

Title 18

ZONING

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CHAPTER 18.05
GENERAL PROVISIONS

Article I
General Provisions

§ 18.05.010. Adoption and passage.

- (A) This comprehensive zoning ordinance, as proposed and favorably recommended by the municipal plan commission including any and all zoning maps, is incorporated herein by reference and made a part of this code, with two copies on file in the office of the clerk-treasurer and available for public inspection, pursuant to IC 36-1-5-4, and supersedes all previous versions and revisions of the same.
- (B) The town reserves the right to amend these regulations, from time to time, to adapt to changing trends, respond to changing conditions in the town, and incorporate new practices in development, safety, and design.
- (C) Passage. The Highland plan commission passed with a favorable recommendation the zoning ordinance at its meeting of July 19, 2017. It was certified to the town council on August 16, 2017, adopted as Ordinance No. 1659, on October 9, 2017, by the town council. (Ord. 1659 § 1, 2017)

§ 18.05.020. Title.¹

This title shall be known and may be cited and referred to as the “zoning ordinance of the town of Highland, Indiana.”
(Ord. 1659 § 1, 2017)

§ 18.05.030. Purpose and intent.

This title is adopted for the following purposes:

- (A) To promote the public health, safety, comfort, morals, convenience, and general public welfare.
- (B) To protect the character and the stability of the residential, business, and industrial areas within the town and to promote the orderly and beneficial development of such areas.
- (C) To provide adequate light, air, privacy, and convenience of access to property.
- (D) To regulate the intensity of use of land and lot areas and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to promote the public health.
- (E) To lessen or avoid congestion in the public streets.
- (F) To provide for the needs of industry, business, and residence in future growth.
- (G) To promote healthful surroundings for family life in residential areas.

1. Penalty, see HMC § 18.120.030.

- (H) To fix reasonable standards to which buildings or structures shall conform therein.
 - (I) To prohibit uses, buildings, or structures which are incompatible with the character of development or the uses allowed within specified zoning districts.
 - (J) To prevent additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
 - (K) To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.
 - (L) To prevent the overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and bulk of buildings in relation to the land surrounding them.
 - (M) To conserve the taxable value of land and buildings throughout the town.
 - (N) To provide for the gradual elimination of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.
 - (O) To define and limit the powers and duties of the administrative officers and bodies as provided.
- (Ord. 1659 § 1, 2017)

§ 18.05.040. Zoning districts – Establishment and application.

(A) Zoning Districts.

- (1) In order to carry out the purposes and provisions of this title, the town is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matters thereon, is hereby adopted by reference and made a part of this title:

Table 1 – Zoning Districts	
OS	Open space district.
R-1A	Single-family (large lot) residence district.
R-1	Single-family (small lot) residence district.
R-2	Single- and two-family residence district.
R-3	Single-, two- and multiple-family residence district.
PB	Professional business district.
B-1	Neighborhood business district.
B-2	Central business district.
B-3	General business district.
I-1	Light industrial district.
F-1	Floodplain district.

Table 1 – Zoning Districts

PUD	Planned unit development district.
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- (2) The official zoning map shall be identified by the signature of the town council president attested by the town clerk-treasurer, and bearing the seal of the town under the following words:

This is to certify that this is the Official Zoning Map referred to in HMC § 18.05.040 as amended of the Town of Highland, State of Indiana together with the date of the adoption of this title.

- (3) If, in accordance with the provisions of this title and Chapter 174 of the Acts of 1947 as amended, changes are made in district boundaries or other matters shown on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the town council of Highland.
- (B) Replacement of Official Zoning Map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature and number of changes and additions, the town council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map shall be identified by the signature of the town council president, attested by the town clerk-treasurer, and bearing the seal of the town under the following words:

This is to certify that this Official Zoning Map accompanying and adopted with this replacement zoning code as part of Ordinance No. 1659 on July 19, 2017, supersedes and replaces the Official Zoning Map adopted November 19, 1962, as part of Ordinance No. 466, readopted on August 7, 1967, as part of Ordinance No. 544, and replaced and adopted on November 22, 1999 as part of Ordinance 1126 of the Town of Highland, Indiana and to be effective on July 1, 2000.

(Ord. 1659 § 1, 2017)

§ 18.05.050. Rules of interpretation of district boundaries.

Whenever uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- (A) Boundaries indicated as following center lines of streets, highways, alleys, platted lot lines, or town limit lines shall be construed to follow such lines.
- (B) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (C) Boundaries indicated as approximately following the center lines of streams or rivers shall be construed to follow such center lines.
- (D) Where a zoning district boundary line divides a platted lot of record which was in single ownership at the time of enactment of this title, the board of zoning appeals may, upon petition, extend such zoning district boundary line to include the entire lot of record in one or the other of the zoning districts.

- (E) In all other cases of interpretation of district boundaries not covered by the above regulations, final interpretation shall be made by the board of zoning appeals.
(Ord. 1659 § 1, 2017)

§ 18.05.060. Interpretation and application – Supplementary district regulation.

(A) Interpretation and Application.

- (1) In interpretation and application, the provisions of this title shall be held to be the minimum requirements for promotion of the public health, safety, morals, and welfare.
- (2) Severability Clause. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this title be declared by the courts to be unconstitutional, illegal, or otherwise invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this title.
- (3) Where the conditions imposed by any provisions of this title upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this title or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- (4) This title is not intended to abrogate any easement, covenant, or any other private agreement; provided, that where the regulations of this title are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this title shall govern.
- (5) Defined Terms.
 - (a) For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this chapter. Whenever any words and phrases used herein are not defined herein, they shall be defined as follows:
 1. Words and/or phrases that are defined in the state of Indiana statutory provisions regulating the creation and function of various planning agencies shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
 2. All other words and/or phrases not defined herein shall refer to their generally accepted meaning.
 - (b) Certain words and phrases used herein shall be further interpreted as follows:
 1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 2. The masculine includes the feminine.
 3. The present tense includes the past and future tense.
 4. The singular number includes the plural.

5. The word “shall” is a mandatory requirement.
6. The word “may” is a permissive requirement.
7. The word “should” is a preferred requirement.
8. The words “used” or “occupied” shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(B) Scope of Regulations.

- (1) Except as may otherwise be provided in Chapter 18.90 HMC, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- (2) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance codified in this title; and provided, that construction is begun within one year of such effective date and diligently prosecuted to completion, such building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and, further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Chapter 18.90 HMC.
- (3) No building or structure shall hereafter be erected or altered:
 - (a) To exceed the height or bulk of applicable district regulations.
 - (b) To accommodate or house a greater number of families.
 - (c) To occupy a greater percentage of lot area.
 - (d) To have narrower or smaller yards – either front, rear or side.
 - (e) To, in any other way, diminish yard requirements.
 - (f) To diminish, in any other way, the provisions of this title.
- (C) Zoning of Annexed Land. All territory which may hereafter be annexed to the town shall be considered to be annexed as it is so zoned at the time of the annexation. All existing special or use variance permits existing for any property to be annexed to the town shall be continued as use variances after annexation. Upon the annexation of any territory to the town, a plan for zoning the area annexed shall be forwarded to the common council by the plan commission.
- (D) Access to Public Street. Every principal building hereafter erected shall be on a zoning lot or parcel of land which adjoins a public street or a permanent easement of access to a public street, such easement to be at least 20 feet wide unless a lesser width was duly established and recorded prior to the effective date of the ordinance codified in this title.
- (E) Number of Buildings on a Zoning Lot. Except in the case of planned developments, not

more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

(F) Accessory Buildings.

- (1) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (2) Percentage of Rear Yard Occupied. No accessory building or buildings shall occupy more than 40 percent of the area of a rear yard.
- (3) Height of Accessory Buildings in Required Rear Yards. No accessory building or portion thereof located in a required rear yard shall exceed 18 feet in height.
- (4) On Reversed Corner Lots. On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the established building line. Further, in the above instance, no such accessory building shall be located within five feet of any part of a rear lot line which coincides with a side lot line or a portion thereof of property in an R-1A, R-1, R-2 or R-3 district.
- (5) In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.
- (6) Accessory Building on Easement Prohibited. No accessory building may overhang or be built or located on a recorded easement.
- (7) Accessory Structures in Certain Districts. In R-1A, R-1, R-2, or R-3 zoned districts, accessory structures shall number no more than two, including attached garages.
- (8) Small Accessory Buildings. One shed, playhouse, doghouse, and the like, measuring less than 100 square feet shall not be counted as an accessory structure. Subsequent structures of any size shall be considered accessory.
- (9) An accessory building may not be erected before the principal building.

(G) Bulk Regulations.

- (1) Continued Conformity with Bulk Regulations. The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, other open space, or minimum lot area allocated to the building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.
- (2) Division of Zoning Lots. No zoning lot improved with a building or buildings shall hereafter be divided into two or more zoning lots; and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each sale and improved with a building or buildings shall conform with all bulk regulations of the zoning district in which the property is located.

- (3) Location of Required Open Space. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- (4) Required Yards for Existing Buildings. No yards now or hereafter provided for a building existing on the effective date of the ordinance codified in this title shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this title for equivalent new construction.
- (5) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified:

- (a) In All Yards.

- 1. Ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches.
- 2. Open terraces or decks not over four feet above the average level of the adjoining ground, but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure.
- 3. Awnings and canopies.
- 4. Steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
- 5. Chimneys projecting 18 inches or less into the yard.
- 6. Arbors, trellises and flagpoles.
- 7. Fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge, or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge, or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass, or electrified material. The design, location, and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit.

- (b) In Front Yards.

- 1. One-story bay windows projecting three feet or less into the yard.
- 2. Overhanging eaves and gutters projecting three feet or less into the yard.

- (c) In Rear Yards.

1. Enclosed attached or detached off-street parking spaces.
 2. Open off-street parking spaces.
 3. Accessory sheds, tool rooms, and similar buildings or structures for domestic or open space storage.
 4. Balconies, breezeways, and open porches.
 5. One-story bay windows, and over-hanging eaves and gutters projecting three feet or less into the yard.
 6. No accessory building or use shall be nearer than five feet to either the side lot line or the rear lot line, except for garages as provided for in HMC § 18.15.060.
- (d) In Side Yards. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding three feet.
- (H) Home Occupation Regulations. In addition to the standards of the underlying zoning district, home occupations in the town shall be governed by the following:
- (1) There shall be no exterior sign or display, except as allowed in the sign regulations for the district in which such home occupations may be located. Additionally, there shall be no exterior manifestations of such home occupations which would adversely affect the neighborhood.
 - (2) No more than one person, other than members of the resident family, shall be employed at a home occupation at any time.
 - (3) There shall be no sales or storage of products or services not produced on the premises. However, in no case shall any outdoor production, storage, or sale of any product or service be permitted.
 - (4) Parking and Traffic.
 - (a) A maximum of two parking spaces beyond the requirements of the underlying zoning district may be used for the home occupation.
 - (b) Off-street parking spaces shall be limited to the driveway area or a maximum 20-foot depth concrete or asphalt pad directly accessed from an alley. No parking lots or other parking facilities, including driveway expansion, shall be permitted.
 - (c) Where off-street parking is unfeasible, on-street parking may be utilized for the home occupation. The use of on-street parking for such home occupation shall only be allowed between 8:00 a.m. and 6:00 p.m. per business day.
 - (d) The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
 - (5) Home occupations shall not involve the use of commercial vehicles or trailers that include hoisting devices, snow plows, cargo containers, or other similar commercial

type equipment or fittings, for delivery of materials to or from the premises. A vehicle not to exceed one ton may be used in conjunction with the home occupation, provided it is owned by the operator of such home occupation and stored in an entirely enclosed garage when not in use.

- (6) A maximum of one room in the dwelling unit shall be employed for the home occupation. However, in no case shall more than 25 percent of the ground floor area of the residence shall be used for the home occupation.
- (7) No building or space outside of the main building shall be used for home occupational purposes except for agricultural uses.
- (8) A “home occupation” shall be limited to domestic crafts and professional services as listed below:
 - (a) Art studio.
 - (b) Photography and videography.
 - (c) Custom dressmaking and sewing.
 - (d) Professional office of a clergyman.
 - (e) Lawyer.
 - (f) Physician or dentist, when limited to one patient at a time and when located in a dwelling occupied by the same.
 - (g) Architect or engineer.
 - (h) Interior design.
 - (i) Computer programming and word processing.
 - (j) Realtor.
 - (k) Accountant.
 - (l) Notary public.
 - (m) Internet commerce sales, including stock and commodity trading.
 - (n) Barber or beauty shop, when limited to one customer at a time and when located in a dwelling occupied by the same.
 - (o) Teacher of music, dance, and other instruction when limited to one pupil at a time and when located in a dwelling occupied by the same.
- (9) Home occupations shall not be construed to include such uses as the following:
 - (a) Medical clinic or hospital.
 - (b) Tea room or restaurant.
 - (c) Gift shop or millinery shop.

- (d) Machine shop or automobile repair shop.
 - (e) Bed and breakfast inn.
 - (f) Short-term housing rental.
 - (g) Commercial stable or kennel.
 - (h) Construction shop and related uses, such as landscaping.
- (I) Temporary Lighting. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays may be permitted; provided, that:
- (1) The use of linear lighting and low voltage strip-lighting is prohibited for all uses unless it is approved as a part of an approved architectural lighting plan.
 - (2) Permits are required for commercial activities, such as carnivals, and are valid for up to seven consecutive days. Where practical, lighting shall be full cutoff type.
 - (3) Residential uses are exempt from this regulation except where they create a hazard or nuisance from glare.
- (J) Required Utilities. Every lot in each zoning district hereafter described shall be provided with public water and public sewers, if available. When either or both of these public utilities are not available, governing regulations of the state of Indiana and Lake County shall be applicable.
- (K) Performance Standards. The performance standards set forth in this title in the industrial districts as regard noise, odorous matter, vibrations, toxic or noxious matter, glare or heat, and fire and explosive hazards shall also apply to residential and business districts.
- (L) Existing Use Variances. Where a use is classified as a use variance under this title and exists as a conditional or permitted use at the date of adoption of the ordinance codified in this title, it shall be, without further action of the town council, the zoning administrator or the board of zoning appeals, a legal use.
- (Ord. 1659 § 1, 2017)

§ 18.05.070. Miscellaneous business regulations.

- (A) Wherever a PB, B-1, B-2, B-3, I-1, or B and I PUD zoned district(s) abuts a residential district, a solid fence, conforming to all applicable regulations of Chapter 18.75 HMC, shall be erected along the district boundary for screening unless:
- (1) The district boundary is separated from the residential district by a street.
 - (2) In all other respects, fences in a PB, B-1, B-2, B-3, I-1, or B and I PUD zoned district(s) shall conform to the requirements of residential districts.
- (B) In PB, B-1, B-2, B-3, I-1, or B and I PUD zoned districts, all trash collection (dumpster) areas shall be screened by a solid fence conforming to all applicable regulations of Chapter 18.75 HMC. Gates allowing access to these areas shall be constructed of wood or vinyl.
- (C) Trash collection areas shall not be located closer than 10 feet to any side or rear lot line, unless the rear lot line abuts an alley. Under no circumstances shall such areas be located

before the front building line, or on any recorded easement or right-of-way.

- (D) For the purposes of this code, chain link fences with slats are prohibited from meeting the screening requirements for subsections (A) and (B) of this section.
- (E) Required screening under this section shall be maintained by the respective property owner(s).
- (F) Regulations for Donation and Recycling Bins.
 - (1) Donation and recycling bins shall only be approved as an accessory use with a special use permit; provided, that the applicant is a recognized Indiana not-for-profit organization.
 - (2) Enforcement. The owner, lessee, or other person or legal entity in control of the property where the donation or recycling bin is being maintained, and the person or entity which owns, maintains, or operates the bin, shall be jointly and severally liable for any violation(s) that may result from the bin's use or operation.
 - (3) Donation and recycling bins shall be painted, weather resistant, maintained in good repair, and equipped with a tight fitting lid or door. All collected materials shall be maintained completely within the bin, and shall be covered and secured from unauthorized entry or removal of material when the site is not attended. Bins shall be further marked or labeled with the specific item or material that may be deposited.
 - (4) Recycling drop-off bins shall accept only paper, paperboard, glass, plastic containers, metal, and reusable materials as allowed by the special use permit. No power driven processing or electronic equipment shall be used, collected, or processed in conjunction with the bin.
 - (5) Donation and recycling bins shall be maintained free of fluids, odors, litter, rubbish, garbage, and any other nonrecyclable material, and shall be emptied, swept, and cleaned on a regular basis.
 - (6) The name of the entity or organization that is maintaining the bin, along with their phone number, address, and other pertinent identifying information, shall be clearly identified and displayed on the bin.
 - (7) Signage. Donation and recycling bins shall include signage that conforms to HMC § 18.85.030(N).
 - (8) Size and Location.
 - (a) Donation and recycling bins shall not exceed 75 square feet in total area per lot or development, with no individual bin exceeding 25 square feet in area, nor five feet on any side. Such bins shall not exceed seven feet in height.
 - (b) Donation and recycling bins shall be located only on paved surfaces in conjunction with public or private institutional parking lots. Any occupation of parking spaces by such bins shall not reduce the number of available parking spaces below the minimum number required for the site. Bins shall not interfere in any way with pedestrian or vehicular movement.
 - (c) All approved donation and recycling bins within a lot or development shall be

clustered within the same general area, but in no case within 200 feet of any residentially zoned district.

- (d) Donation and recycling bins shall not be permitted in the front yard of any lot, and shall be effectively screened from view from any public right-of-way.
 - (9) The board of zoning appeals may place additional conditions or restrictions of the use of such bins as are appropriate to the zoning district in which they are located.
- (Ord. 1659 § 1, 2017)

Article II
Definitions

§ 18.05.080. Definitions – A.

(A) Accessory Building or Use.

- (1) An “accessory building or use” is one which:
 - (a) Is subordinate to and serves the principal building or principal use.
 - (b) Is subordinate in area, extent or purpose to the principal building or principal use served.
 - (c) Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (2) An “accessory building or use” includes but is not limited to the following:
 - (a) A children’s playhouse of 100 square feet or more (see also HMC § 18.05.060(F)(8)), garden house, or private greenhouse.
 - (b) A garage, shed, or building for domestic storage.
 - (c) Storage of goods used in or produced by industrial activities unless such storage is excluded by district regulations.
 - (d) The production, processing, cleaning, servicing, altering, testing, repair, or storage of merchandise normally incidental to a retail service or business use conducted by the same ownership as the principal use. In a business district, all such activities shall conform with the performance standards for the I-1 industrial districts in Chapter 18.50 HMC, applied at the boundaries of the lot on which the use is located.
 - (e) Off-street motor vehicle parking spaces or areas and loading facilities.
 - (f) Drop boxes.
 - (g) Signs as permitted and as regulated in each district incorporated in this title.
 - (h) Carports.
- (B) “Actual construction” means work done which is beyond the preparation stage and into that stage where changes or additions are made permanent.
- (C) “Administrator” means the zoning administrator appointed by and/or delegated the responsibility for the administration of these regulations by the town council and/or plan commission.
- (D) “Advertising structure” means any notice or advertisement, pictorial or otherwise, and any such structure used as an outdoor display, regardless of size and shape, that contains a message unrelated to any business or activity or service actually carried on upon the premises.

- (E) “Agricultural building” means a structure utilized for the conduct of farming operations, but not including a dwelling.
- (F) “Aircraft” means any contrivance, now known or hereinafter invented, for use designed for navigation of or flight in the air or outer space, including missiles.
- (G) “Airport” means any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open space, taxiways, and tie-down areas.
- (H) “Alley” means a public right-of-way not more than 30 feet wide which affords only a secondary means of access to abutting property.
- (I) “Amusement device” means a machine or device, generally coin-operated, which operates or may be operated for use as a game, contest, or amusement of any description, and sometimes incorporating either electromechanical devices or electronic video display operations; provided, however, that coin-operated musical devices, rides, pinball machines, and other vending machines are excluded from this definition.
- (J) “Apartment” means a room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a single housekeeping unit. Independent cooking, sleeping, and toilet facilities, permanently installed, must always be included for each apartment.
- (K) “Applicant” means a fee simple owner of land, or the authorized agent thereof, who makes application to the Highland plan commission for action by said commission thereby affecting the land.
- (L) “Articulations” mean the degree or manner in which a building wall or roof line is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.
- (M) “ASTM” mean the American Society for Testing and Materials.
- (N) “Automobile charging station” means any approved device or facility that supplies power for the recharging of electric automobiles. Automobile charging stations shall only be allowed as a special use, and shall be subject to all applicable provisions of this title.
- (O) “Automobile laundry/car wash” means a building or portion thereof where the principal activity is the washing of automobiles, including the use of chain conveyors, blowers and steam cleaning devices.
- (P) “Automobile repair, major” means an activity described as engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.
- (Q) “Automobile repair, minor” means an activity described as the incidental replacement of parts and motor service to automobiles, but not including any operation specified under “automobile repair, major.”
- (R) “Automobile service station” or “filling station” means a place where gasoline and diesel

fuel, stored only in underground tanks, and kerosene, lubricating oil or grease for operation of light trucks and automobiles, is offered for sale directly to the public on the premises. It may include the sale and provision of minor accessories and services for said vehicles, including washing of vehicles where no chain conveyor, blower, or steam cleaning device is employed. Uses permissible at an automobile service station or filling station shall not include major automobile repair, welding unless incidental to minor repairs, i.e., exhaust, storage of automobiles not in working condition, the sale of automobiles or trucks, or other work involving noise, glare, smoke, fumes or other characteristics to an extent greater than would normally be found in service stations. An automobile service station or filling station is not a repair shop nor a body shop.

- (S) "Automobile wrecking yard" means any land, building, or structure used for the open storage, keeping, or abandonment of any worn-out, cast-off, inoperative, discarded, or abandoned vehicle, automobile, or parts thereof, which is not being restored to operation, including vehicles or automobiles without a valid current state registration and license plate issued to such vehicle or automobile, or to the occupant, owner, purchaser, lessor, lessee, or tenant of such place; and including the wrecking of such motor vehicles or the parts thereof and any other goods or articles of salvage for the purpose of commercial sale.
- (T) "Awning" means a roof-like cover, temporary in nature, which projects from the wall of a building and overhangs a public way or a required yard.
- (Ord. 1659 § 1, 2017)

§ 18.05.090. Definitions – B.

- (A) "Basement" means a story partly underground, but having less than one-half its clear floor-to-ceiling height below finished grade. A basement should be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet and the area is used for business or dwelling purposes.
- (B) "Bed and breakfast inn" means a private, owner-occupied dwelling having a maximum of three bedrooms for rent to travelers, tourists, and the like on a temporary basis not exceeding seven days, as an activity which is subordinate and incidental to the main residential use of the building, and in which both breakfast and lodging are provided or offered to such guests for compensation.
- (C) "Best management practice" means a practice, or combination of practices, that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by water runoff to achieve any number of water quality goals.
- (D) "Bioswale" means a linear open space that is centered around a permanent body of water and designed for the promotion and usage of water-based traffic, and that links different parts of the town together, including parks, schools, and various activity centers.
- (E) "Block" means a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines, waterways or corporate boundary lines of a town.
- (F) "Boarding house" means a building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than 30 persons.

- (G) “Buffer landscaping” means any trees, shrubs, walls, fences, berms, or related landscaping features required under this title or the subdivision regulations to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent property, for esthetic purposes, and/or for creating sound barriers and/or visual privacy.
- (H) “Buildable area” means the portion of the lot remaining after required yards have been provided.
- (I) “Building” means any structure designed, built, or intended for the shelter, enclosure, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.
- (J) “Building, completely enclosed” means a building separated on all sides from the adjacent open space or from other buildings or other structures by permanent exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- (K) “Building, detached” means a building which does not connect to another building and is surrounded by open space on the same lot.
- (L) “Building, principal” means a building in which the principal use of a lot on which it is located is conducted.
- (M) “Building, residential” means a building which is arranged, designed or used for residential occupancy by one or more families or lodgers and which includes but is not limited to the following:
 - (1) One-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) A row of one- or two-family attached dwellings developed initially under single ownership or control.
- (N) “Building height” is the vertical distance from ground level adjacent to the building’s foundation, to the highest point. Appurtenances, chimneys, vent stacks, antennas, and the like shall not be included when determining height.
- (O) “Building line” means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.
- (P) “Building permit” or “location improvement permit” means a document issued to a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the use or condition of the land.
- (Q) “Bulbout island” means a curb extension, located at an intersection corner or in the midblock of a street, that narrows the street width by extending the parkway width and incorporates a landscaped island.
- (R) “Bulk” is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings.
 - (2) Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
 - (3) Gross floor area of buildings in relation to lot area (floor area ratio).
 - (4) Amount of lot area per dwelling unit.
- (S) “Bus terminal,” “bus depot,” or “bus station” means any place, building, or portion thereof where intra-town buses make their major or only stop, whether such stop is off street or on the public way adjacent thereto, for the purpose of loading or unloading passengers, baggage or freight, and also where minor repairs to such buses may be provided. Such bus terminal, bus depot, or bus station may serve as a stop for inter-town buses for the purpose of loading or unloading passengers and baggage, but shall not be deemed to include the corner-to-corner pick-up and discharge service normally provided by inter-town buses.
- (T) “Business” involves the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.
- (Ord. 1659 § 1, 2017)

§ 18.05.100. Definitions – C.

- (A) “Caliper” means a measure of the thickness of a tree trunk, measured between six inches and 12 inches above the ground.
- (B) “Campgrounds” means any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short-term occupancy by recreational vehicles and other camping equipment, but not including mobile homes.
- (C) “Cellar” means a story partly or wholly underground and having more than one-half of its clear height below the average level of the adjoining ground. A “cellar” should not be considered in determining the permissible number of stories, nor shall it be considered as space to be used for living quarters.
- (D) “Cemetery” means any tract of land used for burying the dead, such as a graveyard, and includes any columbarium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.
- (E) “Clinic” means an establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians and/or dentists are provided.
- (F) “Club or lodge, private” means a nonprofit association of persons who are bona fide members, electing a board of directors and paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and beverages on such premises; provided, that adequate dining room service and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room established for the purpose of serving food and beverages though such beverages may be served in a separate room or rooms; provided further, that such sale of alcoholic beverages be in compliance with the applicable state, federal and municipal laws.

- (G) “Cluster housing” means developments in which the dwelling units are clustered close to their access streets or drives in order to permit aggregation of yard space into larger common recreational spaces.
 - (H) “Coin-operated amusement center” means an establishment engaged in providing amusement or entertainment through or by the use of amusement devices, and containing five or more such amusement devices.
 - (I) “Condominium” means real estate lawfully subjected to the Horizontal Property Law by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.
 - (J) Convalescent Home. See “Rest home” as defined in this chapter.
 - (K) “Convenience store” means a general merchandise and grocery store, with less than 3,000 square feet of gross floor area, and open for business for extended hours. A convenience store generally attracts patrons because of the speed in which items may be purchased and because of the extended hours for which such stores are open for business. Where sale of gasoline or fuel is proposed in conjunction with the convenience store, such use shall be located only in a district where the use is permitted.
 - (L) “Cul-de-sac” means a local street, open at one end only, with a special provision for vehicles to turn around.
 - (M) “Curb cut” means a lowering of the curb at street level to allow motorized vehicle ingress to and egress from property.
 - (N) “Curb cut, shared” means a curb cut that is used by multiple businesses and developments at the same time.
 - (O) “Curb level,” for any building, is the level of the established curb in front of such building, measured at the center of such building. Where no curb exists and no curb elevation has been established, the town engineer shall establish curb level.
- (Ord. 1659 § 1, 2017)

§ 18.05.110. Definitions – D.

- (A) “Day care center” means any place operated by a person, society, agency, corporation or institution, or any other group which receives for pay three or more children under 18 years of age for group care, without transfer of custody, for less than 24 hours per day.
- (B) “Detached building” means a building that has no structural connection with another building.
- (C) “Donation box” means a large container or receptacle placed outdoors in a public location for people to drop off used clothing or other personal goods for collection by a charitable organization.
- (D) “Drive-in” means an establishment selling foods, frozen desserts, or beverages to customers, and the establishment being designed, intended, or used for the consumption of such items on the premises inside of and outside of the building in which they were prepared.

- (E) “Dump” consists of a lot or parcel of land used primarily for the disposal by abandonment, dumping, burial, burning or by any other means and for whatever purpose of garbage, trash, refuse, junk, discarded machinery, discarded vehicles or parts thereof, or waste material of any kind.
 - (F) “Dwelling” means a building, or a portion thereof (but not a motor home or camper), designed or used exclusively for residential occupancy, or permitted home occupations, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, and lodging rooms.
 - (G) “Dwelling, attached” means a dwelling which is joined to another building at one or more sides by a common wall or walls.
 - (H) “Dwelling, detached” means a dwelling which is entirely surrounded by open space on the same lot.
 - (I) “Dwelling, farm” means one-family dwellings, located upon farms and occupied or used by the owner, farm tenant, or other persons employed thereon.
 - (J) “Dwelling, multiple-family” means a residential building with dwelling units designed for and occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
 - (K) “Dwelling, row house” means any one of three or more one-family attached dwelling units in a continuous row or rows.
 - (L) “Dwelling, single-family” means a detached residential dwelling unit designed for and occupied by one family only.
 - (M) “Dwelling, two-family” means a detached residential building with two dwelling units, designed for and occupied by not more than two families.
 - (N) “Dwelling unit” means one room, or rooms connected together, constituting a separate independent housekeeping unit established for owner occupancy or for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure. A “dwelling unit” contains independent cooking, sleeping, and toilet facilities.
 - (O) “Dwelling unit, efficiency” means a dwelling unit consisting of one room exclusive of the bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room; provided, that such dining alcove does not exceed 100 square feet in area.
 - (P) “Dwelling unit, mobile home” means a detached residential dwelling designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit, complete and ready for occupancy except for minor and incidental unpacking and assembly operations. A travel trailer is not a mobile home.
- (Ord. 1659 § 1, 2017)

§ 18.05.120. Definitions – E.

- (A) “Easement” means an authorized grant made by a property owner for use by another of any designated part of his property for a clearly specified purpose and officially recorded.

- (B) “Establishment, business” means a separate place of business having the following three characteristics:
- (1) The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
 - (2) Direct public access to such business establishment is separate and distinct from direct access to any other such establishment.
 - (3) There is no direct public access from within such establishment of any other such establishment.
- (C) “Expressway” or “freeway” means any roadway operated at high service level, consists of limited land access, carries regionwide traffic, and is generally classified as part of the interstate system.
- (Ord. 1659 § 1, 2017)

§ 18.05.130. Definitions – F.

- (A) Family. A “family” consists of one or more persons related by blood, marriage, or adoption, or a group of not more than three persons who need not be related by blood, marriage, or adoption (excluding servants), who are living together in a single dwelling unit and maintaining a common household conforming to all town and state health and housing codes.
- (B) “Farm, general” means an area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the processing of farm products produced on the farm by the resident owner or tenant, but it does not include commercial or custom slaughtering.
- (C) “Fenestration” means the arrangement of windows and doors on the elevations of a building.
- (D) “Flood hazard areas” consist of floodplains which have not been adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map and/or the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the plan commission from the Indiana Natural Resources Commission.
- (E) “Flood protection grade” means the elevation of the lowest floor of a building, including the basement, which shall be two feet above the elevation of the regulatory flood.
- (F) “Floodplain” consists of the area adjoining the river or stream which has been or may hereafter be covered by flood water from the regulatory flood as determined by the State of Indiana Department of Natural Resources, Division of Water, and by the Federal Emergency Management Agency (FEMA).
- (G) “Flood-proofed building” means a commercial or industrial building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.
- (H) “Floodway fringe” means that portion of the floodplain lying outside the floodway, which

is inundated by the regulatory flood.

- (I) Floor Area (for Determining Floor Area Ratio). For the purpose of determining the floor area ratio, the “floor area” of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of party walls separating two buildings. The “floor area” of a building shall include basement floor when more than one-half of the basement height is above the established curb level, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (open or enclosed), located on the roof, penthouses, attic space having headroom of seven feet, 10 inches or more, interior balconies, mezzanines and enclosed porches and floor area devoted to accessory use. However, any space devoted to off-street parking or loading shall not be included in floor area.
 - (J) Floor Area (for Determining Off-Street Parking and Loading Requirements). For the purpose of determining off-street parking and loading requirements for any use, the “floor area” shall be calculated as the sum of the gross horizontal areas of the several floors of the building or the portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production, preparation or processing of foods or to business or professional offices. However, “floor area” for the purpose of measurement of off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area (except as otherwise noted herein).
 - (K) Floor Area Ratio. The “floor area ratio” of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the total area of such zoning lot, or in the case of planned unit developments, by the total net site area.
- (Ord. 1659 § 1, 2017)

§ 18.05.140. Definitions – G.

- (A) “Garage” or “yard sale” means a public or private sale conducted by the owner or occupier of a premises, and conducted within a residence, garage or other accessory buildings or outside thereof, which sale is of six or more items of personal property owned or is in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.
- (B) “Greenway” means a linear open space, designed for the promotion and usage of nonmotorized traffic, that links different parts of the town together, including parks, schools, and various activity centers.
- (C) “Greenbelt” means an area of undeveloped land, covered only by grass, shrubbery, trees, and other similar natural vegetation, maintained in a sightly condition, and which may be in its natural state or graded and landscaped.
- (D) “Ground floor area” means the square foot area of a residential building within its largest outside dimensions computed on one horizontal plane above the ground level, exclusive of open porches, breezeways, terraces, garages, exterior stairways, furnace and laundry areas.
- (E) “Group home” means a single self-contained home established and operated by the county department of welfare, licensed private child placement agency or licensed incorporated

group established for the purpose of receiving and caring for up to eight children or mentally impaired and developmentally disabled adults who are attended by house “parents.”

(Ord. 1659 § 1, 2017)

§ 18.05.150. Definitions – H.

- (A) “Hardscape” means any nonliving or nonhorticultural structural parts of a landscape. Hardscape features include, but are not limited to, plazas, driveways, sidewalks and pathways, walls and stairs separate from a building, patios and decks, fences, and the like, and are generally constructed with brick, masonry, concrete, wood, metal, and similar durable materials.
- (B) “Hardship” means a perceived difficulty with regard to one’s ability to improve the land stemming from the application of the development standards of this title, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this title; or any result of land division requiring variance from the development standards of this title in order to render the site buildable.
- (C) “Home occupations” means conduct of a gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a subordinate use which is clearly incidental to the use of the dwelling unit for residential purposes. Home occupations shall be governed by the regulations provided in HMC § 18.05.060(H).
- (D) “Hospice” means a medically supported group residence for the terminally ill.
- (E) “Hospital” means an institution where physicians and other medical professionals provide health services primarily for in-patient nursing and medical or surgical care and treatment for persons suffering from injuries or from physical or mental ailments. Additional facilities and services, including but not limited to laboratories, diagnostic testing, analytical and clinical research, out-patient department, training facilities and administrative and staff offices and living quarters, related directly to the health services provided, may be located and operated as an integral part of such hospital.
- (F) “Hotel” means a building containing rooming or lodging units that are used for travelers, tourists, and the like on a temporary basis not exceeding 30 days. Hotels shall also offer the following services as part of their business: meal service, maid service, furnishing of linen, telephone, and secretarial or desk service. A hotel may also include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

(Ord. 1659 § 1, 2017)

§ 18.05.160. Definitions – I.

- (A) “Improvement location permit” means a document permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done, or to change the

use or condition of the land.

- (B) “Industrial use, general” means manufacturing, processing, extraction, heavy repair, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations other than transportation occur.
 - (C) “Invasive plant” means a nonnative plant or species of plant whose introduction does, or is likely to, cause economic or environmental harm or displace native habitat and disrupt the ecology of natural ecosystem.
- (Ord. 1659 § 1, 2017)

§ 18.05.170. Definitions – J.

- (A) “Junkyard” means an open area where waste or scrap metals are kept, discarded, abandoned, bought, sold, exchanged, sorted, baled, parked, disassembled, or handled, including but not limited to scrap iron and other metal, paper, rags, rubber tires and bottles. A “junkyard” includes an automobile wrecking yard but does not include uses established entirely within enclosed buildings.
- (Ord. 1659 § 1, 2017)

§ 18.05.180. Definitions – K.

- (A) “Kennel” means any lot or premises or portion thereof on which more than three dogs, cats, or other domestic animals are boarded for compensation or kept for sale.
- (Ord. 1659 § 1, 2017)

§ 18.05.190. Definitions – L.

- (A) “Lighting, holiday” means any low wattage (consisting of LED and incandescent bulbs of less than eight watts each, rope lighting, etc.) outdoor lighting which is of a temporary nature and which is illuminated only between November 15th and February 15th of every year, or for a maximum of seven consecutive days for other occasions.
- (B) “Lighting, linear” means a type of LED, neon, fluorescent, string, rope-lighting and low voltage strip-lighting, primarily intended as an architectural highlight for buildings or windows to attract attention or used as means of identification or advertisement. Such lighting shall be prohibited, except when it is permitted through the site plan review process.
- (C) “Live/work unit” means a fee-simple dwelling unit that contains a distinct commercial component as the primary use, owned and operated by the owner, and an attached residential unit that is the primary residence of the owner.
- (D) “Loading space, off-street” means a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.
- (E) “Lodging house” or “boarding house” means a dwelling containing one or more lodging rooms, in which lodging or meals are provided for compensation on a weekly or monthly basis to one or more persons who are not of the keeper’s family and are not transients.

- (F) “Lodging room” means a room rented as a sleeping and living quarters without cooking facilities and designed with individual toilet facilities.
- (G) “Lot” means a zoning lot except as the context shall indicate a lot of record, in which case a lot is a lot of record. A “lot” is a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.
- (1) “Lot, corner” means a lot which is situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. A lot with streets abutting more than two sides shall also be a corner lot. On corner and reverse corner lots, the side yard setback shall be the same as the front yard setback on adjoining lots.
- (2) “Lot, interior” means a lot other than a corner or through lot.
- (3) “Lot, reverse corner” means a corner lot of which the side lot line adjoining the intersecting street is substantially a continuation of the front lot line of the first lot to its rear. On corner or reverse corner lots, the side yard setback shall be the same as the front yard setback on adjoining lots.
- (4) “Lot, through” means a lot other than a corner lot having a pair of opposite lot lines along two more or less parallel public streets. On a through lot, both street lines shall be considered as front lot lines.
- (5) “Lot, zoning” means a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.
- (H) “Lot area” means the area of a horizontal plane bounded by the front, side, and rear lot lines, less any portion of the lot which is below the established water line of any lake or stream or body of water.
- (I) “Lot coverage” means that percentage of the lot area that is represented by the impervious surface, including all structures, driveways, patios, and sidewalks. Structures such as wooden decks are not included if earth or stone or some other pervious surface is below the deck.
- (J) “Lot depth” means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- (K) “Lot frontage” means the boundary of a lot along a public or private street. For the purposes of this code, only one side of a lot will be considered as frontage; that side of a lot which the front of the building faces and is addressed. For an undeveloped lot, the narrowest width of the lot will be considered to be frontage.
- (L) “Lot line, front” means that lot line of a lot which is parallel to an existing or dedicated public street, public way, or a lake or watercourse. On corner or reverse corner lots, the side yard setback shall be the same as the front yard setback on the adjoining lots.
- (M) “Lot line, rear” means that lot line of a lot which is opposite from or is most nearly parallel to the front lot line, except that for a triangular or other irregular shaped lot it means the

line at least 10 feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

- (N) “Lot line, side” means any lot line of a lot separating two lots other than a front lot line or a rear lot line.
 - (O) “Lot of record” means a lot which is part of a subdivision recorded in the office of the county recorder.
 - (P) “Lot width” means the mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.
- (Ord. 1659 § 1, 2017)

§ 18.05.200. Definitions – M.

- (A) “Major reconstruction” means any construction or remodeling work that involves a minimum of 50 percent of the lot area or building area, or where the cost of all such improvements is valued at a minimum of 50 percent of the assessed value of the lot or structure.
- (B) “Manufactured home” means a single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards Law, and which complies with the following specifications:
 - (1) Shall have been constructed after January 1, 1981, and must exceed 950 square feet of occupied space.
 - (2) Is attached to a permanent foundation of concrete or masonry construction and has a permanent perimeter enclosure constructed in accordance with the One- and Two-Family Dwelling Code.
 - (3) Has axles, wheels, and towing chassis removed.
 - (4) Has a pitched roof with a minimum rise of 2:12.
 - (5) Consists of two or more sections which, when joined, have a minimum dimension of 20 feet by 47 and one-half feet in length or width enclosing occupied space.
- (C) “Medical or dental clinic” means a facility operated by two or more physicians and/or dentists and other employees, and providing health services for the out-patient treatment of persons suffering from injuries or from physical or mental ailments. For the purposes of this title the term “medical or dental clinic” shall include the term “group medical center.”
- (D) “Medical or dental office” means a facility operated by one physician or dentist and by not more than two other employees, and providing health services for the out-patient treatment of persons suffering from injuries or from physical or mental ailments.
- (E) “Merchandising firm” means a firm or company that purchases finished goods for resale to consumers.
- (F) “Mineral extraction” means the mining or quarrying and removal of earth products.
- (G) “Mobile billboard” means a structure mounted on a vehicle and extending beyond the

overall length, width, or height of the vehicle with the primary purpose of displaying advertising.

- (H) “Mobile home” means any vehicle without motive power designed by the manufacturer or maker with hitch and undercarriage to permit attachment of axles and wheels, and so designed to permit its being used as a conveyance upon public streets or highways and so designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a single-family dwelling for one or more persons, and not qualifying under the definition of a manufactured home. A house trailer shall be considered a mobile home. An unoccupied, noninhabited travel trailer or camper is not to be considered a mobile home.
 - (I) “Mobile home park” means any area of land upon which two or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.
 - (J) “Mobile home site” means the area of land within a mobile home park which accommodates or is intended to accommodate one mobile home, exclusive of streets, sidewalks, alleys, parking areas, buildings, and structures other than the mobile home accommodated or intended to be accommodated and its yard and assigned portion of any greenbelt or recreational area.
 - (K) “Motel” or “tourist court” means a building or a group of buildings located on a single zoning lot, designed and intended to provide individual lodging units for rent to guests, primarily arriving by automobile or public carrier. Ancillary to the principal function of providing rooms to guests may be a variety of other uses such as swimming pools, bars and restaurants, meeting and convention facilities, theaters and showrooms, and other such uses.
 - (L) “Motor freight terminal” means a building in which freight brought by truck is assembled or reassembled and sorted for routing in intrastate or interstate shipment. Minor repairs, servicing and refueling may be conducted in such motor freight terminals.
 - (M) “Motor vehicle repair, major” includes engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame or fender repair or straightening and overall painting of vehicles.
 - (N) “Motor vehicle repair, minor” includes incidental repairs and replacement of parts, motor service, and oil and lubrication to motor vehicles, but does not include any operation specified under “major motor vehicle repairs.”
 - (O) “Multiple tenant building” means a building that houses multiple different businesses, companies, residences, etc.
 - (P) “Mural” means an original, hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to, an exterior wall of a building.
- (Ord. 1659 § 1, 2017)

§ 18.05.210. Definitions – N.

- (A) “Nameplate” means a sign indicating the name or address of a building or the name of an

occupant thereof or the name of the practice of a permitted occupation therein.

- (B) “Net site area” means the entire land area within the boundaries of a site, less one-half the area of any dedicated streets or alleys located along the boundaries of the site.
- (C) “Nonconforming building or structure” means any building or structure which does not comply with all the regulations of this title or of any amendment hereto governing bulk for the zoning district in which such building or structure is located, or any building or structure which is designed or intended for a nonconforming use.
- (D) “Nonconforming use” means any use of land, buildings or structures which does not comply with all of the regulations of this title or of any amendment hereto governing use for the zoning district in which such use is located.
- (E) “Noxious matter” means any material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing of individuals.
- (F) Nursing Home. See “Rest home,” as defined in HMC § 18.05.250.
(Ord. 1659 § 1, 2017)

§ 18.05.220. Definitions – O.

- (A) “Open space” means a portion of a development site or lot that is permanently set aside for public or private use and will not be developed. Open space may be designated for community recreation, preserved as green space, or used as temporary or permanent storage of storm water.
- (B) “Outdoor advertising” means a sign which directs attention to a business, commodity, service, entertainment, or idea conducted, sold, or offered elsewhere than upon the premises upon which the sign is located.
- (C) “Outdoor advertising business” provides outdoor displays or display space on a lease or rental basis only.
- (D) “Outdoor sales” means the sale of retail or wholesale merchandise of any kind, not wholly within a permanent, fully enclosed structure.
- (E) “Overlay district” means a special zoning district with legally established boundaries and supplementary regulations which is superimposed upon the underlying zoning district(s).
(Ord. 1659 § 1, 2017)

§ 18.05.230. Definitions – P.

- (A) “Parking area” means a group of parking spaces, which are exclusive of any part of a street or alley, designed or used for the temporary parking of motor vehicles.
- (B) “Parking garage” means a structure where parking but not repairs is made available to the public.
- (C) “Parking space” means an open space exclusive of the maneuvering aisle and driveway for the parking of a motor vehicle.
- (D) “Pedestrian linkage” means any off-street pathway, trail, or similar continuous travel path

that encourages pedestrian travel by connecting with various major and popular amenities and destinations.

- (E) “Performance standard” means a criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in the use of land or buildings.
- (F) “Personal property” means any assets or belongings, both tangible and intangible, that are movable.
- (G) “Planned unit development” means a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings or uses, and which conforms to the regulations set forth in Chapter 18.70 HMC.
- (H) “Plat” means a map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the county recorder.
- (I) “Plaza” means an open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement, public arts, and other features. Plants are typically optional.
- (J) “Primary entrance,” or main entrance to a building, means the building entrance where the highest levels of ingress and egress are designated or anticipated to occur.
- (K) “Primary facade” means the facade of the building that faces the street listed as the official address of the building, and includes the main entrance to said building, except where such building is located on a corner lot, in which case, facades facing both streets are considered primary facades.
- (L) “Principal building” means a building in which the principal use of the lot or parcel on which it is located is conducted. Standards recognized by the Indiana Department of Fire Prevention and Building Safety shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.
- (M) “Principal use” means that use which occupies the majority of floor area or square footage of said building or lot respectively.
- (N) “Private camp” means an area of land used or designed to be used to accommodate groups or organized camping parties, including cabins, tents, food service, and recreational services.
- (O) “Private garage” means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments.
- (P) “Private school” means any school which is not a public school.
- (Q) “Professional office” means an office used by members of a recognized profession including but not limited to architects, artists, dentists, engineers, insurance agents and brokers, lawyers, musicians, pharmacists, physicians, realtors, and surgeons.
- (R) “Public improvement” means any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, underground utilities, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local

government responsibility is established.

- (S) “Public school” means an institution conducting regular academic instruction at kindergarten, elementary, and secondary level, primarily supported by public funding.
 - (T) “Public space” means an open outdoor area intended primarily for pedestrian activity which often includes landscaping, trees, walkways, plazas, places to sit, and sometimes shopping. Public space is typically made available to the general public to provide access from sidewalks and are visible from adjacent streets.
- (Ord. 1659 § 1, 2017)

§ 18.05.240. Definitions – Q.

Reserved.

(Ord. 1659 § 1, 2017)

§ 18.05.250. Definitions – R.

- (A) “Railroad right-of-way” means a strip of land with tracks and auxiliary facilities for track operations, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, or water towers.
- (B) “Rain garden” means a depressed and vegetated area designed for the temporary detention of surface runoff water.
- (C) “Recreational vehicle” means a portable vehicular structure designed as a temporary dwelling for travel and vacation uses which is identified on the unit by the manufacturer as a travel trailer or a motor home, and is of a size that is street legal, and is a structure mounted on an automobile or truck, and is designed to be used for sleeping and human habitation.
- (D) “Recreational vehicle park” means an area of land on which two or more recreational vehicles are regularly accommodated with or without charge, including any building, structure, fixture, or equipment that is used or intended to be used in connection with providing such accommodation.
- (E) “Recycling box” means a large container or receptacle placed outdoors in a public location for people to drop off unwanted materials for recycling.
- (F) “Regulatory flood” means that flood having a peak discharge which can be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Federal Emergency Management Administration. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.
- (G) “Regulatory floodway” means the channel of a river and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream, and is that area covered by floodwaters in significant downstream motion.
- (H) “Regulatory floodway fringe” means the area adjacent to the floodway which is significantly covered by volumes of stored water during the occurrence of the regulatory flood.

- (I) “Rest home,” “nursing home,” “convalescent home,” “institution for the aged or for children” means an institution where infirm persons or the aged or children reside, where in-patient physician and nursing care may be provided to persons suffering from physical or mental ailments, where daily out-patient physician and nursing care may be provided, and where administrative and staff offices and living quarters operating as an integral part of such institution may be provided. For the purpose of this title, the term “rest home” shall include the term “day care center,” an institution where daily out-patient nursing care is provided.
- (J) “Restaurant” means any land, building, or part thereof other than a boarding house, where meals are prepared and sold to the public for consumption on the premises, or sold as a carry-out including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tea room and dining room.
- (K) “Resubdivision” means the changing of any existing lot or lots of any subdivision plat previously recorded with the county recorder.
- (L) “Riparian” means a naturalized area, normally a wetland, adjacent to a river or stream.
(Ord. 1659 § 1, 2017)

§ 18.05.260. Definitions – S.

- (A) “Sanitarium” means an establishment for the medical treatment of people who are convalescing or have a chronic illness.
- (B) “Setback” means the minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building (as the case may be), including porches or any covered projection thereof, excluding steps.
- (C) “Shared parking” means a parking lot or structure that is used by multiple businesses and developments at the same time.
- (D) “Short-term rental housing” or “vacation housing” means an owner-occupied residential dwelling unit, or portion thereof, that is rented out from time to time for compensation to tourists, travelers, and the like on a temporary basis not exceeding seven days.
- (E) Sign. A “sign” is a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, the term “sign” shall not include any display of official court or public notices, or legal notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building, except for window signs as described in Chapter 18.85 HMC. Each display surface of a sign shall be considered to be a sign. However, a double-faced sign shall be measured by the largest silhouette said sign may produce.
- (F) “Sign, abandoned” means a sign, including all poles, frames, supports, and other structural, electrical, mechanical elements, that is unused for a period of six months or greater.
- (G) “Sign, advertising/billboard” means a sign permanently attached to a building, to the ground, or to a permanent structure having a location upon the ground, advertising a business, product, service or event not available on the premises where the sign is located.

- (H) “Sign, animated” means a sign which any part of is electrically or mechanically activated.
- (I) “Sign, awning” means a structure made of cloth, metal, or other material attached to a building which is so erected as to permit its being raised or retracted to a position against the building when not in use.
- (J) “Sign, banner” means a sign made of cloth, fabric, paper, nonrigid plastic or similar types of materials which is secured to a structure or posts.
- (K) Sign, Bag. See “Sign, sleeve.”
- (L) “Sign, balloon” means any sign that is inflated to its full shape and size. Balloon signs may either be weighted to the ground or allowed to float in the sky or air.
- (M) “Sign, blade” means a projecting sign mounted to a building facade with sign faces displayed generally perpendicular to the building facade.
- (N) “Sign, bench” means a sign attached to or painted upon a bench or seat which is located outside a building or structure.
- (O) “Sign, business” means an accessory sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- (P) “Sign, canopy” means a structure consisting of a roof or hood of permanent construction supported separately from the primary building on a lot, for the purpose of providing shelter and protection from weather.
- (Q) “Sign, changeable copy” means a sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message, illustration, picture, or display.
- (R) “Sign, construction” means a sign displayed on an active construction site.
- (S) “Sign, flashing” means any internally or externally illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this title, any revolving, illuminated sign shall be considered a flashing sign.
- (T) Sign, Freestanding. See “Sign, ground.”
- (U) “Sign, ground” means a sign mounted on freestanding pylons, pipes, piers, posts, or other self-supporting structures not attached to a building (also called freestanding or pole signs).
- (V) “Sign, illuminated (external)” means a sign illuminated by an external source which is cast upon the surface of the sign.
- (W) “Sign, illuminated (internal)” means a sign illuminated by light sources not directly visible, or any part which is made of incandescent, neon, or other types of lamps; or a sign with painted, flush, or raised letters lighted by an electric lamp attached thereto; or a sign having a border of incandescent or fluorescent lamps.
- (X) “Sign, marquee” means a roof-like structure of permanent construction projecting from the wall of the building but not supported by the ground or the sidewalk serving a purpose of

providing shelter and protection from the weather.

- (Y) “Sign, monument” means a sign that is supported by a solid masonry base (foundation) which is secured to the ground.
- (Z) “Sign, moving” means a sign which rotates or moves or gives visual impression of rotation or movement.
- (AA) “Sign, obsolete” means a sign that no longer advertises a use contained on site.
- (BB) “Sign, outdoor advertising” means a structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises on which it is located.
- (CC) “Sign, people” means a sign that is held by a person or mannequin.
- (DD) “Sign, portable” means a sign that is not permanently affixed to a building, structure, or the ground and is generally designed to be moved from place to place, including sandwich signs, trailer signs, and signs affixed to a vehicle. These signs include but are not limited to signs attached to frames designed to be self-supporting and/or movable signs constructed from any material type that may be wrapped around or attached to supporting poles; signs temporarily attached either on the interior or exterior of cars, vans or other motor vehicles when the vehicle is parked in a position to call attention to a place of business, service or event, and inflatables used as promotional devices.
- (EE) “Sign, projected-image” means a sign where its content is projected onto a wall or other flat surface.
- (FF) “Sign, projecting” means a sign supported by a building or other structure which projects over any street, sidewalk, alley, public way or easement, or which projects more than eight inches from the face of the building, structure, or supporting wall.
- (GG) “Sign, public” means a sign, either permanent or temporary, which is authorized or erected by public officials of the federal, state or civil town government for the public safety, health and welfare, and general information. These include but are not limited to traffic signs, other municipal signs, railroad crossing signs, danger signs, and other nonadvertising signs.
- (HH) “Sign, principal” means the main, largest sign that is designated for a building or individual use.
- (II) “Sign, roof” means a sign erected, constructed, or maintained in whole or part upon or over the roof of a building or structure.
- (JJ) “Sign, sandwich board” means a sign located at grade level constructed in such a manner as to form an “A” by separating two opposing sign faces by supporting structural members.
- (KK) “Sign, sleeve” means a sign that wraps around, covers, or envelops an existing sign or merchandise located on the exterior of the building.
- (LL) “Sign, skyline” means a flat-mounted sign at the top floor of a building which does not project above the cornice or parapet of the building.
- (MM) “Sign, temporary” means a nonilluminated sign intended for short-term use, not to exceed

30 days.

(NN) “Sign, wall-mounted building entry” means a sign that is permanently mounted at the primary entrance of a building.

(OO) “Sign, wall-painted” means any sign painted on the exterior wall of any building or structure. A wall sign shall be considered anything which represents that which relates to the function of or product of the business housed therein.

(PP) “Sign, window” means a sign that is attached to, suspended behind, placed, or painted upon the window or glass door of a building, and is intended for public view from the exterior of the building.

(QQ) “Sign, yard” means a temporary sign intended for display in the front yard of a lot.

(RR) “Stepback” means the minimum horizontal distance between the two faces of a building.

(SS) “Street” means a public right-of-way which affords a primary means of access to abutting property.

(TT) “Street, boulevard” means a street with two distinct lanes of traffic, flowing in opposite directions, which are separated by a physical barrier.

(UU) “Street, collector” means a street which primarily collects traffic from local streets and transfers it to the arterial street network.

(VV) “Street line” means the line separating a zoning lot or parcel from the street.

(WW) “Street, local” means a street primarily used to provide direct access to abutting properties, usually residential.

(XX) “Street, minor arterial” means a street which carries moderately high volumes of through traffic movements from collectors to principal arterials, with limited or controlled access.

(YY) “Street, principal arterial” means a street which serves high traffic volume corridors, and connects major population centers and traffic generators, with limited or controlled access.

(ZZ) “Street, public” means a street established for or dedicated to the public use.

(AAA) “Street wall height” means the height of the front-most building facade located along or within 10 feet of a public right-of-way.

(BBB) “Structural change or alteration” means the substantial change of a supporting member of a building which would add to or prolong the life of the structure, such as a bearing wall or partitions, column, beam, or girder, or in an exterior wall or the roof. This does not include normal upkeep and repair.

(CCC) “Structure” means anything constructed or erected which requires location on the ground or which is attached to something having a location on the ground. For the purpose of this title, a structure shall include signs of all kinds.

(DDD) “Subdivision” means the division of a parcel of land into two or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

(EEE) “Substantial modification” means any alteration, repair, enlargement, or extension of an existing building. Such modification is considered to occur when the first alteration of any wall, ceiling, floor, or other structural element of the building commences. This term does not include any project designed to bring an existing building into compliance with existing health, sanitary, or safety codes, nor does it include any alteration of a structure as a result of its listing as a historic place, or as architecturally, culturally, or archaeologically significant.

(Ord. 1659 § 1, 2017)

§ 18.05.270. Definitions – T.

- (A) “Tavern” or “bar” means a building wherein intoxicating liquors are sold to be consumed on the premises, not including restaurants where the principal business is serving food.
 - (B) “Town” means the town of Highland, Indiana. Shall also refer to a duly appointed administrative representative or building official, whether appointed or employed, who is assigned the duties and responsibility of the review, inspection and enforcement of planning, zoning, and building activities within the town of Highland, Indiana.
 - (C) “Townhome” means a low-density multi-family residential land use characterized by occupant ownership. Townhomes are distinguished from condominiums by including a small portion of land in the ownership of the unit’s occupant, with the remaining property held in common.
 - (D) “Toxic or radioactive materials” means those materials which are capable of causing injury to living organisms by chemical means and/or radioactive emissions when present in relatively small amounts.
 - (E) “Trade or business school” means a secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, or drafting, or for teaching industrial or technical arts.
 - (F) “Transit access” means any design accommodation that promotes the use of public transit.
 - (G) “Tree, canopy” means a tree with an average mature height greater than 50 feet, providing thick foliage in the crown and large quantities of shade on the ground.
 - (H) “Tree, evergreen” means a tree that maintains its foliage throughout the calendar year.
 - (I) “Tree, ornamental” means a tree, typically less than 30 feet at mature height, planted predominantly as a decorative accent based on the flowers, texture, form, shape, or other similar characteristic.
 - (J) “Tree, street” means a canopy tree intended to be planted within a parkway, or within 10 feet of a street curb.
 - (K) Tree, understory. See “Tree, ornamental” as defined in this chapter.
- (Ord. 1659 § 1, 2017)

§ 18.05.280. Definitions – U.

- (A) Use. The “use” of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this title.
 - (B) “Use, principal” means the main use of land or buildings as distinguished from a subordinate or accessory use.
 - (C) “Use variance” means the approval of a use other than that prescribed by this title, set forth in greater detail in HMC § 18.115.050.
- (Ord. 1659 § 1, 2017)

§ 18.05.290. Definitions – V.

- (A) “Variance” means the specific approval granted by the board of zoning appeals, in the manner prescribed by this title, to deviate from the development standards (such as height, bulk, or area) that this title otherwise prescribes.
 - (B) Visibility at Intersections. A triangular area at each intersection corner of corner lots shall be kept free of any visual impediment between the height of two feet and 12 feet measured from the curb gutter or edge of pavement elevation. This triangle shall be determined by measuring 15 feet along each intersecting right-of-way line and connecting at a 45-degree angle the two measured points.
- (Ord. 1659 § 1, 2017)

§ 18.05.300. Definitions – W.

- (A) “Wetland” means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation that is typically adapted for life in hydric soil conditions. Wetland areas are normally identified in the National Wetland Inventory Map or as they are delineated by the US Army Corps of Engineers under the provisions of Section 404 of the Clean Water Act. Wetlands generally include marshlands, swamps, bogs, and similar areas.
- (Ord. 1659 § 1, 2017)

§ 18.05.310. Definitions – X.

Reserved.

(Ord. 1659 § 1, 2017)

§ 18.05.320. Definitions – Y.

- (A) “Yard” means an open space on a zoning lot which is unoccupied and unobstructed from the ground level or lowest level otherwise specified, to the sky, except as otherwise allowed in HMC § 18.05.060(G)(5), Permitted Obstruction in Required Yards. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such zoning lot is located.
- (B) “Yard, front” means a yard extending along the full length of the front lot line between the side lot lines.

- (1) Where 25 percent or more of the lots in a block are occupied by buildings, the average set-back of such buildings determines the dimensions of the front yard in the block; however, if there is no other building within 330 feet of the proposed building in either direction, then the standard setback for the district shall apply.
 - (2) Front yard or building setback lines established in recorded subdivisions establish the dimension of the front yards in such subdivisions, except when such building setback lines may be less restrictive as provided in the applicable district.
 - (C) “Yard, rear” means a yard extending along the full length of the rear lot line between the side lot lines.
 - (D) “Yard, side” means a yard extending along a side lot line from the front yard (or front lot line when there is no front yard) to the rear yard (or rear lot line when there is no rear yard).
- (Ord. 1659 § 1, 2017)

§ 18.05.330. Definitions – Z.

Reserved.

(Ord. 1659 § 1, 2017)

CHAPTER 18.10
OPEN SPACE DISTRICTS

§ 18.10.010. Use and bulk regulations.

Use and bulk regulations applying specifically to open space uses are set forth in this chapter. Also applying to open space districts are additional regulations set forth in other chapters and sections as follows:

- (A) HMC § 18.05.040, Zoning districts – Establishment and application.
- (B) HMC § 18.05.050, Rules of interpretation of district boundaries.
- (C) HMC § 18.05.060, Interpretation and application – Supplementary district regulation.
- (D) Article II of Chapter 18.05 HMC, Definitions.
- (E) Chapter 18.70 HMC, Planned Unit Development Districts.
- (F) Chapter 18.75 HMC, Landscape Regulations.
- (G) Chapter 18.80 HMC, Off-Street Parking and Loading.
- (H) Chapter 18.85 HMC, Signs.
- (I) Chapter 18.90 HMC, Nonconforming Uses and Nonconforming Buildings.
- (J) Chapter 18.110 HMC, Administration.
- (K) HMC § 18.115.050, Use variances.
(Ord. 1659 § 1, 2017)

§ 18.10.020. Purpose.

The purpose of this title is to preserve and enhance significant natural, recreational viewsheds and public space areas by protecting their inherent character, and by accommodating developments that are compatible with these natural and recreational amenities.
(Ord. 1659 § 1, 2017)

§ 18.10.030. Permitted uses.²

The following listed uses and no others are permitted uses in open space districts:

- (A) All uses commonly referred to as agriculture, horticulture, crop and tree farming, orchards, gardening, nursery operations, together with the operation of any farm machinery or vehicles incidental to the above uses; provided, that:
 - (1) No building in which livestock or fowl may be housed shall be permitted.
 - (2) No farm building shall be constructed closer to the front lot line than the rear-most face of the primary building.
- (B) Single-family detached dwelling and dwellings for tenants who own or are primarily

2. Penalty, see HMC § 18.120.030.

employed on the agricultural use on the lot.

- (C) Golf courses and golf clubs, both private and public, but not including miniature golf courses and driving ranges which are commercially operated.
- (D) Parks, forest preserves, and recreational areas, when publicly owned and operated.
- (E) Parks and recreation areas for nonintensive uses, including hiking, bicycling or bridle trails, picnic areas, playing fields, and similar uses.
- (F) Open land uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center, and similar uses.
- (G) Storm water detention basins, provided such areas do not occupy more than 30 percent of the total lot area and are naturally designed. Underground storm water management systems shall be exempt from this requirement; provided, that:
 - (1) All required and appropriate studies are completed to justify their use.
 - (2) No negative impact results from the use of underground systems.
 - (3) The underground systems complies with all applicable codes and regulations.
- (H) Signs, as permitted in Chapter 18.85 HMC.
- (I) Temporary buildings for construction purposes for a period of time not to exceed such construction.
- (J) Temporary roadside stands for the sale of open space products grown on the premises.
- (K) Accessory buildings and uses customarily incidental to any of the above uses.
(Ord. 1659 § 1, 2017)

§ 18.10.040. Prohibited uses.

The following uses or activities are prohibited in this district:

- (A) Use of motor vehicles, except within approved driveways and parking areas.
- (B) Mobile home dwelling units.
- (C) Removal of healthy trees, except in compliance with the subdivision for the tract in question, if any, conforming to customary standards of forestry, erosion control and engineering.
- (D) Regrading, altering, diverting, or modifying water courses or bodies, except in compliance with the subdivision for the tract in question, if any, conforming to customary standards of forestry, erosion control and engineering.
- (E) Any permanent development on land designated for park or open space in the most recent highland parks and recreation master plan.
(Ord. 1659 § 1, 2017)

§ 18.10.050. Use variances.

In an OS district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.

(Ord. 1659 § 1, 2017)

§ 18.10.060. Property development standards.

- (A) **Minimum Lot Size.** Every lot in this district shall have a minimum lot area of three acres. All lots in this district shall have at least one lot line fronting a public street with a minimum of 150 feet frontage, except when an easement is provided as the sole means of access. In such case, the access easement shall be no less than 30 feet in width.
- (B) **Minimum Floor Area in an OS District.** In an OS district, the following building coverage standards shall apply:
- (1) **Residential Buildings.** No dwelling may be established, erected, or changed so that its floor area, exclusive of basements, terraces, unenclosed porches, and garages in square feet is less than 1,200 square feet.
 - (2) **Nonresidential Buildings.** No building, except for greenhouses, farm buildings, and related buildings, shall have a ground floor area of more than one percent of the total lot area.

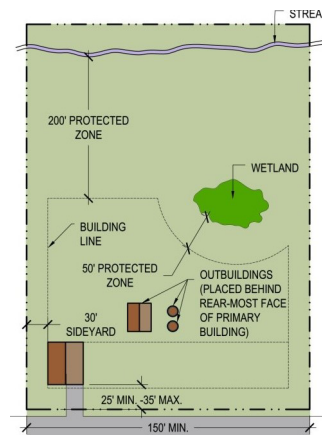


Exhibit 1 – Open Space District Development Example

- (C) **Maximum Floor Area Ratio.** In an OS district, the floor area ratio of all buildings and structures on a zoning lot shall not exceed 0.5.
- (D) **Maximum Lot Coverage.** In an OS district, the following lot coverage standards shall apply:
- (1) Not more than 20 percent of the area of a lot may be covered by the combination of buildings, drives, sidewalks and parking area.
 - (2) Not more than 15 percent of the area of a lot may be used by any combination of detention, retention facilities, or utility easements.
- (E) **Minimum Front Yard.** In an OS district, no portion of any principal building hereafter

erected or enlarged shall be located closer than 25 feet, but in no case more than 35 feet, to the front property line.

- (F) Minimum Side Yard. In an OS district, no portion of any building hereafter erected or enlarged shall be located closer than 30 feet on either side of the building to the side property line. The total aggregate of provided side yard shall not be less than 30 percent of the lot width. Accessory buildings shall be exempt from this requirement.
 - (G) Minimum Rear Yard. In an OS district, no portion of any building hereafter erected or enlarged shall be located closer to the rear property line than 25 percent of the lot depth. Accessory buildings shall be exempt from this requirement.
 - (H) Sensitive Areas. Where a designated wetland, waterway, or other environmentally sensitive area is located within a lot, the following additional setbacks shall be provided:
 - (1) Streams, natural channels, ponds, and other natural, permanent water bodies. Minimum 200 feet from water's edge at the mean water level.
 - (2) Wetlands and other environmentally sensitive areas. Minimum 50 feet from the boundary of the area.
 - (3) Accessory buildings shall be exempt from these requirements.
 - (I) Additional Yard Requirements. All lots that are undeveloped or unimproved at the time of the passing of the ordinance codified in this title, and are adjacent to an active railroad right-of-way on at least one side, shall have a minimum 50-foot easement on all yards abutting the active railroad.
 - (J) Building Height. No building or structure may be changed or erected in this district so as to have a height greater than 35 feet.
 - (K) Parking for farm machinery, implements, and equipments shall be provided behind the rearmost face of the primary building.
- (Ord. 1659 § 1, 2017)

§ 18.10.070. Design standards.

- (A) Public Amenities. All parks that are open to the public shall provide the following amenities:
 - (1) Uniform site identification signage.
 - (2) Appropriate site furnishings (picnic tables, benches, bike racks, drinking fountains, trash receptacles, etc.) for the intended scale and use of the park.
 - (3) Street trees in accordance with Chapter 18.75 HMC for parks and recreational facilities.
- (B) To the extent practical, place parks and recreation facilities to reduce impact on adjacent development, including impacts of noise, traffic and lights. Further, place active amenities, such as basketball courts and sports fields, away from neighboring homes to the extent practical.
- (C) Place permanent restrooms in highly visible areas that receive the most visitation and near

public streets, if possible, to reduce vandalism risks and increase safety.

- (D) Accessibility. All active parks and recreational facilities shall provide the following:
- (1) Access and connection to surrounding neighborhoods by sidewalks, bicycle lanes, or off-street trails to insure visitability and multiple ways of accessing parks. Where practical, primary access to the park should be provided via a local street with sidewalks, not an arterial street.
 - (2) Incorporate universal access principles to facilitate access and movement within parks for people of all ages and abilities.
- (E) Safety. Incorporate public safety and security design guidelines in the design and operations of parks, green space, and facilities. Permitted publicly supported guidelines, subject to the regulations of this title, may include:
- (1) Use of lights to deter crime.
 - (2) Landscaping to allow unobstructed views of surrounding areas.
 - (3) Locating play equipment and other recreation facilities in areas that are visible from the street.
- (F) Protection of Natural Areas. Natural features in any open space district shall generally be maintained in their natural condition, but may be modified to improve their appearance, function, or overall condition, as recommended by a qualified expert in the particular area being modified. Permitted modifications may include:
- (1) Reforestation.
 - (2) Woodland management.
 - (3) Meadow management.
 - (4) Buffer area landscaping.
 - (5) Streambank protection.
 - (6) Wetlands management.
- (G) Encourage environmentally sustainable landscape designs and best practices that minimize surface water runoff and other infrastructure impacts.
- (H) Incorporate native plants into each landscape where practical, for their educational and habitat value and to maintain a sense of place.
- (I) Evaluate the use of turf versus other landscape types when designing new parks or renovating existing ones to efficiently use maintenance resources.
- (J) Dedication of Open Space.
- (1) There shall be no open space requirements for those developments that comply with the “base zoned densities” identified in the underlying district. For those developments wishing to dedicate land for parks, open space, or public space, such open space shall meet the general requirements of the underlying district.

- (2) For residential developments, developers may provide open space, but such dedication shall be subject to the provisions of Chapter 18.70 HMC. Developers may receive density credits for any open space dedication, but such credits may not exceed the total allowable density for the lot without such dedication.
- (3) For commercial development, developers are encouraged to dedicate open space for public purposes. In such cases, where required, superior landscape may be offered to support public space provisions.

(K) Method of Owning/Maintaining Open Space.

- (1) Within all developments that comply with the base zone densities, open space shall become a function of the underlying zoning and setback requirements. In these instances, ownership and maintenance responsibilities shall remain with the owner.
- (2) The landowner/developer for all other development shall determine how the open space will be held for ownership purposes. Open space can be held passively, owned by the landowner, held as active open space, open for public use, and owned by the landowner, the town, or third party, or preserved through a conservation easement. In certain instances, the town may elect not to accept ownership of open space that is not compatible with the town comprehensive plan or most current parks and recreation master plan.

(Ord. 1659 § 1, 2017)

CHAPTER 18.15
R-1A AND R-1 SINGLE-FAMILY RESIDENCE DISTRICT

§ 18.15.010. Use and bulk regulations in all residence districts.

Use and bulk regulations applying specifically to residences are set forth in this chapter. Also applying to residence districts are additional regulations set forth in other chapters and sections of this title as follows:

- (A) HMC § 18.05.040, Zoning districts – Establishment and application.
- (B) HMC § 18.05.050, Rules of interpretation of district boundaries.
- (C) HMC § 18.05.060, Interpretation and application – Supplementary district regulation.
- (D) Article II of Chapter 18.05 HMC, Definitions.
- (E) Chapter 18.70 HMC, Planned Unit Development Districts.
- (F) Chapter 18.75 HMC, Landscaping Regulations.
- (G) Chapter 18.80 HMC, Off-Street Parking and Loading.
- (H) Chapter 18.90 HMC, Nonconforming Uses and Nonconforming Buildings.
- (I) Chapter 18.110 HMC, Administration.
- (J) HMC § 18.115.050, Use variances.
(Ord. 1659 § 1, 2017)

§ 18.15.020. Purpose.

The purpose of this chapter is to establish two districts in which single-family residential use may take place, and to identify other compatible allowable uses, as well as transitional uses and use variances which may be allowed under certain circumstances and with limitations as identified hereinafter.

(Ord. 1659 § 1, 2017)

§ 18.15.030. Permitted uses.

The following listed uses and no others are permitted uses in R-1A and R-1 districts:

- (A) Residential uses as follows:
 - (1) One-family detached dwellings, including models.
 - (2) Planned unit developments, residential as set forth in Chapter 18.70 HMC, including models.
- (B) Community service uses as follows:
 - (1) Churches, rectories and parish houses, not to exceed 15,000 square feet in aggregate area.
 - (2) Parks, playgrounds, community centers, and other recreational uses publicly or

privately owned and operated, and less than three acres in size.

- (3) Community gardens; provided, that:
 - (a) The maximum area of the garden shall be the lesser of 22,500 square feet in area, or three contiguous lots.
 - (b) No two community gardens may be located within one mile of each other.
 - (4) Public and parochial schools, and ancillary buildings.
 - (5) Public electric, gas, water, and telephone facilities.
 - (6) Public libraries.
 - (C) Miscellaneous uses as follows:
 - (1) Temporary real estate offices in conjunction with a new housing or subdivision development, limited to the selling or renting of new units in such developments and in no case to be operated for more than one year following the completion of construction of such housing development. The building commissioner shall have the authority to grant reasonable extensions to this time limit.
 - (D) Uses incidental to principal permitted uses as follows:
 - (1) Accessory uses, as set forth in HMC § 18.05.060(F)(5).
 - (2) Home occupations, as defined in HMC § 18.05.150.
 - (3) Signs as permitted in Chapter 18.85 HMC.
 - (4) Temporary buildings for construction purposes, for a period of time not to exceed the duration of such construction.
 - (5) Sale of personal property owned by the occupant of a residence located on the same property as defined in HMC § 18.05.140, definition of “Garage sales.”
 - (E) Nonconforming Uses. Requirements relating to nonconforming lots, uses, and structures in the residential districts are set forth in Chapter 18.90 HMC.
 - (F) Short-Term Rental Housing. Short-term rental housing shall not be permitted in these zoning districts.
- (Ord. 1659 § 1, 2017)

§ 18.15.040. Transitional uses.

In R-1A and R-1 districts, the following uses are permitted when located on a lot not over 300 feet in width measured along said lot's frontage, which adjoins at a side or rear lot line or is separated only by an alley or public easement at a side lot line from property in a business or industrial district.

- (A) Principal offices of professional persons for the practice of medicine, law, dentistry, architecture, engineering, and similar professions; provided, that each such office is situated in the same dwelling unit as the home of the occupant, with not more than two persons other than members of the occupants' immediate family being employed thereby.

The residential character of the exterior of the building shall be entirely maintained except for permitted accessory signs as provided for in Chapter 18.80 HMC.
(Ord. 1659 § 1, 2017)

§ 18.15.050. Use variances.

In R-1A and R-1 districts, use variances may be allowed only in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.
(Ord. 1659 § 1, 2017)

§ 18.15.060. Property development standards.

(A) Minimum Lot Size in an R-1A Residence District. Minimum lot size requirements for an R-1A district are as follows:

- (1) Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 10,000 square feet and a minimum width of 80 feet at the building line, and a lot depth of 125 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 10,000 square feet in area or less than 80 feet in width, or 125 feet in depth, may only be improved by a variance from the board of zoning appeals.
 - (a) However, when such lot of record is less than 50 feet in width at the building line, and is in the same ownership on or after the effective date of the ordinance codified in this title, and has an adjoining unimproved lot on the same street, it shall not be improved with a residential use unless both lots are combined as a single zoning lot for this purpose or unless further resubdivision produces the requisite 80-foot minimum lot width.
- (2) The maximum lot depth for all residential lots in this district shall not exceed twice the width of the lot, but in no case more than 150 feet.
- (3) Other, nonresidential permitted uses listed in this district hereafter established shall be on a zoning lot having a minimum area of 10,000 square feet and a minimum lot width of 80 feet at the building line.

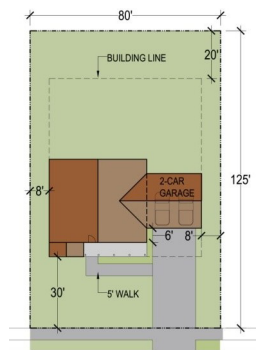


Exhibit 2 – R-1A with Attached Garage Example

(B) Minimum Floor Area in an R-1A Residence District. No dwelling may be established,

erected or changed so that its floor area exclusive of basements, terraces, unenclosed porches and garages in square feet is less than prescribed below.

Table 2 – Minimum Floor Area in R-1A District

One Story	1,500 square feet
Two Story	2,000 square feet (first floor minimum: 1,200 square feet)
Tri-/Bi-Level	1,800 square feet (first floor minimum: 1,200 square feet)

(C) Minimum Lot Size in an R-1 Residence District. Minimum lot size requirements for an R-1 district are as follows:

- (1) Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 7,200 square feet and a minimum width of 60 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 7,200 square feet in area or less than 60 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals.
 - (a) However, when such lot of record is less than 50 feet in width at the building line, and is in the same ownership on or after the effective date of the ordinance codified in this title and has an adjoining unimproved lot on the same street, it shall not be improved with a residential use unless both lots are combined as a single zoning lot for this purpose or unless further resubdivision produces the requisite 60-foot minimum lot width.
- (2) The regulations governing nonresidential permitted uses minimum lot size as set forth in subsection (A)(3) of this section shall apply.
- (3) The regulations governing use variances minimum lot size as set forth in subsection (A)(1) of this section shall apply.

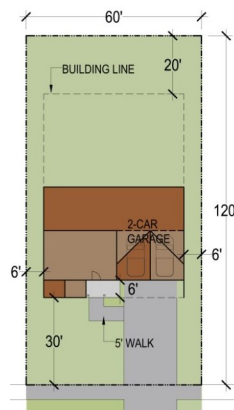


Exhibit 3 – R-1 with Attached Garage Example

(D) Minimum Floor Area in an R-1 Residence District. No dwelling may be established, erected or changed so that its floor area, exclusive of basements, terraces, unenclosed

porches, and garages in square feet is less than prescribed below.

Table 3 – Minimum Floor Area in R-1 District

One Story	1,200 square feet
Two Story	1,400 square feet (first floor minimum: 1,000 square feet)
Tri-/Bi-Level	1,300 square feet (first floor minimum: 1,000 square feet)

- (E) Accessory Buildings in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, all accessory buildings, excluding garages, shall not exceed a floor area of 120 square feet, and only one structure as outlined shall be permitted per dwelling unit. Such accessory building shall not exceed 10 feet by 12 feet in size.
- (F) Maximum Floor Area Ratio in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, the floor area ratio of all buildings and structures on a zoning lot shall not exceed 0.5.
- (G) Maximum Lot Coverage in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, the maximum lot coverage on a zoning lot shall not exceed 35 percent.
- (H) Minimum Landscape Coverage in R-1A and R-1 Residence Districts. In R-1A and R-1 districts, a minimum of 35 percent of the lot area shall include landscaping that conforms to Chapter 18.75 HMC.
- (I) Minimum Front Yards in R-1A and R-1 Residence Districts. Minimum front yard requirements for R-1A and R-1 districts are as follows:
 - (1) On every zoning lot a front yard shall be provided. Such front yard is determined by the front of the residence, and cannot be altered once determined. In no case shall such front yard be less in depth than 30 feet in an R-1A district and R-1 district. The required minimum front yard shall be extended, but not more than 50 feet where lots comprising 40 percent of the frontage on the same street and within the same block are developed with buildings having front yards greater than the setback requirement, and with a variation of not more than 10 feet deep. The average of such front yards shall establish the minimum front yard depth for the entire frontage of such street within the same block.
 - (2) Required front yards shall be unobstructed from ground level to sky except as otherwise provided in HMC § 18.05.060(G)(5).
- (J) Minimum Side Yards in R-1A and R-1 Residence Districts. Minimum side yard requirements for R-1A and R-1 districts are as follows:
 - (1) One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. The minimum aggregate width of the side lots shall be 20 percent of the lot width, but with no single side yard being less than eight feet in width in an R-1A district, and six feet in an R-1 district.
 - (2) On any lot, in any side yard not abutting the street, a detached garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than

three feet.

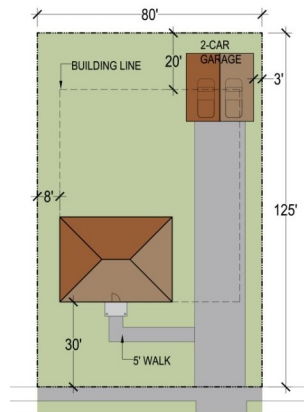


Exhibit 4 – R-1A with Detached Garage Example

- (3) Reversed Corner Lots. On a reversed corner lot the side yard adjacent to the street shall be the same width as the front lot depth of the adjoining lot.

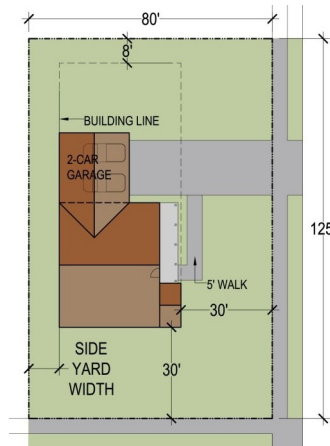


Exhibit 5 – R-1A Reversed Corner Lot Example

- (4) Required Side Yards. Required side yards shall be unobstructed from ground level to sky, except as otherwise provided in HMC § 18.05.060(G)(5), and except for privacy screens not over six feet above the average level of the adjoining ground. Such privacy screens shall begin not nearer than five feet from the front of the house and may extend not more than five feet beyond the rear of the house.
- (K) Minimum Rear Yards in R-1A and R-1 Residence Districts. Minimum rear yard requirements in R-1A and R-1 districts are as follows:
- (1) On every zoning lot, a rear yard shall be provided. Such rear yard shall be not less in depth than two-thirds of the building height, but in no case less than 20 feet.
 - (2) Required rear yards shall be unobstructed from ground level to sky, except as otherwise provided in HMC § 18.05.060(G)(5).

- (3) Required Rear Yards on Reversed Corner Lots. When the residence faces the long lot dimension, and the required rear yard abuts the neighboring side yard, the required rear yard shall be treated as a side yard.
- (L) Additional Yard Requirements. All lots that are undeveloped or unimproved at the time of the passing of the ordinance codified in this title, and are adjacent to an active railroad right-of-way on at least one side, shall have a minimum 50-foot easement on all yards abutting the active railroad.
- (M) Maximum Building Height in R-1A and R-1 Residential Districts. The maximum building height permitted in an R-1A and R-1 residential district is 35 feet.
(Ord. 1659 § 1, 2017)

§ 18.15.070. Outdoor storage of personal property.

- (A) Generally. No personal property shall be stored, maintained, or permitted outside an enclosed building, garage, or carport in an R-1A and R-1 single-family residence district, except as provided in this section.
- (B) No more than one recreational vehicle, motor home, camper, trailer, boat or boat trailer, or similar item of personal property may be located in a rear yard. Said personal property must be placed on a hard surface (concrete or bituminous), and screened from neighboring properties by an opaque fence and/or landscaping to a height of six feet above the average grade of the ground upon which the personal property is resting. Said personal property must be owned by the persons who reside on the lot on which they are stored.
- (C) Prohibited Areas. Such personal property shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (D) Accessory buildings such as storage sheds, playhouses, and the like shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (E) Such personal property which may be stored, maintained and permitted on a lot under the provisions set forth in this section shall not be inhabited at any time.
- (F) No more than one recreational vehicle, motor home, camper, trailer, boat, or similar item of personal property may be temporarily parked in the front or side yard, outside of a totally enclosed structure and unscreened, for a maximum of 48 hours, in any consecutive 30-day period, for the purpose of loading, unloading, or servicing. Said temporary parking is permitted only if said property is located on the driveway.

(Ord. 1659 § 1, 2017)

§ 18.15.080. Design standards.

The following standards shall apply to all new residential uses or major reconstruction of an existing residential use. It should be noted that none of the required provisions is aimed to reduce creativity or impede the architectural design process. Rather, the goal is to encourage creativity and better diversity in the built environment.

- (A) No single-family structure may exceed two stories in height.
- (B) The primary facade of each home shall face a public street. In the case of a corner building or lot, the facade where the main entrance of the building is located shall be considered the primary facade.
- (C) The primary facade of residential buildings must be articulated. Articulation may take the form of staggering the wall of the building as well as through porches, bay or bow windows and balconies. The primary facade must include at least two of the following architectural elements. Any other street-facing facade must include at least one of the following architectural elements:
 - (1) Porches. Minimum six-foot projection.
 - (2) Second-story balconies. Minimum five-foot projection.
 - (3) Roof overhangs. Minimum one-foot projection.
 - (4) Bay or bow windows.
 - (5) Cantilevered windows.
 - (6) Chimney breasts.
 - (7) Stone accent pieces.
 - (8) Pediments over windows and doors.The elements shall be incorporated into the design of the buildings so that they are compatible with the building's architectural style and also harmonious with the architecture and scale of the neighborhood.
- (D) Entry Porches. Entry porches, if provided, must be located either along the front or side facade, at the main entrance, and shall meet the following standards:
 - (1) Depth. Each porch must be a minimum of six feet in depth.
 - (2) Length. Each porch must extend a minimum of 50 percent of the length of the facade on which it is located, excluding any portion of the facade that is occupied by a garage.
 - (3) Enclosure. No portion of the porch may be enclosed by walls or screens. Each porch must be covered with a roof that is integrated into the design of the structure.
- (E) Roof Pitch. A variety of roof pitches are encouraged, but no portion of the primary roof of the dwelling may be less than 4:12 (rise:run). In no instance shall this criterion be interpreted as requiring every dwelling's roof pitch to be 4:12.
- (F) Fenestration. Windows shall be incorporated into all facades covering at least 15 percent of each wall.
- (G) Primary building facade must be constructed primarily of brick or stone or similar masonry materials. High-quality accent materials, such as cedar siding and vinyl siding (0.044 minimum thickness), may be incorporated into the design; provided, that they do not cumulatively cover more than 50 percent of the primary facade.

- (H) If used, vinyl siding shall be premium grade vinyl siding and shall have a minimum thickness of 0.044 inches and shall comply with the ASTM (American Society for Testing and Materials) standard specification for rigid poly siding (ASTM D3679). All siding shall be Class I as listed in this standard.
- (I) Where two wall materials are combined horizontally on one facade, the heavier material must be below.
- (J) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public streets.
- (K) Single-family residential garages shall be designed so as not to dominate the primary facade of the building. Garages may be located as follows:
 - (1) Garages shall be set back six feet from the primary facade of the building.
 - (2) No more than two cars may be housed or accessible to a front loaded garage in a single-family dwelling.
 - (3) Side loaded garages shall have windows along the primary facade and other elements to give a uniform appearance with the rest of the dwelling.
 - (4) Garages which are intended to shelter more than two cars shall be side or rear loaded and may be accessed from the front or rear yards, except that on corner lots, such garages shall be accessible from the side or rear yard.
 - (5) Garages shall be limited to a maximum of 720 square feet.
 - (6) Garages shall be limited to a maximum nine-foot door height.
 - (7) The aggregate total of garage door width in the front-most facade of a building shall be limited to 18 feet. Garages that are side or rear loaded may have a maximum aggregate garage door width of 27 feet; provided, that, for garages facing a public street, at least one garage door is recessed a minimum of five feet behind the other garage doors.
- (L) Residential garages for duplexes and multi-family units shall be limited to two garage bays fronting the street. Additional garage bays may be provided in accordance with the provisions of this section. All other residential garage standards shall be as prescribed in this section.

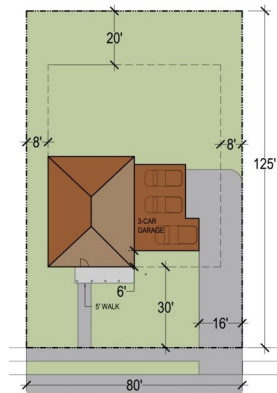


Exhibit 6 – R-1 with Three-Car Garage Example

- (M) Wherever a residential lot abuts an alley along the rear lot line, a detached garage may be built in the rear yard of that lot; provided, that the garage setback is no further than 20 feet from the rear lot line, and vehicular access to the garage is provided from the alley only.

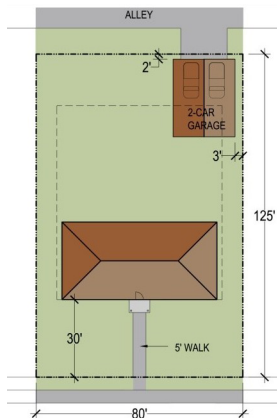


Exhibit 7 – R-1A with Rear-Yard Garage Example

- (N) Where a residential dwelling abuts a street or a less intense residential zoning district, a minimum of 50 percent of the first floor on all faces of the building visible from the street or adjoining the less intense residential district, exclusive of windows and doorways, shall be masonry.
- (O) Residential drives shall be constructed of concrete or concrete/masonry paver materials.
- (P) In order to facilitate creative streetscapes, each residential subdivision shall institute within its covenants a monotony code for single-family housing. Such monotony code shall set forth the standards for separation of similar building facades and/or building colors so that a variety of housing styles is apparent from any point within the neighborhood.
- (Q) The lot shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
- (R) Landscaping. All front yards must be sodded with approved grass mix and contain at least two trees. Front yard trees shall be at least two inches diameter measured three feet above

the ground level and must be chosen from the town's approved list of trees for streets and front yards. All areas between fences and curbs on corner lots must be sodded as aforesaid.

- (S) Fences. The construction of fences on any lot proposed for single-family or duplex residential use shall be of wood, vinyl, ornamental metal, or masonry construction, or a combination thereof. Fence height shall not exceed six feet in the back and side yards, and three feet on front yard. Chain link and concrete block fences shall not be permitted.
(Ord. 1659 § 1, 2017)

CHAPTER 18.20

R-2 SINGLE- AND TWO-FAMILY RESIDENCE DISTRICTS**§ 18.20.010. Purpose.**

The purpose of this chapter is to establish a district in which single-family, up to two-family, residential use may take place, and to identify other compatible allowable uses, as well as transitional uses and use variances which may be allowed under certain circumstances and with limitations as identified hereinafter.

(Ord. 1659 § 1, 2017)

§ 18.20.020. Permitted uses.

The following listed uses and no others are permitted uses in an R-2 district:

- (A) Any use permitted in an R-1A and R-1 district, as set forth in HMC § 18.15.030.
- (B) Additional residential uses as follows: two-family building.
- (C) Short-Term Rental Housing. Short-term rental housing shall not be permitted in this zoning district.

(Ord. 1659 § 1, 2017)

§ 18.20.030. Transitional uses.

In an R-2 district, any transitional use in R-1A and R-1 districts, as set forth in HMC § 18.15.040, is permitted.

(Ord. 1659 § 1, 2017)

§ 18.20.040. Use variances.

In an R-2 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.

(Ord. 1659 § 1, 2017)

§ 18.20.050. Property development standards.

(A) Minimum Lot Size. Minimum lot size requirements for an R-2 district are as follows:

- (1) Every transitional use permitted in this zoning district hereafter established shall conform to the minimum lot sizes as established in an R-1 residence district as set forth in HMC § 18.15.060(C)(1).
- (2) Every single-family detached dwelling shall meet the requirements of HMC § 18.15.060(C)(1) and every two-family attached dwelling hereafter erected shall be on a zoning lot having a minimum area of 9,600 square feet and a minimum lot width of 80 feet at the building line, and lot depth of 120 feet; provided, that a lot of record on the effective date of the ordinance codified in this title which is less than 9,600 square feet in area or less than 80 feet in width, or 120 feet in depth, may be improved with a single-family detached or two-family attached dwelling where authorized by the board of zoning appeals.

- (3) The regulation governing use variance minimum lot size as set forth in HMC § 18.15.060(A) shall apply.
- (B) Minimum Floor Area. In an R-2 district, the regulations governing front yards in the R-1 district as set forth in HMC § 18.15.060(D) shall apply.
- (C) Maximum Floor Area Ratio. In an R-2 district, the floor area ratio of all buildings and structures on a zoning lot shall not exceed 0.5.
- (D) Accessory Buildings. In an R-2 district, the regulations governing accessory buildings in R-1A and R-1 districts as set forth in HMC § 18.15.060(E) shall apply.
- (E) Maximum Lot Coverage. In an R-2 district, the maximum lot coverage on a zoning lot shall not exceed 30 percent.
- (F) Minimum Landscape Coverage in R-2 Residence Districts. In R-2 districts, a minimum of 35 percent of the lot area shall include landscaping that conforms to Chapter 18.75 HMC.
- (G) Minimum Front Yards. In an R-2 district, the regulations governing front yards in R-1A and R-1 districts as set forth in HMC § 18.15.060(I) shall apply.
- (H) Minimum Side Yards. Minimum side yard requirements in an R-2 district are as follows:
- (1) One-Family Detached or Two-Family Attached Dwellings. On a lot improved with a one-family detached or two-family attached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width.
 - (2) Reversed Corner Lots. On a reverse corner lot the side yard adjacent to the street shall not in any case be less than 20 feet in width.
 - (3) Required Side Yards. The required side yards shall be unobstructed from ground level to sky except as otherwise provided in HMC § 18.05.060(G)(5), Permitted Obstruction in Required Yards, and except for privacy screens not over six feet above the average level of the adjoining ground. Such privacy screens shall begin not nearer than five feet from the front of the house and may extend not more than five feet beyond the rear of the house.
- (I) Minimum Rear Yards. In an R-2 district, the regulations governing required rear yards in R-1A and R-1 residence districts as set forth in HMC § 18.15.060(K) shall apply.
- (J) Additional Yard Requirements. All lots that are undeveloped or unimproved at the time of the passing of the ordinance codified in this title, and are adjacent to an active railroad right-of-way on at least one side, shall have a minimum 50-foot easement on all yards abutting the active railroad.
- (K) Maximum Height Requirement. The maximum building height requirement in an R-2 zoning district is 35 feet.
- (Ord. 1659 § 1, 2017)

§ 18.20.060. Outdoor storage of personal property.

In an R-2 district, the regulations governing out-door storage of personal property in R-1A and R-1 districts as set forth in HMC § 18.15.070 shall apply.

(Ord. 1659 § 1, 2017)

§ 18.20.070. Design standards.

In an R-2 district, the design standards listed in R-1A and R-1 districts as set forth in HMC § 18.15.080 shall apply, except as modified below.

- (A) Residential garages for duplexes shall be limited to two garage bays fronting the street. Additional garage bays may be provided in accordance with the provisions of HMC § 18.15.080. All other residential garage standards shall be as prescribed in HMC § 18.15.080.

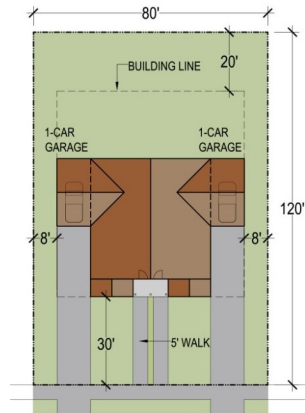


Exhibit 8 – R-2 Duplex with Attached Garage Example

(Ord. 1659 § 1, 2017)

CHAPTER 18.25

R-3 MULTIPLE-FAMILY RESIDENCE AND PUD DISTRICTS**§ 18.25.010. Purpose.**

The purpose of this chapter is to establish a district in which multiple-family residential and a PUD use may take place, and to identify other compatible allowable uses, as well as use variances which may be allowed under certain circumstances and with limitations as identified hereinafter.

(Ord. 1659 § 1, 2017)

§ 18.25.020. Permitted uses.

The following listed uses and no others are permitted uses in an R-3 district:

- (A) Any use permitted in an R-2 district, as set forth in HMC § 18.20.020, except single-family residences.
- (B) Multiple-family residential.
- (C) Home for the aged, assisted living.
- (D) Short-Term Rental Housing. Short-term rental housing shall not be permitted in this zoning district.

(Ord. 1659 § 1, 2017)

§ 18.25.030. Use variances.

In an R-3 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.

(Ord. 1659 § 1, 2017)

§ 18.25.040. Property development standards.

(A) Minimum Lot Size. Minimum lot size requirements for an R-3 district are as follows:

- (1) Every two-, three-, and four-family detached dwelling hereafter erected shall conform to the minimum lot size as set forth in HMC § 18.20.050.
- (2) Every multiple-family building hereafter erected shall have a minimum lot area of 11,700 square feet and a minimum lot width of 90 feet at the building line, and a minimum lot depth of 130 feet; provided, that a minimum lot area per dwelling unit of not less than 2,000 square feet and that a minimum lot area per efficiency dwelling unit of not less than 1,200 square feet is provided. No existing structure or building shall be converted to conflict or further conflict with the provisions of this section.
- (3) The regulations governing nonresidential permitted uses minimum lot size as set forth in HMC § 18.15.060(A)(3) shall apply.
- (4) The regulation governing use variance minimum lot size as set forth in HMC § 18.15.060(A)(1) shall apply.

(B) Accessory Buildings. All accessory buildings, excluding garages, shall not exceed a floor

area of 50 square feet per dwelling unit, or 300 square feet per building. Such accessory building shall be housed in a single structure that serves the entire lot.

- (C) Maximum Floor Area Ratio. In an R-3 district, the floor area ratio of all buildings and structures on a zoning lot shall not exceed 0.5.
- (D) Maximum Lot Coverage. In an R-3 district, the maximum lot coverage on a zoning lot shall not exceed 35 percent. For buildings containing a minimum of four dwelling units and including attached garages that are integrated into the building design, the area of the garages may be used as a credit for the lot coverage requirements in this district; provided, that:
 - (1) The maximum credit that may be awarded shall be 50 percent of the maximum lot coverage area.
 - (2) A minimum of 50 percent of the total required parking for the lot is used in the garages, but in no case fewer than one space per unit.
 - (3) The lot complies with all other applicable provisions of this title.
- (E) Minimum Landscape Coverage in R-3 Residence Districts. In R-3 districts, a minimum of 35 percent of the lot area shall include landscaping.
- (F) Minimum Front Yards. In an R-3 district, the regulations governing front yards in R-1A and R-1 districts as set forth in HMC § 18.15.060(I) shall apply.
- (G) Minimum Side Yards. Minimum side yard requirements in an R-3 district are as follows:
 - (1) Multiple-Family Dwellings and All Other Residential Buildings. On a lot improved with a multiple-family residential building and for all other residential uses a side yard shall be provided along each side lot line. The combined width of both side yards shall be at least 20 feet or 20 percent of the lot width, whichever is greater; provided, that neither side yard shall be less than 10 feet in width.
 - (2) Reversed Corner Lots. The regulations governing reversed corner lots in the R-2 residence district as set forth in HMC § 18.20.050(H)(2) shall apply.
 - (3) Required Side Yards. The required side yards shall be unobstructed from ground level to sky except as otherwise provided in HMC § 18.05.060(G)(5).
- (H) Minimum Rear Yards. In an R-3 district, the regulations governing required rear yards in R-1A and R-1 residence districts as set forth in HMC § 18.15.060(K) shall apply.
- (I) Maximum Building Height. The maximum building height requirement in an R-3 district is 35 feet.
- (J) Parking. Each dwelling unit in this zoning district shall provide the following minimum parking spaces; however, in no case shall more than two parking spaces be permitted for each dwelling unit in this zoning district.
 - (1) Efficiency and one-bedroom units: 1.1 parking spaces.
 - (2) Two-bedroom units: 1.4 parking spaces.
 - (3) Units with more than two bedrooms: 1.7 parking spaces.

(K) No open parking lots shall be located in the front yard of the lot. Garages shall be subject to the regulations as set forth in HMC § 18.15.080(L). All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in HMC § 18.80.050.

(Ord. 1659 § 1, 2017)

§ 18.25.050. Outdoor storage of personal property.

In an R-3 district, the regulations governing outdoor storage of personal property in R-1A and R-1 districts as set forth in HMC § 18.15.070 shall apply.

(Ord. 1659 § 1, 2017)

§ 18.25.060. Design standards.

In an R-3 district, the design standards listed in R-1A and R-1 districts as set forth in HMC § 18.15.080 shall apply, except as modified below.

(A) Residential garages shall be limited to two garage bays fronting the street. Additional garage bays may be provided in accordance with the provisions of HMC § 18.15.080. All other residential garage standards shall be as prescribed in HMC § 18.15.080.

(Ord. 1659 § 1, 2017)

CHAPTER 18.30
PB PROFESSIONAL BUSINESS DISTRICT

§ 18.30.010. Use and bulk regulations.

Use and bulk regulations applying specifically to professional business districts are set forth in this chapter. Also applying to professional business districts are additional regulations set forth in other chapters and sections of this title as follows:

- (A) HMC § 18.05.040, Zoning districts – Establishment and application.
- (B) HMC § 18.05.050, Rules of interpretation of district boundaries.
- (C) HMC § 18.05.060, Interpretation and application – Supplementary district regulation.
- (D) HMC § 18.05.070, Miscellaneous business regulations.
- (E) Article II of Chapter 18.05 HMC, Definitions.
- (F) Chapter 18.70 HMC, Planned Unit Development Districts.
- (G) Chapter 18.75 HMC, Landscape Regulations
- (H) Chapter 18.80 HMC, Off-Street Parking and Loading.
- (I) Chapter 18.85 HMC, Signs.
- (J) Chapter 18.90 HMC, Nonconforming Uses and Nonconforming Buildings.
- (K) Chapter 18.110 HMC, Administration.
- (L) HMC § 18.115.050, Use variances.
(Ord. 1659 § 1, 2017)

§ 18.30.020. Purpose.

The purpose of this chapter is to establish a district designed and intended to accommodate uses such as offices for professional and personal services which can provide a transition area between residential uses and the more intense uses found in business districts, major thoroughfares, and railroads.

(Ord. 1659 § 1, 2017)

§ 18.30.030. Permitted uses.

The following listed uses and no others are permitted uses in a PB district.

- (A) Offices of an administrative nature, including but not limited to banking, savings and loan or other financial institutions, accounting, real estate, insurance, government, other institutional uses, educational, training and similar professional activities. Drive-up teller windows, cash stations and the like are permitted only as an accessory use.
- (B) Retail uses; provided, that:
 - (1) Uses shall be limited to those permitted in the central business district (B-2), excluding garden supply and seed stores, pawn shops, residential above the first floor,

and laundries and dry cleaners, automatic, self-service coin-operated.

- (2) Retail uses are located on the first story only.
 - (3) No more than 50 percent of the gross building area is used for retail uses.
 - (C) Merchandising firms, including related galleries and showrooms.
 - (D) Physician, health care, medical and dental clinics and related uses, including out-patient surgery centers, physical and rehab therapy facilities, chiropractor, acupuncture, and holistic medicine.
 - (E) Offices of a professional nature, including, but not limited to, architects, engineers, lawyers, planners, surveyors and similar professions.
 - (F) Offices of a technology character, including software development, computer and internet-based firms, research-and-development businesses, small business incubators, and similar activities.
 - (G) Off-street parking lots.
 - (H) Other uses as determined by the plan commission to be similar in design and intent to the above listed uses.
 - (I) Accessory structures and uses customarily incidental to the above listed uses.
- (Ord. 1659 § 1, 2017)

§ 18.30.040. Use variances.

In a PB district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.

(Ord. 1659 § 1, 2017)

§ 18.30.050. Prohibited uses.

In a PB district, the following uses are prohibited:

- (A) Drive-in establishments.
 - (B) Outdoor storage of goods and materials.
 - (C) Warehousing and distribution centers.
 - (D) Outdoor sales.
- (Ord. 1659 § 1, 2017)

§ 18.30.060. Property development standards.

- (A) Minimum Lot Size in an PB District. Minimum lot size requirements for a PB district are as follows:
 - (1) Every interior lot containing a building shall have, at minimum, a lot width of 50 feet at the building line, a lot depth of 125 feet, and a lot area of not less than 6,250 square feet.

wall, no side yard is required.

- (2) All interior lots shall have two side yards, each having a width of not less than five feet, except where party walls are used or adjoining uses are similar in character and use. In such case, no side yard shall be required.
 - (3) On each corner lot, the front yard and the side yard abutting the public street shall be equal in size, but in no case more than 10 feet.
 - (4) Where any side lot line in this zoning district adjoins a residential zoning district within the same lot, a minimum five-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with Chapter 18.75 HMC.
- (F) Rear Yards. In a PB district, rear yards shall be provided as follows:
- (1) There shall be a rear yard on each lot, the depth of which shall be not less than 20 feet from the rear property line.
 - (2) When the rear of the lot adjoins a residential zoning district, a minimum 15-foot buffer shall be provided. In addition, there shall be in addition an effective screening from the abutting lot along the rear lot line in accordance with Chapter 18.75 HMC.
- (G) Building Height. In a PB district, the minimum height of any building shall be 30 feet, and include a minimum of two stories. The maximum height of any building shall be 35 feet.
- (H) Landscape Plan. A landscape plan shall be prepared, submitted, and approved in accordance with the provisions set forth in Chapter 18.75 HMC.
- (I) Off-Street Parking.
- (1) Off-street parking requirements shall be in accordance with the regulations set forth in Chapter 18.80 HMC.
 - (2) No off-street parking lots or facilities shall be located in the front yard.
 - (3) For developments in this district that include retail development within the requirements of this title, no parking above and beyond what would normally be required for office development shall be required, based on the majority of uses in the building.
 - (4) Where two or more office developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one for every 200 linear feet along the front or side lot line.
 - (5) For all corner lots in this zoning district, curb cuts shall only be permitted from the side lot line, and in no case less than 75 feet from the street intersection.
- (Ord. 1659 § 1, 2017)

§ 18.30.070. Design standards.

- (A) A minimum of 75 percent of all building facades in this zoning district shall be covered

with brick/masonry or natural stone materials, including 100 percent on all sides that face a public street.

- (B) A minimum of 50 percent of the front facade shall be composed of storefront windows between two feet and eight feet above the sidewalk on the first floor. A minimum of 30 percent of upper floors shall be composed of windows that are vertically oriented and spaced regularly to allow visibility onto the street from these floors.
- (C) Blank walls along any facade of more than 20 linear feet long are prohibited.
- (D) Fenestration shall be architecturally related to the style, materials, colors, and details of the building.
- (E) Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the town plan commission.
- (F) Overhead services such as utility poles, transformers, and connections should be underground when possible.
- (G) The primary entrance to all buildings shall be located facing the front right-of-way. Building materials used at entrances should be complementary to the building's design. The use of enhancements such as projected canopy, alcoves, cast stone decoration, and decorative lamps/lighting is encouraged.
- (H) Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, seating, and the like. Such amenities shall be comparable in style to the building architecture, and may be subject to approval from the town of Highland.
- (I) Buildings placed on major intersections and high-visibility locations, or have facades that terminate a view corridor, should have distinct profile features to serve as landmarks to give the place and location an identifying marker. Such features may include:
 - (1) Building entrances with increased and more elaborate design treatments.
 - (2) Slight building recessions or protrusions.
 - (3) Increased articulations and architectural elements on building corners.
 - (4) Increased landscaping and public arts at the most visible portions of the lot.
- (J) Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on roof, ground, or buildings shall be screened from public view and public streets with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential buildings nearby.
- (K) Loading areas shall be located on the rear yard and away from the public view.
- (L) Frontage Standards.
 - (1) Individual building facades and walls that front a public street shall not exceed 50 feet in length. Long facades and building walls should be designed with sufficient building articulation and landscaping to break them up into smaller visual elements, such as

articulations with different materials, recession or projection of the wall, or other architectural variation or elements. Articulations shall not exceed three feet in depth or protrusion. Building areas that do not front a public street shall have complementary facades in terms of material and character.

- (2) Buildings shall include at least one public entrance on the front facade for every 50 feet of building width. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- (3) Buildings shall provide pedestrian sidewalks or walkways that are directly accessible from the public right-of-way.
- (4) Streetscape frontage shall be coordinated, requiring that the public and private frontages are harmonized as a single, coherent landscape and paving design.

(M) Curb Cut Standards.

- (1) Where access to a lot is readily available from an alley or service drive, proposed or existing, no more than one curb cut along the front right-of-way shall be permitted.
- (2) For all corner lots, curb cuts shall only be permitted along the side lot line, and in no case less than 75 feet from the street intersection.
- (3) Where practical, shared curb cuts shall be established among adjoining properties.

(N) Pedestrian Access.

- (1) To the extent practical, all business districts shall provide direct pedestrian access to the adjoining residential properties.
- (2) The town's bicycle network consisting of trails, routes, and lanes shall be connected to existing or proposed networks wherever possible.
- (3) Pedestrian walkways should connect each primary entrance of a commercial building to adjacent parking lots, structures, or site amenities and public sidewalks. Pedestrian routes are required, by law, to be ADA accessible.

(Ord. 1659 § 1, 2017)

CHAPTER 18.35

B-1 NEIGHBORHOOD BUSINESS DISTRICTS**§ 18.35.010. Use and bulk regulations.**

Use and bulk regulations applying specifically to all business districts are set forth in this chapter. Also applying to business districts are additional regulations set forth in other chapters and sections of this title as follows:

- (A) HMC § 18.05.040, Zoning districts – Establishment and application.
- (B) HMC § 18.05.050, Rules of interpretation of district boundaries.
- (C) HMC § 18.05.060, Interpretation and application – Supplementary district regulation.
- (D) HMC § 18.05.070, Miscellaneous business regulations.
- (E) Article II of Chapter 18.05 HMC, Definitions.
- (F) Chapter 18.70 HMC, Planned Unit Development Districts.
- (G) Chapter 18.75 HMC, Landscape Regulations
- (H) Chapter 18.80 HMC, Off-Street Parking and Loading.
- (I) Chapter 18.85 HMC, Signs.
- (J) Chapter 18.90 HMC, Nonconforming Uses and Nonconforming Buildings.
- (K) Chapter 18.110 HMC, Administration.
- (L) HMC § 18.115.050, Use variances.
(Ord. 1659 § 1, 2017)

§ 18.35.020. Purpose.

The purpose of this chapter is to establish a district designed and intended to accommodate retail, service, office and other miscellaneous uses and use variances which are most compatible with uses typically found in residential neighborhoods.

(Ord. 1659 § 1, 2017)

§ 18.35.030. Limitations of use.

Permitted uses in the B-1 district are subject to the following additional general limitations:

- (A) All business establishments shall be retail or service establishments dealing directly with consumers.
- (B) Business establishments classified as retail and service hereinafter are restricted to a maximum gross floor area of 12,500 square feet each, exclusive of any floor area devoted to off-street parking or loading facilities.
- (C) All permitted uses in this district shall be conducted in completely enclosed buildings, except for off-street parking and loading, and shall not include the storage of materials or goods outside of the completely enclosed building.

(D) Establishments of a drive-in type offering goods or services directly to customers waiting in parked motor vehicles are not permitted, except for such services which are clearly incidental to a principal permitted use.

(E) Where approved repair services are provided for a business, such repair uses shall only be located in the rear portion of the building, so as not to be visible from any public street or entrance.

(Ord. 1659 § 1, 2017)

§ 18.35.040. Permitted uses.

The following listed uses and no others are permitted uses in a B-1 district:

(A) Retail and service uses as follows:

- (1) Antique shops.
- (2) Apparel stores.
- (3) Art and school supply stores.
- (4) Art galleries.
- (5) Bakeries.
- (6) Banks and financial institutions.
- (7) Book and stationery stores.
- (8) Camera and photographic supply stores.
- (9) China and glassware stores.
- (10) Coin and philatelic stores.
- (11) Convenience printing establishments, including blueprinting and photostatting.
- (12) Convenience stores.
- (13) Craft production and repair, limited to art, needlework and hand weaving, jewelry and watches, dentures, optical lenses, and other similar craft and professional services.
- (14) Dairy, ice cream and candy shops.
- (15) Delicatessens.
- (16) Drug stores or convenience pharmacy.
- (17) Dry cleaning and laundry receiving stations (retail only, no plant).
- (18) Electronics stores, including computer, cellular phone, and consumer satellite dish sales.
- (19) Employment agencies.
- (20) Fitness centers, including fieldhouses, exercise studios, and karate/judo studios, not

to exceed 2,000 square feet.

- (21) Florist shops and conservatories.
- (22) Gift shops and variety stores.
- (23) Grocery stores.
- (24) Health food stores.
- (25) Hobby stores.
- (26) Interior decorating shops and supplies, including paint, wallpaper, fixtures, etc.
- (27) Jewelry stores, including watch repairs.
- (28) Laundries and dry cleaners, automatic, self-service coin-operated.
- (29) Leather goods and luggage stores.
- (30) Liquor stores, package goods only, not for consumption on premises.
- (31) Locksmith shops.
- (32) Medical and dental clinics.
- (33) Minor repair facilities, including appliances, electronics, plumbing, handyman, and similar services.
- (34) Musical instrument stores, including servicing.
- (35) Office supply stores.
- (36) Optician shops.
- (37) Personal care services, including barber shops, hair salons, nail and beauty parlors, tanning studios, and similar uses.
- (38) Planned unit developments, business.
- (39) Restaurants, including coffee shops and cafes.
- (40) Schools, including music, dance, or business.
- (41) Sewing machine stores, household machines only.
- (42) Sporting goods stores.
- (43) Ticket agencies and travel bureaus.
- (44) Tobacco shops.
- (45) Toy stores, including video game sales.
- (46) Upholstering shops.
- (B) Offices, business and professional.

(C) Miscellaneous uses, as follows:

- (1) Clubs and lodges (nonprofit), fraternal or religious institutions.
- (2) Electric and gas utilities.
- (3) Post offices.
- (4) Public libraries.
- (5) Radio and television broadcasting.
- (6) Signs, as classified and regulated in HMC § 18.85.080.

(D) Uses incidental to principal permitted uses, as follows:

- (1) Accessory uses.

(E) Temporary construction buildings.
(Ord. 1659 § 1, 2017)

§ 18.35.050. Use variances.

In a B-1 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.
(Ord. 1659 § 1, 2017)

§ 18.35.060. Property development standards.

(A) Floor Area Ratio. In a B-1 district, the minimum FAR shall be 0.5. The maximum FAR shall be set as follows:

- (1) For developments along local or collector streets: 1.0.
- (2) For developments along all other streets: 2.0.

(B) Maximum Lot Coverage.

- (1) Not more than 80 percent of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks and parking area, except where green roofs and/or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to Chapter 18.75 HMC.
- (2) The maximum allowable floor area per lot shall be 15,000 square feet.

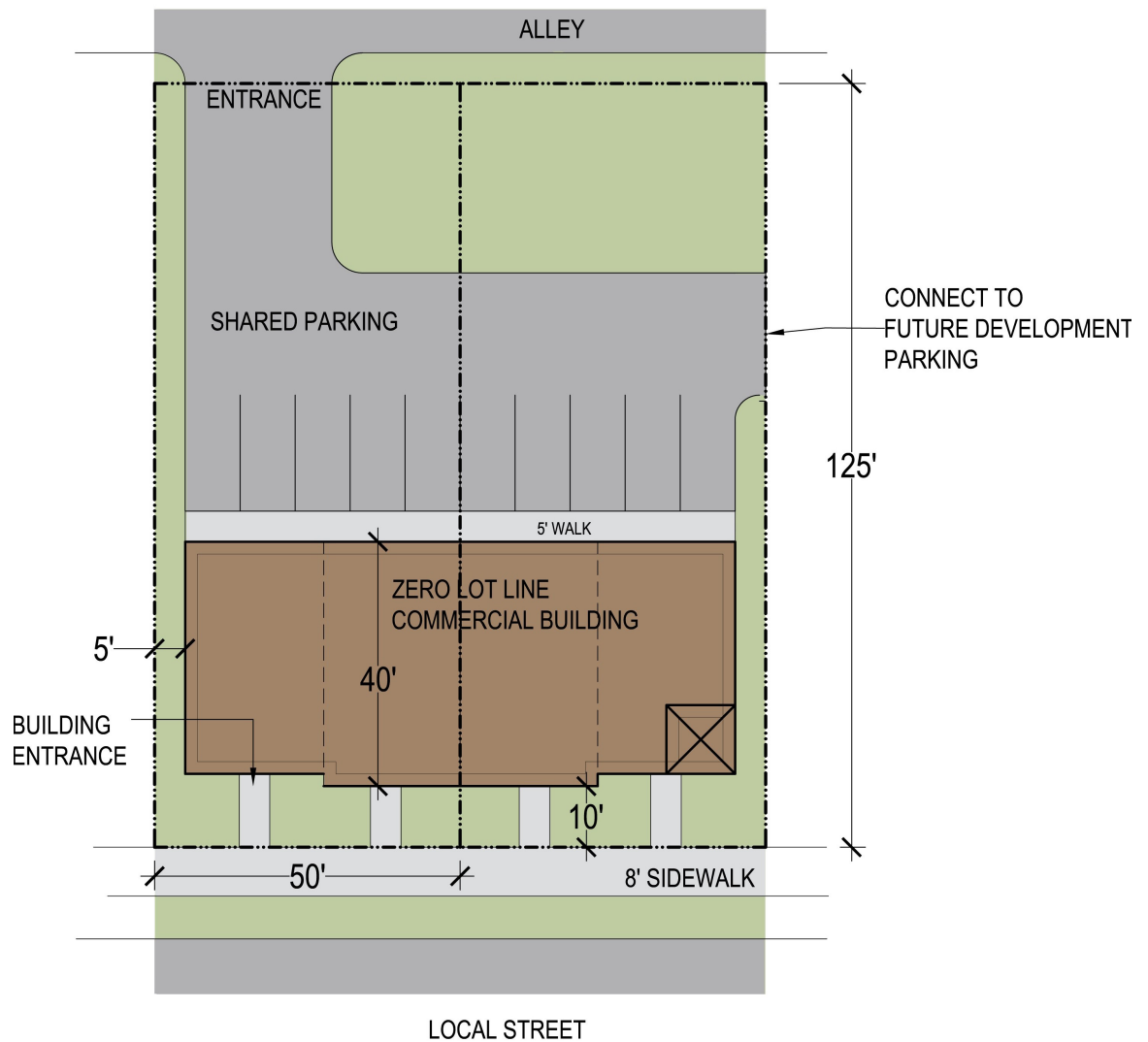


Exhibit 11 – B-1 District Development Example

(C) Maximum Building Height.

- (1) The maximum building height in a B-1 district is 45 feet but not to exceed three stories.
- (2) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 12 feet.

(D) Minimum Lot Size in a B-1 District. Minimum lot size requirements for a B-1 district are as follows:

- (1) Every interior lot containing a building shall have, at minimum, a lot width of 50 feet at the building line, a lot depth of 125 feet, and a lot area of 6,250 square feet.
- (2) Every corner lot containing a building shall have, at minimum, a lot width of 60 feet at the building line, a lot depth of 125 feet, and a lot area of 7,500 square feet.

(E) Yards.

- (1) Front Yard. In a B-1 district, the minimum front yard shall be 10 feet, but shall not exceed 25 feet. A minimum of 50 percent of the front yard shall be dedicated for approved public space.
- (2) Side Yard. In a B-1 district, side yards shall be provided as follows:
 - (a) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
 - (b) All interior lots shall have two side yards, each having a width of not less than five feet, except where party walls are used or adjoining uses are similar in character and use. In such case, no side yard shall be required.
 - (c) On each corner lot, the front yard and the side yard abutting the public street shall be equal in size, but in no case more than 10 feet.
 - (d) Where any side lot line in this zoning district adjoins a residential zoning district within the same lot, a minimum five-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with Chapter 18.75 HMC.
- (3) Minimum Rear Yard. In a B-1 district, rear yards shall be provided as follows.
 - (a) There shall be a rear yard on each lot, the depth of which shall not be less than 20 feet from the rear lot line.
 - (b) Where any rear lot line in this zoning district abuts a residential zoning district, a minimum 15-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with Chapter 18.75 HMC.
- (4) Yards shall be unobstructed from ground level to sky except as otherwise provided in HMC § 18.05.060(G)(5), Permitted Obstructions in Required Yards.

(F) Landscape Plan. A landscape plan shall be prepared, submitted, and approved in accordance with the provisions set forth in Chapter 18.75 HMC.

(G) Off-Street Parking.

- (1) Off-street parking requirements shall be in accordance with the regulations set forth in Chapter 18.80 HMC.
- (2) Where two or more developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one for every 100 linear feet along the front or side lot line.
- (3) For all corner lots in this zoning district, curb cuts shall only be permitted from the side lot line, and in no case less than 75 feet from the street intersection.

(Ord. 1659 § 1, 2017)

§ 18.35.070. Design standards.

In a B-1 district, the design standards listed in PB districts as set forth in HMC § 18.30.070 shall apply.

(Ord. 1659 § 1, 2017)

CHAPTER 18.40
B-2 CENTRAL BUSINESS DISTRICTS

§ 18.40.010. Purpose.

The purpose of this chapter is to establish a district designed and intended to accommodate retail, service, office and other miscellaneous uses and use variances which are most compatible with uses typically found in downtown business districts contained within a concentrated area and offering a broad range of uses.

(Ord. 1659 § 1, 2017)

§ 18.40.020. Limitations of use.

Permitted uses in the B-2 district are subject to the following additional general limitations:

- (A) Dwelling units are not permitted below the second floor on lots which contain a business use.
- (B) All business establishments shall be retail or service establishments dealing directly with consumers, except for wholesale establishments where storage of merchandise is limited to samples.
- (C) All permitted uses in this district shall be conducted in completely enclosed buildings, except for off-street parking and loading, and shall not include the storage of materials or goods outside of a completely enclosed building. Outdoor sales of retail items may be sold only if:
 - (1) The sale takes place on the same property where a permanent retail business is located;
 - (2) The items sold are among the permitted uses listed for this district;
 - (3) The items are sold by the same owners of the permanent business;
 - (4) The outdoor sales shall not result in a lack of compliance with any other required provision of this title, such as setback, parking, etc.;
 - (5) The outdoor sale is a temporary, infrequent, special event sponsored by the downtown merchants, and approved by the Highland town council.
- (D) Establishments of a drive-in type offering goods or services directly to customers waiting in parked motor vehicles are not permitted, except for such services which are clearly incidental to a principal permitted use.
- (E) Where approved repair services are provided for a business, such repair uses shall only be located in the rear portion of the building, so as not to be visible from any public street or entrance.

(Ord. 1659 § 1, 2017)

§ 18.40.030. Permitted uses.

The following listed uses and no others are permitted uses in a B-2 district:

- (A) Any use permitted in a B-1 district, as set forth in HMC § 18.35.040.

(B) Additional retail and service uses, as follows:

- (1) Auction halls.
- (2) Bicycle stores, including rental and repair.
- (3) Butchers and meat production sales.
- (4) Catering services.
- (5) Carpet, rug, linoleum, and tile stores.
- (6) Clothing/costume rental shop.
- (7) Clothing and apparel shops and repair, custom and retail, including shoes, tailors, dress-making, millinery, haberdashery, and similar uses.
- (8) Consignment, second-hand, or resale shops.
- (9) Department stores.
- (10) Electric, household appliance, television and radio stores.
- (11) Employment agencies.
- (12) Fitness centers, including fieldhouses, exercise studios, and karate/judo studios not to exceed 4,000 square feet.
- (13) Furrier shops, including storage.
- (14) Garden supply and seed stores.
- (15) Hardware stores.
- (16) Health and day spas.
- (17) Loan offices.
- (18) Machinery sales rooms, excluding repair or servicing. The storage and display of machinery, except for household appliances and office machines such as typewriters and computers, shall be restricted to new floor samples.
- (19) Meeting halls.
- (20) Newspaper offices.
- (21) Pawn shops.
- (22) Pet shops.
- (23) Photograph developing and processing shops.
- (24) Picture framing establishments.
- (25) Residential above the first floor, excluding short-term rental housing, and only if in compliance with applicable building and fire codes.

- (26) Restaurants and taverns, including live entertainment and dancing and the service of liquor in conjunction therewith.
 - (27) Telegraph and facsimile offices.
 - (28) Theaters, except for drive-in theaters.
 - (29) Ticket agencies and travel bureaus.
 - (30) Video and movie rental.
- (C) Miscellaneous uses, as follows:
- (1) Laboratories, including medical and dental, research and testing.
- (Ord. 1659 § 1, 2017)

§ 18.40.040. Use variances.

In a B-2 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.
(Ord. 1659 § 1, 2017)

§ 18.40.050. Property development standards.

- (A) Maximum Floor Area Ratio. In a B-2 district, the minimum floor area ratio shall be 1.0. The maximum FAR shall be 3.0.
- (B) Maximum Building Height. The maximum building height in a B-2 district is 45 feet, but not to exceed three stories.
- (C) Minimum Lot Size in a B-2 District. In a B-2 district, regulations governing minimum lot size in a B-1 district as set forth in HMC § 18.35.060(D) shall apply.
- (D) Yards. In a B-2 district, regulations governing yards in a B-1 district as set forth in HMC § 18.35.060(E) shall apply, except as follows:
 - (1) Not more than 90 percent of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks and parking area, except where green roofs and/or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to Chapter 18.75 HMC.
 - (2) Front and side yard setbacks shall not be allowed in a B-2 district.

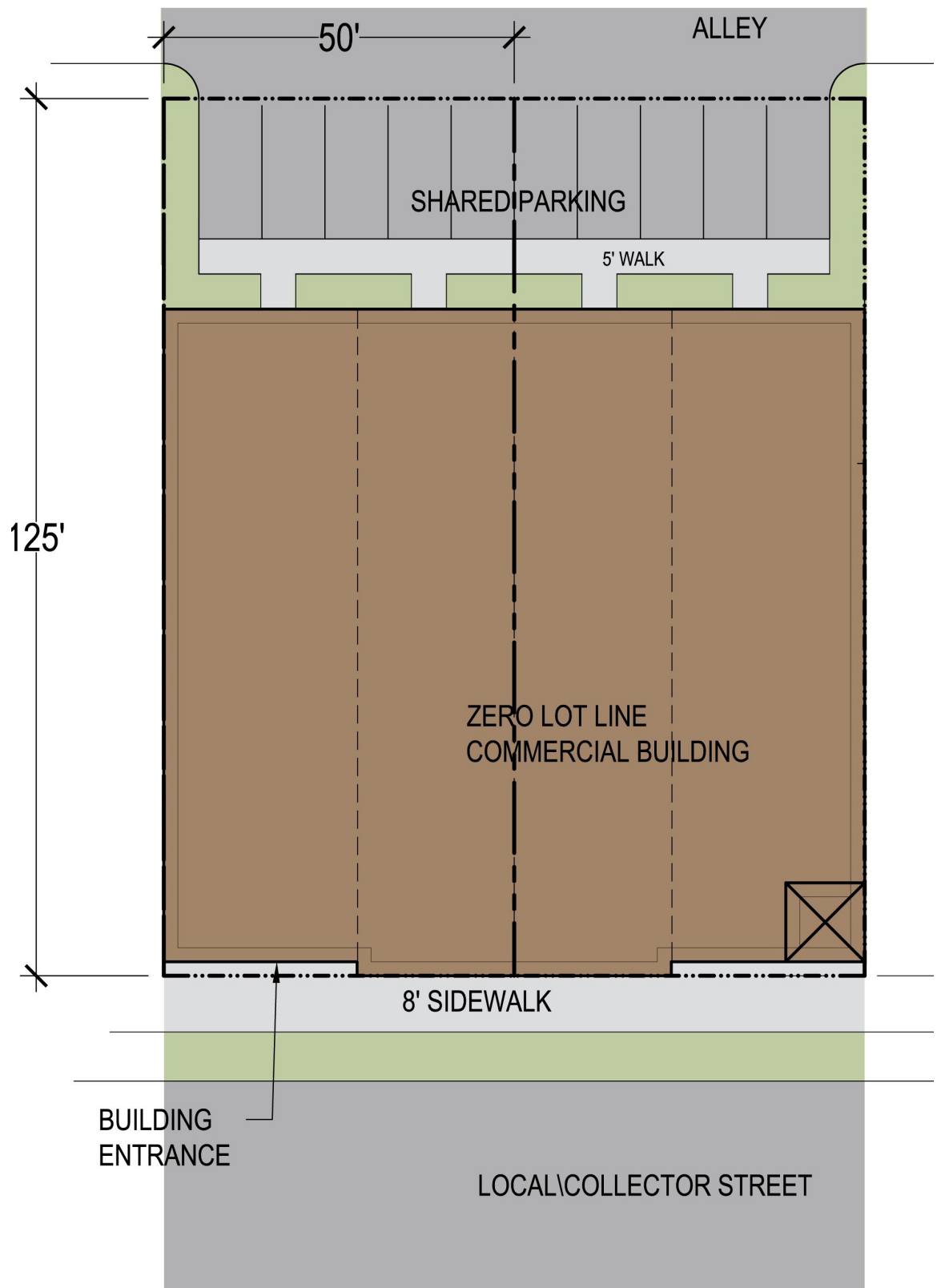


Exhibit 12 – B-2 District Development Example

- (E) In a B-2 district, for every dwelling unit hereafter established there shall be provided a minimum of 1,200 square feet of lot area; except that for every efficiency dwelling unit hereafter established there shall be provided a minimum of 800 square feet of lot area.
- (F) Landscape Plan. A landscape plan shall be prepared, submitted, and approved in accordance with the provisions set forth in Chapter 18.75 HMC.
- (G) Off-Street Parking.
 - (1) Off-street parking requirements shall be in accordance with the regulations set forth in Chapter 18.80 HMC.
 - (2) Where two or more developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one for every 100 linear feet along the front or side lot line.
 - (3) For all corner lots in this zoning district, curb cuts shall only be permitted from the side lot line, and in no case less than 75 feet from the street intersection.

(Ord. 1659 § 1, 2017)

§ 18.40.060. Design standards.

In a B-2 district, the design standards listed in PB districts, as set forth in HMC § 18.30.070, shall apply.

(Ord. 1659 § 1, 2017)

CHAPTER 18.45
B-3 GENERAL BUSINESS DISTRICTS

§ 18.45.010. Purpose.

The purpose of this chapter is to establish a district designed and intended to accommodate retail, service, office and other miscellaneous uses and use variances which are most compatible with uses typically located along minor and major arterial local roads and county, state and federal highways. Access is provided to customers arriving in vehicles.

(Ord. 1659 § 1, 2017)

§ 18.45.020. Limitations of use.

Permitted uses in the B-3 district are subject to the following additional general limitations:

- (A) All businesses, sales, services, processing or storage shall be conducted in completely enclosed buildings.
- (B) Where approved repair services are provided for a business, such repair uses shall only be located in the rear portion of the building, so as not to be visible from any public street or entrance.

(Ord. 1659 § 1, 2017)

§ 18.45.030. Permitted uses.

The following listed uses and no others are permitted uses in a B-3 district:

- (A) Retail and service uses, as follows:

- (1) Ambulance services.
- (2) Amusement establishments, including miniature golf, video game parlors, pool halls, and other similar uses.
- (3) Animal hospitals, pounds and shelters; provided, that all activities that take place for the care and boarding of animals, except for exercise runs, shall be conducted in completely enclosed buildings.
- (4) Art and school supply stores.
- (5) Audio and video recording studios.
- (6) Automobile accessory stores.
- (7) Automobile service stations or filling stations, including battery, brake, and tire sales and service; provided, that no automobile service station shall be hereafter erected except on a lot on the corner of an intersection of two streets, or on a lot situated on a corner where one street runs into another at a "T" intersection. In such instances, the lot on which the service station is located shall have not less than 75 feet frontage on one street and not less than 100 feet frontage on the other street. Such service stations shall have entrances from each street on which such lot fronts.
- (8) Bakeries.

- (9) Banks and financial institutions.
- (10) Banquet halls.
- (11) Bicycle stores, including rental and repair.
- (12) Boat sales, motor and sail, including servicing and repairs conducted in conjunction therewith.
- (13) Book and stationery stores.
- (14) Building material sales, including lumberyards, roofing, and masonry supplies.
- (15) Business services and supplies.
- (16) Butchers and meat production sales.
- (17) Camera and photographic supply stores.
- (18) Car washes and auto laundries.
- (19) Catering services.
- (20) China and glassware stores.
- (21) Clothing and costume rental shops.
- (22) Clothing and apparel shops and repair, custom and retail, including shoes, tailors, dress-making, millinery, haberdashery, and similar uses.
- (23) Coin and philatelic stores.
- (24) Convenience printing establishments, including blueprinting and photostatting.
- (25) Dairy, ice cream, and candy shops.
- (26) Delicatessens.
- (27) Department stores.
- (28) Drug stores or convenience pharmacy.
- (29) Dry cleaning and laundry receiving stations (retail only, no plant).
- (30) Electric, household appliance, television and radio stores.
- (31) Electronics stores, including computer, cellular phone, and consumer satellite dish sales.
- (32) Employment agencies.
- (33) Exterminating shops.
- (34) Feed and seed stores.
- (35) Fitness centers, including fieldhouses, exercise studios, and karate/judo studios, minimum 4,000 square feet.

- (36) Florist shops and conservatories.
- (37) Furrier shops, including storage.
- (38) Garden supply and seed stores.
- (39) Gift shops and variety stores.
- (40) Greenhouses and nurseries.
- (41) Grocery stores.
- (42) Hardware stores.
- (43) Health food stores.
- (44) Hobby stores.
- (45) Interior decorating shops and supplies, including paint, wallpaper, fixtures, etc.
- (46) Jewelry stores, including watch repairs.
- (47) Leather goods and luggage stores.
- (48) Linen, towel, diaper and other similar services.
- (49) Liquor stores, package goods only, not for consumption on premises.
- (50) Live bait stores.
- (51) Loan offices.
- (52) Machinery sales rooms, excluding repair or servicing.
- (53) Medical and dental clinics.
- (54) Meeting halls.
- (55) Monument sales.
- (56) Motels and hotels.
- (57) Motor vehicle sales, including servicing and repairs conducted in conjunction therewith, provided a minimum of 50 percent of the sales area is dedicated to new vehicle sales.
- (58) Motorcycle sales, including servicing and repairs conducted in conjunction therewith.
- (59) Musical instrument stores, including servicing.
- (60) Newspaper offices.
- (61) Offices, business and professional.
- (62) Office supply stores.
- (63) Optician shops.

- (64) Orthopedic, medical and surgical supply stores.
- (65) Personal care services, including barber shops, hair salons, nail and beauty parlors, tanning studios, and similar uses.
- (66) Pet shops.
- (67) Photograph developing and processing shops.
- (68) Picture framing establishments.
- (69) Plumbing, electric and other building material showrooms/sales.
- (70) Residential, excluding short-term rental housing, and only if above the first floor.
- (71) Restaurants and taverns, including live entertainment and dancing and the service of liquor in conjunction therewith.
- (72) Restaurants, including coffee shops and cafes.
- (73) Schools, including music, dance or business.
- (74) Sewing machine sales, household machines only.
- (75) Sporting goods stores.
- (76) Taxidermist shops.
- (77) Theaters, playhouses, and music halls, except for drive-in theaters.
- (78) Ticket agencies and travel bureaus.
- (79) Tobacco shops.
- (80) Toy stores, including video game sales.
- (81) Undertaking establishments and funeral parlors.
- (B) Offices, business and professional.
- (C) Miscellaneous uses, as follows:
 - (1) Commercial parking garages and structures to service off-site uses.
 - (2) Electric and gas utilities.
 - (3) Laboratories, including medical and dental, research and testing.
 - (4) Post offices.
 - (5) Public libraries.
 - (6) Signs, as classified and regulated in HMC § 18.85.080.
- (D) Uses incidental to principal permitted uses, as follows:
 - (1) Accessory uses.

- (2) Temporary construction buildings.
(Ord. 1659 § 1, 2017)

§ 18.45.040. Use variances.

In a B-3 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.
(Ord. 1659 § 1, 2017)

§ 18.45.050. Property development standards.

- (A) Floor Area Ratio. In a B-3 district, the minimum FAR shall be 0.5. The maximum FAR shall be set as follows:

- (1) For developments along local or collector streets: 1.0.
- (2) For developments fronting minor arterial streets: 2.0.
- (3) For single-use developments fronting principal arterial streets and highways: 2.5.
- (4) For mixed-use developments fronting principal arterial streets and highways: 5.0.

- (B) Maximum Lot Coverage.

- (1) Not more than 80 percent of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks and parking area, except where green roofs and/or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to Chapter 18.75 HMC.
- (2) Each commercial development consisting of more than 5,000 square feet of floor area shall provide an area of public space no less than five percent of the floor area in size. Such space shall be permanently dedicated and maintained as open space. Public spaces shall be designed with hardscape and landscaped appropriately to harmonize with the building architecture.

- (C) Front Yard. In a B-3 district, front yards shall be provided as follows.

- (1) For developments fronting local or collector streets, a 10-foot front yard shall be provided, but not to exceed 50 feet when parking is provided in the front yard. Where off-street parking is provided in the front yard, a minimum 10-foot landscaped buffer along the front right-of-way shall also be provided.
- (2) For developments fronting minor arterial streets, a 15-foot front yard shall be provided, but not to exceed 55 feet. Where off-street parking is provided in the front yard, a minimum 15-foot landscaped buffer along the front right-of-way shall also be provided.
- (3) For developments fronting principal arterial streets and highways, a minimum 60-foot front yard shall be provided, but not to exceed 95 feet. Included in this front yard shall be a minimum 20-foot landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.

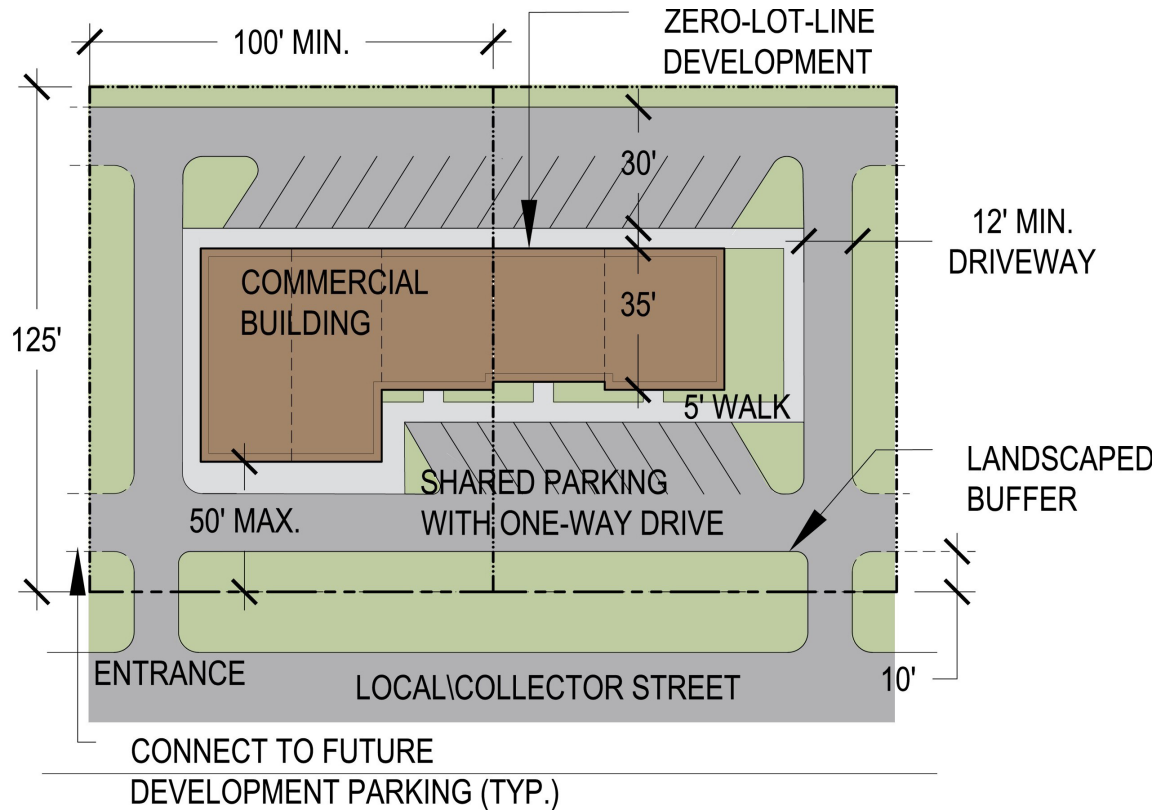


Exhibit 13 – B-3 District Development Example

(D) Side Yard. In a B-3 district, side yards shall be provided as follows:

- (1) Where abutting lots have buildings or other structures employing a common party wall, no side yard is required.
- (2) All interior lots shall have two side yards, each having a width of not less than five feet, except where party walls are used or adjoining uses are similar in character and use. In such case, no side yard shall be required.
- (3) Where any side lot line in this district abuts a residential zone, a minimum 15-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with Chapter 18.75 HMC.
- (4) On each corner lot, the front yard and the side yard abutting the public street shall be equal in size, but in no case more than 15 feet.
- (5) Side yards on abutting lots and properties may be joined to create a unified buffer or to share parking spaces.

(E) Rear Yard. In a B-3 district, rear yards shall be provided as follows:

- (1) There shall be a rear yard on each lot, the depth of which shall not be less than 20 feet from the rear lot line.

- (2) Where any rear lot line in this zoning district abuts a residential zoning district, a minimum 15-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with Chapter 18.75 HMC.
 - (F) Minimum Lot Size. In a B-3 district, minimum lot size requirements are as follows:
 - (1) Every interior lot containing a building shall have, at minimum, a lot width of 100 feet at the building line, a lot depth of 125 feet, and a lot area of 12,500 square feet.
 - (2) Every corner lot containing a building shall have, at minimum, a lot width of 125 feet at the building line, a lot depth of 125 feet, and a lot area of 15,625 square feet.
 - (G) Building Height. In a B-3 district, the maximum height of any building or other structure shall be set as follows:
 - (1) For single-use developments: four stories, or not more than 60 feet.
 - (2) For mixed-use developments: six stories, or not more than 90 feet. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 12 feet.
 - (H) Landscape Plan. A landscape plan shall be prepared, submitted, and approved in accordance with the provisions set forth in Chapter 18.75 HMC.
 - (I) Off-Street Parking.
 - (1) Off-street parking requirements shall be in accordance with the regulations set forth in Chapter 18.80 HMC.
 - (2) Where two or more developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one for every 100 linear feet along the front or side lot line.
 - (3) For all corner lots in this zoning district, curb cuts shall only be permitted from the side lot line, and in no case less than 75 feet from the street intersection.
- (Ord. 1659 § 1, 2017)

§ 18.45.060. Design standards.

In a B-3 district, the design standards listed in PB districts as set forth in HMC § 18.30.070 shall apply, except as modified and expanded below.

- (A) The building facades in this zoning district shall be covered with brick/masonry materials on all sides. The facade treatment in different areas shall be as follows:
 - (1) Major Arterial Street or Highway. First three stories, or 75 percent of the aggregate facade area.
 - (2) Minor Arterial. First two stories, or 75 percent of the aggregate facade area.
 - (3) All other streets. First floor, or 75 percent of the aggregate facade area.
- (B) A minimum of 40 percent of the front facade shall be composed of storefront windows between two feet and eight feet above the sidewalk on the first floor. A minimum of 25

percent of upper floors shall be composed of windows that are vertically oriented and spaced regularly to allow visibility onto the street from these floors.

- (C) The street wall height shall not exceed three stories, or 50 percent of the width of the right-of-way abutting the front yard of the lot, whichever is greater. All parts of a building above this level shall include a minimum 10-foot stepback from the primary facade.
 - (D) Frontage Standards. Buildings shall include at least one public entrance on the front facade for every 100 feet of building width. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses. All other building frontage standards shall be as provided in HMC § 18.30.070(L).
- (Ord. 1659 § 1, 2017)

CHAPTER 18.50
I-1 LIGHT INDUSTRIAL DISTRICTS

§ 18.50.010. Use and bulk regulations.

Use and bulk regulations applying specifically to all industrial districts are set forth in this chapter. Also applying to industrial districts are additional regulations set forth in other chapters and sections of this title as follows:

- (A) HMC § 18.05.040, Zoning districts – Establishment and application.
- (B) HMC § 18.05.050, Rules of interpretation of district boundaries.
- (C) HMC § 18.05.060, Interpretation and application – Supplementary district regulation.
- (D) HMC § 18.05.070, Miscellaneous business regulations.
- (E) Article II of Chapter 18.05 HMC, Definitions.
- (F) Chapter 18.70 HMC, Planned Unit Development Districts.
- (G) Chapter 18.75 HMC, Landscape Regulations.
- (H) Chapter 18.80 HMC, Off-Street Parking and Loading.
- (I) Chapter 18.80 HMC, Signs.
- (J) Chapter 18.90 HMC, Nonconforming Uses and Nonconforming Buildings.
- (K) Chapter 18.110 HMC, Administration.
- (L) HMC § 18.115.050, Use variances.
(Ord. 1659 § 1, 2017)

§ 18.50.020. Purpose.

The purpose of this chapter is to establish a district designed and intended to accommodate retail, service, production, processing, cleaning, repair, testing, wholesaling and warehousing uses, and other miscellaneous uses and use variances which are most compatible with uses typically located with access to major highways, expressways and railroads. Care is taken to ensure minimal land use and traffic conflicts and to provide adequate separation from residences.
(Ord. 1659 § 1, 2017)

§ 18.50.030. Limitation of use.

Permitted uses in the I-1 district are subject to the following additional general limitations:

- (A) Dwelling units are not permitted.
- (B) All production, servicing, storage of goods and materials, and processing shall be conducted in completely enclosed buildings unless otherwise indicated hereafter.
- (C) However, open off-street loading facilities and open off-street parking of motor vehicles may be unenclosed, except for such screening of parking and loading facilities as may be required under the provisions as set forth in Chapters 18.75 and 18.80 HMC.

(D) Outdoor sales shall be limited as stipulated in HMC § 18.40.020(C).
(Ord. 1659 § 1, 2017)

§ 18.50.040. Permitted uses.

The following listed uses and no others are permitted uses in an I-1 district:

(A) Retail and service uses as follows:

- (1) Ambulance service.
- (2) Auto service stations.
- (3) Automobile accessory store.
- (4) Building materials, sales.
- (5) Car washes and auto supplies.
- (6) Cartage and express facilities.
- (7) Commercial and industrial equipment, small, including repair services.
- (8) Contractor and construction shops.
- (9) Dry cleaning establishments and pressing plants.
- (10) Ice sales.
- (11) Linen, towel, diaper and other similar services.
- (12) Motor vehicle sales, including storage, servicing, and repairs.
- (13) Office and household equipment and machinery, sales, and service.
- (14) Planned unit developments, industrial.
- (15) Restaurants, brewpubs, tasting rooms, and direct-to-consumer sales, in conjunction with on-site food and drink production uses.

(B) Production, processing, cleaning, testing and repair, as follows:

- (1) Advertising displays.
- (2) Art needlework and hand weaving.
- (3) Awnings, draperies, and venetian blinds.
- (4) Bakeries.
- (5) Beverages, nonalcoholic.
- (6) Bookbinding and tooling, hand and machine worked.
- (7) Bottling works, beverage.
- (8) Breweries, wineries, and distilleries, subject to all relevant state and federal

regulations.

- (9) Brushes and brooms.
- (10) Cameras and other photographic equipment and supplies.
- (11) Canvas and canvas products.
- (12) Ceramic products such as pottery and glazed tile.
- (13) Clothing and apparel.
- (14) Cosmetics and toiletries.
- (15) Data processing, hardware and software.
- (16) Dentures.
- (17) Dry cleaning and commercial laundries.
- (18) Electrical appliances, such as fixtures, home appliances, and toys.
- (19) Electrical and electronic equipment assembly, such as television, radio, and computer.
- (20) Electrical supplies, manufacture and assembly of, such as wire and cable assembly, switches, lamps, insulation, and dry cell batteries.
- (21) Food products (except for meat or fish), processing and combining of, including baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing, and pressing.
- (22) Fur goods, not including tanning and dying.
- (23) Glass products, from previously manufactured glass.
- (24) High technology-based manufacturing.
- (25) Hosiery.
- (26) Ice, natural.
- (27) Insecticides.
- (28) Jewelry.
- (29) Laboratories, medical, dental, research, experimental, and testing; provided, that there is no danger from fire or explosion, nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
- (30) Laundries.
- (31) Leather products, including shoes and machine belting.
- (32) Luggage.
- (33) Machine shops for tool, die, and pattern making.

- (34) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing, and heat treatment.
- (35) Metal stamping and extrusion of small products such as bottle caps, buttons, costume jewelry, kitchen utensils, pins and needles, and razor blades.
- (36) Mobile homes and house trailers.
- (37) Motor vehicle repair.
- (38) Musical instruments.
- (39) Optical equipment, clocks, instruments.
- (40) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers.
- (41) Paper products, small items such as envelopes and stationery, bags, boxes, tubes, and wallpaper.
- (42) Perfumes and perfumed soaps, compounding only.
- (43) Pharmaceutical products, compounding only.
- (44) Plastic and rubber (natural or synthetic) products.
- (45) Precision instruments such as optical, medical, testing, and measuring.
- (46) Products from finished materials, including bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, semiprecious stones, shell, or yarn.
- (47) Printing and newspaper publishing, including engraving and photo-engraving.
- (48) Repair of appliance, automotive, machinery, household, and office equipment.
- (49) Research and development businesses.
- (50) Robotics and precision tools.
- (51) Rubber products and synthetic treated fabrics, small items such as washers, gloves, foot-wear, bathing caps, and atomizers.
- (52) Satellite dishes.
- (53) Silverware, plate and sterling.
- (54) Soldering and welding.
- (55) Sporting and athletic equipment such as balls, baskets, bats, cues, gloves, racquets, and rods.
- (56) Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
- (57) Textiles, including spinning, weaving, manufacturing, dying, printing, knit goods, yarn, thread and cordage, but not including textile bleaching.

- (58) Tools and hardware such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings and plumbing appliances and fixtures.
- (59) Toys, including wagons, baby carriages, and children's bicycles.
- (60) Upholstering (bulk), including mattress, industrial and rebuilding and renovating furniture.
- (61) Wood and wood laminate finished products, such as furniture, boxes, crates, baskets, pencils, and cooperage works.
- (C) Wholesaling and warehousing, including motor freight terminals.
- (D) Public and community service uses, as follows:
 - (1) Publicly owned facilities and utilities.
 - (2) Private utilities providing service to the public.
 - (3) Similar uses as determined by the plan commission.
- (E) Miscellaneous uses, as follows:
 - (1) Frozen food lockers.
 - (2) Radio and television towers.
 - (3) Signs, as regulated in HMC § 18.85.090.
- (F) Uses incidental to permitted uses, as follows:
 - (1) Accessory uses.
 - (2) Temporary buildings or structures for construction purposes, for a period not to exceed the duration of such construction.
- (G) The following manufacturing, production, and miscellaneous uses may only be allowed with a special use permit, with approval from the plan commission:
 - (1) Aircraft.
 - (2) Artisan and ornamental metalworks.
 - (3) Carpets.
 - (4) Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton and other materials, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, hydrochloric, picric and sulfuric acids and derivatives.
 - (5) Commercial and industrial equipment retail sales, large, including repair services.
 - (6) Computer and electronics recycling.

- (7) Electric power and steam generating plants.
 - (8) Film, photographic.
 - (9) Flour, feed and grain, milling and processing.
 - (10) Ice, dry.
 - (11) Ink mixing and packaging, and inked ribbons.
 - (12) Jute and hemp products.
 - (13) Linoleum and oil cloth.
 - (14) Machinery, heavy and electrical.
 - (15) Meat products.
 - (16) Plastic, raw.
 - (17) Renewable energy plants, such as windmill farms, solar power plant, and similar.
 - (18) Steel structural products.
 - (19) Sugar refining.
- (Ord. 1659 § 1, 2017)

§ 18.50.050. Use variances.

In an I-1 district, use variances may be allowed in accordance with the limiting conditions and procedures as set forth in HMC § 18.115.050.
(Ord. 1659 § 1, 2017)

§ 18.50.060. Performance standards.

(A) Noise.

- (1) In an I-1 district, the emission of noise from any individual operation or plant (other than the operation of motor vehicles and other transportation facilities) so as to create a public nuisance beyond the boundaries of an individual operation or plant, is prohibited.
- (2) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association, incorporated herein by reference and made a part of this code, with two copies on file in the office of the clerk-treasurer and available for public inspection, pursuant to IC 36-1-5-4. Measurements shall be made using the flat network of the sound level meter.
- (3) Impulsive type noise shall be subject to the performance standards hereinafter prescribed; provided, that such noise shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this comprehensive amendment, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus

two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- (4) At no point either on the boundary of an open space or residence district or a PB, B-1, B-2 or B-3 district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual plant or operation (other than the operation of motor vehicles and other transportation facilities) exceed the decibel levels at the designated octave bands shown hereinafter for the districts indicated.

Table 4 – Maximum Decibel Levels		
cycles per second	Maximum permitted sound level in decibels along OS, R and OS district boundaries or 125 feet from plant or operation boundary.	Maximum permitted sound level in decibels along business district boundaries or 125 feet from plant or operation boundary.
	Octave band	
	line	line
0000 to 0075	67	73
0075 to 0150	62	68
0150 to 0300	58	64
0300 to 0600	54	60
0600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
Above 4800	37	43

- (5) The following are exempted from the standards of this section:
- (a) Noises emanating from construction activities between the hours of 8:00 a.m. and 7:00 p.m. that are temporary in nature.
 - (b) Transient noises from traveling vehicles, such as trucks and automobiles, trains, and airplanes.
 - (c) Public safety sirens and related apparatus used solely for public safety and warning purposes.
- (B) Odorous Matter. In an I-1 district, the emission of noxious odorous matter in such quantities as to produce a public nuisance beyond the property boundaries is prohibited.
- (C) Vibration.
- (1) In an I-1 district, any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall

be set back at least 500 feet from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a public nuisance beyond the property boundaries.

- (2) The following are excepted from these standards:
 - (a) Vibrations emanating from construction activities between the hours of 8:00 a.m. and 7:00 p.m. that are temporary in nature.
 - (b) Transient vibrations of traveling vehicles, such as trucks and automobiles, trains, or airplanes.
- (D) Toxic or Noxious Matter. In an I-1 district, no use of any property shall discharge across the boundaries of such property toxic and noxious matter in such concentrations as to be detrimental or to endanger the public health, safety, comfort or welfare or to cause injury or damage to other property or business.
- (E) Glare or Heat. In an I-1 district, any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as to not create a public nuisance or hazard along property boundaries.
- (F) Fire and Explosive Hazards. In an I-1 district, fire and explosive hazards shall be controlled as follows:
 - (1) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in I-1 districts.
 - (2) The storage, utilization or manufacture of materials ranging from incombustible to moderate burning, as determined by the zoning administrator, is permitted.
 - (3) The storage, utilization or manufacture of products ranging from free or active burning to intense burning, as determined by the zoning administrator, is permitted under the following conditions:
 - (a) All storage, utilization or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible walls.
 - (b) All buildings or structures shall be set back at least 40 feet from the property boundaries or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
 - (4) Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in this district, with the exception of the following which are permitted:
 - (a) Materials required for emergency or standby equipment.
 - (b) Materials used in secondary processes which are auxiliary to a principal operation, such as paint spraying of finished products.
 - (c) Flammable liquids and oils, sold and used in conjunction with the operation of an auto-mobile service station and customarily required or used in such operation.

- (G) Air Pollution. In an I-1 district, any use which may cause emission of pollutants into the air shall conform with applicable air quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency.
- (H) Water Pollution. In an I-1 district, any use which may cause emission of pollutants into streams, rivers, lakes, waterways or watercourses, or into the underground water supply and aquifers shall conform with applicable water quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency.
- (I) Electromagnetic Interference. In an I-1 district, electromagnetic interference shall be controlled as follows:
- (1) Electromagnetic interference from any operations of any use in any zoning district shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.
 - (2) Structures (including communications facilities) in all commercial zoning districts shall be constructed and/or maintained so as to provide for in-building public safety communications coverage. Additionally, structures (including communications facilities) in all zoning districts shall be constructed and/or maintained so as to prevent interference with existing public safety communications.
- (J) Drainage and Storm Discharges. In an I-1 district, drainage and storm discharges shall be controlled as follows.
- (1) A drainage plan shall be submitted and approved by the town staff prior to the issuance of any building permit. All drainage plans shall comply with the U.S. EPA regulations for Municipal Separate Storm Sewer Systems (MS4s), as well as all other applicable federal, state, and local requirements.
 - (2) Any on-site discharge or drainage generated shall be properly channeled or contained into a storm drain, detention or retention pond, or other public facility.
- All open sites and areas shall keep drainage and discharge material stored on site to the extent practical. To achieve this, these sites may incorporate naturalized landscaping, including bioswales, rain gardens, filtration ponds, approved groundcovers, porous paving, and the like, to treat on-site discharges to the extent practical prior to entering a public facility.

(Ord. 1659 § 1, 2017)

§ 18.50.070. Property development standards.

- (A) Minimum Lot Size. Minimum lot size requirements for a I-1 district are as follows:
- (1) Every interior lot containing a building shall have, at minimum, a lot width of 80 feet at the building line, a lot depth of 125 feet, and a lot area of 10,000 square feet.
 - (2) Every corner lot containing a building shall have, at minimum, a lot width of 100 feet at the building line, a lot depth of 125 feet, and a lot area of 12,500 square feet.

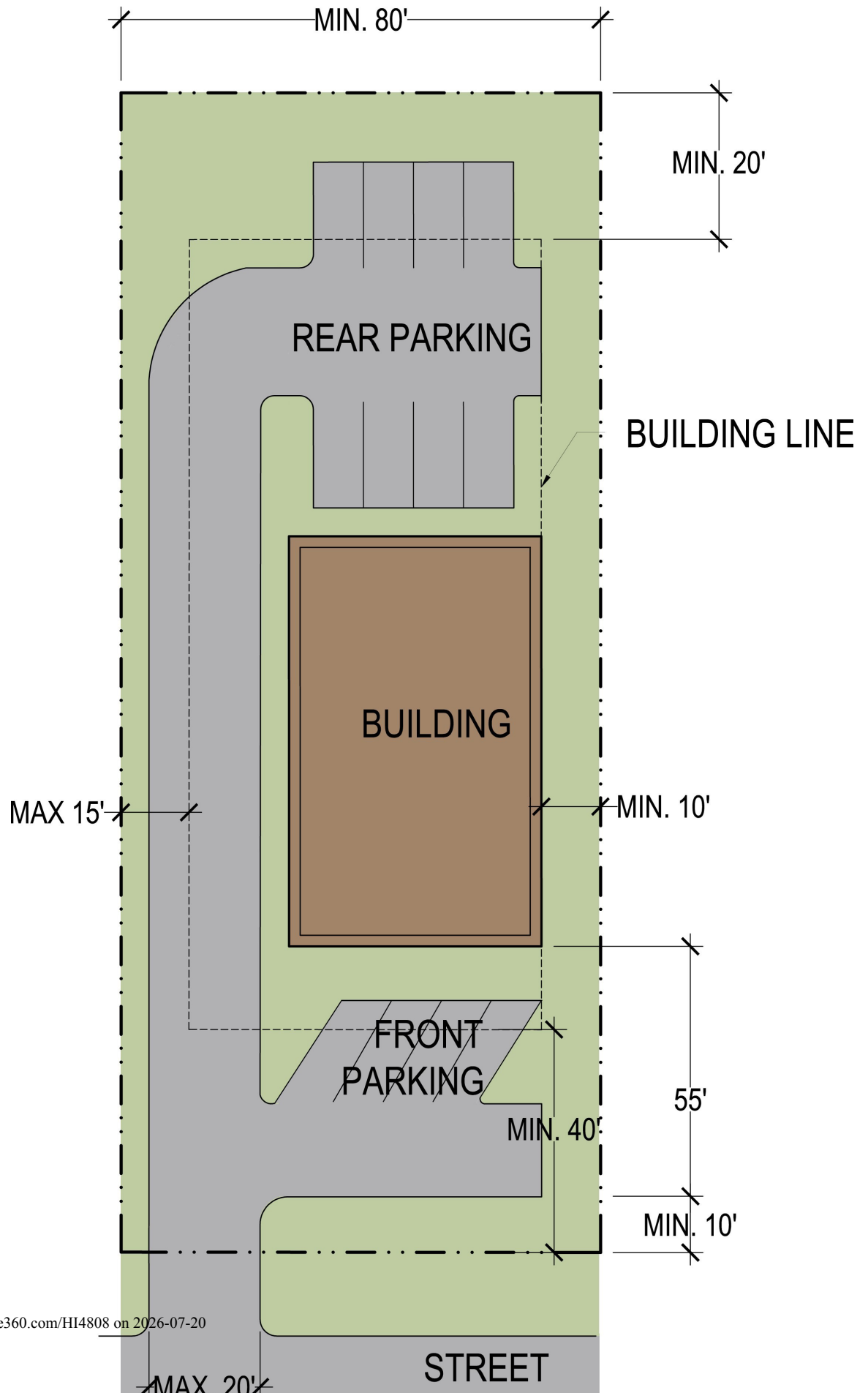


Exhibit 14 – I-1 District Development Example

- (B) **Maximum Floor Area Ratio.** In an I-1 district, the maximum floor area ratio of all buildings and structures on a zoning lot shall not exceed 2.4.
- (C) **Maximum Lot Coverage.** Not more than 90 percent of the area of any lot shall be occupied by building, parking, or any other hard surface, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to Chapter 18.75 HMC.
- (D) **Minimum Front Yard.** In an I-1 district, on every zoning lot a front yard of not less than 40 feet shall be provided.
- (E) **Minimum Side Yard.** In an I-1 district, side yards shall be required as follows:
 - (1) On every interior lot, a side yard shall be provided along each side lot line. The minimum size of each side yard shall be the greater of 10 percent of the lot width or 10 feet, to a maximum of 15 feet in width, except as may be required for setbacks along residence district boundaries.
 - (2) On each corner lot, the front yard and the side yard abutting the public street shall be equal in size, but in no case more than 10 feet, except as may be required for setbacks along residence district boundaries.
 - (3) Where any side lot line in this zoning district adjoins a residential zoning district, a minimum five-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with Chapter 18.75 HMC.
- (F) **Minimum Rear Yard.** In an I-1 district, rear yards shall be provided as follows:
 - (1) There shall be a rear yard on each lot, the depth of which shall not be less than 20 feet from the rear lot line.
 - (2) Where any rear lot line in this zoning district abuts a residential zoning district, a minimum 15-foot buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with Chapter 18.75 HMC.
- (G) **Maximum Building Height.** The maximum height of buildings and other structures erected or enlarged in this zoning district shall be 35 feet.
- (H) **Off-Street Parking.** Off-street parking shall be in accordance with the regulations set forth in Chapter 18.80 HMC.
- (I) **Lots Abutting Commercial or Residential Districts.** A building in this district may be erected up to 20 feet from any side lot line, or up to 30 feet from any rear lot line of a commercial or residential zoning district; provided, that a landscaped buffer is provided and maintained between the differing uses. Such buffer shall be a minimum of 15 feet in width, and comply with the regulations in Chapter 18.75 HMC.
- (J) **Regulations Along Residence District Boundaries.** In order to permit the long-standing businesses located at 10117 and 10119 Kennedy Avenue to continue their long-standing

operations on the parcels of real estate described below, both of which parcels now zoned I-1, industrial districts, are hereby exempted from the provisions of I-1 industrial districts requiring all storage to be inside buildings; and are allowed to expand to existing structures and construct new buildings upon compliance with the building code of the state of Indiana and the town of Highland. The legal descriptions for these properties are as follows:

- (1) Part of the northwest quarter of the southeast quarter of section 33, township 36 north, range 9 west of the second p.m. in the town of Highland, Lake County, Indiana, described as follows: beginning at the point of intersection of the easterly line of Kennedy Avenue as established May 27, 1948, with the east and west center line of said section, thence easterly along said section center line, 272.25 feet, thence southerly parallel to said easterly line of Kennedy Avenue, 160 feet, thence westerly parallel to said section center line 272.25 feet more or less to said easterly line of Kennedy Avenue, thence northerly along said easterly line of Kennedy Avenue, 160 feet to the point of beginning. Commonly known as 10109 Kennedy Avenue, Highland, Lake County, Indiana.
 - (2) A part of the North West Quarter of the Southeast Quarter of Section 33, Township 36 North, Range 9 West of the Second Principal Meridian described as follows: Beginning at a point which lies 160 feet South and 30 feet East of the Northwest corner of said Northwest Quarter of the Southeast Quarter (said point being on the East line of Kennedy Avenue as described in Deed record 980, page 493); thence East along a line parallel to and 160 feet South of the North Line of said Northwest Quarter of the Southeast Quarter a distance of 272.25 feet; thence South along a line parallel to the East line of Kennedy Avenue a distance of 313.34 feet to a point on the North right-of-way line of the Grand Trunk Railroad; thence Northwesterly along said right-of-way line a distance of 288.35 feet to a point on the said East line of Kennedy Avenue; thence North along said East line a distance of 221.76 feet, measured (217 deed) to the place of beginning, all in the town of Highland, Lake County, Indiana. Commonly known as 10117 Kennedy Avenue, Highland, Indiana 46322.
- (K) Where the boundary line separating an I-1 from a residence district coincides with a property line or is separated by an alley, no building, structure, or other obstruction in the industrial district shall be located within 20 feet of the side lot line or 30 feet of the rear lot line of the industrial district where it abuts a residence district. Further, if any point on the exterior surface of any building or structure in an I-1 district is at a greater height than 25 feet above curb level, such point projected vertically on the ground shall in no case be nearer to the side or rear lot line of any property in an adjacent residence district than a horizontal distance equal to the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from such limitation if not exceeding in the aggregate 25 feet in lineal dimension parallel to such residential lot line for any 100 feet of length of such lot line. Parapets not exceeding three feet in height shall also be exempt from such limitation.
- (Ord. 1659 § 1, 2017)

§ 18.50.080. Design standards.

The purpose of this section is to provide supplementary requirements to encourage the use of innovative design and high-quality materials, including variations of facade and color, in all building faces in this district, while maintaining a harmonious overall character with surrounding development.

- (A) The building facades shall be covered with brick/masonry materials on all sides that face a public street, with a minimum of 60 percent of those facades to feature such materials. These facades shall further express individual identity through the use of materials, finishes, and color.
- (B) The overall building architecture shall project a simplicity of facade design, while contrasting the solid mass elements with other elements, such as glazing, building openings and articulations.
- (C) Building Frontage Standards.
 - (1) Parking lots located in the front yard of any development shall be limited to a single bay of parking, and shall be reserved solely for patrons of the business.
 - (2) Loading docks, bays, and service delivery, where provided, shall be screened and/or enclosed from public view and accessed from the rear or side of the building.
- (D) Multi-Unit Developments. For buildings with two or more separate uses, the following additional requirements shall apply.
 - (1) A minimum of 75 percent of all multi-unit building facades shall be covered with brick/masonry or natural stone materials, including 100 percent on all sides that face a public street.
 - (2) Blank walls of more than 20 linear feet long on the primary facade, and 32 feet on any other facade, are prohibited.
 - (3) Fenestration shall be architecturally related to the style, materials, colors, and details of the building.
 - (4) Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the town plan commission.
 - (5) All building tenants shall have one primary entrance facing, and accessible from, the front right-of-way. Building materials used at entrances should be complementary to the building's design. The use of enhancements such as projected canopy, pediments, alcoves, cast stone decoration, and decorative lamps/lighting is encouraged.
- (E) Overhead utilities and devices for communications and transmissions shall be located underground or screened to the extent practical.
- (F) Mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on roof, ground, or buildings shall be screened from public view and public streets with materials similar to the structure or they shall be so located as not to be visible from any public view or from potential buildings nearby.

(G) Curb Cut Standards.

- (1) The number of curb cuts for all developments in this zoning district shall be limited to one for every 100 feet of lot frontage, but not to exceed two curb cuts on any lot.
 - (2) No curb cut shall be located within 75 feet of any intersection.
 - (3) Curb cuts shall not exceed 12 feet in width for a one-lane drive, or 20 feet for a two-lane drive.
 - (4) Where practical, shared curb cuts should be established among adjoining properties.
- (Ord. 1659 § 1, 2017)

CHAPTER 18.55
ZONING OVERLAY DISTRICTS

§ 18.55.010. Purpose and intent.

- (A) The purpose of this chapter is to establish consistent procedures and standards for certain areas in the town of Highland that are unique or require additional consideration due to their character or importance to the town's economic well being. The overlay districts will assist Highland to promote and protect the public health, safety, comfort, convenience and general welfare in these special areas while meeting the goals established in the comprehensive plan.
- (B) The overlay districts will further serve as a means to implement the development policies and guidelines set forth in the comprehensive plan. As such, the purpose of the overlay district in the town of Highland is:
- (1) To foster development conditions which promote aesthetic enhancement of designated areas and encourage sound planning.
 - (2) To provide a consistent urban design treatment for private and public uses and properties located in the overlay district.
 - (3) To foster additional opportunities for investment and reinvestment of real estate by allowing higher intensity of development.
 - (4) To preserve the integrity of certain transportation corridors in the town through access management planning and other improvements.
 - (5) To expand opportunities to create high level development through sound land use practices.
- (C) Intent. It is the purpose of this overlay zoning district to ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene around the downtown area and its surrounding streets as a premier mixed use district whose viability, quality, and character is important to the town. It is further the intent of this overlay district to preserve the architectural and aesthetic qualities of the adjoining properties by:
- (1) Providing appropriate standards to ensure a high-quality appearance for the overlay district and promote pedestrian-friendly design while permitting individuality, creativity, and artistic expression.
 - (2) Encouraging development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses.
 - (3) Promoting flexibility to encourage quality, scale, and character of development consistent with downtown's existing or planned uses.

(Ord. 1659 § 1, 2017)

§ 18.55.020. General provisions.

- (A) Applicability.

- (1) The overlay district is created as a special area to be superimposed on the underlying districts by approval of the town council as appropriate.
 - (2) Boundaries of the overlay district(s) are shown on the zoning map but may be modified from time to time by the town of Highland.
 - (3) Development standards provided herein are intended to supplement those permitted in the underlying zoning classification and in most cases may be more restrictive than those of the underlying zoning district.
 - (4) The development of properties which are located in one or more overlay districts shall be subject to the requirements of both overlay districts and the underlying district in which they are located.
 - (5) When the requirements of the underlying zoning district and the overlay district appear to be in conflict, the more restrictive requirement shall apply.
 - (6) Wherever there exists a conflict between the requirements of the underlying zoning and those of the overlay district, the requirements for the overlay district shall prevail.
- (B) District Boundaries, Zoning Map. The plan commission shall recommend the boundaries of the overlay districts as part of their establishment. Such boundaries shall be delineated on the zoning map, with the identifying name(s).
- (C) The following overlay zoning districts shall apply to properties in the town of Highland as specified in the description of each district in this title:
- (1) Downtown overlay district.
 - (2) Indianapolis Boulevard overlay district.
- (D) Permitted Uses. All uses that are permitted, nonpermitted, or conditioned in any underlying zoning district to which an overlay district is applied shall remain as a permitted, nonpermitted or conditioned use unless otherwise specified by the applicable overlay district(s).
- (E) Lot, Yard, and Development Standards. Any lot, yard, or development standards established by an overlay district shall apply as follows:
- (1) All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate standards are provided by the overlay district(s).
 - (2) Properties located in any overlay district(s) shall be subject to any additional lot, yard, and development standards established by the overlay district(s).
 - (3) If a parcel of land or subdivision lot was recorded prior to the effective date of the ordinance codified in this title and said parcel or lot does not contain the minimum area required by the standards of the overlay district, said undersized lot may be used for any use permitted in the overlay district; provided, that:
 - (a) At the time of recordation of the undersized lot or on the effective date, the undersized lot met the requirements for minimum lot size then in effect for a lot in the underlying zoning district(s).

- (b) The owner of the undersized lot must include any adjoining vacant land (not separated by a street or public way) owned or owned by an affiliate on or before the effective date or at the time of application which, if combined with the undersized lot, would create a parcel which conforms, or more closely conforms, to the requirements of this title.
 - (c) All other requirements applicable to the overlay district can be met.
 - (4) If a lot is located both inside and outside of an overlay district, a development plan shall be submitted to the town for the entire lot.
 - (5) The requirements of this subsection do not preclude the sale or other transfer of any lot within a parcel after the approval of a development plan for the entire parcel. However, the development of the lot shall conform to the development plan for the entire parcel as approved or amended by the plan commission and all other applicable requirements of this zoning ordinance.
 - (F) Planned Unit Development District. Planned unit developments shall be subject to the requirements of any overlay district, if they are located within an overlay district, and shall be consistent with the requirements of this title.
 - (G) Performance Standards. In no instance shall any overlay district provisions be interpreted as modifying any performance standards established for the underlying zoning districts in this title.
 - (H) Accessory Uses and Buildings. Uses and buildings shall be approved by the plan commission during the development plan review upon the applicant demonstrating that the accessory uses and buildings will complement the primary use. Accessory building(s) in any proposed development plan shall have on all sides the same building proportions, architectural features, construction materials, and in general be architecturally compatible with the principal building with which the accessory use or building is associated.
- (Ord. 1659 § 1, 2017)

§ 18.55.030. Plan commission approval.

- (A) Development Plan. Any owner of property in the overlay district shall submit a development plan for review and approval by the plan commission. The plan commission shall review such plan for compliance with the provisions of this title. The commission's review shall include, but not be limited to, the following items:
 - (1) Existing site features, including topography and natural areas.
 - (2) Zoning of the property.
 - (3) Surrounding zoning and existing land use.
 - (4) Access to public streets.
 - (5) Streets, curbs and gutters, sidewalks, and bicycle paths.
 - (6) Driveway and curb cut locations in relation to other sites.
 - (7) General vehicular and pedestrian traffic.

- (8) Vehicle and bicycle parking facilities and internal site circulation.
 - (9) Special and general easements for public or private use and future linkage.
 - (10) On-site and off-site surface and subsurface storm water drainage including drainage calculations.
 - (11) On-site and off-site utilities.
 - (12) Dedication of streets and rights-of-way, or reservation of land for future development of streets and rights-of-way or public access.
 - (13) Proposed setbacks, site landscaping and screening, and building placement.
 - (14) Exterior architectural features, site amenities and landscaping including public spaces and design features.
 - (15) Efficiency in use of land and development of mix of uses.
 - (16) Project signage and lighting.
 - (17) Protective restrictions and/or covenants.
 - (18) Compatibility of proposed development with existing developments in the district.
 - (19) Consistency with the policies for the overlay district which are set forth in the comprehensive plan, including the thoroughfare plan and subarea plans.
- (B) Bicycle and Pedestrian Access. The development plan shall include specific provisions for incorporating pedestrian and bicycle access, circulation and amenities into the development. Such bicycle and pedestrian access considerations shall include linking pedestrian and bicycle facilities to adjacent development, if feasible, and the Highland overall system of bicycle and pedestrian trails and routes.
- (C) Findings for Approval by the Plan Commission. The commission shall make written findings concerning each decision to approve or disapprove a development plan after a public hearing. The commission may approve a development plan upon finding that:
- (1) The development plan complies with applicable standards of the underlying district in which the lot is located.
 - (2) The development plan complies with applicable provisions of the appropriate subdivision control ordinance.
 - (3) The development plan complies with all applicable provisions of the overlay district including those specified in architectural design standards provisions for each respective overlay district.
 - (4) The proposed development is appropriate to the site and its surroundings.
 - (5) The proposed development is consistent with the intent and purpose of this title and the Highland comprehensive plan.
- (D) Remodel, Expansion, or Improvement of Existing Structure or Parcels. If a lot is improved or an existing structure is expanded or remodeled within the overlay district, then that lot

or structure shall be subject to the regulations contained in this title, except as provided in subsection (E) of this section.

(E) Exempt Waiver.

- (1) The plan commission may, after a public hearing, grant a waiver of certain development requirements or standards of this chapter, as described herein. Any approval to permit such a waiver shall be subject to the following criteria:
 - (a) The development plan shall be in concert with the general purposes, land use and architectural standards provided in this title.
 - (b) The approval shall enhance the overall development plan, the adjoining streetscapes and neighborhoods, signage and the overall district.
 - (c) The waiver shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.
 - (d) The approved waiver shall not produce a site configuration or street/circulation system that would be impractical or detract from the appearance of the development plan and the overlay district.
 - (e) The proposal employs extraordinary site design enhancements or amenities, including, but not limited to:
 1. Enhanced landscape treatments.
 2. Installation of public art or other aesthetic and artistic expressions.
 3. Provisions for bicycles, pedestrians and/or mass transit.
 4. Creation of public plazas, open space and other socialization features.
 5. Removal, relocation, or improvement of undesirable or nonconforming signage.
 6. Reduced surface parking in conjunction with provisions for above or below grade parking facilities.
 7. Preservation of sensitive natural resources.
- (2) In granting a waiver, the plan commission may impose such conditions that will, in its judgment, secure the purposes of this title. This subsection, however, does not affect the right of an applicant under Indiana law to petition the board of zoning appeals for a variance from development standards, as provided in IC 36-7-4-918.5 and this zoning ordinance.
- (3) No development plan approval is required for the renovation, addition or expansion of existing structures provided such renovation, addition or expansion:
 - (a) Continues the architectural design of the existing structure, including exterior color and materials; doors and windows, other detailing.
 - (b) Is attached to the existing structure. Does not exceed 10 percent of the original gross floor area of the existing structure.

- (c) Meets the requirements of the underlying zoning district.
- (d) Has received a prior development plan approval from the plan commission.
- (F) Validity of Approval of the Application by the Plan Commission. An approved development plan petition shall be valid for one year from the date of approval. If construction of the building(s) has not started at the end of the one-year period, the development plan request shall be resubmitted to the plan commission for consideration and disposition.
- (G) Extensions. One extension, for accomplishing any processes required by this title, or for resuming construction activity in an abandoned development, may be granted by the plan commission upon a written request from the owner. The extension length shall not exceed one year for a new development or six months for a new development phase of a continuing project. All requests for extensions must occur a minimum of 60 days prior to the applicable expiration time of the application.
- (H) Removal of a District. Nothing in this title shall be deemed to deny the plan commission the power to remove an overlay designation from one or more parcels by the rezoning process described in this title. Such removal may be done by modifying the boundary map. (Ord. 1659 § 1, 2017)

§ 18.55.040. Downtown overlay district.

- (A) District Boundaries. The boundary of the downtown overlay district shall be established as follows, and as delineated in Exhibit 15:



Exhibit 15 – Map of Downtown Overlay District

Beginning at the northeast corner of intersection of the south right of way (ROW) line of Ridge Road and east ROW line of Kennedy Avenue; thence east along the south Ridge Road ROW line approximately 640 feet; thence continuing along the south ROW line approximately 385 feet to the northwest corner of Security Federal Bank 1st Addition to the town of Highland; thence south along said west line 179.78 feet to a tangent curve concave to the northeast; thence around said curve 39.08 feet; thence following the south subdivision line easterly 175.19 feet to the west ROW line of Fifth Street; thence north along the west ROW line of Fifth Street approximately 200 feet to the south ROW line of Ridge Road; thence northeasterly, to southeast corner of Fifth Street and Ridge Road (which has a reduced ROW width on the east side of Fifth Street); thence east along said south line 20 feet to the east ROW line of Fifth Street extended; thence north along said east line approximately 444 feet to the south ROW line of Highway Avenue; thence east 10 feet along said south line to the east line of Fifth Street extended from the north; thence north along said east line approximately 238 feet to the extended limit of a dedicated alley laying between and parallel to Condit Street and Highway Avenue; thence westerly along said north alley line approximately 1,082 feet to the east line of Lot 5 in Block 13 in the Highland (Original Town) Subdivision; thence northerly along said lot line approximately 53 feet to a divided lot line; thence westerly 48.3 feet to the west line of said Lot 5; thence north along said west line approximately 12 feet to a line dividing Lot 4 in said subdivision; thence westerly along said line 48.3 feet to the west line of said Lot 4; thence north along the westerly line of said Lot 4, a distance of approximately 89 feet to the south ROW line of Condit Street; thence westerly on said south line 64.52 feet to the extended east lot line of Lot 22 in the Highland 1st Addition Subdivision Plat, thence northerly approximately 902, along the east lines of Lots 22 and Lots 1 in said Highland 1st Addition subdivision, in Highland 2nd Addition Subdivision, and Highland 3rd Addition subdivision to the south ROW of Laporte Street; thence west 71.84 feet along the south ROW of Laporte Street to the east ROW line of Kennedy Avenue; thence north along said east ROW line, 40 feet to the extended south ROW line of Laporte Avenue (extended from the west); thence west along said ROW line and extended line a distance of approximately 1,365 feet to the east ROW line of the Norfolk Southern Railroad; thence south along said east line approximately 2,080 feet to the south ROW line of Wicker Avenue extended; thence east along said south ROW line approximately 1,093 feet to the western line of a dedicated alley; thence south on said west alley line approximately 540 feet to the north ROW line of Lincoln Street; thence east on said north ROW line approximately 664 feet to the west line of a Northern Indiana Public Service Company (NIPSCO) corridor; thence along said western ROW line northwesterly 261.5 feet; thence east 14.5 feet; thence northwesterly 403.55 feet to the east ROW of Kennedy Avenue; thence north along said east line approximately 172 feet to the south ROW line of Ridge Road and the Point of Beginning.

- (B) Permitted Uses. In addition to all uses permitted in the underlying primary zoning district(s), the following uses are permitted:
- (1) Residential mixed uses.
 - (2) Commercial mixed uses consisting of office and retail uses, provided residential uses are located on second floor or higher.

- (C) Excluded Uses. The following uses are not permitted in the downtown overlay district:
- (1) Single-family detached residential housing north of Ridge Road.
 - (2) Single-use retail.
 - (3) Industrial uses.
 - (4) Any use permitted solely in a B-3 general commercial district.
 - (5) Cell towers and other wireless communication facilities.
 - (6) Equipment sales and service.
 - (7) Strip commercial development.
 - (8) Construction and related uses with open yards.
 - (9) Off-site parking lots.
 - (10) Other similar uses where heavy reliance on cars or open yard storage is required.
- (D) Accessory Buildings and Uses. All accessory buildings and uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any accessory building shall have on all sides the same building and architectural features, construction materials, and in general be compatible with the principal building(s) with which it is associated.
- (E) Lot, Yard, and Development Standards.
- (1) Except as provided herein, the minimum area required for development in the downtown overlay district shall be 3,125 square feet.
 - (2) Front yards shall be as provided in the underlying primary zoning district. In nonresidentially zoned districts, an additional 10-foot setback may be provided from the front property line if a courtyard, porch, stoop, plaza, or seating area is incorporated into the development adjacent to the public street.
 - (3) Side and Rear Yards.
 - (a) The underlying primary zoning requirements shall apply for side and rear yards, except that the required rear yards shall be five feet for all lots fronting Highway Avenue, Kennedy Avenue, and Jewett Avenue.
 - (b) Where appropriate and practical, alleys between buildings shall be required for the provision of public connections between buildings, access to parking, open space, and streets.
 - (4) Building heights shall be as provided in the underlying primary zoning district except as established herein.
 - (a) Minimum Building Height. Minimum height of 35 feet and two occupiable floors. In commercial and mixed-use buildings, the first floor shall be solely devoted to retail or office uses.
 - (b) Maximum Building Height. Maximum height of 60 feet or four occupiable floors.

- (5) The minimum lot width shall be 25 feet for all lots fronting Highway Avenue and Jewett Street. In all other areas, the underlying primary zoning requirements shall apply.
 - (6) New developments shall have a minimum of 2,500 square feet of gross floor area, excluding the area of any basement or accessory building(s). The first floor area may be assigned a larger portion of the total floor area if it is used for commercial purposes.
 - (7) The maximum lot coverage shall be 90 percent for all lots fronting Highway Avenue, Kennedy Avenue, and Jewett Avenue. The lot coverage may be increased to 100 percent for mixed-use buildings when parking garages are provided or for a renovated structure. In all other areas, the standards of the underlying zoning district shall apply.
- (F) Architectural Design Standards. The intent of this section is to preserve the unique character of the district, complement the existing historic architecture, enhance the pedestrian orientation and encourage streetscape design that is inviting and on a human scale. It is further intended to communicate the community's vision for the area. The goal is not to dictate a particular design, but rather to encourage innovation in building design, placement, as well as orientation. In reviewing the architectural design of building(s) and sites proposed in the downtown overlay district, the regulations set forth in HMC § 18.40.060 shall apply. In addition, the plan commission shall also consider the following provisions:
- (1) Context.
 - (a) All buildings shall be designed to meet the historical and traditional character of the district, particularly with due consideration to buildings located on lots that abut the right(s)-of-way of Highway Avenue, Kennedy Avenue, and Jewett Avenue. Development of buildings and sites with modern style architecture design and energy conservation is encouraged.



Exhibit 17 – Examples of Acceptable Architectural Styles

- (b) Buildings shall be designed and constructed to be LEED certified or equivalent.
 - (c) Franchise architecture shall not be permitted. Franchises or national chains shall follow recommended architectural styles to create a unique building that is compatible with the traditional downtown character.
- (2) Scale and Proportion.
- (a) All building facades, including doors, windows, column spacing, and signage

shall be designed to promote human scale and proportions.

- (b) A single, unbroken structure mass and facade shall be avoided in new construction and, to the extent reasonably feasible, in redevelopment projects involving changes to the mass of existing structure.
- (c) New buildings shall be articulated with such means as expressed structure, window bays, piers and columns, and varied building setbacks.
- (d) Horizontal masses shall maintain a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
- (e) Wall elevations greater than 50 feet in length shall incorporate regular interruptions in the wall plane by projections or recesses having a depth of not less than two percent of the length of the wall. Such projection or recession shall extend for at least 20 percent of the length of the wall.
- (f) Corner buildings with frontage on Highway Avenue, Kennedy Avenue, or Jewett Avenue shall cover 100 percent of the permitted frontage of the front lot.



Exhibit 18 – Example of Varied Building Articulation

- (3) Detailing. New construction and renovation shall carefully consider the style and character of the existing buildings to establish an appropriate level of detail for facades, roof lines, windows, doors, porches, entry points, railings, sidewalks, and public spaces. New buildings can be modern in design, but must reflect the same richness in detailing and character as found in the overlay district as a whole.



Exhibit 19 – Example of Building Detailing

- (4) Building Materials.
 - (a) Structures taller than two stories shall have a facade primarily consisting of brick, masonry, stone, terracotta, and similar materials. A minimum of three

different types of materials shall be used for such buildings. Other materials for accenting, such as architectural precast panels or detailing, architectural metal panels, glass, and ornamental metal, are encouraged.

- (b) Large expanses of glass are not permitted, except for the ground floor, where the minimum glass area shall be 75 percent of the facade area for all nonresidential uses.
 - (c) Buildings constructed entirely of a metal or glass curtain wall are not permitted. Concrete block, split block masonry units, or precast concrete panels are not permitted as an exterior finish material on any side of the structures.
- (5) Roofs.
 - (a) The roof form shall be designed to express the building and to promote the overall scale and character of the district.
 - (b) The roof form shall have a recognizable “top” and vary with the expression of parapets, gables, overhanging eaves, chimneys, brackets and cornices. Parapets shall be embellished with brick detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building facade.
 - (c) Where used, sloped roofs shall not extend more than 25 feet without a change in roof plane, or gable or dormer. Acceptable materials for sloped roofs include standing seam metal, dimensional shingles, or slate.
 - (d) Rooftop gardens and landscaping shall be encouraged on flat roof buildings to reduce storm water runoff and reduce the heat island effect in the district.
- (6) Windows.
 - (a) Window placement shall be composed within a facade to create a balanced and well-proportioned facade that provides visual interest along all public rights-of-way.
 - (b) Window placement for buildings with office or commercial uses shall be designed to foster window shopping and promote those uses of the building. Ground floor buildings with office or commercial uses shall have a minimum of 75 percent glass openings.
 - (c) On upper floors, the windows shall be vertically oriented. Arched tops, columns framing the windows, and decorative lintels are encouraged. A minimum of 30 percent transparency in the upper floor facade shall be required.
 - (d) The use of opaque or reflective glass in windows is prohibited.
- (7) Entryways.
 - (a) Buildings shall have a primary entrance door facing a public sidewalk.
 - (b) For all buildings that abut Highway Avenue, Kennedy Avenue, or Jewett Avenue, the primary entrance shall face and be directly accessible from those streets. In the case of corner lots, an additional public entrance may be provided from a crossing street.

- (c) The maximum distance for the primary entrance to a building from the front right-of-way shall be 20 feet.
 - (d) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
 - (e) Creative entry treatments such as canopies, awnings, cornice treatments, or atriums shall be incorporated in the building design to the extent practical.
 - (f) For nonresidential buildings, the rear elevation (facing associated parking or rear yard) shall be treated as a second front with glazed facade and signage similar to the building front to the extent practical.
- (8) Site Design and Building Placement.
- (a) All buildings shall be aligned along the edges of a lot. Articulation of the facade and setback to create front yard plaza is permitted.
 - (b) Building Setback. For business lots fronting Highway Avenue, Kennedy Avenue, or Jewett Avenue, the building line shall be set no more than 10 feet from the property line. This setback area may only be designed and used as public space area.
 - (c) Development sites and building placement for retail and mixed uses shall establish or enhance the traditional architecture by incorporation of at least one of the following elements for every 25 feet of frontage:
 - 1. Pedestrian plaza with seating areas and outdoor features such as planters.
 - 2. Water feature.
 - 3. Clock towers, monuments or other similar features.
 - 4. Public art.
 - 5. Other deliberately shaped area or focal feature that enhances or creates public spaces.
 - (d) Any such areas shall have direct access to the public sidewalk and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.
- (9) Sidewalks.
- (a) Public sidewalks shall be located along both sides of all streets. Sidewalks in residential districts shall be no less than five feet in width, and no less than 12 feet in width in all other districts, unless otherwise approved as part of the development plan review process. (See Exhibit 20.)
 - (b) Additional Standards in Nonresidential Districts. For sidewalks in nonresidential districts, the 12-foot minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the 12-foot minimum requirement, with a sidewalk

easement provided. Sidewalks shall consist of two zones: a street tree/furniture zone located adjacent to the curb, and a clear zone. The following standards shall apply for these zones:

1. **Street Tree/Furniture Zone.** The street tree/furniture zone shall have a minimum width of seven feet and shall be continuous and located adjacent to the street curb.
2. **Clear Zone.** The clear zone shall have a minimum width of five feet, be hardscaped, and located adjacent to the street tree/furniture zone. The clear zone shall comply with the Americans with Disabilities Act (ADA) and other accessibility standards and shall be unobstructed for a minimum width of five feet and a minimum height of eight feet.



Exhibit 20 – Downtown Overlay District Sidewalk Standards

- (c) Where uses include opportunities for outdoor gathering on the public sidewalk (cafes, restaurants, dining establishments, etc.), there shall be a minimum of five feet of continuous and linear clearance for safe passage by pedestrians.



Exhibit 21 – Example of Pedestrian Clearance from Outdoor Seating

(10) Open Space.

- (a) All new construction, redevelopment, or other lot improvements regardless of the size of the lot shall provide for a minimum of 10 percent open space on the lot, except as provided herein. The hardscape area or required green space in the underlying zoning district may be counted towards the open space requirements.
- (b) Areas dedicated as open space shall be a minimum of five feet wide in their smallest dimension.

- (c) Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as seating areas, plaza, sculptures or public arts.
 - (d) Ownership and Maintenance of Open Space. Unless otherwise agreed to by the town, the maintenance responsibility and cost of dedicated land as open space shall be solely borne by the property owner.
- (G) Landscaping. Landscaping treatments shall be used to enhance the pedestrian experience, complement architectural features and/or screen unattractive elements such as utility features. Use of flower boxes, planters and hanging flower baskets is encouraged. In addition to the applicable requirements of Chapter 18.75 HMC, the following provisions shall apply.
 - (1) Streetscape.
 - (a) The streetscape shall be uniform in design so that it provides a continuity throughout the district.
 - (b) When making improvements to public or private property, including the addition of benches, trash receptacles, fencing, or bike racks, owners shall match the town's approved standards for these elements.
 - (c) Where a parkway area is paved, it shall follow the town's public improvement guidelines or be based on a development plan approved by the plan commission.
 - (d) Existing parking lots facing a public right-of-way shall be screened by plant material or an architecturally compatible masonry wall a minimum of three feet and maximum of three feet, six inches in height. If a wall is proposed, the front elevation of such wall shall be landscaped with appropriate landscaping.
 - (2) Landscape Standards. In addition to the provisions of Chapter 18.75 HMC, the following landscape standards shall apply in the downtown overlay district:
 - (a) Street trees shall have a minimum of two-and-one-half-inch caliper, and where the street parkway is paved, trees shall be planted in engineered soil and have a five-foot-square cast iron tree grate.
 - (b) Front yards for residential land uses shall be landscaped with appropriate plant materials.
 - (c) Front yards for nonresidential or mixed uses may be landscaped for plazas with hard surface or other public uses, provided a plan is provided and approved by the plan commission.
 - (d) Foundation plantings shall not be required for commercial developments. However, the use of planters and flower boxes is encouraged and shall be counted as a part of the required landscaping.
 - (e) Parking lots with more than 30 spaces shall be divided into separate areas by landscaped islands of at least five feet in width. A minimum of 10 percent of all surface lots shall be landscaped.
 - (f) Parking lots shall be screened along all public rights-of-way by a landscaped

buffer of not less than five feet wide, and a three-foot-six-inch-high wall. On all other sides, parking lots shall be screened with three-foot-high walls or fencing compatible with the adjacent architecture and five-foot-wide green buffer.

(H) Public Art.

- (1) Public art that is included as part of a development plan shall be displayed in a location that is visually accessible to the public or visible from either Highway Avenue, Kennedy Avenue, Jewett Avenue, other crossing streets, or a public plaza.
- (2) Public art shall not be required; however, a credit may be awarded for such installations by the plan commission equal to the total cost of public art in lieu of landscaping, but not to exceed more than 20 percent of the total landscaping cost.

(I) Parking. Parking in this overlay district shall be in accordance with provisions of Chapter 18.80 HMC, except as modified below.

- (1) Required Number. The total number of parking spaces may be reduced based on an approved development plan. In approval of such plan, the following standards shall apply.
 - (a) Residential Uses. A minimum of one-half parking space shall be required per residential unit. A maximum of two spaces per unit may be provided if the additional parking spaces are structured.
 - (b) Nonresidential Uses. The number of off-street parking spaces required shall be a minimum of 40 percent to a maximum of 60 percent of the required number as provided by the underlying district. The maximum may only be exceeded if the additional parking spaces are structured (in a ramp, deck, underground, or within a building).
 - (c) Mixed-use buildings shall use shared parking to meet the requirements of this subsection.
 - (d) Bicycle racks shall be provided on any development at a ratio of one rack per five percent of the total required parking spaces.
- (2) Access and Siting, Residential. Parking and garages shall be located in the rear yard for all single-family or multifamily residential uses and accessed from the side yard, rear alley, or a service drive.
- (3) Access and Siting, Nonresidential.
 - (a) Off-street parking shall be located to the rear of the principal building within the rear yard area of the lot. Access to off-street parking areas shall be provided from the rear alley, side street, service drives, or shared with adjoining parking lots.
 - (b) All off-street parking areas and drives shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking area design. Cast-in-place concrete curbs shall be provided.
- (4) Pedestrian and bicycle access shall be coordinated with vehicular access, front yard design, and parking layout. Such pedestrian and bicycle access consideration shall

include development and linkage with facilities in adjacent properties to the extent practical and the following provisions:

- (a) Sidewalks shall be provided in all developments, and among all buildings and amenities within a development to the maximum extent possible.



Exhibit 22 – Example of Pedestrian Linkages among Buildings

- (b) Sidewalks shall be linked with all public streets, pedestrian trails, and transit facilities to the extent practical.
 - (c) Sidewalks shall connect to contiguous lots and abutting lots, and shall be coordinated and aligned to form a continuous pedestrian walkway network that serves adjoining developments.
- (J) Signage. Development signs shall conform to the provisions of Chapter 18.85 HMC. In addition, the following provisions shall apply for the downtown overlay district:
- (1) Signage shall be provided as an integral element of the architectural and site design. All signs to the development shall be complementary in their use of color, shape, and material, and shall enhance the buildings and other amenities or features on the site.
 - (2) To the extent practical, all signs shall be constructed of natural materials such as metal or wood.
 - (3) No signs shall extend higher than the height of the ground floor.
 - (4) No principal sign shall exceed 20 percent of the ground floor wall area. No other individual sign on the building (e.g., window sign) shall exceed 30 square feet in size.
 - (5) The distance between sign and building face shall not exceed one foot.
 - (6) Signs shall not block or obliterate design details, windows, or cornices of the building upon which they are placed.
 - (7) Permanently painted window signs are encouraged, provided they are compatible with the architecture of the building and do not consume more than 33 percent of the glazing area of the window.



Exhibit 23 – Example of Glass Painted Sign

- (8) Temporary window signage shall be limited to 33 percent of the window surface area.
- (9) Multi-tenant or multi-business development shall submit a signage plan for total development. This plan shall coordinate all signage on the site in a uniform manner. Sharing of signs to identify multiple businesses is required for multi-business developments in the overlay district. For such developments, one sign shall be permitted unless specifically provided in this title.
- (10) Off-premises signs shall be prohibited in the downtown overlay district.
- (11) Permitted Signs. In addition to permitted signs in the underlying district, the following signs are also permitted in this overlay district.
 - (a) Symbolic and historic three-dimensional signs such as projected signs, blade signs, and barber shop poles. Blade signs shall not be greater than six square feet, extend more than three feet from the building face, or have a vertical clearance of less than 10 feet.
- (12) Prohibited Signs.
 - (a) Internally illuminated signs are prohibited, except for theater or approved marquee signs.
 - (b) All programmable display signs or all other similar digital signs are prohibited.
- (13) Wayfinding Signs. Wayfinding signs shall be provided to direct traffic to destinations within this overlay district. Wayfinding signs shall meet the following standards.
 - (a) Signs shall be freestanding, uniform in design, and placed on interior drives, parkways, and intersections of such drives.
 - (b) Signs shall be limited in size to eight feet in height and five feet in width.
- (K) Lighting.
 - (1) Lighting in the overlay district shall serve to illuminate facades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Lighting shall be provided as an integral element of the architectural and site design.
 - (2) Parking lots, entry points, rear entrances, and buildings shall have uniform lighting.

- (3) All fixtures, except security lighting, shall be full cutoff and shielded.
 - (4) Building and signage lighting shall be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, use of traditional fixtures such as shaded gooseneck lamps is encouraged.
- (L) Other Requirements.
- (1) Outside Storage.
 - (a) Open storage of materials, refuse, or equipment shall not be permitted in this overlay district. Outdoor display of merchandise or goods for sale or exhibit shall not be permitted on any property.
 - (b) All refuse collection containers shall be enclosed on three sides and shall be architecturally compatible with the primary building.
 - (c) Refuse collection, recycling areas, mechanical equipment and fixtures, and related uses shall be placed only in the rear side of the lot so as not to be visible from the public right-of-way. Such uses shall be fully screened on all sides in accordance with applicable screening requirements of this title. Mechanical equipment and fixtures shall be screened within a solid wall, with a minimum height of eight feet, and compatible with the materials used in the primary building.
 - (2) Loading areas, where required, shall be fully integrated into the building design and screened with landscaping in accordance with applicable screening requirements of this title.
 - (3) All utilities shall be underground.
- (Ord. 1659 § 1, 2017)

§ 18.55.050. Indianapolis Boulevard overlay district.

- (A) District Boundaries. The boundary of the Indianapolis Boulevard overlay district shall be established as follows, and as delineated in Exhibit 24:



Exhibit 24 – Map of Indianapolis Boulevard Overlay District

Beginning at the southeast corner of the Highland Town Center subdivision in the town of Highland, Indiana, said corner also lying on the north right of way line of Main Street; thence north along the east line of said subdivision approximately 2,621 feet to south right of way (ROW) line of the Grand Trunk and Western Railroad; thence northwesterly along the south ROW line approximately 1,097 feet to the east ROW line of Indianapolis Boulevard; thence north approximately 106 feet, crossing the said railroad ROW to intersection of the north railroad ROW and the east ROW of Indianapolis Boulevard; thence northerly along said east ROW approximately 940 feet to the south line of parcel 45-07-33-103-001.000-026 in the Lake County Assessor's Office; thence east along said south line 362.2 feet to the east ROW line of Express Drive; thence north along the east ROW line of Express Drive, 313.55 feet to the south ROW line of Industrial Drive; thence along the south and easterly ROW lines of Industrial Drive, east 181.48 feet and northeasterly 286.99 feet to the east ROW line of Spring Street; thence northwesterly along the east ROW line of Spring Street approximately 785 feet to the north ROW line of 5th Street; thence west 20 feet to the east ROW of Spring Street; thence northwesterly on said east ROW line approximately 1,367 feet to tangent reverse curves concave to the east and west; thence along said curves approximately 395 feet to the north ROW line of Hart Road; thence west on said ROW line 393 feet to the west line of the Wojcik Addition subdivision (commonly known as Spring Creek Condominiums); thence north along the west line of said subdivision, 489.95 feet to the northwest corner of said subdivision; thence east along the north line of said subdivision

to a point 225 feet from the centerline of Spring Street; thence north parallel to and 255 feet from the center of Spring Street approximately 1,302.5 feet to the south subdivision line of Schuyler Square South Subdivision; thence east along said south line approximately 103 feet to the southeast corner of said subdivision; thence north along the east line of said subdivision 130.41 feet to the south ROW line of Martha Street; thence east along the said ROW line approximately 107 feet to the east line extended of Schuyler Square Addition; thence north along said line approximately 432 feet to the north line of said subdivision; thence following the north subdivision line northwesterly approximately 163.6 feet; thence westerly approximately 37 feet to the east ROW line of Schneider Avenue extended; thence north along the said east ROW line approximately 840 feet to the south ROW line of Lincoln Street; thence east on the said south ROW line approximately 40 feet to the west line of Lincoln Addition subdivision extended; thence north along said west line approximately 885 feet to the south ROW line of Ridgewood Street; thence east on said south ROW line 400.08 feet to the east ROW line of Osbourne Drive; thence north on said east line and east line extended approximately 75 feet to the north subdivision line of Auwerda's 3rd Addition; thence east along said subdivision line 240.07 feet to the east line of said subdivision; thence south on said east line approximately 182 feet to the north line of Jarchow's Addition; thence east on said subdivision line, 158.75 feet to the west ROW line of the Norfolk Southern Corporation Railroad; thence north along said railroad right of way approximately 1,773 feet to the Northern Indiana Public Service Company (NIPSCO) utility corridor; thence following the corridor limits northwesterly, approximately 160 feet, west 50 feet, north 20 feet, northwesterly approximately 1,324 feet to the east ROW of Indianapolis Boulevard extended, thence northeasterly approximately 254 feet to a southwest corner of Wicker Park Manor, Resub of Lots 24 thru 41 Block5; thence northwesterly 31.78 feet to the irregular ROW of Indianapolis Boulevard; thence along said Indianapolis Boulevard ROW on several courses approximately 1,545 feet to the north ROW line of 81st Street, said line also being the south subdivision line of Emro Resubdivision of Lots 7 thru 13,20 & 21 of Block 4 Wicker Park Manor; thence following the subdivision limits on the following courses south line around a curve 86.59 feet, north 148.99 feet; southeast 58.03 feet; east 25.23 feet; north 433.42 feet and north west 10.61 feet to a parcel of land (45-07-17-478-001.000-026) containing the Little Calumet River; thence along the south, east and north sides of said parcel; northwesterly approximately 224 feet, north approximately 360 feet, southwesterly 317 feet, southwesterly 289.87 feet; southwesterly approximately 270 feet; northwesterly 181.13 feet to the east ROW line of Indianapolis Boulevard; thence south-easterly 144.65 feet to the approximate centerline of the little calumet river; thence westerly 82.5 feet to the approximate centerline of Indianapolis Boulevard; thence southeasterly along said centerline 21.5 feet to the extended north line of a parcel 45-07-17-476-005.000-026; thence westerly, following the parcel lines approximately 255 feet; thence southeasterly approximately 13.5 feet; thence southwesterly approximately 98 feet; thence northwesterly 113 feet; thence southwesterly approximately 102 feet; to the west line of said parcel; thence southeasterly along said parcel line 257.07 feet to the northwest corner of parcel number 45-07-17-476-009.000-026; thence south-easterly on the western side of said parcel approximately 560 feet to the south line of parcel 45-07-20-226-002.000-026; thence northeasterly 199 feet along the said southeastern line to the southwestern line common to parcels 45-07-17-476-012.000-026, 45-07-20-226-006.000-026, 45-07-20-226-007.000-026 and 45-07-20-226-008.000-026, thence southeasterly along said line 656.36 to the southwestern ROW line of Indianapolis Boulevard; thence southeasterly along said ROW line following the next courses southeasterly approximately

365 feet, southerly approximately 382 feet, southeasterly approximately 55 feet, southerly approximately 750 feet; around a curve concave to the west approximately 50 feet; southwesterly 160 feet; around a curve concave to the northeast approximately 70 feet; southeasterly approximately 30 feet, around a curve concave to the southwest approximately 25 feet; southeasterly around a curve concave to the east approximately 436.5 feet; south approximately 1,273.5 feet and around a curve to the northwest 45 feet to a point tangent on the north ROW line of Ridge Road; thence westerly along the said north ROW line 237 feet to the extended west line of parcel 45-07-20-427-012.000-026 and the west line of Brantwood Addition Resub of Lots 2 thru 5 Block 1 a distance of approximately 370 feet to the north ROW line of Ridgewood Street; thence south 50 feet to the intersection of the south ROW line of Ridgewood Street and west Branton Avenue ROW line; thence south along said west ROW line approximately 1,880 feet to the north line of Cady Creek Condominiums of Schuyler Square West; thence following the said north and west subdivision lines west approximately 63.2 feet; thence southwesterly 95.55 feet; thence northwesterly 25.77 feet; thence southerly 241.67 feet to the northwest corner of Schuyler Square West Subdivision; thence continuing southwesterly along the west subdivision line of said subdivision 42.23 feet; thence southeasterly 235 feet to the north ROW line of Martha Street; thence south 50 feet to the south ROW of Martha Street; thence east on said ROW line approximately 93 feet to the west line of Fauth Addition Subdivision; thence south on the west subdivision line approximately 242 feet to the southwest corner of said subdivision; thence west approximately 48 feet to the east line of Myers Addition; thence south along said east line 131.84 feet to the north line of Waymond 2nd Addition; thence east along said north line approximately 63 feet to the northeast corner of said subdivision; thence south along the east line of said subdivision and the west line of Waymond 3rd Addition 133.22 feet to the north line of Waymond 4th Addition; thence east approximately 7 feet to the northeast corner of said Waymond 4th Addition; thence south along the east line of said subdivision and the east line of Waymond 5th Addition, approximately 269 feet to the north line of Boulevard Plaza Subdivision; thence west along the said north line 20 feet to the west line of said subdivision; thence south 266.4 feet to the southwest corner of said subdivision; thence east along the south line approximately 20 feet to the west line of Rudolph Addition; thence south along the said west line approximately 297 feet to the south ROW line of 41st Avenue; thence east along the said south ROW line approximately 13 feet to the east line of Meadows 3rd Addition Unit 6 subdivision; thence south along said east subdivision line 662 feet to the south ROW line of Hart Road; thence east on said south ROW line approximately 87.5 feet to the northeast corner of Hampton in Highland s Phase 3 Subdivision; thence south 962.73 feet to the south east corner of said subdivision; thence west on the south line of said subdivision 300 feet to the northwest corner of Chrysler Subdivision no. 1; thence south along the west line of said Chrysler Subdivision approximately 296 feet to the southwest corner of said subdivision; thence east along the south line of said subdivision approximately 300 feet to east line of Hampton in Highland s Phase 2; thence south along the said subdivision line, 365.76 feet to the southeast corner of said subdivision; thence west along the south line of said subdivision, 416.2 feet to the east line of Hampton in Highland Phase 1; thence south along said east line, 165.43 feet to southeast corner of said subdivision; thence west along the south line of said subdivision, 576.24 feet to the west ROW line of Prairie Avenue; thence south on said west ROW line approximately 1,096 feet to the south ROW line of Industrial Drive; thence east on Industrial Drive approximately 244 to the east line of Highland Terrace Estates 1st Addition; thence south approximately 310 feet to the north line of Highland Terrace Estates 2nd Addition; thence

east along the said north line, approximately 1,061 feet to the northeast corner of said subdivision; thence south along the east line of said subdivision and the west ROW line of Indianapolis Boulevard approximately 950 feet to the south ROW line of the Grand Trunk and Western Railroad; thence westerly along said south ROW line approximately 212 feet to the east line of White Oaks Estates of Highland Block 4; thence south along said line approximately 522 feet to the south line of said subdivision; thence west along the south line 517.95 feet; thence south 100.01 feet; thence west 319.9 feet to the east ROW line of Prairie Avenue; thence continuing west 60 feet to the west ROW line of Prairie Avenue; thence south along said west ROW line approximately 851 feet; thence following the said west ROW of around a curve concave to the northeast, 358.41 feet and southeasterly approximately 183 feet to the south ROW line of Ramblewood drive; thence northeasterly along said south ROW line approximately 30 feet to a tangent curve concave to the southeast; thence following the ROW 132.12 feet along the curve to the east line of Whispering Oaks Addition; thence along the east line of said subdivision for three courses, south 181.84 feet; thence east 100.01 feet; thence south approximately 449 feet to the southeast corner of said subdivision; thence west along the south line of said subdivision, 535.5 feet to the east ROW of Prairie Avenue; thence south along said east ROW line 631.36 feet to the north ROW line of Main Street; thence easterly along the said north ROW line approximately 1,295 feet; thence north 20 feet to the widened north ROW of Main Street; thence east along said ROW line approximately 1,145 feet to the southeast corner of Highland Town Center Subdivision and the Point of Beginning.

(C) Permitted Uses.

- (1) All uses that are permitted in the underlying zoning district are permitted in this overlay district, except for the following:
 - (a) Amusement establishments, including miniature golf, video game parlors, pool halls, and other similar uses.
 - (b) Animal hospitals, pounds and shelters.
 - (c) Auction house/lot.
 - (d) Auto repair centers.
 - (e) Automobile service stations or filling stations, including battery, brake, and tire sales and service.
 - (f) Boat sales, motor and sail, including servicing and repairs conducted in conjunction therewith.
 - (g) Building material sales, including lumberyards, roofing, and masonry supplies.
 - (h) Car washes and auto laundries.
 - (i) Cell towers and other wireless communication equipment.
 - (j) Commercial parking garages and structures to service off-site uses.
 - (k) Commercial truck/equipment sales.
 - (l) Construction and heavy equipment stores.

- (m) Convents, monasteries, rectories, and parish houses.
- (n) Contractors' and construction businesses, excluding business offices.
- (o) Drive-in establishments, or any use that includes a drive-through lane, including stand-alone automated teller machines (ATMs) and the like, unless they are part of a larger development and placed away from Indianapolis Boulevard frontage.
- (p) Electric and gas utilities.
- (q) Exterminating shops.
- (r) Hospitals and sanitariums.
- (s) Laundries and dry cleaners, automatic, self-service coin-operated.
- (t) Live bait stores.
- (u) Long-term surface parking or off-site parking.
- (v) Motor vehicle sales, including servicing and repairs conducted in conjunction therewith.
- (w) Motorcycle sales, including servicing and repairs conducted in conjunction therewith.
- (x) Nursing homes, elderly homes, and similar institutional residential uses.
- (y) Outdoor or open lot product storage.
- (z) Outdoor sales.
- (aa) Outdoor or drive-in theater.
- (bb) Pawn shops.
- (cc) Penal and correctional institutions.
- (dd) Race track.
- (ee) Drive-in restaurants which solely serve food or beverages directly to occupants of motor vehicles.
- (ff) Rest homes, nursing homes, convalescent homes, and institutions for the aged or for children.
- (gg) Single-family residential.
- (hh) Single-use retail.
- (ii) Storage centers and yards, including disabled vehicles.
- (jj) Strip shopping centers.
- (kk) Taxidermist shops.
- (ll) Tire centers.

- (mm) Transient and apartment hotels and motels.
- (nn) Truck filling stations and truck service stations.
- (oo) Undertaking establishments and funeral parlors, including caskets and casket supplies sales.
- (pp) Vehicle, boat, RV storage or sales.
- (2) Residential uses shall only be allowed under the following conditions:
 - (a) All residential dwelling units shall have a minimum of two bedrooms, one bathroom, and 1,000 square feet of living area.
 - (b) No residential uses shall be allowed on the ground floor of any building, or the first two floors above ground level for any building with four or more stories.
- (D) Accessory Buildings and Uses. All accessory buildings and uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any accessory building shall have on all sides the same building and architectural features, construction materials, and in general be compatible with the principal building(s) with which it is associated.
- (E) Lot, Yard, and Development Standards.
 - (1) Except as provided herein, the minimum area required for development in the Indianapolis Boulevard overlay district shall be governed by the underlying primary zoning district.
 - (2) To assure a uniform development of building wall along Indianapolis Boulevard, all buildings fronting Indianapolis Boulevard shall be aligned along the edges of a parcel, towards the Indianapolis Boulevard corridor. Buildings on corner lots shall be similarly aligned towards all streets that border the lot.
 - (3) Required Yards.
 - (a) All lots shall provide a 15-foot front yard, but shall not exceed 55 feet when parking is placed on the front yard. Where off-street parking is provided in the front yard, a minimum 15-foot parking setback along the front right-of-way shall also be provided. Included in this setback shall be a minimum eight-foot-wide pedestrian sidewalk.
 - (b) Side and rear yards shall be provided as set forth in the underlying zoning district.
 - (4) Building heights shall be as provided in the underlying primary zoning district except as established herein.
 - (a) Minimum Building Height. Minimum height of 45 feet and three occupiable floors, with the first floor being solely devoted to retail or office uses.
 - (b) Maximum Building Height. Maximum height of 90 feet or six occupiable floors.
 - (5) The minimum lot width shall be 50 feet.
 - (6) New developments shall have a minimum of 3,125 square feet of gross floor area on

their first two floors, excluding the area of any basement or accessory building(s).

- (7) The minimum lot coverage, exclusive of required landscaping and other amenities, shall be 50 percent. The maximum lot coverage shall be 85 percent, but may be increased where provided in this title.
- (8) The minimum floor area ratio (FAR) in this overlay district shall be 1.5. The maximum FAR shall be 6.0, but may be increased where provided in this title.
- (F) Architectural Design Standards. The intent of this section is to promote diversity and variation; maintaining the current character of the corridor, while promoting the community's specific vision for the area. The goal is not to dictate a particular design, but rather to encourage innovation in building design, placement as well as orientation. In reviewing the architectural design of building(s) and sites proposed in the Indianapolis Boulevard overlay district, the plan commission shall consider the following provisions:

(1) Context.

- (a) All buildings shall be designed to meet the general character of the Indianapolis Boulevard corridor, particularly with due consideration to buildings located on lots that abut Indianapolis Boulevard. Development of buildings and sites with energy conservation is encouraged.



Exhibit 25 – Examples of Acceptable Architectural Styles

- (b) Buildings shall be designed and constructed to be LEED Silver or equivalent.
 - (c) Franchise architecture shall not be permitted. Franchises or national chains shall follow recommended architectural styles to create a unique building that is compatible with the traditional Indianapolis Boulevard corridor.
- (2) Scale and Proportion.
- (a) All building facades, including doors, windows, column spacing, and signage shall be designed to promote human scale and proportions.
 - (b) A single, unbroken structure mass and facade shall be avoided in new construction and, to the extent reasonably feasible, in redevelopment projects involving changes to the mass of existing structure.
 - (c) New buildings shall be articulated with such means as expressed structure, window bays, piers and columns, and varied building setbacks.
 - (d) Horizontal masses shall maintain a height-to-width ratio of 1:3 without

substantial variation in massing that includes a change in height and projecting or recessed elements.

- (e) Wall elevations greater than 50 feet in length shall incorporate regular interruptions in the wall plane by projections or recesses having a depth of not less than two percent of the length of the wall. Such projection or recession shall extend for at least 20 percent of the length of the wall.



Exhibit 26 – Examples of Varied Building Articulation

- (3) Building Shape. All buildings shall be designed with a minimum of six external corners, in order to eliminate the impact of the box-looking design for the buildings.
- (4) Detailing. New construction and renovation shall carefully consider the style and character of the existing buildings to establish an appropriate level of detail for facades, roof lines, windows, doors, porches, entry points, railings, sidewalks, and public spaces. New buildings can be modern in design, but must reflect the same richness in detailing and character as found in the overlay district as a whole.



Exhibit 27 – Examples of Building Detailing

- (5) Building Materials.
 - (a) Building exteriors shall exhibit variation in design and view of the structure. A minimum of three materials shall be used for building exteriors. The materials shall include: stone, brick, architectural precast (panels or detailing), architectural metal panels, glass, ornamental metal.
 - (b) Large expanses of glass are not permitted, except for the ground floor, where the minimum glass area shall be 75 percent of the facade area for all nonresidential uses.
 - (c) The building may not be constructed entirely of a metal and glass curtain wall. Concrete block, or split block masonry units, are not permitted as an exterior

finish material on any side of the structures.

(6) Roofs.

- (a) The roof form shall be designed to express the building and to promote the overall scale and character of the district.
- (b) The roof form shall have a recognizable “top” and vary with the expression of parapets, gables, overhanging eaves, chimneys, brackets and cornices. Parapets shall be embellished with brick detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building facade.
- (c) Sloped roofs shall not extend more than 100 feet without a change in roof plane, or gable or dormer.
- (d) Rooftop gardens and landscaping shall be encouraged to reduce storm water runoff and reduce the heat island effect in Highland. Buildings with approved landscaping covering a minimum of 85 percent of the total roof area shall be allowed to increase their total lot coverage by up to five percent.

(7) Windows.

- (a) Window placement shall be composed within a facade to create a balanced and well-proportioned facade that provides visual interest along all public rights-of-way.
- (b) Window placement shall be designed to foster window shopping and promote commercial uses of the building. Ground floor buildings with office or commercial uses shall have a minimum of 75 percent glass openings.
- (c) On upper floors, the windows shall be vertically oriented. Arched tops, columns framing the windows, and decorative lintels are encouraged. A minimum of 30 percent transparency in the upper floor facade shall be required.
- (d) The use of curtain glass walls, opaque glass, or reflective glass in windows is prohibited.

(8) Entryways.

- (a) Buildings shall have a primary entrance door facing a public sidewalk.
- (b) On corner lots, the primary entrance of the building shall be located on Indianapolis Boulevard. Secondary public entrances shall be provided on the crossing side street or at the rear of the building.
- (c) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- (d) Creative entry treatments such as canopies, awnings, cornice treatments, or atriums shall be incorporated in the building design to the extent practical.
- (e) The rear elevation of the building, facing associated parking or rear yard, shall be treated as a second front with glazed facade and signage similar to the

building front to the extent practical.

(9) Site Design and Building Placement.

- (a) All buildings shall be aligned along the edges of a lot towards Indianapolis Boulevard or crossing streets. Articulation of the facade and setback to create front yard public space is permitted.
- (b) Where uses include opportunities for outdoor gathering on the public sidewalk (cafes, restaurants, dining establishments, etc.), there shall be a minimum of five feet of continuous and linear clearance for safe passage by pedestrians. (See Exhibit 21.)
- (c) Development sites and building placement for retail and mixed uses shall establish or enhance the traditional architecture by incorporation of at least one of the following elements for every 25 feet of frontage:
 - 1. Pedestrian plaza with seating areas and outdoor features such as planters.
 - 2. Water feature.
 - 3. Clock towers, monuments, or other similar features.
 - 4. Public art.
 - 5. Other deliberately shaped area or focal feature that enhances or create public spaces.
- (d) Any such areas shall have direct access to the public sidewalk and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.
- (e) Where appropriate and practical, a maximum of one pedestrian plaza, parklet, or paseo per block shall be required between buildings for the provision of public connections between buildings, access to parking, open space and streets. The width of such space shall be a minimum of 15 feet, but not to exceed 25 feet. Such space may be developed on two adjoining lots if necessary to achieve the proper size and location.

(10) Open Space.

- (a) All new construction, redevelopment, or other lot improvements regardless of the size of the lot shall provide for 15 percent open space on the lot, except as provided herein. The hardscape area or required green space in the underlying zoning district may be counted towards the open space requirements.
- (b) An open space plan shall be submitted along with the development plan in accordance with the appropriate requirements of this title. Such plan can be combined with the landscape plan or the site plan, if practical or required.
- (c) Areas dedicated as open space shall be a minimum of 15 feet wide in their smallest dimension.
- (d) Areas dedicated as open space shall be free of all structures and buildings except

for structures directly related to the purpose of the open space such as seating areas, plazas, sculptures, or public art.

- (e) Bodies of water may be counted at a rate of 50 percent as open space, provided they are accessible and designed as natural or built spaces with ample landscaping which provide recreational or socialization opportunities to the public. Unimproved storm water detention or retention ponds shall not be counted as open space.
 - (f) Ownership and Maintenance of Open Space. Unless otherwise agreed to by the town, the maintenance responsibility and cost of dedicated land as open space shall be solely borne by the property owner.
- (G) Landscaping. Landscaping treatments shall be used to enhance the pedestrian experience, complement architectural features and/or screen unattractive elements such as utility features. Use of flower boxes, planters, and hanging flower baskets is encouraged. In addition to the applicable requirements of Chapter 18.75 HMC, the following provisions shall apply:
- (1) Streetscape.
 - (a) When making improvements to public or private property, including the addition of benches, trash receptacles, fencing, or bike racks, owners shall match the town's approved standards for these elements.
 - (b) The streetscape shall be uniform in design and support the architectural style so that it acts to provide continuity throughout the corridor.
 - (c) Where a parkway area is paved, it shall follow the town's public improvement guidelines or be based on a development plan approved by the plan commission.
 - (d) Existing parking lots facing a public right-of-way shall be screened by an architecturally compatible masonry wall a minimum of three feet and maximum of three feet, six inches in height. The front elevation of such wall shall be landscaped with appropriate landscaping as provided in HMC § 18.75.030.



Exhibit 28 – Prototype for Parking Lot Screening

- (2) Landscape Standards. In addition to the provisions of Chapter 18.75 HMC, the following landscape standards shall apply in the Indianapolis Boulevard overlay district:

- (a) **Green Strip.** A 20-foot green strip shall be required for all property fronting the Indianapolis Boulevard corridor. The purpose of the green strip in front yards is not to totally obscure but to lower visual impact and soften the overall appearance of the corridor. The green strip shall conform to Chapter 18.75 HMC and the following:
1. Pedestrian walkways and bikeways, at a minimum width of eight feet, shall be incorporated into the design where such facilities are otherwise not provided and where it is practical.
 2. If berms are incorporated into the design, such berms shall have gently rolling ridgelines. This ridgeline should not be flat and to the extent practical shall be undulating. The berm shall be a minimum of three feet and maximum of three feet, six inches in height.
 3. Plant material shall be grouped in six or more plants to assure naturalistic patterns and permit view and variation. Planting in rows or along the ridge of a berm is undesirable.
 4. Side slope on all berms should not exceed 3:1.
 5. The ridge of all berms should have a minimum two-foot-wide rounded top (i.e., neither flat nor meeting at a peak).
- (b) **Foundation.** Foundation plantings, as described in HMC § 18.75.030(L), shall be required along the front and any side of buildings that is visible from the Indianapolis Boulevard corridor or has primary pedestrian access. Where appropriate, the establishment of green walls may be used as a substitute for foundation plantings.



Exhibit 29 – Foundation Planting

- (c) Parking lots with more than 30 spaces shall be divided into separate areas by landscaped islands of at least six feet in width. A minimum of 15 percent of all surface lots shall be landscaped.
- (d) Where landscaping does not meet the standards of this title, existing developments shall be required to provide such landscaping in conjunction with all renovations, expansions, and new construction whenever such work exceeds 25 percent of the value of the building(s) or property.
- (e) Where landscaping does not meet the standards of this title, landscaping shall be brought into compliance whenever a minimum of 25 percent of the front yard area is renovated or improved. Any modifications to existing parking lots,

including, but not limited to, parking space configuration, repaving, or lot expansion, shall be included in this requirement.

(H) Public Art.

- (1) Public art that is included as part of a development plan shall be displayed in a location that is visually accessible to the public or visible from either Indianapolis Boulevard, other crossing streets, or a public plaza.
- (2) Public art shall not be required; however, a credit may be awarded for such installations by the plan commission equal to the total cost of public art in lieu of landscaping but not to exceed more than 10 percent of the total landscaping cost.

(I) Parking. Parking in this overlay district shall be in accordance with provisions of Chapter 18.80 HMC, except as modified below.

- (1) Required Number. The total amount of parking may be reduced based on an approved development plan. In approval of such plan, the following standards shall apply:
 - (a) Residential Uses. A minimum of one-half parking space shall be required per residential unit. A maximum of one space per unit may be provided if the additional parking spaces are structured.
 - (b) Nonresidential Uses. The number of off-street parking spaces required shall be a minimum of 50 percent to a maximum of 85 percent of the required number as provided by Chapter 18.85 HMC. The maximum may only be exceeded if the additional parking spaces are structured (in a ramp, deck, underground, or within a building).
 - (c) Mixed-use buildings shall use shared parking to meet the requirements of this subsection.
 - (d) On-street or alley parking within 600 feet of the primary entrance to the building shall be counted toward the required number of parking spaces.
 - (e) Parking garages and structures shall not count against the maximum building coverage standards in the overlay district; provided, that such structures are located only within the rear 85 feet of the lot.
 - (f) Bicycle racks shall be provided on any development at a ratio of one space for every four parking spaces or portion thereof.
- (2) Access and Siting.
 - (a) Off-street parking shall be located to the rear of the principal building, within the rear yard area of the lot, or in an interior side yard.
 - (b) Off-street parking shall be located away from direct view of the public on Indianapolis Boulevard.
 - (c) Access to parking areas shall be provided from the rear alley, side street, service drives, or shared with adjoining parking lots to the maximum extent possible.
 - (d) All off-street parking areas and drives shall be paved with asphalt or concrete.

Brick pavers or other decorative pavements may be used as accents in parking area design. Cast-in-place concrete curbs shall be provided.

- (3) Parking structures shall be designed as an integral part of the building(s). Above grade structures shall be visually encapsulated by ground level uses to the extent possible. No freestanding garages or parking structures are permitted to face Indianapolis Boulevard unless the garage is located a minimum of 40 feet from the front property line and positioned behind or beside the primary street-oriented structure.
- (4) Pedestrian and bicycle access shall be coordinated with vehicular access, front yard design and parking layout. Such pedestrian and bicycle access consideration shall include development and linkage with facilities in adjacent properties to the extent practical and the following provisions:
 - (a) Sidewalks shall be provided in all developments, and among all buildings and amenities within a development to the maximum extent possible.



Exhibit 30 – Example of Pedestrian Linkages among Buildings (Left) and Parking (Right)

- (b) Sidewalks shall be linked with adjoining streets, pedestrian trails, and transit facilities to the extent practical.
 - (c) Sidewalks shall connect to contiguous lots and abutting lots, and shall be coordinated and aligned to form a continuous pedestrian walkway network that serves adjoining developments.
- (J) Access to Individual Lots. Indianapolis Boulevard is a principal arterial highway. As such, access to individual lots may not be clearly defined or even existing in some cases. Further, access to some lots may be difficult due to topography of the land. In some cases, access road, service and reliever road, or shared access may be required. In order to protect the functional integrity of Indianapolis Boulevard, create ease of movement and reduce disruption, and to preserve the economic viability of the corridor, access to development sites shall be coordinated to the extent possible. To assure ease of access, the following provisions shall apply:
- (1) Access points, access roads to developments and parking areas, contiguous lots, and abutting properties or larger tracts shall be coordinated to create a uniform traffic flow and formation of auxiliary service roads serving adjoining lots.
 - (2) The access roads and service roads shall be designed so as to direct traffic onto major arterial roads intersecting Indianapolis Boulevard and not into residential neighborhoods in accordance with the town of Highland thoroughfare plan for the

corridor.

- (3) The design of the access roads, points, turning lanes and other roadway improvements shall comply with the provisions of the subdivision control regulations, other local or state traffic requirements or as proposed by the thoroughfare plan.
 - (4) Direct access to Indianapolis Boulevard shall only be considered where physical limitation or traffic study exhibit lack of other alternatives.
 - (5) New access or service roads shall align with the existing or planned roads;
 - (6) New access points, if approved, shall be “right turn only” and, to the extent possible, such points shall be developed only from a newly constructed local traffic lane and separated from the public right-of-way.
 - (7) Common entrances, shared entry points, and cross easements, where possible, shall be required at the discretion of the plan commission.
 - (8) Traffic Study. A traffic impact study shall be required for new developments within the overlay district that are expected to generate a minimum of 50 peak trips to or from the site, or have a minimum of 75-car parking capacity. The need and decision for specific traffic impact analysis requirements for new developments shall be established by the town staff.
- (K) Signage. Development signs shall conform to the provisions of Chapter 18.85 HMC. In addition, the following provisions shall apply for the Indianapolis Boulevard overlay district:
- (1) Signage shall be provided as an integral element of the architectural and site design. All signs to the development shall be complementary in their use of color, shape, and material, and shall enhance the buildings and other amenities or features on the site.
 - (2) No principal sign shall exceed 25 percent of the ground floor wall area. No other sign on the building (e.g., window sign) shall exceed 30 square feet in size.
 - (3) The distance between sign and building face shall not exceed one foot.
 - (4) Signs shall not block or obliterate design details, windows, or cornices of the building upon which they are placed.
 - (5) Permanently painted window signs are encouraged, provided they are compatible with the architecture of the building and do not consume more than 33 percent of the glazing area of the window.
 - (6) Temporary window signage shall be limited to 33 percent of the window surface area.
 - (7) Multi-tenant or multi-business development shall submit a signage plan for total development. This plan shall coordinate all signage on the site in a uniform manner. Sharing of signs to identify multiple businesses is required for multi-business developments in the overlay district. For such developments, one sign shall be permitted unless specifically provided in this title.
 - (8) Off-premises signs shall be prohibited in the Indianapolis Boulevard overlay district.

- (9) Permitted Signs. In addition to permitted signs in the underlying district, the following signs are also permitted in this overlay district.
 - (a) Symbolic and historic three-dimensional signs such as a projected sign, blade sign, and barber shop poles. Projected and blade signs shall not be greater than six square feet, extend more than three feet from the building face, or have a vertical clearance of less than 10 feet.
- (10) Prohibited Signs.
 - (a) Internally illuminated signs are prohibited, except for theater or approved marquee signs.
 - (b) All programmable display signs or all other similar digital signs are prohibited.
- (11) Wayfinding Signs. Wayfinding signs shall be provided to direct traffic to destinations within this overlay district. Wayfinding signs shall meet the following standards:
 - (a) Signs shall be freestanding, uniform in design, and placed on interior drives, parkways, and intersections of such drives.
 - (b) Signs shall be limited in size to eight feet in height and five feet in width.
- (L) Lighting.
 - (1) Lighting in the overlay district shall serve to illuminate facades, entrances and signage, and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Lighting shall be provided as an integral element of the architectural and site design.
 - (2) Parking lots, entry points, rear entrances, and buildings shall have uniform lighting.
 - (3) All fixtures, except security lighting, shall be full cutoff and shielded.
 - (4) Building and signage lighting shall be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, use of traditional fixtures such as shaded gooseneck lamps is encouraged.
- (M) Other Requirements.
 - (1) Outside storage.
 - (a) Open storage of materials, refuse, or equipment shall not be permitted in this overlay district. Display of merchandise or goods for sale or exhibit shall not be permitted on any property.
 - (b) All refuse collection containers shall be enclosed on three sides and shall be architecturally compatible with the primary building.
 - (c) Refuse collection, recycling areas, and related uses shall be placed only in the rear side of the lot so as not to be visible from the Indianapolis Boulevard corridor. Such uses shall be fully screened on all sides in accordance with applicable screening requirements of this title.
 - (2) Loading areas, where required, shall be fully integrated into the building design and

screened with landscaping in accordance with applicable screening requirements of this title.

(3) All utilities shall be underground.

(N) Reservation of Land for Future Improvements. It is often required to plan for extension of utilities, or provide for future access to other parcels through a proposed new development site. As such, and in order to assure an orderly development process, new development shall provide for reservation of land for future improvements, if any, in accordance with the provisions of the subdivision control ordinance, the comprehensive plan, the thoroughfare plan, or other local and state plans.

(Ord. 1659 § 1, 2017)

CHAPTER 18.60
F-1 FLOODPLAIN DISTRICTS

§ 18.60.010. Purpose.

The purpose of this chapter is to establish a district to meet the needs of waterways in the town to carry the abnormal flow of water at times of flood; to prevent encroachments into the district which might increase flood height, decrease the capacity for flood water storage and consequently increase the potential for loss of life and damage to property in the areas of greatest flood hazard. The floodplain districts are those as identified by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP), with the accompanying flood insurance rate maps and flood boundary-floodway maps along with any subsequent revisions to the text or maps, and are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file in the office of the clerk-treasurer. (Reference Chapter 15.55 HMC, Flood Damage Control.) (Ord. 1659 § 1, 2017)

§ 18.60.020. Applied standards.

In an F-1 floodplain district, Chapter 15.55 HMC, Flood Damage Control, shall apply. (Ord. 1659 § 1, 2017)

ZONING

§ 18.60.020

CHAPTER 18.65
(RESERVED)

CHAPTER 18.70
PLANNED UNIT DEVELOPMENT DISTRICTS

§ 18.70.010. Purpose.

- (A) The purpose of this chapter is to provide greater design flexibility in the development of land when consistent with the comprehensive plan and intent of the zoning ordinance. The use of planned unit development districts shall be encouraged when such use:
- (1) Promotes a harmonious arrangement of uses.
 - (2) Provides for an economy of shared services and facilities.
 - (3) Is compatible with surrounding areas and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working.
- (B) The planned unit development district regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands.
- (C) Planned unit development district regulations are intended to encourage innovations in land development techniques so demands of the community may be met with greater flexibility in design and layout of sites and buildings, and by efficient use and conservation of open spaces and other amenities generally aimed to enhance the quality of life.
- (D) Authority to Vary Regulations. In connection with approving a planned unit development district, the plan commission and the town council shall have the authority to approve a planned unit development district that varies from the provisions of this zoning ordinance or of the subdivision control ordinance; provided, however, that such variation:
- (1) Will achieve the purposes for which planned unit developments may be approved pursuant to the requirements of this chapter.
 - (2) Will not violate the general purposes, goals, and objectives of the zoning ordinance and the town's comprehensive plan.
 - (3) Will not unduly burden adjacent roadways.
 - (4) Will result in a development which provides compensating amenities to the town.
- (Ord. 1659 § 1, 2017)

§ 18.70.020. Permitted uses.

In planned unit development (PUD) zoning district, the following uses may be permitted:

- (A) Residential planned developments.
- (1) Uses consisting of detached, attached, and multifamily residential uses, or any combination thereof.
 - (2) Nonresidential uses of a recreational, institutional, or commercial character, which are primarily for the purpose of service and convenience of the anticipated residential population.
- (B) Commercial planned developments, including retail, office, or a combination thereof and

associated accessory uses including parking and public space.

- (C) Mixed-use planned development consisting of commercial and residential uses, and associated accessory uses such as parking and open space.
 - (D) Business park developments as permitted by the provisions of this title.
 - (E) Other compatible uses as recommended by the plan commission and approved by the town council.
- (Ord. 1659 § 1, 2017)

§ 18.70.030. Development standards.

- (A) The development standards for planned unit development (PUD) zoning district are intended to provide the town council and the plan commission with a means to evaluate applications for establishment of such districts. Development requirements and any variations from provisions of this title, for all proposed planned unit developments, shall be created and proposed by the applicant as part of the preliminary plan submittals.
- (B) The planned unit development shall provide standards for the development that replace or supplant the lot or yard standards established by the underlying zoning districts, other topics regulated by Chapters 18.05, 18.75, 18.80, and 18.85 HMC, and any standards replacing those established by the subdivision control ordinance.
- (C) Prior to the approval of any preliminary plan, the plan commission may recommend, and the town council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation and other elements of the planned unit development, as deemed necessary for the protection of the public interest, including, but not limited to, bonding requirements, improvement of the development, protection of the adjacent area in order to secure compliance with the standards in this section.
- (D) Proposed development standards shall be reflected both in text form and noted on the approved preliminary plan and final development plan and made part of the planned unit development district ordinance.
- (E) Development Area.
 - (1) The minimum lot area for a PUD shall be as follows:
 - (a) B-1 District: two acres.
 - (b) B-2 District: one acre.
 - (c) All other districts: three acres.
 - (2) The minimum width for a PUD, when measured at the front lot line, shall be 200 feet.
- (F) Open Space.
 - (1) No planned unit development district shall be approved unless such district provides for protection and preservation of the natural and sensitive areas within the proposed district. Such space may take the form of a preserved green space, nature or pedestrian walks, and natural areas or public space. Land dedicated for any preservation or

public purpose may be credited for the purpose of calculation of the overall development density for the PUD at the discretion of the plan commission.

- (2) Where a planned unit development is to be developed in phases, dedication of open space land may also be phased based on an approved development plan by the plan commission.
 - (3) Maintenance of the dedicated open space shall be provided for in the planned unit development's restrictive covenants recorded as part of the project.
- (G) Creativity in Design. To promote creative and innovative urban design and streetscapes, each planned unit development district shall institute within its covenants a monotony provision for all developments. Such monotony provision shall set forth the standards for variation in building design and facades including building colors, setbacks and sizes, so that a mix of building styles is realized.
- (H) Density Requirements. The overall density of the development in a planned unit development district, either in terms of residential units per acre aggregate, gross floor area of business, industrial or manufacturing uses, or other units of measure contained elsewhere in this zoning ordinance, shall be those specified in the applicant's planned unit development district ordinance establishing such district and as approved by the plan commission and town council.
- (I) Water and Sewer Availability.
- (1) Provision of appropriately sized public or private water facilities and sanitary sewers shall be required for all planned development.
 - (2) It shall be required that all planned unit developments provide necessary easements or set aside land for future rights-of-way for abutting properties or future extension of all utilities to such properties, regardless of the ownership of such properties, for future developments.
 - (3) All utilities, water and sewer facilities within the planned unit development shall conform to the town's design and construction standards, as set forth in the Highland subdivision control ordinance or as it may be established by the town or other public agencies.
- (J) Building Setback Requirements. All setback requirements of the underlying zoning district shall be applied unless specifically approved by the plan commission in the approved final development plan.
- (K) Height Requirements. No structure shall exceed the maximum height established in the underlying zoning district unless specifically approved by the plan commission.
- (L) Parking. All planned unit development districts shall meet the parking requirements of Chapter 18.80 HMC and the underlying zoning district unless specifically approved by the plan commission.
- (M) Signage. Internal wayfinding sign(s), as a part of a unified sign design, shall be exempt from the sign permit process, provided the signs are in compliance with the related provisions of Chapters 18.85 and 18.90 HMC, if applicable. The area of such signs shall not count against the maximum amount of signage permitted for the subject development.

All other signs shall be governed by the regulations of Chapter 18.85 HMC.

(N) Transitional Yards. All planned unit development (PUD) zoning districts shall meet the yard and setback requirements of the underlying ordinance, except that where any development abuts any natural area, floodplain, stream bank, or wetland area, a setback shall be required as set forth in Chapter 18.10 HMC. Similarly, no building shall be constructed closer than 20 feet from an existing trail or designated pedestrian path.

(O) Public Streets.

- (1) Each planned unit development district approved pursuant to this chapter shall have front-age on a public street and gain access from said street. All streets, roads or public access roads within the planned unit development shall conform to the town's design and construction standards, as set forth in the Highland subdivision control ordinance or as it may be established by the plan commission, the town, or other public agencies.
- (2) It shall be required that all planned unit developments provide necessary easements or set aside land for future public rights-of-way for abutting properties or future extension to such properties regardless of the ownership of such properties.
- (3) Where public streets are required by the comprehensive plan or the plan commission, as deemed necessary, they shall be dedicated and constructed in conformance with the minimum street specifications prescribed by the comprehensive plan, thoroughfare plan, subdivision control ordinance, and other town standards as they may be applicable.
- (4) The road system of a planned unit development shall be designed to coordinate with existing, proposed, and planned streets, pedestrian facilities, existing and proposed trails, and access to adjoining subdivisions and neighborhoods.
- (5) Whenever a proposed planned unit development abuts undeveloped land or a future development phase of the same development, street stubs shall be provided as deemed appropriate by the building administrator to provide future access to abutting properties or to logically extend the road system.

(P) Private Streets.

- (1) Private street rights-of-way and pavements in a planned unit development (PUD) zoning district shall be constructed in conformance with the minimum street specifications prescribed by the subdivision control ordinance, except as described in the final development plan approved by the plan commission.
- (2) Private streets that are accessible to the public shall meet all applicable landscape requirements of this title.
- (3) Private streets shall be maintained by the owners so that fire, police, health, school, and public utility vehicles have adequate access. Adequate access includes providing an adequate turning area.

(Q) Utilities. Underground utilities, including telephone, cable and electrical systems, are required within the limits of the planned unit development (PUD) zoning district.

(R) Development Incentives.

- (1) Where a planned unit development incorporates mixed uses, the minimum required parking for the entire site may be reduced by 10 percent.
- (2) Bonus Density. The overall density of a planned unit development may be increased from the permitted amount in the underlying zoning district by incorporating a variety of public amenities or pedestrian facilities within the subject property. Such bonus density incentives shall be regulated by the following:

(a) Residential Planned Unit Developments.

1. Improved Public Open Space. One square foot reduction of minimum lot area per 400 square feet of approved public open space, provided the public open space is not less than one acre in area.
2. Pedestrian Trail. One square foot reduction of minimum lot area for every 200 square feet of pedestrian trail corridor connecting to an existing or proposed park, or a regional trail. This bonus may only be credited when the following provisions are met:
 - A. The provided trail corridor is a minimum 50 feet in width.
 - B. The pedestrian trail has a minimum of 10-foot-wide pavement.
 - C. Where natural areas for preservation are incorporated into the trail corridor, a maximum 50-foot width may be claimed as part of the pedestrian trail credit, with the remainder being credited as a preserved natural area.
3. Preservation of Natural Areas. One square foot reduction of minimum lot area for every 400 square feet of natural area preserved; provided, that a minimum of 75 percent of the preserved natural area is undisturbed.
4. Cluster Development. In certain special areas, the preservation of natural, historic, or cultural resources may be highly desirable. In such cases, and in conjunction with the incentives listed above, a cluster development may be permitted. In cluster developments, a reduction of up to 15 percent of the minimum lot size or required yards of the underlying zoning district may be permitted in conjunction with the preservation of on-site natural, historical, or cultural resources.

(b) Nonresidential Planned Unit Developments.

1. Improved Public Open Space. One square foot of floor area per one square foot of approved public and pedestrian space above the minimum required open space area; provided, that such public spaces are easily accessible.
2. Pedestrian Trail and Transit. Up to 10 percent of the floor area, but not to exceed 1,000 square feet, for every building located within one-half mile of a pedestrian trail or transit station. The bonus for pedestrian trails may only be credited when the provided pedestrian facility connects or provides a link to an existing or proposed park, trail, or transit station, and the paved

width is not less than 10 feet.

3. Preservation of Natural Area. One square foot of floor area for every 10 square feet of natural area preserved; provided, that such area is no less than one acre and no less than 75 percent of the preserved natural area is undisturbed.
4. LEED Building. The overall net floor area may be increased by a maximum of five percent of the net floor area of all buildings certified as LEED Silver or higher.

(Ord. 1659 § 1, 2017)

§ 18.70.040. Application procedure.

The general and specific procedures for filing an application for a planned unit development district are as set forth in the following:

- (A) A petition and all other documents required for the requested planned unit development district shall be submitted, which petition shall be signed by the owner or owners of all real estate involved in the petition for the planned unit development district, or which petition shall have attached thereto the notarized consent of all such owners to the filing of such petition.
- (B) In review and approval of the application for a planned unit development, the following process shall be followed. Approval of a planned unit development plan does not constitute plat approval. Platting procedures for planned unit developments are defined in this chapter.
 - (1) Preliminary plan review by the building administrator.
 - (2) Preliminary plan review by the plan commission.
 - (3) Preliminary plan review by the town council and zoning map amendment.
 - (4) Secondary review of a final plan by the plan commission.
- (C) The planned unit development petition shall include a preliminary plan and plat for any area proposed for development. Twelve hard copies, or one digital copy each in PDF format and AutoCAD/ArcGIS format, of said plan and plat shall be filed with the plan commission. The preliminary plan and plat shall include the following:
 - (1) The proposed layout of streets, open space and other basic elements of the plan.
 - (2) Identification of location and types of structures and their use categories within the area, including proposed densities of said uses.
 - (3) Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, lighting, signage and other pertinent development features.
 - (4) A landscape plan, prepared by a registered landscape architect licensed to practice in the state of Indiana, showing approved and compliant landscape treatments as set forth in this title. This landscape plan shall also include details for tree preservation and removal, as required.

- (5) A separate location map to scale shall show the boundary line of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.
 - (6) The condominium declaration (if applicable), a document creating an owners' association and any covenants which are to be made part of the planned unit development district as well as the order and estimated time of development.
 - (7) A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases and, if so, the order and content of each phase.
- (D) The preliminary plan shall be presented to the plan commission with copies for each member thereof and additional file copies for a total of 12 copies drawn to a scale ratio not to exceed one inch equals 100 feet. The preliminary plan may include any additional graphics which will help to explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment:
- (1) Department of public works.
 - (2) Police department.
 - (3) Fire department.
 - (4) Parks and recreation department.
- (E) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or any other assurances as are required in the normal procedures of platting pursuant to the provisions of the Highland subdivision control ordinance.
- (F) After assignment of a docket number and prior to the date of the public hearing on the preliminary plan as established by the plan commission, the administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide additional comments and/or clarifications thereto. After such consultation the petitioner may make modifications to the petition. The administrator may require revision to the preliminary plan if the modifications are deemed to be substantive. Such revised preliminary plans shall be made available to the members of the plan commission at least 10 days prior to the date of the public hearing thereon.
- (G) Concurrent Filing of a Final Plan. If the preliminary plan expresses development standards in detailed terms and meets the requirements for a final review, the petitioner may also request a secondary review of a final plan by the plan commission. However, approval of a final plan by the plan commission shall be conditioned upon the town council adopting the zone map amendment for the planned unit development district. The requirements for a final plan approval are set forth in this chapter. Approval of the final plan by the plan commission shall be required prior to the issuance of an improvement location permit for any development proposed for planned unit development district.
- (Ord. 1659 § 1, 2017)

§ 18.70.050. Preliminary plan hearing.

- (A) The petition, if and as modified, shall be heard by the plan commission as a petition under

the planned unit development district provisions of the zoning ordinance, and subject to the procedures applicable thereto. The plan commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation.

- (B) If disapproval is recommended, the application shall not be certified to the council of the town of Highland.
 - (C) If approval is recommended, the preliminary plan shall be stamped “Approved Preliminary Planned Unit Development” and be signed by the president and secretary of the plan commission. One copy shall be permanently retained in the files of the plan commission, one copy shall be returned to the petitioner and one copy and all conditions shall be certified as described below.
 - (D) The approved preliminary planned unit development shall then be certified to the council of the town of Highland for adoption as a planned unit development district pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.
- (Ord. 1659 § 1, 2017)

§ 18.70.060. Approval of the final detailed plan.

The procedures for approval of the final detailed plan shall be as follows:

- (A) After adoption of an ordinance by the council to establish a planned unit development district, and before any development takes place, the petitioner shall file with the plan commission a minimum of 12 hard-copy sets, or one digital copy each in PDF format and AutoCAD/ArcGIS format, of the final detailed plan specifying the location, composition and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, plat and other site development features including locations of buildings. The petitioner shall file the original of all signed and notarized documents pertaining to all restrictive covenants, condominium declaration and/or the creation of a homeowners’ association, along with financial assurance for the satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting, pursuant to the provisions of the Highland subdivision ordinance. The plan commission shall then approve the final detailed plans by duly adopted motion upon an affirmative finding that the final detailed plan is consistent with the approved preliminary planned unit development as adopted and passed by the town council upon rezoning. Having so once approved the final detailed plan, the plan commission shall have no further review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.
- (B) The approved preliminary planned unit development may provide for the development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire planned unit development.
- (C) The approved final detailed plan or phase thereof shall be stamped “Approved Final Detailed Planned Unit Development” and be signed by the president and secretary of the

plan commission with one copy permanently retained in the files of the plan commission, following recordation as specified in HMC § 18.70.080.

- (D) Unless extended by the plan commission pursuant to HMC § 18.70.120, approval of the first phase of the final detailed plan shall be obtained within two years of preliminary approval, and approval of the balance of the final detailed plan shall be obtained within five years after adoption of the planned unit development district by the town council.
- (E) In the event that approval of a final detailed plan is not obtained within 12 months of initial application, the plan commission may initiate an amendment to remove planned unit development district designation and rezone the property to another land use designation.
- (F) Approval of a final detailed plan shall expire after a period of five years from the approved phasing of the preliminary plan, unless the development is 50 percent completed in terms of public improvements, including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the plan commission upon a recommendation of the building administrator. Following expiration of the final detailed plan, the town shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plan.

(Ord. 1659 § 1, 2017)

§ 18.70.070. Covenants and maintenance.

The plan commission may require and accept covenants and restrictions to the use of property in the planned unit development as follows:

- (A) All covenants, when required by the plan commission, shall be set forth in detail and provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the plan commission president and secretary, upon authorization by the plan commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the plan commission and shall be specifically enforceable by the plan commission in addition to the property owners.
- (B) The plan commission may require the recording of such covenants for any reasonable public purpose, including but not limited to the allocation of land by the petitioner for public roads, parks, schools, recreational facilities, and other cited public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specific period of time, the covenants shall automatically terminate. If such termination does occur, the petitioners shall then submit for approval by the plan commission a modified final detailed plan for such land, otherwise consistent with the approved preliminary planned unit development.
- (C) The plan commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for the development of property in a planned unit development. Such development standards may include, but are not limited to, requirements as to the following:
 - (1) Lot area.
 - (2) Floor area.

- (3) Ratios of floor space to land space.
 - (4) Areas in which structures may be built (“buildable area”).
 - (5) Open space.
 - (6) Setback lines and minimum yards.
 - (7) Building separations.
 - (8) Height of structures.
 - (9) Signs.
 - (10) Off-street parking and loading space.
 - (11) Design standards (including landscaping requirements).
 - (12) Phasing of development.
- (D) Adequate provision shall be made for a private entity with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets, jointly shared by such property owners if such facilities are a part of the planned unit development, and in such instances legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.
- (E) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (F) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (Ord. 1659 § 1, 2017)

§ 18.70.080. Recording.

- (A) All approved final detailed planned unit development plans and plats and any modifications thereof shall be recorded in the office of the Lake County recorder within two years after approval, but before any development takes place.
- (B) The certification of recording shall be kept on file with the plans and plats.
- (C) Failure to record shall automatically void the approval of the final detailed planned unit development.
- (D) Upon the completion of all development, the developer shall submit exact measurements as to the location of buildings or structures erected during the development. The developer shall submit a copy of the approved final detailed planned unit development to the administrator as an amended final detailed planned unit development. The exact

measurements shall be shown on said amended plan. Once satisfied that the measurements are substantially the same as was indicated on the original final detailed planned unit development, the administrator shall approve, date, and sign the amended final detailed planned unit development, which the developer shall then record.

(Ord. 1659 § 1, 2017)

§ 18.70.090. Permit.

An improvement location permit shall be issued for a planned unit development district upon full compliance with the approved final detailed planned unit development.

(Ord. 1659 § 1, 2017)

§ 18.70.100. Plan modifications.

(A) Major Modification. Any proposed major change or modification to an approved final development plan shall be approved by the plan commission and require a public hearing prior to such approval. Major modifications shall involve changes in land use and scope of development, including but not limited to:

- (1) Development density.
- (2) Height of the buildings.
- (3) Architectural style, material, and landscape treatment.
- (4) Infrastructure, circulation patterns or street standards.
- (5) Open and public space.
- (6) Changes in covenant and written commitment.
- (7) The approved maps in the planned unit development (PUD) zoning district ordinance.
- (8) Any other significant change that infringes upon the overall intent and purpose of the development as determined by the plan commission.

(B) Minor Modification. Any other proposed change or modification to an approved final development plan shall be considered a minor change. Minor changes shall require approval by the plan commission, but shall not require a public hearing.

(Ord. 1659 § 1, 2017)

§ 18.70.110. Construction.

(A) No construction or installation work shall be done on any public improvements until the petitioner has, at least 24 hours in advance, notified the appropriate governmental inspector(s) of his intention to begin such work, in order that inspections may be made as the work progresses.

(B) All development shall be in conformity with the approved and recorded final detailed planned unit development and any material deviations from the approved and recorded final detailed planned unit development shall be subject to the appropriate enforcement action as provided for in this chapter.

(Ord. 1659 § 1, 2017)

§ 18.70.120. Expiration, abandonment, and extensions.

- (A) A development plan and the corresponding preliminary plat approval shall expire 12 months from the date of adoption of the planned unit development (PUD) zoning district by the town council if, in the opinion of the town staff, no construction activity has begun. Similarly, any preliminary approval regarding the development plan which was approved by the plan commission shall expire after 12 months if no final plan has been submitted by the applicant.
- (B) In the event of phased development, approval for each development phase shall be valid for a period of two years, at which time, unless the proposed development for that phase has received a building permit, and construction has begun, or the approval extended, the development plan approval shall expire.
- (C) Any preliminary plat approved by the plan commission shall expire after one year if no final plat, or request for extension, has been submitted by the applicant.
- (D) Abandonment shall have occurred when no improvements have been made subsequent to the approved final detailed planned unit development for 24 consecutive months. Upon the abandonment of a development authorized under this section, or upon the expiration of five years from the date of the approval of a final detailed planned unit development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the plan commission deems appropriate.
- (E) One extension, for accomplishing any processes required by this chapter, or for resuming construction activity in an abandoned development may be granted by the plan commission upon a written request from the applicant. The extension length shall not exceed one year for a new development or six months for a development phase of a continuing project. All requests for extensions must be submitted at least 60 days prior to expiration time of the application.

(Ord. 1659 § 1, 2017)

§ 18.70.130. Limitation of rezoning.

The plan commission shall not initiate any amendments to the zoning map concerning the property involved in a planned unit development before completion of the development as long as the development is in conformity with the approved final detailed planned unit development and is proceeding in accordance with the time requirements imposed herein.

(Ord. 1659 § 1, 2017)

CHAPTER 18.75
LANDSCAPE REGULATIONS

§ 18.75.010. Purpose.

It is the intent of this chapter to ensure that landscaping is an integral component of design and development in the town. The chapter further intends to promote higher quality living environment, reduce or mitigate harmful effects of noise, enhance visual quality of developments, screen and mitigate potential conflict between land uses, and to preserve the quality of life for the residents. It is further believed that appropriate landscaping will reduce heat buildup, minimize storm water runoff, promote ground water recharge, and protect and preserve the natural environment of the town.

(Ord. 1659 § 1, 2017)

§ 18.75.020. General provisions.

- (A) Where the requirements imposed by any provision of the zoning ordinance involving landscaping, screening, green buffer strips, yards, or other open space requirements are either more or less restrictive than the provisions of this chapter, the regulations which impose a higher standard or requirement shall govern.
- (B) Where a lot is occupied by two or more land uses, landscape standards consistent with the requirement of the most intense use shall apply.
- (C) With the exception of residential uses as noted in subsection (D) of this section, all development applications involving buildings, parking, drainage, riparian work, or areas with substantial environmental values must include landscape plans.
- (D) The following uses are required to meet the landscaping standards of this title but are not required to submit landscape plans:
 - (1) Single-family dwellings and duplexes.
 - (2) Accessory buildings and structures.
 - (3) Changes internal to an existing structure.
 - (4) Building additions involving less than 500 square feet.
 - (5) Reconstruction, repair, or replacement of any damaged structure involving less than 50 percent of the value of the original structure.
- (E) Except as provided herein, all other land uses or changes in land use are required to submit a landscape plan in conjunction with other plans as required by this title. The plan must be prepared by a registered landscape architect licensed to practice in the state of Indiana.
- (F) Landscape plans for planned developments or other uses requiring site plan review approval shall be concurrently reviewed and approved by the applicable administrative agencies as meeting the requirements of this title and chapter.
- (G) Such landscape plans shall contain, or have attached thereto, the following information:
 - (1) North arrow and graphic scale.

- (2) The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, freestanding utility meters and equipment, playgrounds and other recreational facilities, irrigation systems, and other freestanding structural features.
 - (3) The location of existing and proposed natural habitat and greenway areas, and their relationship to adjacent areas.
 - (4) The location, quantity, size, planting condition (balled and burlapped, bare root, etc.) and name, both botanical and common, of all proposed plant materials.
 - (5) The location of existing buildings, structures and plant materials on adjacent property within 50 feet of the site.
 - (6) Existing and proposed grading of the site, including proposed berms, indicating contours, at one-foot intervals.
 - (7) A reasonably comprehensive description of the location, quantity, size, and name of existing woody and nonwoody plants. Trees and significant vegetation designated for preservation shall be identified by both the common and botanical names. The plan shall indicate existing screening materials.
 - (8) Elevation views and details of all fences proposed for location on the site.
 - (9) Location of buried utilities and delineation of easements.
 - (10) Show clearance for installation and servicing of ground mounted mechanical (HVAC) and utility (pedestals and transformers) equipment.
 - (11) Elevations, cross-sections and other details of proposed improvements necessary by the zoning administrator or appointed designee.
 - (12) Location of all existing and proposed watercourses and federally regulated wetlands on, or within, 50 feet of the property.
 - (13) Planting specifications, including installation, soil and guying specifications.
 - (14) Symbols representing proposed plant material shall be drawn to scale showing two-thirds of full mature size and labeled as to quantity and type.
 - (15) Location of underground irrigation system, if any.
 - (16) Planting schedule.
- (H) Once a landscape plan has been approved and a building permit issued, the applicant may request a modification. Such modification shall be approved by the town staff, provided:
- (1) The modification does not diminish the benefits of the approved landscape plan.
 - (2) The modification involves only minor grade changes or substitution of materials.
 - (3) The modification does not involve more than 15 percent of the total plant materials.
- (I) A revision shall be considered minor where there is no reduction in the quantity and quality

of plant material, no significant change in size or location of plant material, and new plants are of the same general category (canopy, ornamental, evergreen etc.) and have the same general design characteristics (mature size, shape, spread, density) as the materials being substituted. Burden for proof of equivalency is on the applicant using published standards such as Plant Guides or Plant Fact Sheets in the United States Department of Agriculture/ Natural Resources Conservation Service (USDA/NRCS) Plants database.

- (J) Failure to implement a permitted landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this title.
- (K) Occupancy of a development that required improvement or permit approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:
 - (1) Occupancy is requested between December 1st and April 1st.
 - (2) A security is provided to the town equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor or the landscape architect. Security may consist of a performance bond payable to the town of Highland, certified check, certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the town staff.
 - (3) The applicant and the town agree to a specified installation completion date.
 - (4) To verify that the landscaping and/or irrigation has been installed per the approved plan, an inspection shall be made prior to any security being released.
- (L) A security bond may be provided to cover the expected monitoring and management activities following substantial completion of the installation of an approved landscape improvement plan. The above letter of credit will be released and the security bond will be held until the landscape is accepted by the town.
- (M) Vegetation and plant material that exists on a site prior to development may be used to satisfy the landscaping requirements in this title; provided, that the size, variety, and location of the plant material meets the minimum requirements of this title.
- (N) Trees proposed for preservation shall meet the following additional requirements:
 - (1) Preserved trees shall be healthy and free of mechanical injury, and may not be damaged by skinning, barking, bumping, or similar induced wounds.
 - (2) There shall be no evidence of active disease or insect infestation.
 - (3) A protection area of 10 feet outside the entire area of the tree drip line shall be naturally preserved or provided with pervious landscape material, with no soil compaction or storage of fill, paint, chemicals and other foreign substances, or heavy machinery permitted in the protection area.
 - (4) No grade changes or removal of soil shall be permitted within 10 feet of the trunk of any preserved tree.

- (O) When natural areas, groves, tree rows, or specimen trees are designated to be conserved or have been included in a preservation commitment, the following measures shall be taken.
 - (1) Install highly visible (orange) construction fencing at least three feet outside the dripline of the trees in the protected area.
 - (2) Avoid injuring roots when installing anchoring posts for fencing.
 - (3) Signs should be posted clearly identifying the plant protection zone.
- (P) Where a common area or a public area is designated on a plat of subdivision, or development plan of a commercial or residential project where multiple ownership of the site is expected, a property or homeowners' association shall be formed and shall be required to provide necessary maintenance to said common areas.
- (Q) Where two or more differing landscaping provisions (such as buffering, screening, transition yards, etc.) overlap, they can be incorporated into a single landscaping area; provided, that the requirements for each landscaping provision is fulfilled within the combined landscaping treatment area.
- (R) No Plant Zones.
 - (1) A no plant zone for trees shall be established within 10 feet of any fire hydrant, clear zone for vehicular access way, or street light, and five feet of all other utility easements and sidewalks, when measured from its center.
 - (2) A no plant zone for shrubs shall be established within five feet of any fire hydrant, vehicular access way, or all other utility easements when measured from its perimeter.
 - (3) Landscaping, except for turf grasses, shall not be permitted in any no plant zone. The owner shall be responsible for the full cost of removal of any plants located within a no plant zone.
- (S) All landscaping in easements shall provide adequate clearance to assure no impairment of access, or damage to the infrastructure from such landscaping. The clearance shall be at minimum five feet.
- (T) All vegetative screens shall be required to achieve a minimum opacity of 75 percent within two years of planting.
- (U) Vegetable gardens and similar agriculture gardens shall only be permitted in the rear yard of a lot.
- (V) Plant Material Standards.
 - (1) Planting materials used in conformance with the provisions of this chapter shall be of good quality, of a species normally grown in, or native to, Northwestern Indiana (typically Zone 5), capable of withstanding the extremes of individual site microclimates, and shall conform to the standards in the most recent edition of the American Standard for Nursery Stock ANSI (<http://www.americanhort.org>). Size and density of plant material, both at the time of planting and at maturity, are additional criteria which must be avoided. Not more than 50 percent of any planting area shall be of one species or plant type.

- (2) Secondary published sources that may be consulted are:
 - (a) Urban Trees, LC-992, distributed by Purdue University Cooperative Extension Service, Lake County Office.
 - (b) Standard Specifications, Section 914 – Roadside Development Materials, published by the Indiana Department of Transportation.
- (3) The use of stone, rock, or gravel as a ground cover is not acceptable unless used as a decorative accent or as part of an appropriate landscape concept.
- (4) Recommended and unacceptable plant species are listed by category in HMC § 18.75.060. Species identified in HMC § 18.75.060(I) and (J), or by the Indiana Department of Natural Resources as updated periodically, shall be avoided. Such species, if planted, shall not be counted toward landscaping requirements of this title.
- (5) Plant material shall be living species. Dead or artificial plants shall not be accepted as contributing to the required landscaping.
- (6) Plant material used in conformance with the provisions of this chapter shall be selected to provide:
 - (a) Climate hardiness of plant material.
 - (b) High disease resistance and stress tolerance.
 - (c) Adaptability of proposed plant material to the particular microclimate (sun, shade, dry or wet soils, alkalinity, etc.) in which it is to be located.
 - (d) Inclusion of native plant material where appropriate.
 - (e) Select plants for drought tolerance.
 - (f) Overall year-round ornamental effect.
 - (g) Conformance with best management practices (BMPs).
- (7) Plant material shall be healthy, free of insects and diseases, physical damage (bark bruises, cracked branches, scrapes, etc.), and exhibit a straight central leader when applicable.
- (8) Trees in parks and open space areas shall only include those species native to Northwest Indiana.
- (9) Landscaping projects requiring more than 25 or more new trees shall maximize diversity by providing a variety of trees, shrubs, and ground covers. Single species planting shall not be permitted.
- (10) The minimum sizes of all plant materials required by this chapter shall be according to the following provisions:
 - (a) Street trees, as listed in HMC § 18.75.060(C), shall be at minimum two-inch caliper for single-family residential uses, and two-and-one-half-inch caliper for all other uses, with the bottom-most six feet clear of branches in all locations.

- (b) Deciduous canopy trees shall be at minimum one-and-one-half-inch caliper for single-family residential uses, and two-inch caliper for all other uses, with the bottom-most six feet clear of branches in all locations.
- (c) Evergreen trees shall be at least six feet tall for single-family residential uses, and eight feet tall for all other uses.
- (d) Ornamental and understory trees shall be one-and-one-half-inch caliper or six feet high.
- (e) Shrubs shall be five-gallon container size or two feet tall from the ground after planting.
- (f) Perennial plants shall have one full season growth with a minimum size of one-half gallon.
- (g) Ground Cover. Grass and other vegetative ground cover shall be used for all pervious areas excluding planting beds, with sufficient space to achieve full cover in the second year after planting.

(W) Landscape Management.

- (1) The owner of the premises shall be responsible for the management, repair and replacement of all landscaping materials, plants, screens and buffers as required by the provisions of this title, including those in easements and rights-of-way, in an attractive manner free of weeds and noxious vegetation.
- (2) All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. All dead plant material shall be replaced with the same at the next available planting season.
- (3) Urban Tree Care, LC-1193, distributed by the Lake County Office of the Purdue University Cooperative Extension Service, may be consulted as a guide.
- (4) Fences, walls, curbing and other barriers shall be maintained in good repair.
- (5) The owner of trees overhanging public streets or right-of-way shall prune the branches so that such branches do not obstruct the light from any street lamp or obstruct the view of any street intersection or traffic control device and shall provide a clear space of eight feet above the surface of the sidewalk and 12 feet above the pavement surface from back of curb to back of curb. Said owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.
- (6) The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light or interferes with the visibility of any traffic control device or sign. The property owner shall be charged the cost of such service that the town initiates for public safety.
- (7) Owner Responsibilities.
 - (a) The responsibility for pruning and maintenance of landscaping that overhangs or crosses over property lines and creates a nuisance, discomfort, or otherwise

impedes the enjoyment of the abutting property owners shall be that of the plant owner.

- (b) In the event of refusal of the plant owner, the adjoining property owner may prune such overgrown and encroaching plants up to the property line.
- (c) On sites where landscaping of the public right-of-way complies with the provisions of this chapter, the adjacent property owner assumes full responsibility for maintenance and upkeep of the right-of-way. The owner also accepts full financial responsibility for the cost of movement, replacement, and relocation of landscaping should the town require the use of the right-of-way.

(X) Dead or Diseased Tree Removal.

- (1) The town shall have the right to cause the removal of any dead, damaged or diseased trees on private property within the town, when such trees constitute a life and property safety hazard, or harbor insects or disease which constitute a potential threat to other trees within the town. The owner(s) of such trees shall remove them upon written notification. Removal shall be done by said owners at their own expense within 60 days after the date of the service of notice. In the event that the owners fail to comply with such provisions, the town shall have the authority to remove such trees and charge the cost of removal to the property owner.
- (2) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs, within the right-of-way of all streets, alleys, avenues, lanes, squares, and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The town may remove any tree or part thereof which is in an unsafe condition or, by reason of its own nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.

(Ord. 1659 § 1, 2017)

§ 18.75.030. Landscape design standards.

(A) General Requirements.

- (1) Required landscape areas are exclusive of utility easement requirements and in addition to right-of-way landscaping.
- (2) Landscaping shall be designed with pedestrian access in mind, with amenities, materials, and features that encourage and promote walk-ability and pedestrian movement. In no case shall any landscape design impede pedestrian access to any public building or amenity.
- (3) If a berm or undulating mound is used in a landscape, a maximum height of six feet and maximum slope of 3:1 shall be maintained.

(B) Landscaping Credits.

- (1) Green Energy Lot Coverage Credit. Lots that incorporate green roofs, solar panels, and/or geothermal wells in the development of a building or lot shall be eligible to increase their allowable lot coverage by one percent for every 10 percent of lot area that employs such systems.

- (2) Credit may be allowed for existing plant material that is protected in place or salvaged and transplanted on the site, providing that all other requirements of this chapter are met. Maximum credit allowed is one to one (1:1) for each plant based on requirements for plant material of similar type and size.
- (3) Credit may be allowed for freestanding site features other than greenscape that provide community gathering or public space uses. Maximum credit allowed is one to one (1:1) based on area and proposed type of use, unless otherwise specified herein. Credit examples are:
 - (a) A dry bottom detention facility that is maintained as lawn with perimeter planting will be credited at one-quarter to one (1:4) for its single use, provided the facility is designed as a natural green with varying topography, organically shaped banks, and pedestrian walkways. Dry bottom detention facilities not meeting this standard shall not be eligible for an open space credit.
 - (b) A water feature built into a wet bottom detention facility will be credited at one-half to one (1:2) for dual use, provided the facility is designed as a natural garden with varying topography, organically shaped banks, and pedestrian walkways. Wet bottom detention facilities not meeting this standard shall not be eligible for an open space credit.
 - (c) A naturalized detention facility will be credited at one to one (1:1) for creation of new naturalized habitat, provided the facility is designed as a natural green with varying topography, organically shaped banks, and pedestrian walkways. Naturalized detention facilities not meeting this standard shall not be eligible for an open space credit.
 - (d) A public amenity placed in front of a building, such as a public plaza or transit station, will be credited at one to one (1:1) for its public use.
- (C) Monument and Freestanding Signs. The base of all monument and freestanding signs shall be landscaped at a minimum width of six feet from all sides of the sign. The landscaping base shall include a minimum of 16 shrubs with a maximum mature height of three feet, with the remaining area including a mixture of perennials or annuals. A minimum of two trees shall also be included in the landscape design, with all trees located a minimum of 10 feet away from all sign faces, and having a minimum vertical clearance of eight feet.
- (D) Park Signs. The base of all park signs shall be landscaped at a minimum width of four feet from the front and back of the sign. The landscaping base shall include a minimum of eight shrubs with a maximum mature height of three feet, with the remaining area including a mixture of perennials or annuals.
- (E) Right-of-Way Buffering.
 - (1) All uses, except parks and single-family residential uses, fronting an existing right-of-way shall provide a landscape buffer adjacent to the right-of-way. This buffer area shall serve as a landscaped easement and shall not be obstructed or interrupted with other materials except for approved improvements, signage, and access drives. Buffering treatments for various streets shall be as listed in Table 5.

Table 5 – Right-of-Way Buffering Treatments		
Location	Width	Treatment (per 100' of frontage)
Local Residential Streets	10'	• Min. 100 sq. ft. of rain gardens, perennials, and/or annuals. • One of the following treatments: • Two canopy trees, provided there is sufficient clearance from underground utilities, street lights and traffic control devices. • One understory, ornamental or evergreen tree, plus one large or two small shrubs. • Two large and three small shrubs.
Collector Residential Streets	15'	• Min. 100 sq. ft. of rain gardens, perennials, and/or annuals. • One of the following treatments: • Two canopy trees, provided there is sufficient clearance from underground utilities, street lights and traffic control devices. • One canopy tree, at least eight feet in height if there is sufficient clearance from underground utilities, street lights and traffic control devices, plus two ornamental trees or three evergreen trees. • Two ornamental trees or three evergreen trees, plus nine large or 12 small shrubs.
Arterial Streets and Highways	20'	• Min. 100 sq. ft. of rain gardens, perennials, and/or annuals. • One of the following treatments: • Two canopy trees, provided there is sufficient clearance from underground utilities, street lights and traffic control devices, plus three ornamental or nine evergreen trees, plus six large or 18 small shrubs. • Three ornamental trees, plus three evergreen trees, plus 12 large or 18 small shrubs. • Five ornamental trees or nine evergreen trees, plus 12 large or 18 small shrubs.

- (2) Frontage roads, service roads and reliever streets parallel to major arterials, if any, shall provide a seven-foot-wide planting strip, but street trees are not required on both

sides of a frontage road. Street trees shall only be required on the side of the street where primary structures are located.

- (3) Bulbout islands shall be completely curbed where they abut a street, and include one canopy tree and decorative ground cover containing at least 10 shrubs for every 100 square feet of landscape area.
- (4) Landscaping shall be provided on each corner and double frontage lot, along the frontage which does not have access to the public right-of-way. The landscaping shall provide a buffer to the traffic and noise associated with the right-of-way. The landscaping shall be located parallel to the lot line and shall extend along the entire frontage of the lot immediately adjacent to the property line. The required landscaping shall be comprised of plant material in accordance with the above schedule depending on the classification of the adjacent right-of-way.

(F) Parkway Trees.

- (1) Except where prohibited by local, state or federal authorities, one street tree, as defined in HMC § 18.75.060(C), on the parkway for each 35 feet of frontage is required.
- (2) Where a parkway does not exist, street trees shall not be permitted unless approved by the town staff and provided such trees are located only within the outer 10 feet of the right-of-way. If space does not exist within the outer 10 feet of right-of-way, then the trees shall be planted on the abutting property within 10 feet of the right-of-way and all such planting shall be credited toward applicable perimeter or front yard planting requirements.

(G) Cul-de-Sac Turning Circle.

- (1) Turning circles in cul-de-sacs shall be fully landscaped with a mixture of canopy and street trees, small shrubs no more than three feet at mature height, perennials, and turf grasses. Neighborhood amenities, such as plazas, seating areas, arbors, trellises, and the like, shall also be permitted.
- (2) The development of rain gardens and bioswales shall be encouraged in cul-de-sac turning circles as a means of storm water management.

(H) Front Yard Landscaping.

- (1) All developments in all zoning districts shall be required to provide landscaping on front yard or the side yards, if fronting a street, prior to issuance of the occupancy permit.
- (2) Front yard landscaping in all zoning districts shall be as provided in Table 6.

Table 6 – Front Yard Landscaping Treatments	
Location	Treatment (per 1,000 sq. ft. of front yard)
Residential Districts	• One canopy tree. • Four shrubs or accent plants on the front elevation. • The remaining area treated with attractive ground cover(s) (e.g., lawn, perennials, and shrubs) with a deep root system that holds soil and prevents erosion. • Corner lots shall install six shrubs and one canopy tree per side facing a street.
Professional Business District (PB)	• One canopy tree. • Six large shrubs or 12 small shrubs, trees or accent plants. • Corner lots shall install 10 shrubs and two trees per side facing a street. • The remaining area treated with suitable living ground cover, lawn, perennials or other attractive plant materials.
Other Business Districts	• One canopy tree. • Five large shrubs or eight small shrubs, trees or accent plants. • Corner lots shall install six shrubs and one tree per side facing a street. • The remaining area treated with suitable living ground cover, lawn, perennials or other attractive plant materials.
Industrial Districts	• One canopy tree. • Five large shrubs or eight small shrubs, trees or accent plants. • The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover. • Where the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially zoned property, only 50 percent of this standard shall apply.

(3) Additional Requirements for Residential Uses.

- (a) All front yards (exclusive of driveways and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued according to the provisions of this title.
- (b) Walls that do not exceed two feet in height may be permitted only when shown as an integral part of a landscape plan. Walls shall be constructed of masonry materials that complement the architecture of the primary building.
- (c) An approved landscape plan, meeting the requirements of HMC § 18.75.020 and

18.75.050, may be used in lieu of the standards in Table 6.

- (4) Additional Requirements for Business and Professional Office Uses.
 - (a) All required yards adjacent to a street (exclusive of driveway and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit.
 - (b) Walls are not permitted in front yards unless they are used to screen off-street parking lots. Walls shall be constructed of masonry materials that complement the architecture of the primary building.
- (5) Additional Requirements for Business Park and Industrial Uses. All required yards adjacent to a street (exclusive of driveway and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued according to the provisions to this title.
- (I) Side Yard Landscaping in Nonresidential Zones. Where two adjoining lots have a minimum combined side yard width of 20 feet, but not exceeding 30 feet, the lot owners may be permitted to develop a pedestrian plaza in the combined side yard. An increase of one percent of allowable lot coverage shall be permitted for every five percent of lot area that employs such open space, subject to the following conditions.
 - (1) The plaza shall be open to the public and accessible to pedestrians from all adjoining public streets, alleys, and parking lots, where they exist.
 - (2) A minimum of one building entrance for each building utilizing the plaza shall be provided in the side yard, in addition to all other building entrances that may be required.
 - (3) The design of the plaza shall be approved by the plan commission.
- (J) Transition Yard Planting.
 - (1) Side and rear yards of business or industrial districts adjacent to residential zoned property shall provide adequate screening to maintain a 75 percent opacity in two years. The planting shall include at least the following for every 100 feet of lot length:

Table 7 – Transition Yard Landscaping Treatments

Location	Treatment (per 100' of lot length)
Business Districts	• Three canopy trees, if sufficient clearance from overhead and underground utilities exists. • One of the following treatments: • Six large evergreen trees, plus 12 large or 20 small shrubs. • Four understory or ornamental trees, 12 evergreen trees, plus 12 large or 24 small shrubs. • Other combination of plantings as prepared by a landscape architect provided such planting plan meets 75 percent opacity. • The remaining area treated with suitable living ground cover, lawn, perennials, or other attractive plant materials.
Industrial Districts	• Four canopy trees, if sufficient clearance from overhead and underground utilities exists. • One of the following treatments: • Eight large evergreens, 12 small evergreen trees, plus 24 large and 36 small shrubs. • Twelve understory or ornamental trees, 16 evergreen trees, plus 18 large or 24 small shrubs. • Other combination of plantings as prepared by a landscape architect provided such planting plan meets 75 percent opacity. • The remaining area treated with suitable living ground cover, lawn, perennials, or other attractive plant materials.

(2) Open Storage Yards.

- (a) Open storage yards shall be screened on all sides by solid walls or fences (including solid doors or gates) not more than eight feet high, but in no case lower in height than the materials to be stored.
- (b) The wall or fencing shall be landscaped on all sides if it adjoins uses other than industrial or abuts a public right-of-way.
- (c) When a storage yard fronts a public right-of-way, a setback of 60 feet shall be required. A continuous berm with minimum three feet height shall be provided, and the area shall be landscaped in accordance with the provisions of subsection (J)(2)(b) of this section.
- (d) When a storage yard with fencing abuts uses other than industrial, an outside perimeter landscaping shall be required in accordance with the provisions of subsection (J)(2)(b) of this section.

(K) Parkway Landscaping. The following provisions shall apply to all properties that have street curbs and/or gutters:

- (1) Property owners may maintain native grasses to a maximum height of six inches; however, these properties shall not maintain rocks, gravel, bark, or other similar materials within the public right-of-way.
 - (2) Turf shall be permitted in all parkways and is recommended on slope grades up to 50 percent (1:1 slope). Turf is not recommended on slopes greater than 50 percent.
 - (3) Canopy trees, planted at specified distances, are permitted.
 - (4) Driveways and walkways shall be permitted in all parkways.
 - (5) Rain gardens shall be permitted with approval of the plan commission and public works. Planting plans and grading plans shall be submitted as part of an application for rain gardens.
 - (6) Prohibited Materials. Materials prohibited in parkways include brick pavers, gravel, asphalt, ground cover and shrubs exceeding 18 inches in height at maturity, and concrete, unless such materials are used in conjunction with driveways, walkways, and plazas.
- (L) Principal Building Foundations. In addition to the general design criteria prescribed in this chapter, the following requirements shall also apply to foundation landscaping of principal buildings.
- (1) All nonresidential and multiple-family development shall provide perimeter landscaping as provided herein.
 - (2) A landscaping area not less than five feet in width shall be located around the perimeter of all buildings, except where impractical, e.g., loading dock areas, entryways, etc.
 - (3) Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving is required.
 - (4) Foundation landscaping consists of shade and ornamental trees, evergreens, shrubbery, hedges, and/or other living plant materials. Particular attention shall be paid toward screening mechanical equipment and loading docks, softening large expanses of building walls, and accenting entrances and architectural features of the building(s).
- (M) Parking Lot Landscaping.
- (1) Landscaping for parking areas shall consist of a minimum of seven percent of the total parking area, plus a ratio of one tree per eight parking spaces for large parking lots (50 spaces or more) and one tree per 10 parking spaces for small parking lots. All parking spaces, travel aisles, sidewalks, and abutting landscape areas shall be included as part of the parking area.
 - (2) All parking lots located adjacent to an existing public right(s)-of-way shall establish roadside landscape buffer of not less than eight feet in width. Such buffer shall complement the existing road parkway where practical or district's yard setback requirements as provided in Chapter 18.55 HMC.
 - (3) Entryway Landscaping. Entryways into parking lots shall be bordered by a minimum

five-foot-wide landscape planting strip with canopy trees of not less than 35 feet on center, except that no sight obscuring trees or shrubs are permitted.

- (4) **Parking Space Buffers.** Parking areas shall be separated from the exterior wall of a structure by pedestrian walks or loading areas or by a five-foot strip of landscaping materials.
- (5) A parking lot shall be broken up with physical relief by providing one or more of the following:
 - (a) Landscape strips between parallel parking rows that are a minimum five feet in width. When incorporating pedestrian walkways, such strips shall be a minimum of 12 feet wide for all such applications except for double-sided sidewalks, which shall require a minimum 17-foot-wide strip.
 - (b) Landscape island, with minimum six feet width and 18 feet long.
 - (c) Rain gardens and bioswales, and other storm water retention structures may be incorporated into landscaping strips.
- (6) **Perimeter Landscaping.** Parking lots with eight or more spaces shall have the following perimeter improvements.
 - (a) Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds.
 - (b) The screen may be broken into segments to allow for pedestrian movement, diversity and variety.
 - (c) Shrubs shall be planted at a minimum ratio of one shrub per four lineal feet around the perimeter or create a 75 percent level of opacity in two years, and be maintained at a height of at least three feet tall, but not exceeding eight feet in height. Shrubs shall be planted within five feet of the parking lot edge.
 - (d) A wall or mound may be installed in lieu of the planting screen. Walls, if used, shall be a minimum of 36 inches and maximum of 42 inches in height.
 - (e) One deciduous tree per 35 feet of parking lot perimeter shall be planted within 10 feet of the parking lot edge.
- (7) **Interior Landscaping.** Parking lots with eight or more parking spaces are required to have the following:
 - (a) **Landscape Island.** Parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay, there shall be curbed island of at least five feet in width. Each island shall contain one canopy tree and decorative ground cover containing at least 10 shrubs for every 100 square feet of landscape area.
 - (b) **Charging Stations.** Charging stations for electrical vehicles shall be located in a curbed landscape island. Such island shall be at least five feet in width. Each island shall contain decorative ground cover containing at least 10 shrubs for every 100 square feet of landscape area.

- (c) Rest Area. Where parking rows in a large parking lot exceed 300 feet in length, resting areas shall be provided every 200 feet for every two parking rows. Resting areas shall be a minimum of 15 feet in width and shall be completely curbed. Each resting area shall contain one canopy tree and decorative ground cover containing at least 10 shrubs for every 100 square feet of area.
 - (d) Landscape Walk. Where a sidewalk abuts a parking lot, a five-foot-wide landscape strip shall be provided between the walk and the parking lot.
 - (e) Each landscape island shall be bordered by a four-inch or higher curb above the surface of the parking lot, except when such island is used as a rain garden or for bioswales where it could be broken as required.
 - (f) Parking lot landscape areas shall not be filled with gravel or impervious surface. They must be free of litter and be maintained with plant materials and mulch.
 - (g) Institutional uses with parking lots used primarily for bus circulation and staging are not required to install landscape islands for that portion of the parking area.
 - (h) Parking lots that incorporate pervious paving in their design shall be exempt from provided landscaped islands (except those required for charging stations), but shall still provide all other required landscaping.
- (8) Buffer Yards. A buffer yard shall be required along the property lines (side and rear property lines included) where parking lots abut other conflicting zones. The following standards shall apply where the two conflicting zoning districts meet:
- (a) The property which is zoned for higher intensity uses is responsible for installing the buffer yard.
 - (b) A natural or irregular row and spacing of trees is preferred. However, trees, shrubs and other living landscape materials shall be planted in such a manner to achieve a 75 percent opacity level within two years of the planting. All plant materials shall be installed within five to 15 feet from the property line in the required setback or side yards.
 - (c) Rolling mounds or berms or opaque fencing may be installed for the total length of conflicting property. Undulating mounds shall not exceed a slope of 3:1, nor exceed six feet in height.
- (N) Outdoor Storage, Loading, Utility and Trash Collection Areas.
- (1) Areas for outdoor storage, truck parking, loading, trash compaction, or other such uses shall not be visible from public or private rights-of-way and shall be enclosed on all sides by an enclosure of comparable materials to that of the primary structure or surrounded by an earth berm with landscape plantings of not less than six feet in height. No areas for outdoor storage, truck parking, loading, trash compaction, or other such uses shall be located within 20 feet of any public or private street, and public sidewalk.
 - (2) Utility meters, pedestals and transformers, HVAC equipment, and other service functions shall be incorporated into the overall design of the building and the landscaping plan so that the visual and acoustic impacts of these functions are fully

contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

- (3) Dumpsters, recycling containers, and utility or equipment areas must be completely enclosed within an opaque enclosure consisting of materials architecturally compatible with the primary structure. All enclosures must include a gate, consisting of similar design and opaque materials such as solid wood or vinyl. Evergreen landscaping, with a minimum height of eight feet, shall be provided around the enclosure. Chain link or post and rail fences and gates with similar materials shall be prohibited.
- (4) All ground mounted utility equipment, including accessory buildings and structures for telecommunication towers, shall be screened with evergreen landscaping at a minimum height of eight feet.

(O) Parks and Open Space.

- (1) All parks and managed open space areas shall be landscaped with appropriate plant materials and turf grass.
- (2) No more than 25 percent of the area of any park or managed open space shall be used for nonpermeable surfaces. Parks with public community centers shall be allowed a maximum of 70 percent of area with nonpermeable surfaces. Building areas that incorporate green roofs as part of the building design shall not count against this requirement.
- (3) A minimum of four different plant materials and variety shall be used in park landscaping. Parks less than three acres in size are exempt from this requirement.
- (4) Where trails and pathways are developed, a minimum three-foot setback from trees and shrubs shall be provided on all sides.

(P) Storm Water Detention/Retention Facilities.

- (1) Perimeter planting area shall be installed to a minimum width of 20 feet measured perpendicular from the top of bank, or if greater than 20 feet, a width equivalent to the distance from top of bank to the toe of the landward embankment. The area shall be planted in conformance to the schedule in subsection (E)(1) of this section.
- (2) In no case shall any storm water facility be located within the front yard of any lot. Access to any storm water facility shall be located only within the lot interior.
- (3) The use of rain gardens, bioswales, filtering ponds, chain of ponds, and other similar natural storm water management systems shall be permitted, either in whole or in part, as acceptable storm water management facilities, provided they meet the provisions of this title and all other applicable provisions of the town code. An approved landscape plan shall be required for such use.
- (4) Where practical, storm water facilities shall be linked among neighboring properties to create a single storm water system.
- (5) A naturalized planting area shall conform to HMC § 18.75.040.

(Ord. 1659 § 1, 2017)

§ 18.75.040. Naturalized storm water detention/retention facilities.

- (A) Where naturalized landscape areas are installed around storm water detention/retention facilities, the areas must remain as naturalistic as possible, resemble natural water features, provide habitat and storm water management benefits, and improve water quality.
- (B) Naturalized landscape plans for all storm water detention/retention facilities must be prepared by a registered landscape architect, and clearly demonstrate the ability of the proposed plant material to survive expected periods of inundation, based upon hydrologic studies. The plan shall include the following elements in addition to those required in HMC § 18.75.020:
 - (1) Topographic information and proposed grades, slopes, and gradients for the facility.
 - (2) Location of existing and/or proposed inlets and outlets.
 - (3) Identification of all plant zones by elevation range (i.e., 721 – 723.5, HWL – 719, etc.).
 - (4) Identification all seed mixes and planting rates per plant zone (i.e., prairie, wet prairie, emergent wetland, riparian woods, forested wetland, turf grass, etc.).
 - (5) Hydrograph data for the two- and 100-year rainfall events on a time vs. stage graph. Data for five- and 10-year events may also be required if determined necessary by the town staff.
 - (6) Herbivory protection netting for emergent planting zones based on plant selection.
 - (7) Maintenance and monitoring plans described in subsections (C) through (F) of this section.
- (C) A long-term operation and maintenance plan shall also be provided for naturalized landscape areas, and shall include the following:
 - (1) Names, addresses and telephone numbers of the property owner(s) of the storm water facility.
 - (2) Names, addresses and telephone numbers of the party or parties legally responsible for operations and management of the storm water facility.
 - (3) Written documentation of acceptance by public agencies, as applicable; including associated capital expenses.
 - (4) A copy of the terms demonstrating that the long-term management agreement is recorded against all lots in the project.
 - (5) Location map identifying all permanent access (public and private), boundaries between traditional turf grass areas and the naturalized areas covered by the plan, overland flow paths, and control structures.
 - (6) Educational pamphlet to be distributed at closing for all lots in the development that the storm water retention/detention facility serves.

- (7) Schedule of expected long-term management activities.
- (8) Cost estimate for routine and nonroutine expenses and dedicated source(s) of funding for continued inspection, operation and maintenance.
- (D) Naturalized landscapes are to be installed and managed by individuals/companies with qualifications and/or experience with such landscapes. Qualifications are to be provided to the town through submittal of references, photographs, resumes, and/or other means that demonstrate the ability to install and/or manage naturalized landscapes.
- (E) Near-Term Reporting Requirements.
 - (1) The developer is to notify the town at least 48 hours prior to the start of plant installation.
 - (2) Following substantial completion, the developer is to submit documentation that natural area landscape installation or revegetation has been completed. Nursery packing lists indicating the species and quantities of materials installed are to accompany this notice.
 - (3) The developer (or a designated representative) is to submit an annual monitoring of the naturalized landscape toward design goals. The report shall include the following:
 - (a) A location map.
 - (b) Summary of annual monitoring observations; including five to 10 photographs representative of at least 10 percent of each vegetative community to identify the following:
 - 1. The limits of all vegetation areas by general community type and dominant species within each planting zone (e.g., wetland and prairie zones).
 - 2. All plant species (native and nonnative) in each planting zone.
 - 3. The five most dominant species within each planting zone.
 - 4. The percent survival of planted species.
 - 5. The approximate percent ground cover by native species within each planting zone.
 - 6. The percent ground cover by nonnative or invasive species in each planting zone.
 - 7. Erosion and sedimentation problems.
 - 8. Water level or drainage problems.
 - 9. Areas of bare soil larger than three square feet.
 - 10. Observations on specific management strategies necessary to achieve acceptance requirements.
 - (c) Description of management performed during the year.
 - (d) Tabular summary of annual progress relative to acceptance standards.

- (e) List of recommendations for management during the upcoming year.
 - (f) Quarterly observations/inspections of earthen dam embankments, control structures/spillways.
- (F) Long-Term Reporting. Every five years following the town's acceptance of the naturalized landscape plantings, the owner of the property shall submit a report to the town on the condition of naturalized landscapes, recommended management actions to correct deficiencies, and a proposed schedule for implementing the recommended actions. Following implementation of corrective actions, documentation is to be provided to the town demonstrating that deficiencies have been corrected.
- (G) Safety Standards.
- (1) Special consideration for safety shall be made during the design of storm water facilities including fencing, slope benching, access roads, and flattened side slopes. Fencing is not desirable, but may be incorporated in the design of the storm water facility if other more desirable safety measures are not feasible.
 - (2) Fencing may be required when a water depth of over two feet for over 24 hours remains after any design storm event, and safety benching or side slopes of 8:1 (12 percent) or flatter cannot be provided. Where provided, fencing shall be in accordance with all applicable regulations in this title.
- (H) Naturalized Landscape Acceptance. Satisfactory landscape development associated with naturalized vegetation in storm water facilities or other naturalized areas will be based on the following:
- (1) Within three months of seed installation (or three months after the start of the growing season following dormant seeding), at least 90 percent of the seeded area, as measured by aerial cover, will be vegetated or otherwise stabilized against erosion.
 - (2) Naturalized landscapes shall not have single areas of more than three square feet devoid of vegetation, as measured by aerial coverage.
 - (3) Seeded areas shall have no rills or gullies, and basin shorelines shall be adequately protected against erosion.
 - (4) Areas seeded to turf grass or low-maintenance turf shall have 95 percent ground cover.
 - (5) Emergent areas shall have minimum of 35 percent ground cover (average 50 percent) and other wetland and prairie areas shall have a minimum of 35 percent ground cover (average 60 percent) by species in the approved plant list and/or native species with native coefficient of conservatism (C) value = 2 (per Swink and Wilhelm 1994 or more current version).
 - (6) Naturalized landscapes shall have a minimum of 30 percent presence by species seeded or planted for the permanent matrix and/or native species with C value = 2 (per Swink and Wilhelm 1994 or more current version).
 - (7) Installed woody materials shall be alive, in healthy condition, and representative of the species.

- (8) No specific plant community, individual or collective, shall have more than 25 percent cover of nonnative or weedy species.
 - (9) None of the three most dominant species may be nonnative or weedy, as provided in HMC § 18.75.060(I) and (J).
 - (10) Cattails (*Typha* spp.) do not count towards the 25 percent nonnative criterion provided they represent no more than 10 percent cover.
 - (I) Prohibited Activities. The following activities are prohibited within areas of naturalized land-scaping except as needed to achieve and maintain a naturalized landscape consistent with an approved plan and as directed by a town approved landscape restoration specialist.
 - (1) Dumping of yard waste, fill material or debris.
 - (2) Replacement of approved vegetation with nonapproved materials.
 - (3) Construction or placement of structures, except for pedestrian walks or trails.
 - (4) Application of pesticides, fertilizer, or herbicides.
 - (5) Mowing.
 - (6) Commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to signs, billboards, other advertising material, or other structures.
 - (7) Removal or destruction of trees or plants, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals or other material.
 - (8) Operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.
- (Ord. 1659 § 1, 2017)

§ 18.75.050. Alternative compliance.

- (A) Alternative methods of compliance with the provisions of this chapter may be used when one or more of the following conditions exist:
 - (1) The existing topography, soil, or other site constraints are such that full compliance with the regulations in this chapter are impossible or impractical.
 - (2) Improved environmental quality and aesthetics would result from the alternative compliance.
 - (3) Safety considerations make alternative compliance necessary.
- (B) All approved alternative compliance landscape plans shall demonstrate an equal or higher level of compliance of material quality, visual effect, and effectiveness of meeting the purpose of this chapter as compared to a traditional landscape plan.
- (C) Application Procedure. A request for alternative compliance shall be submitted to the town staff at the time the landscape plan is submitted. Included with the submission shall be the proposed alternative landscape plan, showing in sufficient detail and justification (written, graphic, or both) for the alternative compliance request. The town staff shall make the final

determination on whether alternative compliance is warranted for the site.
(Ord. 1659 § 1, 2017)

§ 18.75.060. Recommended and unacceptable plant lists.

- (A) Canopy Trees. The recommended plant materials for canopy trees, defined as trees with mature heights greater than 50 feet, are listed below, with the following provisions:
- (1) Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.
 - (2) No canopy tree shall be planted within 30 feet of any structure or overhead utility line.

Table 8 – Recommended Plant Materials for Canopy Trees	
Botanical Name	Common Name
Acer nigrum var.	Black maple
Acer rubrum var.	Red maple
Acer saccharum var.	Sugar maple
Aesculus glabra	Ohio buckeye
Carya ovata	Shagbark hickory
Celtis occidentalis	Hackberry
Corylus columna	Turkish filbert
Ginkgo biloba (male only)	Maidenhair tree
Gleditsia triacanthos inermis var.	Thornless honeylocust
Gymnocladus dioicus	Kentucky coffeetree
Juglans nigra	Walnut
Liriodendron tulipifera	Tuliptree
Ostrya virginiana	Ironwood
Plantanus acerifolia or occidentalis	London planetree, sycamore
Populus tremuloides	Quaking aspen
Prunus serotina	Black cherry
Pyrus calleryana	Callery pear
Quercus alba	White oak
Quercus bicolor	Swamp white oak
Quercus coccinea	Scarlet oak
Quercus imbricaria	Shingle oak
Quercus macrocarpa	Bur oak
Quercus muehlenbergii	Chickapin oak

Table 8 – Recommended Plant Materials for Canopy Trees

Botanical Name	Common Name
Quercus robur	English oak
Quercus rubra	Red oak
Quercus velutina	Black oak
Syringa reticulata	Japanese tree lilac
Taxodium distichum	Bald cypress
Tilia americana	American linden
Tilia cordata var.	Littleleaf linden
Tilia europaea	European linden
Tilia vulgaris	Common linden
Tilia tomentosa	Sterling silver linden
Ulmus var.	Elm (newer hybrids)
Zelkova serrata	Japanese zelkova

(B) Understory Trees. The recommended plant materials for understory trees, defined as trees with mature heights less than 10 feet, are listed below, with the following provisions:

- (1) Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.
- (2) No understory tree shall be planted within 30 feet of any structure or overhead utility line.

Table 9 – Recommended Plant Materials for Understory Trees

Botanical Name	Common Name
Alnus glutinosa	European black alder
Amelanchier arborea	Downy serviceberry
Amelanchier canadensis	Shadblow serviceberry
Amelanchier grandiflora	Apple serviceberry
Amelanchier laevis	Allegheny serviceberry
Amelanchier sanguinea	Juneberry
Betula nigra var.	River birch
Betula platyphillis japonicum	Whitespire birch
Carpinus carolina	American hornbeam
Cercis canadensis	Eastern redbud
Corylus cornuta	Hazelnut

Table 9 – Recommended Plant Materials for Understory Trees

Botanical Name	Common Name
<i>Crataegus crusgalli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Crataegus viridis</i>	Winter King hawthorn
<i>Hamamelis virginiana</i>	Common witch hazel
<i>Magnolia x loebneri</i> “Merrill”	Merrill Loebner magnolia
<i>Magnolia x soulangeana</i>	Saucer magnolia
<i>Magnolia stellata</i>	Star magnolia
<i>Malus</i> “prairifire”	Prairiefire crab
<i>Malus</i> “red jewel”	Red jewel crab
<i>Pyrus calleryana</i> “Chanticleer”	Chanticleer pear
<i>Syringa reticulata</i>	Japanese tree lilac

(C) Street Trees. The recommended plant materials for street trees, defined as trees with mature heights between 30 and 50 feet, are listed below, with the following provisions:

- (1) Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.
- (2) No street tree shall be planted within 10 feet of any structure or overhead utility line.

Table 10 – Recommended Plant Materials for Street Trees

Botanical Name	Common Name
<i>Acer x freemanii</i>	Autumn blaze or marmo
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer saccharum</i>	Sugar maple
<i>Aesculus hippocastanum</i>	Horse chestnut
<i>Amelanchier</i> sp.	Serviceberry
<i>Carpinus caroliniana</i>	American hornbeam
<i>Carya ovata</i>	Shagbark hickory
<i>Celtis occidentalis</i>	Hackberry
<i>Cercidiphyllum japonicum</i>	Katsura tree
<i>Cladrastis kentukea</i>	Yellowwood
<i>Ginkgo biloba</i>	Ginkgo (male only)
<i>Gleditsia triacanthos inermis</i> var.	Thornless honeylocust
<i>Gymnocladus dioica</i>	Kentucky coffeetree

Table 10 – Recommended Plant Materials for Street Trees	
Botanical Name	Common Name
<i>Ostrya virginiana</i>	Ironwood
<i>Pyrus calleryana</i> “Chanticleer”	Chanticleer pear
<i>Quercus alba</i>	White oak
<i>Quercus bicolor</i>	Swamp white oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus velutina</i>	Black oak
<i>Tilia americana</i>	American linden
<i>Tilia x euchlora</i> “Redmond”	Redmond linden
<i>Tilia tomentosa</i>	Sterling silver linden
<i>Zelkova serrata</i>	Japanese zelkova

(D) Large Evergreen Trees. The recommended plant materials for large evergreen trees, defined as trees with mature heights greater than 30 feet, are listed below, with the following provisions:

- (1) Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.
- (2) No large evergreen tree shall be planted within 30 feet of any structure or overhead utility line.

Table 11 – Recommended Plant Materials for Large Evergreen Trees	
Botanical Name	Common Name
<i>Abies concolor</i>	White fir
<i>Juniperus virginiana</i>	Eastern red cedar
<i>Picea abies</i>	Norway spruce
<i>Picea glauca</i>	White spruce
<i>Picea omorika</i>	Serbian spruce
<i>Picea pungens</i>	Colorado green spruce
<i>Picea p.</i> “Glauca”	Colorado blue spruce
<i>Pinus flexilis</i>	Limber pine
<i>Pinus ponderosa</i>	Ponderosa pine
<i>Pinus strobus</i>	Eastern white pine
<i>Pinus sylvestris</i>	Scotch pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Tsuga canadensis</i>	Canadian hemlock

(E) Small Evergreen Trees. The recommended plant materials for small evergreen trees, defined as trees with mature heights less than 30 feet, are listed below, with the following provisions:

- (1) Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.
- (2) No small evergreen tree shall be planted within 10 feet of any structure or overhead utility line.

Table 12 – Recommended Plant Materials for Small Evergreen Trees

Botanical Name	Common Name
<i>Abies koreana</i>	Korean fir
<i>Ilex opaca</i>	American holly
<i>Ilex pedunculosa</i>	Longstalk holly
<i>Juniperus chinensis</i> “Fairview”	Fairview Chinese juniper
<i>Picea gluaca</i> “Densata”	Black hills spruce
<i>Pinus virginiana</i>	Virginia pine

(F) Shrubs. The recommended plant materials for shrubs are listed below, with the provision that certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.

Table 13 – Recommended Plant Materials for Shrubs

Botanical Name	Common Name
<i>Chaenomeles speciosa</i>	Flowering quince
<i>Forsythia</i> spp.	Forsythia
<i>Hamamelis virginiana</i>	Witch hazel
<i>Hydrangea arborescens</i>	Smooth hydrangea
<i>Hydrangea quercifolia</i>	Oak leaf hydrangea
<i>Itea virginica</i>	Virginia sweetspire
<i>Juniperus</i> various	Juniper
<i>Myrica pensylvanica</i>	Bayberry
<i>Philadelphus</i>	Mock orange
<i>Photinia aronia</i>	Chokeberry
<i>Rhus aromatica</i>	Dwarf fragrant sumac
<i>Rhus glabra</i>	Smooth sumac
<i>Rosa rugosa</i>	Rugose or Japanese rose
<i>Spirea</i> various	Spirea

Table 13 – Recommended Plant Materials for Shrubs

Botanical Name	Common Name
Syringa spp.	Lilac
Taxus spp.	Yew
Viburnum spp.	Viburnum

- (G) Preservation Trees. The recommended plant materials for preservation trees are listed below, with the provision that certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.

Table 14 – Recommended Plant Materials for Preservation Trees

Botanical Name	Common Name
Aesculus species	Buckeye/horse chestnut
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Carpinus caroliniana	Blue beech
Carya var.	Hickory
Celtis occidentalis	Hackberry
Gymnocladus dioicus	Kentucky coffeetree
Juglans nigra	Walnut
Ostrya virginiana	Ironwood
Platanus occidentalis	Sycamore
Quercus (all except palustris)	Oaks (all except pin oak)
Taxodium distichum	Bald cypress
Tilia americana	American linden

- (H) Storm Water Detention/Retention Trees. The recommended plant materials for detention and retention ponds are listed below, with the provision that certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.

Table 15 – Recommended Plant Materials for Detention Ponds

Botanical Name	Common Name
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Alnus glutinosa	European alder
Alnus rugosa	Speckled alder (native)

Table 15 – Recommended Plant Materials for Detention Ponds

Botanical Name	Common Name
Betula nigra	River birch
Carpinus caroliniana	Blue beech
Carya ovata	Shagbark hickory
Crataegus crus-galli inermis	Thornless hawthorn
Gymnocladus dioica	Kentucky coffeetree
Juglans nigra	Black walnut
Platanus occidentalis	Sycamore
Quercus bicolor	Swamp white oak
Quercus rubra	Red oak
Taxodium distichum	Bald cypress

(I) Unacceptable Trees and Shrubs. Unacceptable plant materials are listed below.

Table 16 – Unacceptable Trees and Shrubs

Botanical Name	Common Name
Acer negundo	Box elder
Acer platanoides	Norway maple
Acer saccharinum	Silver maple
Ailanthus altissima	Tree-of-heaven
Betula papyrifera	White paper birch
Elaeagnus angustifolia	Russian olive
Frangula alnus	Glossy buckthorn
Fraxinus spp.	Ash
Ginkgo biloba (female)	Female ginkgo
Koeleruteria bipinnata	Golden rain tree
Lonicera spp.	Honeysuckle
Maclura pomifera	Osage orange, hedge apple
Malus spp.	Apples, crabapples (unless otherwise noted)
Morus spp.	Mulberry
Pinus nigra	Austrian pine
Phellodendron amurense	Corktree
Populus spp.	Poplars, cottonwoods

Table 16 – Unacceptable Trees and Shrubs

Botanical Name	Common Name
Prunus spp.	Cherries, plums
Pyrus calleryana “Bradford”	Bradford pear
Quercus acutissima	Sawtooth oak
Quercus palustris	Pin oak
Robinia pseudoacacia	Black locust
Rhamnus spp.	Buckthorn
Salix spp.	Willows
Sorbus spp.	Mountain ash
Ulmus spp.	Elms (unless otherwise noted)

(J) Invasive Species. Plant materials identified as invasive species in Indiana are listed below.

Table 17 – Invasive Plant Species

Botanical Name	Common Name
Acer platanoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Alliaria petiolata	Garlic mustard
Alnus glutinosa	Black alder
Bromus inermis	Smooth brome
Cirsium arvense	Canada thistle
Euonymus alatus	Winged burning bush
Elaeagnus umbellata	Autumn olive
Euonymus fortunei	Purple winter creeper
Festuca elatio	Tall fescue
Glechoma hederacea	Creeping Charlie
Hesperis matronalis	Dame’s rocket
Humulus japonicus	Japanese hops
Lespedeza bicolor	Bicolor lespedeza
Lespedeza cuneata	Sericea lespedeza
Ligustrum vulgare	Common privet
Lonicera spp.	Bush honeysuckle
Lysimachia nummularia	Creeping Jenny
Lythrum salicaria L.	Purple loosestrife

Table 17 – Invasive Plant Species	
Botanical Name	Common Name
Melilotus alba and M. officinalis	Sweet clover
Microstegium vimineum	Japanese stilt grass
Miscanthus sinensis	Maiden grass
Morus alba	White mulberry
Ornithogalum umbellatum	Star of Bethlehem
Phalaris arundinacea	Reed canary grass
Phragmites australis	Common reed grass
Polygonum cuspidatum	Japanese knotweed
Pueraria spp.	Kudzu
Robinia pseudoacacia	Black locust
Rosa multiflora	Multiflora rose
Viburnum opulus v. opulus	Highbush cranberry
Vinca minor	Periwinkle

(Ord. 1659 § 1, 2017)

CHAPTER 18.80
OFF-STREET PARKING AND LOADING

§ 18.80.010. Purpose.

The purpose of this chapter is to alleviate or prevent the congestion of the public streets and to promote safety and welfare of the public by establishing minimum requirements for the off-street parking, the loading and unloading of motor vehicles, and landscaping, in accordance with the use to which the property is put.

(Ord. 1659 § 1, 2017)

§ 18.80.020. General provisions.

The off-street parking and loading provisions of this chapter shall apply as follows:

- (A) **When Facilities Required.** For all buildings and structures erected and all uses of land established after the effective date of the ordinance codified in this title, accessory parking, landscaping, and loading facilities shall be provided as required by the regulations of the zoning district within which such buildings or uses are located. However, where a permit has been issued prior to the effective date of the ordinance codified in this title; and provided, construction is begun within one year of such effective date, and diligently prosecuted to completion, parking, landscaping, and loading facilities as required hereinafter need not be provided.
- (B) **Parking Plan.** An application for an improvement permit for a commercial, industrial, and multifamily development shall include a parking site plan showing all proposed parking and loading facilities.
- (C) **Increase in Intensity of Use of Building, Structure or Premises.** When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required off-street parking, landscaping, or loading facilities; parking, landscaping, and loading facilities as required herein shall be provided for such increase in intensity of use.
- (D) **Changes in Use of Building or Structure.** Whenever the existing use of a building or structure shall be changed hereafter to a new use, parking, landscaping, or loading facilities shall be provided as required for such new use. However, if such building or structure was erected prior to the effective date of the ordinance codified in this title, additional parking, landscaping, or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking, landscaping, and loading provisions of this chapter.
- (E) **Permissive Parking, Landscaping, and Loading Facilities.** Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking, landscaping, and loading facilities to serve any existing use of land or buildings; provided, that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
- (F) **Damage or Destruction.** For any conforming or legally nonconforming use or building which is in existence on the effective date of the ordinance codified in this title, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking, landscaping, or loading

facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking, landscaping, or loading facilities in excess of those required by this chapter for equivalent new uses or construction.

- (G) Prohibited Uses of Parking Areas. The storage of materials or goods in required parking spaces is prohibited.
 - (H) Submission of Plot Plan. Any application for permit or for certificate of zoning compliance where no permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking, landscaping, or loading facilities to be provided in compliance with this chapter.
- (Ord. 1659 § 1, 2017)

§ 18.80.030. Location of accessory off-street parking facilities.

The location of off-street parking spaces in relation to the use served shall be prescribed hereinafter. All distances specified shall be walking distance between such parking space and the main entrance to the use served.

- (A) For Uses in a Residence District. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use.
 - (B) For Uses in Business or Industrial Districts. All required parking spaces shall be within 1,000 feet of the use served, except for spaces accessory to dwelling units which shall be within 300 feet of the use served. However, no parking space accessory to a use in a business or industrial district shall be located in a residential district.
 - (C) In Yards. Off-street parking spaces, open to the sky, may be located in any yard, except a front yard and a side yard adjoining a street, unless it is specifically provided for in this title. Enclosed buildings, parking structures, and carports containing off-street parking spaces shall be subject to applicable yard requirements.
- (Ord. 1659 § 1, 2017)

§ 18.80.040. Additional parking regulations.

Off-street parking facilities shall be subject to the following additional parking regulations:

- (A) Use of Parking Facilities.
 - (1) Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section and HMC § 10.20.010, 10.20.270 and 10.20.290 shall be used solely for the purpose of parking of passenger vehicles, recreational vehicles, boats, and similar equipment, owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking or storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, visitors or customers of business or industrial establishments.

- (2) Off-street parking facilities accessory to business and industrial uses shall be utilized solely for the parking of passenger automobiles or light trucks of patrons, occupants, or employees of specified uses.
- (B) Joint Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted; provided, that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- (C) Computation. When the determination of the number of off-street parking spaces required by this chapter results in the requirement of a fractional space, only fractions of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (D) Size.
 - (1) A required off-street parking space shall meet one of the following standards, exclusive of access drives or aisles, ramps, columns or office or work areas:
 - (a) Ninety-degree parking: nine feet in width and 19 feet in depth when measured from the curb or center line.
 - (b) Sixty-degree parking: nine feet in width and 21 feet in depth when measured from the curb or center line.
 - (c) Forty-five-degree parking: nine feet in width and 22 feet in depth when measured from the curb or center line.
 - (d) Parallel parking: eight feet in width and 20 feet in length.
 - (2) All off-street parking spaces shall have a vertical clearance of at least seven feet.
 - (3) Bicycle parking spaces, where provided, shall be at least two feet in width and six feet in length. Such space shall have a vertical clearance of at least seven feet.
- (E) Access.
 - (1) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Driveways, when measured at the right-of-way line, shall not exceed the following:
 - (a) Residential lots: 16 feet.
 - (b) Industrial lots: 12 feet in width for a one-lane drive, or 20 feet for a two-lane drive.
 - (c) Commercial lots: 25 feet.
 - (2) Off-street parking shall be accessed by an alley or rear access lane when such is available or proposed for development.

- (3) Where dedicated bicycle parking is provided, an aisle five feet in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- (F) In Yards. Off-street parking of passenger vehicles, recreational vehicles, boats, and similar equipment, required for uses permitted in residential districts, may be located in a required yard, as provided in HMC § 10.20.010, 10.20.270 and 10.20.290. Off-street parking for permitted uses in business or industrial districts may be located in a required rear or side yard, except for the 10 feet adjacent to the rear or side lot line adjacent to a residential district, and in the front yard except for the 10 feet adjacent to the front lot line.
- (G) Design and Maintenance. Off-street parking facilities shall observe the following design and maintenance regulations:
 - (1) Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed by a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed.
 - (2) Surfacing. All open off-street parking areas shall be improved with either a minimum of five inches of portland cement or a compacted macadam or equal base, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather, dustless material.
 - (3) Screening and Landscaping. All open automobile parking areas that contain more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional property by a wall, fence or landscaping that complies with Chapter 18.75 HMC, Landscape Regulations. The screening, landscaping and barriers shall be adequately maintained for aesthetic reasons. There shall be installed a substantial barrier on or adjacent to the lot line along all open off-street parking spaces and such barrier shall be so located that no portion of any vehicle parked on the lot shall extend over the lot line. The plan commission and building commissioner shall approve said landscaping plan prior to the issuance of a building permit.
 - (4) Lighting.
 - (a) Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not create a nuisance. In a parking area containing 10 or more parking spaces, such lighting may be extinguished one hour after the close of business.
 - (b) All vehicular access points for parking lot entries shall be illuminated.
 - (c) All interior walking paths that connect to the main building entrance, plus all paths that connect to any public sidewalk, trail, or transit station, shall be illuminated using freestanding fixtures that do not exceed 12 feet in height. Other interior walking paths shall be encouraged, but not required, to provide down lighting.
 - (5) Curbs. All parking areas shall generally be completely curbed. Curbing, however,

may not be required if, in the opinion of the town Engineer, the drainage system for the property shall be best served if curbs were not present.

- (6) Parking Structures.
 - (a) Parking structures shall be permitted in a multi-business complex. Such structures shall be placed behind the building with access primarily off an alley, secondary street, or side yard.
 - (b) Parking structures shall be allowed to abut the public right-of-way and/or primary front-age only when the first two floors that face the public street are developed as retail/commercial space.
- (7) Signs. Accessory signs are permitted on parking areas.
- (8) Repair and Service. Unless otherwise authorized by this title, off-street parking lots or areas shall not be used for the sale, repair, dismantling, or serving of any vehicles, equipment, materials, or supplies.
- (9) Fuel Sales. The sale of gasoline, diesel fuel or motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.
- (H) Grading. The minimum grade for all off-street parking lots or areas shall be one percent. No area of any parking lot or structure, excluding access ramps, shall have a slope in excess of two percent. No ramp shall have a slope in excess of eight percent.
- (I) Drainage. Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Storm water best management practices (BMPs) shall be implemented to protect surface water quality as required by all relevant regulator agencies. The following drainage structures shall be permitted as acceptable:
 - (1) Rain gardens.
 - (2) Bioswales.
 - (3) Drainage easements.
 - (4) Drain inlets.
- (J) Large Parking Lot Standards. The following standards shall apply to all developments where more than 50 parking spaces are proposed:
 - (1) Large parking lots shall be broken down into subsections of no more than 50 spaces each and shall be separated with landscape divider strips, berms, or grade separations or other means to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.
 - (2) A parking subarea shall be separated with physical breaks by providing one or more of the following:
 - (a) Landscape strips between parallel parking rows that are a minimum five feet in width. When incorporating pedestrian walkways, such strips shall be a

minimum of 14 feet wide for single-sided walkways and 18 feet for double-sided sidewalks.

- (b) Landscaped pedestrian walkways, interior streets, natural buffer (bioswales), or other site features.
- (3) A continuous pedestrian walkway at least seven feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. The walkways must be designed to meet the standards of the Americans with Disabilities Act (ADA). If the walkway crosses a parking area or vehicle aisle, the standards in the following subsection (J)(4) of this section apply:
- (4) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles. As such, there shall be protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping or parking bumpers. To the extent practical, pedestrian walkways shall be connected to public walks or trails, and transit stops, if any.
- (5) Walkways may cross a vehicle aisle if distinguished by a color, texture, or slight elevation difference from the parking and driving areas. Walkways shall not share a vehicle aisle.
- (6) Each parking subarea may have access at one or both ends. A subarea may be U-shaped with double access at one end.
- (7) Landscaping for large parking areas shall consist of a minimum of five percent of the total parking area plus a ratio of one tree per 10 parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

(Ord. 1659 § 1, 2017)

§ 18.80.050. Schedule of parking requirements.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on any employee basis shall be based on the maximum number of employees on duty, or residing, or both on the premises at any one time.

Table 18 – Parking Requirements	
Use	Parking Regulation
Residential	
Multiple-Family Dwellings	The following minimum parking spaces shall be provided for all dwelling units in multifamily buildings; however, in no case shall more than two parking spaces be permitted for each dwelling unit in a multifamily building:
	1. Efficiency and one-bedroom units: 1.1 parking spaces.
	2. Two-bedroom units: 1.4 parking spaces.

Table 18 – Parking Requirements	
Use	Parking Regulation
	3. Units with more than two bedrooms: 1.7 parking spaces.
One-Family Dwellings and Two-Family Dwellings	Two parking spaces shall be provided for each dwelling unit, but not to exceed four spaces.
Business, Retail, and Service	
Automobile Laundry/Car Wash	A minimum of two stacking spaces per washing lane, but not to exceed 10 stacking spaces, plus a maximum of two spaces per vacuum or similar machine, plus one parking space for each employee.
Automobile Service Stations	One parking space shall be provided for every two employees, plus a minimum of two spaces for every service stall, but not to exceed three spaces for every service stall. For the purposes of satisfying this requirement, each stall may count as a parking space.
Bowling Alleys	Three parking spaces shall be provided for each alley, plus such additional spaces required hereinafter for affiliated retail and recreational uses such as bars, restaurants, pool halls and the like, plus one parking space for each employee.
Drive-In Establishments	Four stacking spaces shall be provided for each customer service window, but not to exceed 15 percent of the number of vehicle spaces used for serving customers, plus one parking space for each employee.
Food and/or Beverage Establishments (Dispensed for Consumption on the Premises)	A minimum of one parking space shall be provided for every 150 square feet of net building area (excluding food preparation, mechanical, and storage), but not to exceed one space per 75 square feet of net building area, plus one space per employee.
Furniture and Furniture Repair, and Household Appliance Stores	A minimum of one parking space shall be provided for every 600 square feet of floor area, but not to exceed one space per 400 square feet of floor area, plus one parking space for each employee.

Table 18 – Parking Requirements

Use	Parking Regulation
Health Clubs	One parking space shall be provided for every 300 square feet of floor area, but not to exceed one space for every 150 square feet of floor area, excluding mechanical and storage areas.
Hotels	A minimum and maximum of one parking space shall be provided for every guest room, plus additional spaces as required for any included complementary use, such as restaurants, stores, coffee shops, etc., plus one parking space for each employee.
Industrial Uses	One parking space shall be provided for each employee, or one parking space per 1,000 square feet of floor area. Lots with less than 5,000 square feet of lot area shall not require more than four parking spaces for nonemployees. Lots with between 5,000 and 10,000 square feet of lot area shall not require more than seven parking spaces for nonemployees.
Motor Vehicle Sales and Machinery Sales	One parking space shall be provided for every 1,500 square feet of indoor and outdoor sales area, but not to exceed one space per 300 square feet of sales area, plus one parking space for each employee.
Offices – Business, Professional, Medical, and Governmental	One parking space shall be provided for every 500 square feet of floor area, plus one parking space for each employee. The maximum allowed parking shall be one space for every 200 square feet of floor area for medical uses, and one space for every 300 square feet of floor area for all other office uses.
Private Clubs and Lodges	One parking space shall be provided for every 300 square feet of floor area, but not to exceed one space for every 200 square feet of floor area, plus one parking space for each employee.
Establishments Engaged in Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods, or Products	One parking space shall be provided for every two employees, plus one parking space for each vehicle used in the conduct of the enterprise.

Table 18 – Parking Requirements	
Use	Parking Regulation
Retail Stores and Banks	One parking space shall be provided for every 500 square feet of floor area, but not to exceed one space per 200 square feet of floor area. Banking drive-in facilities shall provide one service space and three stacking spaces per customer service window, plus one parking space for each employee.
Theaters (Indoor)	One parking space shall be provided for every four seats, but not to exceed one space for every three seats, plus one parking space for each employee.
Undertaking Establishments and Funeral Parlors	A minimum of 10 parking spaces, but not to exceed 15, shall be provided for each chapel or parlor, one parking space for each funeral vehicle kept on the premises, plus one parking space for each employee. In addition, not less than 10 automobile stacking spaces shall be provided for funeral procession assembly.
Warehouses and Storage Buildings	One parking space shall be provided for every two employees, plus one parking space for each vehicle used in the conduct of the enterprise.
Community Service	
Church, School, College and Other Institutional Auditoriums	One parking space shall be provided for every five auditorium seats, but not to exceed one space for every three auditorium seats. Adequate space shall also be provided for off-street parking of buses used in connection with events held at the auditoriums, and all loading and unloading of passengers shall take place upon the premises.
Colleges, Universities, and Business, Professional and Trade Schools	1. One parking space shall be provided for every two employees, plus a minimum of one space per 10 classroom seats, but not to exceed one space per three classroom seats.

Table 18 – Parking Requirements

Use	Parking Regulation
	2. Where other nonclassroom or nonlibrary facilities are provided on campus, such as dormitories, fraternities, sororities, auditoriums, stadiums, etc., additional parking shall be required in accordance with the regulations of this chapter. However, a parking credit not to exceed 25 percent may be claimed for such uses with approval from the plan commission.
Hospitals	One parking space shall be provided for every two hospital beds, but not to exceed one space for every hospital bed, plus a maximum of one parking space for every two employees, other than staff doctors, plus a maximum of one parking space for each staff doctor, plus one parking space for each vehicle used in the conduct of the enterprise.
Libraries, Art Galleries and Museums	One parking space shall be provided for every 1,200 square feet of floor area, but not to exceed one space for every 800 square feet of floor area.
Medical and Dental Clinics or Veterinary Hospital	Three parking spaces shall be provided for each staff doctor and visiting doctor plus one parking space for every two employees.
Recreation or Community Center, Municipally or Privately Owned	One parking space shall be provided for every two employees, plus a minimum of one space for every 1,000 square feet of building area to serve the visiting public, but not to exceed one space per 300 square feet of such building area.
Schools, High	One parking space for each employee, plus one space for every four pupils, but not to exceed one space for every two pupils.
Schools, Nursery, Elementary, and Junior High	One parking space shall be provided for each employee, plus one space for every seven pupils but not to exceed one space per four pupils, except as otherwise provided.
Parks	
Block Parks/Tot Lots (Less Than Three Acres)	No parking required.

Table 18 – Parking Requirements	
Use	Parking Regulation
Neighborhood Parks (between Three and 15 Acres)	A minimum of two parking spaces per acre of park area, up to a maximum of five spaces per acre of park area; however, in no case less than 10 parking spaces per park. This number may be reduced by the number of on-street parking spaces available within 300 feet of the park boundary.
Community Parks (More Than 15 Acres)	A minimum of four spaces per acre of park area, but not to exceed seven spaces per acre of park area; however, in no case less than 40 spaces. This number may be reduced by the number of on-street parking spaces available within 100 feet of the park boundary.
Natural Areas and Preserves	No parking required.
Places of Assembly	
Stadiums, Arenas, Auditoriums (Other Than Church, College or Institutional Schools), and Other Similar Places of Assembly	One parking space for every six seats, but not to exceed one space for every three seats, plus one space for each employee.
Convention Centers, Banquet Halls, and Exhibition Halls	One parking space for every three persons, based on the maximum capacity of the building.
Miscellaneous Uses	
Fraternities, Sororities, and Dormitories	A minimum of one parking space shall be provided for every five active members and/or residents, but not to exceed one space for every two and one-half active members and/or residents, plus one parking space for the manager thereof.
Sanitariums, Convalescent Homes or Institutions for the Care of Children, Aged, and Mentally Impaired or Disabled	One parking space shall be provided for every three beds, but not to exceed one space for every four beds, plus one parking space for every two employees (other than staff doctors), plus one parking space for each staff doctor, plus spaces adequate in number, as determined by the plan commission, to serve the visiting public, plus one parking space for each vehicle used in the conduct of the enterprise.

- (A) For the following uses, parking spaces shall be provided in adequate number, as determined by the plan commission, to serve persons employed or residing on the premises as well as the visiting public:

- (1) Airports and heliports.
 - (2) Convents and monasteries.
 - (3) Crematories and mausoleums.
 - (4) Fraternal and religious institutions.
 - (5) Outdoor amusement establishments, fair-grounds, permanent carnivals, kiddie parks, and other similar amusement centers.
 - (6) Penal and correctional institutions.
 - (7) Rectories and parish houses.
 - (8) Swimming pools.
- (B) Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar use, or as determined by the plan commission.
- (Ord. 1659 § 1, 2017)

§ 18.80.060. Parking credits.

The purpose of this section is to provide standards for where parking requirements may be modified in exchange for certain land efficiencies and to promote more attractive development.

- (A) Senior Housing. For multiple-family developments that are devoted exclusively for senior housing, where 100 percent of all residents are ages 65 and older, the amount of required parking may be reduced by up to 50 percent.
- (B) On-Street Parking Credit. Where a minimum of five on-street parking spaces are located within 300 feet of the primary entrance to a commercial building in a B-2 district, or 100 feet in all other districts, the amount of off-street parking required may be reduced as follows:
- (1) Where a building requires five parking spaces or less, no off-street parking shall be required.
 - (2) Where a building requires more than five parking spaces, then said building may reduce the number of required off-street parking spaces by the number of on-street spaces within 300 feet of the primary entrance to a commercial building in a B-2 district, or 100 feet in all other districts.
- (C) Shared Parking Credit.
- (1) Shared use of required nonresidential or mixed-use parking spaces may occur where two or more uses on the same or separate lots share the same or adjacent parking spaces because their parking demands occur at different times, or when joint parking improves the efficiency of parking space allocation. Shared use of required nonresidential parking spaces is permitted, provided the following documentation is submitted with the zoning clearance application.
 - (a) The names and addresses of the uses and of the owners or tenants that are

sharing the parking.

- (b) The size and type of the proposed development.
 - (c) The proposed composition of tenants and customers.
 - (d) The location and number of parking spaces that are being shared.
 - (e) A legal instrument, such as an easement, joint use agreement, or deed restriction, that guarantees access to the parking for all uses.
 - (f) A parking assessment by a professional traffic engineer, which includes the anticipated peak parking, traffic load, and parking turnover for all uses, confirming the shared use will not adversely impact availability of space for the joint uses.
- (2) The sharing of required parking shall be guaranteed by a legally binding agreement between the owners involved. The agreement shall be properly drawn and executed by the parties involved, and shall be recorded with the county to run with the land, with a copy of the recorded document provided to the town. Any future building permit application filed for a property using shared spaces shall submit a copy of this recorded agreement as part of the permit process.
- (3) The amount of parking spaces reduced under any shared parking agreement shall not exceed 50 percent of the total number of parking spaces required without the shared parking agreement.

(D) Bicycle Parking Credit.

- (1) In all business and industrial districts, where permanent and dedicated bicycle parking is provided on site and meets all applicable requirements of this title, the amount of off-street parking may be reduced by one parking space for every four bicycle spaces provided, but not to exceed five percent of the total required off-street parking. Only bicycle parking areas within 50 feet of the primary entrance to a building shall be eligible for this credit.
- (2) In an R-3 district, where permanent and dedicated bicycle parking is provided on site and meets all applicable requirements of this title, the amount of off-street parking may be reduced by one parking space for every 10 bicycle spaces provided, but not to exceed five percent of the total required off-street parking. Only bicycle parking areas within 50 feet of the primary entrance to a building shall be eligible for this credit.

(Ord. 1659 § 1, 2017)

§ 18.80.070. Additional loading regulations.

Off-street loading facilities shall be subject to the following additional loading regulations:

- (A) Location. All required loading berths shall be located on the same lot as the use served. No loading berths shall be directly accessible from, or directly facing, a public street. No loading berth for vehicles over two tons' capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted and screened solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 60

feet of the nearest point of intersection of any two streets.

- (B) **Size.** Unless otherwise specified, a required loading berth shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.
 - (C) **Access.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
 - (D) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some compatible all-weather, dustless material.
 - (E) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.
 - (F) **Space Not to Be Used to Satisfy Parking Facility Requirements.** No space allocated for any off-street loading berth shall, while so allocated, be used to satisfy the space requirement for any off-street parking facility, or portion thereof.
 - (G) **Special Uses.** For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the plan commission, shall be provided.
 - (H) **Receiving Facilities.** Uses for which off-street loading facilities are required herein but are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.
- (Ord. 1659 § 1, 2017)

§ 18.80.080. Schedule of loading requirements.

Unless otherwise provided for in this title, buildings and structures occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other similar uses, involving the receipt of distribution by vehicles or material or merchandise, shall provide and maintain loading berths as follows:

- (A) **Retail and Vehicle Sales Operations, Including Accessory Uses within Hotels or Office Buildings.** One loading berth for every 20,000 square feet, or fraction thereof, of total floor area.
 - (B) **Industrial, Manufacturing, Warehouse and Distribution Uses.** One loading berth for every 40,000 square feet, or fraction thereof, of total floor area.
 - (C) **Office Buildings and Hotels.** One loading berth for every 75,000 square feet, or fraction thereof, of total floor area.
 - (D) **Any above use with floor area or lot area less than 10,000 square feet shall be exempt from this requirement.**
- (Ord. 1659 § 1, 2017)

CHAPTER 18.85
SIGNS

§ 18.85.010. Purpose.

The purpose of these sign regulations is as follows:

- (A) To set appropriate regulations, classifications, restrictions, and guidelines for the design, scale, location, and maintenance of all signs located in each zoning district in the town.
- (B) To improve aesthetics and preserve the quality of life in the town by eliminating signage that is incompatible within individual zoning districts, as well as the town character as a whole.
- (C) To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
- (D) To define administrative review procedures that allow for consistent enforcement and an efficient review process, while still encouraging creative sign design that is responsive to business needs and maintains the community's standards.

(Ord. 1659 § 1, 2017)

§ 18.85.020. General provisions.

- (A) Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this title be declared by the courts to be unconstitutional, illegal, or otherwise invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this title.
- (B) No part of this section shall be construed as to regulate the message or underlying content displayed on any sign, with the exception of vulgar, indecent, or other adult content that is not permitted for public display. Noncommercial speech shall be permitted to be displayed on all approved signs, subject to all other applicable regulations for such signs.
- (C) No sign shall be placed, constructed, or otherwise located on any property without the consent of the party having the right of possession.
- (D) Review Procedures.
 - (1) Time limits. All sign applications shall be reviewed for compliance with these regulations within 10 business days from the time a completed application has been accepted by the town.
 - (2) If proposed signs do not comply with the provisions of this title, the applicant may submit an application to the building commissioner/chief inspector, or their designee, and the board of zoning appeals for a variance consideration.
- (E) Permits Required.
 - (1) Unless otherwise provided for in this title, no person shall erect, alter, or relocate within the town of Highland, Indiana, any permanent or temporary sign without first obtaining a sign permit from the town and making payment of the required fee. Permanent signs and sign face changes shall require approval of the town prior to a

permit being issued. Any lawfully erected sign that conforms to the requirements of this chapter may not be removed and then replaced with an exact copy of the sign without first obtaining a building permit.

- (2) The following signs shall be approved without a permit, provided they are in compliance with all applicable provisions of this title:
 - (a) Temporary signs that do not exceed six square feet in area and three feet in dimension on any side.
 - (b) Signs authorized and erected by a governmental unit for safety or informational purposes.
 - (c) Utility markers necessary to mark cables and lines for public and private utilities, provided such signs are determined by the town as being required for public safety and welfare.
 - (d) Flags of the United States, the state, foreign nations, and any other flag.
 - (3) Sign construction permits shall only be valid for six months after the date of issuance. Sign construction that is not completed in that time shall require a new permit before construction can continue.
 - (4) Nonstructural repairs of a lawful sign will not require a sign permit, except as may be required for an electrical system repair of an illuminated sign.
 - (5) Structural repairs will require that a permit be issued by the town. Said repairs shall bring the sign(s) in compliance with current code standards, accepted engineering practices and other pertinent regulations. The town will require that the repairs be certified by a state of Indiana licensed design professional (architect or engineer).
 - (6) Fees to be charged for sign permits have been established by the Highland town council and published in HMC Title 15, Buildings and Construction, as amended from time to time.
- (F) Prohibited Signs. The following signs are hereby expressly prohibited for erection, construction, maintenance, repair, alteration, location or relocation within the town of Highland, except as may be exempted in this title.
- (1) Signs painted directly onto a building wall or facade. However, artistic murals may be permitted; provided, that they are located on a nonresidential building.
 - (2) Signs posted directly onto fences, utility poles, streetlights, or trees, except for light pole banners as described below.
 - (3) Signs using reflective material, except for wall-mounted building entry signs.
 - (4) Signs using only a single pole as a means for anchoring.
 - (5) Signs that would cause confusion because of their resemblance to highway traffic control or direction signals.
 - (6) Signs that include obscene language or graphics that would normally be prohibited for public display.

- (7) Moving signs.
 - (8) Flashing signs, except public signs as defined in HMC § 18.05.260 and those which give safety warnings.
 - (9) Mobile billboards.
 - (10) Roof signs.
 - (11) Bench signs in a public right-of-way.
- (G) Temporary Signs.
- (1) Temporary Sign Types. The following are examples of temporary sign types:
 - (a) Air-activated signs and balloon signs.
 - (b) Banner signs.
 - (c) Construction sign.
 - (d) Flags.
 - (e) Light pole or support pole signs.
 - (f) People sign.
 - (g) Portable message sign.
 - (h) Projected-image sign.
 - (i) Sandwich board sign.
 - (j) Sidewalk signs.
 - (k) Sleeve or bag signs.
 - (l) Vehicle message signs.
 - (m) Window signs, temporary.
 - (n) Yard signs.
 - (2) Portable signs may be displayed on a site without any sign permit for a period not to exceed two consecutive days. Such signs shall not be counted in the maximum allowable sign area or number of signs limitations. Portable signs must comply with the following standards:
 - (a) One portable sign shall be permitted per lot frontage, but not to exceed two for any site.
 - (b) The maximum size of a portable sign shall be six square feet. Any sign over this size will require a sign permit.
 - (c) Materials. Portable signs shall be constructed of laminated cardboard or card stock, vinyl, wood, or plastic. They shall be further provided with a staking or anchoring mechanism that allows the sign to be moved from place to place.

- (3) Permit Required, Duration. Each occupant of a building or the owner of a vacant site may display up to two temporary signs on a site for every public street entrance, but not to exceed eight signs. Such signs shall be restricted to a period as designated or specified on the temporary sign permit application. Display of temporary signs may continue for a period of 30 days and may be reapplied for repeat occurrence on a regular basis.
- (4) Temporary signs may not be placed in a prohibited sign area.
- (5) Any temporary sign shall be located on private property and set back at a minimum of five feet from the nearest travel lane.
- (6) Any temporary sign larger than six square feet in area will not be considered a temporary sign, and will be subject to the requirements of this title.
- (7) Election Periods.
 - (a) An election period begins the first day of filing before and ends 10 days after any election conducted under federal, state, county, or town laws or ordinances in which residents of Highland are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or town officials, any ballot questions, referendum or advisory vote.
 - (b) Additional Signs During Election Periods. Additional signs containing any message may be displayed on any lot during an election period, subject to the following limitations, standards, and requirements:
 - 1. Number and Size. There is no limitation on the number or size of additional election signs. Signs which comply with this subsection do not count against the maximum allowable sign area or the maximum number of signs allowed under HMC § 18.85.030.
 - 2. An election sign permit is not required for any election period sign which otherwise complies with this section. However, building permits may be required under all relevant sections of the Highland Municipal Code depending on the size and nature of the sign.
- (8) Temporary Directional Sign. Signs advertising a temporary off-site event are permitted provided they are placed 24 hours before the event and are removed 12 hours after the said event.
- (9) Temporary Construction Signs.
 - (a) Location. One nonilluminated construction sign may be placed in the front yard of a single-lot site or at the primary entrance to a multi-unit development, subdivision, or planned development that is actively under new construction.
 - (b) Materials. Construction signs shall be constructed of laminated cardboard or card stock, vinyl, or plastic. They shall be further provided with a staking or anchoring mechanism that allows the sign to be moved from place to place. In no case shall a construction sign be permanently anchored into the ground.
 - (c) Size.

1. For a single-lot construction site in a residential district, not more than six square feet in total gross surface area.
 2. For all other districts, not more than 32 square feet in total gross surface area, with linear dimensions not exceeding eight feet in total width, or four feet in total height.
- (d) Sign Removal.
1. All construction signs shall be removed within 14 days of substantial completion of the project.
 2. If construction activities cease prior to substantial completion, then all construction signs shall be removed from the property within 30 days of such suspension, with a new sign permit required upon restarting any construction activities.

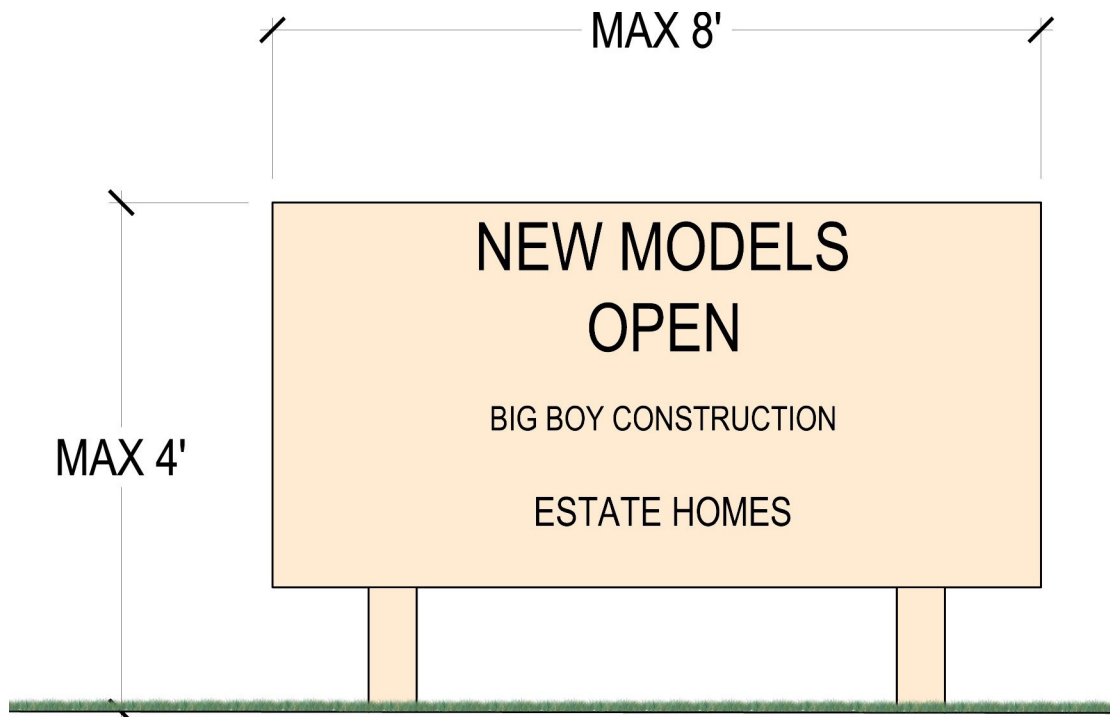


Exhibit 31 – Temporary Construction Sign Example

- (H) No signs located in residential districts shall be erected for more than 30 days per calendar year, except for the following:
- (1) Signs permanently affixed to or integrated into the wall of a building.
 - (2) Monument signs placed at the entrance to a residential subdivision or development.
- (I) Sign Obstructions.
- (1) No sign shall be placed in such a manner that it would interfere with safe vehicular and pedestrian circulation or public safety signals and signs.

- (2) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, fire escape, public walkway, or alleyway.
 - (3) Where feasible, signs should not be placed in locations that obscure architectural features such as pilasters, arches, cornices, and the like.
 - (4) Signs shall not be installed, placed on, or overhang any public right-of-way, public side-walk, alley, or easement except as may be provided herein.
- (J) Size Calculations.
- (1) Where maximum dimensions and areas of a sign are provided, such values shall refer to a single side of that sign. Double-faced signs, unless otherwise prohibited, shall be permitted and shall not count against the maximum permitted area of a sign; provided, that both faces of the sign are equal in size and design, and convey the exact same information on each side.
 - (2) For signs comprising individual letters, figures, or similar elements, the area and dimensions of the sign shall encompass a combination of regular geometric shapes (such as rectangles, circles, triangles, trapezoids, etc.) that reasonably approximate the perimeter of all sign elements. Minor appendages to a particular regular shape, as determined by the plan commission, shall not be included in the total area of such signs.



Exhibit 32 – Sign Area Measurement Example for Sign Comprised of Individual Elements

- (3) For all other signs, the area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension. The following elements shall not be considered as being part of the sign area:
 - (a) Poles or other supports unless they are an integral part of the design of the sign.
 - (b) Any and all required landscaping around the base of a sign.

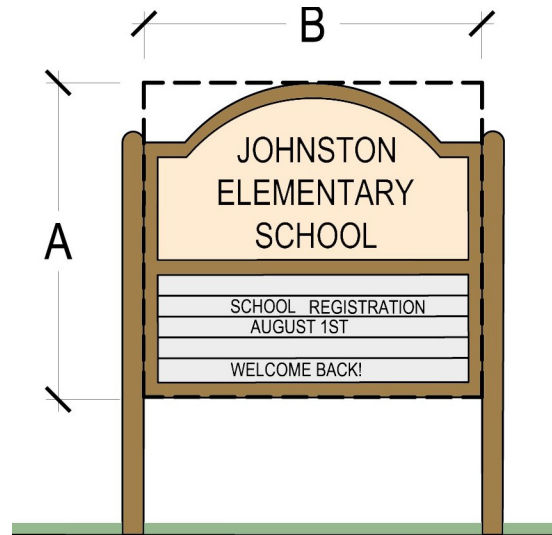


Exhibit 33 – Sign Area Measurement Example (Area = A x B)

- (4) The height of all signs shall be measured from either the natural ground level or the crown elevation of the street which the sign faces, whichever is lower, to the top of the sign, and include any poles or other supports unless otherwise specified in this title. In no case shall the sign height be measured from the top of any berm, embankment, or other artificial grade.

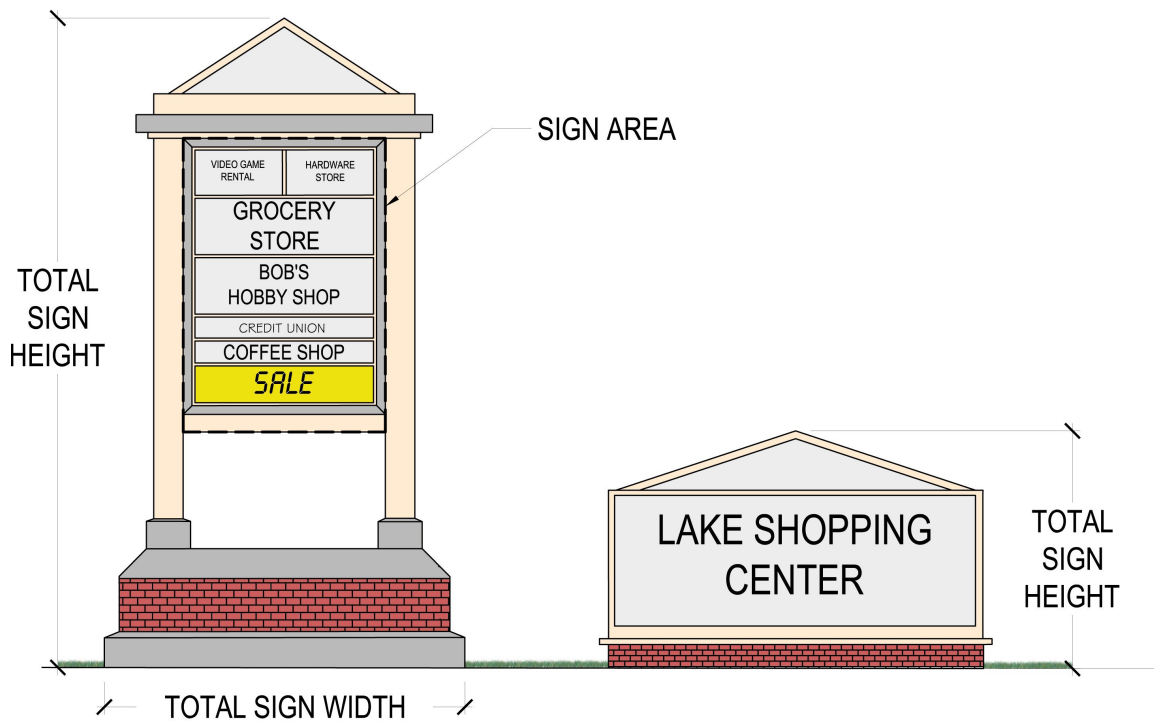


Exhibit 34 – Sign Height and Width Measurement Examples

(Ord. 1659 § 1, 2017)

§ 18.85.030. Sign types.**(A) Yard Signs.**

- (1) Location. Yard signs shall only be permitted in the front yard of residential districts. No yard sign shall be located within five feet of a property line or street curb.
- (2) Materials. Yard signs shall be constructed of laminated cardboard or card stock, vinyl, wood, or plastic. They shall be further provided with a staking or anchoring mechanism that allows the sign to be moved from place to place.
- (3) Size. Yard signs shall not exceed six square feet in area or three feet in dimension on any side.
- (4) In no case shall a yard sign be permanently anchored into the ground.
- (5) No more than three yard signs may be erected on any single lot simultaneously.
- (6) Yard signs shall not include internal lighting fixtures.

(B) Permanent Business Signs.

- (1) Location.
 - (a) One permanent business sign shall be required for all buildings and businesses in a non-residential zoning district. Such sign shall be placed above the front entrance of the business, but no higher than the second story of the building where the business is located.
 - (b) Permanent business signs shall not project more than eight inches from the building wall.
 - (c) Businesses in a single-use building are entitled, without the need for a variance or special exception, to a second sign not exceeding the square footage of the required sign (see subsection (B)(1)(a) of this section and subsection (B)(3)(a) of this section) if said business has frontage on more than one vehicular or pedestrian thoroughfare.
- (2) Materials. Permanent business signs shall be constructed of durable materials, including glass, steel, or other similar elements that complement the building where it is located. They shall be further anchored to the building wall in a manner approved by the town.
- (3) Size.
 - (a) For single-use buildings, permanent business signs shall not exceed four feet in height and the width of the single-use building, less two feet on either side of said sign.
 - (b) For multi-use and mixed-use buildings, the maximum gross area for permanent business signs shall be either one square foot for each linear foot of frontage that the building occupies, or 150 square feet, whichever is less.

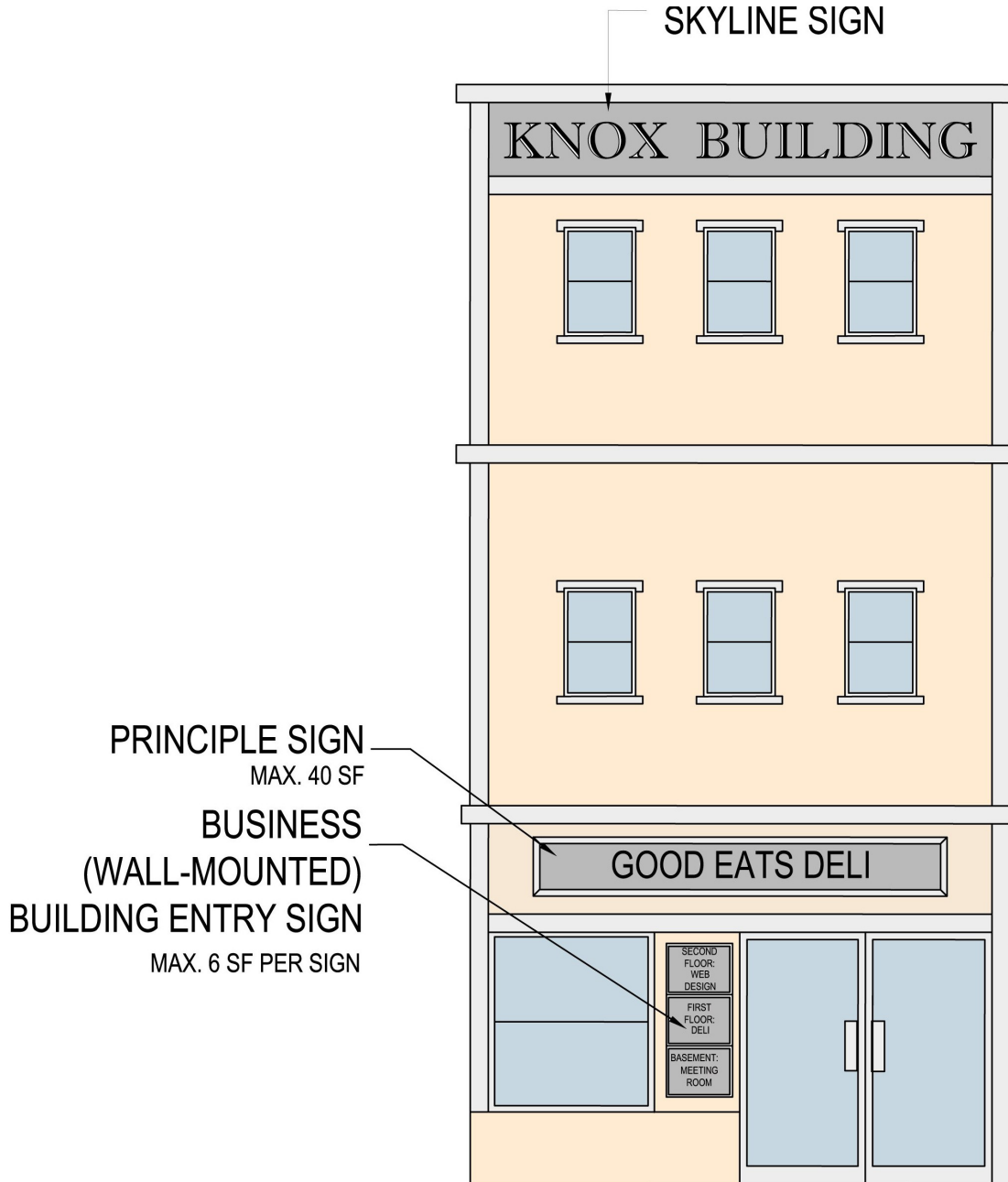


Exhibit 35 – Examples of Different Business Signs

(C) Skyline Sign.

- (1) **Location.** For buildings in a nonresidential district three stories or taller, one skyline sign may be permitted either in place of, or in conjunction with, a permanent business sign. Skyline signs shall be placed only on the top floor of such buildings, no more than three feet below the roof line, and in no case extending above the roof line.
- (2) **Materials.** Skyline signs shall be constructed of durable materials, including glass, steel, or other similar materials that complement the building where it is located. They shall be further anchored to the building wall in a manner approved by the town.

- (3) Size. The maximum gross area for skyline signs shall be 50 square feet. However, this maximum may be increased by 15 gross square feet for each additional floor above the third story.

(D) Temporary Business Signs.

- (1) Location. Nonilluminated temporary business signs may be permitted in any nonresidential zoning district, and may be placed in a ground floor window, front building facade, portable sign within five feet of the primary building entrance, or any combination thereof.
- (2) Materials. Temporary business signs shall be constructed of durable paper products, wood, vinyl, or plastic. They shall be further provided with a staking or anchoring mechanism that allows the sign to be moved from place to place.
- (3) Size.
 - (a) No more than 30 total square feet of temporary building signage may be collectively displayed.
 - (b) No more than 25 percent of the total window area of a business may be utilized for temporary business signs.
- (4) In no case shall a temporary business sign be permanently anchored into the ground.
- (5) No individual temporary business sign shall be displayed for more than six months per calendar year.

(E) Marquees.

- (1) Location. One marquee may be permitted above the primary entrance to a building in a nonresidential district. Marquees shall not project more than eight feet from the building wall. All marquees shall provide a minimum 14-foot clearance from street level.
- (2) Materials.
 - (a) Marquees shall be constructed of durable materials, including glass, steel, or other similar materials that complement the building where it is located. They shall be further anchored to the building wall in a manner approved by the town.
 - (b) Marquees may include programmable message displays or changeable copy displays as part of the overall sign design, as provided herein.
- (3) Size. Marquees shall not exceed four feet in height and 24 feet in total length, as measured from the building wall.

(F) Canopy/Awning Signs.

- (1) Location. Canopy and awning signs may be permitted above ground floor windows and doors of buildings in a nonresidential district. No more than three canopy or awning signs may be used per business. All canopy and awning signs shall provide a minimum eight-foot clearance from street level.
- (2) Materials. Canopy and awning signs shall be constructed of durable materials,

including glass, architectural steel, durable all-weather fabric, or other similar materials that complement the building where it is located. Vinyl and other similar composite materials shall not be acceptable. They shall be further anchored to the building wall in a manner approved by the town.

- (3) Size. Canopy signs shall not project more than five feet from the building facade, but in no case shall they project into a public right-of-way. The minimum width of all canopy and awning signs shall be equal to the width of the window below them. Canopy and awning signs may extend no more than two feet beyond the edges of the window; provided, that the center of the sign is placed directly above the center of the window.

(G) Projecting Signs and Blade Signs.

(1) Location.

- (a) Projecting Signs and Blade Signs may be permitted for businesses in nonresidential districts to identify a business to pedestrians walking along the same side of the street as the business they seek. They may be mounted directly to a building facade or hung under a continuous marquee or rain canopy projecting from the building.
 - (b) Projecting signs and blade signs shall have a minimum vertical clearance of eight feet above the sidewalk.
 - (c) No two projecting signs or blade signs shall be located within 25 feet of each other.
- (2) Materials. Projecting signs and blade signs shall be constructed of rust-resistant metal, wood, or plastic. They shall be further safely and securely attached to the building wall, marquee, or canopy by means of metal anchors, bolts, or expansion screws. In no case shall any projecting sign be secured with wire, strips of wood, or nails.
 - (3) Size. Projecting signs and blade signs shall not exceed 16 square feet in gross area. The maximum width or projection for such signs shall be six feet.



Exhibit 36 – Blade Sign Example

(H) Freestanding Signs.

(1) Location.

- (a) A freestanding sign shall only be located on lots wider than 300 feet in a B-1, B-3, office, or industrial district, and when the primary building on the lot is located a minimum of 50 feet from the front right-of-way.
 - (b) No part of any freestanding sign shall be located closer than 10 feet of any property line, nor shall it be located within any landscaped strip or buffer zone.
 - (c) No two freestanding signs shall be located within 300 feet of each other.
- (2) Materials.
 - (a) Freestanding signs shall be constructed of masonry, stone, or similar materials compatible with the buildings on the lot. They shall be further affixed to the ground in a continuous base or with a dual-pole structure with masonry construction compatible with the primary building on the lot. All support structures shall be securely attached to concrete foundations.
 - (b) Freestanding signs shall include landscaping as provided in HMC § 18.75.030(C).
- (3) Size.
 - (a) The maximum height shall be 10 feet in a B-1 district, and 15 feet in all other permitted districts.
 - (b) The maximum width shall be eight feet, with clear vision of opening between the top of the base and bottom of the display area of the sign structure.
 - (c) No single display or portion of any freestanding sign shall be larger than 24 square feet.
 - (d) In no case shall any content portion of the sign be located within six feet of the ground.

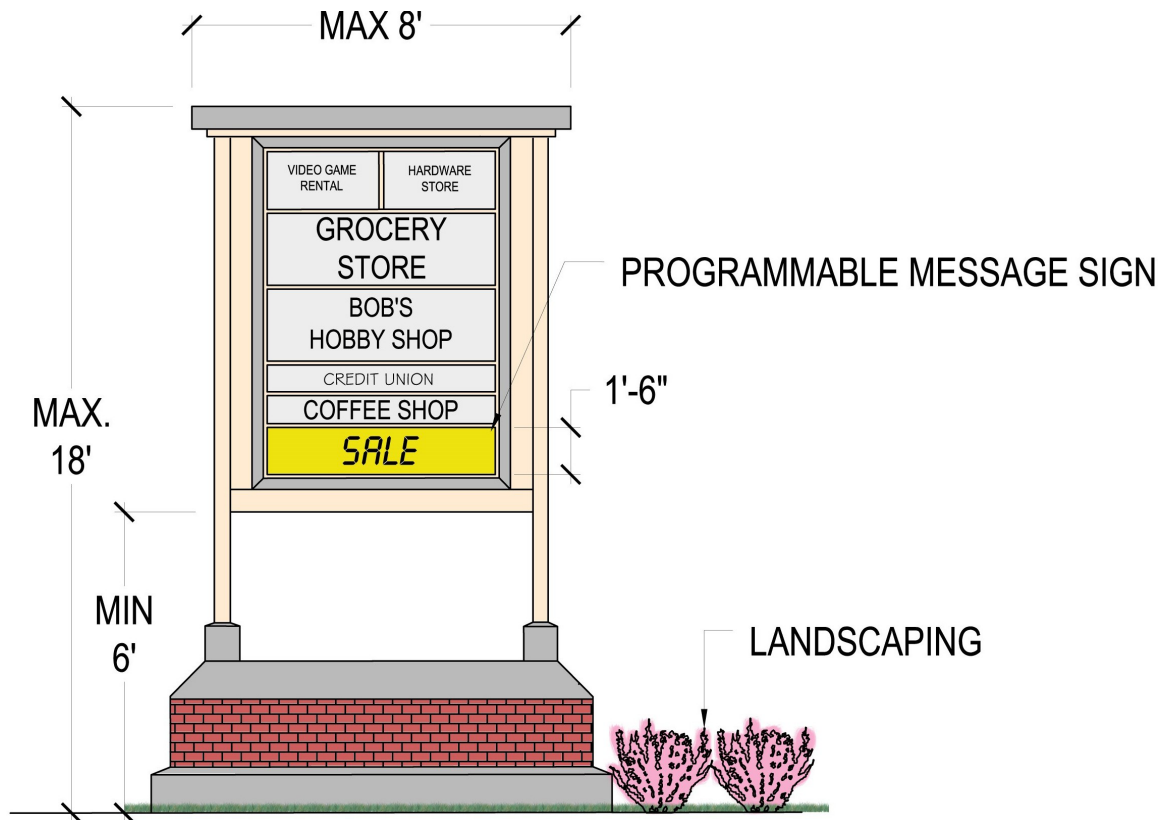


Exhibit 37 – Freestanding Signs (Maximum 24 Square Feet for a Single Display Portion)

(I) Monument Signs.

- (1) Location. A monument sign shall be located at the street or primary entry to developments to provide for overall development identity. Monument signs shall have a minimum setback of 10 feet from all public rights-of-way and/or driveways. When placed in a median, there shall be a minimum 20-foot setback from the intersecting street.
- (2) Materials.
 - (a) Monument signs shall be constructed of masonry, stone, or similar materials compatible with the buildings on the lot. They shall be further affixed to the ground in a continuous base with masonry construction. All support structures shall be securely attached to concrete foundations.
 - (b) Monument signs shall include landscaping as provided in HMC § 18.75.030(C).
 - (c) All text on a monument sign shall have a minimum height of three inches.
- (3) Size.
 - (a) Residential and Open Space Zoning Districts. Not more than four feet in height when located in a median, and not more than six feet in height elsewhere. The overall size of the sign shall not exceed 36 square feet when located in a median, or 48 square feet when located elsewhere.

- (b) All Other Zoning Districts, Single-Occupant Building. Not more than six feet in height and not more than six feet in length.
 - (c) All Other Zoning Districts, Multi-Occupant Building or Development (Coordinated Sign). Not more than eight feet in height and not more than 12 feet in length.
- (4) Monument signs shall not be permitted on a residential lot or development containing fewer than six dwelling units.
- (5) No more than two monument signs may be erected on any property; provided, that signs are separated by a minimum of 300 feet or are located on crossing streets. Further, where a monument sign is erected in a median, no other monument signs shall be located at that entrance.

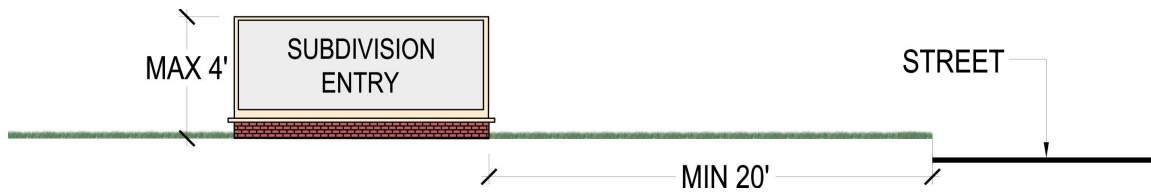


Exhibit 38 – Subdivision Median Entry Sign

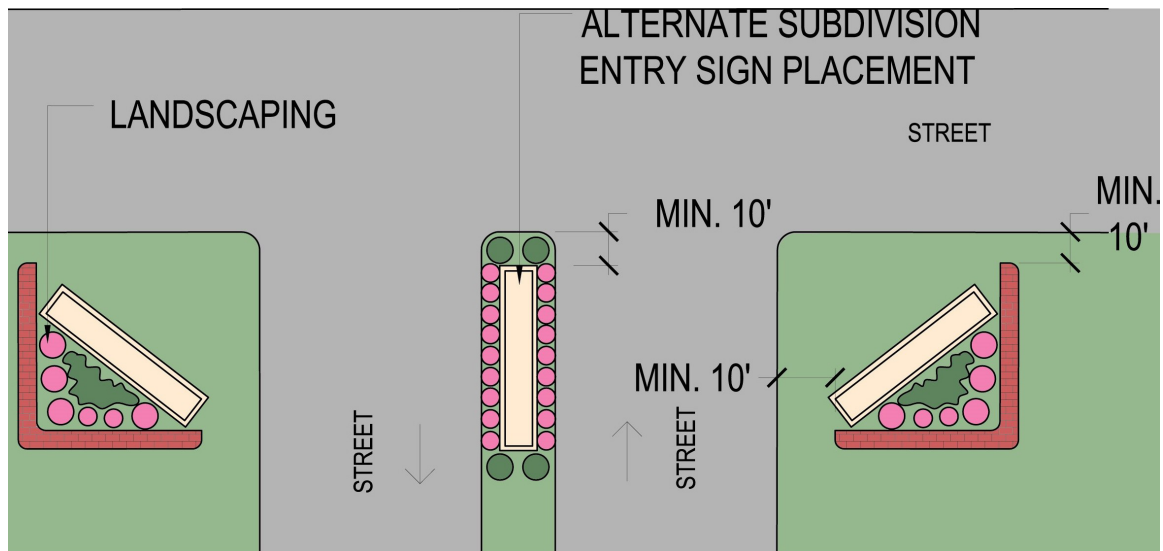


Exhibit 39 – General Subdivision Entry Sign Concepts

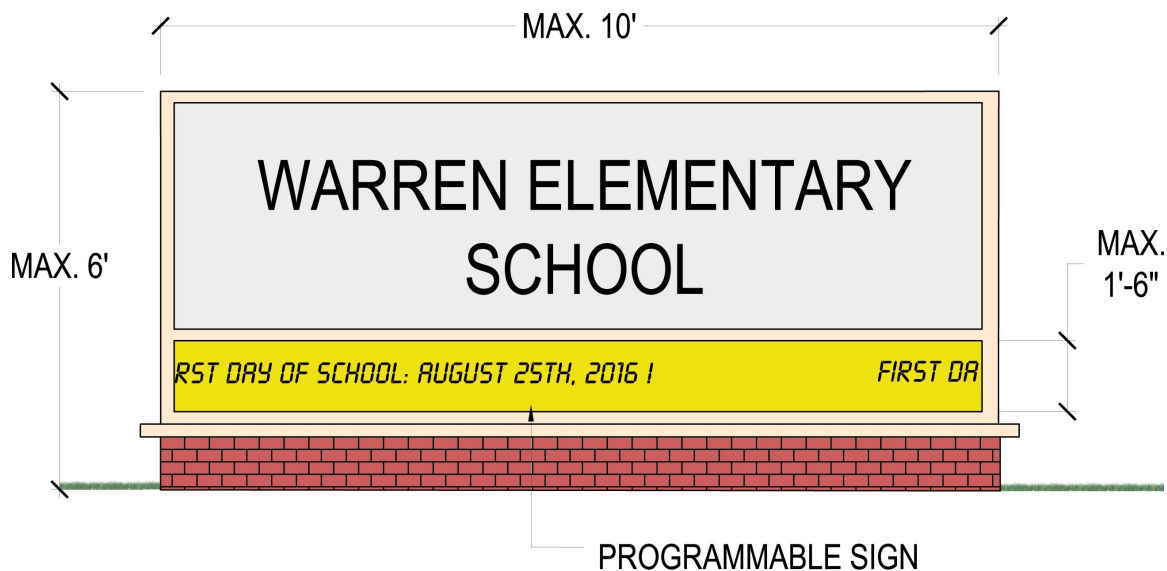


Exhibit 40 – Monument Sign Example 1

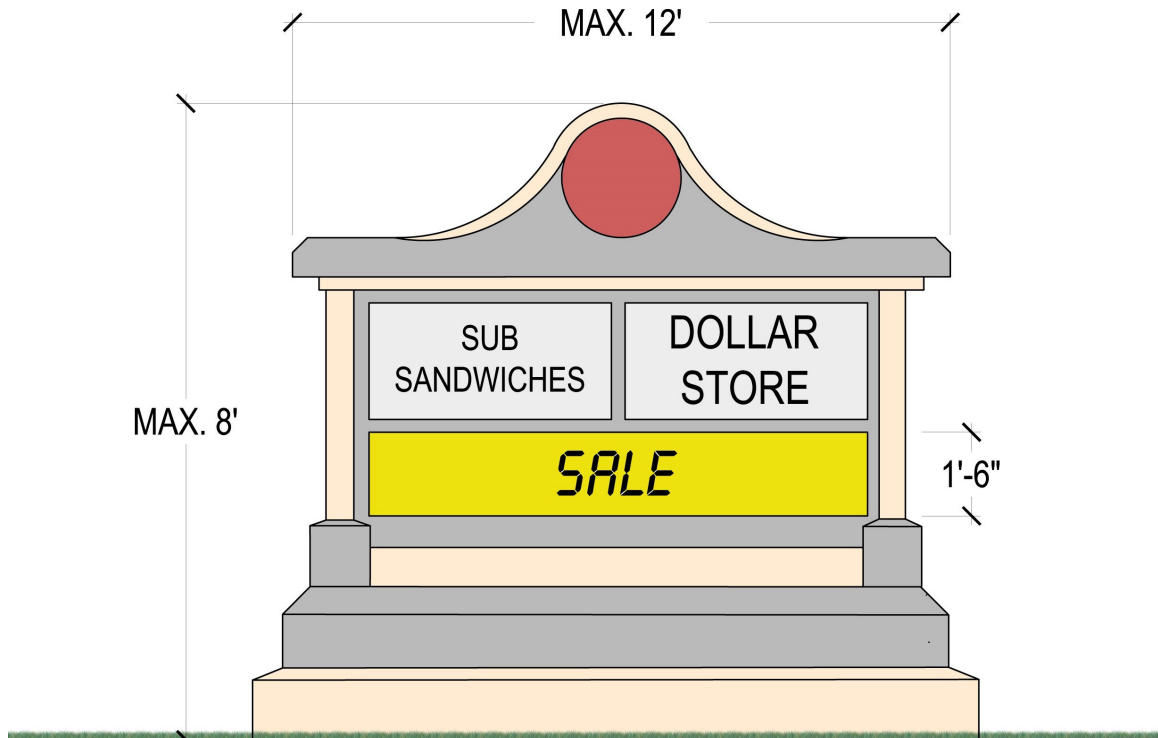


Exhibit 41 – Monument Sign Example 2

(J) Wall-Mounted Building Entry Signs.

- (1) **Location.** Wall-mounted signs at building entries shall be located on the ground floor of the building, within one foot of a public entrance. Such signs shall not project more than eight inches from the face of the building. External raceways are not permitted.
- (2) **Materials.** Signs shall be constructed of stone, masonry, metal, or other material that complements the building where it is installed. They may be constructed as an integral part of the facade, or safely and securely attached to the building wall by means of metal anchors, bolts, or expansion screws. In no case shall any wall-mounted sign be secured with wire, strips of wood, or nails.
- (3) **Size.** Signs shall not exceed the following:
 - (a) **Residential Districts.** Not more than three square feet in gross surface area. For buildings that contain home occupations, a second such sign may be permitted as provided herein.
 - (b) **All Other Districts.** Not more than six square feet in gross surface area for each use in the building.

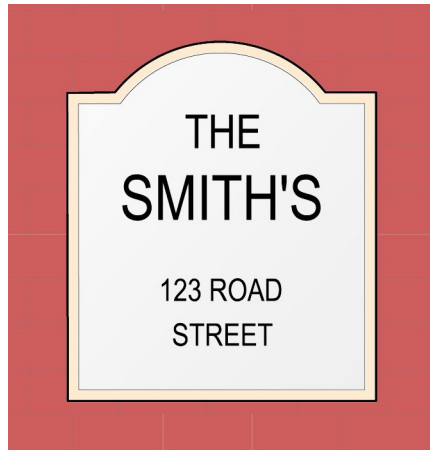


Exhibit 42 – Wall-Mounted Building Entry Sign Example

(K) Light Pole Banner Sign.

- (1) **Location.** Light pole banners shall be mounted on existing light poles in a public right-of-way of any nonresidential district at a height not less than eight feet high and not more than three feet below the bottom of the fixture(s). No part of any banner or bracketing mechanism shall project over any street curb.
- (2) **Materials.** Light pole banners shall be constructed of vinyl or durable, all-weather fabric. They shall be affixed to the pole by an appropriate bracketing mechanism approved by the town.
- (3) **Size.** Each individual banner shall not exceed 12 and one-half feet in gross area.
- (4) **Banners shall not be displayed for more than 90 consecutive days.**

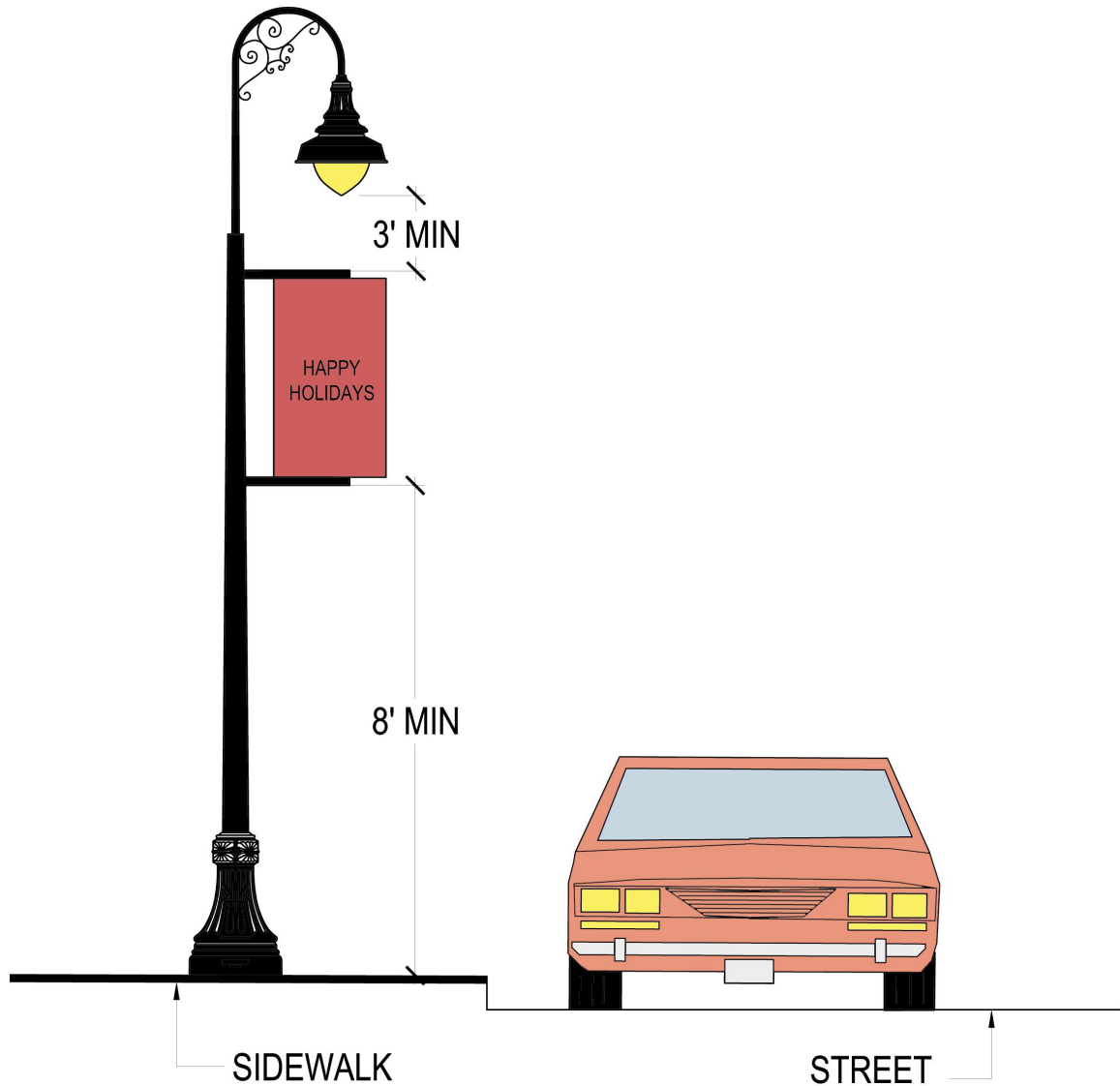


Exhibit 43 – Light Pole Banner Example (Maximum 12-1/2 Square Feet)

(L) Changeable Copy Signs.

- (1) **Location.** Changeable copy signs, including programmable message displays, shall be permitted only as an element of a larger free-standing sign, monument sign, or marquee in nonresidential districts. Only one such sign shall be permitted on a single lot. The display shall be mounted flush with the sign surface where the sign is installed and shall be clearly visible from any public right-of-way.
- (2) **Materials.**
 - (a) Changeable copy signs shall be constructed of glass, plastic, rust-resistant metals, or other similar durable materials. They may be internally illuminated, subject to the regulations of this title. Text for changeable copy signs shall be fabricated from plastic.

- (b) Programmable message displays, when used, shall use LED lighting. All programmable message displays shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.
- (3) Size.
 - (a) Changeable copy signs shall not be more than 18 inches in height and 12 feet in length, but in no case more than 50 percent of the total sign area.
 - (b) The minimum height for all fonts or graphic elements shall be six inches.
- (4) Displayed Content for Programmable Message Displays.
 - (a) Images or messages shall be static in nature and shall not blink, flash, scroll, or be animated. The use of animatronics is prohibited.
 - (b) All messages or content shall be displayed for a minimum of eight seconds, with any content changes being completed in no more than one second.
- (M) Vehicular Signage.
 - (1) Location. Vehicular signage may be permitted on the side of a lawfully operating vehicle or trailer.
 - (2) Materials. Signage on vehicles shall consist of either decals, magnets, or paint. In no case shall the original silhouette of the vehicle be modified, nor shall any nonstandard structure be constructed on a vehicle, to accommodate a sign.
 - (3) Size. Not more than 25 percent of the exterior frame and windows shall be used for vehicular signage. However, in no case shall any vehicular signage restrict the safe operation of the vehicle.
 - (4) Displayed Content.
 - (a) Images or messages shall be static in nature and shall not blink, flash, scroll, or be animated. The use of animatronics is prohibited.
 - (b) Vehicles with signage shall not be allowed to be publicly displayed in a single location for more than 48 hours consecutively.
- (N) Signage on Accessory Uses.
 - (1) Location. Signage shall only be permitted drop boxes in a nonresidential district.
 - (2) Materials. Signage on accessory uses shall be permanently affixed to the use.
 - (3) Size. Signage shall not exceed a total of 16 square feet in area.
 - (4) Signs on an accessory use shall be nonilluminated.
- (O) Other Signs. Any sign types not specifically provided for in this title may be permitted, pending approval by the plan commission. The applicant shall submit all requested materials and documentation for the proposed sign to the plan commission, including, but not limited to, size, placement, and design.

(Ord. 1659 § 1, 2017; Ord. 1797-1659 §§ 1, 2, 2024)

§ 18.85.040. Planned signage district.

- (A) A planned signage district may be proposed and submitted that permits consideration of unique conditions, flexibility, and creativity for signage needs. The application of such district cannot be viewed as imposing more restrictive requirements than permitted by the basic standards, but rather, may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site and appropriate landscaping associated with the free-standing signs.
- (B) A planned signage district shall only be available for sites larger than three acres, and is subject to approval by the plan commission.
- (C) The property owner(s) seeking the creation of a planned signage district shall file an application with the plan commission stating the reasons for the request. Information to be provided shall include, but is not limited to, location, size, design, and construction material(s) of the proposed signage.
- (D) Once a district has been approved, subsequent applications for specific signs in the district shall be approved administratively when the proposed sign is in compliance with the approved district.
- (E) If the district and plan is not approved, the plan commission shall state the reasons for the denial and the owner may remedy the plan and return it to the plan commission for reconsideration and approval. Should the application be denied a second time, the owner shall then be restricted to the signage allowed by the appropriate sections of this title.

(Ord. 1659 § 1, 2017)

§ 18.85.050. Performance standards.

In addition to the standards provided above, the following additional standards shall apply to all signs located in the town.

- (A) Signs shall be structurally designed in compliance with all applicable ANSI and ASCI standards.
- (B) Erection, Bracing, Anchorage Supports. A freestanding sign shall be securely built, constructed, and erected upon posts and standards sunk at least three and one-half feet below the natural surface of the ground and shall be adequately braced to prevent overturning.
- (C) All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.
- (D) Where wood is used as a sign post, anchors, and bracing, they shall be treated for protection from moisture as allowed for by applicable building codes or as determined by the town.
- (E) Sign Illumination.
 - (1) No sign or other advertising structure shall be illuminated with lights that glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way in such a manner as to cause

brightness to a degree that it constitutes a hazard or nuisance.

- (2) Externally illuminated signs shall be located, aimed, and shielded so that light is only directed onto sign face.
- (3) To the extent practical, fixtures used to illuminate signs shall be top mounted and directed downward.
- (4) Back lighting of letters and other prominent sign elements shall be encouraged as a means to illuminate signs without causing excessive light spill, glare, or pollution.
- (5) Illuminated signs using neon, mercury arc, or mercury vapor light sources are prohibited.
- (6) Brightness Limitations.
 - (a) The illumination from an internally illuminated sign may not exceed four foot-candles at a distance of eight feet.
 - (b) The maximum illumination of any illuminated sign shall not exceed 20 foot-candles in all residential zoning districts and open space zoning districts, or 40 foot-candles in all other zoning districts at a distance of eight feet.
 - (c) The average illumination of an illuminated sign shall not exceed 10 foot-candles in all residential zoning districts and open space zoning districts, or 20 foot-candles in all other zoning districts at a distance of eight feet.
 - (d) Existing illuminated signs that do not meet these standards, or the standards set forth in Chapter 18.90 HMC, shall be considered to be a nonconforming sign.

(Ord. 1659 § 1, 2017)

§ 18.85.060. Maintenance.

- (A) The maintenance of all signs shall be the responsibility of the property owner where the sign is maintained. Signs shall be maintained in a condition appropriate to the intended use, and shall have a continuing obligation to comply with all compliant town standards and building code requirements, as amended from time to time.
- (B) If a sign is deemed by the town to be a safety hazard, the owner of the business or property shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the town with a plan to correct the safety hazard, remove the unsafe sign, or cause it to be removed. If after 10 days, the safety hazard has not been corrected through repair or removal, the town may cause the repair or removal of such sign, at the expense of the property owner or lessee. A notice of lien of the cost and expense thereof incurred by the town may be filed with the office of the recorder of deeds at Lake County, Indiana. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the town and the release shall be filed of record in the same manner as filing the notice of lien. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional one percent interest penalty per month, for collection or as it may be prescribed for unpaid real estate taxes by the county.

- (C) In cases of emergency, the town may cause the immediate removal of a dangerous or defective sign without notice.
 - (D) Whenever any sign conforming to these regulations is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a permit or without any payment of fees; provided, that all of the following conditions are met.
 - (1) There is no alteration or remodeling to the structure or the mounting of the sign itself.
 - (2) There is no enlargement or increase in any of the dimensions of the sign or its structure.
 - (3) The sign is accessory to a legally permitted, conditional, or nonconforming use.
 - (4) An existing, nonconforming changeable copy sign is updated to become conforming.
- (Ord. 1659 § 1, 2017)

§ 18.85.070. Obsolete and abandoned signs.

- (A) A sign that is no longer advertising a bona fide operating business on the premises where the sign is located shall be considered an obsolete sign. All necessary copy on an obsolete sign shall be updated within 30 days of the establishment of the new use.
 - (1) Exception. Unless said sign has been abandoned for more than one calendar year, the updated signage can be of the same general size, character, materials, type, and placement as the abandoned sign.
- (B) An abandoned sign shall not be permitted to continue to operate after 180 days of dormancy, and shall be removed.
- (C) Removal of Signs.
 - (1) Any obsolete or abandoned sign that does not advertise any existing business or a product, including the poles, posts, pylons, pipes, frames, cans, or channels to which it is affixed, whether freestanding or wall mounted, shall be taken down and removed by the property owner or agent for the owner within 30 days after written notification from the town. Upon failure to comply with such notice within the time specified, the town shall cause the removal of said sign(s), including the poles, posts, pylon, pipes, frames, cans, or channels to which it is affixed, whether freestanding or wall mounted, and any expense incidental thereto shall be paid by the owner of the property to which such sign is attached.
 - (2) The property owner or agent shall further be responsible for updating any part of the building or land where abandoned or obsolete signs used to be located, such as watermarking of a building facade and filling in holes/gaps where sign supports may have been located, so as to remove any visible evidence of the sign being in that location.
 - (3) In the event the town shall cause removal of any sign, a notice of lien of the cost and expense thereof incurred by the town of Highland, Indiana, may be filed with the office of the recorder of deeds at Lake County. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the town of Highland, Indiana, and the release shall be filed of record in the same manner as filing the notice

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of lien.

(Ord. 1659 § 1, 2017; Ord. 1797-1659 § 3, 2024)

CHAPTER 18.90
NONCONFORMING USES AND NONCONFORMING BUILDINGS

§ 18.90.010. Purpose.

- (A) The purpose of this chapter is to describe nonconforming uses and nonconforming buildings and the conditions that apply to their termination and removal, additions and enlargements, repairs and maintenance, restoration and repair after damage or destruction, and to their continuation of use.
- (B) Within the districts established by this title or by amendments which may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this title was passed or amended, which would be prohibited, regulated, or restricted under the terms of this title or future amendments. It is the intent to permit these nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities, except as otherwise noted or required by law, shall not be made more nonconforming, nor be used as the grounds for adding other structures or uses prohibited elsewhere in the district.

(Ord. 1659 § 1, 2017)

§ 18.90.020. Incompatibility of nonconforming uses.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination, shall not be extended or enlarged after the passage of the ordinance codified in this title if said extension or enlargement makes the nonconforming building or use more nonconforming. In addition, no additional signs intended to be seen from off the premises or additional uses of a nature which would be prohibited generally in the district involved shall be permitted.

(Ord. 1659 § 1, 2017)

§ 18.90.030. Avoidance of undue hardship.

- (A) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of a building on which the actual and physical construction was lawfully begun prior to the enactment of this chapter and upon which actual physical building construction has been carried on diligently. "Actual physical construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction; provided, that the work shall be carried on diligently.
- (B) Any conforming structure or lot that has been made a nonconforming structure or lot by a government taking or by grant of right-of-way shall be considered conforming within the context of this title.

(Ord. 1659 § 1, 2017)

§ 18.90.040. Nonconforming lots of record.

- (A) Single Nonconforming Lots of Record. In any district in which single-family dwellings are

permitted, a single-family dwelling may be constructed on a nonconforming lot of record, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not be of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district; provided, that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations of the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of zoning appeals.

- (B) Nonconforming Lots of Record in Combination. If two or more lots or combinations of lots and portions of lots with contiguous frontage in single ownership are of record at the time of enactment of this title or amendments thereto, and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(Ord. 1659 § 1, 2017)

§ 18.90.050. Nonconforming uses of land and structures.

- (A) Nonconforming Uses of Land. Where, at the time of adoption of the ordinance codified in this title, lawful uses of land exist which would not be permitted by the regulations imposed by this title, the uses may be continued so long as they remain otherwise lawful, provided:
- (1) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title, except as may be required by law.
 - (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this title, except as may be required by law.
 - (3) If any such nonconforming uses of land are discontinued or abandoned for more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
 - (4) No additional structure which does not conform to the requirements of this title shall be erected in connection with such nonconforming use of land.
- (B) Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this title that could not now be built under the terms of this title by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, except as required by law, but any structure may be altered to decrease its nonconformity.
 - (2) Should any nonconforming structure or nonconforming portion of a structure be

destroyed by any means to the extent that the destruction is valued at 50 percent of the fair market value of the building, as valued immediately prior to the destructive event, it shall not be reconstructed except in conformity with the provisions of this title.

- (3) Should such structure be moved for any reason for any distance whatever, it shall therefore conform to the regulations for the district in which it is located after it is moved.
- (C) Nonconforming Uses of Structures or of Structures and Land in Combination. If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this title that would not now be allowed in the district under the terms of this title, this lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged or extended. Any such existing nonconforming structure may be repaired, reconstructed or structurally altered without enlargement or extension; provided, that such repair, reconstruction or alteration shall comply with all other regulations of the district in which it is located.
 - (2) A nonconforming use may be extended throughout any part of the building which was manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building, except as required by law.
 - (3) Any structure, or structure and land in combination, in or on which a nonconforming use is substituted by a conforming use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
 - (4) When a nonconforming use of a structure, or of a structure and land in combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises), the structures, or structures and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 - (5) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (D) Existing Parking and Loading Facilities. Existing lots with off-street parking facilities shall be permitted to reduce the number of parking spaces located on the same lot; provided, that such reduction does not conflict with the provisions of this title. However, existing lots with fewer than the required spaces on the effective date of the ordinance codified in this title shall not be required to increase the number of off-street parking spaces unless a substantial modification is made to any building on the lot.
- (Ord. 1659 § 1, 2017; Ord. 1668 § 1, 2018)

§ 18.90.060. Nonconforming landscaping.

- (A) Any change in use, reestablishment of an abandoned conforming use, or renovation of an existing building, lot, or in combination of a conforming use shall meet the landscaping

requirements of Chapter 18.75 HMC.

- (B) Any legal nonconforming use shall be brought into conformance with the applicable provisions of Chapter 18.75 HMC prior to the erection or placement of any buildings or other improvements on the lot.
- (C) Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building, may not increase the degree of nonconformity regarding the required landscaping or buffering.
- (D) Residential lots with nonconforming landscaping shall become compliant whenever improvements involving at least 50 percent of the value of the property are undertaken.
- (E) Nonresidential lots with nonconforming landscaping shall become compliant whenever one of the following improvements are undertaken:
 - (1) Whenever the proposed improvements involve 25 percent or more of the value of the building(s) or property, front yard landscaping shall meet the provisions of Chapter 18.75 HMC.
 - (2) Whenever the proposed improvements involve 50 percent or more of the value of the building(s) or property, full compliance with the provisions of Chapter 18.75 HMC shall be required. In addition, a landscape plan, prepared by a landscape architect registered in Indiana and meeting the requirements set forth in Chapter 18.75 HMC, shall be provided.
- (F) If full compliance with Chapter 18.75 HMC cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation and front yard landscaping. The plan commission may allow an alternative compliance plan as provided in HMC § 18.75.050, with the owner providing sufficient justifications for seeking alternative compliance.
- (G) Tree Replacement. Loss of trees, shrubs, and other vegetation shall make an improved site noncompliant with the provisions of Chapter 18.75 HMC. Where existing trees, shrubs, or other vegetation have fallen or are removed because of nature, old age, or human actions, said vegetation shall be replaced with the same species or plant material recommended by this title, and with approximately same age materials where practical.

(Ord. 1659 § 1, 2017)

§ 18.90.070. Nonconforming signs.

- (A) Any sign that does not comply with the regulations of this title at the time of adoption shall be allowed as a nonconforming sign, and shall be allowed to continue to operate, subject to the provisions of this section, as well as the maintenance standards in HMC § 18.85.060.
- (B) Signs that have been deemed to have significant historical value, as determined by the town, shall not be considered nonconforming.
- (C) A nonconforming sign shall not be altered, modified, or reconstructed except for the following:
 - (1) When such alteration, modification or reconstruction would bring such sign into conformity with these regulations.

- (2) When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection (C)(4) of this section.
 - (3) When the space is reoccupied by a permitted use and the new occupant requires no external building or site renovation, and such change complies with subsection (C)(4) of this section.
 - (4) Any alteration, modification, or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area, or repainting a sign face, and does not permit changes to the structure, size, framing, erection, or relocation of the sign.
- (D) Nonconforming signs shall be removed after 10 years of the sign having been caused to become nonconforming. Use(s) advertised on an abandoned nonconforming sign may continue, or be reestablished as permitted, but use of such sign shall cease.
- (E) A legal nonconforming sign shall be brought into compliance with Chapter 18.85 HMC with any application for renovation or replacement including change of height, size, face area, intensity of illumination or light emission or display, or in connection with demolition of existing and construction of a replacement sign.
- (F) A legal nonconforming sign may not be reestablished under any of the following conditions:
 - (1) The building or lot where the sign is displayed has been vacant for six continuous months or more.
 - (2) The sign is not kept in good repair and in a safe condition and the state of disrepair or unsafe condition continues for six months.
 - (3) If the sign has displayed no message for six continuous months or more.
 - (4) The sign is relocated.
 - (5) The sign permit or variance, special exception, etc. under which the sign, the structure, or the use was allowed or permitted expires.
- (G) A legal nonconforming sign that is damaged or destroyed, by any means, to the extent of more than 50 percent of the value of replacement of such structure new, but not the commercial value of the sign, shall not be restored or reconstructed unless the use of such structure shall thereafter conform to the provisions of Chapter 18.85 HMC.
- (H) Normal maintenance and incidental repair or replacement, and installation of fixtures, wiring or lighting, may be performed on any nonconforming sign, provided the cost of such actions does not exceed 50 percent of the value of the replacement of the sign structure in one calendar year. This paragraph shall not be interpreted to authorize an unlawful alteration, enlargement, extension, increase in intensity, or move of a nonconforming sign.
- (I) Advertising copy, including letters, symbols, or other matter on the sign, may be changed, including the exchange of display faces that are designed to be interchangeable to facilitate the display of advertising copy; provided, however, display faces that are designed to be permanently attached to the supporting sign structure may be replaced only with display

faces composed of like materials, e.g., a plywood display face may be replaced only with a plywood display face.

- (J) Any legal nonconforming sign located on a lot within an overlay district, described in Chapter 18.55 HMC, shall be brought into conformance with the applicable provisions of this chapter prior to the erection or placement of any other sign on that lot. All such new signs shall meet the provisions of the overlay district in addition to the sign provisions applicable to commercial zoning districts.
- (K) Nothing in this title shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this title regarding safety, maintenance, or repair of a sign.

(Ord. 1659 § 1, 2017)

§ 18.90.080. Repairs and maintenance.

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

(Ord. 1659 § 1, 2017)

§ 18.90.090. Changing the use of a nonconforming use.

A nonconforming use as described in this chapter shall not be changed to another use unless the resultant use meets a use which is first permitted in the current zoning classification.

(Ord. 1659 § 1, 2017)

CHAPTER 18.95
SITE PLAN REVIEW

§ 18.95.010. Purpose.

Site plan review is the systematic assessment of land development proposals in terms of a community's land development policies and regulations and commonly accepted site design practices. Site plan review assures conformance to the town's master plan, resolves policy issues, creates site planning and design policy, expedites project approval, solves technical errors, and encourages planning and design in accordance with generally accepted practice.
(Ord. 1659 § 1, 2017)

§ 18.95.020. Rules for review.

The rules to be used when reviewing the site plan are derived from the master plan, zoning ordinance, subdivision regulations, building code and the review factors listed below.
(Ord. 1659 § 1, 2017)

§ 18.95.030. Applicability of review.

The following shall be required to undergo site plan review prior to issuance of preliminary subdivision approval, or in the case of a parcel already subdivided, prior to issuance of a building permit.

- (A) Single-family residential subdivisions containing more than five lots.
 - (B) Multifamily residential developments containing more than four units.
 - (C) Industrially zoned property of any size.
 - (D) Highway-oriented business zoned property of any size.
 - (E) General business zoned property of any size.
 - (F) Planned unit developments of any size.
- (Ord. 1659 § 1, 2017)

§ 18.95.040. Components of review.

The following subjects are appropriate for review of a site plan:

- (A) Land use.
 - (B) Traffic impact.
 - (C) Utility impact.
 - (D) Urban design principles.
 - (E) Public safety/services.
- (Ord. 1659 § 1, 2017)

§ 18.95.050. Review factors.

In reviewing a site plan, the plan commission shall consider the above-mentioned components as follows:

(A) Land Use.

- (1) The development must comply with the land use plan.
- (2) The development must be consistent with area development trends.
- (3) The development must be properly zoned for the intended use.
- (4) Natural features of the property to be developed must be maintained and accentuated.
- (5) The development must be consistent with adjacent land use.
- (6) Compatible uses shall be located adjacent to each other, while incompatible uses shall be buffered from each other.
- (7) Uses shall be located in direct proximity to that portion of the transportation system best suited to accommodate these uses.
- (8) The developer shall locate uses so as to continue areas containing such uses.
- (9) Uses should be located in a manner which will minimize changes to topography and vegetation.
- (10) The development must organize density to locate the largest number of people in closest proximity to their destination.

(B) Traffic Impact.

- (1) The development must contain an appropriate level of accessibility.
- (2) The thoroughfare system which the development depends on must have sufficient capacity.
- (3) The residual impact to adjacent roadways and intersections must be minimized.
- (4) Functional and alignment continuity between developments must be maintained.
- (5) Adequately sized and paved off-street parking must be a part of each development.
- (6) Pedestrian/bicycle routes should be encouraged, while maintaining safe separation from vehicular movements.
- (7) All industrial, highway-oriented businesses, and high-density multifamily uses shall be provided principal access via an arterial.
- (8) All neighborhood and general businesses and offices shall be provided principal access via an arterial or collector.
- (9) All single-family and low-density multi-family shall be provided principal access via a local road.

- (10) Other factors being equal, the amount of pavement shall be minimized.
 - (11) Parking shall be separated from access drives.
 - (12) Delivery and loading areas shall be separated from customer/pedestrian areas.
 - (13) Pedestrian and vehicular movement areas shall be separated to the extent possible.
 - (14) The distance between parking areas and structures which they serve shall be minimized.
 - (15) Parking when possible shall be obscure from the roadway system, and rather the structure and accompanying landscaping shall dominate the line of sight.
 - (16) Access roads shall align with other roadways to result in four-way intersections, rather than offset.
 - (17) "T" or offset intersections shall be discouraged but, if unavoidable, shall be a minimum of 250 feet apart, measured at their center line.
 - (18) Roadways shall intersect with others at or near 90 degrees.
 - (19) Developments or phases of developments shall not result in dead-end streets.
 - (20) The number and length of cul-de-sacs shall be minimized, and in no case shall the length exceed 600 feet.
 - (21) Frontage roads paralleling arterials shall intersect with adjacent roadways a minimum of 500 feet from the arterial.
 - (22) One-way diagonal parking areas are preferable to two-way 90-degree parking.
- (C) Utilities.
- (1) The utilities servicing the development must have sufficient current and potential capacity.
 - (2) The potential benefits of oversizing for future use must be weighed against cost.
 - (3) The development shall not have an adverse effect on the downstream storm water outlet.
 - (4) The off-site utilities must be installed consistent with the capital improvements program.
 - (5) All developments must result in a storm water management system which simulates the predeveloped condition, or better.
 - (6) Pond design and placement shall be regionalized when possible, but otherwise shall result in an aesthetically pleasing architectural amenity.
 - (7) Utility location shall result in maximizing maintenance access and avoiding backyard or side yard locations.
 - (8) No large-scale development shall occur which is reliant on individual septic systems.

- (9) When developments are phased, each phase must be viewed as the last phase, and shall therefore not rely on any future phase in order to satisfy the provisions of this policy.

(D) Urban Design Principles.

- (1) The proposed development must be compatible as to form with neighboring developments.
- (2) Each development must become a part of a larger neighborhood, and therefore cannot be an island unto itself.
- (3) Each site to be developed must be well defined, and shall be large enough to avoid a piecemeal approach.
- (4) The development must be adequately screened and buffered to minimize the ill effects of both the development on the surrounds and vice versa, and to provide identity and definition to the development.
- (5) Open space, trees and shrubs, fences, earth berms, or compatible transitional land uses may all serve as buffers.
- (6) Adequate landscaping shall be placed around the perimeter of the site, near the building, and internal to the parking lot to minimize the ill effect of excessive paved areas.
- (7) Features which possess uniqueness on a site shall be preserved.
- (8) Structures shall not be located in the floodway.
- (9) Changes to the natural terrain shall be minimized, including stands of mature trees.
- (10) Open space proposed by a developer must be accessible, and where possible, linked to an overall townwide system.
- (11) The development must result in a separation of residential areas from major noise-producing sources.
- (12) Development shall be restricted on lands with steep slopes, wetlands, unstable soil, filled areas, or areas of unique vegetation.

(E) Public Services.

- (1) The proposed development shall not pose an undue burden on police or fire services.
- (2) If the development results in a significant increase for park, school, or other public services, property dedicated for these purposes shall be required as a condition of development.
- (3) Appropriate right-of-way and easement dedications shall occur in order to provide necessary access for proper utility maintenance.
- (4) Streets internal to a development may be dedicated or private, depending on their design and function.

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- (5) Meets requirements of established redevelopment or economic development district(s).
(Ord. 1659 § 1, 2017)

CHAPTER 18.100
SCHEDULE OF FEES

§ 18.100.010. Purpose.

The purpose of this chapter is to describe the method by which fees, charges and expenses are established for all the actions contemplated in this title, and to identify the responsibility for their collection and maintenance.

(Ord. 1659 § 1, 2017)

§ 18.100.020. Establishment.

The town council shall establish by chapter a schedule of fees, charges and expenses and a collection procedure for: location improvement permits; certificates of occupancy; certificates of compliance; applications for rezoning; applications for variance, for use variance and for appeal from the decisions of the administrator. Further, the town shall establish the method of collection, receipt and accountability.

(Ord. 1659 § 1, 2017)

§ 18.100.030. Payment prerequisite to action on application or appeals.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 1659 § 1, 2017)

CHAPTER 18.105
AMENDMENTS

§ 18.105.010. Purpose.

The purpose of this chapter is to establish the method by which amendments to the zoning ordinance are initiated, hearings held and resolved. For the purpose of providing for the public health, safety and general welfare, the town, on recommendation of the plan commission, may from time to time amend the text of this title and/or the zoning map(s) incorporated by reference in this title.

(Ord. 1659 § 1, 2017)

§ 18.105.020. Who may initiate.

(A) Amendments to this title may be proposed by the town council, or by petitions, duly signed and presented to the town clerk-treasurer, requesting an amendment, supplement or change of the regulations of this title by:

(1) The plan commission; or

(2) The owners of 50 percent or more of the area involved in the petition.

(B) The term “amendment” as used hereinafter in this chapter shall include the terms “supplement,” “change,” or “repeal” as applied to the regulations of this title.

(Ord. 1659 § 1, 2017)

§ 18.105.030. Referral to the plan commission.

Any proposed ordinance for the amendment of this title not originating from petition of the plan commission shall be referred to the plan commission for consideration and report before any final action is taken by the town council.

(Ord. 1659 § 1, 2017)

§ 18.105.040. Public hearings.

(A) Before submission to the town council of a plan commission petition or report on a proposed ordinance referred to the plan commission for an amendment to this title, the plan commission shall hold a public hearing thereon.

(B) At least 10 days prior to the date set for the hearing, the plan commission shall publish in two newspapers of general circulation in the town notice of the time and place of the hearing.

(Ord. 1659 § 1, 2017)

§ 18.105.050. Minimum size of parcel.

(A) No amendment of the official zoning map shall be made with respect to any parcel of real estate unless said parcel has more than 160 feet of frontage and at least 20,000 square feet of area, except where, in the event of an amendment, the parcel would be in the same zoning district, or in a more restrictive zoning district, as an adjoining parcel of land.

(B) The following zoning districts, and no others, shall be deemed to be a “more restrictive

zoning district” as the term is used above:

- (1) R-1A, with respect to R-1, R-2, and R-3.
 - (2) R-1, with respect to R-2 and R-3.
 - (3) R-2, with respect to R-3.
 - (4) B-1, with respect to B-2 and B-3.
 - (5) B-2, with respect to B-3.
- (Ord. 1659 § 1, 2017)

CHAPTER 18.110
ADMINISTRATION

§ 18.110.010. Purpose.

The purpose of this chapter is to describe the process required for obtaining improvement location permits and the conditions which have to be met in order to obtain them. It also deals with occupancy permits. The issuance of such permits is absolutely critical for the implementation of a zoning ordinance with respect to both temporary and permanent improvements to structures, buildings and land.

(Ord. 1659 § 1, 2017)

§ 18.110.020. Administrative official.

The town hereby designates its building commissioner as the administrator for the purpose of implementing this title and has the principal responsibility for enforcing this title. The administrator may be assisted by other persons as the town may direct. It shall be the duty of the administrative official and the plan commission to enforce the provisions of this title in the manner and form and with the powers provided by the state.

(Ord. 1659 § 1, 2017)

§ 18.110.030. Applicability.

(A) No use variance nor change in a floodplain district may be made under Chapter 18.60 HMC, and no other change in the use of land (except an open space use) that involves a change in any structure on or in any land, or in the condition of the land, may be made unless the administrator on application issues an improvement location permit authorizing the change.

(B) No building permit for a principal building or use shall be issued, unless the property for which the permit is being requested is a legal lot of record.

(Ord. 1659 § 1, 2017)

§ 18.110.040. Certificate of occupancy.

(A) No application for an improvement location permit under HMC § 18.110.030 may be considered unless the applicant has also applied for a certificate of occupancy.

(B) No land or structure with respect to which an improvement location permit has been issued under HMC § 18.110.030 may be used for the purposes contemplated by the permit unless the administrator, after the change is completed, issues a certificate of occupancy stating that the change complies with this title and with the permit.

(C) Within 10 working days after the completion of the change authorized by the improvement location permit, the administrator or his designee shall inspect the premises and, if the change conforms to this title and to the location improvement permit, and that a certificate of compliance, if required by HMC § 18.110.060, has been obtained, he shall issue a certificate of occupancy.

(Ord. 1659 § 1, 2017)

§ 18.110.050. Site plan and construction drawings.

- (A) In addition to all other applications, information, and permits from all other governmental agencies, a person who applies for an improvement location permit under HMC § 18.110.030 must furnish the administrator with plans drawn to scale showing the following:
- (1) The location and legal description of the land involved.
 - (2) The location and size of all buildings and structures already on the land and those to be erected, including parking, signage, landscaping, and screening.
 - (3) The size of all entrances to and exits from the land, including all adjacent streets and highways.
 - (4) Detailed drawings showing all construction and materials.
 - (5) Elevation of all buildings to be constructed.
 - (6) Public sidewalk locations.
- (B) As a condition to issuing a permit, the administrator may require changes to the landscape plan upon recommendation of the plan commission, the relocation of any structures or buildings, or of any entrance or exit, or the inclusion of entrances or exits not shown on the plan, or the deletion of any entrance or exit, if the requirement is necessary in the interest of the public welfare or to an appropriate balancing of the interests of the persons in the district and vicinity involved.

(Ord. 1659 § 1, 2017)

§ 18.110.060. Industrial uses – Certificate of compliance.

If an application for an improvement location permit relates to an industrial use, it must be accompanied by a certificate of compliance, certified by a registered professional engineer of the state, stating that the use will meet the performance standards of the district concerned. After 10 working days have elapsed during which the administrator has not required additional information or objected in writing, he shall issue the permit.

(Ord. 1659 § 1, 2017)

§ 18.110.070. Records.

A record of each improvement location permit and each certificate of occupancy shall be kept by the administrator. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises involved.

(Ord. 1659 § 1, 2017)

§ 18.110.080. Issuance or denial.

The administrator shall accept only a complete application and issue the improvement location permit or deny the application together with a statement of reasons for the denial within a period of eight working days following its submittal, except for the longer period of time required for industrial uses as provided in HMC § 18.110.060.

(Ord. 1659 § 1, 2017)

§ 18.110.090. Appeals.

A decision of the administrator under HMC § 18.110.080 may be appealed to the board of zoning appeals subject to the provisions of HMC § 18.115.070.

(Ord. 1659 § 1, 2017)

§ 18.110.100. Expiration.

An improvement location permit shall be valid for a period of one year, at which time it shall expire, unless work authorized by the improvement location permit is proceeding and inspections have been made by an official town inspector, in which case it shall remain in full force and effect.

(Ord. 1659 § 1, 2017)

CHAPTER 18.115
BOARD OF ZONING APPEALS

§ 18.115.010. Purpose.

The purpose of this chapter is to explain the makeup of, jurisdiction of and procedures to be used by the board of zoning appeals. It should be noted that use variances are permitted by state statute, but the practice of permitting them is not recommended. Use variances have virtually the same effect as rezoning, but without benefit of plan commission review for their relationship to the overall fabric of the comprehensive plan and the potential for adverse consequences thereto. (Ord. 1659 § 1, 2017)

§ 18.115.020. Creation.

There is hereby established the board of zoning appeals of the town of Highland, Indiana. The board of zoning appeals shall be a continuation of the present board of zoning appeals of the town of Highland heretofore established under the advisory plan law, IC 36-7-4-900, as added by acts 1981, P.L. 309 Section 23. (Ord. 1659 § 1, 2017)

§ 18.115.030. Membership.

The board of zoning appeals shall consist of and continue as a five-member board, appointed as follows:

- (A) Three citizen members appointed by the town council president of the town of Highland, of whom one must be a member of the plan commission and two must not be members of the plan commission.
 - (B) One citizen member appointed by the town council (fiscal body) who must not be a member of the plan commission.
 - (C) One citizen member appointed by the plan commission who must be a member of the plan commission other than the member appointed by the town council of the town of Highland.
- (Ord. 1659 § 1, 2017)

§ 18.115.040. Terms of office – Meetings – Jurisdiction.

- (A) Terms of Office. The term of the board of zoning appeals of the town of Highland shall be as stated, and in accordance with applicable Indiana State statute (IC 36-7-4-902(a)(1) through (3)).
- (B) Quorum. The presence of three members of the five-member board shall constitute a quorum.
- (C) Territorial Jurisdiction. The board of zoning appeals shall have jurisdiction over all the land subject to the zoning ordinance.
- (D) Subject Matter Jurisdiction. The board of zoning appeals shall have exclusive jurisdiction for:
 - (1) Variances under the statute and this title, except it shall have no jurisdiction to grant a variance from a use district or classification.

- (2) Use variances (favorable or unfavorable recommendation to town council).
 - (3) Appeals, as provided by statute, and including requirements for procurement of improvement location or occupancy permits or any ordinance adopted under IC 36-7-4 or any prior zoning statute, and any other appeals authorized by statute.
 - (E) Staff. The staff of the board of zoning appeals shall consist of the administrator as defined in this title and such other persons employed by the town of Highland as may from time to time be assigned to assist him or her and the board of zoning appeals.
 - (F) Rules and Bylaws. The board of zoning appeals shall have sole authority to adopt any and all rules under IC 36-7-4-916 and any and all bylaws concerning organization, selection of officers, forms for applications, filing requirements, other than as to place of filing as herein provided for, procedures, notices for and conduct of meetings. Upon adoption of such rules and bylaws, they shall be applicable to the board of zoning appeals.
 - (G) Facilities and Funding. The town of Highland shall provide suitable facilities for the holding of board of zoning appeals hearings and the storage of its recorded documents and accounts, and in its annual budget to provide sufficient funds for the functioning of said board and staff.
 - (H) Filing. All applications for variances, use variances, and requests for appeal shall be filed by the applicant with the staff of the board of zoning appeals.
 - (I) Hearings. All hearings required for variances, use variances, and appeals shall be by the board of zoning appeals. As per subsection (F) of this section, procedures for public notice setting forth time and place for all hearings by the board of zoning appeals shall be established by the board of zoning appeals.
- (Ord. 1659 § 1, 2017)

§ 18.115.050. Use variances.

In making its determination to grant or deny a request for a use variance, the board of zoning appeals shall take into consideration all of the following factors:

- (A) There shall be no classes of cases or applications, nor any particular situation in which this title authorizes either special uses, special exceptions, or contingent uses.
- (B) The board of zoning appeals may approve a use variance in a district if, after a hearing under HMC § 18.115.040(I), it makes a finding of fact in writing, that:
 - (1) The requirements and development standards of the district in which the requested use variance is proposed to be located will be met.
 - (2) Granting the use variance will not subvert the general purposes served by this title and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially or permanently injure other property or uses in the same zoning district and vicinity.
- (C) The board may impose such reasonable conditions upon its approval as it deems necessary to find that subsection (B)(2) of this section be served.
- (D) The board may permit or require the owner of the parcel of property to make a written

commitment concerning the use or development of the parcel as specified under IC 36-7-4-921.

- (E) The approval of a use variance is unnecessary for a use that existed on the date of adoption or amendment of this title. However, this shall not authorize the expansion of such use if it involves the enlargement of a building, structure, or land area. For the purpose of this section, the use will be considered nonconforming.
- (F) A use variance approved by the board may not be expanded, extended, or enlarged unless reapproved by the board under the provisions set forth in this chapter for approving a use variance.
- (G) A use variance, approved under subsection (B) of this section or authorized by subsection (E) of this section, ceases to be authorized and is void if that use is not established within a 12-month period of the date the use variance was approved, or if that use is discontinued at that site for a 12-month period, during which time it is not succeeded by the same specifically approved use.
- (H) A use variance may be terminated by the board of zoning appeals, upon filing of an application by an interested person or the administrator, and upon a finding at a public hearing, with notice to the property owner, that the terms of this title or conditions of approval or commitments have not been complied with.
- (I) For a use variance to be eligible for a public hearing by the board under this section, an applicant must first receive a determination from the administrator that a use variance is required for the intended use or for the expansion, extension or enlargement of a use under subsection (F) of this section. If the board grants the use variance, it shall direct the applicant to apply for an improvement location permit under HMC § 18.110.030. If such application complies with this title and with all other applicable codes and ordinances, the administrator shall issue the improvement location permit for the approved use variance.

(Ord. 1659 § 1, 2017)

§ 18.115.060. Variances from development standards.

In making its determination to grant or deny a request for a variance from developmental standards, the board of zoning appeals shall take into consideration all of the following factors:

- (A) The board may grant a variance from the development standards (such as height, bulk, and area) of the zoning ordinance if, after a public hearing, it makes findings of fact in writing that:
 - (1) The administrator has determined that the variance is not for a use variance, i.e., a variance from a use district or classification per this section.
 - (2) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - (3) The strict application of the terms of this title:
 - (a) Is being applied to some condition peculiar to the property involved that is not common to other properties in the same zoning district.
 - (b) Will result in an unusual and unnecessary hardship. The situation shall not be

solely self-imposed, nor be based on a perceived reduction of or restriction on economic gain.

- (B) The board may permit or require the owner of a parcel to make written commitment concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- (C) The variance granted by the board shall run with the land until such time as:
 - (1) The use of the variance ends.
 - (2) The property conforms with the chapter as written.
- (D) Where the owner has failed to comply with any condition and/or with any commitment permitted or required by the grant of the variance, the board may authorize any action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of this title in the same manner as if the variance had not been granted.

(Ord. 1659 § 1, 2017)

§ 18.115.070. Appeals.

- (A) A decision of the administrator enforcing this title may be appealed to the board of zoning appeals by any person who is adversely affected by the decision. On an appeal, the board of zoning appeals may make any decision that the administrator might have made.
- (B) All appeals from a decision of the board of zoning appeals shall be made pursuant to IC 36-7-4-1001 through 36-7-4-1020. The person aggrieved by a decision of such board of zoning appeals shall present the petition provided for in IC 36-7-4-1003 to the court within 30 days after the entry of the decision of the board of zoning appeals.

(Ord. 1659 § 1, 2017)

CHAPTER 18.120
ENFORCEMENT

§ 18.120.010. Purpose.

The purpose of this chapter is to address the manner in which the enforcement, violation and penalties of this title are administered.

(Ord. 1659 § 1, 2017)

§ 18.120.020. Enforcement and violations.

The enforcement of the provisions of this title, investigation into possible violations of this title and the penalties prescribed for violations of this title are as follows:

- (A) It shall be the duty of the administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the town attorney who may file a complaint against the person and prosecute the alleged violation.
- (B) Any person may, by suit in the circuit or superior court of the county, enjoin the violation of this title.
- (C) The board of zoning appeals by mandatory injunction in the circuit court of the county against the owner or possessor of the real estate may require the removal of a structure erected in violation of this title, or the removal of any use or condition permitted in violation of this title.
- (D) A use that violates this title shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for such nuisance.
- (E) No improvement location permit or building permit required under the Uniform Building Code or this title shall be issued on any property subject to this title in violation of the provisions of this title.
- (F) Attorneys' Fees. Notwithstanding anything contained in this chapter to the contrary or appearing to the contrary, and in addition and supplementary to other provisions of this title, if the board of zoning appeals is required to utilize the town attorney or any other attorney in investigating a possible violation of this title or enforcing the provisions of this title pursuant to subsection (C) or (D) of this section, HMC § 18.120.030 or any other section, before any board or court (including appeals), and such investigation results in a determination that a violation has occurred or if the board of zoning appeals or town is successful in its enforcement of the chapter by way of suit, appeal or other appropriate proceedings, the respondent, defendant or party investigated for a violation shall pay the town's reasonable attorneys' fees and all costs related to the investigation of the violation and/or the enforcement of this title, unless such attorneys' fees or costs are specifically waived by the town council.

(Ord. 1659 § 1, 2017)

§ 18.120.030. Penalty.

Any person, whether owner or possessor, who shall violate, or who permits or allows a violation of, any of the provisions of this title, or who fails to comply therewith or with any requirements

thereunder, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted, upon which an approval or grant is given under this chapter, shall, under complaint filed in any court of the county and upon judgment finding such violation, be fined not less than \$10.00 and not more than \$300.00, and each day that such violation or noncompliance shall be permitted to exist shall constitute a separate violation.

(Ord. 1659 § 1, 2017)