City of Lake Station

Plan Commission
962-_____

3701 FAIRVIEW AVENUE
LAKE STATION, INDIANA 46405

Board of Zoning Appeals
962-_____

DATE_____199_____

I _____ have received a copy of the Lake Station Zoning Ordinances. It will be my responsibility to take care of this book and to return the Lake Station Zoning Ordinance book back to the Clerk-Treasurer's office when I am relieved of my duty, office, and or charge with the City of Lake Station. If I do not return the Lake Station Zoning Ordinance book back to the Clerk-Treasurer's office I am liable to pay a fee of one hundred dollars ($100.00) to help defray the expence of purchasing another Zoning Ordinance book for the person who is taking over my position with the City of Lake Station.

DATE_____199_____

I, _____am returning the copy of the Lake Station Zoning Ordinances which was issued to me .

_____
Signature of Clerk-Treasure and/or Agent.

NOTICE OF PASSAGE

Amendments to current Zoning Ordinance and Map

The Common Council of the City of Lake Station, Lake County, Indiana passed and adopted Ordinance 95-20 "Amending the Current Existing City Zoning Ordinance and Map" on the 21st day of September 1995.

The Amendments and Maps are available for inspection at the Clerk Treasurer's Office at 3701 Fairview Avenue, Lake Station, Indiana from 8:30 a.m. until 4:30 p.m. Monday through Friday.

Lake Station Clerk-Treasurer

Donna Smelley

(219) 962-3111

3701 FAIRVIEW AVENUE
LAKE STATION, INDIANA 46405-2399

March 11, 1993

NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be a Public Hearing for public input on the proposed zoning ordinance and map. To be held on April 1, 1993 at 7:30 p.m. in the Lake Station Council Chambers at 3625 Central Avenue, Lake Station, Indiana.

The proposed zoning ordinance and map are available for inspection at the Clerk Treasurer's Office at 3701 Fairview Avenue, Lake Station, Indiana, from 8:30 a.m. until 4:30 p.m. Monday through Friday. If there be any objections, they must be written and filed with the Clerk Treasurer before the hearing on April 1, 1993.

Very truly yours,

Donna Smelley

Donna Smelley
Clerk Treasurer
DS/ba

LAKE STATION PLAN COMMISSION

CERTIFICATE OF RECOMMENDATION TO THE COMMON COUNCIL

This Certificate is issued by the Lake Station Plan Commission to the City of Lake Station, Indiana. The Plan Commission, on December 16, 1992, voted to recommend with a favorable recommendation the passage of the attached zoning ordinance and zoning map. This Certificate does hereby certify that the attached said zoning ordinance and zoning map is a true and accurate copy of the proposal as adopted by the Lake Station Plan Commission.

Shirley Wadding

Shirley Wadding, President
Lake Station Plan Commission

March 4, 1993

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ORDINANCE NO. 95-20

AN ORDINANCE TO AMEND THE EXISTING
LAKE STATION CITY ZONING ORDINANCE

WHEREAS, the City of Lake Station, Indiana, is desirous of amending the existing Zoning Ordinance to reflect changes and correct mistakes and errors; and,

WHEREAS, the City of Lake Station, Indiana, believes it is necessary and in the best interest of its residents to amend the existing Zoning Ordinance to reflect such changes and correct such mistakes and errors;

NOW THEREFORE BE IT ORDAINED BY THE Council of the City of Lake Station, Lake County, Indiana that the Zoning Ordinance of the City of Lake Station be amended as follows:

SECTION 1. "Title II — Definitions, Administrative Official" is amended in its entirety to read as follows:

"Administrative Official". There shall be two (2) Administrative Officials, a Residential Administrative Official and a Commercial Administrative Official, to be designated by and paid by the Plan Commission. The Residential Administrative Official, also known as the Residential Zoning Enforcement Official, will be the Building Inspector and shall administer and enforce the residential aspects of this Zoning Ordinance. The Commercial Administrative Official, also known as the Commercial Zoning Enforcement Officer, shall administer and enforce the commercial and industrial aspects of this Zoning Ordinance. The Administrative Officials, Residential and Commercial, may be provided with an assistant or other such person as the Commission may direct. The City Engineer will be the technical advisor for the Administrative Officials. Whenever the Zoning Ordinance for the City of Lake Station refers to the "Administrative Official", then such reference shall refer to the appropriate Administrative Official as provided by this amendment.

SECTION 2 "Title VI- Residential (R 2) District, Section G Special Exceptions is added as a new section to read as follows;

Any lot recorded prior to the passage of this ordinance with a minimum of six thousand (6000) square feet, a width at the established building line of not less than fifty feet (50) and meets all other provisions of this section shall be considered a legal and conforming lot.

SECTION 3 "Title IX - Mobile Home (M-1) District, Section G -- Mobile Home Site Requirements, Paragraph 3(b) - Streets" is amended in its entirety to read as follows:

All streets or drives, whether public or private, shall be designed in substantial relation to:

(1) Topographic conditions and drainage.
(2) Public convenience and safety.
(3) The proposed uses of land to be served by such street or drive. A street or drive shall be provided for convenient access to each individual mobile home site within the park.

SECTION 4 "Title X -- Neighborhood Commerical (B-1) District, Section D -- Area, Width and Yard Regulations, Paragraph 4 - Rear Yard" is amended in its entirety to read as follows:

There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet from the rear lot line.

SECTION 5 "Title X-- Neighborhood Commercial (B-I) District, Section F--Special Exception is added as a new section to read as follows:

Any building built prior to the passage of this zoning ordinance that fails to meet the yard requirements as stated in Title X, Section D. Shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous Zoning Ordinance.

SECTION 6 "Title XI- GENERAL COMMERCIAL (B-2) DISTRICT Section A: General Provisions, paragraph 1. is amended in its entirety to read as follows:

1. All business, service, storage, merchandise, display, and, where permitted, repair and processing shall be conducted primarily within an enclosed building, and directly related to the business and except as otherwise permitted herein for specified uses such as off-street automobile parking and off-street loading.

SECTION 7 TITLE XI-- GENERAL COMMERCIAL (B-2) DISTRICT
Section B: Use Rugulations, Paragraph I is amended in its entirety to read as follows:

1. The following shall apply to the General Commercial (B-2) Districts.

   A. The uses permitted in the B-I Zoning District

   B. Occult shops established prior to the passage of this ordinance.

   C. Amusement establishments-- bowling alleys,pool halls, dancing halls,gymnasiums,swimming pools and skating rinks and other similar uses.

   D. Animal hospitals.

   E. Automobile repair stations.

   F. Automobile service centers;

   G. Automobile service stations;

   H. Antique shops.

   I. Clubs and lodges, private, fraternal or religious;

   J. Art and school supply stores.

   K. Art galleries;

   L. Auto laundry-- car washes, automatic or self-service-- required stacking capacity of five (5) cars for each space of capacity contained within the facility;

   M. Bait and tackle shops.

   N. Bakeries;

   O. Banks, savings&loan associations, and other financial institutions;

   P. Bicycle stores, sales, rental and repair;

   Q. Blue printing and photocopying establishment;

   R. Book, used book and stationary stores;

   S. Building material sales, with accessory enclosed (fenced) storage;

   T. Camera and photographic supply stores;

   U. Carpet and rug stores;

   V. Catalog service stores

W. Catering establishments

X. China and glassware stores;

Y. Coin and philatelic stores

Z. Custom dressmaking (bridal).

AA. Department stores

BB. Drive-in restaurants

CC. Dry good stores

DD. Electrical and household appliance stores, including radio, television, video cassette recorder, washer and dryer sales;

EE. Employ~~meny~~ment agencies;

FF. Flower shops/gift shops

GG. Furniture stores, including upholstery when conducted as part of the retail operation.

HH. Furrier shops, including the incidental storage and conditioning of furs.

II. Garden supply and seed stores, excluding open lot sales

JJ. Gift shops

KK. Hardware stores

LL. Health food stores (retail)

MM. Hobby shops, for retailing of items to be assembled or used away from the premises.

NN. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations

OO. Jewelry stores, including watch repair

PP. Leather goods and luggage stores

QQ. Liquor stores, retail sales

RR. Locksmith shops

SS. Musical shops, including assorted instrument repair

TT. Newspaper offices, but not including printing

UU. Nursing homes

VV. Office supply stores

WW. Opticians and Optometrists

XX. Paint and wallpaper stores

YY. Pawn shops established prior to the passage of this ordinance

ZZ. Pet shops, provided that animals shall not be boarded or bred in such shops.

AAA. Photograph printing shops

BBB. Photograph studios, including developing and printing of photographs when conducted on the premises as part of the retail business.

CCC. Picture framing, when conducted on the premises for retail trade

DDD. Reducing salons

EEE, Resale shops, auction houses and flea markets

FFF. Restaurants

GGG. Sewing machine sales and services

HHH. Snowmobiles, motorcycles, boats, sales and service

III. Sporting goods store

JJJ. Tailor shops

KKK. Tanning salons

LLL. Taverns where entertainment is limited to bands, juke box or disc jockey

MMM. Tobacco shops, retail sales

NNN. Toy shops

OOO. Travel bureaus and transportation ticket offices

PPP. Undertaking establishments and funeral parlors/funeral homes

QQQ. Used car lots established and licensed by the state of Indiana prior to the passage of this ordinance

RRR. Video rental sales/service stores

SSS. Wearing apparel shops

TTT. Other business uses similar to the permitted uses listed above as determined by the Plan Commission.

SECTION 8 TITLE XI -- GENERAL COMMERCIAL (B-2) DISTRICT
Section B: Use Regulations, paragraph 2 is amended in its entirety to read as follows;

2. The following uses may be allowed by special exception;

A. Any special exception allowed in the B-I Zoning district shall be allowed, except such as are permitted uses in the B-2 zoning district.

B, All uses permitted and allowed by special exceptions in B-1 zoning district.

C. Occult shops after the passage of this ordinance.

D. Amusement parks

E. Cemeteries

F. Community centers (governmental)

G. Churches

H. Gymnasiums

I. Health centers

J. Job printing shops

K. Municipal facilities and public utilities

L. Parking lots for motor vehicles

M. Parks and playgrounds (public)

N. Pawn shops after the passage of this ordinance

O. Personal storage buildings

P. Public museum

Q. Public utility and public service uses, including; electric substations, fire stations, police stations, telephone exchanges, microwave relay towers and telephone transmission equiptment buildings, water filtration plants,pumping stations, and reservoirs.

R. Radio and television stations

S. Recording studios, with adequate soundproofing

T. Recreational buildings and community centers

U. Schools

V. Used car lots after the passage of this ordinance

W. Schools, commercial or trade-- including those teaching music, dance, business, commercial, or technical subjects when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust odor, glare, heat, and other objectionable influences.

X. Taxidermists

SECTION 9 TITLE XI -- GENERAL COMMERCIAL (B-2) DISTRICT
Section F; Special Exception is added as a new section to read as follows;

Any building built prior to the passage of this Zoning Ordinance that fails to meet the yard requirements as stated in Title XI: Section D. shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous zoning ordinance.

SECTION 10 TITLE XII-- HIGHWAY BUSINESS (B-3) DISTRICT
Section A; General Provisions; paragraph 1 is amended in its entirety to read as follows;

All business,service,storage,merchandise,display and, where permitted, repair and processing shall be conducted primarily within an enclosed building, and directly related to the business and except as otherwise permitted herein for specified uses such as off- street automobile parking and off- street loading.

SECTION 11 TITLE XII-- HIGHWAY BUSINESS (B-3) DISTRICT
Section B: Use regulations paragraph 1 is amended in its entirety to read as follows;

1. The following shall apply to the General Commercial (B-3) Districts;

A. The uses permitted in the B-2 Zoning Districts;

B. Caskets and casket supplies.

C. Contractors and construction offices, excluding storage of construction equiptment.

D. Dog kennels

E. Extermination shops

F. Frozen food shops, including locker rental in conjuction therewith;

G. Garages, public

H. Garden supply centers with open lot sales

I. Hotels and motels

J. Job printing shops

K. Machinery and equiptment sales, including service, repair or reconditioning of all machinery within enclosed buildings

L. Meat markets,including the processing and sale of meat and meat products when conducted as a part of the retail business of the premises.

M. Monument sales

N. Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

O. Parking lots, automobile;

P. Plumbing showrooms and shops;

Q. Radio and television service and repair shops;

R. Satellite dish sales establishments;

S. Truck stop/ center complex;

T. Typewriter, adding machine and home computer sales and service establishments;

U. Other business uses similar to the permitted uses listed above and determined by the Plan Commission.

SECTION 12 TITLE XII-- HIGHWAY BUSINESS (B-3) DISTRICT
Section B: Use Regulations paragraph 2 is amended in its entirety to read as follows;

2. The following uses may be allowed by Special Exception;

a. Those special exception uses allowed for the B-2 zoning district, except those which are permitted in the B-3 zoning district;

b. Bottling ~~works~~

c. Hospitals

d. Ice cream manufacture, including storage of frozen food products.

e. Microwave relay towers

f. Outdoor amusement establishments, golf driving range, miniture golf courses, par three golf courses, kiddie parks, and other similar amusement centers and places of amusement

g. Theaters

h. Mobile home sales

SECTION 13 TITLE XII-- HIGHWAY BUSINESS (B-3) DISTRICT
Section F. Special exception is added as a new section to read as follows;

Any building built prior to the passage of this zoning ordinance that fails to meet the yard requirements as stated in title XII section D shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous zoning ordinance.

SECTION 14 TITLE XIII--COMMERCIAL ENTERTAINMENT (B-4) DISTRICT
Section D; Area, width, and Yard Regulations
Paragraph 2 A is amended in it's entirety to read as follows;

2. a. On existing four-lane federal or state highways, a distance of fifty (50) feet.

SECTION 15 TITLE XIII -- COMMERCIAL ENTERTAINMENT (B-4) DISTRICT
Section D; Area, Width, and Yard Regulations
paragraph 2 B is amended in it's entirety to read as follows;

2. b. On existing two-lane federal or state highways, a distance of sixty five (65) feet,

SECTION 16 TITLE XIII -- COMMERCIAL ENTERTAINMENT (B-4) DISTRICT
Section D; Area, Width and yard Regulations
paragraph 3 A is amended in its entirety to read as follows;

3. a. On each corner lot, there shall be a side yard abutting the street having a width of not less then twelve (12) feet and another side yard having a width of not less then (10) ten feet, unless the building employs a common party wall with the building on the adjoining lot.

SECTION 17 TITLE XIV -- LIGHT INDUSTRIAL (L-I) DISTRICT
Section A; Intended Purposes, paragraph 3 is repealed in it's entirety.

SECTION 18 TITLE XIV -- LIGHT INDUSTRIAL (L-I) DISTRICT
Section A: Intended Purposes, paragraph 2 is amended in it's entirety to read as follows;

Conform with the performance standards set forth in section G below.

SECTION 19 TITLE XIV--LIGHT INDUSTRIAL (L-I) DISTRICT
Section b; Use Regulations; is amended in it;s entirety to read as follows;
Section B: Use Regulations

All permitted uses are subject to the following conditions. Any production, processing,manufacture,cleaning,servicing,testing and repair or storage of goods, materials or products shall conform to the following performance standards;

All manufacture,production,servicing,or processing shall take place within completely enclosed buildings unless otherwise specified. Provision shall be made to adequately reduce and/or minimize the noxious, offensive, dangerous or hazardous feature or features of such use. and also be required to comply with all other require ments, of this Zoning District. Within 150 feet of a residence district all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto at least six feet in height) but in no case lower in height than the enclosed storage and suitably landscaped and maintained. However, open off-street loading and parking facilities may be unenclosed, except for such screening requirements as may be set out in XVIII

SECTION 20

Title XIV LIGHT INDUSTRIAL (L-I) DISTRICT
Section B: Use regulations paragraph 1,A is amended in it's entirety to read as follows;

1. MANUFACTURING ESTABLISHMENTS.
   a. The uses permitted in the B-3 Zoning Districts.

SECTION 21

Title XIV LIGHT INDUSTRIAL (L-1) DISTRICT
Section D. Area, width and yard Regulations paragraph 6 is amended in it's entirety to read as follows.

6. Lots ABUTTING RESIDENTIAL DISTRICTS. Unless authorized as a variance, no building or structure shall be erected closer than fifty (50) feet to any residential district, nor shall any parking area be closer than twenty five (25) feet to any residential district, which twenty five (25) feet area between such parking lot and such residential district shall be maintained as a green belt and/or green strip, entirely covered by grass, shrubs and/or trees as required.

SECTION 22

TITLE XIV -- LIGHT INDUSTRIAL (L-1) DISTRICT
Section E: Landscaping and screening is amended in it's entirety to read as follows;

On a lot abutting any residential zoning district, there shall be a yard abutting such district having a width of not less than twenty five (25) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty five (25) feet in ultimate width, such planting consisting of not less than fifty(50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth elsewhere in this Ordinance.

SECTION 23

TITLE XVI -- NON- CONFORMING BUILDINGS, USES AND LOTS
Section B; Abandonment is amended in it's entirety to read as follows;

If a lawful non-conforming use of a building or other structure is abandoned or discontinued for a continuous period of eighteen (18) months or more, or if a lawful non-conforming use of land is abandoned or discontinued for a continuous period of eighteen (18) months or more, subsequent use of such building or structure or land shall be in conformance with the provisions of this ordinance.

SECTION 24

TITLE XVI -- NON-CONFORMING BUILDINGS, USES AND LOTS
Section E. Restoration. paragraph 2 is amended in it's entirety to read as follows;

2. Reconstruction shall begin within eighteen (18) months from the date of damage or destruction and shall be carried on without interruption.

SECTION 25 "Title XIX-- SPECIAL REGULATIONS
Section A: Performance standards
Is amended in it's entirety to read as follows;

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such regulations shall be made by the Board of Appeals. In addition, all manufacturing uses shall give evidence of ability to comply with the following standards before the issuance of a Business License.
Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

SECTION 26 "Title XIX -- SPECIAL REGULATIONS
Section A: Performance Standards,landscaping and screening paragraph 6 A is amended in it's entirety to read as follows;

In all zoning districts, all new major developments shall provide a green or landscaped yard along all streets. Such yard shall be kept clear of all structures and storage. Such yards shall be at least eight (8) feet in depth along all streets, measured from the street right of way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

SECTION 27 "Title XIX -- SPECIAL REGULATIONS:
Section A--Performance standards, paragraph 7 (d)(1) A-B Fencing regulations" is amended in it's entirety to read as follows;

Front yard fences shall not exceed forty-two (42) inches in height nor be less than thirty-six (36) inches in height. Side yard and back yard fences shall not exceed seventy-two (72) inches in height nor be less than thirty-six (36) inches in height.

ECTION 28 "Title XIX -- SPECIAL REGULATIONS,
Section A -- Performance Standards,paragraph 7 (D) (2) A-B Fencing Regulations" is repealed in it's entirety.

ECTION 29 "Title XIX -- Special Regulations, Section D(3) -- Private Swimming Pools" is amended in its entirety to read as follows:

The swimming pool or the entire property on which it is located shall be so walled or fenced (minimum height of six (6) feet) as to prevent uncontrolled access by children from the street or from adjacent properties and shall provide a drainage system which will dispose of the water without runoff onto adjacent properties.

ECTION 30 "Title XX -- Administration and Enforcement, Section D -- Certificate of Occupancy" is amended to read by adding the following:

This section (Title XX, Section D) does not apply to ordinary maintenance and repairs to pre-existing buildings and/or structures due to normal and ordinary wear and tear.

SECTION 31 "Title XX-- Administration and Enforcement, Section D-- Certificate of Occupancy Paragraph 2 is amended in its entirety to read as follows;

Change in the use of an existing building to a use of different classification.

SECTION 32 "Title XX--Administration and Enforcement; Section D-- Certificate of Occupancy's paragraph 3 is amended in it's entirety to read as follows;

Occupancy and use of vacant land, with a use of different classification, except for the raising of crops.

SECTION 33 "Tilte XX -- Administration and Enforcement, Section E -- Enforcement, Paragraph 2(c)" is amended in its entirety to read as follows:

If the work described in any permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire. In such event, the Administrative Official shall follow the procedure outlined above. Further work shall not proceed unless a new permit has been obtained.

SECTION 34 "Title XX--Administration and Enforcement, Section F; Penalties;that part of this section that reads Two Thousand Five Hundred($2,500.00) dollars is amended to read;

Three Hundred ($300.00) Dollars.

SECTION 35 "Title XX -- Administration and Enforcement, Section G -- Rules of the Board of Zoning Appeals, Paragraph 13" is amended in its entirety to read as follows:

Must appeal and have a hearing before the Board of Zoning Appeals.

SECTION 36 "Title XX -- Administration and Enforcement, Section G -- Rules of the Board of Zoning Appeals, Paragraph 15" is amended in its entirety to read as follows:

Applications must be filled out and returned to the City Clerk-Treasurer with a deposit of Twenty-Five Dollars ($25.00) for city expenses. Additional expenses incurred by the city shall be paid by the applicant prior to any final action of

SECTION 37 "Title XX -- Administration and Enforcement, Section G -- Rules of the Board of Zoning Appeals, Paragraph 16" is amended in its entirety to read as follows:

These applications must be received by the President or Secretary of the Board of Zoning Appeals at 3701 Fairview Avenue, Lake Station, Indiana 46405, ten (10) days before the regular monthly meeting of the Board.

SECTION 38 "Title XX -- Administration and Enforcement, Section G -- Rules of the Board of Zoning Appeals, Paragraph 19" is amended in its entirety to read as follows:

If the application is refused by the Board of Zoning Appeals on the first meeting, the Twenty-Five Dollar ($25.00) deposit will be refunded by the Clerk-Treasurer.

SECTION 39 "Title XX -- Administration and Enforcement, Section G -- Rules of the Board of Zoning Appeals, Paragraph 34" is amended in its entirety to read as follows:

Copies of BZA documents may be obtained by written request at a fee of One Dollar ($1.00) per 8-1/2 x 11 or 8-1/2 x 14 page.

SECTION 40 "Title XX -- Administration and Enforcement, Section H -- Permit" is added as a <u>new</u> section to read as follows:

The Application for a Building Permit and for a Zoning Permit shall be combined into one (1) application on a form prescribed by the Plan Commission for which the Clerk-Treasurer shall charge a single fee.

SECTION 41 "Title XXI -- Rules of Practice and Procedure, Section B -- Jurisdiction" is amended in its entirety to read as follows:

1. Applications involving the construction of public facilities <u>also</u> require review and approval by the Board of Public Works and Safety.

2. The Plan Commission, proceeding in accordance with I.C. 36-7-3, has exclusive jurisdiction over the vacation of plats or parts of plats.

3. The Plan Commission, pursuant to I.C. 36-7-4-405, shall make recommendations to the Common Council regarding the adoption of the comprehensive plan, ordinances and amendments.

4. The Plan Commission, pursuant to I.C. 36-7-4-405, shall approve the assignment of street numbers to lots and structures and the naming of streets.

5. The Plan Commission, pursuant to I.C. 36-7-4-405, shall render decisions and approve plats and replats of subdivision.

6. The Plan Commission, pursuant to I.C. 36-7-4-405, shall develop plans for residential, commercial and industrial uses.

7. Prior to exercising any rights, powers or duties under this chapter or the laws of the State of Indiana, the Plan Commission shall cause to be filed in the Office of the Recorder of Lake County, Indiana, a description or map defining the limits of the area over which it claims jurisdiction and revise said description or map whenever such limits are modified.

SECTION 42 TITLE XXIV -- REPEAL OF CONFLICTING ORDINANCES

All prior ordinances in conflict with this amendment to the Zoning Ordinances, or inconsistent with the provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

FORCE AND EFFECT.

This ordinance shall be in full force and effect from and after the date of its passage and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Lake Station, Indiana on the 7 day of September, 1995.

Wallace Riley
PRESIDING OFFICER

ATTEST: Donna Smelley
Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Lake Station on the 7 day of September, 1995 at 9:00 ~~a.m.~~/p.m.

Donna Smelley
Clerk-Treasurer

MAYOR VETO SEPTEMBER 15th 1995

APPROVED, SIGNED AND RETURNED by me to the Common Council of the City of Lake Station, Indiana on the 21 day of September, 1995 at 7:30 ~~a.m.~~/p.m.

Wallace Riley
City of Lake Station
PRESIDENT PRO - TEM

ATTEST: Donna Smelley
Clerk-Treasurer

COUNCIL OVERROAD VETO SEPTEMBER 21, 1995

Title I.

GENERAL PROVISIONS

Sec. A: Title.
Sec. B: Purpose.
Sec. C: Interpretation.
Sec. D: Severability clause.
Sec. E: Scope of regulations.
Sec. F: Provision for official zoning map.

Section A: Title.

This ordinance shall be known and may be cited as "THE ZONING ORDINANCE OF THE CITY OF LAKE STATION, INDIANA."

Section B: Purpose.

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive land use plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the incorporated City of Lake Station.

Section C: Interpretation.

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.

2. Where the conditions imposed by any provision of this ordinance upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

3. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

4. No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

5. Nothing contained in this ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

6. The provisions in this ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this ordinance.

Section D: Severability clause.

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be constitutional or invalid.

Section E: Scope of regulations.

1. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alterations, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such building, structure, uses or land shall be located.

2. Where a zoning permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the zoning permit has been issued; and further, may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.

3. Where an administrative official has issued a zoning permit for a permitted use or special use, such permit shall become null and void unless work thereon is completed within twelve (12) months of the date of the issuance of such permit, or within the period of time beyond twelve (12) months granted by the plan commission.

Section F: Provision for official zoning map.

1. *Official zoning map.* The city is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

If, in accordance with the provisions of this ordinance, changes are made in zoning district boundaries or other matter portrayed in the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council.

No changes of any nature shall be made in the official zoning map or matter shown thereon, except in conformity with the procedures set forth in this Zoning Ordinance.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the City Hall shall be the final authority as to the current zoning status of all property within the corporate limits of the city.

Where, due to scale, lack of detail or illegibility of the official zoning map, there is any uncertainty, contradiction or conflict as to the location of any zoning district boundary as shown thereon, the duly authorized hearing authority president of the building department or duly authorized agent of the building department shall make a written interpretation of said map, upon request of any person. Any person aggrieved by such interpretation may appeal to the board of zoning appeals according to the procedures set forth in this ordinance.

2. *Replacement of official zoning map.* In the event that the official zoning map becomes difficult to interpret because of the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof.

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Title II.

DEFINITIONS

Sec. A: Application and interpretation.
Sec. B: Definitions.

Section A: Application and interpretation.

1. For the purpose of these regulations, certain numbers, abbreviations, terms, words and phrases used herein shall be used, interpreted and defined as set forth in this title.

2. All general provisions, terms, phrases and expressions contained in this Ordinance shall be liberally construed in order that the true intent and meaning may be fully carried out.

3. In the construction of this Zoning Ordinance, the rules and definitions set out in this title shall be observed, unless such construction would be inconsistent with the manifest intent of the Ordinance. The rules of construction and definitions set out herein shall not be applied to any section of this Zoning Ordinance which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

4. Whenever any words and phrases used herein are not defined herein, but are defined in the State of Indiana statutory provisions regulating the creation and function of various planning agencies, any such definition shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

5. In the interpretation and application of any provisions, rules and definitions of this Zoning Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Zoning Ordinance imposes greater restrictions upon the subject matter than another more general provision imposed by the Zoning Ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

6. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

a. The word "person" includes an individual, firm association, organization, partnership, trust, company, corporation or any other legal entity.

b. The masculine includes the feminine.

c. The present tense includes the past and future tense, and the singular number includes the plural.

d. The word or term "shall" is a mandatory requirement.

e. The word "may" is a permissive requirement.

f. The word and term "should" is a preferred requirement.

g. The words "used" or occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied."

h. The word "lot" includes the words "plot," "parcel," and "tract."

i. The word "building" includes the word "structure."

Section B: Definitions.

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

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

Abatement. The method of reducing the degree and intensity of pollution.

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

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

Accessory structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. This does not include pole buildings.

Accessory use. A use of land or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. This does not include pole buildings.

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

Addition. A structure added to the original structure at some time after the completion of the original.

Adjacent. To lie near or close to, in the neighborhood or vicinity of.

Adjoining. Touching or contiguous, as distinguished from lying near or adjacent.

Adjoining lot or land. A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

Administrative official. There shall be two (2) administrative officials, a residential administrative official and a commercial administrative official, to be designated by and paid by the plan commission. The residential administrative official, also known as the residential zoning enforcement official, will be the building inspector and shall administer and enforce the residential aspects of this Zoning Ordinance. The commercial administrative official, also known as the commercial zoning enforcement officer, shall administer and enforce the commercial and industrial aspects of this Zoning Ordinance. The administrative officials, residential and commercial, may be provided with an assistant or other such person as the commission may direct. The city engineer will be the technical advisor for the administrative officials. Whenever the Zoning Ordinance for the City of Lake Station refers to the "administrative official," then such reference shall refer to the appropriate administrative official as provided by this amendment.

Adult entertainment. A business or enterprise that offers or presents performances or activities, or reproductions of performances or activities by individuals, or conduct between male and female persons and/or persons of the same sex when one or more of the persons are

nude or semi-nude. Semi-nude is a state of dress in which clothing covers no more than the genitals, pubic region, cleft of the buttocks and the area of the female breast such that it is less than completely covered and/or opaquely covered.

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

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

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

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

Amenity. A natural or manmade feature which enhances or makes more attractive or satisfying a particular property.

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

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

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

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

Apartment unit/house. One or more rooms with a private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building containing more than two (2) dwelling units, all of which share a common access with one or more of the other units.

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

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

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

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

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

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

Automatic car wash. A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

Automobile repair station. A place where the following services are carried out:

A. General repair;

B. Engine rebuilding;

C. Rebuilding or reconditioning of motor vehicles;

D. Collision service, such as body, frame or fender straightening and repair, painting and undercoating of automobiles.

E. Accessory service, such as oil/lubrication, transmission repair, muffler service and the like.

Public parking is not permitted in an automobile repair station. Open lot sales are not permitted at an automobile repair station.

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

Automobile service center. An establishment in which the retail sale of accessories and services for automobiles are provided as the primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including the space for facilities for major storage, repair, dumping, painting, refinishing and gas pumps. Public parking is not permitted in an automobile service center. Open lot sales are not permitted in an automobile service center.

Automobile service station. A place where gasoline which is stored only in underground tanks, kerosene and lubricating oil or grease for operation of automobiles are offered for sale directly to the public on the premises, and including minor accessories and the servicing of automobiles, but not including major automobile repairs. Automobile service stations shall not include sale or storage of motor vehicles or trailers (new or used).

Awning. A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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

Basement. A space having fifty (50) percent of its area six (6) feet below the average level of the adjoining ground.

Basement sale. See "Sales, Rummage" in this section.

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

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

Board. The board of zoning appeals.

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

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

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

Building, accessory. A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

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

Building, height. The vertical distance on a building, measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

Building inspector. That individual designated by the appointing authority to enforce the provisions of the building code.

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

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

Building, principal. A building in which is conducted the principal use of the lot on which it is located.

Bulk fuel storage. The storage of chemicals, petroleum products and other materials in aboveground containers for the subsequent resale by distributors, retail dealers or outlets.

Business services. Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building

maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

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

Canopy. See "Awning."

Carport. A roofed-over area attached or detached to the principal building for vehicle storage, which may be open on all sides.

Cemetery. Property used for the interring of the dead.

Central Business District or *CBD.* The major shopping area in a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

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

Change of use. Any use which substantially differs from the previous use of a building or land.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

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

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

Clinic / medical center. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers; and where patients are not usually lodged overnight.

Club. An establishment operated for social, recreational, or educational purposes, but open only to members and not the general public.

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

Coin-operated amusement center. Establishments engaged in providing amusement or entertainment through the provision of coin-operated amusement devices, incorporating either electromechanical devices such as pinball machines or electronic video display operations.

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

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

Community center. A building used for recreational, social, educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

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

Conditional use (special use also referred to as special exception). Use of land, water or building which is allowable only after the issuance of a special permit by the board of zoning appeals under conditions specified in this Ordinance.

Conditional use permit. A permit issued by the duly designated city official, upon approval by the board of zoning appeals, to allow a use other than a principally permitted use to be established within the zoning district.

Condominium. Any real estate lawfully subjected to the Indiana Horizontal Property Law by the recordation of condominium instruments.

Condominium unit. An enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a structure of one or more floors or stories, regardless of whether it be designed for residence, for office, for the operation of any business, or for any other type of independent use, with either a direct exit to a public street or highway or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common elements appertaining to that unit of space.

Conforming building or structure. A building or structure which:

A. Complies with all of the regulations of this Zoning Ordinance or of any amendment thereto governing bulk of the district in which said building or structure is located; or

B. Is designed or intended for a permitted or special use as allowed in the zoning district in which it is located.

Construction. The placing of construction materials, including landfill, in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

Contiguous. Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

Convalescent home. A dwelling providing shelter and services for the elderly or disabled, which may include meals, housekeeping, and personal care assistance.

Coverage. The percentage of a lot area covered by principal and accessory use structures.

Curb cut. Lowering the grade level to allow motorized vehicular ingress to and egress from property.

Curb level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."

Curb line. A line located on either edge of the roadway, but within the right-of-way line.

Day care center. A private establishment enrolling four or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, operating for a period of five (5) or more hours during the day, and which is licensed by the state as approved to operate as a day care center.

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

Diagonal sign. A sign which projects outward from a building at a forty-five (45) degree angle.

Double wide unit. Two (2) mobile home units, attached side-by-side, which constitute the complete mobile home.

Drive-in establishment. A business establishment so developed that its retail or service character is dependent upon providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, and to provide self-service for patrons.

Drive-in restaurant. (See "Restaurant, Drive-in" in this section.)

Driveway. A right-of-way providing access to a parking area or residence.

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

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

Dwelling, detached. A dwelling which is not attached to any other dwelling by any means.

Dwelling, garden apartment. (See "Dwelling, Multi-family.")

Dwelling, high-rise. An apartment building of eight (8) or more stories.

Dwelling, mid-rise. An apartment containing from three (3) to seven (7) stories.

Dwelling, multi-family. A dwelling containing more than two (2) dwelling units.

Dwelling, patio house. A one-family dwelling on a separate lot with open-space setbacks on three (3) sides and with a court area (also known as zero-lot line).

Dwelling, quadruplex. Four (4) attached dwellings in one structure in which each unit has two (2) open-space exposures and share one or two (2) walls with adjoining unit or units.

Dwelling, semi-detached. A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on the same lot (also known as a duplex).

Dwelling, single-family. A building containing one dwelling unit.

Dwelling, single-family detached. A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards, and which is not attached to any other dwelling by any means.

Dwelling, townhouse. A one-family dwelling in a row of at least three (3) such units, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

Dwelling, triplex. A dwelling containing three (3) dwelling units, each of which has direct access to the outside or to a common hall.

Dwelling, two-family. A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (also may be called a duplex).

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

Dwelling unit, efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

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

Eating and drinking establishments. Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

Eave. The projecting lower edge of a roof overhanging the wall of a building.

Egress. An exit.

Emission. A discharge of pollutants into the air.

Enlargement. An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Entertainment. Dancing to music provided either by mechanical means or by live musicians; live performances by musicians and other live presentations by individuals from the performing arts, excluding adult entertainment.

Environmentally sensitive area. An area with one or more of the following characteristics:

1. Slopes in excess of twenty (20) percent;
2. Flood plain;
3. Soils classified as having high water table;
4. Soils classified as highly erodible, subject to erosion or highly acidic;
5. Land incapable of meeting percolation requirements;
6. Land formerly used for landfill operations or hazardous industrial uses;
7. Fault areas;
8. Stream corridors;
9. Estuaries;
10. Mature stands of native vegetation;
11. Aquifer recharge and discharge areas.

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

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

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

Exaction. A contribution or payment required as an authorized precondition for receiving a development permit.

Excavation. Any breaking of ground, except common household gardening and ground care or soil removal for building construction, below existing or established contiguous street grades for the removal of soil, earth, sand, rock or other such material.

Exotic animals. Federal permit required.

Extension. An increase in the amount of existing floor area used for an existing use, within an existing building. To "extend" is to make an extension.

Family. One or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage, no such family contains more than five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, or as family members.

Farm. A parcel of land used for agricultural activities.

Farm stand. A booth or stall located on a farm from which produce and farm products are sold to the general public.

Fast food restaurant. (See "Restaurant, Fast Food" in this section.)

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Final approval or *secondary approval.* The last official action of the plan commission or board of zoning appeals taken on a development plan which has been given preliminary or primary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

Flea market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

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

Flood damage potential. The susceptibility of a specific land use to increased off-site flooding or flood-related damages.

Flood fringe area. That portion of the flood hazard area outside of the floodway, based on the total area inundated during a regulatory base flood plus twenty-five (25) percent of the regulatory base flood discharge.

Flood hazard area. The floodplain consisting of the floodway and the floodway fringes.

Flood hazard design elevation. The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

Flood insurance rate map. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood of record. A flood which has occurred for which there are accurate local records available.

Flood, regulatory base or *100-year flood.* Flood having a one (1) percent chance of being equaled or exceeded in any give year.

Floodplain. The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

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

Floodway. The channel of a natural stream or river and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floodway, regulatory. The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than two tenths (0.2) of one (1) foot.

Floor area, gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

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

Floor area ratio or *F.A.R.*. The gross floor area of all buildings on a lot divided by the lot area.

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

Freight terminal. A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intrastate or inter-state shipment by motor trucks or railroad freight cars.

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

Front foot. A measure of land width, being one foot along the front lot line of a property.

Front yard. The space not containing any structures between a structure and thoroughfare right-of-way line.

Full service eating and drinking establishment. An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state and whose design or principal method of operation includes the following:

1. Customers are normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

2. Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

Funeral home. A building used for the preparation of the deceased for burial and display and for ceremonies connected therewith before burial or cremation.

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

Garage, attached. An outbuilding customarily used for the storage of vehicles, attached to a residential dwelling as either an integral part thereof or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

Garage, bus. Any building used or intended to be used for the storage of one (1) or more passenger motor buses, or motor coaches, used in public transportation, including school buses.

Garage, private residential. A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public.

Garage, public. A building other than a private garage, used for the care, servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half tons capacity.

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

Garage sale. (See "Sales, Rummage" in this section.)

Garage, storage. (See "Garage, Public" in this section.)

Garage, service. (See "Automobile Repair Station," and "Automobile Service Station" in this section.)

Garage, truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half (1½) tons capacity. Used for the care, servicing and sale of truck supplies, or where trucks are parked or stored for remuneration, hire or sale within the structure.

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

Gasoline service station. (See "Automobile Service Station" in this section.)

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

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

Grade, finished. The elevation of the ground surface after development.

Grade, natural. The elevation of the ground surface in its natural state, before manmade alterations.

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

Green area. Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

Greenbelt. An open area which may be cultivated or maintained in a natural state, surrounding a development, or used as a buffer between land uses, or to mark the edge of an urban or developed area.

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

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

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

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

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

Group care facilities. A facility or dwelling unit licensed by the State of Indiana housing persons unrelated by blood or marriage and operating as a group family household.

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

Health care facilities. A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity, or physical condition including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

Health services facilities. Establishments primarily engaged in furnishing medical, surgical and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

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

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

Hospice. A home-like facility for the care of the terminally ill, with acute care facility capabilities.

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

Hotel, motel, inn, etc. A facility offering transient lodging accommodations to the general public which may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Impervious surface. Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

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

Industrial park. A unified development designed to accommodate a community of compatible and non-nuisance types of industry.

Industrial waste or reclamation facility. Any facility used for the storage, transportation, reclamation, or disposal of any waste classified as hazardous or toxic by the United States Environmental Protection Agency in the State of Indiana.

Industrial use, general. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or waste, in which operations other than transportation may be performed in either open or closed areas. (See also "Manufacturing, Light" and "Manufacturing, General" in this section.)

Infrastructure. Facilities and services needed to sustain industrial, residential and commercial activities.

Ingress. Access or entry.

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

Intermediate care facility. A facility which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through such institutional facilities.

Intersection. The point where two (2) or more roads cross at grade.

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

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

Kennel. An establishment in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, with the exception of domesticated animals under six (6) months.

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

Land use. A description of how land is occupied or utilized.

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

Laundromat. An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Light industrial. Industrial uses which meet the performance standards, bulk controls and other requirements established in this chapter [Zoning Ordinance].

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

Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law. (See "Zoning Lot" in this section.)

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

Lot, corner. A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. That portion of the lot that is covered by buildings or structures.

Lot, depth. The distance measured from the front lot line to the rear lot line.

Lot, double frontage. A lot which fronts upon two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Lot frontage. The length of the front line measured at the street right-of-way line.

Lot, interior. A lot other than a corner lot.

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

Lot line, front. The lot line separating a lot from a street right-of-way.

Lot line, rear. The lot line opposite and most distant from the front lot line or, in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to, and at a maximum distance from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot, minimum area of. The smallest lot area established by the zoning code on which a single use or single structure may be located in a particular district.

Lot of record. A lot which exists as shown or described on a plat or deed in the records of the county recorder.

Lot width. The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Loud hailer. An electronic device used for the projection of either voice or music.

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

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

Manufacturing, general. The manufacturing, processing, assembling, fabrication or repairing of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property and where some operations and storage may be in open areas.

Manufacturing, light. The manufacturing, processing, assembling, fabrication, or repairing of certain materials or products where no process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property and where all operations and storage are entirely within enclosed buildings or areas.

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

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

Medical office. A building that contains establishments dispensing health services.

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

Mixed use zoning. Regulations which permit a combination of different uses within a single development.

Mobile home. A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

Mobile home park. A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

Mobile home stand. A plot of land for the placement of a single mobile home within a mobile home park.

Motor freight terminal. A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or inter-state shipment by motor truck.

Motorhome. An automotive vehicle built on a truck or bus chassis and equipped as a self-contained travelling home or dwelling.

Muck. Soil consisting of organic materials and decaying vegetation, normally unsuitable for building.

Municipal building. A structure housing an operation of a municipality.

Natural retention area. A naturally-occurring pond or wetland which retains stormwater runoff.

Neighborhood sales. See "Sales, Rummage" in this section.

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

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

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

Noxious. Offensive or disturbing.

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

Nursery school. (See "Child Care Center" in this section.)

Nursery, plant materials. Land, buildings, structures, or a combination thereof, for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening and landscaping.

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

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

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

Off-street parking space. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

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

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

Open space, green. An open space area not occupied by any structures or impervious surfaces.

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

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

Open space ratio. Total area of open space divided by the total site area in which the open space is located.

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

Parcel. A lot or tract of land.

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

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

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

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

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

Parking bay. A parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

Parking lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking space. Space for the parking of a motor vehicle within a public or private parking area.

Passive recreation area. An open area designed for walking or sitting and enjoying nature or surroundings.

Patio sales. See "Sales, Rummage" in this section.

Performance bond, surety bond. An agreement by a subdivider or developer of the city for the amount of the estimated construction cost, guarantying the completion of physical improvements according to the plans and specifications, within the time prescribed by the agreement.

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

Permanently affixed. To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

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

Personal services facility. Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

Planned unit development or *PUD.* An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

Planning commission. The duly designated advisory plan commission of the municipality.

Plat. Map of a town (city), section or subdivision showing location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., which is drawn to scale.

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

Principal use. The primary or predominant use of any lot.

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

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

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

Privately owned parks and playgrounds. Parks and playgrounds which are not open to the general public and which are held in private ownership.

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

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

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

Public utility. A closely regulated private enterprise with an exclusive franchise for providing a public service.

Public utility building. A building owned and operated by a closely regulated enterprise with an exclusive franchise for providing a public service.

Public way. A highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.

Quasi-public agency. A service owned and operated by a nonprofit religions or missionary institution and providing educational, cultural, recreational or similar type of public program.

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

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

Recreation facility, commercial. A recreation facility operated as a business and open to the public for a fee.

Recreation facility, personal. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation facility, private. A recreation facility operated by a non-profit organization and open only to bona fide members and guests of that non-profit organization.

Recreation facility, public. A recreation facility operated by a governmental agency and open to the general public.

Recreation, passive. Any leisure time activity not considered active.

Recreational development. A recreational development plan, maintained, operated and integrated with a major recreational facility.

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

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

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

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

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

Restaurant. Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, tearoom and dining room and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

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

Restaurant, drive-in. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

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

1. Food, frozen desserts or beverages usually served in edible containers or in paper, plastic or other disposable containers;
2. More than forty-five (45) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

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

Retail food establishment. Any fixed or mobile place or facility, at or in which food or drink is offered or prepared for retail sale or for service with or without charge, on or at the premises or elsewhere.

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

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

Ringelmann Chart. A device to measure the opacity of smoke emitted from stacks and other sources.

Rummage. See "Sales, Rummage."

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

Sales lot. An area of land improved and used for the sale of products.

Sales, rummage. The exchange of any goods for money, barter or services in any residential district, not to exceed seventy-two (72) hours and is not a lawful business.

Sanitary landfill. A site for solid waste disposal.

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

Sanitarium. A hospital used for treating chronic and usually long-term illness.

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

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

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

School, parochial. A school supported and controlled by a church or religious organization.

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

School, secondary. Any school licensed by the state and which is authorized to award diplomas for secondary education.

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

Setback. The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

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

Sewage treatment plant. A plant designed for the treatment of raw sewage.

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

Sign. Any object, device, display, structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, advertising. A sign which depicts information concerning the products sold on the premise or services provided.

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

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

Sign, awning, canopy or marquee. A sign that is mounted on or painted onto an awning, marquee or canopy that is otherwise permitted by ordinance.

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

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

Sign, business. A sign which depicts only the name, address, telephone number and/or logo of the business located on the zoning lot.

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

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

Sign face. The area or display surface used for the message.

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

Sign, flush-mounted. A sign mounted against a principal structure, the depth of which does not exceed twelve (12) inches, with no printed messages on end spaces.

Sign, freestanding. Any nonmovable sign not affixed to a building.

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

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

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

Sign, illuminated. A sign lighted by or exposed to artificial lighting, either by lights in the sign or directed toward the sign.

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

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

Sign, projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than eighteen (18) inches from the building.

Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

Sign, wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than two (2) inches from the building or structure.

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

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

Site. Any plot or parcel of land or combination of contiguous or parcels of land.

Site plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, lighting, and screening devices, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

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

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

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

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

Special exception. A variance to a regulation, granted by the board of zoning appeals, for a change in use on a given piece of property.

Special use. Compatible uses which, because of their potential impact on neighboring properties, must be carefully regulated and require common council approval.

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

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

Stall, parking. The parking space in which vehicles park.

Storm sewer. A conduit that collects and transports runoff.

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

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

Story, half. A space under a sloping roof which has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

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

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

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

Street, cul-de-sac. A street with a single, common ingress and egress, and with a turnaround at the end.

Street, dead-end. A street with a single common ingress and egress.

Street line. The right-of-way line of a street.

Street, local. A street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, loop. A local street which has its only ingress and egress at two (2) points of the same collector street.

Street, major arterial. A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

Street, minor arterial. A street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

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

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

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

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

Subdivision. The division of single lot or parcel of land, or part thereof, into two (2) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes, or the division of a single lot, tract, or parcel of land, or a part thereof, into two (2) or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

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

Surface hydrology. The properties, distribution, and circulation of water and snow for a given area.

Swale. A depression in the ground which channels runoff.

Swimming pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool, having a depth of more than eighteen (18) inches, designed, used and maintained for swimming or bathing.

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

Tavern, lounge or bar. A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

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

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

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

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

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

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

Townhouse. A type of multi-family dwelling one (1) or two (2) stories in height. Typically, the living room, dining room, and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common side wall and are owner-occupied.

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

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

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

Travel trailer. A recreational vehicle that is towed by a car or a truck.

Truck stop/center/complex. Any site where intra- or interstate trucks are stored, dispatched from or secure needed over-the-road services on a solely temporary basis at which no freight terminal activities take place.

Unified control. The combination of two (2) or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

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

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

Use, nonconforming. (See "Non-Conforming Use.")

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

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

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

Vehicle sales lot. A zoning lot on which cars, trailers, or trucks are displayed for sale or trade outside of buildings.

Veterinary hospital. A structure designed for the care and treatment of animals.

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

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

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

Wetlands. Swamps or marshes, especially as areas preserved for wildlife.

Wholesale trade. Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

Yard depth. The shortest distance between the zoning lot line and a yard line.

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

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

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

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

Yard sales. See "Sales, Rummage" in this section.

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

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

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

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

Zoning envelope. The three-dimensional space within which a structure is permitted to be built on a lot which is defined by maximum height regulation, yard setbacks, and sky exposure plan regulations.

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

Zoning lot area. The total area within the zoning lot lines of a zoning lot, excluding any street right-of-way.

Zoning lot coverage. That portion of the zoning lot that is covered by buildings and structures.

Zoning lot depth. The distance measured from the front zoning lot line.

Zoning lot frontage. The length of the front zoning lot line measured at the street right-of-way line.

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

Zoning lot line, front. The zoning lot line separating a zoning lot from a street right-of-way.

Zoning lot line, rear. The zoning lot line opposite and most distant from the front zoning lot line or, in the case of triangular or otherwise irregularly shaped zoning lots, a line ten (10) feet in length entirely within the zoning lot, parallel to and at a maximum distance from the front zoning lot line.

Zoning lot line, side. Any zoning lot line other than a front or rear zoning lot line.

Zoning lot, minimum area of. The smallest zoning lot area established by the zoning code on which a single use or a single structure or single building may be located in a particular district.

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

Zoning map. The map or maps which are part of the zoning ordinance and which delineate the boundaries of a zoning district.
(Ord. No. 95-20, § 1, 9-21-95)

TITLE III.

FLOODPLAIN DISTRICT

[Article 1. In General]

Sec. A: Statutory authorization.
Sec. B: Statement of purpose.
Sec. C: Definitions.
Sec. D. Duties of the administrator.
Sec. E. Regulatory flood elevation.
Sec. F. Improvement location permit.
Sec. G. Preventing increased damages.
Sec. H. Protecting buildings.
Sec. I. Other development requirements.
Sec. J. Variances.
Sec. K. Disclaimer of liability.
Sec. L. Violations.
Sec. M. Abrogation and greater restrictions.
Sec. N. Separability.
Sec. O. Effective date.

[Article 2. Reserved]

Article 3. Floodplain Management

Sec. 10-41. Purposes of floodplain management.
Sec. 10-42. Definitions.
Sec. 10-43. Districts.
Sec. 10-44. Permitted uses by right.
Sec. 10-45. Permitted uses by special exception.
Sec. 10-46. Nonconforming uses.
Sec. 10-47. Provisions for flood hazard reduction.
Sec. 10-48. Powers and duties of board of zoning appeals.
Sec. 10-49. Issuance of permits in floodways or Floodway Fringe Districts.
Sec. 10-50. Subdivision control under flood insurance program.
Sec. 10-51. National Flood Insurance Program regulation.
Sec. 10-52. Standards for certain utility construction or reconstruction in flood hazard areas.

[ARTICLE 1. IN GENERAL]

Ordinance No. 94-03

Be it ordained by the city council of the City of Lake Station, Indiana, as follows:

Section A: Statutory authorization.

The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

Section B: Statement of purpose.

The purpose of this ordinance [article] is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Lake Station Common Council hereby adopts the following floodplain management regulations in order to accomplish the following:

a. To prevent unwise developments from increasing flood or drainage hazards to others;

b. To protect new buildings and major improvements to buildings from flood damage;

c. To protect human life and health from the hazards of flooding;

d. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

e. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

f. To make federally subsidized flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.

Section C: Definitions.

For the purpose of this ordinance, the following definitions are adopted:

a. *Building* see "structure."

b. *Development* any manmade change to improved or unimproved real estate including but not limited to:

   1. Construction, reconstruction, or placement of a building or any addition to a building;

   2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than one hundred eighty (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 might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

c. *Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

d. *Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

e. *FBFM* means flood boundary and floodway map.

f. *FEMA* means Federal Emergency Management Agency.

g. *FHBM* means flood hazard boundary map.

h. *FIRM* - means flood insurance rate map.

i. *Flood* a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

j. *Floodplain* the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

k. *Flood Protection Grade* or the *FPG* means the elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

l. *Floodway* means 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 regulatory flood of any river or stream.

m. *Floodway fringe* means those portions of the floodplain lying outside the floodway.

n. *Letter of map amendment (LOMA)* means an amendment to the currently effective FEMA map that establishes that a property is not located in a special flood hazard area (SFHA). A LOMA is only issued by FEMA.

o. *Letter of map revision (LOMR)* means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

p. *Lowest floor* means the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. 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:
   (a) 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 (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
   (b) Such enclosed space shall be usable for the parking of vehicles and building access.

q. *Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

r. *New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance [article].

s. *Recreational vehicle* means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

t. *Regulatory flood* means the flood having a one-percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the

Federal Emergency Management Agency. The regulatory flood elevation at any location is also defined in Section E of this ordinance [article]. The "Regulatory Flood" is also known by the term "Base Flood."

u. *SFHA or special flood hazard area* means those lands within the jurisdiction of the city that are subject to inundation by the regulatory flood. The SFHAs of the city are generally identified as such on the flood insurance rate map of the city prepared by the Federal Emergency Management Agency and dated September 2, 1981. The SFHAs of those parts of unincorporated Lake county that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate map prepared for Lake County by the Federal Emergency Management Agency and dated September 2, 1981.

v. *Structure* means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than one hundred eighty (180) days.

w. *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of 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."

(Ord. No. 96-13, §§ 1, 2, 3-7-96)

Section D. Duties of the administrator.

The administrative official shall implement this ordinance and hereafter be referred to as the zoning administrator. The zoning administrator for the City of Lake Station is appointed to review all development and subdivision proposals to ensure compliance with this ordinance, including but not limited to the following duties:

a. Ensure that all development activities within the SFHAs of the jurisdiction of the city meet the requirements of this ordinance.

b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

c. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section G of this ordinance and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

d. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.

e. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section H of this ordinance.

f. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.

g. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, letters of map amendment (LOMA), letters of map revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this ordinance.

h. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to FEMA.

(Ord. No. 96-13, § 3, 3-7-96)

Section E. Regulatory flood elevation.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

a. The regulatory flood elevation and floodway limits for the SFHAs of Deep River, Little Calumet River and Burns Ditch shall be as delineated on the 100-year flood profiles in the flood insurance study of the city dated June, 1974, and the corresponding FIRM dated September 5, 1978, prepared by the Federal Emergency Management Agency.

b. The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the flood insurance rate map of the city.

c. The regulatory flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the flood insurance rate map of the city shall be according to the best data available as provided by the Department of Natural Resources.

d. The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Lake County dated March 2, 1981, and the corresponding FIRM dated September 2, 1981, prepared by the Federal Emergency Management Agency.

e. If the SFHA is delineated as "AH Zone" or "AO Zone," the elevation (or depth) will be delineated on the county flood insurance rate map. If the SFHA is delineated as "Zone A" on the county flood insurance rate map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

(Ord. No. 96-13, § 4, 3-7-96)

Section F. Improvement location permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an improvement location permit from the zoning administrator. The zoning administrator shall not issue an improvements location permit if the proposed "development" does not meet the requirements of this ordinance.

a. The application for an improvement location permit shall be accompanied by the following:

   1. A description of the proposed development.

   2. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.

   3. A legal description of the property site.

   4. A site development plan showing existing and proposed development locations and existing and proposed land grades.

   5. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

b. Upon receipt of an application for an improvement location permit, the zoning administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

   1. If the site is in an identified floodway, the zoning administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

      Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the building.

      No action shall be taken by the zoning administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the building official may issue the local improvement location permit, provided the provisions contained in Section G and H of this ordinance have been met. The improvement location permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

   2. If the site is located in an identified floodway fringe, then the zoning administrator may issue the local improvement location permit provided the provisions

contained in Sections G and H of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the flood protection grade (FPG)

3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the flood insurance rate map) and the drainage area upstream of the site is greater than one (1) square mile, the zoning administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

   No action shall be taken by the zoning administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended flood protection grade has been received from the Department of Natural Resources.

   Once the zoning administrator has received the proper permit or letter of recommendation approving the proposed development, an improvement location permit may be issued provided the conditions of the improvement location permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in Sections G and H of this ordinance have been met.

4. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the zoning administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe, and 100-year elevation for the site.

(Ord. No. 96-13, § 5, 3-7-96)

Section G. Preventing increased damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

a. Within the floodway identified on the flood boundary and floodway map or the flood insurance rate map, the following standards shall apply;

   1. No development shall be allowed which, acting alone or in combination with existing or future development, will cause increase in the elevation of the regulatory flood; and

   2. For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

b. Within all SFHAs identified as A Zones (no 100-year flood elevation and/or floodway/ floodway fringe delineation has been provided) the following standard shall apply:

   1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one (1) foot and will not increase flood damages or potential flood damages.

c. Public Health Standards in all SFHAs:

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section H of this ordinance.

2. New and replacement sanitary sewer lines and onsite waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

Section H. Protecting buildings.

In addition to the damage prevention requirements of Section G, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

a. This building protection requirement applies to the following situations:

1. Construction or placement of any new building greater than four hundred (400) square feet.

2. Structural alterations made to an existing building that increase the market value of the building by more than fifty (50) percent (excluding the value of the land);

3. Any subsequent alterations;

4. Reconstruction or repairs made to a damaged building that are valued at or more than fifty (50) percent of the market value of the building (excluding the value of the land) before damage occurred;

5. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

6. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days.

b. This building protection requirement may be met by one of the following methods. The zoning administrator shall maintain record of compliance with these building protection standards as required in Section D of this ordinance.

1. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five (95) percent of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements (see definition of lowest floor in Section C Definitions) shall be at or above the FPG.

2. A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

(1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.

(2) Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

3. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than one hundred eighty (180) days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

(1) Outside a manufactured home park or subdivision;

(2) In a new manufactured home park or subdivision;

(3) In an expansion to an existing manufactured home park or subdivision; or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational vehicles placed on a site shall either:

(a) Be on the site for less than one hundred eighty (180) consecutive days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" in paragraph (3) of this section.

5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A registered professional engineer shall certify that the building has been designed so that below the FPG, the structure and attendance utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(Ord. No. 96-13, § 6, 3-7-96)

Section I. Other development requirements.

1. The zoning administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the zoning administrator finds the subdivision to be so located, the zoning administrator shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The zoning administrator shall require appropriate changes and modifications in order to assure that:

a. It is consistent with the need to minimize flood damages;

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

c. Adequate drainage is provided so as to reduce exposure to flood hazards;

d. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

2. Developers shall record the 100-year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for approval by the plan commission.

3. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local plan commission and have it filed with and approved by the appropriate community emergency management authorities.

Section J. Variances.

1. The board of zoning appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:

a. There exists a good and sufficient cause for the requested variance;

b. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and

c. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

2. The board of zoning appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:

a. No variance or exception for a residential use within a floodway subject to Section G(a) or (b) of this ordinance may be granted.

b. Any variance or exception granted in a floodway subject to Section G(a) or (b) of this ordinance will require a permit from Natural Resources.

c. Variances or exceptions to the Building Protection Standards of Section H may be granted only when a new structure is to be located on a lot of one-half (1/2) acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

d. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

e. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

f. The board of zoning appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

Section K. Disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section L. Violations.

Failure to obtain an improvement location permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance.

All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Lake Station. All violations shall be punishable by a fine not exceeding two thousand five hundred dollars ($2,500.00).

a. A separate offense shall be deemed to occur for each day the violation continues to exist.

b. The administrative officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing herein shall prevent the City of Lake Station from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section M. Abrogation and greater restrictions.

This ordinance repeals and replaces other ordinances adopted by the city council to fulfill the requirements of the National Flood Insurance Program, including: any other ordinance. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the city council shall assure that all National Flood Insurance Program regulations and laws (310 IAC 6-1-1, IC 13-2-22 and IC 13-2-22.5) are met.

Section N. Separability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section O. Effective date.

This ordinance shall take effect upon its passage by the Lake Station Common Council.

Passed and enacted by the Common Council of Lake Station, Indiana, on the 17th day of February, 1994.

[ARTICLE 2. RESERVED]

ARTICLE 3. FLOODPLAIN MANAGEMENT

Section 10-41. Purposes of floodplain management.

(a) The flood hazard areas of Lake Station are subject to periodic inundations which result in loss of life and property, health and safety hazards, disruptions of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect public health, safety and general welfare.

(b) These flood losses are caused by the accumulative effect of obstructions in areas of special flood hazards which increase flood height and, when inadequately anchored, damages other areas. Uses that are inadequately floodproofed, elevated or otherwise protected also contribute to the flood loss.

(c) It is the purpose of this article to promote the safety, health, and welfare and to minimize public and private loss due to flood conditions in specific areas.

Section 10-42. Definitions.

(a) *Flood* or *floodwater* means the water of any lake or watercourse which is above the banks and/or outside channel and banks of such watercourse.

(b) *Flood hazard area* means any floodplain, floodway, floodway fringe district or any combination thereof.

(c) *Flood protection grade* means the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is floodproofed as hereinafter defined, the term "flood protection grade" applied to the water surface elevation for which the building is protected.

(d) *Floodproofed building* means a commercial or industrial building designed to exclude floodwaters from the interior of that building. All such flood proofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

(e) *Natural Resources* means the Indiana National Resources Commission.

(f) *Regulatory flood* means that flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a one-hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year.

(g) *Regulation flood profile* means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

(h) *Substantial modification* means any alteration, repair, enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include either (1) any project for improvement of a structure to comply with existing health, sanitary or safety code specifications or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structures, Districts and Objects.

(i) *Mobile home tie downs; Schedule A* means sufficient anchorage to resist floatation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of (1) over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring only one (1) additional tie per side; (2) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; (3) all components of the anchoring systems be capable of carrying a force of four thousand eight hundred (4,800) pounds; and (4) any additions to the mobile home similarly anchored.

Section 10-43. Districts.

(a) The flood hazard areas (Floodway (FW) District and Floodway Fringe (FF) District) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Lake Station" dated September 28, 1979, with the accompanying Flood Insurance Rate maps and Flood Boundary—Floodway Maps, along with any subsequent revisions to the text or maps, are hereby adopted by reference and declared to be a part of this Article. The flood insurance study is on file at the office of the clerk-treasurer and open for public inspection.

(b) *Floodway (FW) District.* The purpose of the Floodway (FW) District is to guide development in areas identified as a floodway. The identification of these areas have been made by the Federal Insurance Administration, as part of the Flood Insurance Study for the City of Lake Station. Natural Resources exercise primary jurisdiction in the floodway (FW) district under the provisions of I.C. 13-2-22; however, the (plan) commission may impose terms and conditions on any permit by Natural Resources. The Floodway (FW) District may stand by itself or be combined with any other district.

(c) *Floodway Fringe (FF) District.* The purpose of the Floodway Fringe (FF) District is to guide development in area subject to potential flood damage, but outside an identified Floodway (FW) District. The identification of these areas have been made by the Federal Insurance Administration as part of the Flood Insurance Study for the City of Lake Station. The Floodway Fringe (FF) District may stand by itself or be combined with any other district. The principal requirement of this district is that the flood protection grade of all buildings shall be at least two (2) feet above the regulatory flood profile.

In the "FW" and the "FF" Districts established herein, the degree of flood protection established in this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes such as ice or debris jams. This ordinance does not imply that areas outside flood hazard districts as defined herein, will be free of flooding or flood damage. This ordinance does not create any liability on the part of the City of Lake Station, Lake County, Indiana, the plan commission, Natural Resources, the State of Indiana or any elected or appointed official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder.

Section 10-44. Permitted uses by right.

(a) *Floodway (FW) District.* The following uses shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the deposition of any material or substance.

(1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards and general farming.

(2) Forestry, wildlife areas, and nature preserves.

(3) Parks and recreational uses, such as golf courses, driving ranges, and play areas.

(b) *Floodway Fringe (FF) District.* The following uses shall be permitted by right:

All facilities, structures, uses and buildings consistent with other provisions of this division such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, mobile homes, utility buildings, amusement facilities, residential buildings, civic or fraternal facilities may be constructed in this district provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile. Further, mobile homes must have pads (concrete or stands of compacted fill) at or above the elevation of the regulatory flood and must be provided with ground anchors meeting Mobile Home Tie Downs; Schedule A. Floodproofed buildings may also be constructed in this district provided that the plans and specifications for all necessary structural facilities and modifications are certified by a professional engineer or registered architect licensed to practice in Indiana. Also, on-site waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

Section 10-45. Permitted uses by special exception.

(a) *Floodway (FW) District.* The following special exception uses may be permitted in the Floodway (FW) District only after a permit for construction in a floodway has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the (plan) commission.

The (plan) commission may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two (2) feet above the regulatory flood profile.

(1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, sharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, ford, airports, pipelines, railroads, and utility transmission facilities.

(3) Temporary or seasonal floodplain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facilities sites.

(4) Water-related urban areas, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities, and water treatment facilities.

(5) Other flood tolerant or open space urban uses, such as floodproofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots, and mineral extraction.

Flood proofing of non-residential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in this article and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

Section 10-46. Nonconforming uses.

Any building, structure or other use in a Floodway (FW) or Floodway Fringe (FF) District which is not in conformance with this ordinance constitutes a non-conforming use:

(a) In a Floodway (FW) District, no non-conforming use may be expanded or enlarged nor can a building undergo substantial modification without a permit for construction in a floodway from Natural Resources.

(b) In a Floodway Fringe (FF) District a building which constitutes a non-conforming use may undergo substantial modification provided such modification does not increase the value of the building by more than forty (40) percent of its pre-improvement market value, (excluding the value of land) unless such building is permanently changed to a conforming use.

(c) Any non-conforming use in the FW and FF Districts which is damaged by flood, fire, explosion, Act of God, or the public enemy may be restored to its original dimensions

and conditions, provided the damage does not reduce the value of the buildings, excluding the value of the land, by more than forty (40) percent of its predamage value.

Section 10-47. Provisions for flood hazard reduction.

In all areas of special flood hazard the following standards are required:

(a) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.

(2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:

(i) Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side.

(ii) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(iv) Any additions to the mobile home be similarly anchored.

(b) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

Section 10-48. Powers and duties of board of zoning appeals.

(a) The board of zoning appeals may consider issuing a variance to the terms and provisions of the Floodway (FW) or Floodway Fringe (FF) Districts provided the applicant offers that:

(1) There exists a good and sufficient cause for the requested variance;

(2) The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant; and

(3) The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.

(b) The board of zoning appeals may issue a variance to the terms and provisions of the Floodway (FW) or Floodway Fringe (FF) Districts subject to the following standards and conditions:

(1) No variance or exception for a residential use in a Floodway (FW) District may be granted;

(2) Any variance or exception granted in a Floodway (FW) District will require a permit from Natural Resources;

(3) Variances or exceptions to the flood protection grade requirements in a Floodway Fringe (FF) District may be granted only when a new structure is to be located on a lot of one-half (½) acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;

(4) Variance or exception may be granted for the reconstruction or restoration or any structure listed on the National Register of Historic Places or the Indiana Structures, Districts and Objects;

(5) All variances shall give the minimum relief necessary, and be such that the maximum practical flood protection will be given to the proposed construction; and

(6) The board of zoning appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

Section 10-49. Issuance of permits in floodways or Floodway Fringe Districts.

(a) The plan commission shall keep and maintain all records, including all first floor elevations, certificates, plans and other materials associated with any permit or variance issued in a Floodway (FW) or Floodway Fringe (FF) District.

(b) The plan commission shall not issue any permit, license, or variance for the location or occupancy of any mobile home in a Floodway (FW) or Floodway Fringe (FF) until such time as proper notice written on lease, deed or purchase contract is given to the mobile home owner that such mobile home is in a flood hazard area.

Section 10-50. Subdivision control under flood insurance program.

(a) The (plan commission, building department, or other review agency or official) shall review all proposed subdivisions to determine whether the subdivision lies in a flood prone area as defined elsewhere by ordinance. If the (review agency or official) finds the subdivision to be so located, the (review agency or individual) shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The (review agency or individual) may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and that on-site waste disposal system, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(b) All subdivision plats containing lands identified elsewhere by division as flood prone areas shall have the elevation of the 100-year flood listed thereon.

Section 10-51. National Flood Insurance Program Regulation.

The building department prior to the issuance of improvement location permits shall assure that all NFIP regulations pertaining to state and federal permits and watercourse alteration and maintenance have been met.

Sec. 10-52. Standards for certain utility construction or reconstruction in flood hazard areas.

All new or replacement water mains, valves and other appurtenances, and all new or replacement sewers, manholes and other appurtenances constructed or reconstructed in a flood hazard area as defined elsewhere by ordinance shall be designed and constructed as to minimize or eliminate infiltration of floodwaters into these systems and discharges from these systems into floodwaters.

Title IV.

OPEN SPACE (OS) DISTRICT

Sec. A:	Intended purposes.
Sec. B:	Use Regulations.
Sec. C:	Height regulations.
Sec. D:	Area, width and yard regulations.
Sec. E.	Building size.
Sec. F.	Off-street parking.

Section A: Intended purposes.

The purpose of this zoning district is to prevent scattered, indiscriminate urban development within areas which are predominately vacant or natural sites which presently do not or will not demonstrate any significant potential for development.

Section B: Use regulations.

A building may be erected, altered or used, and a lot may be used for any of the following purposes and no other:

1. Single-family detached dwelling and dwellings for tenants primarily employed on a farm;
2. Farms and farm buildings, provided no building in which dairy animals or poultry are housed, shall be located within three hundred (300) feet of any existing adjacent residence on abutting property or existing residential subdivisions;
3. Designated wildlife or natural areas;
4. Signs as set forth in Title XVII.
5. The following uses may be allowed by special exception:
   a. Cemeteries.
   b. Parks and playgrounds (public);
   c. Municipal facilities and public utilities;
   d. Nurseries (plant materials);
   e. Gun clubs, skeet or target ranges;
   f. Riding academies or stables; and
   g. Transient amusement enterprises.

In the exercise of its approval of the uses enumerated, the commission may impose such conditions regarding the location, character of development and other reasonable requirements deemed necessary to safeguard the community interest and general welfare.

Section C: Height regulations.

1. For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2½) stories
2. For any building accessory to any dwelling use, fifty-five (55) feet.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than nine thousand one hundred (9,100) square feet for a single-family dwelling and a lot width of not less than seventy (70) feet at the building line shall be provided.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than thirty (30) feet (thirty-five (35) feet for nonresidential).

3. *Side yards.*

a. On each interior lot there shall be two (2) side yards having an aggregate width of not less than eight (8) feet.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet.

c. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of the which shall be not less than thirty-five (35) feet (forty-five (45) for nonresidential).

5. *Building coverage.* Not more than thirty (30) percent of the area of a lot may be occupied by buildings.

Section E. Building size.

No building shall be erected for residential purposes having a floor area of less than nine hundred twelve (912) square feet minimum for a single-family dwelling, exclusive of basements, unenclosed porches, terraces, and garages.

Section F. Off-street parking.

There shall be at least two (2) parking spaces for each swelling unit in this zoning district. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Title V.

RESIDENTIAL (R-1) DISTRICT

Sec. A:	Intent.
Sec. B:	Use regulations.
Sec. C:	Height regulations.
Sec. D:	Area, width and yard regulations.
Sec. E.	Building size.
Sec. F:	Off-street parking.

Section A: Intent.

The general character of the residential district is to consist of single-family attached dwellings, having a lower density and more open living environment. Non-residential uses would be restricted to those community facilities which:

1. May appropriately be located in residential areas to provide educational, recreational, religious, health and other essential services for residents; or
2. Do not create significant objectionable influences in residential areas (home occupations and gardening).

Section B: Use regulations.

In Residential (R-1) districts, the following regulations shall apply, as listed hereafter:

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other.

1. *Primary use:* Single-family detached dwellings units (low density).
2. *Community facilities:* Municipal facilities and public utility uses directly related to and necessary for services within the zoning district of the city.
3. Special regulations as discussed in Title XIX.
4. Signs as set forth in Title XVII.
5. The following uses, and no others, may be allowed by special exception:
   a. Cemeteries.
   b. Churches.
   c. Municipal facilities and public utilities.
   d. Parks and playgrounds (public).
   e. Private recreation facilities.
   f. Schools (public and private).

Section C: Height regulations.

The maximum height of buildings erected or enlarged in this district shall be thirty-five (35) feet, not exceeding two and one-half (2½) stories.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than eleven thousand two hundred (11,200) square feet and a lot width of not less than eighty (80) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than thirty-five (35) feet and all residential units shall have a uniform alignment.

3. *Side yards.*

a. On each interior lot, there shall be two (2) side yards having a width of not less than six (6) feet on each side.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet and the side yard abutting an interior lot, having a width of not less than six (6) feet.

c. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than forty-five (45) feet.

5. *Building coverage.* Not more than thirty (30) percent of the area of any lot shall be occupied by buildings.

6. *Building placement.* On any lot a residential structure shall be placed with the main entrance (front door) facing the street on which the lot is located, the lot representing the actual street address. The structure shall not be placed on any lot perpendicular to the street (street address) with the main entrance (front door) facing an adjacent lot on the street. (Ord. No. 2004-19, 6-3-2004)

Section E. Building size.

1. No building shall be erected for residential purposes having a floor area of less than nine hundred sixty (960) square feet, exclusive of basements, unenclosed porches, terraces, and garages.

2. A detached garage shall not exceed six hundred seventy-six (676) square feet of floor area and shall not exceed fourteen (14) feet in height.

Section F: Off-street parking.

There shall be at least two (2) parking spaces for each single-family dwelling in this zoning district. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII, of this Ordinance.

Title VI.

RESIDENTIAL (R-2) DISTRICT

Sec. A:	Intent.
Sec. B:	Use Regulations.
Sec. C:	Height regulations.
Sec. D:	Area, width and yard regulations.
Sec. E:	Building size.
Sec. F:	Off-street parking.
Sec. G.	Special exceptions.

Section A: Intent.

This district accommodates single-family development on smaller lots to provide for a variety in single-family residential conditions.

Non-residential uses would be of similar character as those in Residential (R-1) Districts.

Section B: Use Regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

1. Single-family detached dwelling units (median density).
2. A use permitted in Residential (R-1) Districts.
3. Special regulations as discussed in Title XIX.
4. Signs as set forth in Title XVII.
5. The following uses may be allowed by special exception:
   a. Cemeteries.
   b. Churches.
   c. Community centers (governmental).
   d. Libraries.
   e. Municipal facilities and public utilities.
   f. Parks and playgrounds (public).
   g. Private recreation facilities.
   h. Schools.
6. All accessory detached structures, excluding detached garages, shall not exceed one hundred (100) square feet of floor space and shall not exceed ten (10) feet in height.

Section C: Height regulations.

For any dwelling, thirty-five (35) feet, not exceeding two and one-half (2½) stories;

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than seventy-five hundred (7,500) square feet for a single-family dwelling, and a lot width of not less than sixty (60) feet at the building line shall be provided.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than thirty (30) feet and all residential units shall have a uniform alignment.

3. *Side yards.*
   a. On each interior lot, there shall be two (2) side yards each having a width of not less than five (5) feet on each side.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet.

c. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty-five (35) feet (forty-five (45) for nonresidential).

5. *Building coverage.* Not more than thirty (30) percent of the area of any lot shall be occupied by buildings.

6. *Building placement.* On any lot a residential structure shall be placed with the main entrance (front door) facing the street on which the lot is located, the lot representing the actual street address. The structure shall not be placed on any lot perpendicular to the street (street address) with the main entrance (front door) facing an adjacent lot on the street.
(Ord. No. 2004-19, 6-3-2004)

Section E: Building size.

1. No building shall be erected for residential purposes having a floor area of less than nine hundred twelve (912) square feet for a single-family dwelling, exclusive of basements, unenclosed porches, terraces, and garages.

2. A detached garage shall not exceed six hundred seventy six (676) square feet in floor area and shall not exceed fourteen (14) feet in height.

Section F: Off-street parking.

There shall be a least two (2) parking spaces for each dwelling unit in this zoning district. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Section. G. Special exceptions.

Any lot recorded prior to the passage of this ordinance with a minimum of six thousand (6,000) square feet, a width at the established building line of not less than fifty (50) feet and meets all other provisions of this section shall be considered a legal and conforming lot.
(Ord. No. 95-20, § 2, 9-21-95)

TITLE VII.

RESIDENTIAL (R-3) DISTRICT

Sec. A: Intent.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width and yard regulations.
Sec. E: Off-street parking.

Section A: Intent.

This district provides for the multi-family uses in limited portions of the municipality for modern low density, multi-family development.

Non-residential uses would be of similar character as those in Residential (R-1) Districts.

Section B: Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other;

1. Duplexes.
2. Other multiple-family type dwellings (three- and four-family units).
3. Special regulations as discussed in Title XIX.
4. Signs as set forth in Title XVII.
5. The following uses may be allowed by special exception:
   a. Cemeteries.
   b. Churches.
   c. Community centers (governmental).
   d. Group homes.
   e. Libraries.
   f. Municipal facilities and public utilities.
   g. Parks and playgrounds (public).
   h. Private recreation facilities.
   i. Schools (public and private).
6. All accessory detached structures, excluding detached garages, shall not exceed one hundred (100) square feet of floor space and shall not exceed ten (10) feet in height.

Section C: Height regulations.

The maximum height of buildings and other structures erected or enlarged in this zoning district shall not exceed thirty-five (35) feet or two and one-half (2½) stories.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.*
   a. *Duplexes.* A lot area of not less than ten thousand (10,000) square feet and a lot width of not less than eighty (80) feet at the building line shall be provided for a building erected or used for a duplex use permitted in this district.

b. *Three-family unit.* A lot area of not less than ten thousand eight hundred (10,800) square feet and a lot width of not less than ninety (90) feet at the building line shall be provided for building a building erected or used for three-family use permitted in this district.

c. *Four-family unit.* A lot area of not less than twelve thousand (12,000) square feet and a lot width of not less than one hundred (100) feet at the building line shall be provided for a building erected or used for a four-family use permitted in this district.

2. *Minimum average area per dwelling unit:*

a. For duplex detached dwellings, six thousand (6,000) square feet per dwelling unit; provided that one bedroom dwelling units shall not be less than seven hundred fifty (750) square feet of living space, eight hundred fifty (850) square feet for two bedroom units and seven hundred (700) square feet for studio and efficiency units.

b. For three- and four-family detached dwellings, four thousand five hundred (4,500) square feet per dwelling unit for efficiency, studio and one and two bedroom units; provided that living space shall not be less than seven hundred fifty (750) square feet for one bedroom units, eight hundred fifty (850) square feet for two bedroom units and seven hundred (700) square feet for studio and efficiency units.

c. Five thousand two hundred (5,200) square feet minimum lot area for three (3) bedrooms and over.

d. Size requirements above are exclusive of basements, porches, terraces and garages.

3. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than twenty-five (25) feet and all residential units shall have a uniform alignment.

4. *Side yards.*

a. On each interior lot there shall be two (2) side yards having an aggregate width of not less than ten (10) feet.

b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet.

c. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.

d. On lots used for two-family dwellings and rowhouses, the sum of the two (2) side setbacks shall be no less than eighteen (18) feet with a setback of at least six (6) feet on each side.

5. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet.

6. *Lot coverage.*

a. *Buildings:* The maximum area of each lot which may be occupied by buildings is thirty (30) percent.

b. *Parking, driveways, and sidewalks:* The maximum area of each lot which may be occupied by parking lots and driveways is twenty (20) percent.

c. *Pools, patios, decks, tennis courts, and similar uses:* The maximum total area of each lot which may be occupied by pools, patios, decks, tennis courts, and similar uses is twenty (20) percent.

d. *Landscaping:* The minimum total area of each lot which must be occupied by landscaping is thirty (30) percent. All developments in the R-3 Zone will be intensively landscaped with a mix of grass, trees, and shrubs covering thirty (30) percent of each lot.

7. *Building placement.* On any lot a residential structure shall be placed with the main entrance (front door) facing the street on which the lot is located, the lot representing the actual street address. The structure shall not be placed on any lot perpendicular to the street (street address) with the main entrance (front door) facing an adjacent lot on the street. (Ord. No. 2004-19, 6-3-2004)

Section E: Off-street parking.

There shall be at least two (2) parking spaces for each dwelling unit in this zoning district. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

TITLE VIII.

RESIDENTIAL (R-4) DISTRICT

Sec. A:	Intent.
Sec. B:	Use regulations.
Sec. C:	Height regulations.
Sec. D:	Area, width and yard regulations.
Sec. E:	Off-street parking.
Sec. F:	Special Exception — County R-5.

Section A: Intent.

This district provides for multi-family uses in limited portions of the municipality for modern high density, multi-family development (five (5) units or more only).

Non-residential uses would be of similar character as those in Residential (R-1) Districts.

Section B: Use regulations.

A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other:

1. Multiple-family dwellings (five (5) (units or more).
2. Special regulations as discussed in Title XIX.
3. Signs as set forth in Title XVII.
4. The following uses may be allowed by special exception:
   a. Cemeteries.
   b. Churches.
   c. Community centers (governmental).
   d. Group homes.
   e. Hospitals.
   f. Libraries.
   g. Municipal facilities and public utilities.
   h. Nursing homes.
   i. Parks and playgrounds (public).
   j. Private recreation facilities
   k. Schools (public and private).
5. All accessory detached structures, excluding detached garages, shall not exceed one hundred (100) square feet in floor area and shall not exceed ten (10) feet in height.

Section C: Height regulations.

The maximum height of buildings and other structures erected or enlarged in this zoning district shall not exceed forty (40) feet or three (3) stories.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than fifteen thousand (15,000) square feet and a lot width of not less than one hundred twenty (120) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this district.

2. *Minimum average area per dwelling unit:*

   a. *Multiple-family ground area requirement:* A separate ground area of not less than two thousand nine hundred (2,900) square feet shall be provided for each multifamily dwelling unit.

   b. *Minimum dwelling unit size:* The minimum dwelling unit size shall be seven hundred (700) square feet for one bedroom unit, eight hundred (800) square feet for two bedroom unit; six hundred fifty (650) square feet for studio apartment.

3. *Front yard.* Same in Residential (R-3) District.

4. *Side yards.* Same as in Residential (R-3) District.

5. *Rear yard.* Same as in Residential (R-3) District.

6. *Lot coverage.*

   a. *Buildings:* The maximum area of each lot which may be occupied by buildings is thirty (30) percent.

   b. *Parking, driveways, and sidewalks:* The maximum area of each lot which may be occupied by parking lots and driveways is twenty (20) percent.

   c. *Pools, patios, decks, tennis courts, and similar uses:* The maximum total area of each lot which may be occupied by pools, patios, decks: tennis courts, and similar uses is ten (10) percent.

   d. *Landscaping:* The minimum total area of each lot which must be occupied by landscaping is thirty (30) percent. All developments in the R-4 Zone will be intensively landscaped with a mix of grass, trees, and shrubs covering thirty (30) percent of each lot.

7. *Building placement.* On any lot a residential structure shall be placed with the main entrance (front door) facing the street on which the lot is located, the lot representing the actual street address. The structure shall not be placed on any lot perpendicular to the street (street address) with the main entrance (front door) facing an adjacent lot on the street. (Ord. No. 2004-19, 6-3-2004)

Section E: Off-street parking.

There shall be at least two (2) parking spaces for each dwelling unit in this zoning district. All other off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Section F: Special Exception — County R-5.

R-4 is to include all the restrictions as stated in R-4 as well as the benefits of County R-5.

TITLE IX.

MOBILE HOME (M-1) DISTRICT

Sec. A:	Intent.
Sec. B:	Compliance.
Sec. C:	Pre-application conference.
Sec. D:	Preliminary approval.
Sec. E:	Final plat.
Sec. F:	Permitted uses within M-1 District.
Sec. G:	Mobile home site requirements.

Section A: Intent.

The purpose of this section is to provide for the development of property located and planned facilities for mobile homes. The mobile home is recognized as a form of housing for which specific provisions should be made. It is further recognized that, in urban and urbanizing areas, mobile homes should be located in mobile home parks and subdivisions only and that such areas must be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property.

Section B: Compliance.

This ordinance shall apply to all mobile homes and mobile home parks within the City of Lake Station and compliance shall be required as follows:

1. No persons proposing a mobile home park shall proceed with any grading or improvement for streets or the installation of public utilities until the preliminary plat of the proposed mobile home park has been approved by the plan commission and the city council.
2. No person proposing a mobile home park shall sell, agree to sell, transfer, lease or otherwise convey or dispose of any lot, parcel or tract in a proposed mobile home park until the final plat thereof has been approved and signed by the plan commission and the city council and recorded in accordance with the provisions thereof.
3. No permit to erect, alter, repair or place any structure upon land in a mobile home park shall be issued until a plat of such has been approved and recorded and improvements required by the plan commission have been constructed or the construction thereof guaranteed as herein provided.

Section C: Pre-application conference.

Any person desiring approval of a plat of a mobile home park may appear before the commission to discuss the proposal before filing an application for preliminary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the mobile home builder time and money. The mobile home builder should be prepared to discuss the details of the proposed mobile home park and should also submit a sketch plan for said mobile home park. The mobile home builder should submit a letter of intent describing generally the area which is intended to be the mobile home site and setting forth such items as:

1. The proposed use of the land;
2. Existing features and land characteristics;
3. The approximate size of the proposed development;
4. Availability of park recreation and school facilities;
5. Availability of utilities and proposed plan for securing them to the area;
6. Proposed access to existing streets.

If the commission should find that the plans and data submitted does not meet their approval, they shall inform the mobile home builder of their decision and reasons thereof. If the commission finds the plans acceptable, it shall inform the mobile home builder in writing of the property's present zoning and the change of zoning needed, provide an application to be submitted with the preliminary plat and place the project on the agenda at a mutually agreeable date.

Section D: Preliminary approval.

1. An application for rezoning to M-1 mobile home district shall be accompanied by a schematic plan and supplementary text showing:

a. Name of mobile home park; names and addresses of owners and designer.

b. Date, north arrow and scale.

c. Property boundary and area.

d. Adjacent streets.

e. All proposed land uses.

f. Proposed buildings (show outline and number of floors).

g. Proposed mobile home lots or spaces.

h. Proposed streets and private drives, parking areas and the total number of parking spaces to be provided.

i. Recreational areas and other areas.

j. Proposed water supply or sewage disposal systems.

2. The plan commission shall review this application at its regular meeting after proper submission and shall give conditional acceptance or return the application to the mobile home builder with reasons for disapproval. If conditional acceptance is given, then the project shall proceed as follows:

a. Copies of the maps and data sheets submitted shall be delivered to the city engineer for his consideration and recommendations regarding the conformance of engineering plans to all the duly adopted standards for construction or improvement.

b. Copies of the maps and data sheets submitted shall be delivered by the developer to the board of public works, fire department, the park board and the school corporation for their consideration and recommendations of the matters affecting their respective agencies.

c. Copies of the maps and data sheets submitted shall be delivered by the developer to all public and private utilities for their consideration and recommendations as to the adequacy of the utility easements.

d. Upon receiving recommendations from the aforementioned persons and agencies, the commission shall review with the applicant all changes which have been recommended so that the mobile home builder may make such changes.

e. Conditional acceptance of the preliminary plat by the commission is not a final acceptance of the subdivision plat for recording and shall not be indicated as such on the plat.

3. *Public hearing:* Prior to a decision by the plan commission on whether or not to approve the preliminary plat, the plan commission shall set a date for a public hearing. The applicant shall notify by legal publication and otherwise give due notice to all interested persons as defined in Section 2.42 of this ordinance. The publication of the notice of public hearing shall be at the applicant's expense. At the public hearing or within sixty (60) days thereof, the plan commission shall approve, conditionally approve, or disapprove the preliminary plat, setting forth the reasons for its action and providing the mobile home builder with a copy. No formal action by the plan commission within sixty (60) days shall be deemed automatic approval.

4. *Time limit:* Preliminary approval shall be effective for a maximum of twelve (12) months unless, upon written request by the mobile home builder, the plan commission grants an extension. If the final plat has not been submitted for final approval within this time, or if the plan commission determines that no substantial work has been completed, a preliminary plat must again be submitted to the plan commission for preliminary approval in accordance with the then existing requirements.

5. *Grievance procedure:* Any person feeling aggrieved at any action of the plan commission concerning the preliminary plat may apply in writing to the board of zoning appeals at least ten (10) days prior to its next meeting for modification of the action complained of and such application shall be considered by the board of zoning appeals at such meeting. In the event any such person shall feel aggrieved, said person has the right to take the decision of the board of zoning appeals directly to court as provided by law.

Section E: Final plat.

1. *Filing:* After preliminary plat approval is obtained, the mobile home builder shall submit a final plat to the plan commission which complies with the same requirements for final approval in the Lake Station Subdivision Control Ordinance. The final plat shall be accompanied by:

a. Three (3) prints and two (2) original tracings of the final plat.

b. A fee in accordance with Section 7.05 of the Lake Station Subdivision Control Ordinance to cover the cost of inspecting for final approval.

2. *Final approval:* Within thirty (30) days after submission of the final plat, the plan commission shall approve or disapprove the mobile home builder's application for approval of the mobile home plat. If the plan commission determines that the final plat is in accordance with the requirements of this ordinance, the president and secretary or other authorized members, shall endorse one tracing of the plat and retain it for plan commission records. The other tracing of the final plat shall likewise be endorsed with the commission seal and

certificate of approval shall be transcribed on it and forwarded to the city council for execution. If the commission disapproves, it shall set forth the reasons for such disapproval in its own records and provide the mobile home builder with a copy.

3. *Recording:* Unless a plat is duly recorded within ninety (90) days from the date of final plat approval, the commission approval of the plat shall expire and shall be of no effect unless reinstated by the plan commission.

4. *Grievance procedure:* Should any person feel aggrieved at any action of the plan commission concerning the final plat, such action is subject to the right of appeal in the same manner as set forth in Section D:5.

Section F: Permitted uses within M-1 District.

1. Mobile homes.

2. Caretaker's or manager's home or office.

3. Service building to house services for occupants of the mobile home park only, including management office, restrooms, vending machines, washing and drying machines for domestic laundry and recreational facilities accessory to the mobile home park, and similar uses.

4. Sale of mobile homes to be located within the district shall be permitted only if such mobile homes are located on approved and established mobile home lots or spaces and stands.

5. All other uses permitted in single family residential districts subject to the R-1 District Development requirements.

Section G: Mobile home site requirements.

1. In designing a mobile home park, the petitioner shall conform to:
   a. All applicable ordinances of the county;
   b. Applicable laws, rules and regulations of the State of Indiana and duly constituted agencies thereof;
   c. All requirements contained within this ordinance.

2. Any parcel of land proposed for use as a mobile home park shall meet the following minimum requirements:
   a. *Water supply.* All parks shall be served by a common water supply system. For purposes of this ordinance, individual water wells are not acceptable. Water supply systems shall be submitted to and approved by the Indiana State Board of Health.
   b. *Sanitary sewers.* All parks shall be served by central or public sewer systems connected to a sewage treatment plant approved by the State Board of Health. For purposes of this ordinance, individual septic tanks shall not be acceptable.

c. *Electrical system.* Each park shall contain an under ground electrical system which shall be installed and maintained in accordance with applicable codes and regulations governing such system. The electrical distribution system shall be installed underground in a manner approved by the power company.

d. *Fuel.* Each mobile home park shall be served by an approved central fuel system. Individual fuel storage tanks shall not be permitted.

e. *Storm water drainage.* All parks shall be provided in accordance with the requirements of the City Storm Water Drainage Ordinance.

f. *Garbage / refuse.*

(1) Garbage and rubbish shall be disposed of in a manner approved by the city environmental officer and in a manner designed not to create a nuisance or menace to health.

(2) All refuse and garbage shall be collected at least weekly. Where suitable collection service is not available from municipal or private agencies, the park operator shall provide this service. Refuse incinerators, if permitted, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the county health department.

(3) Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitos, and other pests.

g. *Laundry facilities.*

(1) Laundry facilities shall be provided either individually in each mobile home and its space, or in a centralized common facility, or in a combination of these to suit local preferences.

(2) Where centralized provisions of washers, dryers, or common drying yards are required, they shall be located convenient to the mobile home spaces.

3. Streets.

a. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the mobile home stands and other important facilities on the property. Streets shall be privately owned and maintained.

b. All streets or drives, whether public or private, shall be designed in substantial relation to:

(1) Topographic conditions and drainage.

(2) Public convenience and safety.

(3) The proposed uses of land to be served by such street or drive. A street or drive shall be provided for convenient access to each individual mobile home site within the park.

c. All streets or drives, whether public or private, shall be constructed in the manner prescribed in the City of Lake Station Subdivision Control Ordinance.

d. All streets or drives shall be provided with a smooth, graded, drained, sealed, and paved durable surface commencing from the public street to and throughout the park. All street or drive surfaces shall be maintained free of holes and other hazards.

e. Street names and addresses shall be assigned to all streets and mobile home standards appearing on the final plan.

f. Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one point shall be avoided.

4. Minimum parking for mobile home parks.

a. Paved, off-street parking shall be provided in all mobile home parks for the use of occupants and guests. Parking spaces shall be at the ratio of at least two (2) car spaces, each not less than ten (10) feet by twenty (20) feet in size, for each mobile home site.

b. The park operator shall provide a separate area, either fenced, screened, or otherwise enclosed, for the storage of tenants' camping trailers, boats, snowmobiles, and other similar recreational equipment, and such items shall not be stored in any other area of the park. If there are no park rules in place, then it will be the park's responsibility to provide a place for these things.

5. Pedestrian ways.

a. All parks shall be provided with safe, convenient all-weather pedestrian access to and from each lot and to and from the parks of adequate width for intended use. Said access shall be durable and convenient to maintain.

b. Common walks. A common concrete or paved walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet.

c. Individual walks. All mobile homes shall be connected by concrete or paved individual walks, not less than two (2) feet in width, to common walks and parking areas.

6. Building set-back lines: All mobile homes, occupied or vacant, shall be set back at least fifty (50) feet from any public right-of-way. Fifty (50) feet withheld on state and county maintained roadways.

7. Minimum open space between mobile homes:

a. Front to front — average of sixty (60) feet.

b. Front to back — average of forty (40) feet.

c. All other possible arrangements must provide at least ten (10) feet between homes.

8. Area requirements of a mobile home park:

a. Mobile home park five (5) acres.

b. Mobile home lot four thousand (4,000) square feet.

c. If the mobile home park builder wishes to build in phases, each such phase of development shall not be less than five (5) acres in size.

9. Density: In no case shall any mobile home park exceed a density of seven and five-tenths (7.5) units per gross acre.

10. Mobile home stands: All mobile home stands shall be constructed as a grade-beam floating slab or as a solid concrete slab.

11. Buffer zones and screening:

a. A tight screen planting six (6) feet in height, effective during all seasons of the year, shall be placed adjacent to the boundary of the mobile home park, maintained in original or better condition or a wire mesh fence at least six (6) feet high shall be placed at boundary line of the mobile home park.

b. Fences or free standing walls shall be installed where necessary for screening purposes, such as around refuse collection points and playgrounds.

c. Fences and walls shall be designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use.

d. If the mobile home park builder develops in phases, each such phase shall have buffer zones and screening as provided in this section.

12. Miscellaneous regulations:

a. No trailers, recreational vehicles, or boats shall be parked or stored within the open space required between mobile homes.

b. Use of park areas for non-residential purposes:

(1) No part of any mobile home park shall be used for non-residential purposes except such areas that are required for the direct servicing and well being of the park residents and for the management and maintenance of the park provided, however, that retail sales of new or used mobile homes may be made from the park by the owners of the park or the sole licensee or agent of the owners, but all said mobile homes held for sale shall be limited to fifteen (15) percent of the total stands in the park.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand by the individual owner or his agent.

c. Construction materials storage areas for the park shall be maintained as to prevent rodent harborage and such lumber, pipe and other building materials shall be stored within a structure or fenced-in storage area.

d. The growth of brush, weeds, and grass shall be controlled by the owner or operator of the park.

e. Skirting. All mobile homes shall have a removable skirting around the entire perimeter of the home, extending from the bottom of the home to the ground.

(1) Skirting shall be a durable material such as decorative block, concrete block, fiberglass, metal, or other material approved by the building commission. Junk doors or other scrap material shall be prohibited.

(2) Skirting shall be maintained at all times by the tenant.

f. Storage facilities:

(1) Individual waterproof storage facilities may be built or installed on each lot if first approved by the building commission.

(2) Storage shall not be permitted unless within a completely enclosed structure approved by the mobile home park manager and the building commissioner.

g. *Additions or alterations.* No mobile home may be extended, enlarged, or otherwise added to unless approval in writing from the park owner or designated agent is presented to the plan commission and a permit has been issued by the building commission staff. A concrete pad or foundation shall be placed under any structure or addition thereto within the mobile home park.

h. All mobile homes shall be properly secured by appropriate "tie-downs" or fasteners in accordance with state regulations.

(Ord. No. 95-20, § 3, 9-21-95)

TITLE X.

NEIGHBORHOOD COMMERCIAL (B-1) DISTRICT

Sec. A: General provisions.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width and yard regulations.
Sec. E: Off-street parking.
Sec. F: Special exception.

Section A: General provisions.

The following provisions shall apply to Neighborhood Commercial (B-1) Districts:

1. All business, service, storage, merchandise, display, and where permitted, repair and processing shall be conducted wholly within an enclosed building, unless authorized as a variance and, except as otherwise permitted herein, for specified uses such as off-street automobile parking and of street loading.
2. Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.
4. In any commercial district where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a maximum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in Title XVII in this Ordinance.
6. Parking spaces shall be in accordance with the provisions set forth in Title XVIII in this Ordinance.

Section B: Use regulations.

1. The following shall apply to the Neighborhood Commercial (B-1) Districts:
   a. Dwelling units above the first floor of a business building are permitted.
   b. Each business establishment is restricted to not more than five thousand (5,000) square feet of floor area.
2. The following uses are allowed:
   a. Personal service establishments (barber shops, beauty parlors, shoe repair stores, etc.).
   b. Candy and ice cream stores.
   c. Drug stores.
   d. Food stores, including grocery stores, meat markets, bakeries, and delicatessens — retail sales only.
   e. Libraries.
   f. Offices, professional and otherwise, and office buildings
   g. Laundromats and dry cleaning establishments
   h. Other business uses similar to the permitted uses listed above as determined by the plan commission.

3. The following uses may be allowed by special exception:
   a. Cemeteries.
   b. Electric and telephone substations.
   c. Municipal facilities and public utilities.
   d. Parks and playgrounds (public).
   e. Retail liquor store and/or tavern.
   f. Schools (public and private).

Section C: Height regulations.

The maximum height of any building or other structure shall be two and one-half (2½) stories or not more than thirty-five (35) feet.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than five thousand (5,000) square feet, and a lot width of not less than fifty (50) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this zoning district and in no case shall an individual establishment exceed five thousand (5,000) square feet of floor space.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than fifteen (15) feet from the right-of-way line.

3. *Side yard.*
   a. On each corner lot, there shall be a side yard abutting the street having a width of not less than fifteen (15) feet and another side yard having a width of not less than ten (10) feet, unless the building employs a common party wall with the building on the adjoining lot.
   b. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twenty (20) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty (20) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout and shall be in accordance with the provisions set forth in Title XIX in this Ordinance.
   c. Where abutting lots have buildings or other structures employing a common party wall, no side yard is required.
   d. All interior lots shall have two (2) side yards, each having a width or not less than ten (10) feet, except where party walls are used.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet from the rear lot line.

5. *Building coverage.* No more than fifty (50) percent of any lot may be covered by buildings.
(Ord. No. 95-20, § 4, 9-21-95)

Section E. Off-street parking.

Off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Section F. Special exception.

Any building built prior to the passage of this zoning ordinance that fails to meet the yard requirement as stated in Title X, Section D, shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous Zoning Ordinance.
(Ord. No. 95-20, § 5, 9-21-95)

Title XI.

GENERAL COMMERCIAL (B-2) DISTRICT

Sec. A:	General Provisions.
Sec. B:	Use regulations.
Sec. C:	Height regulations.
Sec. D:	Area, width and yard regulations.
Sec. E.	Off-street parking.
Sec. F.	Special exception.

Section A: General Provisions.

The following provisions shall apply to General Commercial (B-2) Districts:

1. All business, service, storage, merchandise, display, and, where permitted, repair and processing shall be conducted primarily within an enclosed building, and directly related to the business and except as otherwise permitted herein for specified uses such as off-street automobile parking and off-street loading.
2. Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste or hazardous materials as defined by state and federal law.
4. In any commercial district where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a maximum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in Title XVII in this Ordinance.
6. Parking spaces shall be in accordance with the provisions set forth in Title XVIII in this Ordinance.

(Ord. No. 95-20, § 6, 9-21-95)

Section B: Use regulations.

1. The following shall apply to the General Commercial (B-2) Districts:
   a. The uses permitted in the B-1 Zoning District.
   b. Occult shops established prior to the passage of this Ordinance.
   c. Amusement establishments — bowling alleys, pool halls, dancing halls, gymnasiums, swimming pools and skating rinks and other similar uses.
   d. Animal hospitals.
   e. Automobile repair stations.
   f. Automobile service centers.
   g. Automobile service stations.
   h. Antique shops.
   i. Clubs and lodges, private, fraternal or religious.
   j. Art and school supply stores.
   k. Art galleries.

l. Auto laundry — car washes, automatic or self-service — required stacking capacity of five (5) cars for each space of capacity contained within the facility.

m. Bait and tackle shops.

n. Bakeries.

o. Banks, savings and loan associations, and other financial institutions.

p. bicycle stores, sales, rental and repair.

q. Blue printing and photocopying establishment.

r. Book, used book and stationary stores.

s. Building material sales, with accessory enclosed (fenced) storage.

t. Camera and photographic supply stores.

u. Carpet and rug stores.

v. Catalog service stores.

w. Catering establishments.

x. China and glassware stores.

y. Coin and philatelic stores.

z. Custom dressmaking (bridal).

aa. Department stores.

bb. Drive-in restaurants.

cc. Dry good stores.

dd. Electrical and household appliance stores, including radio, television, video cassette recorder, washer and dryer sales.

ee. Employment agencies.

ff. Flower shops/gift shops.

gg. Furniture stores, including upholstery when conducted as part of the retail operation.

hh. Furrier shops, including the incidental storage and conditioning of furs.

ii. Garden supply and seed stores, excluding open lot sales.

jj. Gift shops.

kk. Hardware stores.

ll. Health food stores (retail).

mm. Hobby shops, for retailing of items to be assembled or used away from the premises.

nn. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles when conducted as part of the retail operations.

oo. Jewelry stores, including watch repair.

pp. Leather goods and luggage stores.

qq. Liquor stores, retail sales.

rr. Locksmith shops.

ss. Musical shops, including assorted instrument repair.

tt. Newspaper offices, but not including printing.

uu. Nursing homes.

vv. Office supply stores.

ww. Opticians and optometrists.

xx. Paint and wallpaper stores.

yy. Pawn shops established prior to the passage of this ordinance.

zz. Pet shops, provided that animals shall not be boarded or bred in such shops.

aaa. Photograph printing shops.

bbb. Photograph studios, including developing and printing of photographs when conducted on the premises as part of the retail business.

ccc. Picture framing, when conducted on the premises for retail trade.

ddd. Reducing salons.

eee. Resale shops, auction houses and flea markets.

fff. Restaurant.

ggg. Sewing machine sales and services.

hhh. Snowmobiles, motorcycles, boats, sales and service.

iii. Sporting goods store.

jjj. Tailor shops.

kkk. Tanning salons.

lll. Taverns where entertainment is limited to bands, juke box or disc jockey.

mmm. Tobacco shops, retail sales.

nnn. Toy shops.

ooo. Travel bureaus and transportation ticket offices.

ppp. Undertaking establishments and funeral parlors/funeral homes.

qqq. Used car lots established and licensed by the State of Indiana prior to the passage of this ordinance.

rrr. Video rental sales/service stores.

sss. Wearing apparel shops.

ttt. Other business uses similar to the permitted uses listed above as determined by the plan commission.

2. The following uses may be allowed by special exception:
   a. Any special exception allowed in the B-1 Zoning District shall be allowed, except such as are permitted uses in the B-2 Zoning District.
   b. All uses permitted and allowed by special exceptions in B-1 Zoning District
   c. Occult shops after the passage of this ordinance.
   d. Amusement parks.
   e. Cemeteries.
   f. Community centers (governmental).
   g. Churches.
   h. Gymnasiums.
   i. Health centers.
   j. Job printing shops.
   k. Municipal facilities and public utilities.
   l. Parking lots for motor vehicles.
   m. Parks and playgrounds (public).
   n. Pawn shops after the passage of this ordinance.
   o. Personal storage buildings.
   p. Public museum.
   q. Public utility and public service uses, including: Electric substations, fire stations, police stations, telephone exchanges, microwave relay towers and telephone transmission equipment buildings, water filtration plants, pumping stations, and reservoirs.
   r. Radio and television stations.
   s. Recording studios, with adequate soundproofing.
   t. Recreational buildings and community centers.
   u. Schools.
   v. Used car lots after the passage of this ordinance.
   w. Schools, commercial or trade — including those teaching music, dance, business, commercial, or technical subjects when not thereby involving increased danger of fire and explosion, nor of noise, vibration, smoke, dust, odor, glare, heat, and other objectionable influences.
   x. Taxidermists.

(Ord. No. 95-20, §§ 7, 8, 9-21-95)

Section C: Height regulations.

The maximum height of any building or other structure shall be four (4) stories or not more than fifty (50) feet.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than six thousand (6,000) square feet, and lot width of not less than fifty (50) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this zoning district. In the case of a developmental plan, the heights of buildings and other structures erected or enlarged in this zoning district and area, width, yard and building coverage requirements therefore shall be as specified on or in connection with the aforesaid development plan.

2. *Front yard.* There shall be a front yard between the building line and the highway right-of-way lines as follows:

a. On existing four-lane federal or state highways, a distance of sixty (60) feet;

b. On existing two-lane federal or state highways, a distance of seventy-five (75) feet;

c. All town and county highways, a distance of fifty (50) feet;

d. All other streets a distance of thirty (30) feet.

3. *Side yard.*

a. On each corner lot, there shall be a side yard abutting the street, having a width of not less than fifteen (15) feet and another side yard having a width of not less than ten (10) feet, unless the building employs a common party wall with the building on the adjoining lot.

b. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twenty (20) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty (20) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth in Title XIX in this Ordinance.

c. Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.

d. All interior lots shall have two (2) side yards, each having a width of not less than ten (10) feet, except where party walls are used.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet from the rear lot line.

5. *Building coverage.* No more than fifty (50) percent of any lot may be covered by buildings.

Section E. Off-street parking.

Off-street parking requirements for this district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Section F. Special exception.

Any building built prior to the passage of this Zoning Ordinance that fails to meet the yard requirements as stated in Title XI, Section D, shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous zoning ordinance.
(Ord. No. 95-20, § 9, 9-21-95)

Title XII.

HIGHWAY BUSINESS (B-3) DISTRICT

Sec. A: General provisions.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width and yard regulations.
Sec. E: Off-street parking.
Sec. F: Special exception.

Section A: General provisions.

The following provisions shall apply to Highway Commercial (B-3) Districts:

1. All business, service, storage, merchandise, display and, where permitted, repair and processing shall be conducted primarily within an enclosed building, and directly related to the business and except as otherwise permitted herein for specified uses such as off-street automobile parking and off-street loading.
2. Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste or hazardous materials, as defined by state or federal law.
4. In any commercial district where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a maximum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in Title XVII in this Ordinance.
6. Parking spaces shall be in accordance with the provisions set forth in Title XVIII in this Ordinance.

(Ord. No. 95-20, § 10, 9-21-95)

Section B: Use regulations.

1. The following shall apply to the General Commercial (B-3) Districts:
   a. The uses permitted in the B-2 Zoning Districts.
   b. Caskets and casket supplies.
   c. Contractors and construction offices, excluding storage of construction equipment.
   d. Dog kennels.
   e. Extermination shops.
   f. Frozen food shops, including locker rental in conjunction therewith.
   g. Garages, public.
   h. Garden supply centers with open lot sales.
   i. Hotels and motels.
   j. Job printing shops.

k. Machinery and equipment sales, including service, repair or reconditioning of all machinery within enclosed buildings.

l. Meat markets, including the processing and sale of meat and meat products when conducted as a part of the retail business of the premises.

m. Monument sales.

n. Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

o. Parking lots, automobile.

p. Plumbing showrooms and shops.

q. Radio and television service and repair shops.

r. Satellite dish sales establishments.

s. Truck stop/center complex.

t. Typewriter, adding machine and home computer sales and service establishments.

u. Other business uses similar to the permitted uses listed above and determined by the plan commission.

2. The following uses may be allowed by special exception:

a. Those special exception uses allowed for the B-2 Zoning District, except those which are permitted in the B-3 Zoning District.

b. Bottling works.

c. Hospitals.

d. Ice cream manufacture, including storage of frozen food products;

e. Microwave relay towers.

f. Outdoor amusement establishments, golf driving range, miniature golf courses, par three golf courses, kiddie parks, and other similar amusement centers and places of amusement;

g. Theaters.

h. Mobile home sales.

(Ord. No. 95-20, §§ 11, 12, 9-21-95)

Section C: Height regulations.

The maximum height of any building or other structure shall be not more than four (4) stories or fifty (50) feet.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than eight thousand (8,000) square feet, and a lot width of not less than seventy (70) feet at the building line shall be provided for

every building or other structure erected or used for any use permitted in this zoning district. In the case of a developmental plan, the heights of buildings and other structures erected or enlarged in this zoning district and area, width, yard and building coverage requirements therefore shall be as specified on or in connection with the aforesaid development plan. The development plan shall encompass an area of not less than ten (10) acres.

2. *Front yard.* There shall be a front yard between the building line and the highway right-of-way lines as follows:

a. On existing four-lane federal or state highways, a distance of sixty (60) feet;

b. On existing two-lane federal or state highways, a distance of seventy-five (75) feet;

c. All town and county highways, a distance of fifty (50) feet;

d. All other streets, a distance of thirty (30) feet.

3. *Side yard.*

a. On each corner lot, there shall be a side yard abutting the street, having a width of not less than fifteen (15) feet and another side yard having a width of not less than ten (10) feet, unless the building employs a common party wall with the building on the adjoining lot.

b. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twenty (20) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty (20) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth elsewhere in this Ordinance.

c. Where abutting lots have buildings or other structures employing a common party wall, no side yard is required.

d. All interior lots shall have two (2) side yards, each having a width of not less than ten (10) feet, except where party walls are used.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet from the rear lot line.

a. On a lot abutting any residential zoning district, there shall be a rear yard abutting such district having a width of not less than twenty-five (25) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty-five (25) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth elsewhere in this Ordinance.

5. *Building coverage.* No more than fifty (50) percent of any lot may be covered by buildings.

Section E: Off-street parking.

All off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Section F: Special exception.

Any building built prior to the passage of this Zoning Ordinance that fails to meet the yard requirements as stated in Title XII, Section D, shall be considered a legal and conforming building, provided that it was a legal and conforming building under the previous zoning ordinance.
(Ord. No. 95-20, § 13, 9-21-95)

Title XIII.

COMMERCIAL ENTERTAINMENT (B-4) DISTRICT

Sec. A: General provisions.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width, and yard regulations.
Sec. E. Off-street parking.
[Sec. F. Ordinance No. 92-09CC regarding adult business uses.]

Section A: General provisions.

The following provisions shall apply to Commercial Entertainment (B-4) Districts:

1. Dwelling units shall not be permitted.
2. All business, service, storage, merchandise, display and, where permitted, repair and processing, shall be conducted wholly within an enclosed building, unless authorized as a variance.
3. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of noise, vibration, or public standards.
4. Where a commercial building is located on a lot which abuts property zoned for residential use, an opaque landscape screen, an opaque fence or screening having a minimum height of six (6) feet shall be provided along any side and/or rear lot line contiguous to the property zoned for residential use.
5. Sign requirements shall be in accordance with the provisions set forth in Title XVII in this Ordinance.
6. Parking spaces shall be in accordance with the provisions set forth in Title XVIII in this Ordinance.

Section B: Use regulations.

1. The following shall apply to the Business Entertainment B-4 Districts as permitted uses:

   a. Business establishments with entertainment.

   b. Restaurants, when dancing and entertainment are provided.

2. The following uses may be allowed by special exception:

   a. Establishments of adult entertainment.

   b: Live modeling in the business establishments.

   c. Any use of similar character and nature.

Section C: Height regulations.

The maximum height of any building or any other structure shall be not more than thirty-five (35) feet.

Section D: Area, width, and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than eight thousand (8,000) square feet, and a lot width of not less than seventy (70) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this zoning district. In the case of a developmental plan, the heights of buildings and other structures erected or

enlarged in this zoning district, and area, width, year and building coverage requirements therefore shall be as specified on or in connection with the aforesaid development plan. The development plan shall encompass an area of not less than ten (10) acres.

2. *Set back.* There shall be a set back between the building line and the highway right-of-way lines as follows:

a. On existing four-lane federal or state highways, a distance of fifty (50) feet;

b. On existing two-lane federal or state highways, a distance of sixty-five (65) feet;

c. All town and county highways, a distance of fifty (50) feet;

d. All other streets, a distance of thirty (30) feet.

3. *Side yard.*

a. On each corner lot, there shall be a side yard abutting the street having a width of not less than twelve (12) feet and another side yard having a width of not less than ten (10) feet, unless the building employs a common party wall with the building on the adjoining lot.

b. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than fifteen (15) feet, which shall be effectively screened from abutting lots by a strip of planting not less than fifteen (15) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth elsewhere in this ordinance.

c. Where abutting lots have buildings or other structures employing a common party wall, no side yard is required.

d. All interior lots shall have two (2) side yards, each having a width of not less than ten (10) feet, except where party walls are used.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet from the rear lot line.

a. On a lot abutting any residential zoning district, there shall be a rear yard abutting such district having a width of not less than fifteen (15) feet, which shall be effectively screened from abutting lots by a strip of planting not less than fifteen (15) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout and shall be in accordance with the provisions set forth elsewhere in this ordinance.

5. *Building coverage.* No more than fifty (50) percent of any lot may be covered by buildings.

(Ord. No. 95-20, §§ 14—16, 9-21-95)

Section E. Off-street parking.

All off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this ordinance.

[Section F: Ordinance No. 92-09CC regarding adult business uses.]

Ordinance No. 92-09CC

AN ORDINANCE OF THE CITY OF LAKE STATION, INDIANA,

AMENDING ORDINANCE NO. 68-4, LAKE STATION

IT HEREBY IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAKE STATION, INDIANA, UNDER AUTHORITY OF THE PLANNING AND ZONING STATUTES OF THE STATE OF INDIANA, TITLE 36, (IC 36-7-1-1) AND ALL ACTS AMENDATORY THERETO:

SECTION ONE. AMENDMENT.

This Ordinance shall amend Ordinance No. 68-4, in the following manner:

1. This amendment shall apply to Chapter 1159 of the Lake Station Zoning Code entitled "Supplementary District Regulations."

SECTION TWO. INTENT AND PURPOSE.

In the development and adoption of this ordinance it is recognized that there are some adult business uses which, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. The special regulations deemed necessary to control the undesirable effects arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity, value, and character of residential neighborhoods, and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools, day care centers, and residential areas.

SECTION THREE. DEFINITIONS.

Adult bookstore shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or related to "Specified Sexual Activities, or Specified Anatomical Areas," or establishment with a segment or section devoted to the sale or display of such material.

Adult business shall mean 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, while not being exclusive of:

(a) Adult Book Stores.

(b) Adult Mini Motion Picture Theater.

(c) Adult Motel.

(d) Adult Motion Picture Theater.

(e) Cabaret.

(f) Massage Parlor.

(g) Adult Motion Picture Arcade.

(h) Model Studio.

Adult mini motion picture theater shall mean an enclosed building with a capacity of fifty (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 Areas," for observation by patrons therein.

Adult motel shall mean a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."

Adult motion picture arcade shall mean an enclosed building with a capacity of fifty-one (51) or more persons used regularly and routinely 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.

Cabaret shall mean a nightclub, theater, or other establishment which is licensed to serve food and/or alcoholic beverages which feature live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "Sexual Conduct" or "Specified Anatomical Areas."

Massage parlor shall mean 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."

Model studio shall mean any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

Sexual conduct includes the following:

(a) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;

(b) Ultimate sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, sodomy;

(c) Masturbation; and

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

Specified anatomical areas includes the following:

(a) Less than completely and opaquely covered: 1) human genitals, public region, 2) buttocks and 3) female breast below a point immediately above the top of the areola; and

(b) Human genitals in a discernibly turgid state, even if complete and opaquely covered.

SECTION FOUR. PROHIBITIONS.

The establishment, enlargement, reconstruction, resumption, or structural alteration of any adult business shall be prohibited if such business is within:

(a) One thousand feet of any church, public or private elementary or secondary school, private or public preschool or day care center, or public park, or

(b) Five hundred feet of any residential zoning district, mobile home park district.

Provided further that no adult business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-2 zoning district. Said adult business shall be specifically excluded from all other zoning districts.

SECTION FIVE. MEASUREMENT OF DISTANCES.

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 said center or leased space occupied by such adult business shall be included in determining the closest exterior structural wall of said establishment.

SECTION SIX. 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.

SECTION SEVEN. SEVERABILITY.

If any provision or clause of the ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

SECTION EIGHT. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and adoption by the Common Council and approval by the Mayor of the City of Lake Station, Indiana.

SECTION NINE. [ENFORCEMENT.]

This ordinance shall be enforced as other zoning ordinances of the City of Lake Station, Indiana.

Passed and adopted by the Common Council of the City of Lake Station, Indiana, this 7th day of May 1992.

/s/ Dewey R. Lemley
Presiding Officer

ATTEST:

/s/ Donna Smelley
Clerk-Treasurer

Presented by me to the Mayor of The City of Lake Station, Indiana, this 7th day of May, 1992.

/s/ Donna Smelley
Clerk-Treasurer

Approved and signed by me this 7th day of May, 1992.

/s/ Dewey R. Lemley
Mayor
City of Lake Station, Indiana

TITLE XIV.

LIGHT INDUSTRIAL (L-I) DISTRICT

Sec. A: Intended purposes.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width and yard regulations.
Sec. E: Landscaping and screening.
Sec. F: Signs.
Sec. G: Off-street parking.

Section A: Intended purposes.

The general character of these industrial districts is to consist of industries which exist as follows:

1. Conform to high and medium performance standards by controlling objectionable influences and, particularly, any industrial activities which shall include or result in the storage of toxic materials in any fashion; and

2. Conform with the performance standards set forth in Section G below.

(Ord. No. 95-20, §§ 17, 18, 9-21-95)

Section B: Use regulations.

All permitted uses are subject to the following conditions. Any production, processing, manufacture, cleaning, servicing, testing and repair or storage of goods, materials or products shall conform to the following performance standards:

All manufacture, production, servicing, or processing shall take place within completely enclosed buildings unless otherwise specified. Provision shall be made to adequately reduce and/or minimize the noxious, offensive, dangerous or hazardous feature or features of such use, and also be required to comply with all other requirements of this zoning district. Within one hundred fifty (150) feet of a residence district all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto at least six (6) feet in height) but in no case lower in height than the enclosed storage and suitably landscaped and maintained. However, open off-street loading and parking facilities may be unenclosed, except for such screening requirements as may be set out in Title XVIII.

1. *Manufacturing establishments.*

   a. The uses permitted in the B-3 Zoning District.

   b. Aircraft.

   c. Apparel.

   d. Beverages, non-alcoholic.

   e. Boats.

   f. Bottling works.

   g. Brushes and brooms.

   h. Carpets.

   i. Canvas or like products.

   j. Ceramic products.

   k. Chemicals, compounding or packaging.

   l. Contractor's storage yard.

m. Cosmetics.

n. Electrical appliances, excluding machinery.

o. Food products.

p. Glass products.

q. Ice.

r. Ink.

s. Jute and hemp products.

t. Laboratories, industrial.

u. Leather products and luggage.

v. Business machines.

w. Machine tools.

x. Mattresses.

y. Metal finishing.

z. Metal stamping.

aa. Municipal facilities and public utilities.

bb. Musical instruments.

cc. Optical equipment, clocks, instruments.

dd. Orthopedic and medical appliances.

ee. Paper products.

ff. Plastic products.

gg. Rubber products.

hh. Satellite dishes.

ii. Sporting and athletic equipment.

jj. Textiles.

kk. Tobacco products.

ll. Toys and novelty products.

mm. Transient amusement enterprises.

nn. Truck terminals.

oo. Upholstering.

pp. Venetian blinds and similar products.

qq. Warehousing.

rr. Wood products.

ss. Any uses of similar nature and character to the uses described herein.

(Ord. No. 95-20, §§ 19, 20, 9-21-95)

Section C: Height regulations.

The maximum height of buildings and other structures erected or enlarged in this zoning district shall be thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that, for every foot of height in excess of thirty-five (35) feet, there shall be added to each yard requirement one (1) corresponding foot of width or depth.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than ten thousand (10,000) square feet and a lot width of not less than eighty (80) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this zoning district.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than thirty-five (35) feet.

3. *Side yards.*

   a. On each interior lot there shall be two (2) side yards having a total width of not less than twenty-five (25) feet, neither side yard having a width of less than ten (10) feet, except as hereinafter provided in Section F.

   b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty-five (25) feet and the side yard not abutting the street having a width of not less than ten (10) feet, except as hereinafter provided in Section F.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet, except as hereinafter provided in Section F.

5. *Building coverage.* Not more than fifty (50) percent of the area of any lot shall be occupied by building.

6. *Lots abutting residential districts.* Unless authorized as a variance, no building or structure shall be erected closer than fifty (50) feet to any residential district, nor shall any parking area be closer than twenty-five (25) feet to any residential district, which twenty-five (25) foot area between such parking lot and such residential district shall be maintained as a green belt and/or green strip, entirely covered by grass, shrubs and/or trees as required.
(Ord. No. 95-20, § 21, 9-21-95)

Section E: Landscaping and screening.

On a lot abutting any residential zoning district, there shall be a yard abutting such district having a width of not less than twenty-five (25) feet, which shall be effectively screened from abutting lots by a strip of planting not less than twenty-five (25) feet in ultimate width, such planting consisting of not less than fifty (50) percent opaque fencing and/or evergreen material scattered throughout, and shall be in accordance with the provisions set forth elsewhere in this Ordinance.
(Ord. No. 95-20, § 22, 9-21-95)

Section F: Signs.

As set forth in Title XVII.

Section G: Off-street parking.

All off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

TITLE XV.

GENERAL INDUSTRIAL (G-I) DISTRICT

Sec. A: Intended purposes.
Sec. B: Use regulations.
Sec. C: Height regulations.
Sec. D: Area, width and yard regulations.
Sec. E: Landscaping and screening.
Sec. F: Open storage.
Sec. G: Signs.
Sec. H. Off-street parking.

Section A: Intended purposes.

The general character of these industrial districts is to consist of industries which exist as follows:

1. Conform to high and medium performance standards by controlling objectionable influences and particularly any industrial activities which shall include or result in the storage of toxic materials in any fashion; and
2. Restrict the impact of the use on adjacent areas by maintaining the entire industrial use and activity where possible within completely enclosed buildings and permitting no external outside activities where possible.

Section B: Use regulations.

A building may be erected, altered or used, and a lot may be occupied or used for any of the following purposes and no other, upon compliance with the provisions of this section. Any party seeking to utilize a building or lot for use within this zoning district shall be required to apply for a special use permit from the board of zoning appeals. Any petitioner for a special use permit for any of the following uses shall have the burden of demonstrating to the satisfaction of the board of zoning appeals that such use is an appropriate, safe, and proper use of the building and/or lot, and shall further have the burden of demonstrating to the satisfaction of the board of zoning appeals that provision will be made to adequately reduce and/or minimize the noxious, offensive, dangerous or hazardous feature or features of such use. A petitioner shall also be required to comply with all other requirements, statutory or otherwise, of the board of zoning appeals in applying for a special use permit for any of the following uses. All uses within this zoning district shall be permitted only upon receipt of authorization with a special use permit from the board of zoning appeals.

1. Any use permitted in the Light Industrial (L-I) Zoning District.
2. *Manufacturing establishments.*
   a. Asphalt or asphalt products.
   b. Beverages, alcoholic, or breweries.
   c. Brick, tile, or clay.
   d. Cement.
   e. Excelsior or packing materials.
   f. Fertilizers.
   g. Foundries.
   h. Glass products.
   i. Grainmilling or processing.
   j. Gypsum.
   k. Film, photographic.

l. Leather or fur tanning, curing, finishing or dyeing.
m. Machinery, heavy and electrical.
n. Meat or fish products, including preparation thereof.
o. Metal or metal ores.
p. Metal alloys or foil.
q. Metal or metal products.
r. Metal casting or foundry products.
s. Monument works.
t. Municipal facilities and public utilities.
u. Paint, varnishes or turpentine.
v. Petroleum or petroleum products.
w. Pharmaceutical products.
x. Plastic, raw.
y. Porcelain products.
z. Printing and publishing.
aa. Rubber, natural or synthetic products.
bb. Soaps or detergents, including packaging.
cc. Steel structural products.
dd. Steel fabrication.
ee. Stone processing or stone products.
ff. Sugar refining.
gg. Tools and hardware products.
hh. Transient amusement enterprises.
ii. Wood or lumber processing.
jj. Any uses of a similar character or nature to the uses described herein.

3. *Bulk storage uses.*
   a. Coal or gas storage.
   b. Grainstorage.
   c. Peat, topsoil, sand, and rock storage.
   d. Scrap metal, paper or rags storage.
   e. Any storage of a similar nature and character to the storage uses described herein.

Section C: Height regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be fifty (50) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that, for every foot of height in excess of fifty (50) feet, there shall be added to each yard requirement one (1) corresponding foot of width or depth.

Section D: Area, width and yard regulations.

1. *Minimum lot area and width.* A lot area of not less than twenty thousand (20,000) square feet, and a lot width of not less than one hundred twenty-five (125) feet at the building line shall be provided for every building or other structure erected or used for any use permitted in this zoning district.

2. *Front yard.* There shall be a front yard on each lot, the depth of which shall be not less than thirty-five (35) feet.

3. *Side yards.*

   a. On each interior lot there shall be two (2) side yards having a total width of not less than forty (40) feet, neither side yard having a width of less than fifteen (15) feet, except as hereinafter provided in Section G.

   b. On each corner lot there shall be two (2) side yards, the side yard abutting the street having a width of not less than forty (40) feet and the side yard not abutting the street having a width of not less than fifteen (15) feet, except as hereinafter provided in Section G.

4. *Rear yard.* There shall be a rear yard on each lot, the depth of which shall be not less than thirty (30) feet, except as hereinafter provided in Section G.

5. *Building coverage.* Not more than fifty (50) percent of the area of any lot shall be occupied by building.

6. *Lots abutting commercial or residential districts.* Unless authorized as a variance, no building or structure shall be erected closer than two hundred (200) feet to any commercial or residential district, nor shall any parking area be closer than seventy-five (75) feet to any commercial or residential district, which seventy-five (75) feet area between such parking lot and such commercial or residential district shall be a greenbelt and/or green strip, entirely covered by grass, shrubs and/or trees, as required.

Section E: Landscaping and screening.

All areas delineated by the front lot line and a depth of seventy-five (75) feet therefrom, for the entire length thereof, and all areas delineated by any lot line abutting a commercial or residential district and a depth of seventy-five (75) feet for the entire length thereof, shall be maintained as a greenbelt and/or green strip, as required, and planted in grass, shrubs and/or trees, except for the necessary ways of access.

Section F: Open storage.

No open storage shall be permitted for any uses within this zoning district unless authorized as a variance. Any open storage approved for uses within this zoning district by variance shall be entirely screened and enclosed within a fence at least eight (8) feet high. The material and construction of this fence shall be approved by the building commissioner or building inspector of the city, or designated representative.

Section G: Signs.

As set forth in Title XVII.

Section H. Off-street parking.

All off-street parking requirements for this zoning district shall be in accordance with the provisions set forth in Title XVIII of this Ordinance.

Title XVI.

NON-CONFORMING BUILDINGS, USES AND LOTS

Sec. A:	Continuation.
Sec. B:	Abandonment.
Sec. C:	Change.
Sec. D:	Extension.
Sec. E:	Restoration.
Sec. F:	Lots non-conforming as to area and width regulations and lots of unusual dimensions.
Sec. G:	Subdivision previously approved.

Section A: Continuation.

Any lawful building or other structure, or any lawful use of a building or other structure or land, existing on the effective date of this Ordinance, which does not conform with the provisions of this Ordinance, shall be considered a lawful non-conforming building, structure or use, and may be continued, except as otherwise herein provided. However, no such use may be maintained if, on the effective date of this Ordinance, said use was in violation of the then-existing zoning ordinance, whether known or unknown, and/or prosecuted by the city prior to the enactment of this Ordinance.

Section B: Abandonment.

If a lawful non-conforming use of a building or other structure is abandoned or discontinued for a continuous period of eighteen (18) months or more, or if a lawful non-conforming use of land is abandoned or discontinued for a continuous period of eighteen (18) months or more, subsequent use of such building or structure or land shall be in conformance with the provisions of this Ordinance.
(Ord. No. 95-20, § 23, 9-21-95)

Section C: Change.

Any lawful non-conforming use of a building or land may "not" be changed to another non-conforming use, "but shall be changed" to a conforming use, and for such purpose, a building may be extended in accordance with Section D of this Title, herein. Wherever a non-conforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter revert to a non-conforming use.

Section D: Extension.

Any lawful non-conforming use of a portion of a building may be extended throughout the building and any lawful non-conforming use may be extended or enlarged upon the lot occupied by such building that is held in single and separate ownership on the effective date of this Ordinance, provided that the area of such buildings shall not be increased by more than a total of twenty-five (25) percent of the area of such building existing on the date it first became a lawful non-conforming building or a building on which a lawful non-conforming use is made, and provided further that any structural alteration, extension or addition shall conform with all height, area, width, yard and coverage requirements for the zoning district in which it is located and shall comply with all provisions of this Ordinance.

Section E: Restoration.

Any lawful non-conforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other similar active cause, may be reconstructed in the same location, provided that:

1. The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure, except as provided in Section D of this Title, herein, and

2. Reconstruction shall begin within six (6) months from the date of damage or destruction and shall be carried on without interruption.

(Ord. No. 95-20, § 24, 9-21-95; Ord. No. 2006-11, 6-1-2006)

Section F: Lots non-conforming as to area and width regulations and lots of unusual dimensions.

1. When authorized as a variance, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this Ordinance which is not of the required minimum area or width or is of such unusual dimensions that the owners would have difficulty in providing the required open spaces for the zoning district in which the lot is situated.

2. Where two (2) or more contiguous undeveloped lots were held in single ownership within a subdivision which has been duly recorded prior to the effective date of this Ordinance, which lots are individually not of the required minimum area or width for the zoning district in which they are situated, no special exception shall be required for the issuance of building permits, provided that such lots shall be developed in groups or fractions thereof, as single lots, to provide the minimum lot frontage required for each structure.

Section G: Subdivision previously approved.

In the case of a plat of land, a plan for the subdivision of which into two (2) or more parcels or lots for the purpose of development and sale has, prior to the effective date of this Ordinance, been duly approved and recorded as required by law, which plan does not make provisions for full adherence to the regulations, or this Ordinance governing minimum lot areas or widths, front, side or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may be proceeded with when authorized as a special exception. The board of zoning appeals shall have power to grant a special exception with respect to the whole of such plot of land or a portion thereof.

Title XVII.

SIGN REGULATIONS

Sec. A:	Intent.
Sec. B:	Definitions.
Sec. C:	Permit.
Sec. D:	Unsafe, obsolete or nonconforming signs.
Sec. E:	Alterations.
Sec. F:	Maintenance.
Sec. G:	Lighting.
Sec. H:	General restrictions.
Sec. I:	District restrictions.
Sec. J:	Special signs.
Sec. K:	Off-premise advertising signs.

Section A: Intent.

It is the general intent of this title to regulate and establish minimum standards for the display of signs, taking into consideration the functional use of the property, the public service necessity, the conduct of competitive commerce and industry, the existing development in the area, the effect on public health and safety as well as the effect on the value and economic stability of adjoining property.

Section B: Definitions.

For purposes of this title, the following terms shall be defined as:

1. *Back-to-back sign:* Means a structure with two (2) parallel and directly opposite signs facing opposite directions. A back-to-back sign shall constitute one (1) sign, with respect to spacing requirements, but as two (2) signs with respect to size requirements as outlined in the ordinance.
2. *Billboard:* Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale which is remote from said display (not including painted walls)
3. *Directional sign:* A sign erected for the purpose of providing information to assist in the directing of the general public to enter buildings and/or designated areas for a particular purpose.
4. *Directory sign:* A sign listing name and address only of each of the proprietors within a complex of business activity.
5. *Double-faced sign:* Means two (2) adjacent signs on a single structure or separate structures with both faces oriented in the same direction and not more than ten (10) feet apart at the nearest point between the two (2) faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one (1) sign with respect to both spacing and size requirements.
6. *Gross surface area of a sign:* The entire area within a single, continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
7. *Ground sign:* A free standing sign supported by one or more upright braces or pylons, located in or upon the ground or something requiring location on the ground, but not including "billboards" or "poster panels."
8. *Identification sign:* A sign attached to a building or located on a property to designate the name and nature of the business profession occupying the building or premises in which the sign is located.
9. *Illuminated sign:* A sign which has characters, letters, figures or outlines illuminated by electric lights, luminous tubes or any other means of illumination.

10. *Maintenance:* Sign maintenance shall consist of painting and replacement of illuminated tubes, lamps, lights and other means of illumination, including any replacement of structural or permanent member or members of said or appurtenances thereto.
11. *Name plate:* A sign attached to a building or located on a property to designate the name of the owner or occupant of the property.
12. *Off-premise advertising sign:* A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not conducted or a product not offered or sold upon the premises where such a sign is located. Off-premise advertising signs include, but are not limited to, billboards and poster panels.
13. *Official sign:* Any sign erected by a governmental agency or at the direction of any governmental agency.
14. *On-premises sign:* A sign which advertises only goods, services, facilities, events or attractions available on the premises where located for identifying the owner or occupant or directs traffic on the premises.
15. *Portable sign:* A temporary sign constructed for the purpose of being used on more than one location.
16. *Poster panel:* An outdoor structure having a standardized size surface on which advertising messages may be posted.
17. *Projecting sign:* A sign which is affixed to any building or part thereof or structure which extends beyond the building wall or porch thereof or structure by more than twelve (12) inches.
18. *Rebuilt:* The term rebuilt shall be deemed to mean any use of material and labor other than maintenance which physically replaces a damaged sign at an expense in excess of fifty (50) percent of the then current market value of said sign.
19. *Roof sign:* A sign which is erected, constructed or maintained and projects above and beyond the roof or parapet.
20. *Service organizational sign:* A sign designating a not-for-profit civic, educational or charitable organization.
21. *Sign:* The use of a name, identification, description, display, or illustration which is affixed to, painted or represented directly, or indirectly upon a building, structure, or a piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs.
22. *Temporary sign:* A sign which is not permanently attached to a building, the ground or to a permanent structure having a location upon the ground including, but not limited to, on-premise mobile advertising signs.

23. *V-type sign:* Two (2) signs in the shape of the letter "V" when viewed from above with their faces oriented in different directions located not more than fifteen (15) feet apart at the widest points. A V-type sign shall constitute one (1) sign with respect to both spacing and size requirements.

24. *Wall sign:* A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall, but which may or may not project above the roof or parapet and/or all signs painted on the surface of any building.

Section C: Permit.

A building permit shall be required for all signs hereinafter erected or altered, with the exception of those signs specifically exempted.

Section D: Unsafe, obsolete or nonconforming signs.

1. *Unsafe.* If the building commission shall find that any sign is unsafe or insecure or is a menace to the public, it shall give written notice to the person to whom the building permit has been issued. If that person fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed or altered to comply at the expense of the sign permit issuee or owner of the property upon which it is located. The building commission may cause any sign which is in an immediate peril to persons or property to be removed summarily and without notice.

2. *Obsolete signs.*

   a. *Off-premise sign:* Any advertising message which does not advertise a bona-fide business conducted, a product sold or a service provided, shall be taken down and removed by the owner, agent or person having the beneficial use of the structure upon which the structure may be found. Said message shall be removed within thirty (30) days after written notification from the building commission and, upon failure to comply with such notice within a time specified in such order, the building commission may cause removal of such message and any expense incidental thereto shall be paid by the permit holder. Torn, tattered, or signs in a poor state of repair will not be allowed to exist. The building commission may order the permit holder to replace or remove an advertising message.

   b. *On-premise sign:* At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed by the owner within thirty (30) days after the termination of the enterprise. If the present property owner does not comply with such removal, then the building commission shall serve written notification upon the owner to have same removed and, upon failure to comply with said written notice within the time specified in such order, the building commission shall cause removal of such sign and any expense incidental thereto shall be paid by the owner.

3. *Nonconforming signs.*

   a. *Intent:* It is the intent of this title to permit nonconforming signs which are in existence at the time of the enactment of this Ordinance until they are removed but not to encourage their survival. In keeping with this intent the following rules shall apply to nonconforming signs:

      (1) A nonconforming sign shall not be changed to another nonconforming sign.

      (2) A nonconforming sign shall not be structurally altered so as to change the shape, size, type or design of the sign.

      (3) A nonconforming on-premise sign shall not be reestablished after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer.

      (4) A nonconforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the current market value.

      (5) All nonconforming free standing signs shall be removed from public walkways.

   b. *Hardship:* The board of zoning appeals shall permit variances from the above nonconforming rules or variances permitting the erection or maintenance of nonconforming signs only upon the grounds set forth hereinafter; that the grant or grants will reduce the degree of nonconformance of an existing sign or result in the removal of one or more nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this Ordinance.

Section E: Alterations.

No sign shall be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this title. The repainting and preventive maintenance of signs or changing messages on signs shall not constitute an alteration.

Section F: Maintenance.

All signs shall be adequately maintained to keep them in a state of good appearance and repair. Painted signs will be considered in need of refinishing if:

1. Twenty (20) percent or more of the surface shows evidence of peeling, cracking or blistering of paint.
2. Twenty (20) percent or more of the surface shows evidence of mildew.
3. The colors have faded appreciably.
4. Sign faces or panels are cracked, broken or missing, such that lighting, wiring or other interior appurtenances are exposed.
5. Sign supports are damaged or deteriorated to the point that they are structurally unsound.

Section G: Lighting.

Signs may be illuminated within the following restrictions:

1. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited except those giving public service information, such as time, date temperature or weather.
2. Signs which are not effectively shielded as to prevent beams or rays from being directed at any portion of a traveled way and are of such intensity or brilliance to cause glare or impair vision of the driver to any motor vehicle are prohibited.
3. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign or signal.

Section H: General restrictions.

The following restrictions and conditions shall apply to all signs erected or located in any district:

1. *Measurements:* All signs shall be measured by the smallest square, rectangle, triangle, or combination thereof which will encompass the entire sign facing.
2. No signs, except those established and maintained by the city, county, state or federal governments, shall be permitted to project into or overhang a public right-of-way or dedicated public easement. All ground signs shall be erected or placed a minimum of five (5) feet from any street or utilities easement and shall not be placed to obstruct the view of any driver or pedestrian. On corner lots no sign shall be erected in the area bounded by the street lines of such corner lots and a line joining points along such street lines fifteen (15) feet from the point of such intersection.
3, No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which it is located.
4. No sign shall be constructed which resembles any official marker erected by the city, state or any governmental agency, or which, by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal.
5. No sign shall be attached to a tree or utility pole on public right-of-way or easement.
6. No sign or part thereof shall be located on any property without the consent of the owner, holder, lessee agent, or trustee.
7. The general area in the vicinity of a sign must be kept free and clear of all sign of material, weeds, debris, trash and other refuse.
8. Signs advertising only the sale, rental, or lease of the building or premises on which it is maintained are permitted so long as such sign does not exceed the maximum square footage requirements as set forth in the table labeled sign areas.
9. The following signs are exempt from regulations of this Ordinance:
   a. Memorial signs and tablets displayed on private property.

b. Flags and governmental insignias.

c. Legal notices.

d. Official signs.

e. Temporary, non-illuminated signs during construction work on the premises, not exceeding the square footage requirements set forth in Table A hereinafter, bearing the street number and the names of contractors, owners, tenants or architects or others connected with the construction shall be permitted provided that such signs shall be removed within one (1) week after the work has been completed or abandoned.

f. Political signs.

10. Off-premise advertising signs shall be permitted in L-I and G-I zoned areas.

11. Certification: All permanent, free-standing signs designed with fifty (50) square feet of copy face or larger must be certified by the city engineer. Structural base data and wind load resistance must be provided prior to applying for a permit.

12. All temporary political signs are subject to the following restrictions:

    a. All temporary political signs shall be removed within seven (7) days after the election for which the sign was erected or placed.

    b. Temporary political signs may be erected or placed on private property only with the property owner's consent and no earlier than thirty (30) days prior to any election day.

    c. No political sign shall be erected or placed on any municipally-owned building or structure.

13. All temporary portable signs shall be limited to a duration of six (6) weeks.

14. No homemade signs shall be allowed on any businesses or commercial establishment, nor on the property which contains the business or establishment, nor off-premises advertising the business or commercial establishment. A homemade sign is one which is not made by a professional sign maker whose primary business is producing professional signs.

(Ord. No. 2008-06, 4-3-2008)

Section I: District restrictions.

In addition to the general restrictions above, the following requirements shall apply to signs on the various use districts as follows:

1. *Residential Districts R-1, R-2, R-3, and R-4:*

    a. One (1) non-illuminated name plate not exceeding one square foot on area for each dwelling unit indicating only the name of the principal occupant and/or street address of the premises.

b. One (1) non-illuminated identification sign for multiple-family dwellings and offices not exceeding twenty-four (24) square feet in area indicating only the name and management address.

c. One (1) non-illuminated identification sign at each entrance to subdivisions indicating only the name of the subdivision and meeting the area restrictions specified by the plan commission in approving the subdivision.

d. One (1) illuminated or non-illuminated on-premise church bulletin board sign, not exceeding twelve (12) square feet in area.

e. Height: No sign shall project higher than six (6) feet above established finished grade or average mean elevation on undeveloped property.

f. Projection: No sign shall project within five (5) feet of any property line.

g. Signs advertising the sale of dwellings or lots located in a platted subdivision of record are permitted on a temporary basis until such time as ninety-five (95) percent of the dwellings or lots located therein have been completed or sold, not to exceed a maximum of one hundred (100) square feet.

2. *Mobile Home District:*

a. All signs and name plates permitted in the residential zones, subject to the square footage requirements as set forth in Sign Areas Table.

b. One (1) illuminated or nonilluminated on-premise sign not exceeding forty-eight (48) square feet in area which identifies the mobile home park indicating the name of the park, the entrance to the park with any and all other restrictions as may be specified by the plan commission approving the mobile home park district.

3. *B-1 Business District:*

a. One (1) illuminated or non-illuminated on-premise ground sign not to exceed twenty-four (24) square feet in area.

b. One (1) illuminated or non-illuminated on-premise wall sign not to exceed ten (10) percent of the total facade upon which the sign will appear.

4. *B-2 Business District:*

a. One (1) illuminated or non-illuminated on-premise sign for businesses located at street level not exceeding thirty-two (32) square feet.

b. One (1) illuminated or non-illuminated wall sign not to exceed ten (10) percent of the total area of the facade upon which the sign will appear.

c. For each business back more than twenty (20) feet from the front property line, the sign may be increased in size ten (10) percent of the maximum for each twenty (20) feet it is set back from the street line.

d. One (1) exterior directory sign for businesses not located at street level bearing the name and/or type of business of the principal tenants renting space at the

rear or on the upper floors of the building, provided that such signs located on the principal entrance to such rented space is in the aggregate area and that such sign does not exceed thirty-two (32) square feet.

5. *B-3 and B-4 Business Districts:*

   a. One (1) illuminated or non-illuminated on-premise sign for businesses located at street level, not exceeding eighty (80) square feet in area.

   b. One (1) illuminated or non-illuminated wall sign not exceeding ten (10) percent of the total facade area upon which the sign will be located.

   c. For each business set back more than twenty (20) feet from the front property line, the sign may be increased in size by ten (10) percent for every twenty (20) feet it is set back from the street line.

6. *L-I and G-I Industrial Districts:*

   a. One (1) illuminated or non-illuminated on-premise sign not to exceed three-hundred (300) square feet in area.

   b. One (1) illuminated or non-illuminated on-premise wall sign not to exceed ten (10) percent of the total area of the facade upon which it will appear or three-hundred (300) square feet, whichever is less.

   c. Off-premise advertising signs may be permitted in accordance with Section K of this title.

Section J: Special signs.

1. *[Directional signs.]* Directional signs are permitted in any zone as long as they shall not exceed five (5) square feet.

2. *[Service organization signs.]* Service organization signs shall be permitted in all zones, except residential and mobile home, not to exceed five (5) square feet.

3. *Window signs:* permanent window signs within the building shall not exceed forty (40) percent of the window area and shall be used to identify and advertise the products and services available on premises. Temporary "special sale" window signs within the building are exempt.

4. *Traffic signs:* Traffic or directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of premises may be installed provided they are located within the property lines of the subject lot. They shall not exceed five (5) square feet and shall not bear any advertising whatsoever. Traffic signs satisfying the conditions of this ordinance shall not count toward the total number of signs or total available square footage of advertising signs.

5. *Automobile service station signs:* The following signs accessory to automobile service stations are permitted in addition to the permitted signs outlined in the district regulations:

a. Items for sale on the premises may be openly displayed within ten (10) feet of the building. Products may be displayed under group island canopies or between pumps within the area of the pump island, but not any closer to property lines, to avoid traffic view obstruction.

b. One (1) set of gasoline price signs may be displayed in the service station area, within the property line, mounted on lighting standards or posts, so long as the sign does not exceed twelve (12) square feet and shall not be placed as to obstruct the view of any driver or pedestrian.

c. One (1) movable easel type sign announcing services available is permitted in the service station area, within the property line, providing it is weighted down to prevent wind turnover, so long as both faces of the sign do not exceed twenty-four (24) square feet.

d. Corner locations are permitted one (1) additional sign in items b. or c. above.

Section K: Off-premise advertising signs.

1. *Permitted zones.* Off-premise advertising signs may be permitted in L-I, and G-I Districts.

2. *Size.* No off-premise sign shall have a facing of more than three hundred (300) square feet, including trim and border, excluding the base or apron, supports and structures, measured in accordance with Section H, 1. of this title.

3. *General provisions:*

a. Off-premise advertising signs shall not be established at any location having principal frontage on any street within one hundred (100) feet of any property used for a public park, public school, church, courthouse, city hall or public museum having principal frontage on the same street.

b. All off-premise advertising signs shall conform to the front setback requirements of each district. All off-premise advertising signs shall be no closer than ten (10) feet to the right-of-way except if adjacent to a residential area. In such case, side and rear setbacks of not less than twenty-five (25) feet are required. No portion of any outdoor advertising sign may be placed or extended over the right-of-way of any street or highway.

c. No off-premise advertising sign shall be constructed which resembles any official marker erected by the city, state, or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

d. All off-premise advertising signs shall be constructed in accordance with all municipal building and electrical codes.

e. All off-premise advertising signs shall be maintained in good and safe structural condition. The painted portions of outdoor advertising signs shall be periodically repainted and kept in good condition.

f. No off-premise advertising sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent or trustee.

g. The general area in the vicinity of any off-premise sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash and other refuse.

4. *Spacing of off-premise advertising signs.* On all streets and highways within the jurisdiction of this Ordinance, no off-premise advertising sign (on limited access highways) may be within five hundred (500) feet of any other off-premise advertising sign on the same side of the street with the measurement to be from the other off-premise advertising sign. The restriction on space between off-premise advertising signs on the same side of streets which are not limited access highways, is three hundred (300) feet.

5. *Height of outdoor advertising sign.* No ground or roof sign may exceed the building height limitation of the zone in which it is located, or maximum of thirty (30) feet at curb level.

SIGN AREA TABLE

Zones		*OS*	*R-1*	*R-2*	*R-3*	*R-4*	*M-1*	*B-1*	*B-2*	*B-3*	*B-4*	*L-I*	*G-I*
Name Plate	1	1	1	1	1	1	1	1	1	1	1	1	
For sale or for rent	24	12	12	24	24	12	48	48	48	48	48	48	
Construction sign		24	12	12	24	48	48	48	48	48	48	48	
On Premise:													
a) Ground	24	x°°	x°°	24	24	~~48°~~ 24	24	~~32~~ 24	~~80~~ 32	~~300~~ 80	300	300	
b) Wall	+	X	X	X	X	+°	+	+	+	+	*	*	
c) Roof	X	X	X	X	X	X	X	X	X	X	X	X	
d) Projecting sign		X	X	X	X	X	X	24	32	80	60**	80	80
Directional or traffic	5	5	5	5	5	5	5	5	5	5	5	5	
Service organization	5	X	X	X	X	X	5	5	5	5	5	5	
Off-premise	X	X	X	X	X	X	X	X	X	X	~~300~~	300	300

ALL DIMENSIONS ARE SQUARE FOOTAGE LIMITATION.

°° Subdivision identification permitted, as approved by Plan Commission.

° Per mobile home park, but not per home.

\+ Cannot exceed 10% total facade - one side only.

* Cannot exceed 10% total facade - one side only or 300 square feet, whichever is smaller.

** Per business.

X Not permitted.

OS Open space.

Nothing contained in this Title shall be interpreted and/or construed as granting any right or privilege contrary to any state or federal law and/or regulation all signs are to be measured at curb level.

Title XVIII.

OFF-STREET PARKING AND OFF-STREET LOADING

Sec. A: Scope of regulations.
Sec. B: Existing parking facilities and permanency.
Sec. C: Off-street parking.
Sec. D: Off-street loading.

Section A: Scope of regulations.

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

1. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this title for all buildings and structures erected and all uses of land established in each zoning district after the effective date of this Ordinance. However, where a building permit has been issued prior to the effective date of this Ordinance and construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.

2. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.

3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. If, however, the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this Ordinance.

Section B: Existing parking facilities and permanency.

1. Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below or, if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Ordinance.

2. Any parking or loading space established prior to the effective date of this Ordinance which is used or intended to be used in connection with any building, structure or use, or any space designed and intended to comply with the requirements of this Ordinance for any such building or structure erected after such effective date, shall hereafter be maintained in conformance with the provisions of this Ordinance so long as said building or structure remains, unless the owner provided an equivalent number of spaces in another location in conformance with the provisions of this Ordinance. The plan commission shall at all times be furnished proof of permanency of the parking area provided in compliance with this Ordinance.

Section C: Off-street parking.

Off-street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter:

1. *Use.* Accessory off-street parking facilities required as accessory to uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees.
2. *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property at the right-of-way line shall exceed a width of twenty-five (25) feet. The width may be increased to thirty-five (35) feet to accommodate truck traffic.
3. *Collective provisions.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the board of zoning appeals.
4. *Design and maintenance.*
   a. Accessory parking spaces may be open to the sky or enclosed in a building.
   b. Surfacing: All open off-street parking spaces and access drives shall be surfaced with smooth and durable surface material so that they will remain free from dust or litter particles and be adequately drained so that they will not retain water.
   c. Screening, landscaping and barriers: All open off-street parking areas containing more than four (4) parking spaces, located less than forty (40) feet from the nearest property line of a lot in a residential zoning district shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence, or densely planted compact hedge, not less than five (5) feet nor more than eight (8) feet in height. The screening, landscaping and barriers shall be adequately maintained for aesthetic reasons. There shall be installed a substantial barrier on or adjacent to the lot line along all open off-street parking spaces and such barrier shall be so located that no portion of any vehicle parked on the lot shall extend over the lot line.
   d. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance and, in a parking area containing four (4) or more parking spaces, such lighting shall be extinguished one-half hour after the close of business, except as may otherwise be permitted or required by the board of zoning appeals for maintaining illumination after the time specified above.

5. *Location.* All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same lot as the building or use served. Buildings or uses in any zoning district, except single-family and two-family dwellings existing on the effective date of this Ordinance, which are subsequently altered or enlarged so as to require the provision of parking spaces under this Ordinance and new uses established in any commercial zoning district may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are within three hundred (300) feet walking distance of a main entrance to the use served and, in any case, are located in zoning districts where parking lots or storage garages are listed as permitted uses or special uses.

6. *Off-street parking space layout, standards and construction.*

   a. Whenever an off-street parking area or facility is required for any zoning district, such off-street parking lots shall be laid out and constructed in accordance with the following standards and regulations:

      (1) No parking lot shall be constructed unless and until a building permit thereof is issued by the duly authorized administrative official of the building commission. Application for a permit shall be submitted to the building commission in writing and accompanied by two (2) sets of plans for the development and construction of the parking lot, showing that the provisions of this section will be fully complied with.

      (2) All spaces other than residential driveways shall be provided adequate access by means of maneuvering lanes. Backing directly onto street shall be prohibited.

      (3) Adequate entrance and exitways, separate or combined, to the parking lot by means of clearly limited and defined drives not to exceed forty (40) feet in width, and shall have a minimum total width of twenty-four (24) feet provided for all vehicles. Entrance and exitways to a parking lot, lying in an area zoned for other than single-family residential use, shall not be across land zoned for single-family residential use.

      (4) Off-street loading areas must be provided in addition to the required parking area.

   b. Plans for the layout of off-street parking areas shall be in accord with the following minimum requirements:

Parking Angle	*Stall Width*	*Aisle Width*	*Stall Length*	*Curb to Curb*	*Vertical Clearance*
0 to 15 deg.	10 ft.	12 ft.	20 ft.	30 ft.	7 ft.
16 to 37 deg.	10 ft.	11 ft.	20 ft.	46.6 ft.	7 ft.
38 to 57 deg.	10 ft.	13 ft.	20 ft.	53.2 ft.	7 ft.
58 to 74 deg.	10 ft.	18 ft.	20 ft.	60.4 ft.	7 ft.
75 to 90 deg.	10 ft.	24 ft.	20 ft.	62 ft.	7 ft.

7. *Handicapped parking.* Handicapped parking spaces will equal or exceed the area standards set forth previously with the addition of a five-foot service aisle as part of the parking space. The location and any other requirements will meet any state or federal regulations.

   The following number of handicapped parking spaces per parking lot are recommended:

Lot Spaces	*Handicapped Spaces (Minimum)*
5 — 25	1
26 — 50	2
51 — 75	3
76 — 100	4
100 or more	Subject to review

8. *Required spaces.* The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows. For those uses not specifically mentioned, the requirements for off-street parking shall be in accordance with a use which the planning commission considers is similar in type.

USE	*REQUIRED PARKING SPACE*
Residential Buildings	Two (2) parking spaces per dwelling unit.
Hotels, Motels, Inns	One parking space for each guest room, plus one additional space for each five (5) employees.
Hospital, Sanitarium or Nursing Home	One parking space for each four (4) beds, plus one space for each two (2) doctors and employees.
Libraries, museums, civic establishments, lodge halls, union headquarters and clubs	One parking space for each two hundred fifty (250) square feet of floor area or one parking space for every three (3) people in the designed capacity of the building, whichever is greater
Schools, (public, private, parochial)	One parking space for each two (2) faculty members and employees, plus one space for each three (3) seats in the auditorium or gymnasium (maximum capacity) and/or, in the case of senior high students, one for every five (5) students or one for each three (3) seats in the auditorium or gymnasium, whichever is larger.

USE	*REQUIRED PARKING SPACE*
Theaters and auditoriums, other than those incidental to schools	One parking space for each three (3) seats (based on maximum seating to capacity).
Dance halls, exhibition halls and assembly halls without fixed seats	One parking space for each one hundred (100) square feet used for dancing or assembly.
Churches	One parking space for each three (3) individual seats or sixty (60) lineal inches of pew space.
Bowling alleys and/or billiard rooms	Five (5) parking spaces for each bowling alley and/or two (2) spaces for each billiard table, plus one space for each employee.
Mortuaries or funeral homes	One parking space for each fifty (50) square feet of floor area open to the public, plus one for each funeral vehicle.
Restaurants, taverns and lounges, with or without entertainment	One parking space for each one hundred (100) square feet of floor area, plus one space for each four (4) employees.
Banks, business or professional offices	One parking space for each three hundred (300) square feet of floor area.
Medical or dental clinics	One parking space for each one hundred fifty (150) square feet of floor area, with a minimum of three (3) spaces per doctor, plus one space for each two (2) employees.
Retail store and service shops, except as otherwise specified herein	One parking space for each one hundred fifty (150) square feet of floor area.
Furniture and appliance stores, household equipment or furniture repair shops, clothing repair, shore repair, hardware stores, motor vehicle or machinery sales and the like	One parking space for each five hundred (500) square feet of floor area.
Beauty parlor or barber shops	One space for each three hundred (300) square feet of floor area.
Laundromats	One space for each two (2) washing machines.
Wholesale establishments, bottling works, printing engraving shops	One parking space for every fifteen hundred (1,500) square feet of floor area or one space for each two (2) employees on the largest shift.

USE	*REQUIRED PARKING SPACE*
Industrial and manufacturing establishments, research and testing laboratories, warehouse storage establishments	One parking space for every two (2) employees on the maximum working shift, plus parking space for visitors equivalent to fifteen (15) percent of the above mentioned employee ratio.
Automobile service and repair stations	One parking space for each two (2) employees, plus one space for the owner or manager.

Section D: Off-street loading.

1. *Intent.* After the effective date of this Ordinance, every industrial, commercial or business establishment erected or otherwise established as a new use shall provide, on its own premises within the required rear yard, loading facilities for the exclusive use by all trucks that come to it to receive or deliver loads. All new industrial or commercial plants with more than five thousand (5,000) square feet of floor area shall provide off-street loading space for at least one over-the-road truck-trailer.

2. *Location.* All required loading spaces shall be located on the same lot as the use served. All motor vehicle loading spaces which abut a residential zoning district or intervening alley, separating a residential zoning district from a commercial zoning or industrial zoning district, shall be completely screened therefrom by building walls or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading space shall be located within forty (40) feet of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required front or side yard and any loading space located in a required rear yard shall be open to the sky.

3. *Area.* Unless otherwise specified, a required off-street loading space shall be at least twelve (12) feet in width by at least thirty-five (35) feet in length, exclusive of aisle and maneuvering space, and enclosed loading spaces shall have a vertical clearance of at least fourteen (14) feet. These requirements may, upon appeal, be increased, modified, or waived by the board of zoning appeals where the conditions or circumstances justify such action.

4. *Access.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

5. *Surfacing.* All open off-street loading spaces shall be improved with stormwater drainage facilities and pavement surfacing in accordance with the City of Lake Station specifications.

6. *Utilization.* Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

7. *Minimum Facilities.* Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

Title XIX.

SPECIAL REGULATIONS

Sec. A:	Performance standards.
Sec. B:	Excavations.
Sec. C:	Temporary tract offices.
Sec. D:	Private swimming pools.
Sec. E:	Home occupation.
Sec. F:	Planned unit developments.
Sec. G:	Miscellaneous information—Residential districts.
Sec. H:	General exceptions.

Section A: Performance standards.

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with such regulations shall be made by the Board of Appeals. In addition, all manufacturing uses shall give evidence of ability to comply with the following standards before the issuance of a business license. Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

1. *Residual features.* No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

2. *Glare.* Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

3. *Explosives.* No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the legislative body.

4. *Vibration.* No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.

5. *Grading.* All grading or change of grade in any subdivision or building area of the municipality shall be in conformance with the grade levels established by the City Building Code for the approved building, storm water discharge, and the health, welfare and safety of the residents of the city. No grading will be permitted so as to interfere with storm water drainage as established by the City Building Codes or to divert discharges of water or other substances. Any grading on building property other than the levels established by the City Building Code shall require a permit.

6. *Landscaping and screening.*

   a. In all zoning districts, all new major developments shall provide a green or landscaped yard along all streets. Such yard shall be kept clear of all structures and storage. Such yards shall be at least eight (8) feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

   b. Screening shall be provided on all peripheral lot lines where the adjacent property has a different land use. An opaque screen shall be installed and maintained and shall have a total height of not less than six (6) feet nor more

than seven (7) feet. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or more of the following types:

(1) *Walls:* A wall shall consist of concrete, stone, brick, tile or similar type of masonry material, a minimum of eight (8) inches thick.

(2) *Berms:* A berm may be banked on both sides or with one side banked toward the lot line with a retaining wall. A berm shall be not less than twenty (20) feet wide at the base, shall have an undulating contour and shall be sloped for ease of maintenance. It shall be constructed of earthen materials and shall be landscaped.

(3) *Planting:* Plant materials, when used as a screen, shall consist of a mixture of compact evergreen plants and taller deciduous plants. They shall be of a kind and used in such a manner so as to provide screening, having a minimum width of three (3) feet within eighteen (18) months after initial installation. Plant materials shall not be limited to a maximum height. The building commissioner may require that either (1) or (2) above shall be installed if, after eighteen (18) months following installation, plant materials have not formed an opaque screen or if an opaque screen is not maintained.

(4) Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular area.

(5) Landscaping shall be limited to a height of not more than three (3) feet within twenty (20) feet of the point of intersection of two or more vehicular traffic ways, driveways or streets.

(6) Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plants.

(7) Existing topographic patterns shall be preserved, except where modifications will specifically contribute to increased utility of the site and/or enhancement of the site.

(8) All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any residential property. Wheelstops of masonry, steel, or heavy timber shall be placed not nearer than five (5) feet from the street line in districts where a front yard is not required, or from side lot lines.

(9) A plan of screening and landscape development shall, where required, be submitted with the preliminary plat of a subdivision or land use application for a building.

7. *Fencing.*

a. *Definitions.*

(1) *Fence:* A structure, barrier, hedge or live fence including entrance and exit gates or openings, designed and constructed for enclosure.

(2) *Lawful fence:* See IC 32-10-2-1.

(3) *Partition hedge fences:* See IC 32-10-5-1.

b. *Fence permits and fees.*

(1) A permit shall be obtained by the property owner or licensed contractor prior to any construction or alteration of any fence or like structure.

(2) All permits shall be issued by the building department and all fees provided for herein shall be paid to the Clerk-Treasurer of the City of Lake Station.

(3) Permit fees.

(a) All fences except those fences in Retail, Business, Commercial, Industrial Districts: $10.00.

(b) Business, Commercial, Industrial District fences: $15.00.

c. *Standards.*

(1) All work on the construction, alteration, and repair of fences shall be performed in a good and workmanlike manner according to accepted standards and practices.

(2) The owner of record of any "Zoning Lot" shall be responsible for maintaining all fences in good repair.

(3) Fences shall be constructed of a uniform material throughout.

(4) All front yard fences shall be designed so they can be seen through.

d. *Regulations.*

(1) Fences excluding corner lots, swimming pools, and retail, business and commercial, and industrial districts.

(a) Front yard fences shall not exceed forty-two (42) inches in height nor be less than thirty-six (36) inches in height.

(b) Side yard and back yard fences shall not exceed seventy-two (72) inches in height nor be less than thirty-six (36) inches in height.

(2) Reserved.

(3) The swimming pool or the entire property on which it is located shall be so walled or fenced (minimum height of six (6) feet) as to prevent uncontrolled access by children from the street or from adjacent properties and shall provide a drainage system which will dispose of the water without runoff onto adjacent properties.

(4) Retail, business, commercial, and industrial fences except light industrial and permitted uses of outdoor storage areas shall not exceed seventy-two (72) inches in height plus necessary hardware.

(5) Junk yards: Any outdoor area where junk is kept shall be enclosed, except for areas of ingress and egress by a solid wall and/or fence shall be

constructed of non-flammable materials. Areas of ingress and egress shall have usable gates ninety-six (96) inches in height constructed of solid, non-flammable materials.

(6) Highway Commercial In Districts B-1 through B-4, L-I and G-I, the following conditions shall apply. In case of those uses which are of open yard type: Within one hundred (100) feet of a residential zoning district, all open yard type uses shall be effectively screened on each side by a decorative fence or wall not less than six (6) feet in height.

e. *Refuse.* All waste material, debris, refuse, or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(Ord. No. 95-20, §§ 25—29, 9-21-95; Ord. No. 2008-05, 4-3-2008)

Section B: Excavations.

The excavations from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by this Ordinance unless and until a special use permit shall first have been secured from the board of zoning appeals, therefore, except for the following defined extractions and deposits. The removal of top soil from any property in the City shall be prohibited, except as such excavations and removal of top soil is incidental to the erection and maintenance of structures or appurtenances thereto or the use of property permitted by this and other Ordinances of the city.

Section C: Temporary tract offices.

Temporary tract office in any district shall be located on the property to which it is appurtenant, shall be limited to a six-month period, at the expiration of which time the applicant may request a further extension of time. Otherwise, the tract office shall be removed at the expense of the owner.

Section D: Private swimming pools.

A private swimming pool, as regulated herein, shall be any pool, open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1½) feet. No such swimming pool shall be allowed in any Residential or Rural Development District except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

2. It may not be located closer than ten (10) percent of the lot width to any property line of the property in which it is located.

3. The swimming pool or the entire property on which it is located shall be so walled or fenced (minimum height of four (4) feet and a maximum height of six (6) feet) as to

prevent uncontrolled access by children from the street or from adjacent properties and shall provide a drainage system which will dispose of the water without runoff onto adjacent properties.

Section E: Home occupation.

1. *Short definition.* Any occupation carried on in a dwelling which is clearly secondary to the use of the building for dwelling purposes and which does not change the character of the unit as a dwelling.

2. *Expanded definition.* Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, that does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises.

3. *Regulatory aspects.*

a. No person other than members of the family residing on the premises shall be engaged in such occupation.

b. No home occupation shall be conducted in any accessory building.

c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

d. No display of any goods.

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television or telephone receivers off the premises, or causes fluctuations in line voltage off the premises.

f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, except that such off-street parking shall be limited to driveways not to exceed twenty (20) feet in width. In the event traffic or parking becomes a nuisance, the designated administrative official is empowered to require such home occupation to halt operation, pursuant to Title XX.

4. *Types of home occupations.* A household occupation includes uses such as baby-sitting (not more than five (5) children at any given time and/or in full compliance with state law), millinery dressmaking, canning, laundering, Avon, Mary Kay, Fuller Brush, Shaklee, Amway and similar type occupations, and crafts. It shall include the use of premises by a physician,

surgeon, dentist, lawyer, clergyman, teacher (including music, instrumental and dancing but limited to one pupil at a time, art studio or other professional, etc., or other professional person for consultation or emergency treatment but not for the general practice of his profession.

5. *Excluded occupations.* Home occupation does not include such occupations as barbering, beauty shops, dance schools, real estate brokerage, photographic studios, commercial stables or kennels, or auto repairs.

Section F: Planned unit developments.

1. *Intent.* The Planned Unit Development (P.U.D.) Zoning District encourages the development as one project of tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economies of shared services and facilities.

2. *General permitted uses.* A planned unit development may comprise one-family dwelling, two-family dwellings, townhouses, apartments, condominiums or any combination thereof. In addition, the plan commission may permit other related uses if, in their opinion, the planned use and the project will not be injurious to surrounding areas. Planned unit developments proposing two hundred (200) or more living units may desire to include some small convenience businesses primarily for the use of the development's residents. This may be permitted if felt desirable by the appropriate agencies.

3. *Project approval criteria.* The plan commission shall approve a P.U.D. only if it finds that the development will satisfy the standards of this Section, including the following:

a. The P.U.D. is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the comprehensive plan and making appropriate provisions for the preservation of natural features such as streams, wooded cover, and rough terrain.

b. The P.U.D. will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

c. Financing is available to the applicant sufficient to assure completion of the P.U.D.

4. *Size of P.U.D. site.* The minimum size parcel for which a petitioner may request a P.U.D. shall be five (5) acres. Parcels larger than the minimum may receive final plan approval in a minimum of five (5) acre units.

5. *Density.*

a. For the purpose of this section, density references are to what is commonly called "net" density. Net density shall mean the number of dwelling units per acre after public street rights-of-way have been excluded.

b. The maximum overall density of a planned unit project shall be determined by the plan commission during the conceptual and preliminary plan reviews but in no case shall it exceed an average density of twelve (12) dwelling units per net acre before compensatory density adjustments or eighteen (18) dwelling units per net acre after compensatory density adjustments.

c. Whenever a P.U.D. is developed in phases, each individual phase shall be required to satisfy all requirements (open space, parking, distances between buildings, etc.) as well as the maximum densities of twelve (12) or eighteen (18). In no case shall any project or phase of a project be permitted to exceed the following:

DEVELOPMENT TABLE

	MAXIMUM DENSITY PER NET ACRE			
	NO ADJUSTMENTS		*ALL ADJUSTMENTS*	
TYPE LIVING UNIT	*BUILDING*	*UNITS*	*BUILDINGS*	UNITS
Single-family structures	3.7	3.7	4.2	4.2
Two-family structures	3	6	3.5	7
3 — 6 Dwelling Units	2	10	2	10
4 — 7 Dwelling Units	2	10	2	12
7 — 12 Dwelling Units	1.5	18	2	24
12 Units or larger	1	24	1	30
MAXIMUM AVERAGE		12		18

d. The plan commission may approve compensatory density adjustments for certain specified improvements as follows:

(1) *Park dedication:* To encourage developers to dedicate much needed park land for public use, certain compensations may be offered, provided that:

(a) The land in question is acceptable to the park board;

(b) The park is at least two (2) acres in size; and

(c) The park will serve the general public and not just residents of the P.U.D.

(2) *School land dedication:* To encourage developers to dedicate land for school purposes, the following compensation may be offered, provided that:

(a) The land in question is acceptable to the school board;

(b) The land is at least ten (10) acres in size (or smaller if added to an existing school property).

(3) *Compensation offered includes:*

(a) Units lost, by dedicating the land, may be located within the remainder of the project. Maximum credit is twelve (12) units per net acre dedicated.

(b) Land so dedicated may be applied towards meeting open space requirements provided not more than ten (10) percent of the total project is so dedicated.

(4) Underground utilities shall be required by the plan commission.

6. *Roads.*

a. Roads within a P.U.D. shall be dedicated public streets unless the plan commission agrees to permit certain roads to be privately owned and maintained.

b. Public roads shall be constructed in accordance with the Lake Station Subdivision Regulations.

c. Private roads. All roads not dedicated to the public shall be built in accordance with the Lake Station Subdivision standards but dedication of right-of-way shall not be required.

d. Accessibility: Any P.U.D. proposed to have twenty-five (25) living units or less may be permitted access through minor subdivision streets.

Any P.U.D. proposed to have twenty-six (26) or more living units shall have at least one (1) point of access directly to a secondary or higher street classification.

7. *Common open space.*

a. For purpose of this section, open space shall mean all privately owned land not covered by buildings or areas paved for vehicles such as road pavement, drives, parking lots, or spaces. Uncovered swimming pools and other recreational facilities may be included as open space. Streams, lakes, retention ponds and drainage ditches may be counted as open space at a ratio of two to one, i.e., two (2) acres of water surface may be counted as one acre of open space.

b. The following minimum open space requirements shall be required for all townhouses and apartments:

Townhouses — 1,000 sq. ft. per dwelling unit.

Apartments — 1,000 sq. ft. per dwelling unit.

8. *Dimensional and bulk standards.*

a. The minimum lot area width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a P.U.D. is proposed do not apply within a P.U.D.

b. Distance between buildings: In all P.U.D.s, the minimum distances between single family or two-family dwellings shall be as follows:

*Minimum Separation**

	Side to Side	*Back to Back*	*Side to Back*
Single Family	12	60	40
Duplex	12	60	40

*Based on one and/or two story buildings not exceeding twenty-five (25) feet in height.

c. Maximum building height: No building in a P.U.D. shall exceed two and one-half (2½) or thirty-five (35) feet.

9. *Off-street parking.* All parking shall be in accordance with the parking regulations set forth in Title XVIII of this Ordinance.

10. *Convenience business uses.* Incidental commercial services for the principle use of tenants may be approved with a P.U.D. provided that:

a. P.U.D. contains at least two hundred (200) or more living units;

b. No commercial services buildings shall be constructed prior to construction of the two hundred (200) dwelling units;

c. If any signs or window displays are contemplated, plans shall be submitted to the plan commission for approval;

d. The architectural appearance of the commercial service building (if a separate structure) shall be harmonious with the residential development.

e. Commercial services shall be limited to the following:

(1) Grocery stores not exceeding fifteen hundred (1,500) square feet retail area;

(2) Services such as dry cleaning pick-up establishments, shoe repair shops, beauty parlors, barber shops;

(3) Drugstores not exceeding one thousand (1,000) square feet retail area.

f. Other related commercial services may be approved by special exception only.

11. *Utilities.* Every P.U.D. shall provide:

a. Sanitary sewers in accordance with the regulations of the Lake Station Subdivision Ordinance. Septic systems shall not be permitted except in unusual circumstances and only upon approval of the plan commission.

b. A central water distribution system capable of providing a safe, potable water supply as well as fire protection.

c. Adequate storm water drainage facilities in accordance with the requirements of Lake Station Storm Water Ordinance.

12. *P.U.D. application procedure.* Because the intent of the P.U.D. option is to allow new ideas and innovative design, the procedure for rezoning shall be handled in a manner different from other rezoning applications. Application for a P.U.D. zoning shall consist of three (3) stages: (A) Conceptual Plan; (B) Preliminary Plan; and (C) Final Plan.

The procedures for a P.U.D. approval shall be in accordance with the requirements as outlined in Section 3 of the City of Lake Station Subdivision Ordinance.

The application fees for a P.U.D. are outlined in Title XXIII.

13. *Duration of validity of P.U.D. classification.* A P.U.D. is approved and recorded based on a specific site plan and is valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owner(s). Said changes of ownership and an affidavit agreeing to all approved terms and conditions shall be recorded with the Lake Station Clerk-Treasurer.

Upon affirmative determination by the plan commission that substantial construction of P.U.D. has not commenced within six (6) months of final approval, the P.U.D. classification shall become null and void; all rights thereunder shall terminate and the land shall be automatically rezoned to underlying zoning. Upon written application filed prior to the termination date, the plan commission may authorize a single extension of the time limit for a further period of one (1) year without another public hearing.

If a new public hearing is required, the petitioner shall reapply at the preliminary plan stage and proceed through final plan approval.

14. *Procedure to amend plan.* Any approved P.U.D. may be amended by refiling for approval at either the preliminary or final plan approval stage, depending on the type of amendment requested.

If the amended plan is approved, the amended plan shall be signed and recorded as an amended plan and the original plan or portion thereof shall become null and void.

15. *Bond compliance.* In authorizing a final development plan or phase thereof, the plan commission shall determine a bond amount of ample sum and a bond duration to ensure compliance with the improvements required under this and other appropriate ordinances for the City of Lake Station. This bond, cash deposit or irrevocable letter of credit must be submitted and approved prior to issuance of any building permits.

16. *Commencement of improvements.* The commencement of improvements (i.e., streets, sewers, water lines, etc.) shall not begin until after final approval and sufficient bond compliance as outlined in Section 15 above.

Section G: Miscellaneous information—Residential districts.

1. *Duplicate use of lot area:* Except as hereinafter provided, no portion of a lot once used in complying with the provisions of this Ordinance for yard, courts, lot area per family or percentage of lot occupancy in connection with an existing or proposed building or structure shall again be used as part of the lot required in connection with any other building. In no case, other than multi-family dwellings and planned unit developments, shall there be more than one (1) principal building for residential purpose on one lot.

2. *Reduction of lot or yard size:* Except as otherwise provided, no yard or lot existing at the time of passage of this Ordinance or provided for any building or structure hereafter erected or altered shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance.

3. *Frontage:* All principal buildings and dwellings shall be so constructed or located upon the lot as to have unobstructed frontage upon a public street or a private street of record.

4. *Double frontage lots:* On double frontage lots a front yard shall be provided on both streets in accordance with the yard requirements for that district as set forth in this Ordinance.

5. *Outdoor storage in residential districts:* The outdoor storage or parking or use of automobile trailers, mobile homes, autobus vehicles, other equipment or vehicles of a similar nature and any unsightly debris or junk shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, except where specifically permitted by other provisions of this Ordinance, unless all the following minimum conditions are met:

a. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building but no closer than five (5) feet to any side or rear lot line.

b. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.

c. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purpose shall remain unoccupied and shall not be connected to sanitary sewer facilities.

6. *Rules for rummage, yard, patio sales:* Rummage Sales will be permitted only in residential districts.

Each household will be limited to three (3) sales per twelve-month period. Each such sale will be limited to seventy-two (72) hours in duration.

a. If two (2) or more households conduct a joint rummage sale, such sale shall constitute a single sale for the purpose of this subsection.

b. All persons holding a rummage sale shall register at least five (5) working days before the sale on a form provided at City Hall. No fee shall be charged.

7. No automotive vehicle of any kind or type shall be parked or stored in any residential zoned property without a current license plate unless it is stored in a completely enclosed building.

Section H: General exceptions.

1. *Building height exception:*

a. The height of public and semi-public buildings, churches, cathedrals, temples, hospitals, sanitariums, or schools may exceed the height allowed in the district concerned provided that any such building be set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such buildings exceed the height allowed in the district concerned and that such buildings not exceed fifty-five (55) feet in height in any case.

b. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, pumping towers, radio towers, television antennas, monuments, cupolas and other mechanical appurtenances pertaining to and necessary to the permitted uses of the district in which they are located shall not be included in calculating the height of the principal structure.

2. *Irregular lot exception.* When considering the placement of a building on an irregular lot, and the building line, lot width and rear, front, and side yard setback requirements, a variance from the board of zoning appeals shall be required.

3. *Permitted obstructions in required yards.* The following shall not be considered to be obstructions when located in the required yards specified:

a. In all yards:

(1) Open terraces;

(2) Awnings and canopies, but not more than ten (10) feet;

(3) Steps, four (4) feet or less above grade which are necessary for access to a permitted building;

(4) Chimneys, projecting eighteen (18) inches or less;

(5) Arbors, trellises, sculpture, flagpoles, plant boxes or other similar ornamental objects.

b. In front yards:

(1) Bay windows projecting three (3) feet or less; and

(2) Overhanging eaves or gutters projecting three (3) feet or less.

c. In rear yards:

(1) Enclosed attached or detached off-street parking spaces;

(2) Accessory sheds as provided for below;

(3) Balconies;

(4) Breezeways and open porches; and

(5) Overhanging eaves and gutters.

d. In side yards: Overhanging eaves and gutters not to exceed thirty (30) inches into such yard.

4. *Exceptions to yard regulations.*

a. *Front yard between projecting buildings.* Where a lot is situated between two (2) lots, each of which has a principal building which projects beyond the required front yard line, the front yard requirement for such lot may be the average of the two (2) adjoining lots but in no case less than ten (10) feet.

b. *Front yard adjoining only one projecting building.* Where a lot adjoining only one lot having a principal building which projects beyond the required front yard line, the front yard requirement on such lot may be the average of the front yard of the existing building and required front yard, but such resulting yard shall be in no case less than ten (10) feet.

TITLE XX.

ADMINISTRATION AND ENFORCEMENT

Sec. A:	Violations.
Sec. B:	Board of zoning appeals.
Sec. C:	Zoning permits.
Sec. D:	Certificate of occupancy.
Sec. E:	Enforcement.
Sec. F:	Penalties.
Sec. G:	Rules of the board of zoning appeals.
Sec. H:	Permit.

Section A: Violations.

1. The plan commission, by the duly designated administrative official and/or board of zoning appeals, shall have the duty to enforce the provisions of this zoning ordinance in the manner and form and with the powers prescribed in the laws of the State of Indiana, and in this or any other ordinance of the City of Lake Station, Lake County, Indiana, related to zoning.

2. An administrative official, also known as zoning enforcement officer, designated by the plan commission, shall administer and enforce this Zoning Ordinance. He may be provided with an assistant or other such person as the commission may direct.

Section B: Board of zoning appeals.

1. *Establishment and membership.* A board of zoning appeals is hereby established in accordance with IC 36-7-4-900 et seq., as amended from time to time. The present members of the Lake Station Board of Zoning Appeals are designated as members of the board of zoning appeals created herein.

2. *Powers.* The board of zoning appeals shall have all the powers provided in IC 36-7-4-900 et seq., as amended from time to time. In the exercise of these powers, the board of zoning appeals may impose such conditions as it may deem advisable in the furtherance of the purposes of this Zoning Ordinance.

3. *Rules of procedure.* The board of zoning appeals shall exercise the jurisdiction granted to it by Indiana Statutes, specifically, IC 36-7-4-916. It shall adopt rules for the conduct of hearings, for fixing the dates of hearings, and for the general conduct of its business. Notice of its public hearings shall be the same as are those requirements for the advisory plan commission at Title XXI, Section H.8 of the Zoning Code of the City of Lake Station, and publication requirements shall be the same as those requirements for the advisory plan commission at Title XXI, Section H.7 of the Zoning Code of the City of Lake Station.

4. *Meetings.* The meetings of the board of zoning appeals shall be held at the call of the chairman at such times as the board may determine. The board of zoning appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the board and are public records. The board of zoning appeals shall, in all cases heard by it, make written findings of fact.

5. *Appeals jurisdiction.* The board of zoning appeals shall hear and determine appeals from and review:

a. Any order, requirement, decision or determination made by an administrative official or staff member, under the Zoning Ordinance;

b. Any order, requirement, decision or determination made by an administrative board or other body, except the plan commission, in relation to the enforcement of the Zoning Ordinance.

6. *Exceptions, uses and variances.* The board of zoning appeals shall certify by petition to the common council approval, denial or no recommendation of all:

a. Special exceptions;

b. Special uses;

c. Use variances.

from the terms of the Zoning Ordinance, pursuant to IC 36-7-4. A special exception or special use may only be recommended upon a determination in writing. The board of zoning appeals may recommend the imposition of such conditions as will ensure that:

a. The establishment, maintenance or operation of the special use or special exception will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare, and is in accordance with the Comprehensive Plan of the city;

b. The special exception or special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the community;

c. The establishment of the special exception or special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district;

d. The special exception or special use shall be required to comply with reasonable time limitations on commencement and duration of special exception or special use, as well as holder of rights to special exception or special use;

e. Adequate utilities, access roads, drainage and/or other necessary facilities will be provided;

f. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

g. The special exception or special use shall in all other respects conform to the applicable regulations of the zoning district in which it is located and the board of zoning appeals finds that there is a public necessity for the special exception or special use. Special exceptions may be permitted by the board of zoning appeals in the zoning districts stated upon the terms and conditions provided for in this Title.

7. *Variances of use from terms of Zoning Ordinance.* The board of zoning appeals shall make recommendations to the common council for the approval or denial of all variances of use from the terms of the Zoning Ordinance. The board of zoning appeals may impose reasonable conditions as part of its recommendations to the common council. A variance hereunder may only be recommended for approval upon a specific determination in writing that:

a. The approval will not be injurious to the public health, safety, morals and general welfare of the community;

b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

c. The need for the variance arises from some condition peculiar to the property involved;

d. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

e. The approval does not interfere substantially with the Comprehensive Plan of the city.

8. *Variances from development standards of Zoning Ordinance.* A variance hereunder may only be recommended upon a specific determination in writing that:

a. The approval will not be injurious to the public health, safety, morals and general welfare of the community;

b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

c. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

9. *Procedure in petitions for variances.* The board of zoning appeals may approve variances only upon the specific written determinations required in Sections 7 and 8, together with the procedures and guidelines stated hereafter, namely;

a. A non-conforming use of neighboring lands, buildings, or structures in the same zoning district, and a permitted use of lands, buildings or structures in other zoning districts shall not be considered grounds for approval of a variance. Any other variance granted in the same general area shall not constitute grounds for approval of another similar variance.

b. The variance shall be the minimum variance that will make possible a reasonable use of the land, building or structure, equivalent to, but not exceeding the use of, similar lands, buildings or structures permitted generally in the same zoning district.

c. A date shall be set for a public hearing on the variance not less than thirty (30) days after the application for such is accepted and notice shall be given as required herein. A public hearing shall be held before action is taken on any variance.

d. The board of zoning appeals shall determine whether each of the requirements have been met. In recommending any variance, the board of zoning appeals shall prescribe conditions and safeguards to assure conformity with the purposes of this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted to the common council, shall be deemed a violation of this Zoning Ordinance.

e. No variance shall be granted by the common council which will permit a use not permitted in the pertinent zoning district by this Zoning Ordinance.

f. Any approved variance shall become void if:

(1) The variance is not exercised within ninety (90) days after being granted by the common council.

(2) Any structure or characteristic of use permitted by variance is moved, removed or discontinued.

g. A request for variance may be initiated only by the legal title holders and none other.

10. *Appeals to the board.*

a. An appeal filed with the board of zoning appeals must specify the grounds of the appeal and must be filed within ten (10) days from the date of the action appealed. In the event appeal is not taken as specified herein, the right of appeal shall be terminated.

b. The administrative official or other body from whom the appeal is taken shall, on the request of the board of zoning appeals, transmit all documents, plans and papers constituting the record of the action from which an appeal was taken.

c. Upon appeal, the board of zoning appeals may reverse, affirm or modify the order, determination, requirement or decision appealed from. For this purpose, the board of zoning appeals has all the powers of the official, officer, board or body from which the appeal is taken.

d. The board of zoning appeals shall make a decision on any matter that it is required to hear, as specified in this Section B of Title XX, either:

(1) At the meeting at which that matter is first presented, or

(2) At the conclusion of the hearing on that matter, if it is continued.

e. The board of zoning appeals shall file in the office of the board a copy of its decision within five (5) days after making any decision.

11. *Public hearings.* Upon the filing with the board of zoning appeals of an appeal, or of an application for special exception, special use, or variance, a reasonable time and place for public hearing thereon shall be established and notice thereof shall be given as follows:

a. The applicant shall submit a completed legal advertisement notice form to two (2) newspapers of general daily circulation in the city for one (1) publication in each newspaper at least ten (10) days prior to the scheduled public hearing date;

b. The applicant shall obtain a certified list of all the adjacent property owners to the property involved in the application or appeal, and either hand-deliver or mail by certified mail, return receipt requested, a copy of the completed legal advertisement notice form to each adjacent property owner, as defined hereinafter. In the event an adjacent property owner owns more than one (1) parcel of property as indicated on the certified list, then that adjacent property owner shall receive separate notices for each parcel owned, to be mailed separately, with proof of separate mailing required. Hand-delivered notices must be accompanied by signed and dated verification of delivery. Notification to the adjacent property owners must be made to each adjacent property owner at least ten (10) days prior to the date of the public hearing.

(1) The legal notice shall state the name of the legal owners of the property. In the event the property is held in a trust, the trust number shall be so stated. The legal notice shall also include the nature of the request, namely, special use permit, special exception, variance and the like.

(2) Adjacent property owners are defined as those owners within three hundred (300) feet on either side of the same street and one hundred fifty (150) feet from other adjacent property boundaries. The certified list of adjacent property owners must make reference to the above perimeters.

(3) Proof of publication of legal advertisement in the newspapers, as well as providing the certified list of adjoining property owners and proof of notice to the adjoining property owners must be submitted to the designated city official at least twenty-four (24) hours prior to the public hearing.

12. *Appeal to court.* Each decision of the board of zoning appeal is subject to review by certiorari. Each person aggrieved by a decision of the board of zoning appeals may present to the Circuit or Superior Courts of Lake County a verified petition setting forth that the decision is illegal in whole or in part, and specifying the grounds of the illegality. The aggrieved person shall present the petition to the court within thirty (30) days after the date of that decision of the board of zoning appeals.
(Ord. No. 99-11, § 3, 10-7-99)

Section C: Zoning permits.

No building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the designed administrative official. A fee, as determined from time to time, shall be paid when making application for a zoning permit. Said permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

No zoning permit shall be issued unless the administrative official or duly designated representative certifies thereon that the permit conforms with the provisions of this Zoning Ordinance or that the applicant has received a written variance or special exception from the board of zoning appeals. If the permit is denied, reasons for the denial shall be provided to the applicant in writing.

All applications for zoning permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building, structure or alteration. The application shall include such other information as may be required by the administrative official or duly designated representative, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Zoning Ordinance.

One (1) copy of the plans shall be returned to the applicant by the administrative official, or duly designated representative, after he shall have marked such copy either as approved or

disapproved and attested to the same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the administrative official, or duly designated representative.

Section D: Certificate of occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official, or duly designated representative, stating that the proposed use of the building or land conforms to the requirements of this Zoning Ordinance.

A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or enlarged;
2. Change in the use of an existing building to a use of different classification.
3. Occupancy and use of vacant land, with a use of different classification, except for the raising of crops;
4. Change in the use of land to a use of different classification, except for the raising of crops;
5. Any change in use of a non-conforming use.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. Said certificate shall be issued within a reasonable time after a written request for the same has been made to the administrative official after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this Zoning Ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the administrative official or designated representative, for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use of occupancy of the land or building, or any other matter covered by this Zoning Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the administrative official.

If the proposed use is in conformity with the provisions of this Zoning Ordinance, the certificate of occupancy therefor shall be issued within ten (10) days after the application for the same has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Zoning Ordinance.

A record of all certificates of occupancy shall be kept on file in the City Hall and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

This section (Title XX, Section D) does not apply to ordinary maintenance and repairs to pre-existing buildings and/or structures due to normal and ordinary wear and tear.
(Ord. No. 95-20, §§ 30—32, 9-21-95)

Section E: Enforcement.

1. All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Ordinance and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of this Zoning Ordinance.

2. a. Any permit or license, issued in conflict with the provisions of this Zoning Ordinance, shall be null and void.

   b. If the work described in any permit has not begun within ninety (90) days from the date of issuance thereof, such permit shall expire, and it shall be cancelled by the administrative official.

c. If the work described in any permit has not been substantially completed within two (2) years of the date of issuance thereof, the permit shall expire. In such event, the administrative official shall follow the procedure outlined above. Further work shall not proceed unless a new permit has been obtained.

3. Permits of certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction.

4. a. The common council shall establish a schedule of fees, charges and expenses and a collection procedure for permits, certificates of zoning compliance, appeals, amendments, rezoning requests and other matters pertaining to this Zoning Ordinance.

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

5. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

6. If any section, clause, provision or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Zoning Ordinance.

7. a. The administrative official shall, upon finding a building or structure which is being erected, reconstructed, enlarged or moved in violation of this Zoning Ordinance, issue a stop work order. Said stop work order shall be withdrawn by the administrative official upon compliance with this Zoning Ordinance or upon order of the board of zoning appeals.

b. The administrative official shall, upon finding a nonconforming use which is not authorized by Title XVI of this Ordinance, issue an order to cease said use within a reasonable time, not less than fifteen (15) days, but not to exceed six (6) months.

Section F: Penalties.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Zoning Ordinance, shall be subject to penalty and fine of not less than twenty-five dollars ($25.00) and not more than three hundred dollars ($300.00) dollars for each offense, such fine to inure to the city. Each day of the existence of any violation shall be deemed a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or

maintained, contrary to any of the provisions of this Zoning Ordinance, is hereby declared to be a violation of this Ordinance and unlawful. The city attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be damaged by any violation of this Zoning Ordinance.

The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
(Ord. No. 95-20, § 34, 9-21-95)

Section G: Rules of the board of zoning appeals.

Organization

1. The Lake Station Board of Zoning Appeals (BZA) shall be organized and governed pursuant to IC 36-7-4-1 et seq. and shall consist of five (5) members who shall be appointed to four (4) year terms.

2. In January of each year, the BZA shall meet to elect a president, vice president and to appoint a secretary.

Meetings

3. The BZA shall meet in the ante room of the Lake Station Council Chambers on the fourth (4th) Wednesday of each month at 7:00 p.m.

4. The BZA meetings shall be conducted pursuant to the Indiana Open Door Act.

5. The Order of Business of the BZA meetings may be considered in the following order:
   a. Roll Call.
   b. Review of Minutes.
   c. Committee Reports.
   d. Unfinished Business.
   e. New Business.
   f. Hearings on Petitions.

6. All minutes must be signed by the president and secretary after the BZA has approved same.

7. All votes shall be by roll call.

8. No person and/or member shall be discourteous, disorderly and/or contemptuous.

9. The BZA may table any business it may deem desirable.

10. No open public comment section is provided by the rules; however, remonstrances at petition hearings shall be allowed, but shall be limited to the matters related to the petition.

11. The BZA may allow for open public comments at its discretion on a case by case basis.

Procedures

Review of Administrative Procedures

12. A petitioner must be turned down by an administrative authority only.

13. Must appeal and have a hearing before the board of zoning appeals.

Variances

14. Petitioners must get ten (10) copies of variance application and instruction sheets from the clerk-treasurer.

15. Applications must be filled out and returned to the city clerk-treasurer with a deposit of twenty-five dollars ($25.00) for city expenses. Additional expenses incurred by the city shall be paid by the applicant prior to any final action of the BZA.

16. These applications must be received by the president or secretary of the board of zoning appeals at 3701 Fairview, Lake Station, Indiana 46405, ten (10) days before the regular monthly meeting of the board.

17. Any applicant(s) must be present at all meetings and/or hearings and furnish all requested information.

18. If the board decides an application falls within the scope and duties of the BZA, a date will be set for a public hearing and applicant will be advised to get a petition signed by neighbors pursuant to the zoning ordinance.

19. If the application is refused by the board of zoning appeals on the first meeting, the twenty-five-dollar ($25.00) deposit will be refunded by the clerk-treasurer.

20. Any applicant(s) must be present at any and/or all public hearing(s) and present his case along with a signed petition, in a courteous and decent manner.

21. Upon the filing with the BZA of an appeal, or of an application for special exception, special use or variance, a reasonable time and place for public hearing thereon shall be established and notice shall be given as follows:

a. The applicant shall submit a completed legal advertisement notice form to two (2) newspapers of general circulation in the city for one (1) publication in each newspaper at least ten (10) days prior to the scheduled public hearing date;

b. The applicant shall obtain a certified list of all the adjacent property owners to the property involved in the application or appeal and either hand-deliver or mail by certified mail, return receipt requested, a copy of the completed legal advertisement notice form to each adjacent property owner, as defined hereinafter. In the event an adjacent property owner owns more than one (1) parcel of property as indicated on the certified list, then that adjacent property owner shall receive separate notices for each parcel owned, to be mailed separately, with proof of separate mailing required. Hand-delivered notices must be accompanied by

signed and dated verification of delivery. Notification to the adjacent property owners must be made to each adjacent property owner at least ten (10) days prior to the date of the public hearing.

(1) The legal notice shall state the name of the legal owner of the property In the event the property is held in trust, the trust number should be so stated. The legal notice shall also include the nature of the request, namely, special use permit, special exception, variance and the like.

(2) Adjacent property owners are defined as those owners within three hundred (300) feet on either side of the same street and one hundred fifty (150) feet from other adjacent property boundaries. The certified list of adjacent property owners must make reference to the above perimeters.

(3) Proof of publication of legal advertisement in the newspapers, as well as providing the certified list of adjoining property owners and proof of notice to the adjoining property owners, must be submitted to the BZA at least twenty-four (24) hours prior to the public hearing.

22. The president or secretary shall put a docket number on nine (9) copies of applications received.

23. The president or secretary shall present applications to the board in numerical order.

24. If accepted to have a public hearing, the president or secretary shall give a blank petition to said applicant(s).

25. The president or secretary shall return one (1) copy of the application to the applicant(s) to publicize for a public hearing.

26. The president or secretary shall record all actions taken and record all petitions received.

27. The president and secretary shall sign three (3) copies of the application and give one (1) copy to each: Building commission, clerk-treasurer and keep one (1) copy for BZA records.

28. A petitioner may not withdraw a petition after a roll call vote has been ordered by the president.

29. A petition that has been withdrawn by the petitioner shall not be again placed on the docket within a period of three (3) months after the withdrawal.

30. A petition which has been decided adversely to the petitioner shall not again be placed upon the docket for consideration until twelve (12) months after the date of the decision previously rendered, except upon the unanimous vote of the board.

General Procedures

31. Any action taken by the BZA shall be null and void if an applicant does not fully comply with all applicable law related to a variance, special use and/or special exception.

32. Only the titled land owner may apply for action which will change the character of his land.

33. Any person in violation of these rules may be removed upon order of the president.

34. Copies of BZA documents may be obtained by written request at a fee of one dollar ($1.00) per 8½ × 11 or 8½ × 14 page.
(Ord. No. 95-20, §§ 35—39, 9-21-95)

Section H: Permit.

The application for a building permit and for a zoning permit shall be combined into one (1) application on a form prescribed by the plan commission for which the clerk-treasurer shall charge a single fee.
(Ord. No. 95-20, § 40, 9-21-95)

Title XXI.

RULES OF PRACTICE AND PROCEDURE

Sec. A:	Membership of the plan commission.
Sec. B:	Jurisdiction.
Sec. C:	Statement of intent.
Sec. D:	Duties of plan commission.
Sec. E:	Meetings.
Sec. F:	Officers and employees.
Sec. G:	Applications.
Sec. H:	Hearings.
Sec. I:	Agenda.
Sec. J:	Conduct of hearings.
Sec. K:	Final disposition of cases.
Sec. L:	Amendments.
Sec. M:	Possible action on petition after leaving plan commission.

Section A: Membership of the plan commission.

1. The membership of the Lake Station Advisory Plan Commission shall consist of nine (9) members. The public works board shall appoint one (1) member from its membership or a designee. The municipal legislative body shall appoint one (1) member from its membership. The municipal executive shall appoint five (5) citizens as members, of whom no more than three (3) may be of the same political party. The park board shall appoint one (1) member from the board, and the city engineer or his qualified appointee shall serve as a member on the planning commission.

2. A citizen member may not hold other elective or appointive office in municipal, county or state government, except in the case of an area plan commission membership on the school board or park board. A citizen member must be a resident of the jurisdictional area of the plan commission.

3. Upon the establishment of a nine (9) member municipal plan commission, one (1) citizen member shall initially-be appointed for a term of two (2) years, two (2) citizen members shall initially be appointed for a term of three (3) years and two (2) shall initially be appointed for a term of four (4) years. Each member's term expires on the first Monday of January of the second, third, or fourth year, respectively, after the year of the member's appointment. The term of office of a member (who is appointed from the membership of a legislative or executive board or park board) is co-extensive with the member's term of office on that body, board or council, unless that body, board or council appoints, at its first regular meeting in any year, another to serve as its representative.

4. A member serves until his or her successor is appointed and qualified. A member is eligible for reappointment.

5. The plan commission may appoint and fix the duties of a secretary who is required to be a member of the commission.

6. The plan commission shall send to the state planning service agency a list of the names and addresses of the commission members before March 1 of each year.

Section B: Jurisdiction.

1. Applications involving the construction of public facilities also require review and approval by the board of public works and safety.

2. The plan commission, proceeding in accordance with IC 36-7-3, has exclusive jurisdiction over the vacation of plats or parts of plats.

3. The plan commission, pursuant to IC 36-7-4-405, shall make recommendations to the common council regarding the adoption of the comprehensive plan, ordinances and amendments.

4. The plan commission, pursuant to IC 36-7-4-405, shall approve the assignment of street numbers to lots and structures and the naming of streets.

5. The plan commission, pursuant to IC 36-7-4-405, shall render decisions and approve plats and replats of subdivisions.

6. The plan commission, pursuant to IC 36-7-4-405, shall develop plans for residential, commercial and industrial uses.

7. Prior to exercising any rights, powers or duties under this chapter or the laws of the State of Indiana, the plan commission shall cause to be filed in the Office of the Recorder of Lake County, Indiana, a description or map defining the limits of the area over which it claims jurisdiction and revise said description or map whenever such limits are modified.

8. Site plan review. Prior to the issuance of an improvement location permit (also known as a "zoning permit" or a "building permit") pursuant to Lake Station Zoning Code Title XX, § C, the city building commissioner or his deputy shall review and approve or reject all site plan proposals except the following, which shall be required to undergo site plan review by the plan commission prior to issuance of preliminary subdivision approval, or in the case of a parcel already subdivided, prior to issuance of a building permit:

a. Single-family residential subdivision containing more than five (5) lots.

b. Multifamily residential developments greater than two (2) acres.

c. Industrially zoned property of any size.

d. Highway-oriented business zoned property of any size.

e. General business zoned property of any size.

f. Planned unit development of any size.

(Ord. No. 95-20, § 41, 9-21-95; Ord. No. 2000-19, § 1, 8-25-2000)

Section C: Statement of intent.

1. It shall be the intention of the City of Lake Station that the plan commission utilize its powers herein consistent with the laws of the State of Indiana and to improve the health, safety, convenience and welfare of the Citizens of Lake Station, Indiana. To that end, all actions of the plan commission shall be undertaken consistent with the following broad policy guidelines; to wit:

a. That all public streets and rights-of-way of the city be carefully planned and adequate;

b. That all projects and improvements be undertaken only with adequate public ways, utilities, health, education and recreational facilities;

c. That the needs of industry and business be recognized;

d. That residential areas provide healthful surroundings for family life; and

e. That all growth within the city be commensurate with and promotion of the efficient and economical use of public funds.

Section D: Duties of plan commission.

1. The duties and responsibilities of the Lake Station Plan Commission shall be as set forth in Indiana Law and shall include, but not be limited to, the following; to wit:

a. Supervise and make rules for the administration of the affairs of the commission;

b. Prescribe uniform rules pertaining to investigations and hearings;

c. Keep complete records of all proceedings;

d. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the commission;

e. Prepare, publish and distribute reports, ordinances and other matters relating to activities authorized under the laws of the State of Indiana;

f. Adopt a seal; and

g. Certify to all official acts.

Section E: Meetings.

1. The regular meetings of the Lake Station Plan Commission shall be on the fourth (4th) Wednesday of each month at 7:30 p.m. unless otherwise announced by the president at the last regular meeting.

2. A majority of the members shall constitute a quorum. No action of the commission is official, however, unless authorized by a majority of the commission at a regular or properly called special meeting.

3. Decisions of the commission shall be by voice vote of the members. All members present shall vote on every question unless they disqualify themselves or are excused from voting by a majority of the members present.

4. The secretary of the commission shall record and keep the official minutes of all proceedings, showing the vote of each member on each question presented, or indicating that the member is absent or not voting.

5. The secretary of the commission shall keep a record of all proceedings of the commission which shall be presented to the commission at the next succeeding meeting for approval. When approved, the record shall be signed by the president and attested to by the secretary.

Section F: Officers and employees.

1. At its first regular meeting following the first day of January, the commission shall elect from its members a president and a vice president.

2. The vice president shall have the authority to act as president of the commission during the absence, disability or resignation of the president.

3. The commission may appoint employees necessary to the discharge of the duties and responsibilities of the commission and shall, within its budgetary allowance, fix the compensation for each employee.

Section G: Applications.

1. All applications to the plan commission shall be filed in triplicate to the office of the building commissioner at least ten (10) days prior to the hearing at which said application is to be reviewed; public notice shall not be required at that time except as otherwise provided by law. Applications filed too late to comply with this section shall be heard at the next succeeding regular meeting of the commission; however, the commission may waive the requirements of this section by a unanimous vote of the members present, upon a showing that an emergency exists. The purpose of this section is to enable the members to examine and study the pending application and to conduct any investigation deemed advisable.

2. All applications not initiated by the commission itself shall be accompanied by a filing fee of twenty-five dollars ($25.00) to help defray the administrative and investigative expense of the commission.

3. All applications shall include, but are not necessarily limited to, the following information; to wit:

a. The true and complete legal description of the property.

b. Legal evidence of right, title and interest in said property in and to the applicant and the notarized consent of any and all additional legal entities or persons having any right, title or interest to said property to said application.

c. A site plan, as defined and described below, showing the nature of the structure, improvement or use of land which is intended to be altered, changed, placed, erected or placed with reference to said application.

d. True and accurate copies of all permits from other agencies of government regarding for the project intended.

e. Such dedications of right-of-way as may be required by law.

f. Proof of consent from all adjoining land owners.

4. All site plans submitted herein shall include and conform to the following minimum standards; to wit:

a. Be drawn to a scale sufficient to show the required details of the project with clarity; a scale of 1:20 is recommended.

b. Show all property lines, lot dimensions and right-of-way locations and dimensions.

c. Show the location, purpose and dimensions of all existing and proposed improvements, the front, side and rear yard set backs, and the purposes and dimensions of all existing and proposed easements.

d. Show provisions for drainage, surface water run-off, retention and detention (as applicable); including, but not limited to, an arrow showing the existing flow of water, another arrow showing the proposed direction of flow and calculations regarding the 100-year rain.

e. Show three dimensional views (including dimensions) regarding any structures requested over twenty-five (25) feet above the lowest elevation on the lot.

f. Show proposed connections to sanitary sewers and the location, size and depth of said sewers (if any).

g. Show the proposed means of access to and from public streets.

h. Land use:

1. The plan shall comply with the city's comprehensive plan.
2. The plan should be consistent with area development trends.
3. The plan shall be properly zoned for the intended use.
4. Natural features of the property to be developed should be maintained and accentuated.
5. The plan should be consistent with adjacent land use.
6. Compatible uses shall be located adjacent to each other while incompatible uses shall be buffered from each other.
7. Uses shall be located in direct proximity to that portion of the transportation system best suited to accommodate those uses.
8. The owner or developer shall locate uses so as to continue areas containing such uses.
9. Uses should be located in such a manner as to minimize material changes to topography and vegetation.
10. The plan should organize density to locate the largest number of people in closest proximity to their everyday destinations.
11. Sidewalks shall be a minimum of forty-eight (48) inches in width.

i. Traffic impact:

1. The plan should contain an appropriate level of accessibility.
2. The thoroughfare system which the plan depends on should have sufficient capacity.
3. The residual impact to adjacent roadways and intersections should be minimized.
4. Functional and alignment continuity between developments should be maintained.
5. Adequately sized and paved off-street parking shall be a part of each development.

6. Pedestrian/bicycle routes shall be required in residential zoning districts, maintaining safe separation from vehicular movements.
7. All industrial, highway oriented businesses, and high-density multifamily uses shall be provided principal access via an arterial.
8. All neighborhood and general businesses and offices shall be provided principle access via an arterial or collector.
9. All single-family and low density multi-family shall be provided principal access via a local road.
10. Other factors being equal, the amount of pavement shall be minimized.
11. Parking shall be separated from access drives.
12. Delivery and loading areas shall be separated from customer/pedestrian areas.
13. Pedestrian and vehicular movement areas shall be separated to the extent possible.
14. The distance between parking areas and structures which they serve shall be minimized.
15. Parking, when possible, shall be obscure from the roadway system; rather the structure and accompanying landscaping shall dominate the line of sight.
16. Access roads shall align with other roadways to result in four-way intersections, rather than off-set.
17. "T" or off-set intersections shall be discouraged, but if unavoidable, shall be a minimum of two hundred fifty (250) feet apart, measured at their centerlines.
18. Roadways shall intersect with other at or near ninety (90) degrees.
19. Developments, or phases of developments, shall not result in dead end streets.
20. The number and length of cul-de-sacs shall be minimized, and in no case shall the length exceed six hundred (600) feet.
21. Frontage roads paralleling arterials shall intersect with adjacent roadways a minimum of five hundred (500) feet from the arterial.
22. One-way diagonal parking areas are preferable to two-way ninety (90) degree parking.

j. Utilities:

1. The utilities servicing the development shall have sufficient current and potential capacity.
2. The potential benefits of oversizing for future use shall be weighed against cost.

3. The development shall not have an adverse effect of the downstream stormwater outlet.
4. The off-site utilities should be installed consistent with the capital improvements program.
5. All developments shall result in a stormwater management system which stimulated the pre-developed condition, or better.
6. Pond design and placement shall be regionalized when possible, but otherwise shall result in an aesthetically pleasing architectural amenity.
7. Utility location shall result in maximizing maintenance access and avoiding backyard or side yard location.
8. No large scale development shall occur which is reliant on individual septic systems.
9. When developments are phased, each phase should be viewed as the last phase, and shall therefore not rely on any future phase in order to satisfy the provisions of this policy.

k. Urban design principles:

1. The plan should be compatible as to form with neighboring developments.
2. Each plan should become a part of a larger neighborhood, and therefore cannot be an island unto itself.
3. Each plan should be well defined, and shall be large enough to avoid piecemeal approach.
4. Improvements in the plan shall be adequately screened and buffered to minimize the ill effects to the surrounding development, and to provide identity definition to the development.
5. Open space,. trees and shrubs, fences, earth berms, or compatible transitional land uses may all serve as buffers.
6. Adequate landscaping shall be placed around the perimeter of the site, near the buildings, and internal to any parking lot to minimize the ill effect of excessive paved areas.
7. Unique natural features on a site shall be preserved.
8. [Reserved.]
9. Changes to the natural terrain shall be minimized, including stands of mature trees.
10. Open space proposed by a developer shall be accessible, and where possible linked to an overall city-wide system.
11. The development should result in a separation of residential areas from major noise-producing sources.
12. Development shall be restricted on lands with steep slopes, wetlands, unstable soil, fill areas, or areas of unique vegetation.

l. Capital services:

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

5. No application shall be accepted unless accompanied with all information, data, statistics and/or plats above stated or deemed necessary for an intelligent determination by the commission.

6. All site plans on larger than five (5) acres must be prepared and signed by either a registered professional engineer or land surveyor licensed within the State of Indiana.

7. All site plans for projects located in or adjacent to a flood plain or an area determined by the plan commission to be flood prone must be prepared and signed by either a registered professional engineer or land surveyor licensed within the State of Indiana. Such plans must specify information regarding "flood proofing."
(Ord. No. 2000-19, § 2, 8-25-2000)

Section H: Hearings.

1. Subject to the provisions of IC 36-7-4, public hearings shall be held on the adoption or amendment of any master plan, the adoption or amendment of a zoning ordinance, or the preliminary approval of a plat subdivision.

2. A petitioner who seeks to amend the zoning or other master plan element shall file such a petition in the office of the secretary and city clerk in the Municipal Building of the City of Lake Station, Indiana.

3. Such a petition must be filed with the secretary and the city clerk at least ten (10) days prior to the next regular meeting of the commission. Petitions filed too late to comply with this section shall be heard at the next succeeding regular meeting of the commission. However, the commission may waive the requirements of this section by a unanimous vote upon a showing that an emergency exists. The purpose of this section is to enable the members to examine and study the pending petition and to conduct any investigation deemed advisable.

4. All such petitions not initiated by the commission itself shall be accompanied by a filing fee of twenty-five dollars ($25.00) to help defray the administrative and investigative expenses of the commission.

5. No petition shall be accepted by the secretary unless accompanied by and included with all information, data, statistics and/or plats which may be required by statute, ordinance and/or law and/or regulation.

6. If the commission determines that a petition is in good order with sufficient information, it will set a time and a place for holding a public hearing and announce same publicly.

7. *Publication of hearing notice.* The applicant or petitioner shall be responsible for the costs and expense of the advertised publication of required legal notices. Publication of notice of public hearings shall be in conformance with IC 5-3-1. Proof of such required advertised publications shall be made by publisher's affidavit tendered to the city clerk/treasurer's office prior to the public hearing.

8. A. *Methods of public notice.* At least twenty-one (21) days prior to the date of the public hearing, the applicant or petitioner shall post a sign on his property, which sign shall clearly indicate the relief or change sought by the applicant or petitioner, and the date, time, and place of the public hearing thereon. The applicant or petitioner shall be required to use a frame for the sign as provided by the city, and shall first deposit the sum of thirty dollars ($30.00) as an additional fee and security deposit for the said sign frame. The sign shall be no smaller than twenty-two (22) inches by twenty-eight (28) inches, and shall be printed in letters and words prominently and conspicuously displayed to the end that neighbors, adjacent property owners, and passers-by are able to readily see and read it. The building commissioner shall designate the location and placement of such signs. The plan commission shall purchase the necessary materials for such signs, and shall make the same available for use to applicants and petitioners. At least one (1) sign shall be so posted every five hundred (500) feet of frontage, as that term is defined at Lake Station Code, Title II, Section B. When the sign frame is returned to the city in reasonably good condition, normal wear and tear excepted, the sum of twenty dollars ($20.00) shall be refunded to the applicant or petitioner.

B. *Additional required notice.* In addition to any other requirement, the applicant or petitioner shall give notice of any public hearing requiring notification by one (1) or both of the following methods, to wit:

(1) *By certified mail.* Deposit in the United States Mail, postage prepaid, by certified mail, return receipt requested, a written notice of the petition or application, no less than twenty-one (21) days prior to the date of the public hearing, addressed to each owner of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property.

(2) *By petition.* Circulate a petition to all owners of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property. Such abutting, adjacent, or contiguous property shall include, without limitation, all property which abuts, is adjacent to, or is contiguous to any public street, road, or alley which abuts, is adjacent to, or is contiguous with the subject property. The term "subject property" shall mean and refer to the property described in the petition or application seeking a zone map change, variance, special use, and

special exception before the advisory plan commission or the advisory board of zoning appeals; provided, however, that if the applicant shall be the owner of record of property abutting, adjacent to, or contiguous to the subject property, then, for purposes of giving notice, the subject property shall include all property owned by the applicant or petitioner which abuts, is adjacent to, or is contiguous to the subject property. The term, "owner" shall mean and refer to ownership in fee simple, jointly, by the entireties, in common, equitable interest in a trust, or purchase interest in a land contract. Such petition must be in a form approved by the city legal department, and shall be notarized, among other things.

C. *Notification of surrounding property owners.* Along with any and all other requirements, each applicant or petitioner shall submit to the secretary of the plan commission, at any time prior to the public hearing on the petition or application, a list of all owners of record of real property whose real property abuts, or is adjacent to, or is contiguous to the subject property. Said list shall contain the names and addresses of all such owners of real property who are the last grantees of record thereof, as indicated in the records of the Lake County Auditor, and said list shall be certified as accurate to a date no earlier than thirty (30) days prior to the date of filing of said application or petition. Such certification shall be made, at the election and expense of

the applicant or petitioner, by the Lake County Auditor, or by any bona fide land title insurance company with a business office located in Lake County, Indiana. Such certification shall appear on the official letterhead of the public agency or land title insurance company rendering the same.

(Ord. No. 99-11, §§ 1, 2, 10-7-99)

Section I: Agenda.

1. Each such case to be presented before the commission shall be filed in proper form with the required data, shall be numbered serially, and placed on the docket of the commission. The docket numbers shall include the year and begin anew January 1st of each year.

2. As soon as the case receives a docket number, it shall be placed upon the agenda of the commission and a date set for preliminary hearing.

3. Cases shall come before the commission in the regular order of their consecutive numbers unless otherwise ordered by the commission, or hereinafter otherwise provided.

4. Those cases which, in the discretion of the commission, seek what is known as "spot zoning," shall be placed last on the agenda of commission meetings and, if more than one (1) such petition shall be scheduled for hearing at one (1) meeting, such petitions shall be grouped last on the agenda and heard by the commission in numerical order.

5. For determination of whether or not a petition shall be subject to the provision of section 4 of this Article, "spot zoning" is hereby defined as "the zoning or attempted rezoning" of any property by the reclassification thereof in a new zoning district where the specific property involved does not abut on at least one (1) side of another piece of property of exactly the same class, as determined by classification letters and numbers of the Zoning Ordinance.

Section J: Conduct of hearings.

1. At a public hearing before the commission, the petitioner shall first present the facts and arguments in support of the case and those whom oppose. The petition shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other. Each speaker shall address the chair and be recognized before speaking.

2. In the presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, plats, diagrams and other exhibits necessary for a clear understanding of the problem. The commission may continue the hearing when in its discretion the petitioner has not provided sufficient evidence and information on which to make a determination.

3. Every person appearing before the commission shall abide by the order and directions of the president. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the commission and shall be dealt with as the commission directs.

4. The commission, at its discretion, may continue or postpone the hearings of any case upon an affirmative vote of a majority of the members present at said hearing.

5. All petitioners must bear the burden of proving one (1) or more of the following points to the satisfaction of a majority of the commission:

a. That there was an error in the original zoning of the property when the ordinance was adopted.

b. That the character of the area under consideration has changed, either through technological advances or developmental changes.

c. That a change of zone will not be injurious or detrimental to surrounding property values.

d. That, if the changes were granted, it would promote orderly community growth.

6. Upon having satisfied itself that the petitioner has met the requirements of section five (5) above, the commission shall then consider the following factors:

a. That the proposed change will not adversely affect the community.

b. That the comprehensive plan will not be disrupted or destroyed.

c. That the land involved is suitable for the proposed zone change.

d. That the topography is suitable for the proposed land use without adverse affect upon the surrounding land.

e. That the land values of adjacent property would be increased.

f. For purposes of this Article or any other article of these rules, "unanimous vote" or "unanimous vote of the commission" shall mean the unanimous vote of the members present at a regular or properly called special meeting of the plan commission.

Section K: Final disposition of cases.

1. The final disposition of any case shall be in the form of an order setting forth the findings and determinations of the commission, together with any modification, specification which it makes.

2. The commission may dismiss a case for want of prosecution and shall dismiss for lack of jurisdiction

3. A petitioner may not withdraw a case after a roll call vote has been ordered by the president.

4. A case which has been withdrawn by the petitioner shall not be again placed on the docket within a period of six (6) months after the date of withdrawal.

5. A case which has been decided adversely to the petitioner shall not be again placed upon the docket for consideration until one (1) year after the date of decision previously rendered, except upon the unanimous vote of those members present at a regular or properly called special meeting of the commission.

Section L: Amendments.

1. Amendments to these rules of procedure may be made by the commission at any regular or special meeting upon the affirmative vote of a majority of the members of the commission.

2. The suspension of any rule of the commission may be ordered at any meeting by a unanimous vote.

Section M: Possible action on petition after leaving plan commission.

1. If an ordinance or amendment is passed with a favorable recommendation by the plan commission, it will only take simple majority vote by the city council to pass or defeat the ordinance or amendment. The city council has one hundred twenty (120) days in which to act. If the council defeats or amends the ordinance, it must be returned to the plan commission for its reconsideration, with a written statement of the reason for its rejection or amendment. The plan commission has forty-five (45) days in which to consider the rejection or amendment and report to the city council. If the plan commission does not accept the rejection or amendment by the council, they can reaffirm their original recommendations and send it back to the council.

2. To finally defeat the ordinance or amendment, it requires a two-thirds (2/3) vote by the city council.

Title XXII.

AMENDMENT OF THE ZONING ORDINANCE AND ZONE MAP

Sec. A: Power of amendment.
Sec. B: Initiation of amendments.
Sec. C: Form of application.
Sec. D: Procedure.
Sec. E: Public hearing and commission action.
Sec. F: Action by city council on amendment or zone map change.
Sec. G: Questionable zoning districts.

Section A: Power of amendment.

The city council may, from time to time, amend, supplement, change, modify, or repeal this Zoning Ordinance, including the zone map, by proceeding in the manner prescribed herein.

Such changes or amendments shall be considered as amendments to the Master Plan of the City of Lake Station, as provided for in the Indiana Code, as amended from time to time, and shall be reviewed accordingly.

Section B: Initiation of amendments.

A Zoning Ordinance text amendment may be initiated by the city council or the plan commission. An amendment to change the zone map may be initiated by the city council, plan commission or by a petition signed by property owners who own at least fifty (50) percent of the land involved.

Section C: Form of application.

Any request for Zoning Ordinance Zone Map change shall be in compliance with the provisions of IC 36-7-4-600, et seq., as amended from time to time. A zone map change request shall be submitted in writing to the plan commission in a form prescribed by the commission, by the first day of the month for informal review.

Evidence shall be attached, in a manner satisfactory to the commission, which shows the following:

1. Payment of fees and charges as established herein when the application is filed.
2. Sufficient graphic material, in triplicate, to adequately assist the commission in understanding the nature of the request.

The plan commission and city council shall not consider any proposed zone map change which is substantially the same as any other proposed amendment submitted within the previous twelve (12) months.

Any proposal for Zoning Ordinance text amendment shall be in compliance with the provisions of IC 36-7-4-600, et seq., as amended.

Section D: Procedure.

The plan commission and city council shall study such proposals for text and zone map change to determine:

1. The general conformity and consistency with the various elements of the Comprehensive Plan;
2. The need and justification for any proposed change of this Zoning Ordinance or the zone map;
3. Current conditions and the character of current structures and uses in each zoning district;

4. The effect of a use district change, if any, on the property and on surrounding property;
5. The most desirable use for which the land in each zoning district is adopted;
6. The amount of undeveloped land in the general area and in the city having the same district classification as that requested or affected by an ordinance amendment.
7. The effect of a use district change in view of responsible growth and development.

Section E: Public hearing and commission action.

Before acting on any proposed amendment, the commission shall hold a public hearing as required by the IC 36-7-4-600, et seq., as amended from time to time. The rules of procedure of the plan commission for notice and proof shall be complied with. Any action of the commission shall be advisory only. No recommendation of the commission shall be effective, however, unless acted upon by a full majority of commission membership.

Section F: Action by city council on amendment or zone map change.

The city council shall be guided by the advice of its plan commission when considering a Zoning Ordinance text amendment or zone map change. It shall not, however, be bound to recommendations of the plan commission.

Section G: Questionable zoning districts.

If any property is judicially determined or otherwise determined to be without zoning, or exists without a clearly designed zoning district classification, then in such case, said property shall be zoned R-1, Residential Zoning District.

Title XXIII.

FEES

Fees required by this Zoning Ordinance shall be as follows and shall be paid upon filing an application for the following:

1. For zone map change — Fifty dollars ($50.00);
2. For special exception — Twenty-five dollars ($25.00);
3. For certificate of occupancy, separate and apart from those granted with zoning permit — Five dollars ($5.00);
4. For any application for appeal or variance — Twenty-five dollars ($25.00);
5. For duplicate permits or copies of permits or applications —One dollar ($1.00) per page;
6. Notice of public hearing cost shall be borne by the petitioner.
7. For P.U.D. preliminary plat — Fifty ($50.00) dollars. For P.U.D. final plat — Ten dollars ($10.00) per lot, not to exceed five hundred dollars ($500.00).
8. For outdoor illuminated or non-illuminated signs zero to two hundred ninety-nine (0-299) square feet, fifty dollars ($50.00).

For signs over two hundred ninety-nine (299) square feet, one hundred dollars ($100.00).

Title XXIV.

REPEAL OF CONFLICTING ORDINANCES

Ordinance Number 68-4, all amendments thereto, and all ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provision of this ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

This Zoning Ordinance shall take effect upon its passage and approval by the City Council of the City of Lake Station.

Title XXV.

PRINTING AND PUBLICATION

This Ordinance shall be printed and published by order of the City Council of the City of Lake Station, Lake County, Indiana.

Title XXVI.

EMERGENCY

That whereas an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage.

Passed by the Common Council of the City of Lake Station, Lake County, Indiana, this 1st day of June 1993.

/s/ _____
Councilwoman Shirley Wadding

/s/ _____
Councilman Robert McDonald
(Absent)

/s/ _____
Councilman Frank Tatone

/s/ _____
Councilman Charles Howell
(Absent)

/s/ _____
Councilman Michael Deppe

/s/ _____
Councilman Stephen Paradine

/s/ _____
Councilman S. Wallace Riley
(Abstain)

ATTEST:

/s/ _____
Donna Smelly, Clerk Treasurer

Presented to me the Mayor of the City of Lake Station, Indiana, this 1st day of June , 1993.

/s/ _____
Donna Smelly, Clerk Treasurer

Signed, approved, and returned to the Common Council by me this 1st day of June, 1993.

/s/ _____
Dewey R. Lemley, Mayor

ATTEST:

/s/ _____
Donna Smelly, Clerk Treasurer

FORMS AND FIGURES
(RESERVED)*

***Editor's note**—Forms and Figures associated with the Zoning Ordinance of the City of Lake Station are not set out at length in this volume but are on file and available for inspection in the offices of the city.

ORDINANCE DISPOSTION TABLE

This table shows the location of amendments to the Zoning Ordinance of the City of Lake Station made subsequent to its original adoption on June 1, 1993.

Ordinance Number	Date	Section		Disposition
95-20	9-21-95	1		Tit. II, § B
		2		Tit. VI, § G
		3		Tit. IX, § G(3)(b)
		4		Tit. X, § D(4)
		5		Tit. X, § F
		6		Tit. XI, § A(1)
		7		Tit. XI, § B(1)
		8		Tit. XI, § B(2)
		9		Tit. XI, § F
		10		Tit. XII, § A(1)
		11		Tit. XII, § B(1)
		12		Tit. XII, § B(2)
		13		Tit. XII, § F
		14		Tit. XIII, § D(2)(a)
		15		Tit. XIII, § D(2)(b)
		16		Tit. XIII, § D(3)(a)
		17	Rpld	Tit. XIV, § A(3)
		18		Tit. XIV, § A(2)
		19		Tit. XIV, § B
		20		Tit. XIV, § B(1)(a)
		21		Tit. XIV, § D(6)
		22		Tit. XIV, § E
		23		Tit. XVI, § B
		24		Tit. XVI, § E(2)
		25		Tit. XIX, § A
		26		Tit. XIX, § A(6)(a)
		27		Tit. XIX, § A(7)(d)(1)a., b.
		28	Rpld	Tit. XIX, § A(7)(d)(2)
		29		Tit. XIX, § D(3)
		30		Tit. XX, § D
		31		Tit. XX, § D(2)
		32		Tit. XX, § D(3)
		33		Tit. XX, § E(2)(c)
		34		Tit. XX, § F

Ordinance Number	Date	Section		Disposition
		35		Tit. XX, § G(13)
		36		Tit. XX, § G(15)
		37		Tit. XX, § G(16)
		38		Tit. XX, § G(19)
		39		Tit. XX, § G(34)
		40		Tit. XX, § H
		41		Tit. XXI, § B
96-13	3- 7-96	1		Tit. III, § C.b.1.
		2		Tit. III, § C.u.
		3		Tit. III, § D.h.
		4		Tit. III, § E.d.
		5		Tit. III, § F.b.4.
		6		Tit. III, § H.a.1.
99-11	10- 7-99	1		Tit. XXI, § H.7
		2		Tit. XXI, § H.8
		3		Tit. XX, § B.3
2000-19	8-25-2000	1		Tit. XXI, § B.8
		2		Tit. XXI, § G.4.h—l
2004-19	6- 3-2004			Tit. V, § D.6.
				Tit. VI, § D.6.
				Tit. VII, § D.7.
				Tit. VIII, § D.7.
2006-11	6- 1-2006			Tit. XVI, § E
2008-05	4- 3-2008			Tit. XIX, § A.7.(d)(4)
2008-06	4- 3-2008		Added	Tit. XVII, § H.14.

STATE LAW REFERENCE TABLE

This table shows the location of references to the Indiana Code within the Zoning Ordinance of the City of Lake Station.

Indiana Code Section	Section of Zoning Ordinance
5-3-1	Tit. XXI, § H.7
13-2-22	Tit. III, § F
	Tit. III, § M
13-2-22.5	Tit. III, § M
32-10-2-1	Tit. XIX, § A
32-10-5-1	Tit. XIX, § A
36-7-1-1	Tit. XIII, § E
36-7-3	Tit. XXI, § B
36-7-4	Tit. III, § A
	Tit. XX, § B
	Tit. XXI, § H
36-7-4-1 et seq.	Tit. XX, § G
36-7-4-405	Tit. XXI, § B
36-7-4-600 et seq.	Tit. XXII, § C
	Tit. XXII, § E
36-7-4-900 et seq.	Tit. XX, § B
36-7-4-916	Tit. XX, § B.3

ZONING ORDINANCE

CITY OF
LAKE STATION

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1996

ZONING ORDINANCE

CITY OF
LAKE STATION

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1996

SUPPLEMENT NO. 3
August 2008

ZONING ORDINANCE

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2008-06, enacted April 3, 2008.

See the Ordinance Disposition Table for further information.

Remove old pages	*Insert new pages*
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
V:3, V:4	V:3, V:4
VI:3, VI:4	VI:3, VI:4
VII:5	VII:5
VIII:3, VIII:4	VIII:3, VIII:4
XVI:3, XVI:4	XVI:3, XVI:4
XVII:7—XVII:12	XVII:7—XVII:12
XIX:5, XIX:6	XIX:5—XIX:6.1
ODT:1, ODT:2	ODT:1, ODT:2

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(850) 576-3171
1-800-262-CODE
Website: www.municode.com

SUPPLEMENT NO. 2
July 2001

ZONING ORDINANCE

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 2000-19 , enacted August 25, 2000.

See the Ordinance Disposition Table for further information.

Remove old pages	*Insert new pages*
	Checklist of up-to-date pages (following Table of Contents)
XXI:3—XXI:8	XXI:3—XXI:8.4
ODT:1, ODT:2	ODT:1, ODT:2

Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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SUPPLEMENT NO. 1
February 2000

ZONING ORDINANCE

City of

LAKE STATION, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 99-11, adopted October 7, 1999.

See the Ordinance Disposition Table for further information.

Remove old pages	*Insert new pages*
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XXI:7—XXI:10	XXI:7—XXI:11
ODT:1	ODT:1, ODT:2
SLRT:1	SLRT:1

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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ZONING ORDINANCE

LAKE STATION, INDIANA

MAYOR: Keith Soderquist

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Garry Szostek, At-Large

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Todd Rogers, Third District

Harry Pedroza Jr., Fourth District

Rick Long, Fifth District

CLERK TREASURER: Brenda Samuels

CITY JUDGE: Cristopher Anerson

CITY ATTORNEY: Ray L. Szarmach

ZONING ORDINANCE

An ordinance replacing Zoning Ordinance Number 68-4, being: "An ordinance establishing comprehensive zoning regulations for the City of Lake Station and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the Indiana State Statutes" and all amendments passed subsequent thereto, repealing Ordinance Number 68-4, all amendments thereto, and all ordinances or parts of ordinances in conflict herewith, establishing new comprehensive zoning regulations for the City of Lake Station, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of the Indiana State Statues, and declaring that an emergency exists.

ZONING ORDINANCE
LAKE STATION, INDIANA

Replaced Supp #1

MAYOR: Dewey R. Lemley

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Jean Rubino

Wallace Riley

Donald Lightfoot

Dennis Anderson

Robert Krull, City Engineer

Elizabeth P. Redar, Coordinator

PREFACE

this publication contains the Zoning Ordinance of the City of Lake Station, Indiana, adopted June 1, 1993, as amended. Amendments are indicated in history notation following a particular amended section. The absence of such a note indicates that the section derives unamended from the Zoning Ordinance enacted June 1, 1993. By use of the Ordinance Dispostion Table appearing in the back of this volume, the reader can identify the dispostion of amendments made to the Zoning Ordinance.

Index or Indices

The (index or indices) (has or have) been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the (index itself or indexes themselves) which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of William B. Eddy, Supervising Editor of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the officials of the City of Lake Station, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a document which will make the active zoning regulations of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of city's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

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