and permitted drive-thru.                                              |
| Car Wash                                                                                                                                        | 2 spaces and 1 drying space for single car facilities, and 4 spaces and 2 drying space for multiple car facilities, 2 spaces per bay for self-wash facilities. 1 parking for each employee of the work shift of the largest number of for all facilities.         |
| Funeral homes                                                                                                                                   | 20 spaces for each chapel, plus 1 space for each funeral vehicle kept on the premises.                                                                                                                                                                            |
| Hospitals                                                                                                                                       | 1 space per 3 beds, plus 1 space for every 2 employees of the work shift of the largest number of employees.                                                                                                                                                      |
| Hotels, motels, boarding houses and bed and breakfast establishments                                                                            | 1 space for each living or sleeping unit plus 1 space for each employee for the work shift of the largest number of employees, plus required parking spaces for bar, restaurant or affiliated use.                                                                |
| Medical, health clinics/offices                                                                                                                 | 3 spaces per exam room; 1 space per employee for the work shift with the largest number of employees; Or 1 space for every 200 square feet of floor space, which ever is greater.                                                                                 |
| Personal Service Establishments                                                                                                                 | 1 space per 200 square feet of floor space; plus 1 space per employee of the work shift with the largest number of employees.                                                                                                                                     |
| Professional, Government, and Business Offices                                                                                                  | 1 space per 200 square feet of floor space.                                                                                                                                                                                                                       |
| Repair Services                                                                                                                                 | 1 space per 400 square feet of floor space; plus 1 space per employee of the work shift with the largest number of employees.                                                                                                                                     |
| Restaurant, cafeterias, taverns, bars and other eating or drinking establishments, drive-in/drive-thru through or pick-up food or drink service | 1 space per 75 square feet of floor space, plus 1 space per employee of the work shift with the largest number of employees. Section XXX for stacking requirements, with an associated and permitted drive-thru.                                                  |
| Retail Businesses                                                                                                                               | 1 space per 125 square feet of sales floor area plus 1 space for every 2 employees.                                                                                                                                                                               |
| Shopping Centers and any multiple use building                                                                                                  | 1 space per 175 square feet of sales or office floor area minimum of 5 spaces per unit.                                                                                                                                                                           |
| Vehicle Fueling Station                                                                                                                         | 1 space per 2 pump stations, plus required parking for ancillary uses, plus 1 space for every 2 employees of the work shift of the largest number of employees. At the descetion of the Zoning Officer, spaces at pump stations may be counted as parking spaces. |
| Vehicle Repair/Maintenance                                                                                                                      | 3 spaces per service bay; plus 1 space for every employee of the work shift of the largest number of employees.                                                                                                                                                   |
| Vehicle, Boat, Motorcycle, RV Sales                                                                                                             | 1 space per 500 square feet of floor space                                                                                                                                                                                                                        |
| Warehouse                                                                                                                                       | 1 space for each 2 employees, plus 1 space for each vehicle used in the conduct of business                                                                                                                                                                       |
| <b>Recreational Amusement Uses</b>                                                                                                              |                                                                                                                                                                                                                                                                   |
| Bowling alleys                                                                                                                                  | 5 spaces per each lane plus required parking space for any bar, restaurant, or affiliated use.                                                                                                                                                                    |

**Off Street Parking Requirements**  
**Table D, cont.**

| <i><b>Use</b></i>                                   | <i><b>Parking Spaces Required</b></i>                                                                                                              |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Assembly places e.g. dance halls & night clubs      | 1 space per 100 square feet floor space                                                                                                            |
| Theater, Auditorium                                 | 1 per 4 seats                                                                                                                                      |
| <b>Industrial Uses</b>                              |                                                                                                                                                    |
| Industrial                                          | 1 for each 2 employees on the maximum working shift                                                                                                |
| Industrial                                          | 1 for each 2 employees on the maximum working shift                                                                                                |
| Self-Storage, Mini-Warehouse                        | 1 space per 5,000 square feet, or 1 space per ten (10) storage cubicles.                                                                           |
| <b>Public and Institutional Uses</b>                |                                                                                                                                                    |
| School, Elementary Schools and High Schools         | 1 space per employee; plus 0.5 space per classroom, plus 1 space per 5 students aged sixteen years or older.                                       |
| Church, Religious Institution <del>and School</del> | 1 space per 4 seats in principal assembly room.                                                                                                    |
| College, University                                 | 0.5 space per classroom seat or the maximum number of students that can be accommodated in accordance with design capacity, which ever is greater. |
| Libraries                                           | 5 spaces per 1,000 of floor space.                                                                                                                 |
| Trade School                                        | 1 space per student based on maximum number of students that can be accommodated in accordance with design capacity.                               |
| <b>Miscellaneous</b>                                |                                                                                                                                                    |
| Other Uses                                          | Parking spaces for uses not listed in this table shall be provided in accordance with recommendation of the Plan Commission and City Council.      |

**BICYCLE PARKING REQUIRED**

| <i><b>Use</b></i>                                         | <i><b>Parking Spaces Required</b></i>                                                                                                                                                                                                                          |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Multi-Family                                              | 1 space per 3 units (preferably covered - only if garages/unit are not present).                                                                                                                                                                               |
| Commercial/Retail/Office                                  | Space 5% of motor vehicle required, minimum 4 space/maximum 40 spaces.                                                                                                                                                                                         |
| Recreational, Community Parks and Recreational Facilities | Minimum 4 spaces, with more as required by the City based on approximate use of the facility; If the facility requires parking for motor vehicles than the required bicycle parking space shall be provided at a rate of 30% of the motor vehicle requirement. |
| Educational                                               | 1 space per 20 students for Kindergarten to 5th grade.<br>1 space per 30 students for 6th to 8th grade.<br>1 space per 50 students for Highschool.                                                                                                             |
| Hotels/Motels                                             | 5% of motor vehicle requirement if the main entrance is within 1,500 feet of a designated bike/ pedestrian path.                                                                                                                                               |

The following uses shall be exempt from the minimum bicycle parking requirements:

Single- and two-family dwellings; warehousing/distribution; mortuaries; auto service; day care centers; car washes; drive-up establishments and airports