

Chapter 90 - ZONING

ARTICLE I. - BASIC PROVISIONS

Sec. 90-1.1. - Title.

This chapter shall be formally known as the "Portage Zoning Ordinance," and it may be cited and referred to as the "zoning ordinance," or as the "zoning code."

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.2. - Defined words.

Words used in a special sense in this chapter are defined in article XI.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.3. - Authority.

This chapter is adopted by the city pursuant to its authority under the laws of the state, IC 36-7-4 et seq. Whenever codes cited in this chapter refer to Indiana Code which has been amended or superseded, this chapter shall be deemed amended in reference to the new or revised code.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.4. - Purpose.

This chapter is intended to guide the growth and development of the city in accordance with the goals, objectives, and strategies stated within the Portage Comprehensive Plan and for the following purposes:

- (a) To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- (b) To promote the public health, safety, comfort, convenience, morals and general welfare.
- (c) To plan for the future development of the city to the end:
 - a. That the community grows only with adequate public ways, utility, health, educational and recreational facilities;
 - b. That the needs of industry and business are recognized in future growth;
 - c. That residential areas provide healthful surroundings for family life;
 - d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - e. That the community strive for high aesthetic value and quality planning and design.
- (d) Divide the city into zoning districts and establish, by reference to the map, the boundaries of said districts.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.5. - Compliance.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this chapter and the permits and certificates required by this chapter have lawfully been issued.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.6. - Severability.

If any provision or the application of any provision of this chapter is held unconstitutional or invalid by the courts, the remainder of the zoning ordinance or the application of such provision to other circumstances shall not be affected.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.7. - Interpretation.

- (a) *Conflicts or inconsistency.* If two or more provisions within the zoning ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall apply.
- (b) *Text.* If there are found to be differences between the meaning or implication of the text of the zoning ordinance and any drawing, table, figure or title or section heading, the text of the zoning ordinance shall apply.
- (c) *Time frames.* Any time frames stated within the zoning ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday or holiday that the city offices are closed, the time frame will be extended to the end of the next business day.
- (d) *Delegation of authority.* If a provision in the zoning ordinance requires the department head or other city officer to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- (e) *Words used.* If words used in the zoning ordinance are not defined they shall be construed to be the common usage of the language. Any legal or technical words not defined in the zoning ordinance shall be construed to be as defined by appropriate lexicon or current and common dictionary.
- (f) *Tense.* If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context it clearly indicates a single tense.
- (g) *Singular/plural form.* If words are used in singular form the plural form shall apply and vice versa, unless in context it clearly indicates the contrary.
- (h) *Gender.* If a feminine term is used, the masculine shall also apply and vice versa.
- (i) *Conjunctions.* "And" shall be construed to include all connected items in a series, conditions, and provisions, and "or" shall be construed to include one or more of the items in a series, conditions, and provisions, unless in context it clearly suggests the contrary.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.8. - Ordinance jurisdiction.

This chapter applies to all land within the corporate limit of the City of Portage, Indiana.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.9. - Application.

When this chapter, along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations, regulates a structure or parcel of land, the greater restriction shall control.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.10. - Actions pending.

This chapter shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this chapter shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

(Ord. No. 05-41, § 1., 8-2-05)

Sec. 90-1.11. - Repealer.

The city zoning ordinance of July 6, 1999, Ordinance No. 99-37, and its associated zoning map are hereby repealed. This Portage Zoning Ordinance and the referenced and updated official zoning map replace the repealed ordinances.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.12. - Transition rules.

- (a) Any application for an improvement location permit that has been filed with the planning department and is full and complete, prior to the effective date of this chapter shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. All administrative procedures and fees shall follow those effective at the time of application.
- (b) Any application for a zone map amendment that was filed with the plan commission or its designees, and is full and complete prior to the effective date of this chapter, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the director of community development shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- (c) Any application for a primary plat or miscellaneous item that was filed with the plan commission or its designees, and is full and complete prior to the effective date of this chapter, shall continue through the process to completion pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing.
- (d) Any application before the board of zoning appeals (i.e. special exception, use variance, development standards variance) that has been filed with the BZA or its designees and is full and complete, prior to the effective date of this chapter, shall continue the process pursuant to the terms and conditions of the zoning ordinance that was in place at the time of filing, provided that:
 - a. The application is still required by the terms of this chapter; or,
 - b. If the proposed use or development requires additional approvals from the board of zoning appeals pursuant to the terms of this chapter that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the board of zoning appeals.
- (e) All new building sites shall meet the requirements of this chapter unless a building permit was issued and is still

valid.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.13. - Administrative officer.

The director of community development will have the primary responsibility for administration and enforcement (or coordination of enforcement) of this zoning ordinance within the plan commission's planning jurisdiction.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.14. - Effect on annexation or vacation of right-of-way.

- (a) The plan commission shall recommend to the common council the appropriate zoning district for areas annexed by the city. If such a recommendation is not submitted at the time of annexation, the area shall be classified as the R1 district.
- (b) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the director of community development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.15. - Summary of powers and duties of the common council.

The powers and duties of the common council as they relate to planning and zoning are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

(a) *Common council duties.*

1. Adopt, reject or amend the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that have been certified and submitted by the plan commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision control ordinance that has been certified and submitted by the plan commission.
3. Adopt, reject or amend proposals to amend the official zoning map certified and submitted by the plan commission.
4. Adopt, reject or amend planned developments certified and submitted by the plan commission.
5. Adopt, reject or amend a fee schedule for each permit required in this zoning ordinance.
6. Enforce regulations and procedures of the comprehensive plan, zoning ordinance, and subdivision control ordinance to the extent allowed by local resolutions, ordinances, and state law.
7. Other duties as permitted by Indiana State Code.

(b) *Common council powers.*

1. Initiate amendments to the text of the comprehensive plan, strategic plans, zoning ordinance, or subdivision ordinance by making said proposal to the plan commission.
2. Initiate amendments to the official zoning map by making said proposal to the plan commission.
3. Other powers as permitted by Indiana State Code.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.16. - Summary of powers and duties of the plan commission.

The powers and duties of the plan commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

(a) *Plan commission duties.*

1. Adopt and maintain a common council-approved comprehensive plan, zoning ordinance and subdivision control ordinance as authorized under Indiana state law.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the comprehensive plan, zoning ordinance, and subdivision control ordinance.
3. Maintain complete records of all meetings, hearings, correspondence, and affairs of the plan commission.
4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the plan commission.
5. Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. Certify and submit recommendations to the common council including new versions of and revisions to the comprehensive plan, zoning ordinance, subdivision control ordinance, and official zoning map.
7. Certify and submit recommendations to the common council for adopting a planned development district.
8. Approve, approve with voluntary commitments, or deny plats or replats of subdivisions.
9. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
10. Establish and maintain a common council approved fee schedule that assigns a fee to permits, processes, and official actions of the plan commission in order to defray the administrative costs of such duties and powers.
11. Enforce regulations and procedures of the comprehensive plan, zoning ordinance, and subdivision control ordinance to the extent allowed by local resolutions, ordinances, and state law.
12. Other duties as permitted by Indiana State Code.

(b) *Plan commission powers.*

1. Establish advisory committees as necessary made up of city officials and the general public.
2. Establish an executive committee.
3. Distribute copies or summaries of the comprehensive plan, zoning ordinance, or subdivision control ordinance to the general public and development community.
4. Other powers as permitted by Indiana State Code.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.17. - Summary of duties of the board of zoning appeals.

The duties of the board of zoning appeals are described below. Duties should be interpreted as activities that are obligations.

(a) *Board of zoning appeals duties.*

1. Review and hear appeals of decisions made under this chapter by the director of community development or by any other administrator, However, the BZA does not hear appeals of rulings made by the plan commission.
2. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this chapter and Indiana State Code.
3. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area of this chapter.
4. Review, hear, and approve or deny all petitions for variances of use regulations in this chapter.
5. Other duties as permitted by Indiana State Code.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.18. - Summary of powers of the development review committee.

The powers of the development review committee are described below. Powers should be interpreted as activities that are optional.

- (a) Review and approve site plans.
- (b) Review and make recommendations to the plan commission regarding primary and secondary plats.
- (c) Other duties as assigned by the plan commission, including, but not limited to, reviewing requests for annexation, change of zoning, and planned developments.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-1.19. - Planning commission certification.

This zoning ordinance was certified for adoption with an amendment recommended by the common council of Portage, Indiana, on September 12, 2005, by the Portage Planning Commission after holding a legally announced public hearing. This zoning ordinance was certified by an eight to zero vote on June 6th, 2005, and by a six to zero vote on September 12, 2005, with an amendment made by the common council of the City of Portage, Indiana. This certification is validated by the following planning commission members.

William J. Walton, President

Joel A. Vuko, Vice President

David C. Hamann

Linda L. Hardin

Craig L. Hendrix, P.E.

Robert L. Hogue

Dennis A. Replin

Richard M. Turnak

(Ord. No. 05-41, § 1.19, 8-2-05)

Sec. 90-1.20. - Effective date.

This chapter became effective upon the certification of the zoning ordinance by the Portage Planning Commission on the September 12, 2005, meeting by a six to zero vote with an amendment made by the common council of Portage, Indiana.

This zoning ordinance was approved with an amendment by the common council of Portage, Indiana, on the 2nd day of August, 2005.

Edward Gottschling, President

Elizabeth Modesto

David Fagan

David Highlands

Richard Turnak

Olga Velazquez

Mark Oprisko

Douglas W. Olson, Mayor

Donna M. Pappas, Clerk-Treasurer

ARTICLE II. - GENERAL ZONING DISTRICTS

Sec. 90-2.1. - Establishment of districts.

All of the zoning districts in the chapter stand alone and are not a part of a hierarchy system of zoning. For example, what is permitted in the C1 district is not permitted in the C2 district or any other zoning district.

Only those land uses and development standards which are expressly permitted and noted for each district apply. For the purpose of the chapter, the planning jurisdiction is divided into the following zoning districts for the general uses as stated:

CO—Conservation. This district is established for areas that are environmentally sensitive, protected, or land set aside by either a public or private entity.

PR—Parks and recreation. This district is established for parks, open space, trails and recreational areas both public and private.

R1—Very low density residential. This district is established for single-family, detached, medium to large-sized homes on medium to large-sized lots.

R2—Low density residential. This district is established for single-family, detached, small to medium-sized homes on medium-sized lots.

R3—Medium density residential. This district is established for single-family, detached, small to medium-sized homes on small to medium-sized lots.

R4—City-core residential. This district is established for existing older, single-family detached neighborhoods in the city.

M1—Low density multifamily residential. This district is established for small-scale, low density multifamily developments.

M2—Medium density multifamily residential. This district is established for medium to large-sized, moderate density multifamily developments.

M3—High density multifamily residential. This district is established for large-sized, high density multifamily developments.

MP—Mobile home park. This district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.

MW—Marina waterway. This district is established for mixed-use development including medium-density single-family residential, medium-density multifamily residential, entertainment, boat- and waterway-oriented businesses, low- to moderate-intensity retail, and small- to moderate-scale office uses.

CR—CABD residential subarea. This district is established to provide a land use category for mixed residential uses in Portage's Central Avenue Business District.

CM—CABD mixed use subarea. This district is established to provide a land use category for mixed uses in Portage's Central Avenue Business District.

CC—CABD commercial subarea. This district is established to provide a land use category for commercial uses in Portage's Central Avenue Business District.

IS—Institutional uses. This district is established for institutional and municipal owned lands, both public or quasipublic, where the use is for public purpose and is anticipated to remain permanent.

NC—Neighborhood commercial. This district is established for small-scale businesses that provide products and services primarily to local neighborhoods.

OC—Office commercial. This district is established for small- to moderate-scale office uses with provisions for some complementary uses.

C1—Small to medium scale general commercial. This district is established for a wide variety of retail, commercial, office service, entertainment, and eating establishments that are small to medium in scale, and low to medium intensity.

C2—Medium to large scale general commercial. This district is established for a wide variety of retail, commercial, office, service, entertainment, and eating establishments that are medium to large in scale, and medium to high intensity.

HC—Highway commercial. This district is established for the special issues related to commercial development in interchange areas.

BP—Business park. This district is established for small business parks, small distribution facilities, and construction trades.

LI—Light industrial. This district is established for light manufacturing facilities, distribution facilities, industrial parks and utility usage.

HI—Heavy industrial. This district is established for large industrial parks, manufacturing facilities, manufacturing parks and utility usage.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.2. - Establishment of overlay districts.

For the purpose of the chapter, one overlay district has been established as stated below.

CE-OL—Corridor enhancement overlay. This district is established to promote community character and aesthetics goals and objectives along key corridors.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.3. - Planned development districts.

The provisions of the chapter allow the R1, R2, R3, M1, M2, MW, OC, C1, C2, HC, BP, and LI districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.

On the official zoning map a planned development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate and corresponding labels for planned development districts: PD-R1, PD-R2, PD-R3, PD-M1, PD-M2, PD-MW, PD-OC, PD-C1, PD-C2, PD-HC, PD-BP and PD-LI.

The provisions that regulate planned developments can be found in article VII.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.4. - Standard zoning district land uses.

Land uses are either permitted, nonpermitted or a special exception and are labeled as such in each division for each zoning district. More specifically, Portage's permitted and special exception uses for each district are listed in the columns labeled "Permitted Uses" and "Special Exception Uses" found in article III.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.5. - Overlay district regulations.

An overlay district may supersede any development standards, permitted uses, or special exception uses in the base zoning district. All development standards, permitted uses, or special exception uses of the base zoning district that are not superseded by the overlay district still apply.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.6. - Unlisted land uses.

Any land use not specifically listed as a permitted use or special exception use in either article III in the columns labeled "Permitted Uses" or "Special Exception Uses" is considered nonpermitted.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.7. - Questionable land uses.

Any land use not specifically listed as a permitted use or special exception use, but that is similar to a use which is permitted or a special exception may be considered a questionable land use. Through a "questionable land use appeal process" (see article IX) the desired use may be determined to be a permitted use, special exception use, or remain a nonpermitted use.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-2.8. - Reserved.

Editor's note— Ord. No. 14-8, § 1, adopted Aug. 5, 2014, repealed § 90-2.8 which pertained to the land use matrix and derived from Ord. No. 10-19, Exh. C, adopted May 5, 2010.

ARTICLE III. - ZONING DISTRICTS

Footnotes:

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Editor's note— Ord. No. 14-8, §§ 1 and 2, adopted Aug. 5, 2014, repealed Art. III and enacted a new article as set out herein. The former Art. III, §§ 90-3.1—90-3.46, pertained to similar subject matter and derived from Ord. No. 05-41, § 1, adopted Aug. 2, 2005; and Ord. No. 10-19, Exh. A, adopted May 5, 2010.

DIVISION 1. - CO DISTRICT, CONSERVATION

Sec. 90-3.1. - Intent, permitted uses and special exception uses.

District Intent

The CO district (conservation) is intended to provide a land use category for property to be preserved from development. The only way property can be classified CO is through voluntary petition by the property owner. This district is beneficial for environmentally sensitive or unique land. The city will strive to protect this district from conflicting land uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Nature preserve	Institutional/public: Nature center Parking lot (accessory use)

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.2. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	5,000 square feet
Minimum lot width:	100 feet
Minimum lot frontage:	20 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 5 percent of the lot area.
<u>Lot Setbacks</u>	

Minimum setback front yard:	45 feet from right-of-way
Minimum setback side yard:	40 feet for primary and accessory structures
Minimum setback rear yard:	40 feet for primary and accessory structures
<u>Structure Standards</u>	One
Maximum structure quantity, primary structure:	
Maximum structure height, primary structure:	
Maximum structure height, accessory structure:	
	35 feet
	25 feet

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 2. - PR DISTRICT, PARKS AND RECREATION

Sec. 90-3.3. - Permitted uses and special exception uses.

District Intent

The PR district (parks and recreation) is intended to provide a land use category for government-owned parks, open space, playgrounds and recreational areas.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Boat dock (primary use) Nature center Nature preserve Park Institutional/public: Child care center Community center Government facility (non-office) Government office	Communication/utility: Above ground utility facility Wireless telecommunication facility

Museum/gallery	
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.4. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	9,500 square feet
Minimum lot width:	100 feet
Minimum lot frontage:	30 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 35 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector or local street
Minimum setback side yard:	Equal to the height of any primary structure, but not less than 15 feet
Minimum setback rear yard:	Equal to the height of any primary structure, but not less than 15 feet
<u>Structure Standards</u>	

Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	25 feet

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 3. - R1 DISTRICT, SINGLE-FAMILY RESIDENTIAL

Sec. 90-3.5. - Intent, permitted uses and special exception uses.

District Intent

The R1 district (very low density residential) is intended to provide a land use category for single-family detached homes. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Dwelling, single-family (detached) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Assisted living home Fair housing facility (Type 2) Home occupation (Type 2)

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.6. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	11,500 square feet
Minimum lot width:	100 feet

Minimum lot frontage:	50 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 35 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	30 feet from right-of-way when adjacent to a collector street
	25 feet from right-of-way when adjacent to a local street
Minimum setback side yard:	10 feet for one side yard and 30 feet for both side yards (aggregate) for the primary structure
	5 feet per side for accessory structures
Minimum setback rear yard:	25 feet for the primary structure
	3 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	One
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	18 feet
<u>Floor Area Standards</u>	

Minimum main floor area:	1,700 square feet for the one-story primary structure; or
	1,300 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,700 square feet or more

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 4. - R2 DISTRICT, SINGLE-FAMILY RESIDENTIAL

Sec. 90-3.7. - Intent, permitted uses and special exception uses.

District Intent

The R2 district (low density residential) is intended to provide a land use category for single-family detached homes. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Dwelling, single-family (detached) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Assisted living home Fair housing facility (Type 2) Home occupation (Type 2)

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.8. - Development standard basics.

<u>Lot Standards</u>

Minimum lot area:	8,400 square feet
Minimum lot width:	80 feet
Minimum lot frontage:	45 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 35 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	30 feet from right-of-way when adjacent to a collector street
	25 feet from right-of-way when adjacent to a local street
Minimum setback side yard:	6 feet for one side yard and 16 feet for both side yards (aggregate) for the primary structure
	3 feet for accessory structures
Minimum setback rear yard:	25 feet for the primary structure
	3 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	One
Maximum structure height, primary structure:	35 feet

Maximum structure height, accessory structure:	18 feet
<u>Floor Area Standards</u>	1,200 square feet for the one-story primary structure; or
Minimum main floor area:	
	1,000 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,400 square feet or more

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 5. - R3 DISTRICT, SINGLE-FAMILY RESIDENTIAL

Sec. 90-3.9. - Intent, permitted uses and special exception uses.

District Intent

The R3 district (medium density residential) is intended to provide a land use category for single-family detached homes. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Dwelling, single-family (detached) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Assisted living home Fair housing facility (Type 2) Home occupation (Type 2)

(Ord. No. 14-8, § 2, 8-5-14)

<u>Lot Standards</u>	
Minimum lot area:	6,700 square feet
Minimum lot width:	70 feet
Minimum lot frontage:	40 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 40 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	30 feet from right-of-way when adjacent to a collector street
	25 feet from right-of-way when adjacent to a local street
Minimum setback side yard:	6 feet for one side yard and 14 feet for both side yards (aggregate) for the primary structure
	3 feet for accessory structures
Minimum setback rear yard:	25 feet for the primary structure
	3 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	One

Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	18 feet
<u>Floor Area Standards</u>	1,100 square feet for the one-story primary structure; or 850 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,100 square feet or more
Minimum main floor area:	

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 6. - R4 DISTRICT, SINGLE-FAMILY RESIDENTIAL

Sec. 90-3.11. - Intent, permitted uses and special exception uses.

District Intent

The R4 district (city core residential) is intended to provide a land use category for single-family detached homes. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Dwelling, single-family (detached) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Fair housing facility (Type 2) Home occupation (Type 2)

Sec. 90-3.12. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	6,000 square feet
Minimum lot width:	50 feet
Minimum lot frontage:	40 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 70 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	30 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	5 feet per side for the primary structure
	3 feet per side for accessory structures
Minimum setback rear yard:	15 feet for the primary structure
	3 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	One

Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	18 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	960 square feet for the one-story primary structure; or
	700 square feet for the first floor of the primary structure, provided that the total finished floor area is 960 square feet or more

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 7. - M1 DISTRICT, MULTI-FAMILY RESIDENTIAL

Sec. 90-3.13. - Intent, permitted uses and special exception uses.

District Intent

The M1 district (low density multi-family residential) is intended to provide a land use category for small scale low-density multi-family developments. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future multi-family housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and Recreation: Park Residential: Dwelling, single-family (attached, 2DU) Dwelling, two-family Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Fair housing facility (Type 2)

Sec. 90-3.14. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	9,600 square feet or 4,800 square feet per lot per half paired patio home
Maximum lot area:	2 acres (87,120 square feet) or 1 acre (43,560 square feet) per lot per half paired patio home
Minimum lot width:	80 feet or 40 feet per lot per half paired patio home
Maximum lot depth:	2.5 times the lot width
Minimum lot frontage:	50 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	30 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector or local street
Minimum setback side yard:	15 feet per side for the primary structure or 15 feet side for half paired patio home

	10 feet per side for accessory structures
Minimum setback rear yard:	25 feet for the primary structure
	10 feet for accessory structures
<u>Structure Standards</u>	One
Maximum structure quantity, primary structure:	
Maximum structure height, primary structure:	
Maximum structure height, accessory structure:	
<u>Density/Floor Area Standards</u>	800 square feet per dwelling unit
Minimum main floor area:	

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 8. - M2 DISTRICT, MULTI-FAMILY RESIDENTIAL

Sec. 90-3.15. - Intent, permitted uses and special exception uses.

District Intent

The M2 district (multi-family residential) is intended to provide a land use category for medium to large scale moderate-density multi-family developments. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future multi-family housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and Recreation: Park Residential: Dwelling, multi-family (3-16DU) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public:	Communication/utility: Above ground utility facility Residential: Dwelling, multi-family (>16DU) Fair housing facility (Type 2) Institutional/public: Child care center

Child care home	
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.16. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	24,500 square feet
Minimum lot width:	100 feet
Minimum lot frontage:	50 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	30 feet from right-of-way when adjacent to a collector or local street
Minimum setback side yard:	25 feet per side for the primary and accessory structures
Minimum setback rear yard:	25 feet per side for the primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum

Maximum structure height, primary structure:	55 feet
Maximum structure height, accessory structure:	20 feet
<u>Density/Floor Area Standards</u>	800 square feet per dwelling unit
Minimum main floor area:	

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 9. - M3 DISTRICT, MULTI-FAMILY RESIDENTIAL

Sec. 90-3.17. - Intent, permitted uses and special exception uses.

District Intent

The M3 district (multi-family residential) is intended to provide a land use category for large scale high-density multi-family developments. The provisions that regulate this land use district protect, maintain and promote areas in Portage for existing and future multi-family housing growth.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Dwelling, multi-family (8-24DU) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Dwelling, multi-family (<8DU) Dwelling, multi-family (>24DU) Fair housing facility (Type 2) Institutional/public: Child care center

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.18. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	1 acre (43,560 square feet)

Minimum lot width:	130 feet
Minimum lot frontage:	80 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	35 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	35 feet per side for the primary and accessory structures
Minimum setback rear yard:	35 feet per side for the primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	75 feet
Maximum structure height, accessory structure:	20 feet
<u>Density/Floor Area Standards</u>	
Minimum main floor area:	800 square feet per dwelling unit

DIVISION 10. - MP DISTRICT, MANUFACTURED HOME PARK

Sec. 90-3.19. - Intent, permitted uses and special exception uses.

District Intent

The MP district (manufactured home park) is intended to provide a land use category for housing districts (typically mobile homes or manufactured home parks) where dwelling sites are leased. Manufactured home or mobile home parks shall be in accordance with IC 16-11-27-1 et seq., Rule 410 IAC 6-6 and their subsequent amendments. Additionally, all developments in this district are subject to the state board of health requirements and the requirements of this chapter.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Residential: Mobile home/manufactured home park Fair housing facility (Type 1) Home occupation (Type 1)	Communication/utility: Above ground utility facility Institutional/public: Community center (accessory use) Commercial: Mobile/manufactured home sales (accessory use)

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.20. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	3 acres (130,680 square feet)
Minimum lot width:	250 feet
Minimum dwelling site size:	4,000 square feet
Minimum dwelling site width:	40 feet
Minimum lot frontage:	60 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and

	accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u>>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way of any public street
Minimum setback side yard:	20 feet for the primary and accessory structures
Minimum setback rear yard:	20 feet for the primary and accessory structures
<u>Dwelling Site Setbacks</u>	
Minimum setback front yard:	10 feet from edge of pavement of interior roads
	15 feet from all other roads
Minimum setback side yard:	10 feet for the primary structure
	3 feet for accessory structures
Minimum setback rear yard:	10 feet for the primary structure
	3 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	15 feet
<u>Floor Area Standards</u>	
Minimum main floor area per unit:	750 square feet per primary

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 11. - MW DISTRICT, MARINA WATERWAY

Sec. 90-3.21. - Intent, permitted uses and special exception uses.

District Intent

The MW district (marina waterway) is intended to provide a land use category for medium density single-family residential to medium density multi-family residential, entertainment office uses, local commercial, and normal commercial uses in association with waterway leisure activities.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Boat dock Golf course/country club Marina Park Residential: Dwelling, single-family (detached) Dwelling, single-family (upper stories) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Community center Government office Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Office, medical Printing/shipping center Studio, art	Communication/utility: Above ground utility facility Wireless telecommunication facility Residential: Dwelling, single-family (attached, 3-9DU) Dwelling, multi-family (3-9DU) Dwelling, multi-family (upper stories, 3-9DU) Fair housing facility (Type 2) Assisted living home (single-family, detached) Bed and breakfast homestay Bed and breakfast inn Home occupation (Type 2) (single-family, detached) Institutional/public: Government facility (non-office) Office/service: Office/warehouse, contractor Commercial: Banquet hall Commercial recreation facility, indoor Commercial recreation facility, outdoor Marine vehicle rental, sales & service

	Personal service uses Restaurant Retail sales, low intensity Winery Industrial: Marine vehicle storage facility Outdoor storage (accessory use)
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.22. - Development standard basics.

Single-Family (Detached) Standards	Minimum	Maximum
Lot size	8,400 sf	n/a
Lot width	70 ft	n/a
Lot frontage	50 ft	n/a
Building height	1 story	2 stories
Front yard setback	20 ft	30 ft
Side yard setback	10 ft	n/a
Rear yard setback	30 ft	n/a
Building coverage	0	60%
Impervious surface coverage	0	60%
Minimum floor area (total)	1,600 sf	n/a
Minimum floor area (1st floor)	800 sf	n/a
Total accessory structures	0	(N3)

Nonresidential	Minimum	Maximum
Lot size	4,400 sf	n/a
Lot width	35 ft	n/a
Lot frontage	25 ft	n/a
Building height	n/a	40 ft
Front yard setback	(N1)	(N1)
Side yard setback	(N2)	(N2)
Rear yard setback	(N2)	(N2)
Building coverage	0	n/a
Impervious surface coverage	0	75%
Total accessory structures (per unit)	0	(N3)

Notes to 90-3.22 MW district:

N1: 20 feet from right-of-way when adjacent to an arterial street, ten feet from right-of-way when adjacent to a collector street or local street; N2: zero feet for primary structures provided that there are no openings along the side of a structure unless the property abuts an alley or water body; otherwise five feet for primary structures. Any accessory structures shall have a minimum setback of five feet; N3: Refer to accessory structure standards in Article VI.

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 12. - CR DISTRICT, CABD RESIDENTIAL (DOWNTOWN)

Sec. 90-3.23. - Intent, permitted uses and special exception uses.

District Intent

The CR district (CABD residential) is intended to provide a land use category for mixed residential uses in Portage's Central Avenue Business District.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
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Parks and recreation: Park Residential: Dwelling, single-family (attached, 3-9DU) Dwelling, single-family (upper stories) Dwelling, multi-family (upper stories) Dwelling, multi-family (3-16DU) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care home	Communication/utility: Above ground utility facility Residential: Dwelling, multi-family (>16DU) Nursing/assisted living facility Fair housing facility (Type 2) Home occupation (Type 2) Institutional/public: Community center Lodge/club Office/service: Office/showroom, contractor (lower story) Office, design/planning (lower story) Office, financial (lower story) Office, general (lower story) Office, medical (lower story) Printing/shipping service center (lower story) Studio, art (lower story) Commercial: Personal service uses (lower story) Restaurant (lower story) Retail sales, low intensity (lower story)
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.24. - Development standard basics.

Single-Family (Attached, 3-9DU) Standards	Minimum	Maximum
Lot size	2,400 sf	n/a
Lot width	20 ft (N1)	20 ft (N1)
Building height	2 stories	2 stories
Front yard setback	20 ft (N2)	20 ft (N2)

Side yard setback	0	n/a
Rear yard setback	(N4)	n/a
Building coverage	0	65%
Impervious surface coverage	0	90%
Minimum floor area (total)	1,200 sf	n/a
Minimum floor area (1st floor)	700 sf	n/a
Total accessory structures	0	480 sf

Multi-Family Residential Standards	Minimum	Maximum
Lot size	9,600 sf	n/a
Lot width	80 ft (N1)	80 ft (N1)
Building height	2 stories	2 stories
Front yard setback	10 ft (N2)	15 ft (N2)
Side yard setback	0	n/a
Rear yard setback	(N4)	n/a
Building coverage	0	65%
Impervious surface coverage	0	90%
Minimum floor area (total per unit)	800 sf	n/a
Total accessory structures	0	n/a
Nonresidential	Minimum	Maximum
Lot size	4,400 sf	n/a

Lot width	40 ft	40 ft
Building height	2 stories	3 stories
Front yard setback	0	15 ft
Side yard setback	0	n/a (N2)
Rear yard setback	25 ft	n/a
Building coverage	0	100%
Impervious surface coverage	0	100%
Total accessory structures (per unit)	0	n/a

Notes to 90-3.24 CR district:

N1: Corner lots shall be wider than normal in order to permit appropriate setbacks from both streets and the erection of buildings; N2: Building setbacks shall be reviewed by the DRC; N3: Alternative setback is zero feet on one side and 12 feet on the other side where houses are planned for side yards on one side only (zero lot line development); N4: See parking - private parking restrictions.

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 13. - CM DISTRICT, CABD MIXED USE (DOWNTOWN)

Sec. 90-3.25. - Intent, permitted uses and special exception uses.

District Intent

The CM district (CABD mixed use) is intended to provide a land use category for mixed uses in Portage's Central Avenue Business District.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and Recreation: Park Residential: Dwelling, single-family (attached, 3-9DU) Dwelling, single-family (upper stories)	Communication/utility: Above ground utility facility Residential: Dwelling, multi-family (3-16DU) Dwelling, multi-family (>16DU)

Dwelling, multi-family (upper stories) Fair housing facility (Type 1) Home occupation (Type 1) Institutional/public: Child care center Community center Government office Lodge/club Museum/gallery Trade or business school University or college Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Office, medical Printing/shipping service center Studio, art Commercial: Personal service uses Restaurant Retail sales, low intensity	Fair housing facility (Type 2) Home occupation (Type 2) Commercial: Retail sales, medium intensity
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.26. - Development standard basics.

Single-Family (Attached, 3-9DU) Standards	Minimum	Maximum
Lot size	2,400 sf	n/a
Lot width	20 ft	20 ft
Building height	2 stories	3 stories
Front yard setback	20 ft	20 ft

Side yard setback	0	n/a
Rear yard setback	25 ft	n/a
Building coverage	0	65%
Impervious surface coverage	0	90%
Minimum floor area (total)	1,200 sf	n/a
Minimum floor area (1st floor)	700 sf	n/a
Total accessory structures	0	480 sf

Multi-Family Residential	Minimum	Maximum
Lot size	8,800 sf	n/a
Lot width	80 ft (N1)	80 ft (N1)
Building height	2 stories	3 stories
Front yard setback	10 ft (N2)	15 ft (N2)
Side yard setback	0	n/a
Rear yard setback	(N3)	n/a
Building coverage	0	65%
Impervious surface coverage	0	90%
Minimum floor area (total per unit)	800 sf	n/a
Total accessory structures	0	n/a
<i>Mixed Residential/Commercial</i>	<i>Minimum</i>	<i>Maximum</i>
Lot size	4,400 sf	n/a

Lot width	40 ft	40 ft
Building height	2 stories	3 stories
Front yard setback	0	15 ft
Side yard setback	0	n/a (N2)
Rear yard setback	25 ft	n/a
Building coverage	0	100%
Impervious surface coverage	0	100%
Total accessory structures (per unit)	0	n/a

Notes to 90-3.26 CM district:

N1: Corner lots shall be wider than normal in order to permit appropriate setbacks from both streets and the erection of buildings; N2: Building setbacks shall be reviewed by the DRC; N3: See accessory structures regulations.

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 14. - CC DISTRICT, CABD COMMERCIAL (DOWNTOWN)

Sec. 90-3.27. - Intent, permitted uses and special exception uses.

District Intent

The CC district (CABD commercial) is intended to provide a land use category for commercial uses in Portage's Central Avenue Business District.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Park Institutional/public: Child care center Community center Government office	Communication/utility: Above ground utility facility Commercial: Auto service center Car wash Commercial recreation facility, indoor

Library Lodge/club Museum/gallery Police, fire, or rescue station Post office Trade or business school University or college Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Office, medical Printing/shipping service center Studio, art Commercial: Personal service uses Restaurant Retail sales, low intensity Retail sales, medium intensity	Gas station Sports training facility
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.28. - Development standard basics.

Commercial	Minimum	Maximum
Lot size	4,000 sf	n/a
Lot width	40 ft	n/a
Building height	2 stories	3 stories
Front yard setback	0	10 ft (N1)
Side yard setback	0	n/a

Rear yard setback	0 (N2)	n/a
Street frontage build-out	80%	100%
Building coverage	0	100%
Impervious surface coverage	0	100%

Notes to 90-3.28 CC district:

N1: Shall be reviewed by the DRC; N2: See parking regulations.

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 15. - IS DISTRICT, INSTITUTIONAL USES

Sec. 90-3.29. - Intent, permitted uses and special exception uses.

District Intent

The IS district (institutional uses) is intended to provide a land use category for institutionally-owned lands, including state, county, and city facilities, The IS district is also intended for social service-oriented uses and similar nonprofit quasi-public institutions where the use is for public purpose and is anticipated to remain so permanently.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Parks and recreation: Golf course/country club Park Institutional/public: Church/place of worship Community center Funeral home/mortuary Government facility (non-office) Government office Heliport Hospital/medical center Library Lodge/club Museum/gallery	Communication/utility: Above ground utility facility Wireless telecommunication facility Residential: Assisted living facility Child caring institution Institution for the developmentally disabled Institution for the mentally ill Residential treatment center Residential facility for the developmentally disabled Residential facility for the mentally ill Institutional/Public: Airport

Police, fire, or rescue station Post office Retreat center School (K—12) Trade or business school University or college	Cemetery Crematorium
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.30. - Development standard basics.

<u><i>Lot Standards</i></u>	
Minimum lot area:	9,700 square feet
Minimum lot width:	60 feet
Minimum lot frontage:	40 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area.
<u><i>Lot Setbacks</i></u>	
Minimum setback front yard:	35 feet from right-of-way when adjacent to an arterial street
	20 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	15 feet for primary and accessory structures
Minimum setback rear yard:	20 feet for primary and accessory

	structures
<u>Structure Standards</u>	No maximum
Maximum structure quantity, primary structure:	
Maximum structure height, primary structure:	
Maximum structure height, accessory structure:	
<u>Floor Area Standards</u>	900 square feet for primary structures
Minimum main floor area:	

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 16. - NC DISTRICT, NEIGHBORHOOD COMMERCIAL

Sec. 90-3.31. - Intent, permitted uses and special exception uses.

District Intent

The NC district (neighborhood commercial) is intended to provide a land use category for small scale commercial uses that provide products and services to their adjacent neighborhoods.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Residential: Dwelling, single family (upper stories) Home occupation (Type 1) Institutional/public: Government office Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Studio, art	Communication/utility: Above ground utility facility Residential: Home occupation (Type 2) Institutional/public: Child care center Office/service: Office/warehouse, contractor Commercial: Auto service center Car wash

Commercial: Personal service uses Retail sales, low intensity	Gas station Restaurant Retail sales, medium intensity Industrial: Outdoor storage (accessory use)
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.32. - Development standard basics.

<u><i>Lot Standards</i></u>	
Minimum lot area:	6,000 square feet
Maximum lot area:	25,000 square feet
Minimum lot width:	55 feet
Maximum lot depth:	2 times the lot width
Minimum lot frontage:	45 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u><i>Lot Setbacks</i></u>	
Minimum setback front yard:	30 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	10 feet for primary and accessory

	structures
Minimum setback rear yard:	10 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	One
Maximum structure height, primary structure:	40 feet
Maximum structure height, accessory structure:	15 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	800 square feet for primary structures
Maximum main floor area:	7,000 square feet for primary and accessory structures combined
Minimum main floor area/unit:	700 square feet average per residential dwelling unit in a primary structure

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 17. - OC DISTRICT, OFFICE COMMERCIAL

Sec. 90-3.33. - Intent, permitted uses and special exception uses.

District Intent

The OC district (office commercial) is intended to provide a land use category for low impact, stand alone or small clusters of office commercial uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Institutional/public:	Communication/utility:

Government office	Above ground utility facility
Trade or business school	Institutional/public:
Office/service:	Child care center
Office/showroom, contractor	Office/service:
Office, design/planning	Outdoor uses of veterinary office (accessory use)
Office, financial	
Office, general	
Office, medical	
Printing/shipping center	
Studio, art	

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.34. - Development standard basics.

<u><i>Lot Standards</i></u>	
Minimum lot area:	7,000 square feet
Minimum lot width:	70 feet
Maximum lot depth:	3 times the lot width
Minimum lot frontage:	50 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area

<u>Lot Setbacks</u>	
Minimum setback front yard:	30 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	15 feet for primary and accessory structures
Minimum setback rear yard:	15 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	40 feet
Maximum structure height, accessory structure:	15 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	1,000 square feet for primary structures

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 18. - C1 DISTRICT, SMALL/MEDIUM SCALE COMMERCIAL

Sec. 90-3.35. - Intent, permitted uses and special exception uses.

District Intent

The C1 district (small/medium scale commercial) is intended to provide a land use category for most small scale general business uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
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Institutional/public: Government office Trade or business school Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Office, medical Printing/shipping center Studio, art Commercial: Car wash Gas station Personal service uses Restaurant Retail sales, low intensity Retail sale, medium intensity	Communication/utility: Above ground utility facility Institutional/public: Child care center Office/service: Outdoor uses of veterinary office (accessory use) Commercial: Adult uses Commercial recreation facility, indoor Retail sales, special handling
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(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.36. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	15,000 square feet
Minimum lot width:	70 feet
Maximum lot depth:	3 times the lot width
Minimum lot frontage:	70 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and

	impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	35 feet from right-of-way when adjacent to an arterial street
	25 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	20 feet for primary and accessory structures
Minimum setback rear yard:	20 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	15 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	300 square feet for primary structures
Maximum main floor area:	25,000 square feet for primary and accessory structures associated with retail uses

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.37. - Intent, permitted uses and special exception uses.

District Intent

The C2 district (medium/large scale commercial) is intended to provide a land use category for most medium to large scale general business uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Institutional/public: Government office Trade or business school Office/service: Office/showroom, contractor Office, design/planning Office, financial Office, general Office, medical Printing/shipping center Studio, art Commercial: Car wash Commercial recreation facility, indoor Gas Station Personal service uses Restaurant Retail sales, low intensity Retail sales, medium intensity Retail sales, high intensity	Communication/utility: Above ground utility facility Institutional/public: Child care center Office/service: Outdoor uses of veterinary office (accessory use) Commercial: Auto sales facility Auto service center Banquet hall Commercial recreation facility, outdoor

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.38. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	25,000 square feet
Minimum lot width:	100 feet

Maximum lot depth:	3 times the lot width
Minimum lot frontage:	80 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 70 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	40 feet from right-of-way when adjacent to an arterial street
	30 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	25 feet for primary and accessory structures
Minimum setback rear yard:	30 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	45 feet
Maximum structure height, accessory structure:	20 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	500 square feet for primary structures

DIVISION 20. - HC DISTRICT, HIGHWAY COMMERCIAL

Sec. 90-3.39. - Intent, permitted uses and special exception uses.

District Intent

The HC district (highway commercial) is intended to provide a land use category for the special type of commercial activity that locates around interchange areas. This district should be used around the interstate and tollway interchanges. The provisions that regulate this land use district should be sensitive to the special needs and characteristics of interchange areas.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Commercial: Car wash Gas station Hotel Restaurant Retail sales, low intensity Retail sales, medium intensity	Communication/utility: Above ground utility facility Commercial: Auto service center Motel

Sec. 90-3.40. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	20,000 square feet
Minimum lot width:	85 feet
Maximum lot depth:	3 times the lot width
Minimum lot frontage:	65 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and

	impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	45 feet from right-of-way when adjacent to an arterial street
	35 feet from right-of-way when adjacent to a collector street or local street
Maximum setback front yard:	100 feet from right-of-way
Minimum setback side yard:	15 feet for primary and accessory structures
Minimum Setback Rear Yard:	25 feet for primary structures
	15 feet for accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	15 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	600 square feet for primary structures
Maximum main floor area:	15,000 square feet for primary and accessory structures related to retail uses

DIVISION 21. - BP DISTRICT, BUSINESS PARK

Sec. 90-3.41. - Intent, permitted uses and special exception uses.

District Intent

The BP district (business park) is intended to provide a land use category for most small business park, small distribution facilities, and construction trades.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Institutional/public: Government office Trade or business school Office/service: Office/showroom, contractor Office/warehouse, contractor Office, design/planning Office, financial Office, general Printing/shipping center Studio, art Commercial: Sports training facility Industrial: Food and beverage production Light industrial assembly and distribution Light industrial processing and distribution Research center Warehouse and distribution facility Wholesale facility	Communication/utility: Above ground utility facility Wireless telecommunication facility Commercial: Auto repair center Auto service center Commercial recreation facility, indoor Dry cleaning service, commercial Greenhouse, commercial Recreational vehicle sales facility Truck sales and service Industrial: Mini warehouse/self storage facility Outdoor storage (accessory use)

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.42. - Development standard basics.

<u>Lot Standards</u>

Minimum lot area:	15,000 square feet
Minimum lot width:	80 feet
Maximum lot depth:	3 times the lot width
Minimum lot frontage:	50 feet on a public street with access from said public street
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 60 percent of the lot area
<u><i>Lot Setbacks</i></u>	
Minimum setback front yard:	45 feet from right-of-way when adjacent to an arterial street
	40 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	35 feet for primary and accessory structures
Minimum setback rear yard:	35 feet for primary and accessory structures
<u><i>Structure Standards</i></u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	35 feet
Maximum structure height, accessory structure:	35 feet
<u><i>Floor Area Standards</i></u>	
Minimum main floor area:	40,000 square feet for all structures combined

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 22. - LI DISTRICT, LIGHT INDUSTRIAL

Sec. 90-3.43. - Intent, permitted uses and special exception uses.

District Intent

The LI district (light industrial) is intended to provide a land use category for most low to moderate impact manufacturing facilities, distribution facilities, industrial parks, and utility usage.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Institutional/public: Government facility (non-office) Office/service: Office/showroom, contractor Office/warehouse, contractor Office, design/planning Commercial: Recreational vehicle sales facility Truck sales and service Industrial: Dry Cleaning service, commercial Food and beverage production General industrial production Light industrial assembly and distribution Light industrial processing and distribution Truck freight terminal Truck sales and service center Warehouse and distribution facility Wholesale facility	Communication/utility: Above ground utility facility Wireless telecommunication facility Institutional/public: Trade or business school Commercial: Animal boarding Outdoor uses of animal boarding Industrial: Concrete/asphalt production facility Marine vehicle storage facility Mini warehouse/self storage facility Outdoor storage (accessory use) Recreational vehicle sales facility

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.44. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	1 acre (43,560 square feet)
Minimum lot width:	130 feet
Maximum lot depth:	3 times the lot width
Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 65 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	60 feet from right-of-way when adjacent to an arterial
	50 feet from right-of-way when adjacent to a collector or local street
Minimum setback side yard:	40 feet for primary and accessory structures
Minimum setback rear yard:	40 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	45 feet
Maximum structure height, accessory structure:	45 feet
<u>Floor Area Standards</u>	
Minimum main floor area:	120,000 square feet for all structures combined

(Ord. No. 14-8, § 2, 8-5-14)

DIVISION 23. - HI DISTRICT, HEAVY INDUSTRIAL

Sec. 90-3.45. - Intent, permitted uses and special exception uses.

District Intent

The HI district (heavy industrial) is intended to provide a land use category for most moderate to high impact industrial parks, manufacturing facilities, and utility usage.

<u>Permitted Uses</u>	<u>Special Exception Uses</u>
Industrial: Concrete/asphalt production facility General industrial production Light industrial assembly and distribution Light industrial processing and distribution Outdoor storage (accessory use) Truck freight terminal Warehouse and distribution facility	Communication/utility: Above ground utility facility Wireless telecommunication facility Industrial: Junk yard Land fill

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-3.46. - Development standard basics.

<u>Lot Standards</u>	
Minimum lot area:	2 acres (87,120 square feet)
Minimum lot width:	200 feet
Maximum lot depth:	3 times the lot width
Minimum lot frontage:	90 feet on a public street with access from said public street

Maximum lot coverage:	Square footage of all primary and accessory structures and impervious surfaces cannot exceed 75 percent of the lot area
<u>Lot Setbacks</u>	
Minimum setback front yard:	75 feet from right-of-way when adjacent to an arterial street
	65 feet from right-of-way when adjacent to a collector street or local street
Minimum setback side yard:	50 feet for primary and accessory structures
Minimum setback rear yard:	50 feet for primary and accessory structures
<u>Structure Standards</u>	
Maximum structure quantity, primary structure:	No maximum
Maximum structure height, primary structure:	70 feet
Maximum structure height, accessory structure:	60 feet

(Ord. No. 14-8, § 2, 8-5-14)

ARTICLE IV. - OVERLAY DISTRICTS

Sec. 90-4.1. - CE-OL district—Intent, effect on uses and development standards.

<u>District Intent</u>	<u>Effect on Uses</u>	<u>Development Standards</u>
The corridor enhancement overlay district (CE-OL) has been	<i>Permitted uses</i> All uses permitted in the base	When the development standards outlined in the

created to promote community goals and objectives for aesthetics along key corridors within the planning jurisdiction of the zoning ordinance. It is also the intent of this district to promote safe pedestrian and vehicular circulation, traffic management, and mitigation of traffic congestion through appropriate site design and development standards. The plan commission should strive to minimize sign clutter, lighting, negative visual impacts and proliferation of access points. In addition, the plan commission should strive to strengthen the quality of life through design that links pedestrian accessibility and ensures their safety, creates an efficient circulation pattern, and contributes to quality character in Portage.	zoning district are permitted in the CE-OL zoning district. <i>Special exception uses</i> All uses permitted in the base zoning district as special exceptions are permitted as special exceptions in the CE-OL zoning district.	following sections in this article (<u>sections 90-4.2 through 90-4.4</u>) conflict with the base zoning district development standards in article VI, the development standards in this article (<u>sections 90-4.2 through 90-4.4</u>) shall apply. All applicable development standards in article VI that are not addressed in this article will still apply in accordance with the base zoning district. • The development standards for the CE-OL shall be construed to be applicable to planned developments which are overlaid by this district.
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(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-4.2. - Jurisdictional boundary for the corridor enhancement overlay district.

- (a) The jurisdictional boundaries for the corridor enhancement overlay district (CE-OL) shall be shown on the official zoning map as a hatch or textured pattern and noted on the map legend as the corridor enhancement overlay district (CE-OL). Where boundaries do not follow property lines or other distinguishable lines, measurements shall be used to denote boundaries.
- (b) The following major and minor arterials as identified on the thoroughfare plan of the Portage Comprehensive Plan (page 44) are included in the corridor enhancement overly district:
 - (1) U.S. Highway 6;

- (2) U.S. Highway 12;
- (3) U.S. Highway 20;
- (4) State Road 249;
- (5) State Road 149;
- (6) Willowcreek Road;
- (7) Crisman Road;
- (8) Airport Road;
- (9) Samuelson Road;
- (10) County Line Road;
- (11) Central Avenue.

(c) The following districts are excluded from the requirements of the corridor enhancement overlay district: R1, R2, R3, R4, CR, CM, and CC.

(d) The corridor enhancement overlay district boundaries apply to all lots within a development. This shall include all frontage lots and rear lots within a development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-4.3. - Additional development standards for the corridor enhancement overlay district.

The following development standards are required as follows in order to promote the intent of this zoning district and meet the goals of the Portage Comprehensive Plan.

- (a) Adjustments to setbacks are as follows: All setbacks adjacent to a collector or arterial street are to be 40 feet.
- (b) Access road, frontage road, and local street separation shall be as follows: If the Portage Comprehensive Plan or an adopted subarea plan for the city calls for a frontage road running parallel or relatively parallel with a collector or arterial street or calls for an access road, then the development must include the frontage or access road as per the details of the comprehensive plan or small area plan.
- (c) Access road, frontage road or local street connections to collector or arterial streets shall be as follows: Access road curb cuts onto a collector or arterial street shall be consistent with the Portage Comprehensive Plan, Thoroughfare Plan Map, and Subarea Plans. In no event shall two access road curb cuts be within 500 feet of one another. Further, any access road curb cut must align with any existing or proposed curb cut on the opposite side of the street and within reasonable distance.
- (d) To ensure the design and placement of structures will enhance aesthetics, improve vehicular safety and accomplish the intent of this overlay district, the following development standards are required:
 - 1. All structures placed along the corridor shall be designed so that the elevations visible from the corridor are given the best or equal representation of the building's architectural character.
 - 2. No loading docks, service entrances, or mechanical equipment may be located on or in front of the facades facing the primary roadway.
 - 3. Utility boxes shall be placed at least 30 feet off of the primary corridor's edge of pavement.
- (e) Parking lots shall be generally located and connected such to provide vehicular connectivity between businesses. Access roads can be utilized for connectivity between parking lots, but utilization of collector and arterial roads shall not meet the requirement for connectivity.

- (f) Parking lots shall generally be designed to minimize aesthetic impacts when the property is viewed from primary roadways.
- (g) A sign package shall be submitted for consideration by the development review committee. Signs shall be designed, sized and placed such to enhance vehicular safety along primary roadways. For that reason the petitioner must prepare a sign package which clearly identifies the type, size, height, lighting, and location. The following design and placement guidelines shall be required:
 - 1. Signs shall be placed such that they do not encourage visual clutter.
 - 2. Freestanding signs must have landscaping placed at the base of the sign.
 - 3. Tenant signs in multitenant structures shall be combined onto a single sign when feasible.
 - 4. Tenant signs on the facade of a multitenant development shall maintain consistency of size, height from the ground, intensity of lighting, and sign style (e.g. reverse channel, box). Multiple sign styles on a single primary structure shall not be permitted.
- (h) An architectural features package shall be submitted for consideration by the development review committee. Architectural features must comply with the following regulations:
 - 1. Exterior facades must not incorporate vinyl or metal siding.
 - 2. Exterior facades must dominantly be brick or fluted concrete.
 - 3. Exterior facades must be accented with a distinguishable second building material, texture, or color to provide visual interest and architectural character.
 - 4. Roofs must not be mansard style.
- (i) A landscaping package shall be submitted for consideration by the development review committee. Landscaping shall generally follow the requirements for the base zoning district, but the petitioner may propose landscaping that better enhances the property. In general, landscaping shall accomplish the following:
 - 1. Provide at least partial screening of the parking lot.
 - 2. Aesthetically enhance the base of freestanding signs, the foundation of a structure, the primary structure, and lot area.
- (j) All common areas or landscaped areas along the primary corridor(s) shall be properly maintained by the property owner or by a contract, covenant or bylaws of an association. Any contract, covenant or bylaws of an association shall be presented to the plan commission and recorded as surety for longterm maintenance.
- (k) All new utilities and service "drops" must be done so underground.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-4.4 - Incentives for the corridor enhancement overlay district.

- (a) The purpose of this incentive program is to facilitate positive attributes for vehicular safety, the intent of this district, and the goals of the Portage Comprehensive Plan. It acknowledges that there are costs associated with the additional development standards in this overlay district. Therefore, it invites new development to participate as a partner with the community in this safety and quality-of-life effort.
- (b) The following bonus applies to any development that abides by all development standards included in this overlay district. If a variance is requested to any of the development standards in this overlay district, the bonus will not

be applicable to that property or development. The bonus is: Parking lots may be shared between two primary structures and each property may reduce their overall parking spaces required by ten percent. The participating properties may extend their parking lots to the property line, as long as each parking lot design is consistent with the other and appears to be designed as a single parking lot.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE V. - ZONING MAP

Sec. 90-5.1. - Official zoning map title.

The official zoning map shall be formally known as the "City of Portage Zoning Map" and it may be cited and referred to as the "official zoning map" or the "zoning map."

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.2. - Official zoning map.

The "City of Portage Zoning Map" is hereby included as part of this zoning ordinance.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.3. - Location of the official zoning map.

The official zoning map will be located in the office of the clerk-treasurer of the city.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.4. - Official zoning map copies.

Copies of the official zoning map may be made and distributed to interested persons. The official zoning map copies shall be labeled as copies and have the date which they were last modified printed on them.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.5. - Zoning district boundaries.

The zoning district boundaries shall be shown on the official zoning map. The abbreviations for the zoning districts appearing in this zoning ordinance shall be used to identify the zoning districts on the map. Planned developments shall be shown on the map by abbreviations as noted in this zoning ordinance and shall also be identified by the number and date of passage of the ordinance approving the planned development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.6. - Regular revisions.

The official zoning map should be formally revised annually, or as the plan commission determines necessary. During interim periods of time, hand-drawn lines and text on the official zoning map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the official zoning map except as adopted by the common council.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.7. - Damaged, destroyed or lost official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes, the common council may, by resolution, adopt a new official zoning map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-5.8. - Official zoning map standards.

District boundaries on the official zoning map shall be interpreted as follows:

- (a) District boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center line of the affected road, easement, or right-of-way.
- (b) District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
- (c) District boundaries indicated as parallel to section or fractional sectional lines, platted lot lines, city or town corporation lines, shall be construed as parallel to the affected line.
- (d) District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- (e) Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 25 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the director of community development.
- (f) When the director of community development cannot definitely determine the location of a district boundary by the center lines, by scale or dimensions stated on the official zoning map, because the boundary does not clearly coincide with a property line, the director may refuse action and the plan commission may interpret the location of the district boundary with reference to the scale of the official zoning map and the purposes set forth in all relevant provisions of this zoning ordinance.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE VI. - DEVELOPMENT STANDARDS

Footnotes:

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Editor's note— Ord. No. 14-8, §§ 1 and 2, adopted Aug. 5, 2014, repealed Art. VI and enacted a new article as set out herein. The former Art. VI, §§ 90-6.1—90-6.72, pertained to similar subject matter and derived from Ord. No. 05-41, § 1, adopted Aug. 2, 2005; Ord. No. 06-55, § 3, adopted Oct. 3, 2006; Ord. No. 08-39, § 1, adopted Aug. 5, 2008; Ord. No. 10-19, Exh. A, adopted May 5, 2010; Ord. No. 11-06, § 1(Exh. A), adopted Feb. 7, 2011; Ord. No. 13-13, § 1, adopted July 2, 2013; and Ord. No. 13-14, § 1, adopted July 2, 2013.

Sec. 90-6.1. - Introduction.

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of the zoning ordinance (except as may otherwise be provided within the zoning ordinance) are subject to all development standards and regulations for the applicable zoning district.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.2. - How to use this article.

Article VI contains development standards which are arranged by category. Refer to the two-letter or letter-number zoning district abbreviations identified at the top of each development standard section in Article VI. These abbreviations note that the development standard written in that section applies to that district.

The development standards assigned to each zoning district are considered appropriate for the permitted uses within that district; however, the development standards may not be considered appropriate for all special exception uses within a zoning district. The board of zoning appeals shall determine which development standard sections within Article VI shall apply to special exception applications. The development standards determined to apply shall be documented in the application and approval. If the special exception use is a permitted use within another district, the development standards for that district must be used as a guideline. In situations where the special exception use is not a permitted use in any district, the most stringent development standards may be assigned by the board of zoning appeals as appropriate.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.3. - Environmental standards.

This environmental standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following environmental standards apply:

- A. *Excessive slope.* Areas of land shall be deemed unsuitable for buildings when pre-development or post-development slopes are greater than 25 percent.
- B. *Unsuitable land qualities.* Areas of land shall be deemed unsuitable for buildings when it:
 1. Contains adverse soil or rock formations;
 2. Is highly susceptible to erosion;
 3. Has low percolation rate;
 4. Has low weight bearing strength; or
 5. Has any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.

- C. *Erosion prevention.* All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, must be appropriately graded and seeded within 30 days after the removal or destruction of said natural cover to prevent erosion.
- D. *Alterations to shoreline.* No alteration of the shoreline or bed of a stream or creek shall be made until written approval is obtained from the Indiana Department of Natural Resources, Army Corp. of Engineers, and the provisions of this zoning ordinance are complied with. Alterations include, among other things, filling of a stream, creek, regulated ditch or wetlands, and dredging of a stream, creek or ditch.
- E. *Retention, detention, and pond edges.* The use of engineered hard edges is not permitted except around inlets and outlets. The use of engineered hard edges may not exceed five percent of the lineal feet of the total edge of any retention facility, detention facility, or pond. Under no circumstances will "riprap" be permitted above the water level.
- F. *Waste disposal.* No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- G. *Fuel storage.* No flammable or explosive liquids, solids, or gasses as specified by the state fire marshal may be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- H. *Debris/refuse.* Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood may not accumulate on any property.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.4. - Floodplain standards.

This floodplain standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following floodplain standards apply:

- A. Development shall be prohibited within the floodplain unless provided otherwise in the zoning ordinance.
- B. All development must abide by the stormwater management and drainage ordinance (Chapter 42, Article III of this Code).
- C. All development must abide by the drainage ordinance (City Ordinance No. 92-5).

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.5. - Public improvement standards.

This public improvement standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

- A. Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. The director of community development, city engineer, department head, city

official, and/or city board or commission must make a determination as to needed street, drainage and/or utility improvements. If a public street, drainage facility, or public utility is deemed inadequate to handle the anticipated impact of the development, the development project shall not be permitted.

- B. The petitioner may volunteer to overcome the inadequate public street, drainage facility, or public utilities by coordinating a remedy with the city engineer, board of public works, and/or common council. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements. Upon execution of a written contract, the adequate public facility standard shall be deemed to be met.
- C. Any private streets must be constructed to the public street standards set forth in the subdivision control ordinance.
- D. All new utilities and service "drops" must be done so underground.
- E. Manufactured or mobile home parks must be in accordance with IC 16-11-27-1 et seq., Rule 410 IAC 6-6 and their subsequent amendments, the state board of health requirements, and the requirements of this zoning ordinance.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.6. - Lot standards.

This lot standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following lot standards apply:

- A. *Minimum and/or maximum lot area.* The minimum and/or maximum lot area shall be as per each division of Article III.
- B. *Minimum and/or maximum lot width.* The minimum and/or maximum lot width shall be as per each division of Article III.
- C. *Minimum and/or maximum lot depth.* The minimum and/or maximum lot depth shall be as per each division of Article III.
- D. *Minimum lot frontage.* The minimum lot frontage shall be as per each division of Article III.
- E. *Minimum dwelling site area.* The minimum dwelling site area shall be as per each division of Article III.
- F. *Minimum dwelling site width.* The minimum dwelling site width shall be as per each division of Article III.
- G. If one or more of the above listed lot standard does not appear in the division for a zoning district, then it does not apply to that particular zoning district.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.7. - Lot coverage standards.

This density and intensity standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following density and intensity standards apply:

- A. *Maximum lot coverage.* The maximum lot coverage shall be as per each division of Article III.
- B. If one or more of the above listed density or intensity standard does not appear in the division for a zoning district, then it does not apply to that particular zoning district.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.8. - General setback standards.

This setback standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following setback standards apply:

- A. *Minimum and/or maximum front yard setback.* The minimum and/or maximum front yard setbacks shall be as per each division of Article III. The front yard setback shall be measured from the future right-of-way based on the thoroughfare plan map in the Portage Comprehensive Plan. The minimum widths for rights-of-way shall be as follows:

- Local streets: 50 feet right-of-way width.
- Collector street: 70 feet right-of-way width.
- Arterial street: Per department of community development.
- Interstate or toll road: Per department of community development.

The director of community development may assign a special front yard setback (more or less) if the surrounding properties share a front yard setback which is inconsistent with the required setback, and where a negative impact to the aesthetics of the area would result by applying the required setback.

- B. *Minimum Side Yard Setback.* The minimum side yard setbacks shall be as per each division of Article III.
- C. *Minimum and/or maximum rear yard setback.* The minimum and/or maximum rear yard setbacks shall be as per each division of Article III.
- D. *Maximum primary structure setback.* The maximum primary structure setback shall be as per each division of Article III.
- E. *Minimum dwelling site front yard setback.* The minimum dwelling site front yard setbacks shall be as per each division of Article III.
- F. *Minimum dwelling site side yard setback.* The minimum dwelling site side yard setbacks shall be as per each division of Article III.
- G. *Minimum dwelling site rear yard setback.* The minimum dwelling site rear yard setback shall be as per each division of Article III.
- H. If one or more of the above listed types of setbacks does not appear on the division for a zoning district, then it does not apply to that particular zoning district.
- I. The following site features are exempt or partially exempt from the setback requirements as stated:
1. Fences and walls are exempt from the setbacks in this section, but must abide by the fence and wall standards in Article VI.
 2. Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
 3. Landscaping is exempt from this section, but must abide by the landscaping standards.

4. Trails in parks and recreation facilities are exempt from the setbacks in this section.
5. Sidewalks along any right-of-way and that connect buildings to the public sidewalk system are exempt from the setbacks in this section.
6. Driveways in single family residential districts are exempt, but must not be closer than three-foot from side and rear property lines.
7. Swimming pools shall meet the accessory structure setback requirements of the district, but in no instance shall a swimming pool be located closer than ten feet from a side or rear property lines.
8. Entrances and driveways in commercial, industrial, multifamily and institutional districts are exempt from front yard setbacks, but must abide by the entrance and driveway standards in this article.

9. The following miscellaneous encroachments in the Central Avenue Business District (Downtown) are exempt:

Allowable setback encroachments in CR (CABD, residential) district:

	Front	Side	Rear
Air Conditioners (window units)	N	Y (18")	N
Antennae	N	N	N
Arbors	Y	Y(3')	Y
Awnings	N	N	Y (10')
Belt courses	Y (18")	Y (18")	Y (18")
Balconies	Y (5')	Y (5')	Y (5')
Bays	Y (3')	Y (3')	N
Bay windows	Y (3')	Y (3')	N
Breezeways	Y (10')	Y (3')	Y (10')
Canopies	N	N	Y (10')
Canopies (entrance)	Y (10')	Y (10')	Y (10')
Chimneys	Y (3')	Y (3')	Y (3')
Cornices	Y (18")	Y (18")	Y (18")

Decks	N	Y (3')	Y (10')
Eaves	Y (4')	Y (4')	Y (4')
Fire escapes	N	Y (3')	Y (6')
Flagpoles	Y (10')	Y (3')	Y (10')
Mechanical equipment	N	Y (3')	Y (3')
Open porches	Y (10')	Y (3')	Y (10')
Ornamental features	Y (18")	Y (18")	Y (18")
Porticoes	Y (3')	Y (3')	N
Recreations structures	N	N	Y (20')
Retaining walls	Y	Y	Y
Satellite dishes	N	Y (3')	N
Steps (for access)	Y	Y	Y
Terraces	Y (10')	N	Y (10')
Trellises	Y	Y (3')	Y
Window sills	Y (18")	Y (18")	Y (18")

Allowable setback encroachments in CM (CABD, mixed use) district:

	Front	Side	Rear
Air conditioners (window units)	N	N	N
Antennae	N	N	N
Arbors	Y	Y (3')	Y

Awnings	Y	N	Y
Belt courses	Y (18")	Y (18")	Y (18")
Balconies	Y (5')	Y (5')	Y (5')
Bays	Y (3')	Y (3')	Y (3')
Bay windows	Y (3')	Y (3')	Y (3')
Breezeways	Y (10')	Y (3')	Y (10')
Canopies	Y	N	Y
Canopies (entrance)	Y (10')	Y (10')	Y (10')
Chimneys	Y (3')	Y (3')	Y (3')
Cornices	Y (18")	Y (18")	Y (18")
Decks	N	Y (3')	Y (10')
Eaves	Y (4')	Y (4')	Y (4')
Fire escapes	N	Y (3')	Y (6')
Flagpoles	Y (10')	Y (3')	Y (10')
Mechanical equipment	N	Y (3')	Y (3')
Open porches	Y (10')	Y (3')	Y (10')
Ornamental features	Y (18")	Y (18")	Y (18")
Porticoes	Y (3')	Y (3')	Y (3')
Recreational structures	N	N	Y (20')
Retaining walls	Y	Y	Y
Satellite dishes	N	Y (3')	N
Steps (for access)	Y	Y	Y

Terraces	Y (10')	N	Y (10')
Trellises	Y	Y (3')	Y
Window sills	Y (18")	Y (18")	Y (18")

Allowable setback encroachments in CC (CABD, commercial) district:

	Front	Side	Rear
Air conditioners (window units)	N	N	N
Antennae	N	N	N
Arbors	N	N	Y
Awnings	Y (3')	N	Y (10')
Belt courses	Y (18")	Y (18")	Y (18")
Balconies	Y (5')	Y (5')	Y (5')
Bays	Y (3')	Y (3')	Y (3')
Bay windows	Y (3')	Y (3')	Y (3')
Breezeways	N	N	N
Canopies	Y (3')	N	Y (10')
Canopies (entrance)	N	N	Y (10')
Chimneys	N	N	N
Cornices	Y (18")	Y (18")	Y (18")
Decks	N	N	Y (10')
Eaves	N	N	N

Fire escapes	N	Y (3')	Y (6')
Flagpoles	N	N	N
Mechanical equipment	N	Y (3')	Y (3')
Open porches	Y (10')	Y (3')	Y (10')
Ornamental features	Y (18")	Y (18")	Y (18")
Porticoes	Y (3')	Y (3')	Y (3')
Recreational structures	N	N	Y (20')
Retaining walls	Y	Y	Y
Satellite dishes	N	N	Y (3')
Steps (for access)	N	N	Y
Terraces	N	N	Y (10')
Trellises	N	N	Y
Window Sills	Y (18")	Y (18")	Y (18")

(Ord. No. 14-8, § 2, 8-5-14)

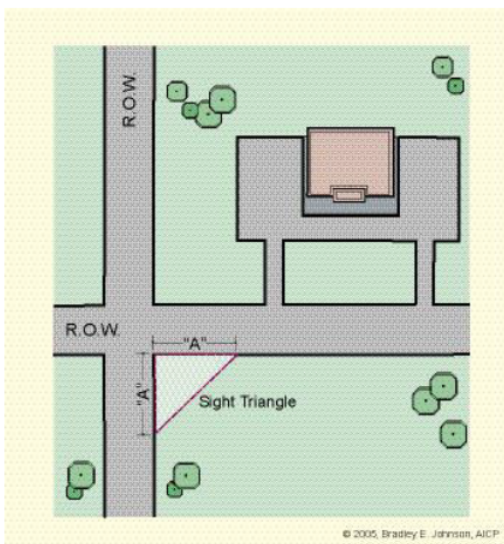
Sec. 90-6.9. - Vision clearance standards.

This vision clearance standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC C1 C2 HC BP LI HI

The following vision clearance standards apply:

- A. A clear area (known as a vision clearance triangle or a sight triangle) must be maintained at every intersection.



- B. The triangle leg lengths shall be 25 feet (see "A" in the illustration above).
- C. No primary or accessory structures, landscaping, fences or signs are allowed to be placed or to project into the vision clearance triangle except as noted below.
 - 1. Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed 18 inches in height.
 - 2. Trees may be planted in the vision clearance triangle when they lowest limbs and canopy is at least five feet from the ground, allowing drivers to see through the triangle. No two trees may be placed within 20 feet of one another.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.10. - Structure quantity standards—General.

This structure quantity standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following structure quantity standards apply:

- A. *Maximum primary structures.* The maximum primary structures shall be as per each division of Article III.
- B. If the above listed structure quantity standard does not appear in the division for a zoning district, then only one primary structure is permitted per lot in that zoning district.
- C. Accessory structure quantities and development standards are regulated by the accessory structure standards section in this article.
- D. *Street addresses.* Street addresses must be posted on all primary structures and be visible from public right-of-way and/or be posted on mailbox or other suitable structures visible from public right-of-way. Street address numbers must be at least five inches in height.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.11. - Structure height standards—General.

This height standards section applies to the following districts:

The following height standards apply:

- A. *Maximum structure height.* The maximum structure height shall be as per each division of Article III.
- B. If the above listed height standard does not appear in the division for a zoning district, then it does not apply to that particular zoning district.
- C. The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:
 - 1. Church steeples, bell towers, and religious symbols are allowed to extend up to a total height of 60 feet.
 - 2. Water towers are allowed up to a height of 150 feet.
 - 3. Chimneys are allowed to extend ten feet above the roof's highest point.
 - 4. Mechanical equipment, when mounted on a roof, is allowed to extend ten feet above the roof's highest point, but must be:
 - a. Located such that it is not visible from adjacent private and public streets, or
 - b. Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private or public streets.
 - 5. Elevator bulkheads are allowed to extend 15 feet above the roof's highest point, but must be:
 - a. Located such that it is not visible from adjacent private and public streets, or
 - b. Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private and public streets, or
 - c. Be constructed with the same exterior building materials, or
 - d. Be architecturally integrated into the building's designs as to not look like an elevator bulkhead.
 - 6. Radio and television towers not used for commercial transmission may extend up to 50 feet in height, including all antennae mounted on the tower.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.12. - Structure floor area standards—General.

This floor area standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following floor area standards apply:

- A. *Minimum and/or maximum main floor area.* The minimum and/or maximum main floor area shall be as per each division of Article III.
- B. *Maximum main floor area.* The maximum main floor area shall be as per each division of Article III.
- C. *Minimum floor area per unit.* The minimum floor area per unit shall be as per each division of Article III.
- D. If one or more of the floor area standard does not appear in the division for a zoning district, then it does not apply to that particular zoning district.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.13. - Structure standard—Residential lot and residential site.

This site and structure standards section applies to the following districts:

R1 R2 R3 R4 M1 M2 M3

The following site and structure standards apply:

- A. All roofs must have a minimum roof pitch of 4:12.
- B. All roofs must be either asphalt shingle, slate, raised seam metal, shake shingles or similar.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.14. - Structure standards—CABD (downtown).

This structure standards section applies to the following districts:

CR CM CC (with additional review)

Additional review: The director of community development and development review committee shall conduct an urban design review of structure proposals within the CR CM and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following structure standards apply:

A. *Building style.*

- 1. No single architectural style is appropriate in Downtown Portage.
- 2. Architecture of any building shall consider the surrounding buildings, materials, and shall result in a cohesive mix.

B. *Building facades.*

- 1. The general scale of the design elements or components of the facade shall relate to pedestrian and slow-moving vehicle traffic.
- 2. The top of the facade wall shall terminate with a decorative cornice, belt cornice, band or other decorative treatment.
- 3. The front facade shall be presented in two components: the upper facade and the street level facade.
- 4. Facades composed of brick or masonry construction shall be repointed and cleaned to a condition indicative of their original finish.
- 5. All facades shall be designed to be consistent with the front facade.
- 6. A return from the principal facade to the secondary facade is required.

C. *Corner clearance.*

- 1. At least 15 percent of a building corner shall be transparent and visually penetrable.

D. *Building materials.*

- 1. Principal facade material shall be brick. Accent materials for the principal facade include: stone, wood, and E.I.F.S.
- 2. Secondary facade materials shall be brick, fluted concrete block, concrete block, stone, and/or E.I.F.S. The secondary facade shall be designed to be consistent with the principal facade.

E. *Roof forms.*

1. Hip and gable roofs shall have a minimum pitch of 6:12. Other roof types shall be appropriate to the architecture of proposed buildings. Roofs of commercial nature shall not be visible from the public right-of-way. The roof plane shall be hidden from view with parapet walls and/or false fronts that are less than two stories in height.
2. The existing alignment of building cornices or rooflines shall be maintained.

F. *Principle facade and primary entry.*

1. The principal facade and primary entry of all buildings shall face the street. Buildings located on corner lots are considered to have two principal facades.
2. The primary entry of a building located on a corner lot shall be reviewed by the development review committee.

G. *Windows and doors.*

1. Storefront glass shall dominate the first floor frontage along public streets with a minimum of 75 percent glass.
2. The top of the storefront glass shall be at ten feet above grade level and visually related to adjacent buildings. If the top of the storefront glass is less than ten feet above grade, it shall be concealed with an awning.
3. Ornamental lintels, belt courses, or similar elements shall be provided at the top of storefront glass.
4. Storefront glass shall have a base of two to three feet constructed of material to match the primary building material of the facade.
5. Storefront window frames shall be anodized aluminum, painted aluminum, or painted wood in white, black, or dark bronze. Other storefront materials and colors shall be reviewed by the development review committee on a per project basis.
6. Second floor windows shall be individual or grouped windows coordinated with the design of the first floor storefront.
7. Second floor window glass shall be clear or tinted.
8. Reflective glass, ribbon windows, or all glass curtain wall systems shall be prohibited.
9. The primary entrance of a building and/or store shall be covered with an awning or canopy.
10. All commercial entry doors shall be glass.
11. Security grilles or shutters shall be prohibited.

H. *Awnings.*

1. Awnings shall be canvas.
2. Awnings, if provided, shall extend the full width of all first floor storefront glass.
3. Internally illuminated awnings shall be prohibited.
4. Awning configuration shall be shed design with a skirt and closed ends.
5. An awning shall project a minimum of three feet from the face of the building. Top of an awning shall be ten feet above grade with the bottom skirt (7½ feet above grade level).

I. *Private outdoor spaces.*

1. All residential units shall have private outdoor spaces accessible from the unit.

- *Single-family (attached, 3-9)*: All units shall be arranged to provide a private outdoor space visually separate from the public right-of-way. The outdoor space shall have direct access from the interior space.
- *Single-family (upper stories)/multi-family*: All units shall have a usable outdoor space directly accessible from the unit. The space may be patios, balconies, or porches.

J. *Mechanicals*.

1. Mechanical and electrical equipment, including air conditioning units, shall be concealed from street-level view.
2. Any screens of building and roof-mounted equipment shall be constructed of the primary building materials of the facade and shall be integrated into the facade design. Raised parapet walls shall be preferred.
3. Ground mounted equipment shall be screened with a wall constructed of the primary building material of the facade design or screened with perennial landscaping.
4. Transom air conditioning units shall be prohibited unless there is no practical alternative, in which case it shall be concealed by an awning.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.15. - Manufactured/mobile park structure and site standards.

This site and structure standards section applies to the following districts:

MP

The following site and structure standards apply:

- A. Each manufactured or mobile home must be placed on a concrete pad.
- B. Manufactured or mobile home parks must be in accordance with IC 16-11-27-1 et seq., Rule 410 IAC 6-6 and their subsequent amendments, the state board of health requirements, and the requirements of this zoning ordinance.
- C. Each dwelling site must be clearly marked and defined.
- D. No more than one mobile home may be placed on a single dwelling site.
- E. Individual dwelling sites may only have driveways on interior roads.
- F. Each manufactured home park must contain a common park and recreation area with a minimum of 250 square feet per dwelling site.
- G. No mobile home shall be stacked, joined or combined in any way, and mobile homes must remain one story.
- H. All roads, walks and paths within the manufactured home community shall be hard surfaced.
- I. A greenbelt not less than 20 feet in width shall be located around the perimeter of the manufactured home park.
- J. Manufactured or mobile home parks with 40 or more dwelling sites shall have at least two access points shall be required into and out of the manufactured or mobile home park and individual dwelling sites may only have driveways on interior roads.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.16. - Accessory structure standards—General.

This accessory structure standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following accessory structure standards apply:

- A. Accessory structures shall comply with all development standards for the subject zoning district whether they are required to get a permit or not; unless specified otherwise.
- B. Accessory structures shall be for accessory uses of the primary structure. Storage is permitted as an accessory use unless specifically noted otherwise.
- C. Using an accessory structure for residential purposes is not permitted.
- D. An accessory structure shall not be used for a business.
- E. Accessory structures are not permitted on a lot prior to any primary structure being constructed. This provision does not apply to the CO district (conservation) or PR district (parks and recreation).
- F. Accessory structures must not encroach on any platted easement unless the owner of the easement gives written consent.
- G. An accessory structure must be located to the rear or side of the primary structure unless specifically permitted otherwise.
- H. Accessory structures shall be subordinate to the primary structure.
 - I. Accessory structures shall be architecturally compatible with the primary structure. The exterior finish, facade and roof of each enclosed accessory structure must match or closely resemble the finish, facade materials and roof pitch used on the primary structure.
 - J. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat or motor vehicle may not be used as an accessory structure in any district.
- K. Swimming pools must abide by the swimming pool standards section in this article as well as Indiana State Code.
- L. Dumpsters, compactors, and other trash receptacles are not regulated as accessory structures. See general waste/recycle receptacle standards section in this article.
- M. Radio and television towers and antennas, not used for commercial transmission of radio or television signals, are an allowed accessory use in all districts. The following requirements shall apply:
 - 1. Towers shall be placed in the center of the rear yard, or set back a minimum of 20 feet from the property line behind the primary structure.
 - 2. All towers shall not be more than 18 square inches the base and shall be set in a concrete foundation a minimum of 18 inches by 18 inches by 36-inch below grade.
 - 3. If a citizen band antenna or rotating beam is installed on a roof of an accessory structure or primary structure, it shall be installed on a tripod or towerette and have guide wires to secure it properly.
 - 4. Citizen band beam antennae that rotate should not swing closer than five feet from the property line.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.17. - Accessory structure standards—Residential lots.

This accessory structure standards section applies to the following districts:

R1 R2 R3 R4 M1 (MW as applicable)

The following accessory structure standards apply:

- A. No more than two enclosed accessory structures (i.e. detached garage, pool house, shed, etc.) are permitted.
- B. The cumulative square footage of all enclosed accessory structures cannot exceed 840 square feet.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.18. - Accessory structure standards—Residential sites.

This accessory structure standards section applies to the following districts:

M1 M2 M3 (MW as applicable)

The following accessory structure standards apply:

- A. No more than one detached garage or carport facility is allowed per primary structure.
- B. No more than one additional enclosed accessory structure (i.e. pool house, storage building, etc.) per primary structure.
- C. The cumulative square footage of all enclosed accessory structures and carports cannot exceed 50 percent of the square footage of the primary structure(s).

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.19. - Accessory structure standards—Manufactured/mobile home park.

This accessory structure standards section applies to the following district:

MP

The following accessory structure standards apply:

- A. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks or mobile home parks are permitted, provided the following criteria are met:
 - 1. The accessory structure is subordinate to the residential component of the park and adds aesthetic value to the park; and
 - 2. The accessory structure is located, designed and intended to serve only the needs of the park; and
 - 3. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.
- B. Each manufactured home or mobile home is entitled to one accessory structure per dwelling site in addition to a carport or garage. Written permission from management office required.
- C. The total area of all accessory structures may not exceed 20 percent of the dwelling site. Attached or detached garages, and carports are to be counted toward the total accessory building area.
- D. Model manufactured or mobile homes are permitted provided that the number of model homes is limited to

five percent of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP district.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.20. - Accessory structure standards—Downtown.

This accessory structure standards section applies to the following districts:

CR CM CC (with additional review)

Additional review: The director of community development shall conduct an urban design review of accessory structure proposals within the CR CM and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following accessory structure standards apply:

- A. No more than one detached garage or carport facility is allowed per primary residential structure. Accessory garages and carports shall face the alley. Twenty-five feet shall be provided between the accessory garage or carport and the alley right-of-way. In the case an alley does not exist, site conditions shall be reviewed by the Director of Community Development and Development Review Committee.
- B. No more than one additional enclosed accessory structure (i.e. greenhouse, storage building, etc.) per primary residential structure. Such structure shall be located in the rear yard.
- C. The cumulative square footage of all enclosed accessory structures and carports cannot exceed 50 percent of the square footage of the primary structure(s).
- D. Accessory structures shall not be permitted for nonresidential uses.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.21. - Accessory structure standards—Businesses.

This accessory structure standards section applies to the following districts:

IS NC OC C1 C2 HC BP LI HI (MW as applicable)

The following accessory structure standards apply:

- A. Storage is not permitted as an accessory use.
- B. No more than one enclosed accessory structure (ie. detached garage, carport, shed, etc.) is permitted on a lot.
- C. The square footage cannot exceed 1,200 square feet or 50 percent of the square footage of the primary structure(s), whichever is less.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.22. - Entrance/drive standards.

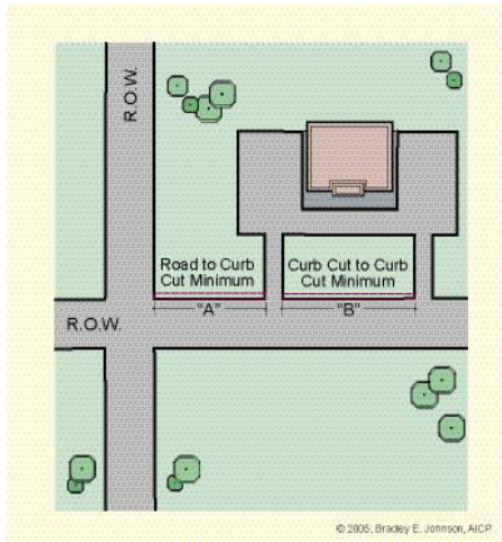
This entrance and drive standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW IS NC OC C1 C2 HC BP LI HI CR CM and CC (with additional review)

Additional review: The director of community development shall conduct an urban design review of entrance/drive proposals within the CR, CM, and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following entrance and drive standards apply:

- A. *Location.* The entrance drive to a site shall be located perpendicular to the accessed street and in a way that does not undermine the intention of required setbacks. (All classification of roads referred to herein shall be based on the thoroughfare plan as found and maintained in the Portage Comprehensive Plan.)



1. *Distance from intersection.* The distances for the standards shall be determined by measuring from right-of-way line to the curb or edge of pavement (whichever is less) of the entrance/drive. (See "A" in the illustration below.) Under no circumstances will an entrance/drive be allowed within 50 feet of any intersection.
 - *Arterial/collector street:* An entrance/drive shall be located at least 150 feet from any intersecting street. If the property is not large enough to achieve a 150-foot separation, then the entrance drive shall be installed at a location farthest from the intersection.
 - *Local street:* An entrance/drive shall be located at least 100 feet from any intersecting street. If the property is not large enough to achieve a 100-foot separation, then the entrance drive shall be installed at a location farthest from the intersection.
 2. *Distance from another driveway.* The distances for these standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance/drive. (See "B" in the illustration.)
 - *Arterial/collector street:* An entrance/drive shall be located at least 100 feet from any other entrance/drive. If the property is not large enough to achieve a 100-foot separation, then the entrance drive shall be installed at a location determined by the director of community development.
 - *Local road:* An entrance/drive shall be located at least 50 feet from any other entrance/drive unless lot widths do not permit such spacing. In the event 50 feet cannot be accomplished, the greatest reasonable distance shall be required. This regulation excludes single-family residential when it is to achieve paired driveways.
- B. *Width.* Entrance drives shall not exceed the following widths, measured from the outside edges of the curb or

pavement (whichever is more) of the entrance drive:

- *Arterial/collector street:* Business land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 34 feet. Single-family (attached) and multi-family residential land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 30 feet. Single-family (detached) and two-family land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 28 feet.
- *Local street:* Business land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 30 feet. Single-family (attached) and multi-family residential land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 28 feet. Single-family (detached) and two-family land uses which outlet onto an arterial or collector street shall have an entrance drive width of no more than 28 feet.

- C. *Additional measures.* The city engineer may determine that additional measures such as an acceleration/deceleration lane and/or passing blister at a new entrance/drive are necessary for the site to function properly.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.23. - Parking standards—General.

This parking standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC C1 C2 HC BP LI HI

The following parking regulations apply:

- A. *Parking spaces.* Each parking space must be at least ten feet wide and 20 feet long.
- B. *Paved parking.* All parking and circulation areas shall be surfaced with asphalt concrete or Portland cement concrete or other approved all-weather hard, non-eroding surface, except for those improved properties in residential zoning districts R1, R2, R3, R4, M1, M2 and M3 which shall require the use of cement concrete only. Such areas shall be designed and constructed to allow proper drainage.
- C. *Parking in easements.* Off-street parking spaces may not fully or partially be in a public right-of-way or utility easement.
- D. *Maneuvering.* All parking spaces (including garage spaces) required for any land use other than a detached single-family or two-family dwelling shall be designed and located to provide for vehicle maneuvering on the site so that vehicles will enter any adjacent public street (not alley) or private road in a forward direction.
- E. *Obstruction.* No vehicle may block a sidewalk or other passageway specifically intended for pedestrian traffic.

(Ord. No. 14-8, § 2, 8-5-14; Ord. No. 25-20, § 1, 3-4-25)

Sec. 90-6.24. - Parking standards—Residential lots.

This parking standards section applies to single-family (detached) dwellings and/or two-family dwellings the following districts:

R1 R2 R3 R4 M1 (MW as applicable)

The following parking regulations apply:

- A. Two off-street paved parking spaces are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within a carport or garage unless the residential lot is 50 feet wide or less, in which case 50 percent of the off-street parking spaces required may include spaces within a carport or garage.
- B. Each lot is limited to one driveway per dwelling unit.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.25. - Parking standards—Residential sites.

This parking standards section applies to multi-family residential uses and/or multiple residential structures on the same property in the following districts:

M1 M2 M3 MP (MW as applicable)

The following parking regulations apply:

- A. Two paved off-street parking spaces are required per dwelling unit. Either/both of the off-street parking spaces required may include spaces within car ports or garages.
- B. At least two additional spaces per dwelling unit are required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in carports or garages.
- C. Each two-family dwelling or manufactured home dwelling site is limited to one driveway per dwelling unit.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.26. - Parking standards—CABD (downtown).

This parking standards section applies to the following districts:

CR CM and CC (with additional review)

Additional review: The director of community development shall conduct an urban design review of parking proposals within the CR, CM, and/or CC districts (downtown) to determine whether or not such parking proposal is complementary to investment plans within the downtown.

The following parking regulations apply:

- A. All surface parking downtown shall be shared parking. (Enclosed parking options for residential uses are addressed in the section pertaining to accessory structures.) Because parking shall be provided by the city, private off-street parking is prohibited unless it existed prior to the establishment of these guidelines or is granted approval by the development review committee. If off-street parking is approved by the development review committee, said body shall determine parking requirements using the parking standards sections in this article as a guide. The following standards shall supersede any discrepancies:
 - 1. A parking lot shall not be located in any front yard, adjoining street intersections, adjoining or across the street from parks or plazas.
 - 2. Entries into parking areas which cross sidewalks shall maintain the continuity of the sidewalk by ramping up to sidewalk level and using materials visually similar to the sidewalk.
 - 3. A parking lot that fronts a street or is adjacent to a residential use shall be screened from the street using walls, fences, hedges and/or other concealment of at least four feet in height to create a visual edge for

pedestrians and motorists and to help define the streetscape intended for downtown.

4. A parking lot that fronts a street shall maintain a landscaped area between the right-of-way line and the parking lot. The established setback of the street shall be respected. Ten feet shall be the minimum distance between the right-of-way line and the parking lot.
 5. Any additional parking lot landscaping shall be determined upon review and approval of off-street parking. Plantings to provide shade and help screen the parking lots from view are typically recommended.
- B. The city may employ temporary parking strategies to accommodate peak seasonal/event demand.
- C. Priority may be given to vehicles used for community transit.
- D. Bicycle racks to which bicycles can be located shall be provided at each nonresidential building site at a ratio of one per 1,000 square feet of building area.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.27. - Parking standards—All parking lots.

This parking standards section applies to the following districts:

PR IS NC OC C1 C2 HC BP LI HI

MW if residential complex or nonresidential use

M1 M2 M3 or MP if residential complex development

The following parking regulations apply to any parking lot:

- A. *Parking lot design.* Parking lots shall be designed using the following objectives and standards:
1. Design sites such that vehicles are not the dominant feature. No portion of a parking lot shall encroach into any minimum yard setback. Periphery landscaping and large interior parking lot landscaping islands shall aid in softening the appearance of a parking lot.
 2. Provide necessary parking without large expanses of pavement. Expanses of parking shall be broken up with wide landscape divider medians. Such medians shall be incorporated into the parking lot design to aid site circulation measures and to provide aesthetic interest.
 3. Create a safe and comfortable environment for pedestrians and bicyclists as well as vehicles. Parking lot design shall incorporate pedestrian walkways for safe access through the site and connect to adjacent sites as appropriate.
- B. *Parking lot delineation.* All parking lots (including ingress/egress and all accessways) shall be curbed. All parking spaces shall be striped so as to identify each parking space. Parking spaces to accommodate people with disabilities shall be provided as required by ADA. Striping shall also be provided to aid in effective traffic circulation.
- C. *Parking lot aisles.* Minimum parking aisle widths shall be as follows:
- 90-degree angle space: 24 feet wide parking aisle for one- or two-way traffic.
 - 60-degree angle space: 18 feet wide parking aisle for one-way traffic.
 - 45-degree angle space: 14 feet wide parking aisle for one-way traffic.
- D. *Parking lot landscape areas.* One deciduous tree shall be planted per 60 feet of the linear length of the

parking lot perimeter and any landscape divider median. Any interior parking lot landscape islands shall compliment site landscaping. All parking lot landscape areas shall be at least 20 feet in width. Shrubs shall compliment the parking lot landscape areas, prepared as part of the overall landscape plan. Refer to landscape standards section in this article.

- E. *Parking lot lighting.* Parking lot lighting shall be required. Refer to lighting standards in this article.
- F. *Maintenance.* It shall be the responsibility of the property owner to ensure that the surface is maintained free from significant cracks or holes, that landscaping is healthy, and that the site is litter-free.
- G. *Number of parking spaces.* The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The petitioner must calculate additional parking spaces that may be necessary.
- H. *Unidentified use.* If a use is not clearly noted in Exhibit A, the director of community development shall determine into which category the uses best fit, therefore determining the parking requirements.
- I. *Additional parking spaces.* Additional parking spaces may be required by the director of community development if deemed necessary.
- J. *Shared parking.* A single or group of adjacent properties may utilize a shared parking area if the number of spaces required for each use is adequate. The following requirements apply:
 1. Each lot must have at least 80 percent of the total spaces required for its use available at any given time.
 2. A written reciprocal parking agreement signed by all property owners and be recorded on the deed for each property involved is required.
 3. The written reciprocal parking agreement must include provisions concerning at least maintenance, snow removal, ownership, and liability.
 4. The director of community development must approve the shared parking area and written parking agreement.
- K. *Location.* Parking spaces prescribed in this section must be located either on the premises or on a lot approved by the plan commission. All required off-street parking spaces, however, must be located within 800 feet of the subject lot.

Employee parking for office, commercial, institutional, communication/utilities, and industrial uses.	One parking space per employee that potentially can be working at any given time. Businesses with multiple shifts must also provide one additional parking space per two employees on the largest abutting shift. Subtract one parking space per 60 employees and subtract 1/30 th of the total employee spaces if the property is within 500 feet of a bus or mass transit stop.
Visitor parking for office, institutional and industrial uses.	One visitor parking space per 20 employees working at any given time up to 300 total employees, plus one visitor space per 50 employees for the amount

	over 300 employees.
Visitor parking for nursing home, hospital, or similar facilities.	One visitor space per three beds in a hospital or nursing home facility.
Visitor parking for hotel, motel and other overnight stay facilities.	One visitor parking space per rental unit.
Automobile, tractor, boat, bus or similar sales facility.	Two parking space plus one per sales person working on any given shift.
Restaurants, food services, theater, community center, auditorium, conference center, church, racetrack or similar facility that seats people.	Parking spaces must equal one-third of the allowable seating capacity.
Furniture, appliance, or similar large item sales facility.	One parking space per 400 sq. ft. of GFA up to 30,000 sq. ft. and one parking space per 600 sq. ft. above 30,000 sq. ft.
Hardware, home improvement, lumberyard auto parts stores or similar moderate size item sales facility.	One parking space per 300 sq. ft. of GFA up to 30,000 sq. ft. and one parking space per 400 sq. ft. above 30,000 sq. ft.
Fitness center, health spa, skating rink or similar facilities.	One parking space per 300 sq. ft. of GFA.
Retail stores, grocery stores, gasoline stations, banks, liquor store, and similar high volume and/or small item facilities.	One parking space per 250 sq. ft. of GFA up to 40,000 sq. ft. and one per 400 sq. ft. up to 80,000 sq. ft. and one per 600 sq. ft. above 80,000 sq. ft.
Day-care or similar facility.	One parking space per every ten children enrolled. This number of spaces may be reduced by one-fourth in trade for passenger loading spaces.
Airport, heliport or similar facility.	One parking space per five aircraft tie-downs and hangar spaces, plus one per every three waiting room and classroom seats.
Self-storage, warehouse, or similar facility.	One parking space per 5,000 sq. ft. for a single tenant facility or one space per six leasable storage

	units. Loading areas my account for up to one-fourth of this requirement.
Body shop, vehicle repair, car wash or similar facility.	One parking space per interior service bay and per car wash stall.
Medical facility, clinic, doctor's office or similar facility.	<u>1.5</u> parking space per treatment or examination room/space.
Barber/beauty shop, fingernail salon, tanning salon, or similar facility.	<u>1.5</u> parking space per operator station and tanning booth.
Governmental offices, service commercial, libraries, organizational office, repair shop, or similar facility.	One parking space per 800 sq. ft. of GFA.
Public or private school, trade or business school, or similar functioning facility.	One parking space per two elementary classrooms; and two parking space per junior high classroom; and one parking space per five high school students; and one space per two students in a trade or business school.
Swimming pool, sport fields, recreational fields, or similar facility.	20 spaces per sport field; and one space per 100 sq. ft. of water surface.
Golf course, driving range, batting cages, bowling alley, or similar facility.	30 parking spaces per nine holes; and one space per driving range or batting cage lane; and two spaces per alley.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.28. - Loading standards.

This loading standards section applies to the following districts:

PR IS NC OC C1 C2 HC BP LI HI (MW if nonresidential use)

CR CM and CC (with additional review)

The following loading standards apply:

A. All off-street loading berths shall be located on the same property as the use to be served.

- B. Every effort shall be made to locate a loading zone in an area least visible to the public view. Loading areas shall be designed to minimize attention to the loading area.
- C. Any loading area shall have an adequate accessibility from an appropriate roadway, maneuvering apron and vertical clearance for truck deliveries. Truck maneuvering in the right-of-way shall not be permitted.
- D. Any loading or unloading berth or bay that faces or is visible from the public right-of-way shall be screened. Screening shall consist of a combination of elements used in the building facade and the landscape plan.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.29. - Waste/recycle receptacle standards.

This waste/recycle receptacle standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW IS NC OC C1 C2 HC BP LI HI

CR CM and CC (with additional review)

The following waste/recycle container standards apply:

- A. All receptacles shall be confined to portions of the site least visible to the public view.
- B. Dumpsters, compactors and similar containers must be screened on all sides by a fence or wall and must be constructed with the same exterior building materials as the primary structure; however, glass or similar translucent and breakable materials shall not be used.
- C. The height of the enclosure must be five feet or higher if the height does not block the view of the dumpster, compactor or similar container.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.30. - Drive-thru standards.

This drive-thru standards section applies to any drive-thru facility:

PR IS NC OC C1 C2 HC BP LI HI (MW if nonresidential use)

CR CM and CC if nonresidential use (with additional review)

Additional review: The director of community development shall conduct an urban design review of drive-thru proposals within the CR, CM, and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following drive-thru standards apply and shall be part of a site plan prepared by a licensed engineer and reviewed in the site plan approval process:

- A. *General drive-thru design.* Any drive-thru shall be designed using the following objectives and standards in order to promote compatible development that fits well with and improves its existing or planned context:
 1. *District character.* Protect and enhance the character and quality of the district and neighborhood where the drive-thru facility is located. Provide ample landscaping, in combination with building orientation, to enhance the streetscape and define the street edge when setting buildings back from the street is

unavoidable. The number and width of driveways from the public street shall be minimized to help reduce interruptions to the public sidewalk.

2. *Community focus.* Enhance public streets and contribute to high quality public space. Surface parking areas and stacking lanes shall be located at the side or rear of the building. Locating the stacking lane between the primary facade of the building and the public street shall be avoided.
 3. *Neighborly consideration.* Minimize impacts on adjacent land uses that could be caused by on-site activities. Use every effort to locate stacking lanes away from adjacent sensitive uses, such as residential and outdoor amenity areas, to reduce the impacts of noise and pollution that could be caused by stacking cars on such uses. Elements to add visual and environmental interest shall be used to help buffer potential impacts. Landscaping is preferred.
 4. *Traffic circulation.* Create efficient stacking movements on site. Each drive-thru aisle shall be separated from the circulation routes necessary for ingress or egress from the property or access to a parking space. The start point to the stacking lane shall be located in such a way that the queued vehicles do not block traffic along the public streets or the movement of other vehicles on site. Separate stacking lanes shall be provided when multiple drive-thru uses exist on the same site. Landscaped islands, decorative pavement, pervious islands and painted lines shall be used to separate stacking lanes when multiple drive-thru uses exist on the same site.
 5. *Pedestrian environment.* Create a safe and comfortable pedestrian environment on site. On-site circulation shall be designed to minimize the conflicts between pedestrians and vehicles. Entrance doors shall be directly accessible from both the public sidewalk and parking areas. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, the walkways shall have clear visibility and shall be emphasized by enriched paving or striping. Landscaped islands, decorative pavement, pervious islands and painted lines shall be used to define and enhance pedestrian areas.
- B. *Drive-thru aisle specifics.* The minimum standards for drive-thru aisles are as follows:
1. Each drive-thru aisle shall be constructed with Portland cement concrete.
 2. Each drive-thru aisle shall have a minimum ten-foot interior radius at curves and a minimum 12-foot width.
 3. Each drive-thru aisle shall queue at least four standard vehicles between the menu board and the entry point into the drive-thru aisle. If the drive-thru has a pick-up window, the drive-thru aisle shall accommodate the stacking of two standard vehicles between the window and the menu board. A stacking space is 12 feet wide by 20 feet long. (The city may approve a reduction of the stacking requirements of this section upon demonstration by a qualified traffic engineer that a reduction in the stacking requirements is appropriate for the applicant's proposed use given its proposed intensity or context. Minor deviations of these requirements that reduce the stacking distance by less than one stacking space may be approved by the approval body without a demonstration by a licensed traffic engineer if the applicant demonstrates that strict compliance with this section is impracticable or would lead to a lower quality of site design.)
 4. Stacking lanes shall not interfere with parking spaces, parking aisles, loading spaces, internal site circulation, or points of ingress and egress. Stacking spaces may not be used to satisfy any of the off-street parking requirements.
 5. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and

pavement markings. Pedestrian walkways that intersect the drive-through drive aisles, shall have clear visibility, and be emphasized by enriched paving or striping.

6. A 12-foot bypass lane is required adjacent to the stacking lane to allow vehicles to circumvent the stacking lane.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.31. - Lighting standards.

This lighting standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following lighting standards apply:

- A. Lighting in any pedestrian area shall have one foot-candle of illumination.
- B. All lot lighting must be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- C. All ground lighting used to cast light on building facades, features of buildings or signs must have shields to assure that light does not project beyond the building or sign and must utilize the most minimum amount of light necessary to light the facade, building feature or sign. The light fixture and bulb must be shielded from view of any street, sidewalk, or parking lot.
- D. Parking lot lights must not exceed 25 feet in height.
- E. Sport field lights must not exceed 70 feet in height and shall be shut off by 11:00 p.m. on any given night.
- F. All freestanding lights and lights mounted on walls or facades must have cutoff luminaires with 90 degrees or less of an angle (downlighting).
- G. All lighting fixtures and poles within a single development must be consistent in style, design and color.
- H. Lighting from a property may not cause more than one-half foot-candle of illumination beyond the property line of that property. The only exception to this standard is as follows:
 - When the subject property is zoned for business use and the adjacent property is also zoned for business or industrial use, then the allowable light at the property line is two foot-candle (only on the sides of the property that are adjacent to the similar zoning district).
 - When the subject property is zoned for industrial use and the adjacent property is also zoned for industrial use, then the allowable light at the property line is two foot-candles (only on the sides of the property that are adjacent to the similar zoning district).
- I. Measurements of light readings shall be taken along any portion of a property line of the subject property with a light meter facing the center of the property at a height of five feet.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.32. - Fence and wall standards—General.

This fence and wall standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW IS NC BP LI HI

CR CM CC (see downtown fence and wall standards)

The following fence and wall standards apply:

- A. Fences and walls shall present the finished side (specifically, non-structural face) outward.
- B. Fences and walls are permitted up to the property line, except as identified for security fencing for high intensity uses and/or utility exceptions.
- C. Except as provided for in the downtown fence and wall standards section, fences and walls shall not be located in any front yard.
- D. Except as provided for in the high intensity use exceptions for fence and wall standards section, fences and walls shall not be greater than six feet in height.
- E. Except as provided for in the utility exceptions for fence and wall standards section, fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, electrified wires or the like.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.33. - Fence and wall standards—CABD (downtown).

This fence and wall standards section applies to the following districts:

CR CM and CC (with additional review)

Additional review: The director of community development shall conduct an urban design review of fence/wall proposals within the CR, CM, and CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following fence and wall standards apply:

- A. *Materials.* Walls shall be constructed of stone, brick, or other decorative masonry material. Fences shall be constructed of cast iron or decorative metal. Chain link, concrete block and/or wood fencing shall be prohibited. A vinyl fence may be permitted for residential uses when private rear yards are provided. Location and impact to overall downtown aesthetic will be considered during review of such vinyl fence proposal. Fences in a residential development shall be of consistent material.
- B. *Height.* Fences located between the building facade and the right-of-way to define private yards in residential developments or to define business amenities such as outdoor dining areas shall be three feet in height. Fences in side or rear yards shall be six feet in height.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.34. - High intensity exceptions for exceeding general fence and wall standards.

This fence and wall standards section applies to the following districts:

MW IS NC BP LI HI

The following fence and wall standards apply:

- A. *Height.* Fences and/or walls shall not be greater than eight feet in height for high intensity business uses (as determined by the director of community development) in the districts listed above.

B. *Security.* An approved eight-foot fence/wall may include security measures, but shall meet the following standards:

1. It shall be at least 15 feet from any property line.
2. The security fence shall be landscaped around the outside of the fence.
3. All required landscaping shall be planted within 15 feet of the security fence.
4. The minimum required landscaping includes one shrub per five lineal feet of security fence/wall and one ornamental tree per 15 feet of security fence/wall.
5. Shrubs shall be planted at least three feet from one another and no more than six feet from one another.
6. Ornamental trees shall be planted at least eight feet from one another and not more than 15 feet from one another.
7. Barbed wire is permitted on security fences/walls, but shall not be used on any fence less than eight feet in height. Sharpened top spikes, electrified wires and the like are not permitted on any security or regular fences/walls.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.35. - Utility exceptions for exceeding general fence and wall standards.

This fence and wall standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC C1 C2 HC BP LI HI

A. *Security.* A security fence/wall may be installed around utility sub-stations, wireless communication facilities, water towers and may be up to eight feet in height, but shall meet the following standards:

1. It shall be at least 15 feet from any property line.
2. It shall be landscaped around the fence.
3. All required landscaping shall be planted within 15 feet of the security fence.
4. The minimum required landscaping includes one shrub per five lineal feet of security fence/wall and one ornamental tree per 15 feet of security fence/wall.
5. Shrubs shall be planted at least three feet from one another and no more than six feet from one another.
6. Ornamental trees shall be planted at least eight feet from one another and not more than 15 feet from one another.
7. Barbed wire is permitted on security fences/walls, but shall not be used on any fence less than eight feet in height. Sharpened top spikes, electrified wires and the like are not permitted on any security or regular fences/walls.
8. When a security fence is required in a CR, CM or CC district (downtown), it shall be in combination with solid walls and pillars and decorative view ports or short solid wall segments and open wrought iron grille work and shall be reviewed by the director of community development and development review committee.

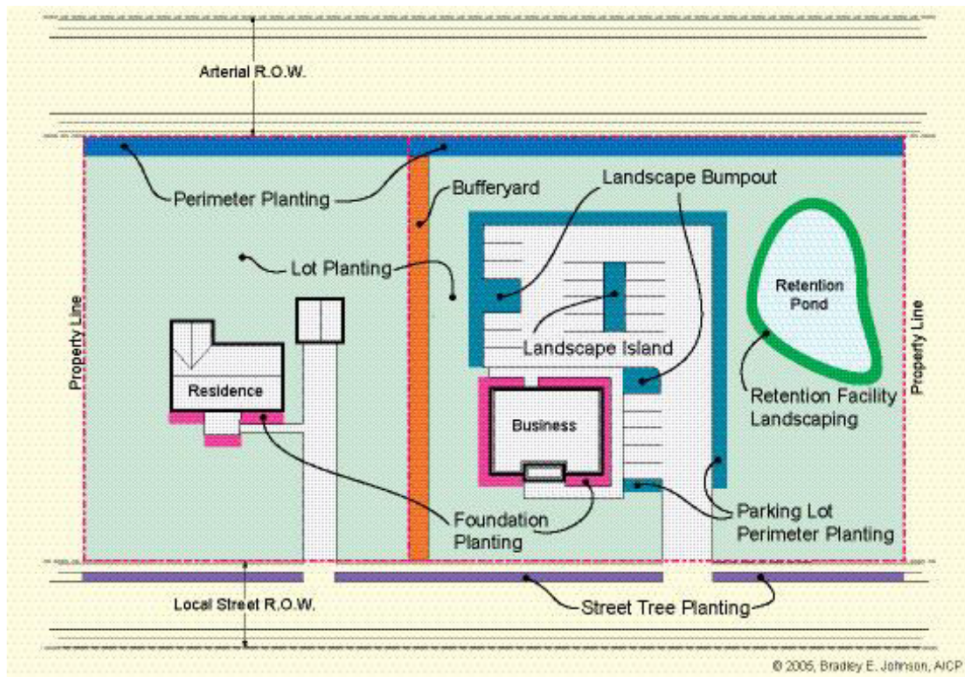
(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.36. - Landscape standards—General.

This landscaping standards section applies to the following districts:

The following landscape standards apply:

- A. *Planting areas.* The zoning ordinance recognizes the need for landscaping requirements in four different areas on a property: lot planting areas, foundation planting areas, parking lot planting areas, and buffer yard areas. The following image conceptually demonstrates the location of each landscape area.



- B. *Native planting requirements.* Planting requirements vary by zoning district, as identified in this article. The use of species native to the region is required. All deciduous trees must have at least a two-inch caliper and all evergreens must be at least six feet in height when planted. All deciduous tree sizes must be measured using DBH, and all evergreen tree sizes must be determined by measuring height. Under no circumstances may any dead or artificial plant be installed and/or counted as part of the minimum planting required.
- C. *Tree preservation.* The preservation of an existing healthy tree shall constitute a credit toward the minimum landscape requirements in the zoning ordinance. A credit will be given per tree that contributes to and satisfies the intent of a particular section of the landscape standards in this article. Orange construction fencing must be installed during construction at or beyond the dripline of each tree to be preserved. These trees must also be marked "Do Not Remove" on the site plan. Any trees marked "Do Not Remove" on the site plan that are removed or injured beyond repair must be replaced by one or more similar specie trees with a cumulative DBH of 1.25 times the DBH of the tree which was to be preserved. The following credits shall be granted for an existing tree as follows:
- Each preserved deciduous tree between four and eight inches DBH shall be granted credit for two deciduous trees.
 - Each preserved deciduous tree between eight and 12 inches DBH shall be granted credit for three deciduous trees.

- Each preserved deciduous tree over 12 inches DBH shall be granted credit for four deciduous trees.
 - For each preserved evergreen tree over ten feet tall a credit for two evergreen trees shall be granted.
- D. *Landscaping easements/right-of-way.* Hardscape material and/or softscape material may extend into an existing or proposed easement with the written permission from the easement holder. Such landscape material may extend into the existing or proposed right-of-way with the written permission of the board of public works and safety. Such special permission is not necessary for the installation of street trees; however, utilities should always be marked prior to any planting.
- E. *Maintenance.* The landowner and their successors in interest are responsible for the regular maintenance of all landscaping elements. All hardscape material shall be refinished, repaired, cleaned and/or replaced periodically to maintain a structurally and aesthetically sound condition. All softscape material shall be maintained free from disease, pests, weeds, litter and erosion. Any softscape material required by this zoning ordinance, the plan commission, director of community development, or the board of zoning appeals that dies, or is otherwise removed, must be replaced within 60 days of death. The director of community development may grant up to a 90-day extension due to the weather.
- F. *Substitutions.* Substitutions or alterations of minimal planting required may be reviewed and approved by the director of community development, but must be equal to or greater than that which is required.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.37. - Landscape standards—Residential lots.

This landscape standards section applies to single-family (detached) dwellings and/or two-family dwellings the following districts:

R1 R2 R3 R4 M1 (MW as applicable)

The following landscape standards apply:

- A. A choice of one deciduous street tree per 40 feet of street frontage or deciduous trees planted in the lot planting area as identified below:
- A lot with less than 10,000 square feet shall be required to plant two deciduous trees in the lot planting area.
 - A lot over 10,000 square feet but less than 20,000 square feet shall be required to plant three deciduous trees in the lot planting area.
 - A lot over 20,000 square feet shall be required to plant four deciduous trees in the lot area, plus one more per every 10,000 square feet over 20,000 square feet.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.38. - Landscape standards—Residential sites.

This landscaping standards section applies to multi-family residential uses and/or multiple residential structures on the same property in the following districts:

M1 M2 M3 MP (MW as applicable)

Landscaping may be spaced irregularly and in informal groupings. All landscaping shall be planted in good well-drained soil (preferred) or structural soil installed in and ten feet surrounding said planting area. The trunk of any shrub shall not be planted within five feet of the parking lot edge or other impervious surface. The trunk of any tree shall not be planted within ten feet of the parking lot edge or other impervious surface. Each tree shall be located in a well-established lawn area or dedicated planting bed if accompanied by other plantings.

The following plantings shall be part of a landscape plan prepared by an approved licensed landscape architect or professional landscaper:

A. *Lot planting area.*

- A residential site with less than 10,000 square feet shall be required to plant two deciduous trees in the lot planting area.
- A residential site over 10,000 square feet but less than 20,000 square feet shall be required to plant three deciduous trees in the lot planting area.
- A residential site over 20,000 square feet shall be required to plant four deciduous trees in the lot planting area, plus one more deciduous tree per every 10,000 square feet over 20,000 square feet.
- Each manufactured/mobile home park shall be required to plant one deciduous tree per 10,000 square feet of lot area and one evergreen tree per 20,000 square feet of lot area. These planting may be located on dwelling sites or in common areas. For every ten dwelling sites in a manufactured/mobile home park one canopy tree must also be planted in the lot planting area.

B. *Foundation planting area.*

1. If the facade that the foundation plantings are to be placed in front of is less than 15 feet in height (exclusive of roof), then said structure shall have a minimum of one shrub planted per ten lineal feet of foundation facing street or parking area, located in dedicated planting beds at least ten feet wide and within 20 feet of the foundation wall. Clustering and variation of distance between the planting and the foundation is recommended.
2. If the facade that the foundation plantings are to be placed in front of is greater than 15 feet in height (exclusive of roof), then said structure shall also have a minimum of one deciduous tree planted per 40 lineal feet of foundation facing street or parking area, located in dedicated planting beds at least 20 feet wide and within 40 feet of the foundation wall. Clustering and variation of distance between the planting and the foundation is recommended.
3. Each dwelling site in a manufactured/mobile home park shall have a minimum of two shrubs or deciduous trees planted in the foundation planting area or next to the main entrance into the home. Said foundation planting shall be within six feet of the foundation.

C. *Parking lot planting area.* One deciduous tree shall be planted for every 60 linear feet of parking lot perimeter and/or buffer strip.

D. *Buffer yard planting area.* If any approved residential site land use is to abut a lesser intense land use, the approved residential site land use shall plant additional landscaping as determined in the approval process. An additional ten feet of setback along each affected property line shall be required.

(Ord. No. 14-8, § 2, 8-5-14)

This landscaping standards section applies to the following districts:

CO PR CR CM CC

A site-appropriate landscape plan shall be provided by an approved licensed landscape architect or professional landscaper. Such plan will be reviewed by the director of community development. Additional review and approval will be conducted as part of site development.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.40. - Landscape standards—Businesses.

This landscaping standards section applies to the following districts:

IS NC OC C1 C2 HC BP LI HI (MW as applicable)

Landscaping may be spaced irregularly and in informal groupings. All landscaping shall be planted in good well-drained soil (preferred) or structural soil installed in and ten feet surrounding said planting area. The trunk of any shrub shall not be planted within five feet of the parking lot edge or other impervious surface. The trunk of any tree shall not be planted within ten feet of the parking lot edge or other impervious surface. Root barriers shall be installed for tree plantings to promote roots to grow down and away from impervious surfaces. Each tree shall be located in a well-established lawn area or dedicated planting bed if accompanied by other plantings.

The following plantings shall be part of a landscape plan prepared by an approved licensed landscape architect or professional landscaper:

A. *Lot planting area.*

- A site with less than 20,000 square feet shall be required to plant two deciduous trees in the lot planting area.
- A site over 20,000 square feet but less than 40,000 square feet shall be required to plant three deciduous trees in the lot planting area.
- A site over 40,000 square feet shall be required to plant four deciduous trees in the lot planting area, plus one more deciduous tree per every 20,000 square feet over 40,000 square feet.

B. *Foundation planting area.*

1. If the facade that the foundation plantings are to be placed in front of is less than 15 feet in height (exclusive of roof), then said structure shall have a minimum of one shrub planted per ten lineal feet of foundation facing street or parking area, located in dedicated planting beds at least ten feet wide and within 20 feet of the foundation wall. Clustering and variation of distance between the planting and the foundation is recommended.
2. If the facade that the foundation plantings are to be placed in front of is greater than 15 feet in height (exclusive of roof), then said structure shall also have a minimum of one deciduous tree planted per 40 lineal feet of foundation facing street or parking area, located in dedicated planting beds at least 20 feet wide and within 40 feet of the foundation wall. Clustering and variation of distance between the planting and the foundation is recommended.

C. *Parking lot planting area.*

1. One deciduous tree shall be planted for every 60 linear feet of parking lot perimeter and/or buffer strip.
 2. Any buffer strip shall use a planted groundcover.
- D. *Buffer yard planting area.* If any approved business land use is to abut a lesser intense land use, the approved business land use shall plant additional landscaping as determined in the approval process. An additional ten feet of setback along each affected property line shall be required if the use shall abut a residential site development. An additional 20 feet of setback along each affected property line shall be required if the use shall abut a residential lot development.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.41. - Sign standards—General.

This sign standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following sign standards apply:

- A. *Noncommercial messages.* Noncommercial messages are expressly permitted on all permitted signs.
- B. *Permits.* Except as otherwise provided herein, it shall be unlawful for any person to erect, install, construct, enlarge, move, or convert any sign without first obtaining a sign permit from the director of community development.
- C. *Materials.* Except as otherwise provided herein, all signs are required to utilize professional grade sign boards, material, and technique to assure long term durability and aesthetic.
- D. *Construction.* Any sign shall be professionally constructed/placed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes.
- E. *Multiple faced signs.* Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are identical in face area and design. (This section does not apply to the BB-OL district.)
- F. *Measurement, building sign.* For a building sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame. For a building sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combinations of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the director of community development, shall not be included in the total area of a sign.
- G. *Measurement, ground sign.* The height of all ground signs shall be measured from existing grade (final grade of the approved site plan) to the top of a sign including any poles or supports. In no instance shall sign height

be measured from the top of a berm or other artificial grade. The area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, any applied background, the base, etc. Minor appendages to a particular regular shape, as determined by the director of community development, shall not be included in the total area of a sign.

- H. *Illuminated signs.* All electrical wiring shall be contained within conduit and meet the provisions within the International Code Council (ICC) Building Code as amended by the State of Indiana and the Indiana Electric Code. The direct or reflected light from any light source shall not create a hazard to pedestrians or operators of motor vehicles on public and/or private roadways. The light from any illuminated sign shall be directed such that the light intensity or brightness will not be objectionable to the surrounding properties. The lighting intensity for any sign shall not exceed 0.5 foot-candles of intensity at a property line. All illuminating elements shall be kept in satisfactory working condition and immediately be repaired or replaced if damaged or burned out.
- I. *Electronic multi-message signs.* Trivision signs and similar technology may be used throughout the community with sign copy changing at time intervals of no less than eight seconds. As only one message is conveyed at a time, such signage shall not be construed to be multiple-face signage.
- J. *Electronic message center (EMC) signs.* Such technology may be used throughout the community with the restrictions herein.
 - 1. *Color:* Monochromatic or multiple color text and/or images shall be permitted.
 - 2. *Message transition:* Message displays shall be limited to static displays or those that appear or disappear from the display through dissolve, fade, scroll or travel message transition modes. Animation and/or video are prohibited, as are flashing, blinking, or any other effect that gives the appearance of bursts of movement.
 - 3. *Duration:* Each frame must be displayed for a minimum of eight seconds. Any message change intervals shall be nearly instantaneous. A frame may reveal a message all at once or sequentially. Each sign message shall be completed in itself and shall not continue on a subsequent sign message, with the exception of traveling/scrolling, in which case the entire message shall be displayed in two message frames.
 - 4. *Brightness:* EMC signs shall come equipped with an automatic dimming feature which automatically adjusts the display's brightness based on ambient light conditions. The brightness level shall not increase by more than 0.3 foot-candles over ambient levels. Written certification from the sign manufacturer shall be provided by the property owner certifying that the light intensity of the sign has been preset not to exceed the illumination levels.
 - 5. *Default screen:* All such signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.
- K. *Restoration upon removal.* Upon removal of any sign, the location of the removed sign shall be restored to a professional appearance, including but not limited to repairing hole damage and discoloration of the facade. Upon removal of any sign face, an opaque blank sign face shall be inserted as a placeholder if the sign of the subsequent user is not yet available. No sign cabinet shall have exposed electrical components.
- L. *Inspection.* All signs may be periodically inspected by the director of community development (or his/her designee) for compliance with this chapter.

- M. *Safety*. Signs shall not pose a risk to pedestrian or vehicular safety. If it is deemed a sign poses such a risk, the community development may cause the offending sign to be removed immediately.
- N. *Abandoned signs*. Any sign (including all mounting components, poles, frames, supports, and other structural, electrical, mechanical, and other elements) shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises has not been conducted for a period of six months or greater.
- O. *Removal*. The director of community development may order the removal of any sign or sign face erected or installed in violation of this chapter, at the cost of the property owner, consistent with Article X of this chapter. If a property owner and/or lessee fail to remove said sign, the director shall provide the owner 30 days written notice to remove it. Upon failure to comply with this notice, the director may cause the removal of the sign at the cost of the property owner. Any sign or sign face removed by the City of Portage may be disposed of in any manner deemed appropriate by the city.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.42. - Sign standards—Prohibited signs.

This sign standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following sign standards apply:

- A. *Animations*. Except as otherwise provided herein, signage shall not contain a message or display that appears to mirror, flash, strobe, search, undulate, pulse, portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements. This section shall not be construed to prohibit allowable message transitions for static messages or alternating messages on electronic message centers or near instantaneous changes of sign faces within electronic multi-message signs.
- B. *Emissions*. Signs that emit audible sound, odor, or visible matter including bird deterrent sounds.
- C. *Color*. Excessively bright, florescent, or glaring colors on signs.
- D. *Imitation of official signs*. Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal, or which bear words such as "Stop," "Look," or "Danger," or other similar words, phrases, symbols, or characters in such a manner as to imply the need of stopping or the existence of danger.
- E. *Imitation of emergency vehicles*. Signs that may be construed as a light of an emergency or road equipment vehicle.
- F. *Visual impairment*. Signs that hide any traffic or roadway sign, signal, or device from view, or that interfere with the vision clearance triangle.
- G. *Encroachment*. Signs that are located in any right-of-way including those ported on utility poles or street signs.
- H. *Obstruction*. Signs that obstruct any door, fire escape, stairway, or opening intended to provide an entrance or exit for a building or structure.
- I. *Vehicle signs*. See *sign, vehicle* in Article XI. Signs displayed on vehicles parked for the purpose of lawfully making deliveries or random sales and service, vehicles which are customarily used for transporting persons or properties, or vehicles parked at a driver's place of residence during non-business hours or for incidental

purposes are not construed to represent vehicle signs.

- J. *Wheeled signs.* See *sign, wheeled* in Article XI.
- k. *Poster signs.* See *sign, poster* in Article XI. This section shall not be construed to prohibit signs that exempt, temporary, or permitted signs as described by the zoning ordinance.
- L. *Roof signs.* See *sign, roof* in Article XI.
- M. *Projecting signs.* See *sign, projecting* in Article XI. Such signs may be appropriate for some buildings; however, projecting signs have been listed as prohibited since the architecture of a building and the siting of the building on the property need to be conducive to such a sign. (The variance from development standards process shall be the appropriate forum for discussing such a sign.)
- N. *Pole/pylon signs.* See *sign, pole* in Article XI.
- O. *Rotating signs.* See *sign, rotating* in Article XI. This section shall not be construed to prohibit one barber pole sign per barber shop. (See *sign, barber pole* in Article XI.)
- P. *Off-premises signs.* See *sign, off-premises* in Article XI. This section shall not be construed to prohibit billboard signage as allowed in this article. (This chapter acknowledges that temporary off-premises signs for community events may be permitted by the board of works with owner consent.)
- Q. *Obscene signs.* Signs or other advertising structure containing any obscene, indecent, or immoral matter.
- R. *Unlawful sign.* Any sign unlawfully installed, erected, or maintained; or any sign not in compliance with federal or state law.
- S. *Unlawful use signs.* Signs that are accessory to an unlawful use.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.43. - Sign standards—Exempt signs.

This sign standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

Exempt signs do not require a sign permit from the director of community development unless internally-illuminated (with the exclusion of holiday decorations). All exempt signs shall conform to the regulations herein, as well as to the general sign standards in this article. All signs identified in this section shall be professional in appearance with materials appropriate for the length of time the signs are to be in place. No sign manufactured, designed, or otherwise intended for use as a temporary sign, shall be used as a permanent sign, and in no instance shall this section be interpreted as temporarily or permanently permitting any sign prohibited elsewhere in this article.

The following sign standards apply:

- A. *Integral identification features.* Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent type construction and made an integral part of a structure.
- B. *Flags.* Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
- C. *Utility marker signs.* Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the director of community development.

- D. *Emergency signs.* Emergency signs, such as those used by fire or police department(s).
- E. *Public signs.* Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest, community gateway signage, and/or signs directing people to public and quasi-public facilities.
- F. *Fuel dispensing equipment signs.* Minimally required signage permanently installed or affixed to or integrated into an enclosure containing fuel dispensing equipment, such as a gasoline pump, for the purpose of providing details regarding the fuel and/or safety information.
- G. *Directional signs.* On-premises vehicle directional signs, provided they are not more than four feet in height (if freestanding) and four square feet in area. All directional signs must be setback from the public right-of-way a minimum of two feet, and must contain language and icons to guide pedestrians and/or motor vehicles into, out of, or around a development.
- H. *Sandwich board signs.* One sandwich board sign is permitted for each business use located on a property. Such sign must be located within ten feet of the entrance of the business for which it is established and shall be placed a minimum of ten linear feet from the base of another sandwich board sign. Such sign shall be placed a minimum of ten feet from a building corner or pedestrian crosswalk. Such sign shall only be placed on a sidewalk and it may not obstruct a continuous pedestrian walkway of at least six feet in width. Sign placement shall also meet all Americans with Disabilities Act requirements. Such sign must be truly portable and cannot be permanently affixed to any structure or sidewalk. Such sign must be removed at the end of each business day. No sandwich board sign face may exceed three feet in height and/or two feet in width (excluding base which may add up to one foot to the height and supports which may add up to nine inches to the width). The sign base shall be weighted by design to ensure sign stability in windy conditions. Items placed on the base to weight it shall not be permitted. Sandwich board signs shall not be located within any right-of-way without permission from the board of works.
- I. *Window signs.* Window signs, such as professionally painted windows, posters placed in windows, or film/decals attached to windows. All window signs shall be placed in order for images to face outward, visible from the exterior of the building(s). Signs shall not substantially obscure light from entering the windows. Signs shall be removed or replaced if worn or damaged. If for an event/promotion, signs shall be removed within three days. (The director of community development shall conduct an urban design review of signage proposals within the CR CM and/or CC districts (downtown) to determine whether or not such signage proposal is complementary to investment plans within the downtown.)
- J. *Umbrella signs.* Signage located on umbrellas at approved outdoor seating venues. Such signage may identify the business and/or brands/products sold on the premises.
- K. *Real estate signs.* Signs shall not exceed six square feet in face area per sign for a single single-family (detached or attached) dwelling, two-family dwelling, or like-intensity land uses and 32 square feet in face area per sign for higher intensity land uses. Signs shall not exceed two per property. Such signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required clear sight triangle.
- L. *Sponsorship signs.* Sponsorship signs, such as those located inside little league or softball diamonds and at other athletic and community facilities. Signs shall be oriented to those using and visiting the facility, in the opinion of the director of community development. Signs shall be removed or replaced if worn or damaged.

Signs shall be removed within one week of the close of the season. Such signs shall be located at least five feet from any right-of-way or property line and at least ten feet from any roadways/driveways if not enclosed within the facility. No sign shall be permitted within the required clear sight triangle.

- M. *Political and campaign signs.* Political/campaign signs announcing or supporting political candidates or issues in connection with any vote or referendum pursuant to municipal, provincial or federal legislation. Signs shall be removed within one week of the vote/referendum. Such signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required clear sight triangle.
- N. *Expression signs.* Freedom of speech expression signs. Signs may not contain a commercial message. Each dwelling unit is permitted one sign no larger than six square feet in area. Such signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required clear sight triangle.
- O. *Yard sale signs.* Yard sale signs announcing the sale of items on a property of residential uses. Signs shall be removed within three days of sale. Such signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required vision clearance triangle.
- P. *Artwork.* Two-dimensional or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.44. - Sign standards—Temporary signs.

This sign standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

Temporary signs require a temporary sign permit from the director of community development and shall conform to the regulations herein, as well as to the general sign standards in this article. All signs identified in this section shall be professional in appearance with materials appropriate for the length of time the signs are to be in place. No sign manufactured, designed, or otherwise intended for use as a temporary sign, shall be used as a permanent sign, and in no instance shall this section be interpreted as temporarily or permanently permitting any sign prohibited elsewhere in this article. Temporary signs shall not be internally-illuminated.

The following sign standards apply:

- A. *Construction signs.* A temporary signage plan shall be provided. Such plan will be reviewed by the director of community development for appropriateness to the scope of the construction project. Signs shall be replaced if worn or damaged. Signs shall be removed within one week of project completion. Signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required vision clearance triangle.
- B. *Construction/sales office signs or model home signs.* A temporary signage plan shall be provided. Such plan will be reviewed by the director of community development for appropriateness to the scope of the project. Signs shall be replaced if worn or damaged. Signs shall be removed within one week of project completion.

Signs shall be located at least five feet from any right-of-way or property line. No sign shall be permitted within the required clear sight triangle.

- C. *Grand opening/event signs.* Grand opening/event signs, including banner signs, streamers, pennants, inflatable objects, or wind socks, announcing a grand opening or special event. Sales shall not be considered a special event under this section, as non-temporary sign options exist for such advertising. A temporary signage plan shall be provided. Such plan will be reviewed by the director of community development for appropriateness to the scope of the event. Signs shall be replaced if worn or damaged. The combined use of such signs shall not exceed 60 days in a calendar year. Signs shall be removed or replaced if worn or damaged. Signs shall be removed within three days of the event. Signs shall be located at least five feet from any right-of-way or any property line. No sign shall be permitted within the required clear sight triangle.
- D. *Banner signs.* In rare circumstances, banner signs that are not grand opening/event signs may be permitted as temporary signs. Sales shall not be considered a special event under this section, as non-temporary sign options exist for such advertising. A temporary signage plan shall be provided. Such plan will be reviewed by the director of community development after the extenuating circumstances of need have been discussed. If approved, signs shall be short-term. Signs shall be removed as required by the temporary sign permit. Signs shall be located at least five feet from any right-of-way or any property line. No sign shall be permitted within the required clear sight triangle.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.45. - Sign standards—Subdivisions.

This sign standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC CI C2 HC BP LI HI

The following sign standards apply:

- A. *Subdivision signage.* Gateway signage for subdivision developments may be approved by the plan commission at the time of platting. Proper easements and maintenance protocols shall be established. Any sign shall be located at least five feet from any right-of-way or property line. Provisions for subdivision signage are as follows (all classification of roads referred to herein shall be based on the thoroughfare plan as found and maintained in the Portage Comprehensive Plan):
1. *Residential subdivision.*
 - *Collector/local street:* The maximum size of a gateway sign shall be six feet in height and 60 square feet.
 - *Arterial street:* The maximum size of a gateway sign shall be eight feet in height and 80 square feet.
 2. *Business subdivision.*
 - *Collector/local street:* The maximum size of a gateway sign shall be 15 feet in height, not to exceed 200 square feet in area. The maximum area per tenant on such a sign shall be 50 square feet.
 - *Arterial street:* The maximum size of a gateway sign shall be 25 feet in height, not to exceed 300 square feet in area. The maximum area per tenant on such a sign shall be 60 square feet.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.46. - Sign standards—Parks.

This sign standards section applies to the following districts:

CO PR (other parks as determined by the director of community development)

The following sign standards apply to parks and related uses:

- A. *Building signage.* The preferred option for park complex building signage shall be integrated identification signage (exempt signage). Any other building signage for park complexes shall be reviewed by the director of community development and determined on a case by case basis, as building architecture and siting on the property in addition to complex amenities vary greatly between complexes.
- B. *Ground signage.* One ground sign is permitted at each main entrance to a park complex, as determined by the director of community development. Any such sign shall compliment the aesthetics of the complex by incorporating the same building materials used for the project. Any such sign shall not exceed eight feet in height or 80 square feet in area and shall be located at least five feet from any right-of-way or property line.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.47. - Sign standards—Residential sites.

This sign standards section applies to multi-family residential uses and/or multiple residential structures on the same property in the following districts:

M1 M2 M3 MP MW

CR CM (with additional review)

Additional review: The director of community development shall conduct an urban design review of signage proposals within the CR and/or CM districts (downtown) to determine whether or not such signage proposal is complementary to investment plans within the downtown.

The following sign standards apply to any residential development project that includes 20 or more dwelling units on a single site:

- A. *Building signage.* The preferred option for residential complex building signage shall be integrated identification signage (exempt signage). Any other building signage for residential complexes shall be reviewed by the director of community development and determined on a case by case basis, as building architecture and siting on the property in addition to complex amenities vary greatly between complexes.
- B. *Ground signage.* One ground sign is permitted at each main entrance to the complex, as determined by the director of community development. Any such sign shall compliment the aesthetics of the complex by incorporating the same building materials used for the project. Any such sign shall not exceed six feet in height or 60 square feet in area and shall be located at least five feet from any right-of-way or property line.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.48. - Sign standards—Businesses.

This sign standards section applies to the following districts:

Additional review: The director of community development shall conduct an urban design review of signage proposals within the CR, CM, and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following sign standards apply to any business/community use of a structure:

- A. *Building signage.* A significant percentage of the allowable building signage shall be placed on that primary structure's predominant facade; however, some building signage may be placed on other facades of said structure. Signage on awnings and/or canopies shall be included in the building signage allowance; however tone-on-tone imprints/embossing are excluded from the signage calculation. Building signage shall not obscure other building elements including, but no limited to, window cornices, or architectural features and such signage shall be located in the sign frieze if any facade includes such an area. All building signage on the predominant facade(s) within a development shall be consistent in type (i.e. reverse channel, box, etc.) and shall be mounted consistently on the face of the building in order to create a uniform appearance. Building signage for a multiple tenant structure shall not span more than 80 percent of the length of the tenant space to prevent crowding of signage.
 - *Collector/local street:* The maximum cumulative square footage of building signage shall be 1.5 times the length of the predominant facade of the business.
 - *Arterial street:* The maximum cumulative square footage of building signage shall be two times the length of the predominant facade of the business.
- B. *Arcade signage.* One arcade signage may be permitted per business in a building whose design is conducive to such signage, as determined by the director of community development. Any arcade signage shall allow eight feet of clearance between the arcade roof and pedestrian walkway. Such signage shall be consistent in type for the building/complex and shall be mounted consistently in order to create a uniform appearance. The size of the arcade signage prototype shall be an appropriate scale for the building. An arcade signage plan must be presented by the building/complex owner and reviewed for appropriateness by the director of community development.
- C. *Ground signage.* One ground sign is permitted at the primary entrance into a property provided there is adequate space for such a sign. Some properties such as, but not limited to, downtown businesses in close proximity to right-of-way or other site restrictions may not be conducive to having a ground sign. The director of community development shall review any ground signage proposal to ensure placement is not prohibitive of the site functioning properly. Any ground sign shall compliment the aesthetics of the structure(s) by incorporating the same building materials. Such sign shall be located at least five feet from any right-of-way or property line. The maximum size of any ground sign shall be as follows (all classification of roads referred to herein shall be based on the thoroughfare plan as found and maintained in the Portage Comprehensive Plan):
 1. *Single tenant structure property.*
 - *Collector/local street:* The maximum size of said ground sign shall be six feet in height and 60 square feet.
 - *Arterial street:* The maximum size of said ground sign shall be eight feet in height and 80 square feet.
 2. *Multiple tenant structure(s) property.*

- *Collector/local street.* The maximum size of said ground sign shall be ten feet in height and 100 square feet. The maximum area per tenant on such a sign shall be 50 square feet.
- *Arterial Street:* The maximum size of said ground sign shall be 15 feet in height and 180 square feet in area. The maximum area per tenant on such a sign shall be 60 square feet.

D. *Drive-thru signage.* A drive-thru menu board shall be located in such a way that it does not cause a safety hazard and vehicles stack safely on the premises. It must be located adjacent to a drive-thru lane, it may be equipped with communication and/or point-of-sale equipment, and it may also include an order point canopy and entrance tower/vehicle height detectors with minimally necessary signage such as open or closed or height clearance. Every attempt shall be made to locate drive-thru signage in such a way that it is not visible from the right-of-way. The number of drive-thru menu boards and related accessory components shall not exceed the number of drive-thru lanes for the business, although a preview menu board may be permitted for each drive-thru menu board upon determination by the director of community development. The maximum size of any drive-thru menu board shall be reviewed by the director of community development and determined on a case by case basis, as quantity of available items/services varies between accommodating business uses. Any drive-thru menu board shall only be used to display those products and/or services offered at said drive-thru.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.49. - Sign standards—Billboards.

This sign standards section applies to the following districts:

PR M2 M3 MW CR CM CC IS NC OC CI C2 HC BP LI HI

Additional review: The director of community development shall conduct an urban design review of signage proposals within the CR, CM, and/or CC districts (downtown) to determine whether or not such proposal is complementary to investment plans within the downtown.

The following development standards apply:

- Location.* A billboard sign may only be located within 100 feet of the rights-of-way of Interstate 94 and the Indiana Toll Road. Planned development overlay districts must specifically identify billboard signage for it to be allowable signage.
- Residential considerations.* Any billboard sign shall be located at least 500 feet (measured radially from where the surface area display is visible) from any current residential use or planned residential area.
- Setback.* Any billboard sign shall be located at least ten feet from any right-of-way or property line.
- Spacing.* Any billboard sign shall be located at least 750 feet (measured radially from where the surface area display is visible) from any other sign, whether billboard sign or other sign. This section shall not be construed to prohibit back-to-back configuration or Trivision billboard technology.
- Size.* The maximum height of any billboard sign shall be 50 feet, measured from the natural grade of the ground where the billboard structure will be located. The maximum dimensions of any billboard sign face shall be 48 feet wide by 14 feet in height, though the billboard sign face area may be increased an additional

20 percent for any signage that is irregular in form and projects beyond the outer dimensions of the sign board, frame, or cabinet. Each side of a double-faced billboard is a separate sign face for purposes of this section.

- F. *Configuration.* Back-to-back and v-build configurations, either enter mount or full flag mount, are permitted. Single-face configuration may be permitted if the back side is obscured by dense mature healthy evergreen foliage and not within any site line of traffic or on-premises users. No other configurations shall be permitted. This section shall not be construed to permit stacked, side-by-side or wallscape billboards or any other configuration, nor shall it be construed to allow multi-pole mount scenarios.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.50. - Wireless telecommunication facility standards.

This telecommunication facilities standards section applies to each wireless telecommunication facility approved as a special exception use in the following districts:

PR MW IS BP LI HI

The following telecommunication facility standards apply:

- A. *Intent.* The purposes of this section are as follows:
- Regulate the construction, placement and modification of telecommunications facilities;
 - Preserve the aesthetic character and minimize the land use and visual impacts in the Portage community from uncontrolled sprouting of telecommunications facilities;
 - Consistently and fairly permit the construction, placement and modification of telecommunications facilities;
 - Provide the community with the benefits from new technological advances in telecommunications;
 - Promote front-end and long-range planning with telecommunications service providers as needs and technologies change; and
 - Protect the public health, safety and general welfare of the community.
- B. *Compliance.* All construction, placement and modification of telecommunications facilities within the City of Portage shall conform to the requirements of the telecommunication facility standards, all state and federal regulations, and the International Building Code.
- C. *Exemptions.* Radio and television towers and antennas not used for commercial transmission of radio or television signals are exempt from the telecommunication facility standards, but must comply with the requirements in the accessory structures standards section in this article. Satellite dishes not used for commercial transmission of television or radio signals are exempt from the telecommunication facility standards.
- D. *Types of towers.* The following types of towers are recognized by these regulations:
- *Guyed towers:* A tower anchored by cables or wires, typically ranging in height from 100 to 300 feet, which can accommodate a variety of users and antennas. These towers need significantly more land than a freestanding tower.
 - *Lattice towers:* A freestanding tower, typically ranging in height from 60 to 200 feet, which can accommodate multiple users. These towers generally have three or four support steel legs and hold a

variety of antennas.

- *Monopole towers:* A freestanding tower, typically ranging in height from 25 to 200 feet, which can accommodate multiple users. These towers consist of a single pole, approximately three feet in diameter at the base and narrowing to roughly 1½ feet at the top, and hold a variety of antennas.

All other types of towers are prohibited.

E. *Classification.* For the purpose of applying differing degrees of regulations, each telecommunications facility shall be in one of the following classifications:

1. *Attached telecommunications facility:* A telecommunications facility is an attached telecommunications facility if it is affixed to a preexisting structure (including buildings, water tanks, telecommunications towers) provided such structure conforms to all applicable regulations, including building and zoning regulations.
2. *Minor telecommunications facility:* A telecommunications facility is a minor telecommunications facility if it:
 - Is not an attached telecommunications facility or a major telecommunications facility;
 - Is of monopole construction and extends no higher than 125 feet above the ground from its base to its highest point; and
 - Is not located within one-half mile from any minor telecommunications facility of major telecommunications facility which currently exists, or does not yet exist but has, previous to the filing of this application, been applied for, provided that such other application has not yet been finally denied.
3. *Major telecommunications facility.* A telecommunications facility is a major telecommunications facility if it is neither an attached telecommunications facility nor a minor telecommunications facility.

G. *General requirements.* All telecommunications facilities shall comply with the following regulations as shown by the submission of necessary documentation and/or inclusion on a site plan or the making of written promises. No building permit shall be issued until complete compliance is demonstrated.

1. *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
2. *Signs and advertising.* The use of any portion of a telecommunications facility for signs other than warning or equipment information signs is prohibited.
3. *Abandoned/Unused Towers.* All tower owners/operators shall present a report to the City of Portage notifying it of any discontinuation of use of any tower facility or portion of a tower and the date use will cease. Abandoned or unused telecommunications facilities shall be removed within 120 days from the date of ceasing operation. If at any time the use of the facility is discontinued for 120 days, excluding any dormancy period between the construction and the initial use of the facility, a designated official of the city may declare the facility abandoned. The facility's owner/operator shall receive a written notice from the city with instructions to either reactivate use of the facility within 120 days or dismantle and remove the same. If a facility is not reactivated or removed as required by this section, the city may remove or contract to have the facility removed, and assess the cost thereof to the owner/operator.

4. *Antenna capacity/wind load.* telecommunications facilities shall be certified by a qualified and licensed professional engineer in the State of Indiana to conform to the latest structural standards and wind load requirements of International Building Code and the Electronic Industry Association.
 5. *Radio frequency (RF) emissions.* Documentation of the proposed telecommunications facility will comply with the latest health and safety standards established by the Federal Communications Commission on RF emissions and exposures shall be provided.
 6. *Liability insurance.* Proof of adequate liability insurance shall be filed with the City of Portage annually.
 7. *Tower color.* The color of the proposed tower will be of a light tone or color so as to minimize visual impact, except as required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
 8. *Telecommunications facility report.* A report shall be submitted to the city describing the type of proposed telecommunications facility, its effective range, and the technical reasons for its design and placement. If the proposed telecommunications facility cannot be accommodated on an existing or approved facility within a one-mile search radius of the proposed site, the report shall specify the reasons and conditions along with supporting proof. In an effort to promote long-range planning to minimize the number of towers and their impact on the community, providers of commercial wireless communications service shall include a plan delineating existing and any proposed and/or anticipated facilities within Porter County.
 9. *Visual impact statement.* A statement and visual material (i.e. a plan, pictures, etc.) indicating where within a one-mile radius any portion of the proposed facility can be seen from ground level shall be provided.
 10. *Bond.* All applicants shall furnish a surety bond or make an equivalent cash deposit as per the city's policy in an amount to be determined by the city engineer to be necessary to remove an abandoned facility in the event the persons responsible for such removal default.
 11. *Collocation information.* Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as response(s) shall be presented to the planning commission as a means of demonstrating the need for a new tower.
 12. *Satellite transmission dishes.* Satellite transmission dishes shall be mounted so that they will not have any environmental impact.
- H. All major telecommunications facilities and minor telecommunications facilities shall comply with the following regulations as shown by the submission of necessary documentation and/or inclusion on a site plan. No building permit shall be issued until complete compliance is demonstrated.
1. *Placement.* Towers shall be sited within the rear yard unless located on a vacant lot or parcel.
 2. *Setbacks.* Minimum setback requirements for telecommunications facilities shall be based on the following, provided setbacks are not less than the requirements of the underlay or overlay zone:
 - a. Monopole type towers shall provide a minimum setback of the tower designed fail area plus ten percent of the tower height.
 - b. Guyed and lattice type towers shall provide a minimum setback of the tower designed fail area plus 25 percent of the tower height.

- c. Towers sited on a lot or parcel which borders on a residential and/or commercial district shall provide a minimum setback of 150 percent of the tower height from said residential district and 75 percent of the tower height from said commercial district unless 1. or 2. above is greater.
3. Telecommunication ancillary buildings shall comply with setback requirements for accessory structures.
4. *Screening.* The lowest ten feet of a telecommunications ancillary building and tower shall be visually screened on a year around basis with suitable vegetation and/or nearby buildings. The scale and nature of vegetation shall be of sufficient density to conform to the above requirements within three years.
5. *Security fence.* Ground ancillary buildings and towers shall have an eight foot security fence with barbed wire erected within the visually screened area. (See fence and wall standards in this article.)
6. *Collocation agreement.* A proposal for a new telecommunications tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height and for at least one additional user if the tower is over 60 feet in height. The tower owner shall allow the shared use of the tower if additional users agree in writing to meet reasonable terms and conditions for shared use. The conditions and terms for shared use shall be submitted to the City of Portage. If the land for the tower is leased, a copy of the relevant portions of a signed lease allowing the tower owner to add additional users and associated facilities on the tower shall be submitted at the time of application to the city for tower erection.
- I. *Permits.* No person shall (through his own action or those of persons he hires or directs) commence to erect, alter, construct or relocate any telecommunications facility without first obtaining an improvement location permit from the department of community development, and a building permit from the building commissioner. No person shall engage in any work requiring a permit without having the written permit in his possession at the job site.
- J. *Site plan review.* Requests for the erection, placement or modification of a telecommunications facility shall require a site plan review in accordance with the zoning ordinance prior to making application for a building permit. Applications for an improvement location permit for any telecommunications facilities may be made by the owner or agent of the facility or by a person acting on the agent's behalf. Applications shall be accompanied by the required fee, shall be made on a form provided by the department of community development, shall comply with the requirements of an improvement location permit, and shall contain or have attached thereto the following additional information:
 1. Name, address and telephone number of the applicant;
 2. Name, address and telephone number of the owner of the property, (if not the applicant);
 3. Name, address and telephone number of the contractor who will erect, alter, construct or relocate the telecommunications facility (if not the applicant);
 4. Name, address and telephone number of the person or firm for whom the telecommunications facility is installed (if not the applicant);
 5. A detailed site plan of the parcel or lot showing the position of the telecommunications facilities in relation to building(s) or structure(s), easements, right-of-way, and applicable setback lines;
 6. A detailed site plan identifying any structure(s), height, use(s) within the tower designated fail area as certified by a structural engineer;
 7. Two blueprints or ink drawings to scale of the plans and specifications and method of construction, attachment to the building or other structure or placement in the ground;

8. A copy of the stress sheets and calculations showing the structure's deadload and wind pressure capacities as certified by a structural engineer;
 9. A description of any right-of-way cuts and/or utility service to be installed;
 10. Written consent or other proof of authorization from the owner of the building, structure or land to which or on which the telecommunications facility is to be erected;
 11. Copies of any necessary easements;
 12. Such other information as the building commissioner may require to demonstrate full compliance with the telecommunication facility standards, other ordinances, or any applicable requirement of state or federal law; and
 13. It shall be the duty of the applicant to inform the City of Portage of any changes in ownership of the facility or ownership of the property in question. All engineering criteria will be reviewed by a consultant hired by the City of Portage. The applicant will be responsible for the expenses incurred by the City of Portage for this analysis.
- K. *Building permit.* After obtaining an improvement location permit, an application for a building permit may be submitted on a form provided by the building commissioner. The building commissioner shall grant such permit if, and only if:
1. The application contains all necessary information;
 2. The appropriate building permit fee has been paid;
 3. The person erecting, altering, constructing or relocating a telecommunications facility holds a valid and current contractor's license with the city;
 4. If the telecommunications facility requires electrical service, proof that the electrical work will be done by an electrician who is in compliance with all state and local licensing requirements;
 5. The telecommunications facility complies with the telecommunication facility standards, all other city ordinances, and all applicable state and federal laws;
 6. Site plan approval has been obtained; and
 7. The building commissioner may grant a permit on the condition that the work be stopped at specified time(s) to permit inspection(s).
- L. *School corporations and units permits.* School corporations and units shall be required to obtain a permit prior to the erection, alteration, construction or relocation of a telecommunications facility. School corporations and units shall not be required to furnish a bond. Notwithstanding, telecommunications facilities to be constructed by school corporations and units shall be located behind existing structures or on an existing telecommunications facility. In addition, the height of a telecommunications facility may not exceed 100 feet in a residential zoning area or 150 feet in a commercial zoning area.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.51. - Sexually-oriented business standards.

This sexually oriented business standards section applies to the following districts:

C1

The following sexually oriented business standards apply:

- A. *Prohibitions.* The establishment, enlargement, reconstruction, resumption, or structural alteration of any adult business shall be prohibited if such business is within:
 - 1. One thousand feet of any church, public or private elementary or secondary school, private or public preschool or day care center, or public park.
 - 2. One thousand feet of any residential zoning district or mobile home park district.
- B. No adult business shall be established, enlarged, reconstructed, resumed, or structurally altered unless the site or proposed site is located in the C1 zoning district. An adult business shall be specifically excluded from all other zoning districts.
- C. The distance between an adult business and any church, school, park, day care center, residential zoning district, or mobile home park district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult business to the nearest property line of the church, day care center, school, park, residential zoning district. If any adult business is part of or included within an integrated center, the portion of such center or leased space occupied by such adult business shall be included in determining the closest exterior structural wall of such establishment.
- D. *Exterior display.* No adult business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.52. - Home occupation standards (Type 1).

This home occupation standards section applies to the following districts:

R1 R2 R3 R4 M1 M2 M3 MP MW CR CM NC

The following home occupation standards apply:

- A. The home occupation must not involve walk-in retail sales or manufacturing operations.
- B. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
- C. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small office equipment.
- D. There may not be any exterior storage or display of products, equipment or materials used in connection with the home occupation.
- E. No more than 15 percent of the total floor area of the primary structure may be used for the home occupation.
- F. There shall not be any exterior, structural or aesthetic alterations to the dwelling unit to accommodate the home occupation.
- G. There shall not be any room additions, structural or aesthetic alterations that change the residential character of the dwelling unit.
- H. There may not be additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- I. Business operations in any accessory structure are not permitted.

- J. The home occupation may not generate any additional traffic.
- K. No signage for the business is allowed on or off the property.
- L. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or anything offensive.
- M. The home occupation may not demand increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.
- N. No additional parking may be added to the property on which the residence is located to accommodate the home occupation.
- O. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
- P. A home office, telecommuting office, professional service, design service, catalog business, internet business, clergy office or the like is permitted.
- Q. The following types of business are not permitted as home occupations:
 - Medical clinic of any kind.
 - Funeral home.
 - Tourist home.
 - Animal hospital.
 - Kennel.
 - Trailer rental.
 - Automobile, motor vehicle or equipment repair of any kind.
 - Painting of automobiles, motor vehicles, or equipment of any kind.
 - Photo developing.
 - Television, radio or other electronics repair.
 - Tooling, welding, or machining of any kind.
 - Tool or equipment rental of any kind.
 - Restaurant or similar establishment.
 - Salvage operations of any kind.
 - Freight or trucking operations of any kind.
- R. Any home occupation may be deemed not-permitted if in a public hearing on the matter the board of zoning appeals rules the home occupation to be a nuisance. any person reasonably affected by the home occupation or the director of community development may request such a hearing.
- S. Uses not specifically mentioned will be interpreted by the director of community development or BZA as to whether the use is permitted or not.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.53. - Home occupation standards (Type 2).

This home occupation standards section applies to each Type 2 home occupation approved as a special exception use in the following districts:

The following home occupation standards apply:

- A. The home occupation must not involve walk-in retail sales or manufacturing operations.
- B. The home occupation must not involve the employment of any more than one person who is not related and does not reside at the location of the home occupation.
- C. At least one member residing on the premises must be the primary operator of the business and that business must be that person's primary work.
- D. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, small office equipment, and mechanical equipment used for purely domestic or hobby purposes.
- E. There must not be any exterior storage or display of products, equipment or materials used in connection with the home occupation.
- F. No more than 25 percent of the total floor area of the primary structure shall be used for the home occupation.
- G. There shall not be any exterior, structural or aesthetic alterations to the dwelling unit to accommodate the home occupation.
- H. There shall not be any room additions, structural or aesthetic alterations that change the residential character of the dwelling unit.
- I. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- J. Accessory structures may be used for business purposes, provided the use does not create a nuisance.
- K. Minimal traffic generation due to the business will be permitted.
- L. A small sign not exceeding two square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
- M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or anything offensive beyond the property lines for the dwelling unit.
- N. The home occupation may not demand increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.
- O. No additional parking may be added to the property on which the residence is located on to accommodate the home occupation.
- P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
- Q. A home office, telecommuting office, professional service, domestic crafts (i.e. weaving, sewing, dressmaking), furniture repair, art and music training, tutoring, hair cutting/styling, design service, catalog business, internet business, clergy office or the like is permitted.
- R. The following types of business shall not be permitted:
 - Medical clinic of any kind.
 - Funeral home.
 - Tourist home.

- Animal hospital.
- Kennel.
- Trailer rental.
- Automobile, motor vehicle or equipment repair of any kind.
- Painting of automobiles, motor vehicles, or equipment of any kind.
- Photo developing.
- Television, radio or other electronics repair.
- Tooling, welding, or machining of any kind.
- Tool or equipment rental of any kind.
- Restaurant or similar establishment.
- Salvage operations of any kind.
- Freight or trucking operations of any kind.

- S. Any home occupation may be deemed not-permitted if in a public hearing on the matter the board of zoning appeals rules the home occupation to be a nuisance. Any person reasonably affected by the home occupation or the director of community development may request such a hearing.
- T. Uses not specifically mentioned will be interpreted by the director of community development or BZA as to whether the use is permitted or not.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.54. - Temporary use/structure standards—General.

This temporary use/structure standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC C1 C2 HC BP LI HI

The following standards pertain to temporary uses or structures:

- A. *Disclosure.* The petitioner must disclose if the temporary use or structure is intended to become a permanent use or structure. Temporary uses or structures that are intended to transition into a permanent use or structure must meet all standards for a permanent use or structure. In the event that the intent is not disclosed on the application, the transition to a permanent use or structure will not be permitted for one year from the application date.
- B. *Location.* Temporary uses and structures shall not be located wholly or partially in the public right-of-way. Temporary structures shall maintain the required setbacks of the zoning district unless otherwise approved in writing by the director of community development.
- C. *Site conditions.* Upon removal of a temporary use or structure, the site shall be returned to its original condition within one week of the removal of the temporary use/structure unless otherwise approved in writing by the director of community development.
- D. *Extension.* The director of community development may extend the duration of a temporary use or structure one time with findings of substantial need. The duration of the extension cannot exceed the length of the originally permitted time without the application for another temporary use or structure permit.

(Ord. No. 14-8, § 2, 8-5-14)

Secs. 90-6.55, 90-6.56. - Reserved.

Sec. 90-6.57. - Temporary use/structure standards—Residential.

This temporary use/structure standards section applies to the following districts:

R1 R2 R3 R4 M1 M2 M3 (MW as applicable)

CR and CM as applicable (with additional review)

Additional review: The director of community development shall review any temporary use/structure proposals for residential uses within the CR and CM districts (downtown) to determine whether or not such proposal would inhibit the proper function of downtown. Sight lines, traffic flow and parking restrictions are of foremost concern.

The following temporary uses are permitted for residential uses as described below:

- A. *Model home*. Such uses are permitted for up to 12 months. A temporary improvement location permit is required.
- B. *Tents*. Tents for a private party or event are permitted for a total of seven days per calendar year, per lot. No temporary improvement location permit is required unless the applicant wishes to exceed the permitted duration.
- C. *Yard sales*. Garage/yard sales are permitted for a total of seven days per calendar year, per lot. No temporary improvement location permit is required unless the applicant wishes to exceed the permitted duration.
- D. *Recreational vehicles*. No temporary improvement location permit is required unless the applicant wishes to exceed the permitted duration. At no time may anyone occupy or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes, except as outlined below:
 - 1. A property owner may allow a recreational vehicle to park on the owner's property for up to 15 consecutive days, but not to exceed 30 total days in any one calendar year to allow a visit by the recreational vehicle's occupant.
 - 2. The owner of a recreational vehicle may store or park the recreational vehicle behind or alongside the primary building in such a manner that no part of the vehicle projects beyond the front of the primary structure, side yard setback, or rear yard setback.
 - 3. No more than one recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
 - 4. A recreational vehicle shall not be parked on a parcel without a primary building.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.58. - Temporary use/structure standards—Nonresidential.

This temporary use/structure standards section applies to the following districts:

CO PR MW IS NC OC C1 C2 HC BP LI HI

CR CM and CC (with additional review)

Additional review: The director of community development shall review any temporary use/structure proposals for nonresidential uses within the CR, CM and CC districts (downtown) to determine whether or not such proposal would inhibit the proper function of downtown. Sight lines, traffic flow and parking restrictions are of foremost concern.

The following temporary uses are permitted as described below:

- A. *Construction sales/office.* Such uses are permitted for up to 12 months. A temporary improvement location permit is required.
- B. *Outdoor sales/events.* Outdoor sales or events (i.e. tent sale, product specials, seasonal sales) are permitted for up to three months per calendar year. A temporary improvement location permit is required and shall only be applied for by the owner of the property. Outdoor sales of anything explosive or hazardous is not permitted under any circumstances. Such temporary improvement location will require site plan details to verify sufficient vehicular and pedestrian access is maintained.
- C. *Outdoor dining.* Outdoor dining is permitted for up to six months per calendar year for a permitted restaurant use. A temporary improvement location permit is required for any establishment that does not have a dedicated outdoor dining area. Such temporary improvement location will require site plan details to verify sufficient vehicular and pedestrian access is maintained.
- D. *Seasonal businesses.* Indoor temporary uses (i.e. Halloween costume shop) are permitted for up to three months per calendar year in any vacant commercial building or store space. A temporary improvement location permit is required.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.59. - Outdoor storage standards.

This outdoor storage standards section applies to the following districts:

CO PR R1 R2 R3 R4 M1 M2 M3 MP MW CR CM CC IS NC OC C1 C2 HC BP LI HI

The following outdoor storage standards apply:

- A. Outdoor storage is prohibited unless listed as a permitted use or special exception use in a zoning district. Approved outdoor storage uses must be shielded from view from all sides with a privacy enclosure. Refer to fence and wall standard section.
- B. No vehicle or tractor/trailer of any type may be used for the purpose of personal storage.
- C. *Expired/no license plate.* Vehicles or trailers of any type outdoors without current license plates shall be deemed outdoor storage as they are not legally operable. They shall be prohibited unless located in a completely enclosed building. Vehicles and/or trailers for sale at sales facilities are excluded from this section.
- D. *Inoperable vehicle.* Vehicles or trailers of any type in an inoperable condition outdoors shall be deemed outdoor storage as they are not operable. They shall be prohibited unless located in a completely enclosed building or, in the case of a permitted business, fully screened.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-6.60. - Swimming pool standards.

This swimming pool standards section applies to the following districts:

The following swimming pool standards apply:

- A. Swimming pools must abide by this zoning ordinance as well as Indiana State Code.
- B. Definitions pertaining to swimming pools are as follows:

Swimming pool: A self-contained body of water that is at least 18 inches deep at any point and used for recreational purposes; or is identified by the manufacturer as a swimming pool; or requires a circulating pump or filter.

Swimming pool, permanent: Any swimming pool which requires hardware or permanent installation structures to be erected.

Swimming pool, seasonal: Any swimming pool that is erected above ground without the need for hardware or permanent installation structures.

- C. Private swimming pools shall be permitted as an accessory use within the rear or side yards only, provided they meet the following requirements:
 - 1. There shall be a minimum distance of not less than ten feet from the adjoining property lines and the outside of the pool wall. Side yard setbacks shall apply if greater than ten feet.
 - 2. There shall be a distance of not less than six feet between the outside pool wall and any building located on the same lot.
 - 3. There shall be a minimum distance of not less than ten feet horizontally from overhead power lines.
 - 4. There shall be a minimum distance of 22 feet of vertical clearance from overhead power lines.
 - 5. There shall be a minimum distance of five feet from an underground power line.
 - 6. A swimming pool shall not be located over an underground gas line.
 - 7. A swimming pool shall not be located in any easement.
 - 8. For the protection of the general public, all private swimming pools shall be completely enclosed by a fence not less than six feet in height. The gate shall be of self-closing and latching type, with a latch on the inside of the gate, not readily available for children to open. The gate shall be capable of being securely locked. The fence may enclose the pool itself or the yard in which the pool is located. The structural sides of an above-ground swimming pool may be used in satisfying a portion of the fence height requirement. In such cases, the six foot height shall be met by the addition of vertical fence extensions from the pool sides or other means.
 - 9. While the State of Indiana recognizes the difference in construction between permanent and seasonal/temporary pools, it makes no distinction between the two in the matter of safety; therefore, all swimming pools, whether permanent or seasonal, are required to have a six-foot fence surrounding the yard or the pool.
 - a. *Permanent.* All permanent pools are required to have a six-foot fence surrounding the yard or the pool at all times of the year.
 - b. *Seasonal.* All seasonal pools shall have at least a temporary or seasonal fence installed around the pool that is firmly anchored to the ground and structurally capable of restricting access. This temporary fence is required to be maintained around the seasonal pool and removed when the

seasonal pool is removed. Material acceptable for a seasonal fence as structurally sound enough to provide safety may be lattice, farm/garden fencing or any other material approved by the building inspector. Material that is not acceptable for a seasonal fence as not structurally sound enough to provide safety include chicken wire, snow fence or any other material rejected by the building inspector.

(Ord. No. 14-8, § 2, 8-5-14)

ARTICLE VII. - PLANNED DEVELOPMENTS

Sec. 90-7.1. - PD district intent, permitted uses and miscellaneous standards.

<u>Permitted Uses</u>	<u>Permitted Uses</u>	<u>Prerequisite Standards</u>
The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the comprehensive plan and intent of the zoning ordinance and subdivision control ordinance. The use of planned development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or is compatible with surrounding areas and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working. The planned development regulations and procedures may apply to the further development of existing developed lands or to vacant lands.	All uses are subject to the discretion and approval of the plan commission. No uses are granted by right. In general, the uses that will be considered in a planned development are: uses designated as permitted uses or special exceptions in the base zone district. (For example if the previous zoning was R2 and the proposed planned development district would be PD-R2, the permitted uses and special exceptions in the R2 District would generally be appropriate.) All other land uses will be reviewed and considered at the discretion of the plan commission. Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PD must be nonconflicting and in the spirit of	<i>Minimum Land Area.</i> • Ten acres to qualify for any PD <i>Minimum Lot Frontage:</i> • 50 feet on a public street with access from said public street <i>Maximum Lot Coverage:</i> • Square footage of all primary and accessory structures, and impervious surface cannot exceed 65 percent of the lot area <i>Minimum Floor Area:</i> • Based on base zone district, when applicable <i>Maximum Structure Height:</i> • Based on base zone district <i>Minimum Open Space:</i> • 30 percent (gross area) for residentially dominant planned developments • 15 percent (gross area) for commercially dominant planned developments

The request for a planned development should be for one or more of the following:	the comprehensive plan, the previous zoning district, surrounding land uses and zoning districts.	
• Unique and creative designs such as those that have special architectural character or other features which are complementary to the city which cannot, through standard zoning, be achieved; • Unusual existing physical conditions, including severe topography, sensitive drainage patterns, traffic circumstances, or environmental features that are unique to the subject site, and that could not be accommodated through the standard zoning districts; and • Mixed uses that include different types of land uses arranged in a way that could not be accomplished through the use of the standard zoning districts. Mixed use developments should share an architecture theme, landscape theme, clustering and conservation of land, and integration of natural features that are in combination complementary to Portage. Any other types of planned developments will not be permitted.		

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.2. - General.

Planned developments are a special district that can be pursued by an applicant.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.3. - Rezoning to a planned development district.

Planned development districts can only be created from the R1, R2, R3, M1, M2, MW, OC, C1, C2, HC, BP and LI zoning districts. From each of these zoning districts (called base zone district during the application process) the following planned development districts can be created once the detailed development plans are approved by the plan commission. They are:

- R1 districts can only be rezoned to PD-R1.
- R2 districts can only be rezoned to PD-R2.
- R3 districts can only be rezoned to PD-R3.
- M1 districts can only be rezoned to PD-M1.
- M2 districts can only be rezoned to PD-M2.
- MW districts can only be rezoned to PD-MW.
- OC districts can only be rezoned to PD-OC.
- C1 districts can only be rezoned to PD-C1.
- C2 districts can only be rezoned to PD-C2.
- HC districts can only be rezoned to PD-HC.
- BP districts can only be rezoned to PD-BP.
- LI districts can only be rezoned to PD-LI. (b) No other zoning district can be rezoned directly to a PD district. An applicant may first ask that a property be rezoned to a zoning district that allows PD districts. Further, if an applicant wants a PD district based on a different base zone a successful rezoning request to change the existing zoning district to the preferred base zone must first be accomplished.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.4. - Planned development uses.

Planned developments may contain mixed uses. Depending on the previous zoning the maximum overall square footage allowed by type is as follows:

Base Zone District	PD District	Residential	Commercial	Manufacturing
R1	PD-R1	100%	15%	0%
R2	PD-R2	100%	20%	0%
M1	PD-M1	100%	30%	0%

M2	PD-M2	100%	40%	0%
MW	PD-MW	100%	100%	0%
OC	PD-OC	50%	100%	0%
HC	PD-HC	30%	100%	0%
C1	PD-C1	40%	100%	0%
C2	PD-C2	40%	100%	0%
BP	PD-BP	20%	40%	100%
LI	PD-LI	0%	20%	100%

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.5. - Origination of proposals.

Any applicant may propose a planned development district in accordance with the procedures in article IX. Further, the applicant making such a proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a planned development need not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement not to develop the parcels separately, but in accordance with a single, unified plan, and in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned to the satisfaction of the plan commission.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.6. - Limitation of rezoning.

Any initiative of the plan commission to amend the zoning ordinance or subdivision control ordinance that would benefit the public health and safety may be imposed on an approved planned development. Also, in the case that the planned development is no longer in conformity with the approved detailed construction or development plans, or is not proceeding in accordance with the time requirements imposed herein or by agreement, any new amendments of the zoning ordinance or subdivision control ordinance may be imposed on the planned development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-7.7. - Drafting of a planned development ordinance.

The director of community development shall be the author of the planned development ordinance language, unless that role is delegated to the petitioner by the director. In the planned development ordinance the general intent of the zoning ordinance and subdivision control ordinance shall be used as a foundation for regulations. Development standards and subdivision regulations that assure public safety shall be included.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE VIII. - NONCONFORMING STRUCTURES, LOTS, AND USES

Sec. 90-8.1. - Intent.

Upon adoption of this chapter and official zoning map, some buildings, structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, article VIII has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as legal-nonconforming (grandfathered).

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.2. - Distinction between illegal-nonconforming and legal-nonconforming.

A building, structure, or lot which was constructed or is being used without an approved building permit, improvement location permit or approval from the BZA, development review committee, or plan commission is considered illegal-nonconforming. An illegal-nonconforming property shall be subject to actions and penalties allowed by this chapter and all other applicable municipal law and shall be altered to conform with all applicable standards and regulations of this chapter. Further, an illegal-nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal-nonconforming differs from illegal-nonconforming (illegal) in that the reason for the nonconformance is caused by a change to the zoning ordinance. The building, structure, lot or use has not changed, but due to the ordinance change, the property no longer conforms to the policies and standards of the zoning district in which the property resides. When this situation occurs, the property is deemed legal-nonconforming or another term commonly used is "grandfathered."

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.3. - Nonconforming buildings and structures.

- (a) Any continuously occupied, lawfully established structure or building prior to the effective date of this chapter, or its subsequent amendments, that no longer meets the design standards due to the reasons listed below shall be deemed a legal-nonconforming building or structure.
- (b) Legal-nonconforming building(s) or structure(s) no longer meet one or more of the following development standards of the zoning ordinance:
 - Front, side and rear yard setbacks,
 - Maximum lot coverage,
 - Minimum main floor area,
 - Minimum finished floor area,
 - Height,
 - Temporary structures,
 - Landscaping,
 - Parking,
 - Accessory structures, or
 - Any other provision of the zoning ordinance that is applicable to the building or structure.
- (c) A legal-nonconforming building or structure may continue provided that it remains the same or fits within the

below described tolerances:

- (1) Any legal-nonconforming building(s) or structure(s) shall not be enlarged or altered in a manner that increases its nonconformity but any building(s) or structure(s) or portion thereof may be altered to decrease its nonconformity.
- (2) Any legal-nonconforming single-family residence which is damaged or destroyed by more than 90 percent of its fair market value shall thereafter conform to the regulations of the district in which it is located. The property owner bears the burden to prove fair market value and repair/replacement costs.
- (3) Any legal-nonconforming building or structure, other than a single-family residence, which is damaged or destroyed by more than 60 percent of its fair market value shall thereafter conform to the regulations of the district in which it is located. The property owner bears the burden to prove fair market value and repair/replacement costs.
- (d) If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of the zoning ordinance.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.4. - Nonconforming lots of record.

- (a) All legally established and recorded lots prior to the effective date of this chapter, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a legal-nonconforming lot of record. A legal-nonconforming lot of record no longer meets one or more of the following lot standards of this chapter:
 - Lot area;
 - Lot width;
 - Lot depth;
 - Lot frontage; or
 - Any other provision of the zoning ordinance that is applicable to lots.
- (b) Legal-nonconforming lots of record may be built upon only if the proposed use is permitted and all development standards, other than lot size, of the applicable zoning district of this chapter are met.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.5. - Nonconforming uses of structures, land, or structures and land in combination.

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this chapter or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a legal-nonconforming use. A legal-nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- (a) No existing structure devoted to a legal-nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
 1. Complies with subsection (d) for limited and small expansions; or
 2. Changes the use of the structure to a use permitted in the district in which it is located; or
 3. Changes the use to a less intensive nonconforming use and is approved by the director of community

development or plan commission.

- (b) No building or structure shall be constructed in connection with an existing legal-nonconforming use of land.
- (c) Any legal-nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this chapter or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- (d) In the case of a legal-nonconforming use of structure, the structure may be expanded two times only. Each of the two expansions may not exceed ten percent of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the board of zoning appeals. The expanded structure must comply with the appropriate parking standards required in article VI of this chapter, as determined by the director of community development.
- (e) If no structural alterations are made, a legal-nonconforming use of structure or structure and land in combination may be changed to another legal-nonconforming use, provided that the director of community development shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal-nonconforming use. However, if the new use requires more parking area than the previous use, such new use will comply with the appropriate parking standards required in article VI of this chapter, as determined by the director of community development.
- (f) If a legal-nonconforming use is discontinued or abandoned for six consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of this chapter.
- (g) When a legal-nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the legal-nonconforming use may not thereafter be resumed.
- (h) Where a legal-nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming structure of the land. Destruction is defined as damage of more than 66 percent of its fair market value at the time of destruction.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.6. - Nonconforming signs.

Any sign lawfully existing on the effective date of this chapter, or amendment thereto, that does not conform to all the standards and regulations of this chapter is considered a legal-nonconforming sign. The following applies to legal-nonconforming signs.

- (a) All legal-nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of 50 percent or more of the fair market value of the sign structure, said signs shall then be made to conform to the zoning ordinance.
- (b) A sign face shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign face, the plan commission or director of community development shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the plan commission or director of community development may remove the sign face at cost to the property owner or lessee.
- (c) Legal-nonconforming signs which are structurally altered by a change to their height or bulk, relocated, or

replaced shall comply immediately with all provisions of the zoning ordinance. Structural alterations which decrease the nonconformance of the sign or are required due to right-of-way acquisition are permitted.

- (d) If a legal-nonconforming sign is discontinued or abandoned for six consecutive months, the sign shall conform to the provisions of this zoning ordinance.

(Ord. No. 05-41, § 1, 8-2-05; Ord. No. 13-13, §§ 2, 3, 7-2-13)

Sec. 90-8.7. - Nonconforming telecommunication facilities.

- (a) *[Compliance with standards.]* Telecommunication facilities in existence on or before September 16, 1998, which do not conform to or comply with the telecommunication facility standards are considered legal-nonconforming if:
- (1) The telecommunications facility was covered by a building permit or variance on September 16, 1998, if one was required under applicable law; or
 - (2) If no building permit was required under applicable law for the telecommunications facility in question, the telecommunications facility had legal nonconforming status at such time.
- (b) *[Unlawful status.]* Any nonconforming telecommunication facility in existence and that does not fit the definition of a legal-nonconforming telecommunications facility is an unlawful telecommunications facility.
- (c) *[Annexations.]* If land is annexed to the city subsequent to September 16, 1998, any telecommunications facility upon such annexation which does not conform to the telecommunication facility standards at such time shall have legal-nonconforming status if:
- (1) Under applicable federal, state and county regulations, the telecommunications facility was legal in all respects immediately prior to annexation; and
 - (2) The annexation was not conditioned upon the removal or modification of the telecommunications facility.
- (d) *Loss of legal-nonconforming status.* Legal-nonconforming telecommunications facility shall immediately lose its legal nonconforming status if:
- (1) The telecommunications facility, because of improper installation or maintenance, constitutes a threat to public health or safety and remains in such condition after a reasonable time is given to remedy the problem;
 - (2) The telecommunications facility is demolished or damaged to the extent of 50 percent or more of its value;
 - (3) The permit, variance or condition under which the telecommunications facility was allowed expires; or
 - (4) The telecommunications facility is substantially structurally altered so as to prolong its expected life.
- On the happening of any one of the above-listed events, the telecommunications facility shall be immediately brought into conformance with the development standards in this chapter or shall be removed.
- (e) Nothing in the telecommunication facility standards shall relieve the owner or user of a legal-nonconforming telecommunications facility or owner of the property on which the legal-nonconforming telecommunications facility is located from any provisions regarding safety, maintenance and repair of the telecommunications facility.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-8.8. - Repairs and maintenance.

The following applies to legal-nonconforming structures or buildings, and legal-nonconforming uses of structures, or structures and land in combination.

- (a) Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the that the square footage and volume of usable space existing when the structure became nonconforming shall not be increased.
- (b) If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired or rebuilt within six months of the declaration. If the improvements have not been made within the six months, all future improvements must conform to all standards and regulations within the zoning ordinance.
- (c) If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- (d) Nothing in this section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE IX. - PROCESSES, PERMITS AND FEES

Sec. 90-9.1. - Types of petitions.

The following section recognizes and outlines each of the permit, formal approval and appeals.

- (a) The city hereby requires that an application and filing fee be submitted for the following formal petitions (permits, formal approvals, and appeals):

• Residential (1-2 family) improvement location permit	<u>Section 90-9.2</u>
• Commercial improvement location permit	<u>Section 90-9.3</u>
• Temporary improvement location permit	<u>Section 90-9.4</u>
• Occupancy permit	<u>Section 90-9.5</u>
• Sign permit	<u>Section 90-9.6</u>
• Temporary sign permit	<u>Section 90-9.7</u>
• Development standard variance	<u>Section 90-9.8</u>
• Use variance	<u>Section 90-9.9</u>
• Special exception	<u>Section 90-9.10</u>

• Zoning amendments (rezoning)	<u>Section 90-9.11</u>
• Planned development	<u>Section 90-9.12</u>
• Administrative appeal	<u>Section 90-9.13</u>
• Questionable land use appeal	<u>Section 90-9.14</u>

(b) All application forms may be obtained through the department of community planning and development. Fees shall be paid at the city clerk-treasurer at the time of assignment of a docket number.

(c) A project shall not proceed without first successfully being granted the applicable permits, formal approvals, and/or appeals. Any project that proceeds otherwise is subject to fines, penalties and court action (see article X).

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.2. - Residential (1-2 family)—Improvement location permit.

The following procedure applies to a residential (1-2 family) improvement location permit petition.

- (a) *[When permit required.]* The city hereby requires that a residential (1-2 family) improvement location permit be obtained for the:
1. Erection of a structure or building.
 2. Relocation of a structure or building.
 3. Demolition of a structure or building.
 4. Addition to a structure or building.
 5. Structural alteration to a structure or building.
- (b) *[Conformity.]* A residential (1-2 family) improvement location permit shall not be issued by the director of community development unless the project is in conformity with the provisions of the zoning ordinance.
- (c) *[Required information.]* The below-listed information must be presented with the application for a residential (1-2 family) improvement location permit, unless waived in writing by the director of community development.
1. The common address for the subject lot and legal description/survey,
 2. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used,
 3. Plans drawn to scale showing the sizes and locations of all structures, buildings, utilities, wells, and septic systems already existing,
 4. Plans drawn to scale showing the location and dimensions of the proposed building(s) or alteration, and/or a statement describing the intended use of the property,
 5. Plans drawn to scale showing the setback distances from all property lines, and from existing and proposed road rights-of-way, and
 6. Proof of paying the tap fee to the city water reclamation department.

- (d) *[Additional information.]* The application shall also include such other information as lawfully may be required by commission or director of community development to determine conformance with and provide for the enforcement chapter, including but not limited to:
1. Width and length of all entrances and exits to and from the lot, and
 2. Location of floodplain boundaries or wetlands.
 3. Elevations of the existing or proposed buildings, structures, or alterations,
 4. Detailed description of the existing or proposed uses of the building and land,
 5. Natural, physical or hazardous conditions existing on the lot, and/or
 6. Landscape plan.
- (f) *[Material to be retained.]* The approved plans and application materials are retained by the public works department.
- (g) *Expiration of permits.*
1. *[Expiration criteria.]* If the work described in any residential (1-2 family) improvement location permit has not begun within six months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 2. *Completion of work.* If the work described in any residential (1-2 family) improvement location permit has not been completed within 18 months for a primary structure, accessory structures or other improvements of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new improvement location permit has been obtained.
 3. The director of community development may give three extensions for up to three months each for work completion. Requests for extensions must be received in writing within one month of the expiration of the permit.
- (h) *[Permit limitations.]* Residential (1-2 family) improvement location permits issued on the basis of plans and applications submitted only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this chapter and subject to a stop-work order, an order of removal, mitigation, or fines and penalties.
- (i) *Exempt.* The following activities are permitted without a residential (1-2 family) improvement location permit, provided all other applicable standards are met.
1. Normal plowing and preparing the land for farming, gardens, and yards.
 2. Earth movement related to farming and other agricultural activity.
 3. Drain tile laying and ditch maintenance.
 4. Normal maintenance to the primary or accessory structures (may still require a building permit/ILP).
 5. Repaving a driveway or walks on the property (may still require a building permit/ILP).
 6. Road, sidewalk, path or utility construction within a public right-of-way (a construction in the right-of-way permit is still required through the public works department).

(Ord. No. 05-41, § 1, 8-2-05)

The following procedure applies to a commercial improvement location permit petition; any development other than single or two-family project on a single lot.

- (a) The city hereby requires that a commercial improvement location permit be obtained for the:
 - 1. Erection of a structure or building.
 - 2. Relocation of a structure or building.
 - 3. Addition to a structure or building.
 - 4. Demolition of a structure or building.
 - 5. Structural alteration of a structure or building.
- (b) A commercial improvement location permit shall not be issued by the director of community development unless the project is in conformity with the provisions of the zoning ordinance.
- (c) The following information must be presented with the application for an commercial improvement location permit if applicable:
 - 1. Proof of approval by the development review committee and/or city plan commission.
 - 2. Proof of paying the tap fee to the city water reclamation board.
 - 3. The common address for the subject lot and legal description/survey.
 - 4. A site location map showing the context around the subject lot.
 - 5. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used.
 - 6. The exact sizes and locations of all structures, buildings, utilities, wells, and septic systems already existing.
 - 7. The location and dimensions of the proposed building(s) or alteration, or use, including all paved areas.
 - 8. The total square feet area of the platted property and the total area of existing and proposed impervious surfaces on the property expressed both in square feet and as an area percentage of the total property.
 - 9. Setback distances from all property lines, and from existing and proposed road rights-of-way;
 - 10. Width and length of all entrances and exits to and from the lot; and
 - 11. Location of floodplain boundaries or wetlands.
- (d) *[Additional required information.]* The application shall also include such other information as lawfully may be required by the plan commission or director of community development to determine conformance with and provide for the enforcement of this chapter including, but not limited to:
 - 1. Elevations of the existing or proposed buildings, structures, or alterations;
 - 2. Detailed description of the existing or proposed uses of the building and land;
 - 3. The number dwelling units or rental units the building is designed to accommodate;
 - 4. Natural, physical or hazardous conditions existing on the lot;
 - 5. Sign plan;
 - 6. Landscape plan;
 - 7. Lighting plan; and/or
 - 8. Copy of drainage approval (if applicable).
- (e) *[Site plan preparation.]* The approved plans and application materials are retained by the department of

community planning and development. Site plans must be prepared by a land surveyor, architect, landscape architect, or engineer licensed in the state.

(f) *Expiration of permits.*

1. *[Commencement of work.]* If the work described in any commercial improvement location permit has not begun within one year from the date of issuance (i.e. site plan approval by the design review committee or plan commission, or variances approved by the board of zoning appeals), said permit shall expire. No written notice shall be given to the persons affected.
2. *Completion of work.* If the work described in any commercial improvement location permit has not been completed within one year for a primary structure, accessory structures or other improvements of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. After expiration of the permit, work shall not proceed unless and until a new commercial improvement location permit has been obtained.
3. *[Extensions.]* The director of community development may give three extensions for up to three months each for work completion. Requests for extensions must be received within one month of the expiration. A fee will be charged.

(g) *[Use limitations.]* Improvement location permits issued on the basis of plans and applications submitted only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this chapter and subject to a stop-work order, an order of removal, mitigation, or fines and penalties.

(h) *Exempt.* The following activities are permitted without a commercial improvement location permit, provided all other applicable standards are met.

1. Normal plowing and preparing the land for farming, gardens, and yards.
2. Earth movement related to farming and other agricultural activity.
3. Drain tile laying and ditch maintenance.
4. Road, sidewalk, path or utility construction within a public right-of-way (a construction in the right-of-way permit is still required through the engineering department).

(Ord. No. 05-41, § 1, 8-2-05; Ord. No. 10-31, § 1, 6-1-10)

Sec. 90-9.4. - Temporary improvement location permit.

The following procedure applies to a temporary improvement location permit petition.

- (a) *[Permit required.]* The city requires a temporary improvement location permit be obtained for the erection of a temporary structure, or operation of a temporary use.
- (b) *[Conformity required.]* A temporary improvement location permit shall not be issued by the director of community development unless the project is in conformity with the provisions of the zoning ordinance.
- (c) *[Required information.]* The following information must be presented with the application for a temporary improvement location permit when applicable:
 1. The common address for the subject lot and legal description/survey,
 2. A site location map showing the context around the subject lot,
 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used,

4. The locations of all existing structures, buildings, parking spaces and entrances on the site,
 5. The location and dimensions of the proposed temporary structures, and
 6. Setback distances for all proposed temporary structures from property lines.
- (d) *[Additional required information.]* The application shall also include such other information as lawfully may be required by the plan commission or director of community development to determine conformance with and provide for the enforcement of this chapter including, but not limited to:
1. Detailed description of the existing and proposed uses of the building and land, [and/or]
 2. Temporary sign plan.
- (e) *Expiration of permits.*
1. The temporary improvement location permit shall be valid for the duration permitted by this chapter or time restrictions imposed on the permit.
 2. The director of community development may extend the duration of a temporary use or structure one time with findings of substantial need. The duration of the extension cannot exceed the length of the originally permitted time without the application for another temporary use or structure permit.
- (f) *Exempt.* The following activities are permitted without a temporary improvement location permit, provided all other applicable standards are met.
1. Garage/yard sales unless the applicant wishes to exceed the permitted duration.
 2. Tents for a private party or event unless the applicant wishes to exceed the permitted duration.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.5. - Occupancy permit.

The following regulations and procedures apply to receive an occupancy permit.

- (a) The city hereby requires that an occupancy permit be obtained prior to a building being occupied or utilized for each of the following situations:
1. Erection of a new single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily;
 2. Build-out of a flex commercial, flex office, flex industrial space, or the like;
 3. Relocation of a single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily;
 4. Addition to a single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily. Parts of an existing building that is not a part of the addition may continue to be occupied; or
 5. Similar situations in which the director of community development requires an occupancy permit.
- (b) The city also requires that an occupancy permit be obtained prior to a temporary building being occupied or utilized for each of the following types of building:
1. Temporary classrooms;
 2. Sales trailers;
 3. Model homes; or

4. Similar type of building in which the director of community development requires an occupancy permit.
- (c) If an occupancy permit is required under subsections 90-9.3(a) or (b), it is unlawful and a violation of this chapter for anyone to occupy or utilize a building until the occupancy permit is issued by the director of community development. Anyone who is required to obtain an occupancy permit and fails to do so is subject to a stop-work order, mitigation, or fines and penalties.
- (d) For an occupancy permit to be issued each of the following must be successfully completed, if applicable.
 1. Demonstrate proof of being issued an improvement location permit and building permit.
 2. Demonstrate proof of passing a final inspection by the building inspector.
 3. Filling out and submitting the application for the occupancy permit.
 4. Receive approval by the engineering, building, and fire departments to occupy the building.
- (e) Due to weather or other circumstances, an occupancy permit may be issued with out the required (a) landscaping, (b) building finishes, (c) parking lot finishes, or the like, provided some sort of surety has been posted to satisfy the director of community development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.6. - Sign permit.

The following procedure applies to sign permit petitions for permanent signs.

- (a) An application for a sign permit shall be filed with the public works department and shall be accompanied by the following list of information required by the director of community development to assure compliance with the laws and regulations of the zoning ordinance.
 1. Name and address of the owner of the lot on which the sign is located or is to be located.
 2. Name and address of the owner of the sign (if different).
 3. A sketch of the sign with the dimensions drawn to scale.
 4. A sketch of the lot showing all existing and proposed structures and the proposed location of the
 5. A description of the sign, including the materials, lighting and structure to be used.
 6. The size and location of all signs on the same lot or owned or leased by the applicant.
- (b) An application for a permit shall be reviewed and approved by the director of community development.
- (c) If any sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the zoning ordinance and subject to a stop-work order, an order of removal, mitigation, and/or fines and penalties.
- (d) A sign permit issued under the provisions of this chapter shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
- (e) A sign permit shall become null and void if work has not been started within six months of the date of the permit or completed within 12 months of the date of the permit.
- (f) The following shall not be required to have a sign permit unless other specified.
 1. *Changeable copy*. The changing of copy (text) on a changeable copy sign or portion of a sign that upon being installed was approved and granted a permit.

2. *Maintenance.* Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure so that the sign area is not altered, the lighting is not made brighter, or the sign's structure is not altered.
3. *Exempt signs.* Exempt signs as described in article VI.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.7. - Temporary sign permit.

The following procedure applies to sign permit petitions for temporary signs.

- (a) An application for a permit shall be filed with the public works department and shall be accompanied by the following list of information required by the director of community development to assure compliance with the laws and regulations of the zoning ordinance.
 1. Name and address of the owner of the lot on which the sign is to be located.
 2. Name and address of the owner of the sign.
 3. A sketch or photograph of the temporary sign with the dimensions.
 4. A sketch of the lot showing the proposed location of the sign drawn to scale.
 5. Description of the device to be used (structure, lighting, attachments, etc.).
 6. A signed statement noting the period of time the device is intended to be used.
- (b) An application for a permit shall be reviewed and approved by the director of community development.
- (c) If any sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the zoning ordinance and subject to an order of removal, mitigation, and/or fines and penalties.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.8. - Development standard variance.

The following procedure applies to development standard variance petitions.

- (a) The applicant shall submit a variance application, required supportive information, and application fee 20 days prior to meeting. Once this information is received and is deemed complete by the director of community development, the petition will be scheduled for an upcoming board of zoning appeals meeting.
- (b) The board of zoning appeals (BZA) will then review:
 1. The variance application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- (c) The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with IC 36-7-4-900 et seq. and the requirements of this chapter.
- (d) The director of community development shall refuse to accept a petition for a variance within six months of the date of denial when said petition involves the same subject matter. However, the director of community development shall have the authority and discretion to determine that a petition containing major changes

may justify refiling within said six-month period.

- (e) The board of zoning appeals may grant a variance from the development standards of this chapter (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
 - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3. The strict application of the terms of this chapter will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
- (f) The board of zoning appeals may permit or require the owner of a parcel of property to make written commitments and record it in the county recorder's office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- (g) A developmental standards variance granted by the board of zoning appeals shall run with the parcel until such time as the property conforms with this chapter as written.
- (h) The board of zoning appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this chapter.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.9. - Use variance.

The following procedure applies to use variance petitions.

- (a) The applicant shall submit a variance application, required supportive information, and application fee 20 days prior to meeting. Once this information is received and is deemed complete by the director of community development, the petition will be scheduled for an upcoming board of zoning appeals meeting.
- (b) The board of zoning appeals (BZA) will then review:
 - 1. The variance application,
 - 2. Required supportive information,
 - 3. Testimony of the applicant, and
 - 4. Testimony of the public.
- (c) The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with IC 36-7-4-900 et seq. and the requirements of this chapter.
- (d) The director of community development shall refuse to accept a petition for a variance within six months of the date of denial when said petition involves the same subject matter. However, the director of community development shall have the authority and discretion to determine that a petition containing major changes may justify refiling within said six-month period.
- (e) The board of zoning appeals may grant a variance from use from the terms of the zoning ordinance if, after a public hearing, it makes findings of facts in writing that:
 - 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. The use and value of the area adjacent to the property included in the use variance will not be affected in a s adverse manner;
 3. The need for the use variance arises from some condition peculiar to the property involved;
 4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the use variance is sought; and
 5. The approval does not interfere substantially with the comprehensive plan adopted under the IC 36-7-4-500 et seq.
- (f) The board of zoning appeals may permit or require the owner of a parcel of property to make written commitments and record it in the county recorder's office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
 - (g) A use variance granted by the board of zoning appeals shall run with the parcel until such time as the property conforms with this chapter as written.
 - (h) The board of zoning appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this chapter.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.10. - Special exception.

The following procedure applies to special exception petitions.

- (a) The applicant shall submit a special exception application, required supportive information, and application fee 20 days prior to the regularly scheduled board of zoning appeals meeting.
- (b) At its next regularly scheduled public meeting, the BZA shall then review:
 1. The special exception application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- (c) The BZA may approve, deny, or table the petition. The BZA may add conditions to an approval.
- (d) The director of community development shall refuse to accept a petition for a special exception within six months of the date of denial when said petition involves the same subject matter. However, the director of community development shall have the authority and discretion to determine that a petition containing major changes may justify refiling within a six-month period.
- (e) To be eligible for the granting of a special exception under this section, a person must first receive a determination from the director of community development that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.

There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the BZA. Further, no previous applications shall set a precedence for any other application before the BZA.
- (f) The board of zoning appeals may grant a special exception for a use in a district if, after a hearing, it makes findings of facts in writing, that:
 1. The proposal will not be injurious to the public health, safety, morals, and general welfare of the

community;

2. The requirements and development standards for the requested use as prescribed by this chapter will be met;
 3. Granting the exception will not subvert the general purposes served by this chapter and will not permanently injure other property or uses in the same district and vicinity; and,
 4. The proposed use will be consistent with the character of the district therein, the spirit and intent of this chapter, and the Portage Comprehensive Plan.
- (g) When considering a special exception the board of zoning appeals may take into consideration the following items as they relate to the proposed use:
1. Topography and other natural site features;
 2. Zoning of the site and surrounding properties;
 3. Driveway locations, street access and vehicular and pedestrian traffic;
 4. Parking amount, location, design;
 5. Landscaping, screening, buffering;
 6. Open space and other site amenities;
 7. Noise production and hours of operation;
 8. Design, placement, architecture, and building material of the structure;
 9. Placement, design, intensity, height, and shielding of lights;
 10. Traffic generation; and,
 11. General site layout as it relates to its surroundings.
- (h) The board of zoning appeals may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.
- (i) The board of zoning appeals 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 and have such commitment recorded in the county recorder's office.
- (j) The board of zoning appeals may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- (k) A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the board of zoning appeals under the procedures set forth in these rules for granting a special exception.
- (l) If the board of zoning appeals grants the special exception, it shall direct the applicant to apply for a building permit site plan approval and/or an improvement location permit within four months or the special exception will be void. If such application complies with all ordinances and rules, a building permit and/or an improvement location permit for the use authorized by special exception shall be issued.
- (m) A special exception granted for a specific use ceases to be authorized and is void if that use is not 50 percent established within a 12-month period of the date the special exception was granted. A special exception granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six months.
- (n) A special exception may be terminated by the board of zoning appeals as follows:

1. Upon the filing of an application by an interested person or a member of the staff, and after which a public hearing with notice to the property owner; and,
2. At the public hearing a finding is made by the board of zoning appeals that one or more of the following has not been complied with:
 - The applicable terms of this chapter;
 - The conditions placed on approval; and
 - The written commitments made in conjunction with the original special exception application.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.11. - Zoning amendment.

The following procedure applies to zoning amendment petitions (zoning map/rezoning).

- (a) The applicant shall submit an application, required supportive information, and application fee. Once this information is received and is deemed complete by the director of community development, the petition for rezoning will be scheduled for an upcoming plan commission meeting.
- (b) The plan commission will hold a public hearing at which time it will review the application and required supportive information. The plan commission may recommend approval, recommend denial or table the petition.
- (c) If the petition has not been tabled, it will then be forwarded to the common council with a recommendation to approve or deny the petition. The common council will review the application, required supportive material and the plan commission recommendation. The council may approve, deny or table the petition.
- (d) During the review of a zoning amendment petition the following shall be considered:
 - The Portage Comprehensive Plan.
 - Current conditions and character of structures and uses in each district.
 - The most desirable use for which the land in each district is adapted.
 - The conservation of property values throughout the jurisdiction.
 - Responsible development and growth.
- (e) The common council may require reasonable conditions or receive commitments from the applicant which shall be legally enforceable and permanent. The common council may require any condition or commitment to be recorded on the plat and/or deed(s) so that future title searches will discover the binding terms for the zoning amendment. Meeting minutes, video minutes, and audio minutes may also be considered as legal proof of conditions or commitments.
- (f) The director of community development shall refuse to accept a petition for a zoning amendment within 12 months of the date of denial when said petition involves the same or similar request. However, the director of community development shall have the authority and discretion to determine that a petition containing major changes may justify refiling within a 12-month period.

(Ord. No. 05-41, § 1, 8-2-05)

The general procedure for establishing a planned development (PD) is as follows:

- (a) Prior to formally filing a preliminary plan and rezone petition, the applicant must submit a sketch plan to the director of community development for review by the development review committee. The development review committee shall make a cursory review of the sketch plan and give the applicant comments.
- (b) The applicant may file a sketch plan to the plan commission prior to formally filing a preliminary plan and/or rezone petition. This elective review and meeting may be used by the developer to receive comments of support and to take note of issues.
- (c) The applicant shall file a preliminary plan and rezone petition for the appropriate PD classification to the plan commission. If the planned development includes the subdivision of land, a subdivision plat is necessary and shall be filed at this time and follow those procedures set forth in the Portage Subdivision Control Ordinance.
- (d) The plan commission shall concurrently review the petition for rezoning, application for preliminary plan approval, and primary subdivision plat approval (if applicable). The plan commission shall schedule the appropriate plan commission meeting(s) and public hearing(s).
- (e) Based on review of the preliminary plan, petition for rezoning and subdivision plat (if applicable), the plan commission will give a favorable or unfavorable recommendation to the common council to approve or deny the planned development. Prior to the common council's action, the plan commission must approve or deny the primary plat if applicable.
- (f) The common council will review the planned development, the recommendation from the plan commission and vote to approve or deny the request. The common council may require reasonable conditions or receive commitments from the applicant which shall be legally enforceable and permanent.
- (g) If the common council approves the planned development, the land is officially rezoned and the preliminary plan is approved. Prior to moving earth or any construction, the applicant shall get final plan approval and secondary plat approval from the plan commission.
- (h) The plan commission shall review the application for final plan approval and secondary subdivision plat approval (if applicable). The plan commission shall schedule the appropriate plan commission meeting(s) and public hearing(s).
- (i) Once the plan commission approves the final plan and the secondary subdivision plat (if applicable) and the applicant has secured any other necessary permits, the applicant shall be issued an improvement location permit. The final plan and secondary subdivision plat shall be stamped and signed by the plan commission president and secretary.
- (j) The official zoning map shall be amended to reflect the zoning change, date of approval by the common council, and the docket number.

(Note: Detailed descriptions of each general step outlined above are discussed in the following sections.)

- (k) *Sketch plan review.*
 - 1. Prior to filing for a planned development, the applicant shall submit a sketch plan to the director of community development for review by the development review committee. The development review committee shall review the sketch plan and give the applicant comments within 30 days of submission.
 - 2. The sketch plan review shall focus on the planned development's ability to fulfill:

- a. Article VII's regulations and intent for planned developments,
 - b. The spirit and intent of Portage's Subdivision Control Ordinance, and
 - c. The spirit and intent of Portage's Comprehensive Plan.
3. The applicant may, if desired, also submit the sketch plan for the plan commission to review.
4. Only after the applicant has received sketch plan review comments can the preliminary plan and rezone petition be submitted to the plan commission.
- (l) *Sketch plan requirements.* The following criteria are the minimum requirements that shall be submitted to the director of community development for review by the development review committee.
 1. *Scale and graphics.*
 - a. The scale of the sketch plan shall not exceed one inch equals 100 feet.
 - b. The sketch plan may include any additional graphics which will explain the features of the development.
 2. *Development description.*
 - a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development (if applicable).
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor.
 - g. Legend and notes, including a graphic scale, north point, and date.
 - h. A separate location map, to scale, showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.
 3. *Existing and proposed conditions.*
 - a. Existing and proposed layout of streets, parking lots, open space and other basic elements of the plan.
 - b. Existing and proposed easements and their purpose.
 - c. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
 - d. General description of, location of, and types of existing and proposed structures on the site.
 - e. Proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features.
 - f. A general statement of the design standards and covenants to be made a part of the planned development
 - g. A statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase.
 - h. The land use categories within the development, including proposed densities of said uses.
- (m) *Application for planned development.*

1. The applicant shall submit an application for a planned development which includes the preliminary plan and request 30 days prior to a plan commission meeting at which a public hearing will be held.
 2. The application shall be signed by the owner or owners of all real estate involved in the petition for the planned development, or shall have attached thereto letters of consent to change to a PD classification by all such owners prior to the filing.
 3. If a subdivision plat is necessary in conjunction with the application for planned development, the primary plat shall also be filed at this time for review by the plat review committee and shall follow those procedures set forth in the Portage Subdivision Control Ordinance. However, any such approval shall be conditioned upon common council approving the rezone request to a PD district.
 4. The plan commission will schedule a public hearing for the rezoning of the property and for review of the preliminary plan.
- (n) *Preliminary plan requirements.* The following criteria are the minimum requirements that shall be submitted to the director of community development for review by the plan commission.
1. Scale and graphics.
 - a. The scale of the preliminary plan shall not exceed one inch equals 100 feet.
 - b. The preliminary plan may include any additional graphics which will explain the features of the development.
 2. All documents and information required for the sketch plan review.
 3. Proposed covenants, conditions or restrictions.
 4. Compilation of information shall:
 - a. Include an index identifying all documents included in the preliminary plan.
 - b. Include a cover sheet indicating that it is the preliminary plan and indicating the date and case number.
 - c. Be bound together and all documents submitted on paper eight and one-half by 11 inches in dimension, except for the maps, plans, elevations, and any oversized design guidelines which must be folded to eight and one-half by 11 inches.
- (o) *Preliminary plan and rezoning approval.*
1. In its review of the preliminary plan the plan commission should consider the extent to which the proposal fulfills:
 - a. Article VII's regulations and intent for planned developments,
 - b. The spirit and intent of Portage's Subdivision Control Ordinance, and
 - c. The spirit and intent of Portage's Comprehensive Plan.
 2. During the public hearing, the plan commission may:
 - a. Ask for verbal or written descriptions of the proposed development,
 - b. Require data, information, or studies to be completed,
 - c. Accept commitments from the applicant,
 - d. Hear verbal comments or receive written comments from the public, and
 - e. Table the petition until a time the necessary information is available.
 3. Upon completing the public hearing review, the plan commission shall vote to recommend approval or

denial of the planned development by the common council.

4. The plan commission may suggest to the common council require condition concerning the use of the property or development standards in connection with its favorable recommendation of the rezoning request and preliminary plan approval.
 5. If the plan commission gives an unfavorable recommendation, the applicant may revise and resubmit the revised preliminary plan within 30 days to the plan commission.
 6. The common council will, within 30 days, review the rezoning petition, the recommendation from the plan commission and vote to approve or disapprove the request.
 7. If the common council disapproves the planned development, the applicant must wait one year before resubmitting another petition unless significant changes have been made to the application.
 8. If the common council approves the planned development, the land is officially rezoned and the preliminary plan approved. Earthwork may begin, but issuance of an improvement location permit for any structure is contingent on successful review and approval of the final plan by the development review committee.
 9. The official zoning map must be amended to reflect the zoning change, date of approval by the common council, and the docket number.
- (p) *Final plan requirements.* The following criteria are the minimum requirements that shall be submitted to the director of community development for review by the development review committees once the common council approves the rezoning and the preliminary plan.
1. Scale and graphics.
 - a. The scale of the final plan shall not exceed one inch equals 100 feet.
 - b. The preliminary plan may include any additional graphics which will explain the features of the development.
 2. All documents and information required for the sketch plan review.
 3. All documents and information required for the preliminary plan review.
 4. Written approval from the Portage Drainage Board.
 5. Improvement plans for all infrastructure improvements required or proposed in the planned development.
 6. Proposed covenants, conditions or restrictions.
 7. Compilation of information shall:
 - a. Include an index identifying all documents included in the final plan.
 - b. Include a cover sheet indicating that it is the final plan and indicating the date and case number.
 - c. Be bound together and all documents submitted on paper eight and one-half by 11 inches in dimension, except for the maps, plans, elevations, and any oversized design guidelines which must be folded to eight and one-half by 11 inches.
- (q) *Final plan approval.*
1. The development review committee shall conduct a thorough review of the final plan. The review shall focus on whether the proposed engineered systems meet the city standards and are designed appropriately. The engineered systems include, but are not limited to, roads, sidewalks, public and private

utilities, drainage, and retention or detention. The development review committee shall review the site's systems for pedestrian accessibility, vehicular circulation, connectivity, public safety, light trespass, glare, conformance to sign, landscaping and parking standards, and the like.

2. Prior to signing of the final plan a surety shall be posted (if applicable) in an amount that is consistent with the cost of public improvements.
 3. Once satisfied with the final plan, the development review committee shall forward it to the plan commission for signatures. The final plan shall be stamped and signed by the plan commission president and secretary.
 4. All common council conditions and commitments made by the applicant shall be recorded with the Porter County Recorder and must clearly state that they are enforceable by, as a minimum, the plan commission and common council.
 5. Each of the above steps shall be completed as required prior to the issuance of an improvement location permit. If a subdivision plat is required, the secondary (final) plat must be approved prior to the issuance of an improvement location permit pursuant to the Portage Subdivision Control Ordinance.
- (r) *Minor modifications.* The director of community development may, from time to time in its administration of the PD, approve minor modifications of the final plan without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or any change in access points.

An adversely affected party may appeal any decision by the director of community development to the plan commission within 30 days of the determination. The plan commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under article VII.

- (s) *Covenants and maintenance.* Covenants, when required by the plan commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording, bearing signatures of the plan commission president and secretary, upon authorization by the plan commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the plan commission shall provide that their benefits be specifically enforceable by the commission. An executed recorded copy shall be provided to and maintained in the department of community planning and development.

Adequate provision shall be made for a private organization (i.e., home owner association) with direct responsibility to, and control of, the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the planned development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

All common facilities not dedicated to the public 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.

- (t) *Recording.* All approved final plans, covenants, commitments, plats, and modifications thereof shall be recorded in the Porter County Recorder's Office within ten days of approval. The developer shall provide two

copies bearing recording information to the department of community planning and development for its records.

- (u) *Construction.* No construction or installation work may commence on any public improvements until satisfactory improvement plans and specifications have been submitted and approved by the development review committee and until the applicant provides at least 48 hours' notice to the city engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses. All development shall be in conformity with the approved final plan. Any material deviation from the plans is subject to appropriate enforcement action.
- (v) *Extension, abandonment, expiration.* Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no (or minimal) improvements have been made pursuant to the approved detailed development and improvement plans for nine consecutive months), or upon the expiration of three years from the approval of the final plan for a development which has not been completed, the land will revert to the original zoning district. The plan commission may grant one 12-month extension. If an extension for expiration is granted such extension shall be recorded.
- (w) *Rules of procedure.* All proceedings brought under this section are subject to the rules of procedure of the plan commission, where not described otherwise herein.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.13. - Administrative appeal.

The following procedure applies to administrative appeal petitions:

- (a) The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within 30 days of the decision alleged to be in error.
- (b) The administrative official or body from which the appeal is taken shall transmit to the board of zoning appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
- (c) Administrative appeals require public notice in the newspaper per IC 5-3-1-2 and 5-3-1-4.
- (d) At its next regularly scheduled public meeting, the BZA shall then review:
 - 1. The written statement and supportive material submitted by the applicant;
 - 2. The record of action supplied by the administrative official or body from the which appeal is taken;
 - 3. The testimony of the applicant; and
 - 4. The testimony of the administrative official or body from which the appeal is taken.
- (e) The BZA may grant, deny, or table the appeal. The BZA may add conditions to any application which was approved at the appeal stage.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.14. - Questionable land use appeal.

The following procedure applies to questionable land use appeal petitions:

- (a) The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supportive material to the director of community development. This will also include:

The proposed land use,

1. The existing zoning district,
 2. The lot's address,
 3. The applicant's name, address, and contact information, and
 4. The property owner's name, address, and contact information (if different).
- (b) The director of community development will review the petition for a questionable land use and determine if the proposed land use is significantly like a permitted or special exception land use or if the proposed land use is not significantly like a permitted or special exception land use.
- (c) If the proposed land use is significantly like a permitted or special exception land use in the subject zoning district, then the director of community development may approve, deny or forward the decision to the BZA. If the director of community development approves the land use, the applicant will receive written notice of said approval. If the director of community development denies the land use, the applicant may appeal the director of community development's decision to the BZA. And if the director of community development forwards it to the BZA for a decision, the information shall be forwarded to the BZA and will be scheduled for a hearing at the earliest BZA meeting with sufficient space on the docket.
- (d) If the proposed land use is not significantly like a permitted or special exception land use in the subject zoning district the director of community development must forward the decision to the BZA.
- (e) If the decision is forwarded to the BZA, the decision will be made by majority vote once all the information is presented to the BZA in a regularly schedule meeting. The BZA may approve or deny the petition for a questionable land use.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-9.15. - Schedule of fees.

The common council shall maintain an official fee schedule for permits and processes outlined in the zoning ordinance.

(Ord. No. 05-41, § 1, 8-2-05; Ord. No. 09-15, § 1, 4-7-09; Ord. No. 24-30, § 1, 11-12-24)

Sec. 90-9.16. - Notification for public hearing.

The following information pertains to processes that require a public hearing.

- (a) Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten days before the date set for the hearing.
- (b) The party pursuing the request shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, owners of properties adjacent to the subject property. Adjacent shall include across any public ways.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE X. - ENFORCEMENT AND PENALTIES

Sec. 90-10.1. - Authority.

The director of community development is designated as the principal officer of the city to enforce the provisions, regulations, and intent of the zoning ordinance.

All departments, officials, and employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall not issue, permit, or license for any use, building, or purpose if it would conflict with the provisions, regulations, and intent of this chapter. Any permit issued in conflict with the provisions, regulations, and intent of this chapter shall be null and void.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.2. - Complaint/violations.

Complaints made pertaining to the zoning ordinance may be investigated by the director of community development, the code enforcement officer(s), and/or their delegates. Also, any violations suspected by the plan commission, common council or director of community development shall be investigated by the director of community development, the code enforcement officer(s), or their designee. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person(s) and should reflect what is warranted by the violation.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.3. - Inspection of property.

Investigations of property may be conducted by the director of community development, the code enforcement officer(s), or their designee. The director of community development, the code enforcement officer(s), or their designee shall present sufficient evidence of their authority and describe the purpose of the investigation to the owner, tenant, or occupant at the time of the inspection, if applicable.

In the event that the investigator(s) is (are) denied entry, and providing there is evidence of violation of this chapter, the plan commission, common council or director of community development may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the zoning ordinance or any applicable ordinances adopted under State Code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The order issued shall order the owner, tenant, and/or occupant to permit entry by the director of community development, the building commissioner, the fire marshal, and/or their delegates for the purposes documented in the application for the warrant.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.4. - Responsibility for violations.

The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the owner, the owner shall be held responsible in whole or in part as warranted by the plan commission, board of zoning appeals, common council, or director of community development.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.5. - Liability.

A structure that is raised or converted, or land used in violation of the zoning ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.6. - Violations during the construction/building process.

The director of community development may place a stop-work order or violation notice on any property that is found to be in violation of the provisions of this chapter. Stop-work orders shall be issued by written notice which shall state the violation and that work or the illegal activity must stop immediately until the matter is resolved. The written notice shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant. The person(s) served must meet with the director of community development within seven days of receipt of written notice. A memorandum of agreement shall be drafted stating the conditions upon which construction or action may be resumed. This memorandum of agreement must be signed by the person(s) served and the director of community development or their designee.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.7. - Types of violations.

The following items shall be deemed civil zoning violations, enforceable by the plan commission, the director of community development, and/or the code enforcement officer(s). Penalties may be imposed based on the provisions set forth in this article.

- (a) The placement of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the zoning ordinance as determined by the director of community development.
- (b) The erection of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the zoning ordinance as determined by the director of community development.
- (c) The failure to maintain a primary structure, accessory structure, sign, or any other element including property maintenance as determined by the director of community development.
- (d) Failure to obtain an improvement location permit or any other required permit under the zoning ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this zoning ordinance.
- (e) Conducting a use or uses that do not comply with the provisions or explicit intent of the zoning ordinance.
- (f) Any failure to comply with and/or any regulations of the zoning ordinance, including, but not limited to, the following: development standards, improvement location permit, site plan, planned development, or conditions imposed.
- (g) Proceeding with work under a stop-work order or a violation of a memorandum of agreement.
- (h) Any failure to comply with commitments made in connection with a rezoning, approval of a detailed plan, special exception, variance, or other similar or documentable commitment, including verbal agreements

during official plan commission, common council, or BZA meetings.

- (i) Failure to obtain a certificate of occupancy.
- (j) Any other violations as identified.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.8. - Procedure for violations.

- (a) If the director of community development, the code enforcement officer(s), or their designee finds that any provision of this chapter is being violated, the director, code enforcement officer, or their designee may:
 - (1) Send written notice to the person responsible for such violation, indicating the nature of the violation and mandating a specified period of time to correct of the violation or the perform of any other act required;
 - (2) Issue a written warning to the person responsible for such violation; or
 - (3) Issue a ticket (citation) to the person responsible for such violation.
- (b) Notice shall be served upon the owner or owner's agent or the occupant, as the case may require, provided that such notice be deemed to be properly served upon such owner, agent or occupant, if a copy thereof is:
 - (1) Served personally;
 - (2) Sent by certified mail to the last known address; or
 - (3) Posted in a conspicuous place in or about the building, structure, or premises affected by the action.
- (c) Each day that any violation continues after notification that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (d) The city may also institute a suit for mandatory injunction directing any individual, corporation or a governmental unit to remove a structure erected in violation of the provisions of this chapter.
- (e) In addition to all other remedies provided for herein, the city shall be entitled to collect its reasonable attorney's fees incurred in pursuing a penalty or remedy for a violation of the provisions of this chapter.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.9. - Fines and penalties.

A monetary fine will be imposed with the citation of violation for each civil violation determined upon a single inspection.

Citation—\$100.00 per civil violation.

Payment of any violation shall be delivered to the clerk-treasurer's office. A receipt of payment must be recorded and a receipt issued to the person making payment.

(Ord. No. 05-41, § 1, 8-2-05)

Sec. 90-10.10. - Enforcement, remedies, and injunctive relief.

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et al. [et seq.] and all other applicable state law.

- (a) The plan commission or any enforcement official designated by the zoning ordinance may bring an action in the circuit or superior court of the county to invoke any legal, equitable, or special remedy, for the

enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments. This includes, but is not limited to, the zoning ordinance, subdivision control ordinance, etc.

- (b) The plan commission or any enforcement official designated by the zoning ordinance may also bring an action in the circuit or superior court of the county to enforce:
- Covenants made in connection with a subdivision plat, a development plan, or a planned development.
 - Commitments made in accordance with IC 36-7-4 et al. [et seq.]
 - Conditions imposed in accordance with IC 36-7-4 et al. [et seq.]
- (c) The board of zoning appeals or any enforcement official designated by the zoning ordinance may bring action in the circuit or superior court of the county to restrain a person violating IC 36-7-4 et al. [et seq.] or any ordinance adopted under IC 36-7-4 et al. [et seq.] which includes, but is not limited to, the zoning ordinance, subdivision control ordinance, etc.
- (d) The board of zoning appeals or any enforcement official designated by the zoning ordinance may also bring an action in the circuit or superior court of the county for a mandatory injunction, directing to remove a structure erected in violation of the zoning ordinance or applicable state code. If the board of zoning appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.

(Ord. No. 05-41, § 1, 8-2-05)

ARTICLE XI. - DEFINITIONS

Footnotes:

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Editor's note— Ord. No. 14-8, §§ 1 and 2, adopted Aug. 5, 2014, repealed Art. XI and enacted a new article as set out herein. The former Art. XI, §§ 90-11.1 and 90-11.2, pertained to similar subject matter and derived from Ord. No. 05-41, § 1, adopted Aug. 2, 2005; Ord. No. 06-55, §§ 1, 2, adopted Oct. 3, 2006; Ord. No. 10-19, Exh. B, adopted May 5, 2010; and Ord. No. 12-10, § 1, adopted June 5, 2012.

Sec. 90-11.1. - General.

The definitions contained in Article XI shall be observed and applied in the interpretation of all articles in the zoning ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine. Words not defined shall be defined by their common definitions.

(Ord. No. 14-8, § 2, 8-5-14)

Sec. 90-11.2. - Defined words.

The following terms shall have the following meanings:

Abandonment. The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Above ground utility facility. A permanently located and installed utility structure, including but not limited to electrical substations, generators, pipeline pumping stations, and telephone exchanges. For purposes of this zoning ordinance, typical utility facilities that are required as a part of a development/subdivision are not included in this definition.

ADA. Americans with Disabilities Act.

Adjacent property. See *Property, Adjacent*.

Advisory plan commission. A plan commission serving a single local government jurisdiction established as defined under IC 36-7-1-2 (1983) as amended. The City of Portage Advisory Plan Commission shall be the advisory plan commission/plan commission referred to by this zoning ordinance.

Airport. Any area of land designated and used for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of said aircraft.

Alley. A public right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for the special accommodation of abutting property.

Alteration. Any change, addition, or modification in construction or use of an existing structure or property.

Amateur radio tower. A freestanding or building mounted structure, including any base, tower, or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Animal. Any live vertebrate creature, domestic or wild, excluding human beings.

Animal, domestic. Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Animal, farm. Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

Animal boarding. A commercial facility for the feeding, grooming, exercising, training, boarding or maintaining of domestic animals.

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including, but not limited to, directional or omni-directional antennas, panels, and microwave or satellite dishes external or attached to the exterior of any building.

Applicant. A person, persons, or company who owns a lot (or person who is authorized by the owner to act in relation to the lot) who makes application to the plan commission, board of zoning appeals, development review committee, and/or department of community planning and development for action affecting the lot owned under the terms of this zoning ordinance.

Application. The completed form or forms, together with any required materials, exhibits, and fees required of an applicant consistent with the procedures established by this zoning ordinance.

Appurtenance. A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Assisted living facility. A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing/additional care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

Assisted living home. A residential home where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing/additional care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living homes shall provide care for no more than six residents at a time.

Auto repair center. A facility where the following services may be conducted: general repair, engine rebuilding, rebuilding or reconditioning of automobiles; collision service, such as body, frame, or fender straightening and repair; and/or overall painting and undercoating of vehicles.

Auto sales facility. The use of any lot or property, or portion thereof, for the conducting of any business involving the sale and/or rental of any automobile, truck, van and/or motorcycle, whether new or used. Such facilities may have an in-house service or repair component or other incidental use. For purposes of this zoning ordinance, this definition shall not prohibit the sale of up to two personally owned vehicles on a residential property.

Auto service center. A facility where the following services may be conducted for the servicing or minor mechanical repair of automobiles: oil change shop, vehicle detailing/accessory shop, tire shop, and/or auto glass repair. This use does not include as its primary function the disassembly, rebuilding, and replacement of motor vehicle engines, transmissions, or other major machinery components, nor auto body repair or painting.

Awning. A roof-like cover often made of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

Bakery (commercial). A facility for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales. See *food and beverage production*.

Bakery (retail). An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared on-site or off-site. See *restaurant*.

Balcony. A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank. A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transaction of funds. See *office, financial*.

Banquet hall. A building for the primary purpose of hosting a party, banquet, reception, or other social event.

Barber shop. An establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees. See *personal services*.

Base district zone. The zoning classification of a parcel of land prior to the approval of a planned development or the application of an overlay district.

Base flood elevation. The elevation, expressed in feet above mean sea level, which is subject to a one percent or greater chance of flooding in any given year.

Basement. The portion of a building below the first, or ground, floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement must have a portion of the floor area below grade (ground level) on all sides.

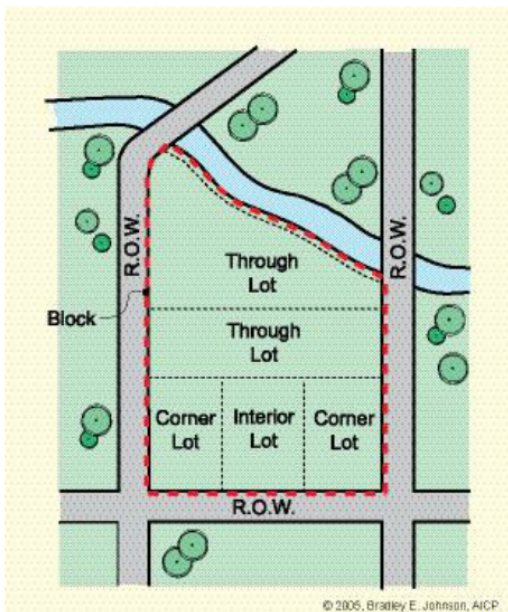
Beauty salon. Any commercial establishment whereby cosmetology is offered or practiced on a regular basis for compensation. See *personal services*.

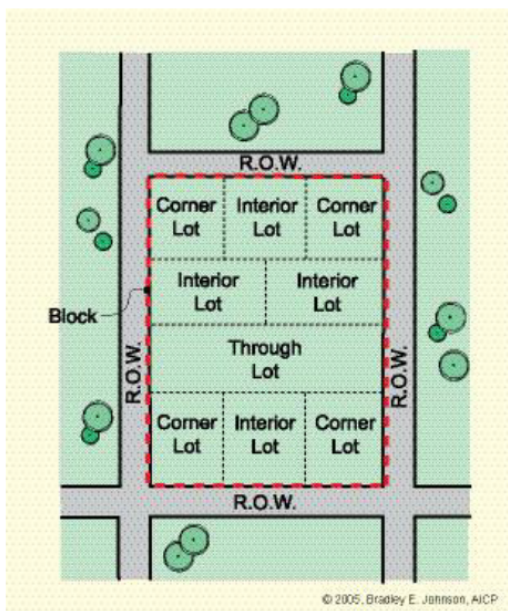
Bed and breakfast homestay. A private owner occupied residence with one to three guest rooms where travelers for compensation are lodged for sleeping purposes with at least a morning meal provided. Stays are not to exceed four weeks in any one year period. Meals at such an establishment shall only be served to guests taking lodging in the residence. A bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes. A separate bathroom must be maintained for the owner occupants. No exterior alterations other than sign and those required by law to ensure the safety of the structure shall be made. The homestay operation shall not use more than 50 percent of the floor area of the principal residence. Common areas such as the kitchens are not included in this calculation.

Bed and breakfast inn. A building with four to 20 guest rooms where travelers for compensation are lodged for sleeping purposes with at least a morning meal provided. Stays are not to exceed four weeks in any one year period. Meals at such an establishment shall only be served to guests taking lodging in the residence. No more than three guest rooms shall be served by one bathroom and if owner or manager occupied, a separate bathroom must be maintained for said owner or manager.

Berm. A man-made mound of earth of an established height and grade used for the purpose of landscaping, screening, or obscuring.

Block. Property abutting on one side of a street and lying between the two nearest intersecting streets (either crossing or terminating), railroad rights-of-way, lake, river, stream, or other physical boundary.





Board. See *board of zoning appeals*.

Board of zoning appeals. A board established consistent with IC 36-7-4-900 series. The City of Portage Board of Zoning Appeals is the board referred to by this zoning ordinance.

Bond. See *surety*.

Bookstore. A retail establishment that, as its primary business, engages in the sale, rental, or otherwise charge for use of books, magazines, greeting cards, postcards, video tapes, computer software, and/or any other printed or electronically conveyed media. See *retail sales*.

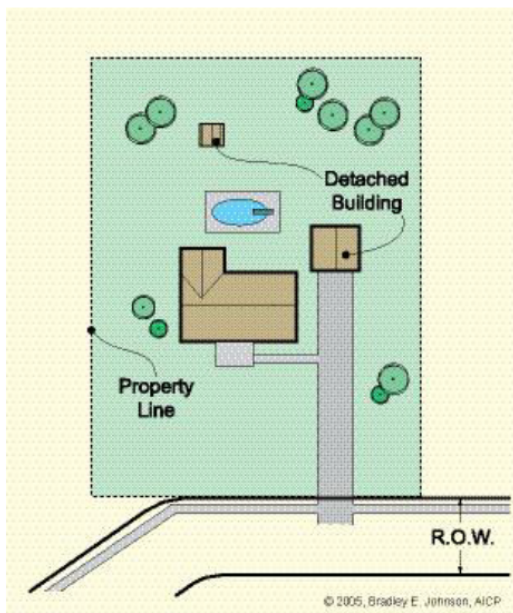
Bowling alley. An establishment that devotes a majority of its gross floor area (51 percent minimum) to bowling lanes, equipment, and laying areas. A bowling alley may include other incidental uses, such as other recreational activities, a restaurant, or bar. See *commercial recreation facility*.

Building. A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed a separate building.

Building, accessory. See *structure, accessory*.

Building, attached. A building that is structurally connected to another by foundation, wall, or roofline.

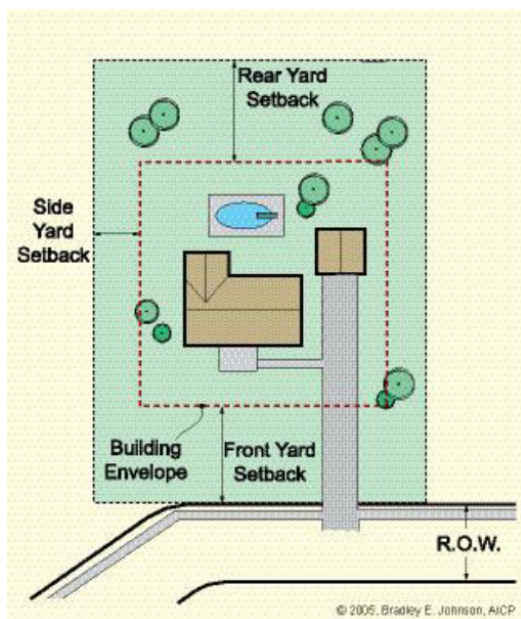
Building, detached. A building that has no structural connection with the primary building or any other building or structure.

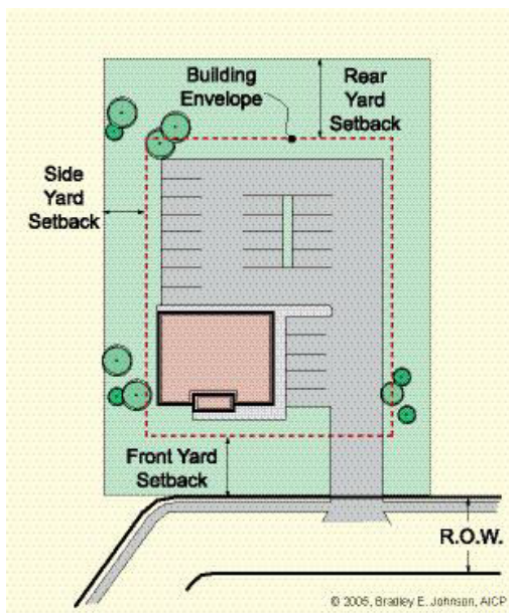


Building area. See *building envelope*.

Building code. The Indiana Building Code, which establishes the controls and standards for the construction of all forms of permanent structures and related matters. Also referred to as the City of Portage Building Code.

Building envelope. The maximum allowable construction/improvement area on a property. See diagrams below.





Building official. The person responsible for the enforcement of the City of Portage Building Code.

Building permit. An official certification issued by the building official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair to a building or other structure.

Business. The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

BZA. See *board of zoning appeals*.

Car wash. The use of a property for the cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport. A permanent structure, which includes a roof and roof supports but is not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

Cellular communication equipment. Antennas and other transmitting and/or receiving devices or other associated devices used in the provision of telecommunications service.

Cemetery. Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Central sewer system. A community sewer system including collection and treatment facilities owned and maintained by the City of Portage.

Certificate of occupancy. A certificate that is issued stating that the building, structure, site, and/or use had been constructed and complies with the provisions of this zoning ordinance, developer commitments, and all conditions of the plan commission, board of zoning appeals, and/or development review committee. A posting of surety may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of surety shall be determined by the director of community development or his/her designee.

Child care center. As defined by IC 12-7-2-28.4 for the purposes of IC 12-17.2-4 and this zoning ordinance, a nonresidential building where at least one child receives child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four hours but less than 24 hours in each of ten

consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Child care home. As defined by IC 12-7-2-28.6 for the purposes of IC 12-17.2-5 and this zoning ordinance, a residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes a class I child care home and a class II child care home.

Child caring institution. As defined by IC 12-7-2-29 for the purposes of IC 12-26 and the zoning ordinance, an institution that: (1) operates under a license issued under IC 31-27-3; (2) provides for delivery of mental health services that are appropriate to the needs of the individual; and (3) complies with the rules adopted under IC 4-22-2 by the department of child services.

Church/place of worship. A facility principally used for people to gather together for public worship, religious training, or other religious activities. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

City. City of Portage.

Club or lodge. A building used by an organized group of people for a common purpose that is social, philanthropic, cultural or educational in nature.

Clubhouse. A building used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than 15 percent of the space accessible to public space of the club house.

College. See *university*.

Collocation. A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Common area. Land within a development that is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specified area. The common area may include complimentary structures and/or other improvements.

Common council. Common council (city council) of the City of Portage, Indiana.

Community center. A building available to the public for community activities, meetings, banquets, projects, gatherings, and the like. A community center may be able to be reserved by the public for private parties and events.

Comprehensive plan. The City of Portage Comprehensive Plan. The plan includes goals, objectives, and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environmental concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the commission pursuant to IC 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to said plan and/or policies, or parts thereof.

Condition of approval. Stipulations or provisions set forth by the board of zoning appeals, plan commission, or development review committee required as a prerequisite for approval of a petition.

Concrete/asphalt production facility. A facility where raw materials are processed into concrete or asphalt for sale or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Construction plans. Maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this zoning ordinance, the City of Portage Subdivision Control Ordinance, and the Indiana Building Code (IBC) as a condition of approval.

County. Porter County, Indiana.

Covenants. Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. Unless specifically agreed to, covenants are not enforceable by the plan commission or its designees; however, they are enforceable in civil court by interested or affected parties.

Craft/fabric store. Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or business that primarily sells items and materials used in the creation of crafts and other such handiwork. See *retail sales*.

Cul-de-sac. See *street, cul-de-sac*.

Curb cut. The providing of vehicular ingress and/or egress between property and abutting public street.

Dance/martial arts studio. An establishment where patrons learn and/or practice dance or martial arts. See *sports training facility*.

DBH. Diameter-at-breast-height is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Deck. A platform, either freestanding or attached to a building, which is supported by pillars or posts.

Dedication. The voluntary transfer, or transfer as a condition of subdivision approval, of private property by its owner to the public for some public use, such as for streets or park land.

Deli (delicatessen). A store which sells cold cuts, cheeses, and a variety of salads, as well as (typically) a selection of unusual or foreign prepared foods. See *restaurant*.

Demolition. The complete removal or destruction of any structure excluding its foundation.

Density, gross. The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all nonresidential land use, rights-of-way, streets, and other features.

Density, net. The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which dwelling units are located, or proposed to be located, including common open space, but excluding nonresidential uses, rights of way, and streets.

Design/planning office. See *office, design/planning*.

Designed fail area. The area surrounding a tower in which the tower may fail should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. A structural engineer licensed in the State of Indiana shall certify the area.

Detention area. An area that is designed to capture specific quantities of stormwater and to gradually release the water at a sufficiently slow rate in order to avert flooding.

Developer. An individual, partnership, corporation (or other agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may differ.

Development. Any man-made change to improved or unimproved real estate including, but not limited to: (1) construction, re-construction, or placement of a structure or any addition to a structure; (2) installation of a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on the site for a longer period than 180 days; (3) installing utilities, erection of walls and fences, construction of roads, or similar projects; (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc; (5) mining, dredging, filling, grading, excavation, or drilling operations; (6) construction and/or reconstruction of bridges or culverts; (7) storage of materials; or (8) any other activity that may change the direction, height, or velocity of flood or surface waters.

Development review committee. City of Portage Development Review Committee

Development standards. Regulations provided by this zoning ordinance that provide specific conditions for the development and use of buildings and property.

Display time. The amount of time a message and/or image is displayed on an electronic message center (EMC) sign.

Distribution facility. A use where goods are received and/or stored for delivery to the final consumer at remote locations.

District. An area with common social physical, economic, or land use characteristics.

Drainage. The outflow of water or other fluids from a site through either natural or artificial means.

Drainage system. All facilities, channels, and areas that serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drainage way. A man made conduit, open ditch, or drainage swale used to carry surface water runoff to a water body, watercourse, or public storm system.

DRC. See *development review committee*.

Drip line. An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, private. See *street, private*.

Drive-thru. A type of service provided by a business that allows customers to purchase products without leaving their cars. Orders are generally placed using a microphone and picked up in person at a window. For purposes of this zoning ordinance, gas bar pump islands and/or a car wash with dedicated bays are not included in this definition.

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, common. An access shared by adjacent property owners.

Driving range. An area equipped with distance markers, clubs, balls, and tees for practicing golf shots and putting, which may or may not include a snack bar and pro shop, but does exclude golf courses and miniature golf courses. See *commercial recreation facility*.

Dry cleaners (commercial). A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and clean

uniforms, generally with the cleaners picking up and delivering the clothing to business clients.

Dry cleaners (retail). An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off and picking up their clothing. See *personal services*.

Dune. A mound or ridge of loose sediments, usually sand based, lying landward of the beach, and deposited by natural or artificial means.

DU. Dwelling units.

Dumpster. A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters from trash, compacted materials, and recycling.

Dwelling. A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all building codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, manufactured home. A single-family detached dwelling unit that is factory built to the National Manufactured Construction and Safety Standards Act in transportable section, or sections. Manufactured homes are divided into three categories, type I, II, and III as defined as follows:

- *Type I:* A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 USCA 5401 et seq.) which is at least 23 feet in width for its entire length; has at least 950 square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One- and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- *Type II:* A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 USCA 5401 et seq.) which is at least 320 square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One- and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- *Type III:* A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 USCA 5401 et seq.) that does not meet the minimum requirements stated for Type I and Type II manufactured homes.

Dwelling, mobile home. A transportable dwelling unit that is a minimum of eight feet in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either (1) prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971 certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or (2) subsequent to, or on June 15, 1976, and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, multi-family. A building containing three or more dwelling units. The dwelling units are located on the same property.

Dwelling, multi-family (upper stories). A group of two or more dwelling units located above the main level in a mixed use building.

Dwelling, single-family (attached). A building which contains solely one dwelling unit and which is "attached" side by side to at least one other dwelling unit. Each dwelling is located on a separate lot.

Dwelling, single-family (detached). A building which contains solely one dwelling unit and which is not attached to any other building. A single-family dwelling shall be at least 23 feet in width for 60 percent of its length.

Dwelling, single-family (upper stories). One dwelling unit located above the main level in a mixed use building.

Dwelling, two-family. A building which contains solely two dwelling units and which is not attached to any other building. The two dwelling units are located on a one lot.

Dwelling site. A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling unit. Any building or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

Easement. A grant by a property owner (grantor) to a specific person, the general public, corporations, utilities, or others (grantee or easement holder), for the purpose of providing services or access to the property.

Employment service. An establishment that seeks and identifies available jobs for patrons seeking employment. See *office, general*.

Erosion. The detachment, movement, and wearing away of soil and rock fragments by flowing surface of subsurface water or by wind.

Executive secretary. The officer delegated the responsibility for the administration of the zoning ordinance's regulations by the plan commission.

Expressway. Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Facade. The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Fair housing facility (Type 1). To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multi-family residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically a facility that houses not more than ten children.

Residential facility for the developmentally disabled which provides residential services for eight developmentally disabled individuals or less as described in IC 12-28-4-8.

Fair housing facility (Type 2). To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically a facility that houses more than ten children.

Residential facility for the developmentally disabled which provides residential services for more than eight developmentally disabled individuals as described in IC 12-28-4-8.

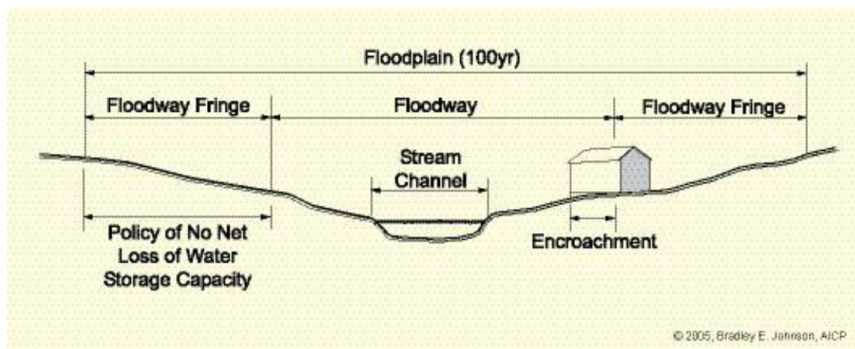
Residential facility for the mentally ill which provides residential services for mentally ill individuals as described in IC 12-28-4-7. A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within 3,000 feet of another residential facility for individuals with a mental illness, as measured between lot lines.

Family. Two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit. Also see *housekeeping unit*.

FCC. Federal Communications Commission.

Flood protection grade. The elevation of the lowest point around the perimeter of a building at which a 100-year flood may enter any finished floor area.

Floodplain. The relatively flat area or low land adjoining the channel of a river or stream, which has been or may be covered by flood water. The floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the floodway/flood boundary maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

Floodway fringe. Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flow, but is subject to periodic flooding.

Floor, lowest. The lowest of the following:

- The top of the basement floor;
- The top of the garage floor, if the garage is the lowest level of the building;
- The top of the first floor of a building elevated on pilings or constructed on a crawl space with permanent openings; or
- The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless: the walls are designed to automatically equalize the

hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one square inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

Floor area. The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor area, finished. That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area. The finished floor area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor area, ground. See *floor area, main*.

Floor area, main. That portion of finished floor area located on the first (or nearest ground level) floor of the dwelling unit. The main floor area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Food and beverage production. The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages, generally for sale to business clients.

Foot-candle. An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot-candle is equal to one lumen per square foot. This measurement can be measured by means of an illuminance meter.

Foundation. The supporting member of a wall or structure.

Frontage. See *lot frontage*.

Frontage road. See *road, frontage*.

Garage. An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Garden shop. A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories. See *retail sales*.

Gas station. Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair services.

General industrial production. Industrial production involving manufacturing, fabrication, and related processes.

Gift shop. An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items. See *retail sales*.

Glare. The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf course. A tract of land laid out with at least nine holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

Golf course, miniature. A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next. See *commercial recreation facility*.

Government facility. A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide governmental service to the public. Government facilities include facilities for police/fire/rescue training and the storage and service of government vehicles, equipment, and supplies.

Government office. See *office, government*.

Grade. The finished surface of the ground adjacent to the exterior walls of a building.

Grade, existing. The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, finished. The final elevation of the ground surface after manmade alterations have been completed.

Grandfathered. A description of the status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this zoning ordinance. See also *legal nonconforming*.

Greenhouse. A building or structure constructed primarily of translucent materials, which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, commercial. A building or structure used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

Grocery store. See *supermarket*.

Ground floor area. See *floor area, main*.

Gymnastics center. An establishment where patrons learn and practice gymnastics. See *sports training facility*.

Hardscape. See *landscape, hard (hardscape)*.

Hardship. A difficulty with regard to one's ability to improve land stemming from the application of the development standards of the zoning ordinance, 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 the zoning ordinance; any result of land division requiring variance from the development standards of the zoning ordinance in order to render that site buildable.

Hardship, unnecessary. A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships, which are self-imposed, resulting from errors in judgment on the part of the property owner, or based on a perceived reduction in economic gain, shall not be considered unnecessary hardships.

Hardware store. A small- or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as in incidental use to the hardware retail sales. See *retail sales*.

Hazardous material. Any substance or materials may be by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Health and fitness center. A building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. See *Personal Services*.

Health spa. A building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purposes of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus. See *personal services*.

Heliport. An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

Home electronics/appliance store. An establishment that primarily sells home appliances, electronics, and related accessories. See *retail sales*.

Home occupation (Type 1). Specified activities or business practices that may be carried on in a residence which have little to no impact to structure or surroundings. These activities or business practices do not allow the loss of the zoning district's character or function as a neighborhood community. Standards for home occupations within the City of Portage can be found in Article VI of this zoning ordinance.

Home occupation (Type 2). Specified activities or business practices that may be carried on in a residence which have minimal impact to structure or surroundings. These activities or business practices do not allow the loss of the zoning district's character or function as a neighborhood community. Standards for home occupations within the City of Portage can be found in Article VI of this zoning ordinance.

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

Hotel. A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Housekeeping unit. One or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A housekeeping unit does not include any society, club, fraternity, sorority, or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club/ any group of individuals whose association with each other is seasonal or any individuals who are in a group living arrangement as a result of criminal activity. Also see *family*.

IAC. Indiana Administrative Code.

IC. Indiana Code.

Ice cream shop. An establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises. See

restaurant.

IDEM. Indiana Department of Environmental Management.

ILP. Improvement location permit.

Impervious surface. Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Improvement location permit. A permit issued under the zoning ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement location permit, temporary. A permit issued under the zoning ordinance permitting a temporary use or structure.

Incidental use. See *use, incidental.*

INDOT. Indiana Department of Transportation.

Infrastructure. Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Initial user. The applicant, person, organization or corporation that originally applies to the City of Portage for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Institutional facility for the developmentally disabled. An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provision of Indiana Code.

Institutional facility for the mentally ill. An institutional facility that provides, care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code.

Interstate. See *expressway.*

Investment firm. Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase. See *office, financial.*

Jewelry store. Store that primarily sells new jewelry, with limited sales of used merchandise. See *retail sales.*

Junk. Scrap or waste material of any kind.

Junk yard. A place where junk, including inoperable vehicles, appliance, wood, paper, rags, garbage, tires, glass, and any other worn-out, cast-off, or discarded items have been collected for re-sale, disposal, or storage.

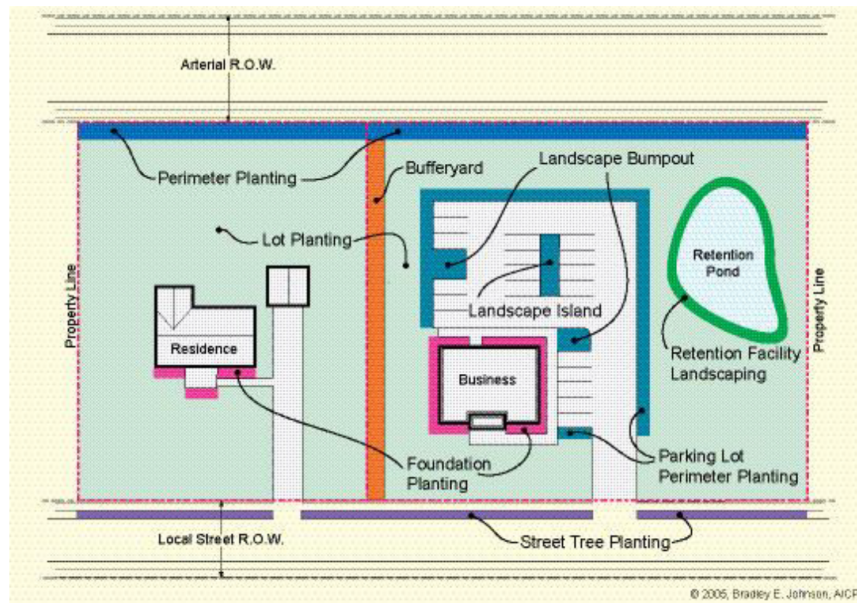
Jurisdiction. Any area over which a unit of government exercises power and authority. See also *planning jurisdiction.*

Kennel. See *animal boarding.*

Landfill. The designated area where non-hazardous and non-medical, farm, residential, institutional, commercial, or industrial waste is buried.

Landscape, hard (hardscape). Landscape features other than plant materials, including, but not limited to such things as decorative pavers, planter boxes, walks, fences, and retaining walls.

Landscape, soft (softscape). Plant materials of a landscape plan.

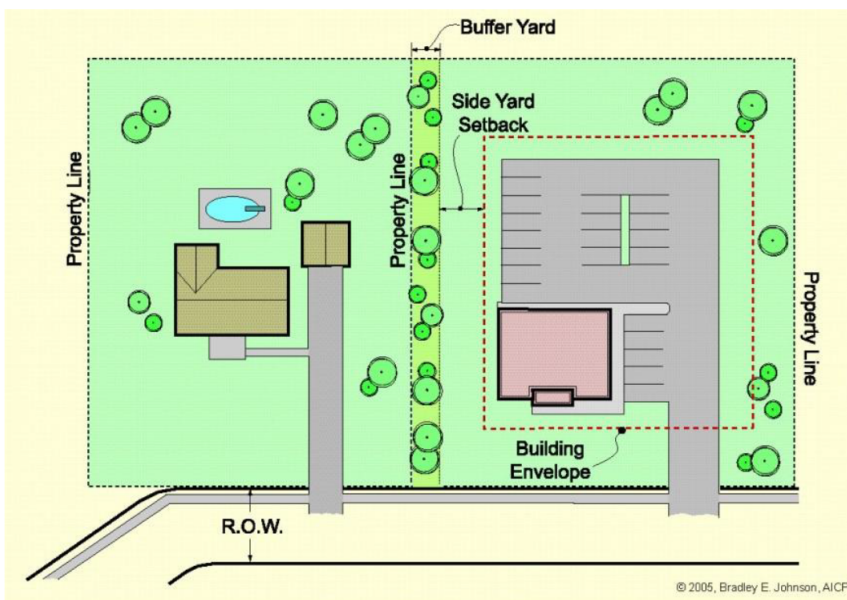


Landscape areas. Places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include, but are not limited to: street tree planting areas, parking lot planting areas, foundation planting areas, buffer yard areas, and perimeter planting areas. The image on the previous page conceptually demonstrates the general location of each landscape area.

Landscape berm. A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Landscape buffer. Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this zoning ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

Landscape bufferyard. An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Bufferyards are in addition to (separate from) front, rear, or side yard setbacks.



Landscape material. Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape mound. A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

Landscape mound (continuous). A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

Landscape structure. Decorative fences, walls, retaining walls edging and the like.

Landscaping. The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Landscaping, defective. Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Lattice tower. See *tower, lattice*.

Legal nonconforming building. Any continuously occupied, lawfully established structure or building prior the effective date of this zoning ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal nonconforming building or structure. Any continuously occupied, lawfully established structure or building prior to the effective date of the zoning ordinance, or its subsequent amendments that no longer meets the development standards.

Legal nonconforming lot. Any legally established and recorded lot prior to the effective date of this zoning ordinance, or its subsequent amendments that no longer meets the specific development standards.

Legal nonconforming lot of record. Any legally established and recorded lot prior to the effective date of the zoning ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal nonconforming sign. Any sign, lawfully existing on the effective date of this zoning ordinance, or amendment thereto, that does not conform to all standards and regulations of this ordinance.

Legal nonconforming use. Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the zoning ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Legal nonconforming use. Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this zoning ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Library. A public facility for the use, but not sale, of literary, musical, artistic, or reference material.

Light industrial assembly and distribution. Assembly and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, [noise], odor, etc.

Light industrial processing and distribution. Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, [noise], odor, etc.

Liquor store. An establishment that offers retail and /or wholesale liquor, including wine or beer. See *retail sales*.

Loading berth. A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Lot. A separately defined, contiguous portion of a recognized subdivision with a written legal description which typically addresses permissions and/or constraints upon its development.

Lot, buildable. See *lot, improved*.

Lot, developed. A lot with buildings or structures situated thereon.

Lot, double frontage. See *lot, through*.

Lot, improved. A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

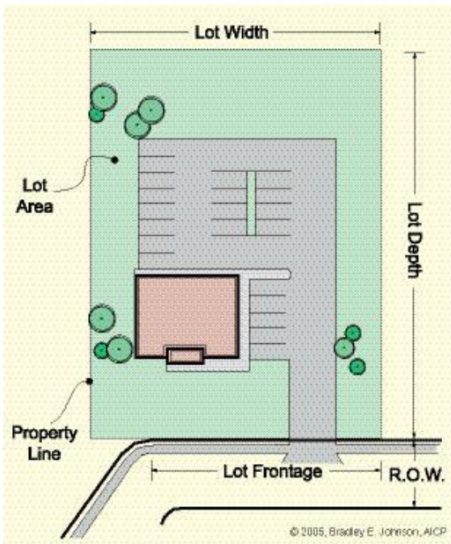
Lot, undeveloped. A lot of record upon which no improvements exist.

Lot area. The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

Lot coverage. The percentage of the lot area covered by building, structures, parking areas, driveways, walkways, and other paved or impervious surface.

Lot depth. The horizontal distance between the front and rear lot lines. See diagrams below.

Lot frontage. The length of the property abutting a public right-of-way determined by measuring the distance between the front lot line corners using a straight line. See diagrams below.

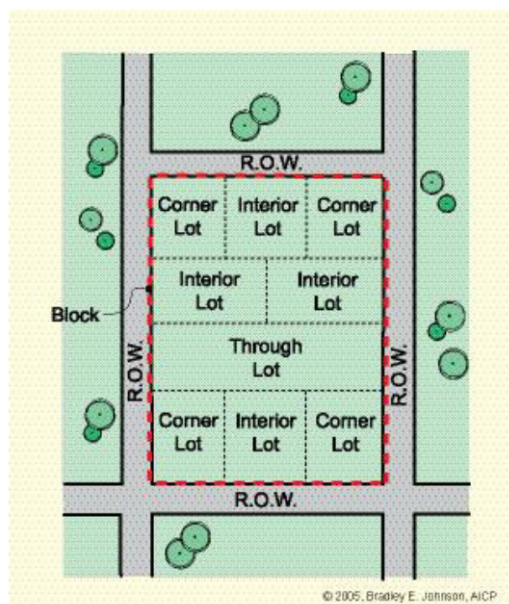
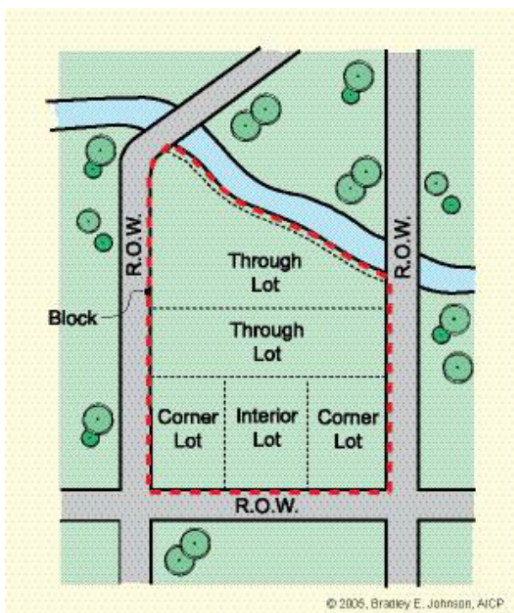


Lot of record. A lot that is part of a documented subdivision, the map of which has been recorded in the office of the Porter County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded in the office of the Porter County Recorder, consistent with and in compliance with land development regulations in effect at the time of said recording.

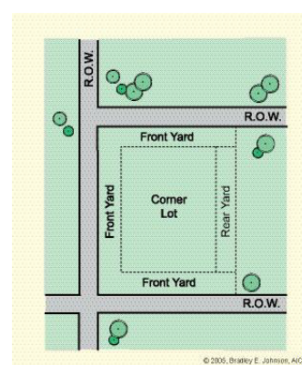
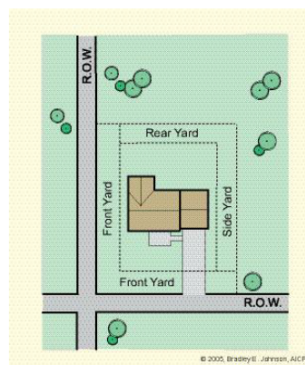
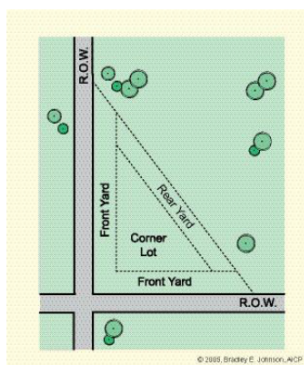
Lot line. A line bounding a lot. Types of lot lines follow:

- *Lot line, front:* For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights of way.
- *Lot line, rear:* The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line (see graphic for rear yard).
- *Lot line, side:* A lot boundary line other than a front or rear lot line.

Lot types. See diagrams below.



- *Lot, corner:* A lot situated at the intersection of two streets. Corner lots have two front yards. The side and rear yards are determined by the situation of the primary structure. See diagrams below.



- *Lot, interior:* A lot other than a corner lot or a through lot.

- *Lot, through:* A lot having frontage on two or more non-intersecting streets.

Lot width. The horizontal distance between side lot lines measured at the required minimum front setback line of the zoning district using the method determined by the subdivision control ordinance.

Lot, zoning. A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this zoning ordinance as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

Main floor area. See *floor area, main*.

Manufactured home. See *dwelling, manufactured home*.

Manufactured home park. A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of mobile home dwellings and/or manufactured home dwellings, and shall include any street used or intended for use as part of the facilities of such manufactured home park. A manufactured home park does not involve the sales of mobile home dwellings or manufactured home dwellings in which unoccupied units are parked for inspection or sale.

Manufactured home sales. The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes type I, II, and III. No facility shall store vacant manufactured or mobile home units on site unless each unit is located on an approved lot within an approved manufactured or mobile home park. Manufactured home sales does not include the storage of vacant or unsold units.

Manufacturing, heavy. The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, light. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marina. A facility located along a shoreline that has docks, moorings, supplies, and other services for watercraft and watercraft passengers.

Marine vehicle sales facility. The use of any lot or property, or portion thereof, for the conducting of any business involving the sale and/or rental of any boat, personal watercraft (PWC), or other vehicle designed and intended for use on the water, whether new or used. Such facilities may have an in-house service or repair component or other incidental use. For purposes of this zoning ordinance, this definition shall not prohibit the sale of up to two personally owned vehicles on a residential property.

Marine vehicle storage facility. A structure designed for the storage of watercraft and marine equipment.

Massage parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related

thereto exposes specified anatomical areas.

Massage therapy. Any place where massage, reflexology, sport injury therapy, and the like are performed by licensed or certified professional message therapists or that is under direct supervision by a licensed or certified professional message therapist. See *office, medical*.

Master plan. See *comprehensive plan*.

Meat market (butcher). A market that primarily offers retail and/or wholesale meats, but may also sell related and incidental products. See *retail sales*.

Metes and bounds. A description of land prepared by a state-registered land surveyor providing measured distances and courses from a known or established point on the surface of the earth.

Microbrewery (brew pub). A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment. See *food and beverage production*.

Mini warehouse/self storage facility. A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

Mobile home. See *dwelling, mobile home*.

Mobile home park. See *manufactured home park*.

Mortuary. A facility for the storage and preparation of human dead prior to burial, including the conduction of funeral services.

Motel. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Mural. See *sign, mural*.

Museum. A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, literary materials, objects of interest, or works of art, and designed to be use by the public with or without an admission charge. A museum may include, as an accessory use, the sale of goods to the public.

Natural condition. The condition that arises from, or is found in nature, unmodified by human intervention.

Natural drainage. Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modification or improvements made by unnatural causes and/or human intervention.

Nature center. A facility and grounds in which plants, animals, and topographic features are protected and studied in their current, natural condition.

Nature preserve. A conservation area in which plants, animals, and topographic features are protected in their current, natural condition.

Nonconforming building. A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming lot. A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming sign. A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of this zoning ordinance.

Nonconforming use. A use, which does not conform to the land use regulations of the zoning district in which it is located.

Nuisance. An interference with the enjoyment and use of property as defined by the nuisance ordinances of the City of Portage Municipal Code.

Objectionable odor. Odors that are nauseating, noxious, or generally recognized as unpleasant.

Office, financial. A building used by professionals in the financial industry for purposes of providing professional financial services.

Office/showroom, contractor. A building used by electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices for the purposes of meeting with clients and conducting office tasks.

Office/warehouse, contractor. A building used by electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices for the purposes of storing supplies. This use may or may not have an office component.

Office, design/planning. A building used by professionals in the fields of architecture, engineering, graphic design, and urban planning for purposes of providing professional design services.

Office, general services. A building used by employment services, temporary employment agency, insurance office, law office, membership associations, secretarial service, publishing, corporate offices, reading clinic, real estate office, service organization, title company, and travel agency.

Office, government. An office occupied by a governmental agency that provides a governmental service to the public.

Office, medical. A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients. Such offices include dental, medical, optical, therapeutic, and veterinary.

Office supply store. A large establishment that offers retail and wholesale office supplies, including items such as paper, writing utensils, computer equipment, and office furniture. See *retail sales*.

Official zoning map. A map of the City of Portage, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one official zoning map, and it is kept up to date by the plan commission and the director of community development.

Official zoning map copies. A map of the City of Portage, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Oil change shop. A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits. See *auto service center*.

Open space. An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas, streams and flood plains, meadows or open fields containing baseball, football and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Outdoor storage. The keeping of items for sale, the products of manufacturing, materials used in production of vehicles, and other similar materials and/or equipment in an area outside of any building.

Owner. Any person, group of persons, firm, corporation, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners association. An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to proportionate share of the expenses of the organization's activities, such as maintaining common property.

Parcel. A quantity of land identified for taxation purposes.

Park. A parcel of land for passive and/or active recreation.

Parking, off-street. A storage space for an automobile located outside of a street right-of-way.

Parking, on-street. A storage space for an automobile located within the right-of-way of a street.

Parking, shared. A parking area used jointly by two or more users. Shared parking can have a wide-ranging definition, from the most literal (on-street parking) to more formal use sharing agreements negotiated between private interests. The successful implementation of shared parking strategies can eventually curb the demand for more parking facilities to be built, as existing facilities are used more efficiently.

Parking space. A location that is designated for parking. A vehicle fits inside the space either by perpendicular parking, angled parking, or parallel parking.

Paved. A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not considered a paved surface.

Permanent foundation. A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Personal services. An establishment primarily engaged in the provision of frequent and recurrent services of a personal nature, such as beauty parlor, shop or salon, barber shop, tanning salon, health and fitness center, health spa, weight control establishment, jewelry/shoe repair, dry cleaner (retail), or any similar use.

Pet store. A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles, as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals. See *retail sales*.

Petitioner. See *applicant*.

Pharmacy. A place where drugs and medicines are prepared and dispensed. Pharmacies also include the incidental retail sale of medical accessories and convenience goods and services. See *retail sales*.

Plan commission. See *advisory plan commission*.

Planned development. A large-scale unified development meeting the requirements for zoning approval under the provisions of Article VII of the zoning ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the zoning ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning jurisdiction. All land within the corporate limits of Portage, Indiana.

Plat. See *subdivision*.

Plat, primary. The primary plat, pursuant to IC 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to plan commission rules.

Plat, secondary. The secondary plat, pursuant to IC 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform to the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Police, fire or rescue station. An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

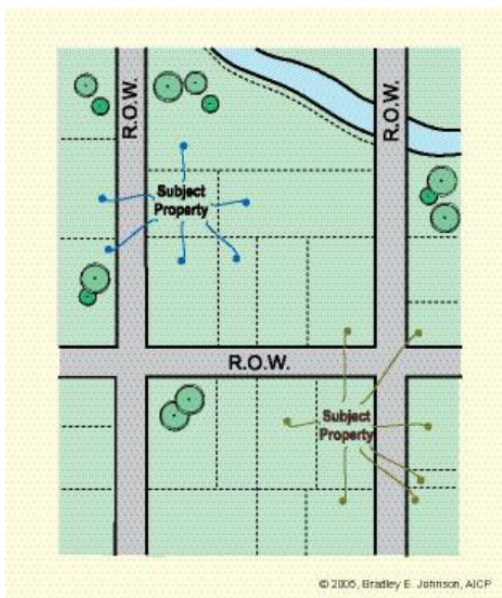
Porch. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Post office. A facility operated by the United States Postal Service that house service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Practical difficulty. A difficulty with regard to one's ability to improve land stemming from regulations of the zoning ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the zoning ordinance, but would like a variance from the development standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the development standards for a new garage location.

Printing/shipping center. An office service center for the purposes of design, reproduction, transmittal, or sending of documents at the request of a customer.

Property, adjacent. Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties. See diagram below.



Property owner. The person(s) identified as the property owner on the most recent list prepared and maintained by the Porter County Auditor's Office. See also *owner*.

Public art. Any visual work of art that is accessible to public view and located on public or private property.

Public hearing. A formal meeting, announced and advertised in advance consistent with the requirements of this zoning ordinance, which is open to the public, and which members of the public have an opportunity to participate.

Public improvement. Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public utility. Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

Record. The written documentation of the actions and expressions of a public body, such as the plan commission or board of zoning appeals.

Recreation facility, indoor (commercial). Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice/roller skating rinks, indoor climbing facilities, soccer areas, athletic clubs, and health clubs. This use does not include special studios or training facilities not open to the general public.

Recreation facility, outdoor (commercial). A facility open to the general public for various outdoor participant sports and types of recreation and which are not located at a public park, such as amphitheaters, golf driving ranges, miniature golf courses, amusement and theme parks, water slides.

Recreational vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational vehicle sales facility. The use of any lot or property, or portion thereof, for the conducting of any business involving the sale and/or rental of any recreational vehicle, whether new or used. Such facilities may have an in-house service or repair component or other incidental use. For purposes of this zoning ordinance, this definition shall not prohibit

the sale of up to two personally owned vehicles on a residential property.

Registered land surveyor. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered professional engineer. An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory flood. A 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 Indiana Natural Resources Commission. Further, this flood is equivalent to a flood having a one percent probability of occurrence in any given year.

Regulatory floodway. The channel of a river or stream and those portions of the flood plains 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 or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Replat. A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Research laboratory. A structure or group of structures use primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residential treatment center. Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment the require, but which for any reason cannot be furnished in the person's own home.

Restaurant. An establishment where food and drinks are prepared, served, and consumed either within the primary structure or taken off-site by the patrons to be consumed elsewhere.

Retail sales, high intensity. Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, and variety store (large). For purposes of this zoning ordinance retail sales do not include the sale/rental of any vehicle.

Retail sales, low intensity. Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include book store (small), craft gallery (small), gift shop (medium), boutique (medium), jewelry store (small), flower shop (medium), and art gallery (medium). For purposes of this zoning ordinance retail sales do not include the sale/rental of any vehicle.

Retail sales, medium intensity. Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include: antique shop, apparel shop, art and craft supplies, auto part sales (new), book store (large), building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), meat market (small), home electronics/appliance

store (small), convenience store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small). For purposes of this zoning ordinance retail sales do not include the sale/rental of any vehicle.

Retail, special handling. Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

Retreat center. A facility used for professional, educational, or religious meetings, conferences, or seminars, which provides meals, housing, and recreation for participants during the period of the retreat or program.

Rezoning. An amendment to the official zoning map which has the effect of removing property from one zoning district and placing it in a different zoning district.

Right-of-way. A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Road. See *street*.

ROW. See *right-of-way*.

Satellite dish/antenna. An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School. A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, trade or business. A specialized instructional establishment that provides onsite training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Including vocational schools and career centers.

Scrap metal yard. A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard. See *general industrial production*.

Self-service laundry. A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use of customers on site. See *personal services*.

Setback, maximum. The maximum allowable horizontal distance between a lot line/right-of-way and a structure.

Setback, minimum. The minimum allowable horizontal distance between a lot line/right-of-way and a structure.

Sewage treatment plant. Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Sexual conduct. Any of the following: the fondling or other touching of human genitals, pubic region, buttocks, or female breasts; ultimate sex acts, normal or perverted, actual or simulated; masturbation; and excretory functions as part of or in connection with any of the activities described above.

Sexually oriented bookstore. An establishment having ten percent or more of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Sexually oriented business. Any commercial activity whether conducted intermittently or free time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Such businesses shall include, but not be limited to: sexually oriented bookstores; sexually oriented motion picture theater; sexually oriented mini-motion picture theater; sexually oriented motel/hotel; sexually oriented motion picture arcade; cabaret; and massage parlor.

Sexually oriented entertainment. An adult bookstore, adult retail store, adult motion picture theater, or adult strip club, or the like.

Sexually oriented mini-motion picture theater. An enclosed building with a capacity of 50 persons or less used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical area, for observation by patrons therein.

Sexually oriented motel/hotel. A motel/hotel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Sexually oriented motion picture arcade. Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Sexually oriented motion picture theater. A facility for audio and visual productions and performing arts specifically for presenting material having as a dominant theme material distinguished or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

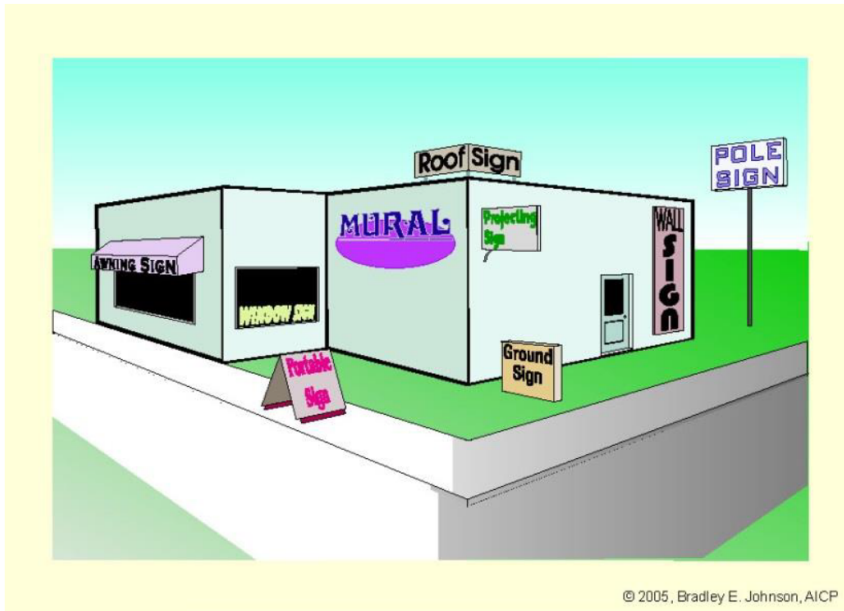
Sexually oriented retail store. An establishment having more than ten percent of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Sexually oriented strip club. A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Shoe repair shop. An establishment that primarily repairs shoes, with incidental sales of shoe related items. See *personal services*.

Sight triangle. See *vision clearance triangle*.

Sign. A structure, device, letter, word, model, figure, symbol, product, manner, balloon, flag, pennant, streamer, insignia, emblem, logo, painting, poster, or some quantity or combination of the above which is visible from a public place and is intended to direct public attention to a product, service, place, activity, person, institution, business, solicitation, or otherwise convey a message to the public. The graphic below depicts the primary types of signs. Regulations for the type of signs permitted vary by zoning district.



Sign, abandoned. A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located or conducted on the property where the sign is displayed.

Sign, animated. A sign with action, motion, or changing colors or lights, any of which imitates movement. A flashing sign shall be considered an animated sign.

Sign, arcade. A sign suspended beneath a ceiling of an arcade, roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade, roof or marquee to identify the location of establishments within a shopping center or similar building.

Sign, awning. A type of building sign that typically includes letters, logos, symbols and/or designs and is integrated into an awning.

Sign, barber pole. A usually rotating pole with diagonal stripes of red and white or of red, white and blue used as a sign for a barbershop.

Sign, billboard. A billboard sign is a type of *off-premises sign*, regulated by Article VI of this zoning ordinance.

Sign, building. A sign that is attached directly to a building. For purposes of this zoning ordinance, building signage consists of wall signage, canopy signage, awning signage, and any approved projecting signage.

Sign, canopy. A type of building sign that typically includes letters, logos, symbols and/or designs and is integrated into an canopy.

Sign, changeable copy. A sign or portion thereof with characters, letters, or illustrations that can be manually or electronically changed or re-arranged without altering the face of the surface of the sign.

Sign, construction. A temporary sign located on a construction site that identifies the project and the project team, including but not limited to contractors, developers, architects, engineers, sponsors and/or lenders.

Sign, digital. A sign capable of displaying words, symbols, or images that can be electronically or mechanically changed by remote, automatic or electrical means.

Sign, directional—On-premises. A sign which directs and/or instructs vehicular or pedestrian traffic relative to parking areas, proper exits, loading areas, entrance points and similar information on the premises on which it is located.

Sign, directional—Off-premises. A sign erected by a government agency which directs and/or instructs vehicular or pedestrian traffic relative to the location of a public building or use or a semipublic building or use, such as a church, school, park, municipal building, or similar use and which is located in a public street right-of-way with the permission of the owner of the right-of-way or on premises other than the premises where said building or use is located with the permission of the owner. Off-premises directional signs shall not include billboards, as defined herein, or any other off-premises sign which contains information regarding any commercial or business use.

Sign, display time. The amount of time a message and/or graphic is displayed on an electronic message center.

Sign, double faced. A sign designed and/or used to display a message on the outer surface of two identical and opposite parallel panels.

Sign, drive-thru menu board. A freestanding sign located adjacent to a drive-thru lane used solely for advertising products and/or services offered at a drive-thru service at a business where customers remain seated in a vehicle occupying a drive-thru service lane to the point of a drive-thru service window or other service area of a business.

Sign, drive-thru preview menu board. A freestanding sign located adjacent to a drive-thru lane which details a limited list or pictorial display of products and/or services offered on a drive-thru menu board of a business. A preview menu-board precedes the drive-thru menu board for the purpose of expediting the ordering of products and/or services from the drive-thru menu board.

Sign, EMC. See *sign, electronic message center*.

Sign, EMC display methods. Methods by which an electronic message center (EMC) may convey its message. For purposes of this zoning ordinance, not all display methods are permitted. Refer to Article VI.

- *Static message:* The EMC frame stays constant for a period of at least ten minutes. The display does not appear to change, move, scroll, vary color, or vary light intensity.
- *Alternating message:* The EMC frame is held constant for a period of at least eight seconds. The display does not appear to change, move, scroll, vary color, or vary light intensity during that period. The display transitions to another EMC frame nearly instantaneously (in a transition of less than one-half second. See *sign, EMC message transition*).
- *Animated message:* The display of all or part of the EMC changes or appears to move, scroll, vary color or vary light intensity. Animated message excludes:
 - *Video message:* A display on an EMC that contains images which vary in a continuous, non-repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over 16 seconds, the allowable duration of two display frames.

- *Flashing*: Flashing means a display that includes a pattern of sudden alteration, less than one-half second, between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background alternate or reverse color schemes rapidly, again in less than one-half second. This excludes a transition of less than one-half second between messages on an alternating message display.
- *Rapid scrolling*: Rapid scrolling means any letter or character in a message that moves or appears to move across an EMC face faster than ten feet in two seconds. This excludes a transition of less than one-half second between messages on an alternating message display.
- *Strobe lights*: Strobe lights are high intensity flashing lights that may impair vision.

Sign, EMC frame. A complete, static display screen on an electronic message center (EMC) sign.

Sign, EMC message transition. A visual effect on an electronic message center (EMC) sign to change from one message to another. See *alternating message* within *sign EMC display methods*. The following are types of message transitions:

- *Dissolve*: A mode of message transition on an EMC accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.
- *Fade*: A mode of message transition on an EMC accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
- *Scroll*: A mode of message transition on an EMC where the message appears to move vertically across the display surface.
- *Travel*: A mode of message transition on an EMC where the message appears to move horizontally across the display surface.

Sign, electronic message center (EMC). An electrically-activated changeable copy sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a light source. See *sign, EMC display methods*.

Sign, freestanding. A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property. Refer to *pole sign*, *ground sign*, *monument sign*, and *integrated sign* definitions herein.

Sign, fuel dispensing equipment. A permanently installed sign affixed to, or integrated into, an enclosure containing fuel dispensing equipment, such as a gasoline pump.

Sign, gateway. A freestanding sign or integrated sign at the main entrance(s) to a residential, business/commercial, or industrial development which identifies the development name or, in terms of the community as a whole, located near a key intersection of the community, which introduces or welcomes visitors to the community. Such a sign may include a common electronic message center (EMC) sign to share community information, and/or in the case of a business, commercial, or industrial subdivision, may advertise businesses located within the development.

Sign, ground. A monument sign or integrated sign generally having a low profile with little or no open space between the ground and the sign.

Sign, illuminated. A sign lighted or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

Sign, integrated. A sign that is integrated into the landscaping elements of a site, such as laser cut letters attached to hardscape.

Sign, monument. A sign having a support structure that is a solid-appearing base constructed of a permanent material such as concrete or brick.

Sign, multi-message. An electrically-activated changeable copy sign that uses mechanical movement to allow for the display of more than one sign copy, usually, but not necessarily, by rotation or revolution of sign components and may be referred to as a trivision or variable message sign. For purposes of this zoning ordinance, such technology may be used throughout the community with sign copy changing at time intervals of no less than eight seconds.

Sign, multiple faced. A sign that has two or more sign faces.

Sign, mural. A painting on the side of a building, wall, or structure; or a painting on the ground or ceiling of a building or structure. A mural that does not function as a sign is not regulated by the zoning ordinance. Murals that function as a sign are regulated by the zoning ordinance as a wall sign.

Sign, off-premises. A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, on-premises. A sign directing attention to a product, service, entertainment, or any other activity offered, sold, or conducted upon the lot where the sign is displayed. For purposes of this zoning ordinance, community events and/or public service announcements shall be permitted on any on-premises sign.

Sign, permanent. A sign which, when installed, is intended and designed for permanent use.

Sign, pole. A sign visibly supported on a pole or poles and not attached to a building or wall.

Sign, portable. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

Sign, poster. Any sign made of cardboard, metal, plastic, or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

Sign, projecting. A type of building sign which is mounted to the wall surface of the building and projects perpendicular to the building wall.

Sign, public information. A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, real estate. A temporary sign that relates to the sale, lease, or rental of property or structure, or to construction activity on site.

Sign, roof. A sign that is erected on or above a roof or that is installed, placed, or affixed in any fashion directly on a roof's surface.

Sign, rotating. A sign or portion of a sign that turns about an axis.

Sign, sandwich board. A freestanding sign located at grade level constructed in such a manner as to form an "A" by separating two opposite and parallel sign faces by a supporting structural member.

Sign setback. The distance between any property line or right-of-way and the nearest portion of any sign at or above ground level.

Sign, temporary. A sign that is not intended to be permanently installed.

Sign, time/temperature. An electronic or mechanical device which shows time and/or temperature, but contains no business identification or advertising. The surface area of the time/temperature display shall be included in the total aggregate sign area.

Sign, vehicle. A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to a product, business, or property which is indicated on the sign.

Sign, wall. A type of building sign painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in place parallel to the building wall. (For the purposes of this zoning ordinance, any approved projecting signage by the board of zoning appeals shall be included in the building signage allowance.)

Sign, wheeled. Any sign with a wheeled chassis that is portable and delivered to a site.

Sign, window. A sign attached to or within three feet of the inside of the window upon the premises where the sign is displayed which directs attention to the principal business, profession or industry or to the type of product sold, manufactured or assembled, or to services or entertainment offered on said premises.

Site plan. The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of improvement location permits on the site consistent with the requirements of IC 36-7-4-1400 series.

Skating rink. An establishment that provides facilities for patron skating. See *commercial recreation facility*.

Softscape. See *landscape, soft (softscape)*.

Special exception. An authorization of a use that is designated as such by the zoning ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the BZA.

Special exception use. See *use, special exception*.

Special handling retail. See *retail sales, special handling*.

Specified anatomical areas. Any of the following: Less than completely and opaquely covered human genitals or pubic region; buttocks; or female breast below a point immediately above the top of the areola; and human genitals in a discernibly turgid state, even if completely and opaquely covered.

Sporting goods shop. An establishment that primarily sells sporting equipment, sporting apparel, and related items. See *retail sales*.

Sports training facility. An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and often provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a health and fitness center.

Stationary shop. An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items. See *retail sales*.

Stop work order. A written document issued by an official of the City of Portage, which requires the cessation of an activity.

Storage, outdoor. See *outdoor storage*.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street. A public thoroughfare, including a road, highway, drive, land, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

Street, arterial. A street which serves the major traffic movements within a community, as well as a majority of the vehicular traffic entering and leaving the city to travel to and from adjacent communities. Portage's arterial streets are identified on the thoroughfare plan map contained with the Portage Comprehensive Plan.

Street, collector. A street designed and suited to carry moderate volumes of traffic from local streets to arterial streets. Portage's collector streets are identified on the thoroughfare plan map contained with the Portage Comprehensive Plan.

Street, cul-de-sac. A street with a single common ingress and egress and with a turn around provided at the opposite end.

Street, intersecting. Any street that joins another at an angle, whether or not it crosses said street.

Street, local. A street designed and operating to provide vehicular access between individual properties and the collector and arterial street system. Portage's local streets are identified on the thoroughfare plan map contained with the Portage Comprehensive Plan.

Street, nonresidential. Any street where the primary land use of the lots, which the street provides access to, as well as the lots on either side of the street is not residential.

Street, private. Any street, which is privately owned and maintained, that is used to provide vehicular access to more than one property owner or dwelling unit.

Street, public. A street constructed and/or maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, residential. Any street where the primary land use of the lots, which the street provides access to, as well as the lots on either side of the street is residential.

Street frontage. The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street intersection. The point of crossing or meeting of two or more streets.

Streetscape. The overall character and appearance of a street formed by buildings and landscape features that frame the public street, including but not limited to facades of buildings, street trees and plants, lighting, street furniture, and paving.

Structural alterations. Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders, or any substantial change in footprint or increasing size of living space. Additionally, substantial roofing and siding work when repairs are made to the underlying structure.

Structure. Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure, accessory. A structure which is subordinate to and located on the same property as a primary structure. The use of an accessory structure must be an accessory use.

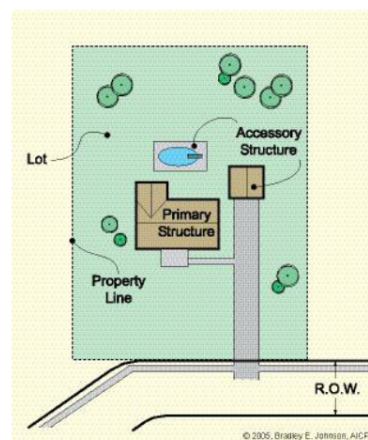
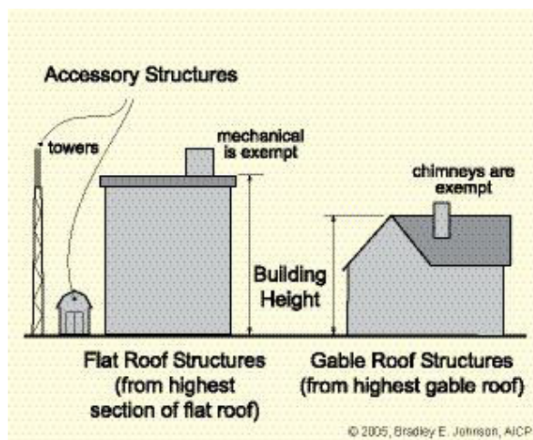
Structure, accessory (enclosed). An accessory structure which is fully or dominantly enclosed. As examples, a detached garage, pool house, summer kitchen, or shed are considered enclosed accessory structures. For the purposes of the zoning ordinance, a detached car port shall also be considered an enclosed accessory structure. See diagram below.

Structure, attached. A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Structure, detached. A structure that has no structural connection with the primary building or any other building or structure.

Structure, primary. A structure which accommodates the primary use of the site.

Structure height. The vertical distance measured from ground level to the highest point of the roof. See diagram below.



Studio, art. A place of work of one or more persons who are engaged actively, and either gainfully or as a vocation in the following: the fine arts, including but not limited to, painting, printmaking, or sculpturing.

Subdivider. Any person or entity, which initiates proceedings to create a subdivision. See also *developer*.

Subdivision. An area of land which has been divided into two or more lots, tracts, parcels, or divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development, including all designations in street line, alley line, public area boundaries, lot lines, easements, rights-of-way, pavement width, curb lines, location and size of utilities, location and size of land areas to be dedicated.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not include improvements to structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Supermarket. Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses. See *retail sales*.

Surety. An amount of money or other negotiable instrument provided by a developer to the city which guarantees that they will perform all actions required regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided to the city to complete those requirements.

Survey marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Survey monument. A permanent physical structure which marks the location of a corner or other survey point.

Tailor shop. An establishment that alters and repairs clothing for patrons. See *personal services*.

Tanning salon. Any business which provides a service using artificial lighting systems, or cosmetic paints applied to a person to produce a tan on a person's body, including the incidental sales of tanning products. See *personal services*.

Telecommunications. The transmission of information between or among geographic points without change in the form or content of the information sent or received.

Telecommunications antenna. Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio, and television signals, and any other information.

Telecommunications facility. A land based facility, consisting of towers, antennae, accessory buildings and structures, or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications tower. A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

Temporary improvement location permit. See *improvement location permit, temporary*.

Temporary use. see *use, temporary*.

Theater. A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses. See *commercial recreation facility*.

Thoroughfare plan. The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the City of Portage Comprehensive Plan.

Tool and dye shop. An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products. See *light industrial processing and distribution*.

Topography. The configuration of the earth's surface, including the relative relief, elevations, and positions of land features.

Tower. See *telecommunications tower*.

Tower setback. The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Trail. A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

Truck freight terminal. An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck sales and service. Any establishment that sells and services semis and other vehicles similar in size and purpose. Inoperable trucks may be temporarily stored on site only if they are to be serviced.

Two-page layout. Refers to the two-page layout accompanying each zoning district in Article III of the Zoning Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zoning district information.

University or college. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in structures owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

Use. The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, accessory. A use that is subordinate and customarily incidental to the primary use.

Use, change of. The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

Use, existing. The use of a lot or structure present at the effective date of this zoning ordinance.

Use, illegal. Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located, as defined by this zoning ordinance.

Use, incidental. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Use, nonconforming. A use which does not conform to the use regulations of the zoning district in which it is located.

Use, permitted. Any use listed as a permitted use in this zoning ordinance or which is an accessory or temporary use associated with the permitted use for the zoning district in which it is located.

Use, primary. The main use of land and/or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

Use, special exception. A use that is designated by this zoning ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the board of zoning appeals.

Use, temporary. A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of said time period.

Use variance. See *variance, use*.

Utility substation. A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer. See *above ground utility facility*.

Vacation. The termination or termination of interest in a plat, easement, or right-of-way or other public dedication.

Variance, development standards. A specific approval granted by the board of zoning appeals in the manner prescribed

by the zoning ordinance, to deviate from the development standards (such as height, bulk, area) that the zoning ordinance otherwise prescribes.

Variance, use. The approval of a use by the BZA, which is not listed as a permitted or special exception use by this zoning ordinance and is not an accessory or temporary use associated with any primary use permitted by this chapter.

Variety store. A retail establishment that sells a multitude of consumer goods. See *retail sales*.

Vehicle. A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

Vehicle detailing/accessory shop. An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs. See *auto service center*.

Vehicle, inoperable. A vehicle, which, due to mechanical defect or failure, or incorrect or unapparent licensing, cannot physically or legally be operated.

Vision clearance triangle (sight triangle). An unoccupied triangular space at the street corner of a corner lot. The triangle is formed by connecting the point where each right-of-way line intersects and two points located 25 feet along each right-of-way line.

Warehouse. A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Water tower. A tower or standpipe that functions as a reservoir providing water to the community. See *above ground utility facility*.

Wetland. Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with the US Army Corps of Engineers Regulation 4 Jurisdictional Wetlands.

Wholesale facility. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery. A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar, or live entertainment.

Yard. Open and unobstructed space on the same property as a primary structure except as otherwise authorized by the zoning ordinance. Yard types follow with diagrams:

- *Yard, front:* The horizontal space between the foundation of a building or structure to the front lot line, extending to the side lines of the lot.
- *Yard, rear:* The horizontal space between the foundation of a building or structure to the rear lot line, extending to the side lines of the lot.
- *Yard, side:* The horizontal space between the foundation of a building or structure to the side lot line.

Yard sale. The sale or offering for sale to the general public, items of personal property on any portion of a lot in a residentially zoned district, either within or outside a structure.

Zoning district. A section of the City of Portage for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this zoning ordinance.

Zoning district, overlay. A zoning district that extends across one or more other zoning districts, which is intended to provide additional or alternate regulations for a specific critical feature or resource.

Zoning map. See *official zoning map*.

(Ord. No. 14-8, § 2, 8-5-14)