Foreword

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Porter County
Unified Development
Ordinance

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Chapter
01

Ordinance Foundation

Porter County
Unified Development
Ordinance

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Basic Provisions

1.01 Title

This Ordinance shall be formally known as the "Porter County Unified Development Ordinance," and may also be cited and referred to as the "Unified Development Ordinance."

1.02 Defined Words

Words used in a special sense in the Unified Development Ordinance are defined in *Chapter 12: Definitions*.

1.03 Authority

The Unified Development Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana.

1.04 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the county limits of Porter County, Indiana, excluding the jurisdiction of the incorporated cities and towns within Porter County.

1.05 Purpose

The Unified Development Ordinance is intended to guide the growth and development of the County in accordance with the Comprehensive Plan for the following purposes:

A. Basic Rights: To secure adequate light, air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air and outdoor uses.

B. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare.

C. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with County land use policy.

D. Character: To protect the character and stability of residential, institutional, business, industrial, and natural areas.

E. Circulation: To minimize or avoid congestion in the public streets and to ensure safe, convenient, and efficient traffic circulation.

F. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction.

G. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.

H. Intensity: To regulate and restrict the location and intensity of use of buildings, structures, and land for business, industry, residence, and other uses.

I. Public Service: To define the powers and duties of administrative officers and bodies and to establish procedures for the implementation and enforcement of this Unified Development Ordinance.

J. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding these provisions.

1.06 Applicability

No buildings, structures, or uses of land shall be altered, erected, constructed, moved, demolished, divided, or maintained except in accordance with the provisions of the Unified Development Ordinance.

1.07 Severability

If any provision or the application of any provision of the Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

1.08 Interpretation

A. Minimum Requirements: The provisions of the Unified Development Ordinance are the minimum requirements necessary to achieve the purpose of the Unified Development Ordinance (see *§1.05: Purpose*).

B. Conflict or Inconsistency:
   1. *Internal*: If two or more provisions of the Unified Development Ordinance are in conflict or are inconsistent with each other, then the most restrictive provision shall apply, unless otherwise specifically stated within the Unified Development Ordinance.
   2. *Federal, State, and Local*:
      a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
      b. Whenever a provision of any State or federal code or regulation, or other County ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation, or other County ordinance or regulation shall apply.
   3. *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the more restrictive provision shall apply. This section shall not be interpreted to mean that the County is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar regulations.

C. Text: If the meaning or implication of any drawing, table, figure, title, or section heading differs from the meaning or implication of ordinance text, the text of this Unified Development Ordinance shall apply.

D. Time Frame: Any time frames stated within the Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. However, if a time frame ends on a Saturday, Sunday, or holiday on which the County offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this Unified Development Ordinance.

E. Delegation of Authority: If a provision of the Unified Development Ordinance requires the Executive Director or other County officer to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

F. Mandatory and Permissive Terms: The words “shall” or “must” are always mandatory, and “may” or “should” are always permissive.

G. Words Used: If words used in the Unified Development Ordinance are not defined in *Chapter 12: Definitions* they shall be construed to be the common usage of the language. Any legal or technical words not defined in the Unified Development Ordinance shall be construed to have the meaning defined by appropriate lexicon or current and common dictionary.

H. Tense: If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.

I. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless in context, it clearly indicates the contrary.

J. Conjunctions: “And” shall be construed to include all connected items in a series and “or” shall be construed to include one or more of the items in a series, unless the context clearly indicates the contrary.

K. Material Incorporated by Reference: As required per IC 36-1-5-4, two (2) copies of any material incorporated into the Unified Development Ordinance by reference are on file in the County Auditor’s office for public inspection.

L. Prior Law Construed: If a provision of the prior Subdivision Control Ordinance or Zoning Ordinance has been replaced in the same form or in a restated form by a provision of this Unified Development Ordinance, then a citation to the provision of the prior law shall be construed as a citation to the corresponding provision of this Unified Development Ordinance.

1.09 Repealer

The following County ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:

A. Zoning Ordinance: The Porter County Zoning Ordinance, Title 17 of the Porter County Code, as amended.

B. Subdivision Control Ordinance: The Porter County Subdivision Control Ordinance, Title 16 of the Porter County Code, as amended.

C. Zoning Map: The Porter County Official Zoning Map, as amended.

1.10 Transition Rules

A. Plan Commission: Any application that has been filed with the Plan Commission and is full and complete prior to the effective date of the Unified Development Ordinance shall be regulated by the terms and conditions of the ordinance that was in place at the time of filing.

B. Board of Zoning Appeals: Any application (*e.g.* Special Exception, Use Variance, Development Standards Variance) that has been filed with the Board of Zoning Appeals and is full and complete prior to the effective date of the Unified Development Ordinance, shall be regulated by the provisions of the ordinance that was in place at the time of filing, provided that:

1. The application would still be required by the terms of the Unified Development Ordinance; or
2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of the Unified Development Ordinance that were not required under the previous ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

C. Development Plans: All Development Plans shall meet the requirements of the Unified Development Ordinance unless:

1. An Improvement Location Permit and/or Building Permit was legally issued and is still valid; or
2. A parcel was established as a buildable lot prior to the effective date of the Unified Development Ordinance.

D. Subdivisions:

1. A Secondary Plat approved prior to the effective date of the Unified Development Ordinance, even though not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Secondary Plats may be recorded as approved.
2. Applicants who secured a Primary Plat approval before adoption of the Unified Development Ordinance shall be entitled to approval of a Secondary Plat consistent with the approved Primary Plat. Such lots shall be subject to use and development standards of the Unified Development Ordinance.
3. Applicants who filed a full and complete Primary Plat application before adoption of the Unified Development Ordinance that conforms to all applicable regulations in effect at the time of application shall be entitled to review of the petition under the Subdivision Control Ordinance in effect at the time of application. Lots in such subdivisions shall be subject to use and development standards of the Unified Development Ordinance.

1.11 Administrative Officer

The Executive Director shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Unified Development Ordinance.

1.12 Saving Provision

The Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning, subdivision, or related ordinance. The Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.13 Standard Zoning Districts; Establishment

Each of the standard zoning districts in the Unified Development Ordinance stand alone and are not a part of a hierarchical or pyramidal system of zoning. Only those uses and development standards that are expressly permitted for each zoning district apply to that zoning district. For the purpose of the Unified Development Ordinance, the County is divided into the following zoning districts for the general purposes as stated:

District Abbreviation	District Name	District Purpose
GW	Greenway	This district is established to provide a buffer zone between industrial and high impact districts and incorporated areas to minimize the effect of those districts on neighboring uses.
P1	Parks and Recreation	This district is established for low impact active uses such as public parks, open space, playgrounds, bike trails, recreational areas, and single ball fields, consistent with protection of natural features.
P2	Parks and Recreation	This district is established for greater intensity facilities, public or private, that anticipate higher use, increased noise levels, substantial parking requirements, require greater infrastructure, or large structural elements.
A1	General Agriculture	This district is established for agricultural operations, ag-businesses, and sales of produce and products.
A2	Prime Agriculture	This district is established for the significant protection of agricultural operations.
RR	Rural Residential	This district is established for rural estates and hobby farming.
R1	Low Density Single-family Residential	This district is established for low density rural subdivisions.
R2	Medium Density Single-family Residential	This district is established for medium density rural subdivisions.
R3	Two-family Residential	This district is established for developments with buildings up to two units.
R4	Multiple-family Residential	This district is established for multiple-family developments with three or more unit buildings.
RL	Residential Lake	This district is established for existing, platted, high density subdivisions.
MP	Manufactured Home Park	This district is established for mobile home or manufactured home parks where dwelling sites are leased.
IN	Institutional	This district is established for properties owned and used by State, County, municipal, and semi-public institutions.
OT	Office and Technology	This district is established for office uses, business incubators, and technology parks.
CN	Neighborhood Commercial	This district is established for small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods and agricultural operations.
CM	Moderate Intensity Commercial	This district is established for medium scale commercial services.
CH	High Intensity Commercial	This district is established for high intensity commercial uses.
I1	Light Industrial	This district is established for low intensity industrial operations.
I2	General Industrial	This district is established for the most typical industrial operations.
I3	Heavy Industrial	This district is established for high intensity industrial operations.
HI	High Impact Uses	This district is established for uses that typically have a high impact on the community.

1.14 Overlay Districts; Establishment

A. The overlay districts listed below have been established to:
   1. Add development standards or design standards;
   2. Reduce development standards or design standards;
   3. Add uses;
   4. Restrict or prohibit uses; or
   5 Accomplish any combination of the above.

B. For the purpose of the Unified Development Ordinance, the County has established the following overlay districts for the general purposes as stated:

District Abbreviation	District Name	District Purpose
APO	Airport Overlay	This district is established to protect the Porter County Municipal Airport and any airport to which overlay protection is applied in the future.
ARO	Arterial Roadway Overlay	This district is established to promote a plan for rational, aesthetically-pleasing and cohesive development in the areas along the major arterial roads of the County.
SRO	Scenic Roadway Overlay	This district is established to preserve the rural and scenic nature of the County for aesthetics, to maintain quality of life, and to encourage agricultural and rural activity.
WSO	Watershed Overlay	This district is established to maintain water quality, to moderate floods, and to provide a variety of other protections for the County's water resources.
WPO	Wellhead Protection Overlay	This district is established to protect the CPWSS (Community public water supply system), more specifically the water supply from public wells within or outside the County.

1.15 Planned Unit Development Districts; Establishment

Prior to **[INSERT the effective date of the UDO]**, the provisions of the Zoning Ordinance allowed certain zoning districts to be rezoned for a planned unit development (PUD) (see *Chapter 04: Planned Unit Developments*).

1.16 District Land Uses

A. General: Each standard zoning district lists land uses that are allowed in that zoning district. Such land uses are of two kinds: permitted uses and Special Exception uses. The County's permitted and Special Exception uses for each zoning district are noted in the "Permitted Uses" and "Special Exception Uses" columns in *Chapter 02: Zoning Districts*.

B. Permitted Uses: The list of "Permitted Uses" is intended to be exemplary and not exclusive. Other permitted uses may be allowed by the Plan Commission if they are similar in nature and scope to the permitted uses.

Official Zoning Map

1.17 Official Zoning Map

The map labeled "Official Zoning Map" is hereby included as part of the Unified Development Ordinance and is to function as the means to identify a zoning district for each parcel in the County. The zoning map shall be formally known as the "Official Zoning Map" and it may be cited and referred to as the "Porter County Zoning Map" or the "Zoning Map."

1.18 Official Zoning Map; Location

The Official Zoning Map shall be located in the Plan Commission Office.

1.19 Official Zoning Map; Zoning District Boundaries

The zoning district boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in the Unified Development Ordinance shall be used to identify the zoning districts on the map.

1.20 Official Zoning Map; Regular Revisions

The Official Zoning Map should be formally revised as changes are made (*i.e.* rezonings, planned unit developments, annexations), or as the Executive Director or Plan Commission determines necessary. During the time it takes for each formal electronic version of the Official Zoning Map to be prepared and printed for public display, hand drawn lines and text on the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the map.

1.21 Official Zoning Map; Standards

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

A. Streets: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement, or right-of-way.

B. Section Lines: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or corporation lines shall be construed as following or paralleling such lines.

C. Water: Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other moving bodies of water shall be construed to follow such centerlines.

D. Vacation: Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of the vacated area shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

E. Interpretation: Any disputes as to the exact zoning district boundaries shall be determined by the Executive Director. The Executive Director may refuse to make a determination when he cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance.

1.22 Official Zoning Map; Overlay District Applicability

The overlay district boundaries on the Official Zoning Map shall be interpreted as follows:

A. Labeling: An overlay district shall be noted on the Official Zoning Map with a hatched or textured pattern and be noted as such on the map legend.

B. Fully Covered: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Chapter 03: Overlay Districts*.

C. Partially Covered: A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

1.23 Summary of Powers and Duties; Board of County Commissioners

The powers and duties of the Board of County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Duties:

1. Adopt, reject, or amend the Comprehensive Plan, Subarea Plans, or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Subarea Plans, or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
3. Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. Adopt, reject, or amend a fee schedule that has been proposed or amended and submitted by the Plan Commission
5. Other duties as permitted by Indiana Code.

B. Powers:

1. Initiate a proposal to amend the text of the Comprehensive Plan, Subarea Plans, or Unified Development Ordinance by requesting the Plan Commission to prepare the proposal.
2. Initiate a proposal to amend the Official Zoning Map by requesting the Plan Commission to prepare the proposal.
3. Other powers as permitted by Indiana Code.

1.24 Summary of Powers and Duties; Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Duties:

1. Adopt and send to the Board of County Commissioners a proposed Comprehensive Plan and Unified Development Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules of procedure for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan and Unified Development Ordinance.
3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
5. Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. Certify and submit recommendations to the Board of County Commissioners, including new versions of and revisions to the Comprehensive Plan, Unified Development Ordinance, and Official Zoning Map.
7. Certify and submit recommendations to the Board of County Commissioners for adopting PUD District Ordinances.
8. Maintain monetary and fiscal records of the Plan Commission.
9. Prepare and submit an annual budget to the Board of County Commissioners and County Council.
10. Approve or deny plats or replats of subdivisions.
11. Approve or deny site plans, final plans, and amendments to such plans.
12. Approve or deny proposed subdivision names in new developments.
13. Establish and maintain a fee schedule approved by the Board of County Commissioners that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
14. Enforce regulations and procedures of the Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances, and applicable State laws and administrative codes.
15. Other duties as permitted by Indiana Code.

B. Powers:

1. Hire an Executive Director.
2. Establish advisory committees, as necessary, made up of County officials and the general public.
3. Determine the compensation for support staff and members as provided within the budget submission to County Council.
4. Other powers as permitted by Indiana Code.

1.25 Summary of Duties; Board of Zoning Appeals

The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

A. Duties:
   1. Hear appeals of decisions of the Executive Director made under the Unified Development Ordinance.
   2. Hear and approve or deny all applications for Special Exceptions and variances based on the provisions of the Unified Development Ordinance and Indiana Code.
   3. Other duties as permitted by Indiana Code.

1.26 Summary of Duties; Plan Commission Office

The Executive Director shall be charged with the administration of the Unified Development Ordinance and shall have the jurisdiction, authority, and duties described below:

A. Duties:
   1. Assist the public in understanding the Unified Development Ordinance, land use, and related County ordinances, plans, and policies.
   2. Review applications regarding the use of land, structures, and the construction of structures.
   3. Provide staff assistance to the Board of Zoning Appeals and the Plan Commission.
   4. Keep records of the Unified Development Ordinance, including all maps, amendments, Special Exception, variance and Planned Unit Development approvals and denials, interpretations, and decisions rendered, together with relevant background files and materials.

1.27 Summary of Duties; Floodplain Standards Variance and Appeals Board

The duties of the Floodplain Standards Variance and Appeals Board are described below. Duties should be interpreted as activities that are obligations.

A. Duties:
   1. *Floodplain Standards Appeals*: The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.
   2. *Floodplain Standards Variances*: The Board of Zoning Appeals shall hear and decide Floodplain Standards Variance petitions of the requirements of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.

1.28 Summary of Duties; Floodplain Administrator

The duties delegated to the Floodplain Administrator are described below. Duties should be interpreted as activities that are obligations.

A. Enforcement: The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of *Chapter 05; §FP: Floodplain Standards* and *Chapter 07; §FL: Floodplain Standards*.

B. Interpretation: The Floodplain Administrator is further authorized to render interpretations of *Chapter 05; §FP: Floodplain Standards* and *Chapter 07; §FL: Floodplain Standards* that are consistent with its spirit and purpose.

C. Duties: The duties of the Floodplain Administrator shall include, but not be limited to:
   1. Review all Floodplain Development Permits to assure that the permit requirements of the Unified Development Ordinance have been satisfied;
   2. Inspect and inventory damaged structures in Special Flood Hazard Areas (SFHA) and complete substantial damage determinations;
   3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to *Chapter 05; §FP-01(D)(3): Critical Facility* and *§FP-01(D)(5): Standards for Identified Fringe*, and maintain a record of such authorization (either copy of the actual Floodplain Development Permit or floodplain analysis/regulatory assessment).

4. Ensure that all necessary federal or State permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such federal or State permits are to be maintained on file with the Floodplain Development Permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
6. Maintain for public inspection and furnish upon request local Floodplain Development Permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Indiana Department of Natural Resources (DNR) permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to *Chapter 05; §FP: Floodplain Standards*.
7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with *Chapter 05; §FP-01(C)(2): Floodplain Development Permit Procedures*;
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with *Chapter 05; §FP-01(C)(2): Floodplain Development Permit Procedures*;
11. Review certified plans and specifications for compliance.
12. *Stop Work Orders*:
    a. Upon notice from the Floodplain Administrator, work on any building, structure, or premises that is being done contrary to the provisions of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards* shall immediately cease.
    b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
13. *Revocation of Permits*:
    a. The Floodplain Administrator may revoke a Floodplain Development Permit or approval, issued under the provisions of *Chapter 05; §FP: Floodplain Standards,* in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the Floodplain Development Permit or approval was based.
    b. The Floodplain Administrator may revoke a Floodplain Development Permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the Floodplain Development Permit was issued is in violation of, or not in conformity with, the provisions of *Chapter 05; §FP: Floodplain Standards*.

Certification

1.29 Plan Commission Certification

This Unified Development Ordinance was certified with a favorable recommendation (9 in favor; 0 opposed; 0 abstaining) on March 8, 2007, by the Porter County Advisory Plan Commission after holding a legally announced public hearing. This Unified Development Ordinance was certified and validated by the following Plan Commission vote:

Signatures:

THE ADVISORY PLAN COMMISSION OF PORTER COUNTY, INDIANA

AYE		NAY
_____	Kevin D. Breitzke, President; County Surveyor	_____
_____	Rita Stevenson County Council	_____
_____	Richard Burns Citizen Member	_____
_____	Tim Cole Citizen Member	_____
_____	Robert Detert Citizen Member	_____
_____	Robert P. Harper Board of County Commissioners	_____
_____	Todd Hutson County Agricultural Extension Educator	_____
_____	Elizabeth Marshall Citizen Member	_____
_____	Herb Read Citizen Member	_____

Attest:

_____ Date: _____

Robert Thompson, Secretary, Porter County Advisory Plan Commission

Adoption

1.30 Board of County Commissioners Certificate

This Unified Development Ordinance was adopted on [_____] [__], [____] by the Board of County Commissioners after holding a legally announced public hearing. This Unified Development Ordinance was certified and validated by the following vote of the Board of County Commissioners:

Signatures:

THE BOARD OF COUNTY COMMISSIONERS OF PORTER COUNTY, INDIANA

AYE		NAY
_____	Robert P. Harper, President	_____
_____	John A. Evans, Member	_____
_____	Carole Knoblock, Member	_____

Attest:

_____ Date: _____

James Kopp, Auditor, Porter County, Indiana

Chapter
02

Zoning Districts

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Greenway (GW) District

2.01 GW District Intent, Permitted Uses, and Special Exception Uses

District Intent

The GW (Greenway) District is intended to be used as follows:

Use Type and Intensity
- Open space, passive recreational areas, conservation areas and natural areas.

Application of District
- Existing and new development
- Buffer district

Development Standards
- Provide protection for residential and commercial zoning districts from the impacts of industrial and high intensity development;
- Provide for the conservation and protection of the County's natural resources.

Appropriate Adjacent Districts
- P1, P2, A1, A2, RL, RR, R1, R2, R3, R4, MP, CN, IN, OT, CM, CH, I1, I2, I3 and HI
- **Note**: It is important that new uses in the I1, I2, I3, or HI districts do not impinge on existing GW districts without an additional buffer. However, it is appropriate to create new GW districts next to I1, I2, I3, or HI districts in order to create a buffer with adjacent lower-use districts.

Plan Commission
- Utilize this zoning district for new and existing developments;
- Protect these areas from residential, commercial and industrial encroachment;
- Initiate a County-sponsored rezone of appropriate areas upon project approval.

Board of Zoning Appeals
- Protect the integrity of these areas.

Permitted Uses

Agricultural Uses:
- agricultural crop production
- farm, forestry
- farm, plant
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Conservation Uses:
- conservancy and nature preserve
- public access for fishing, boating
- trail

Institutional Uses
- fishing pond
- hiking trail
- nature reserve/preserve
- park, public

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

- private/public utilities

Commercial Uses
- telecommunication facility

Industrial Uses
- environmental and atmosphere monitoring tower

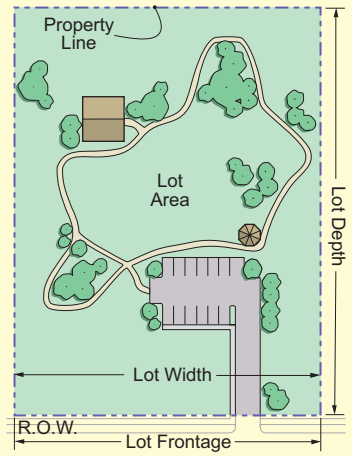
Institutional Uses
- low impact structures*
- nature center*
- parking lot*

Residential Uses
- dwelling, single-family detached*

see also *Chapter 05; §SE: Special Exception Standards

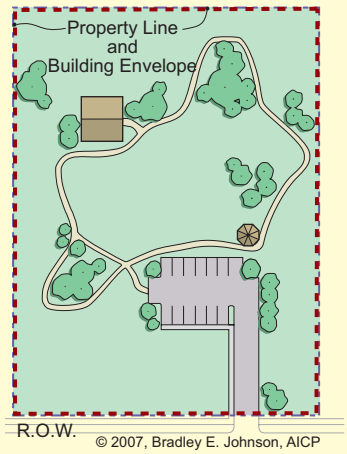
Greenway (GW) District

2.02 GW District Development Standards



Minimum Lot Area:
- n/a

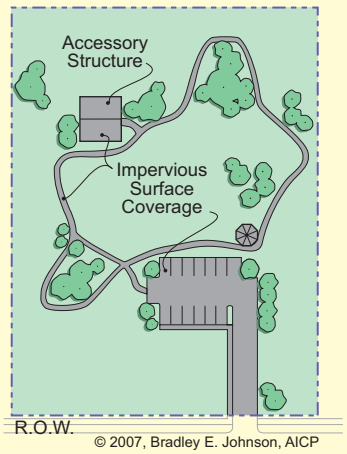
Minimum Lot Width:
- n/a



Minimum Front Setback:
- See *Chapter 05; §SE: Special Exception Standards*.

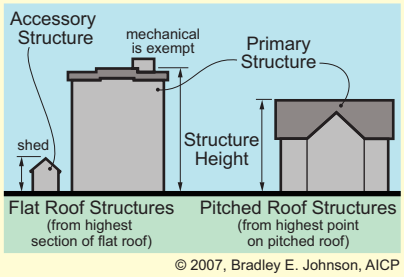
Minimum Side Setback:
- See *Chapter 05; §SE: Special Exception Standards*.

Minimum Rear Setback:
- See *Chapter 05; §SE: Special Exception Standards*.



Maximum Impervious Surface Coverage:
- See *Chapter 05; §SE: Special Exception Standards*.

Maximum Density:
- n/a



Maximum Structure Height:
- See *Chapter 05; §SE: Special Exception Standards*.

Additional Development Standards that Apply

Environmental (EN)
- EN-01 ..... Page 5-10

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25

Performance (PF)
- PF-01 ..... Page 5-42

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-02 ..... Page 5-79

Telecom. Facility (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Parks and Recreation (P1) District

2.03 P1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The P1 (Parks and Recreation) District is intended to be used as follows:

Use Type and Intensity
- Low impact active uses such as public parks, open space, playgrounds, bike trails, recreational areas, and single ball fields, consistent with protection of the natural features.

Application of District
- Existing and new development
- Buffer district

Development Standards
- Promote high quality recreational and natural areas for public use.

Appropriate Adjacent Districts
- GW, P2, A1, A2, RR, R1, R2, R3, R4, MP, CN, IN, OT, CM, CH, I1, I2, I3 and HI
- **Note**: it is important that new uses in I1, I2, I3, or HI zoning districts do not impinge on existing P1 zoning districts without an additional buffer. However, it may be appropriate to create new P1 zoning districts next to I1, I2, I3, or HI zoning districts in order to create a buffer with adjacent lower-use zoning districts.

Plan Commission
- Utilize this zoning district for existing and new developments;
- Protect these areas from residential, commercial and industrial encroachment through the use of appropriate buffers.

Board of Zoning Appeals
- Protect the integrity of these areas.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farm/horticulture
- farmers market, temporary
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Institutional Uses
- campground
- community center
- festival
- golf course
- historical structure
- lake, small man-made
- museum, small
- musical event, small-scale
- nature center
- picnic facility
- pier
- playground
- shelter, low impact
- sports field, small
- tennis court

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

- public/private utilities

Commercial Uses
- telecommunication facility

Industrial Uses
- environmental and atmosphere monitoring tower

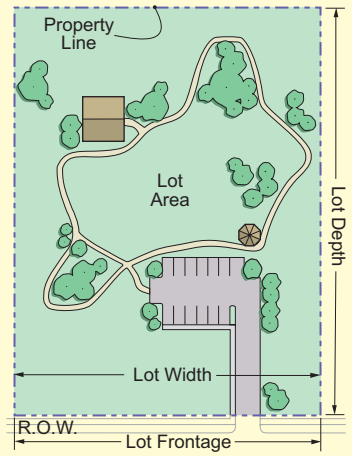
Institutional Uses
- reservoir, public
- storage tank, public
- water station, public
- wellhead, public

Residential Uses
- dwelling, single-family detached*

see also *Chapter 05; §SE: Special Exception Standards

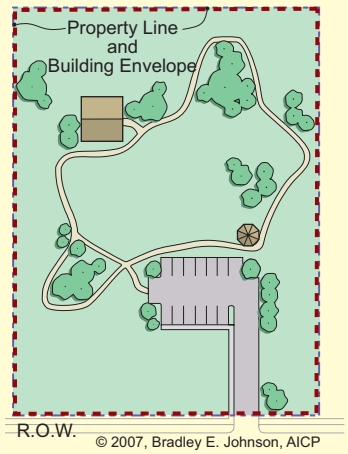
Parks and Recreation (P1) District

2.04 P1 District Development Standards



Minimum Lot Area:
- 0.5 acre

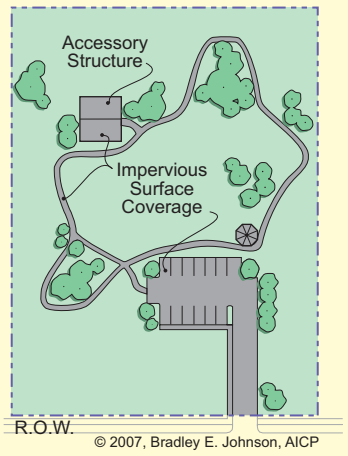
Minimum Lot Width:
- 50 feet



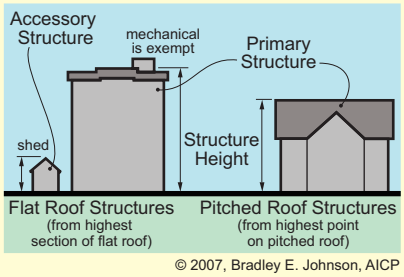
Minimum Front Setback:
- 40 feet

Minimum Side Setback:
- 25 feet

Minimum Rear Setback:
- 25 feet



Maximum Impervious Surface Coverage:
- n/a; however, the use of pervious surface materials is strongly encouraged



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7

Environmental (EN)
- EN-01 ..... Page 5-10

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-03 ..... Page 5-80

Telecom. Facility (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Parks and Recreation (P2) District

2.05 P2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The P2 (Parks and Recreation) District is intended to be used as follows:

Use Type and Intensity
- Greater intensity facilities, public or private, that anticipate higher use, increased noise levels, substantial parking requirements on a regular basis, require greater infrastructure or large structural elements.

Application of District
- Existing and new development
- Buffer district

Development Standards
- Promote high quality recreational and natural areas for public use.

Appropriate Adjacent Districts
- GW, P1, A1, A2, RR, R1, R2, R3, R4, MP, CN, IN, OT, CM, CH, I1 and I2

Plan Commission
- Utilize this zoning district for existing developments;
- Protect these areas from residential, commercial and industrial encroachment through the use of appropriate buffers.

Board of Zoning Appeals
- Protect the integrity of these areas.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farm
- farm, forestry
- farm, plant
- farm/horticulture
- farmers market, temporary
- plant nursery
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- campground
- country club
- golf course
- paintball facility
- scouting camp
- sports club
- sports field
- swimming pool, outdoor

Conservation Uses:
- conservancy and nature preserve
- public access for fishing, boating
- trail

Institutional Uses
- ball field
- bandshell, small-scale
- campground
- community center
- festival
- fishing pond
- hiking trail
- historical structure
- lake, small man-made
- library, public
- municipal or government building
- museum, public
- museum, small
- musical event, small-scale
- nature center
- nature reserve/preserve
- park, public
- picnic facility
- pier
- place of worship
- playground
- police, fire or rescue station
- pool, public
- recreational facility, public
- shelter, low impact
- skate park
- sports complex, multi-use
- sports field, small
- swimming pool, outdoor
- tennis court

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

- public/private utilities

Agricultural Uses
- lake, large man-made

Commercial Uses
- ATV tracks
- boating marina
- recreational facility, private
- skate park
- stable, commercial*
- telecommunication facility

Industrial Uses
- environmental and atmosphere monitoring tower

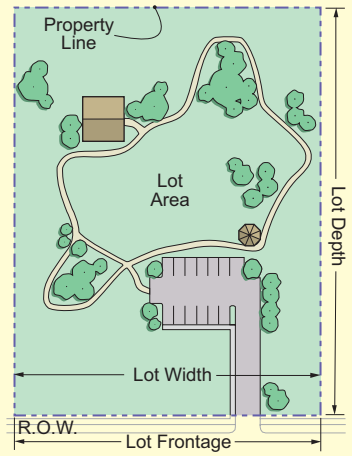
Institutional Uses
- filtration plant, public
- lake, large man-made
- public utility transmission lines
- reservoir, public
- storage tank, public
- water station, public
- wellhead, public

Residential Uses
- dwelling, single-family detached*

see also *Chapter 05; §SE: Special Exception Standards

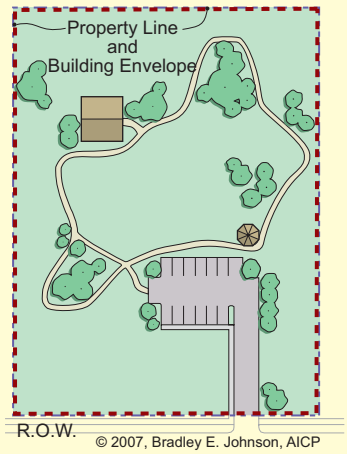
Parks and Recreation (P2) District

2.06 P2 District Development Standards



Minimum Lot Area:
- 5 acres

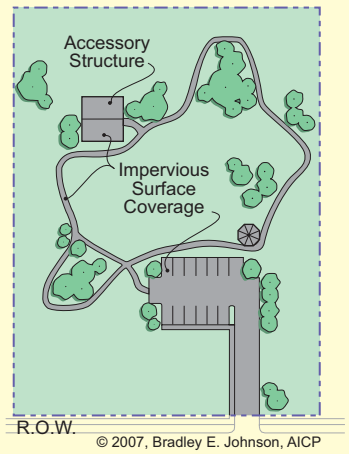
Minimum Lot Width:
- 200 feet



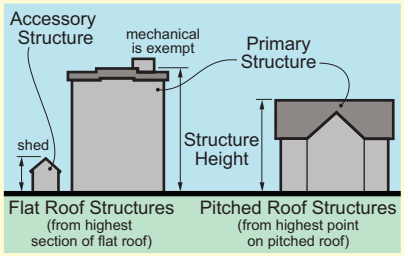
Minimum Front Setback:
- 40 feet

Minimum Side Setback:
- 25 feet

Minimum Rear Setback:
- 25 feet



Maximum Impervious Surface Coverage:
- 30% of the Lot Area



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7

Environmental (EN)
- EN-01 ..... Page 5-10

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
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- SE-01 ..... Page 5-79
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Telecom. Facility (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

General Agriculture (A1) District

2.07 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A1 (General Agriculture) District is intended to be used as follows:

Use Type and Intensity
- agricultural operations, ag-businesses (year-round), and year-round sales of produce and products.

Application of District
- Existing agricultural land

Development Standards
- Recognize the need for reasonable development standards to maximize protection of agricultural practices.

Appropriate Adjacent Districts
- GW, P1, P2, A2, RR, R1, CN, IN, OT, I1, I2, I3 and HI

Plan Commission
- Utilize this zoning district for existing agricultural areas and carefully for new residential development.

Board of Zoning Appeals
- Allow a Special Exception use only when it is clearly a benefit to the adjacent properties.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- hobby farming
- orchard
- raising of farm and exotic animals
- sale of agricultural products*
- stable, private
- storage of agricultural products
- tree farm
- vineyard

Commercial Uses
- campground
- farmers market
- plant nursery
- stable, small commercial
- winery

Residential Uses
- dwelling, single-family detached
- seasonal housing of temporary/farm workers

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

Commercial Uses
- kennel*
- stable, large commercial*
- telecommunication facility

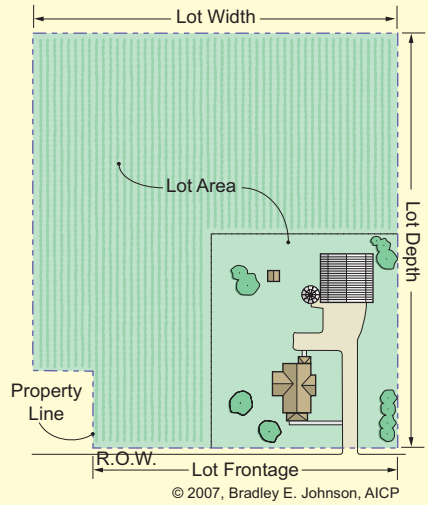
Institutional Uses
- police, fire or rescue station

Residential Uses
- bed and breakfast
- dwelling, subordinate single-family*
- fair housing facility (small)

see also *Chapter 05; §SE: Special Exception Standards

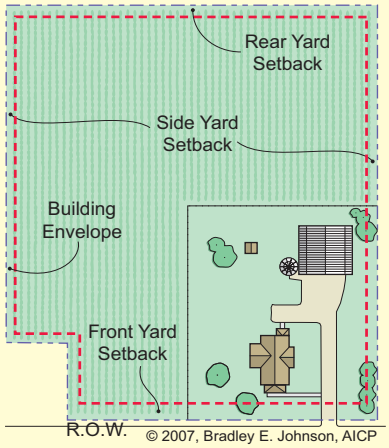
General Agriculture (A1) District

2.08 A1 District Development Standards



Minimum Lot Area:
- 10 acres

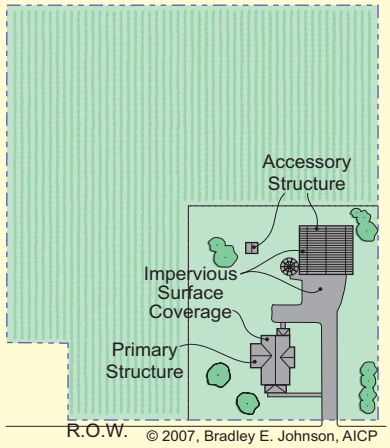
Minimum Lot Width:
- 160 feet



Minimum Front Setback:
- 50 feet

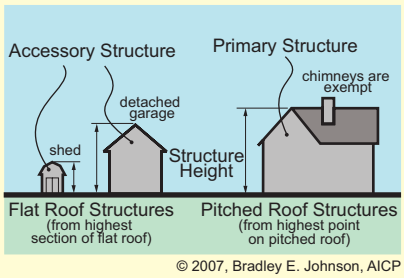
Minimum Side Setback:
- 30 feet

Minimum Rear Setback:
- Primary Structure: 30 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 35% of the Lot Area

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-02 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7

Environmental (EN)
- EN-01 ..... Page 5-10

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- FW-01 ..... Page 5-11

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Home Occupation (HO)
- HO-01 ..... Page 5-24

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33

Parking (PK)
- PK-02 ..... Page 5-34

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
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Special Exception (SE)
- SE-01 ..... Page 5-79
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- SE-05 ..... Page 5-82

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- TC-01 ..... Page 5-87

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Prime Agriculture (A2) District

2.09 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A2 (Prime Agriculture) District is intended to be used as follows:

Use Type and Intensity
- agricultural operations

Application of District
- Existing agricultural land

Development Standards
- Recognize the need for strict development standards to maximize protection of agricultural practices.

Appropriate Adjacent Districts
- GW, P1, P2, A1, IN, OT, I1, I2, I3 and HI

Plan Commission
- Utilize this zoning district for existing developments;
- Protect these areas from residential, commercial and industrial encroachment.

Board of Zoning Appeals
- Protect the integrity of these agricultural areas.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- greenhouse
- hobby farming
- nursery
- orchard
- raising of farm and exotic animals
- sale of agricultural products*
- stable, private
- storage of agricultural products
- tree farm
- vineyard

Commercial Uses
- farmers market
- paintball facility (outdoor)
- plant nursery
- stable, small commercial
- winery

Institutional Uses
- cemetery/mausoleum

Residential Uses
- dwelling, single-family detached

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

Agricultural Uses
- processing of agricultural products

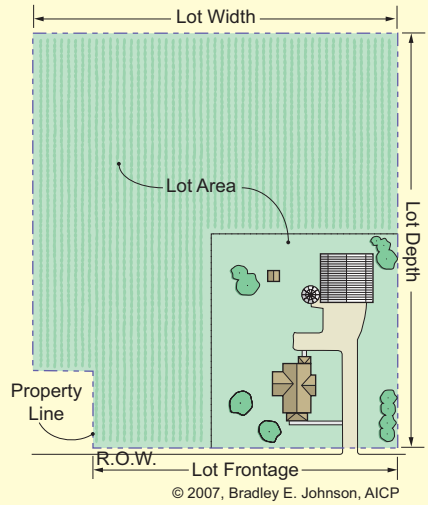
Commercial Uses
- kennel*
- stable, large commercial*
- shooting range
- telecommunication facility

Residential Uses
- dwelling, single-family subordinate*

see also *Chapter 05; §SE: Special Exception Standards

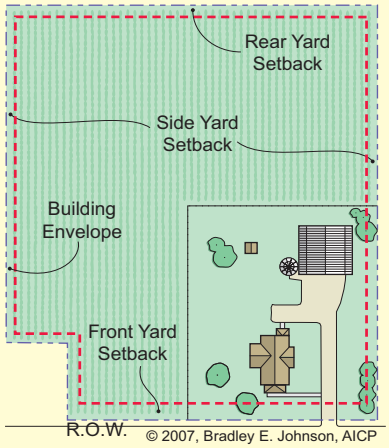
Prime Agriculture (A2) District

2.10 A2 District Development Standards



Minimum Lot Area:
- 20 acres

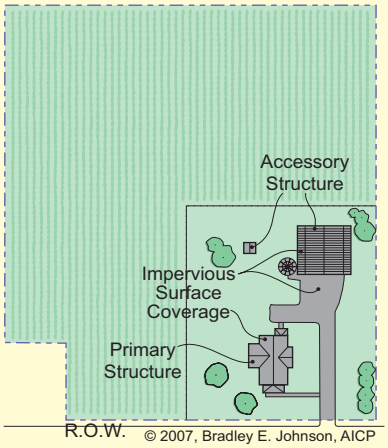
Minimum Lot Width:
- 160 feet



Minimum Front Setback:
- 50 feet

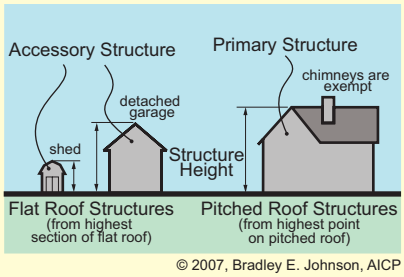
Minimum Side Setback:
- 30 feet

Minimum Rear Setback:
- Primary Structure: 30 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 25% of the Lot Area

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-02 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
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Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-01 ..... Page 5-11

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Home Occupation (HO)
- HO-01 ..... Page 5-24

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33

Parking (PK)
- PK-02 ..... Page 5-34

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-04 ..... Page 5-80
- SE-05 ..... Page 5-82
- SE-06 ..... Page 5-82
- SE-07 ..... Page 5-82

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Rural Residential (RR) District

2.11 RR District Intent, Permitted Uses, and Special Exception Uses

District Intent

The RR (Rural Residential) District is intended to be used as follows:

Use Type and Intensity
- rural estates and hobby farming
- single-family detached homes
- medium to large sized homes
- large lots

Application of District
- Existing and new development
- Small area zoning

Development Standards
- Promote low-impact development in concert with a natural setting.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, R1 and R2

Plan Commission
- Utilize this zoning district for existing developments and carefully for new residential development;
- Large subdivisions on well and septic are not favored.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development;
- Consider petition for smaller lot size only if communal septic systems are used in conjunction with open space.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- greenhouse
- hobby farming
- nursery
- orchard
- raising of farm and exotic animals
- sale of agricultural products*
- stable, private
- storage of agricultural products
- tree farm
- vineyard

Residential Uses
- dwelling, single-family detached
- fair housing facility (small)

see also *Chapter 05; §TU: Temporary Use & Structure Standards

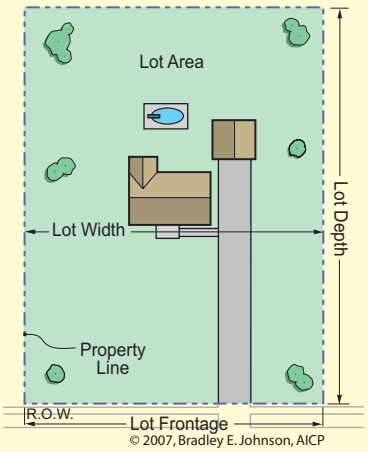
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area
- septic system, communal or multi-unit

Rural Residential (RR) District

2.12 RR District Development Standards



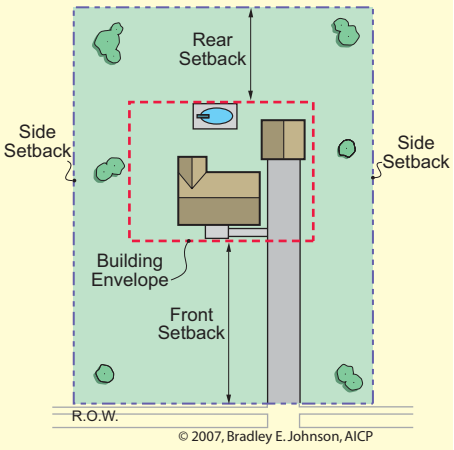
Minimum Lot Area:
- 1 acre

Minimum Lot Width:
- 160 feet

Maximum Width-to-Depth Ratio:
- 1:4

Sewer:
- Septic system permitted only where sanitary sewer utility is unavailable and the water table and soil types are suitable

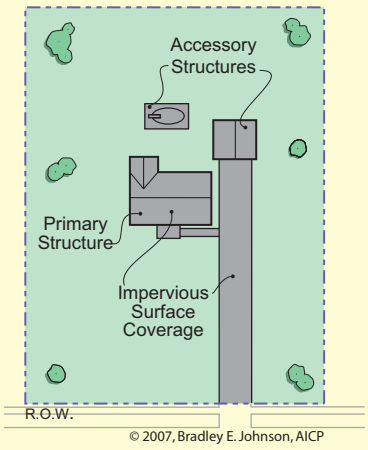
Water:
- Private well permitted only where water utility is unavailable



Minimum Front Setback:
- 40 feet

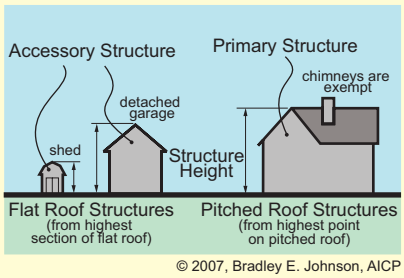
Minimum Side Setback:
- Primary Structure: 30 feet
- Accessory Structure: 15 feet

Minimum Rear Setback:
- Primary Structure: 30 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 20% of the Lot Area

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-02 ..... Page 5-4
- AS-03 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-02 ..... Page 5-8

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-01 ..... Page 5-11

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- HT-01 ..... Page 5-23

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- HO-01 ..... Page 5-24

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- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-06 ..... Page 5-28

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- LT-01 ..... Page 5-30

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- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33

Parking (PK)
- PK-02 ..... Page 5-34

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

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Sign (SI)
- SI-01 ..... Page 5-48
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Vision Clearance (VC)
- VC-01 ..... Page 5-91

Low Density Single-family Residential (R1) District

2.13 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R1 (Low Density Single-family Residential) District is intended to be used as follows:

Use Type and Intensity
- single-family detached homes
- medium to large sized homes
- large lots

Application of District
- Existing and new development
- Small area zoning

Development Standards
- Promote low-impact development in concert with a natural setting.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, RR, R2 and R3

Plan Commission
- Utilize this zoning district for existing developments and carefully for new residential development .

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- hobby farming
- orchard
- raising of farm and exotic animals
- sale of agricultural products*
- stable, private
- storage of agricultural products
- tree farm
- vineyard

Residential Uses
- dwelling, single-family detached
- fair housing facility (small)

see also *Chapter 05; §TU: Temporary Use & Structure Standards

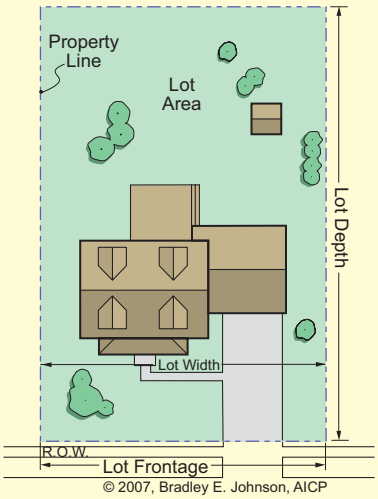
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area

Low Density Single-family Residential (R1) District

2.14 R1 District Development Standards

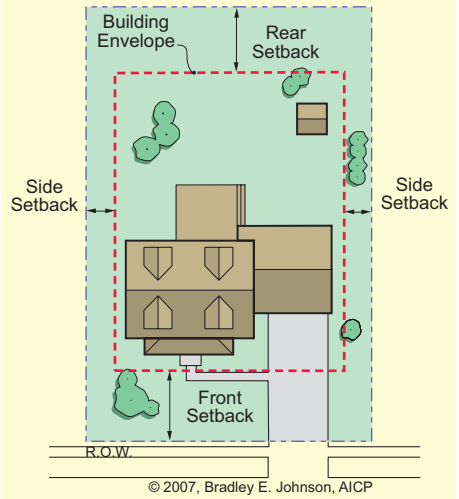


Minimum Lot Area:
- With Water Utility: 15,000 sq. ft.
- Without Water Utility: 22,500 sq. ft.
- Without Sanitary Sewer: 1 acre

Minimum Lot Width:
- 100 feet with sanitary sewer connection
- 160 feet for septic system

Sewer:
- Septic systems permitted only where Sanitary sewer utility is unavailable

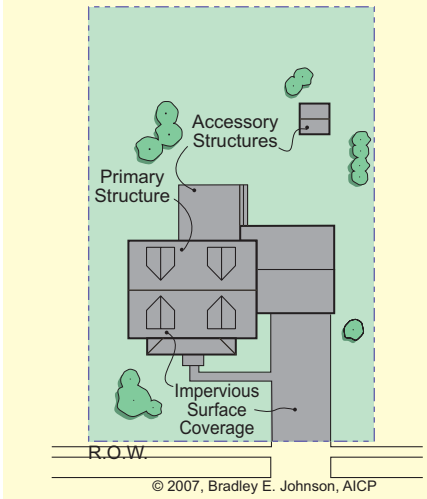
Water:
- Private well permitted only where water utility is unavailable



Minimum Front Setback:
- 30 feet

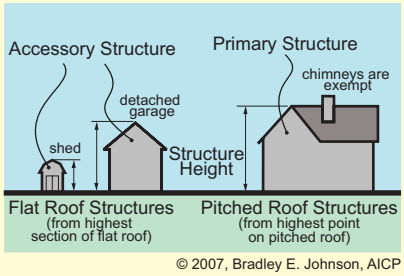
Minimum Side Setback:
- Primary Structure: 15 feet
- Accessory Structure: 10 feet

Minimum Rear Setback:
- Primary Structure: 20 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 35% of the Lot Area

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-02 ..... Page 5-4
- AS-03 ..... Page 5-5

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Height (HT)
- HT-01 ..... Page 5-23

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- HO-01 ..... Page 5-24

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- LA-01 ..... Page 5-25
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- LT-01 ..... Page 5-30

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- LO-01 ..... Page 5-32

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Setback (SB)
- SB-01 ..... Page 5-44

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- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-02 ..... Page 5-51

Special Exception (SE)
- SE-01 ..... Page 5-79

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Medium Density Single-family Residential (R2) District

2.15 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R2 (Medium Density Single-family Residential) District is intended to be used as follows:

Use Type and Intensity
- single-family detached homes
- medium sized homes
- medium lots

Application of District
- Existing and new development
- Small to large area zoning

Development Standards
- Promote low-impact development in concert with a natural setting.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, RR, R1, R3, R4, MP and CN

Plan Commission
- Utilize this zoning district for the majority of new residential development within the County.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Residential Uses
- dwelling, single-family detached
- fair housing facility (small)

see also *Chapter 05; §TU: Temporary Use & Structure Standards

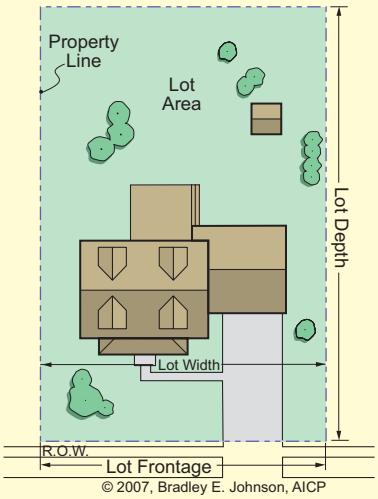
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area

Medium Density Single-family Residential (R2) District

2.16 R2 District Development Standards

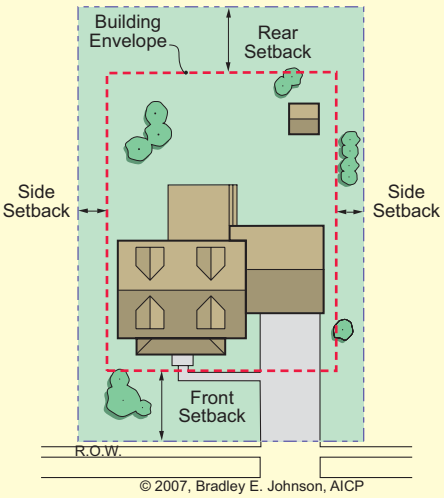


Minimum Lot Area:
- 11,000 square feet

Minimum Lot Width:
- 80 feet

Sewer:
- Sanitary sewer connection required

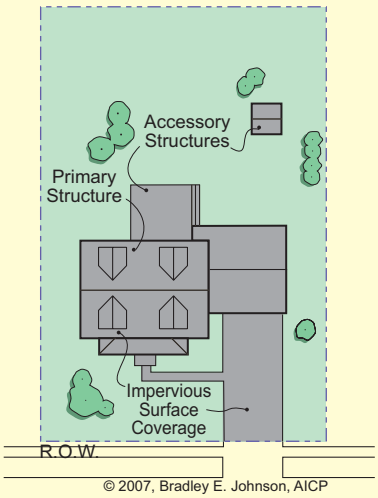
Water:
- Water utility connection required



Minimum Front Setback:
- 25 feet

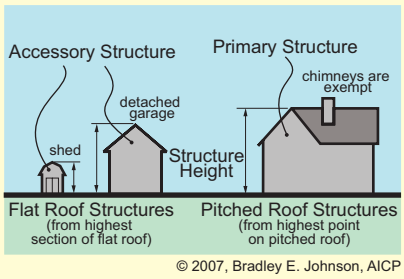
Minimum Side Setback:
- 10 feet

Minimum Rear Setback:
- Primary Structure: 15 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 40% of the Lot Area

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-03 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
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Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-02 ..... Page 5-11

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Home Occupation (HO)
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Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-06 ..... Page 5-28

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Lot (LO)
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Parking (PK)
- PK-01 ..... Page 5-34
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Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-02 ..... Page 5-51

Special Exception (SE)
- SE-01 ..... Page 5-79

Temporary Uses (TU)
- TU-01 ..... Page 5-89
- TU-02 ..... Page 5-89
- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Two-family Residential (R3) District

2.17 R3 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R3 (Two-family Residential) District is intended to be used as follows:

Use Type and Intensity
- low to medium density two-family residential
- limited mixes of residential uses
- one primary structure per lot
- low intensity

Application of District
- Existing and new development
- Small area zoning

Development Standards
- Recognize that two-family development requires more stringent development standards to protect the quality of life of tenants and surrounding zoning districts.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, RR, R1, R2, R4, MP, CN, IN, OT and CM

Plan Commission
- Utilize this zoning district for existing developments and carefully for new residential development.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Residential Uses
- dwelling, single-family attached
- dwelling, single-family detached
- dwelling, two-family
- fair housing facility (small)

see also *Chapter 05; §TU: Temporary Use & Structure Standards

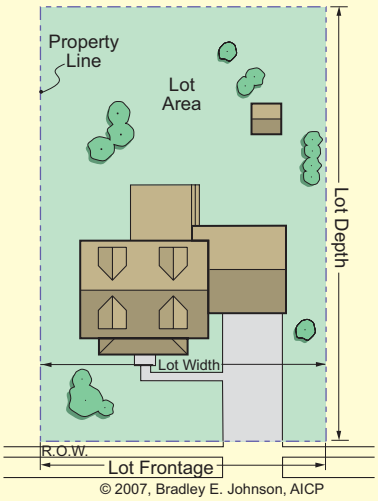
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area

Two-family Residential (R3) District

2.28 R3 District Development Standards

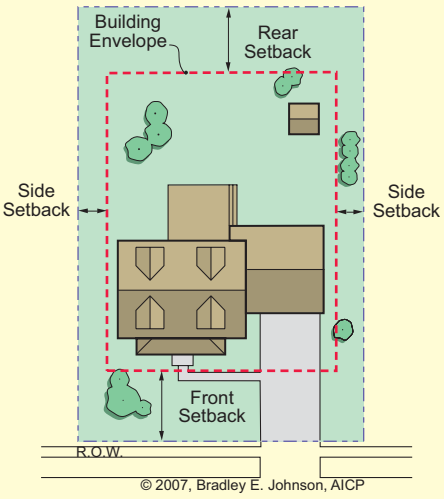


Minimum Lot Area:
- 9,000 square feet per dwelling unit

Minimum Lot Width:
- Single-family Detached or Two-family: 90 feet
- Single-family Attached: 45 feet per dwelling unit

Sewer:
- Sanitary sewer connection required

Water:
- Water utility connection required

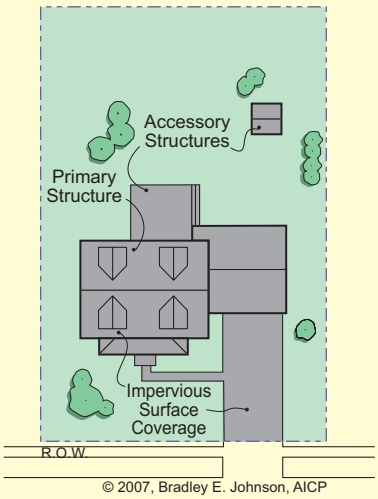


Minimum Front Setback:
- 30 feet

Minimum Side Setback:
- Single-family Detached or Two-family: 20 feet
- Single-family Attached: 0 feet
- Accessory Structure: 15 feet

Minimum Aggregate Side Setback:
- Single-family Detached or Two-family: 40 feet
- Single-family Attached: 20 feet

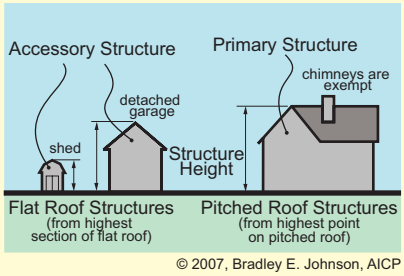
Minimum Rear Setback:
- Primary Structure: 20 feet
- Accessory Structure: 15 feet



Maximum Impervious Surface Coverage:
- 45% of the Lot Area

Maximum Number of Attached Dwelling Units: 2

Minimum Dwelling Size:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-03 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
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Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

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Lot (LO)
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Outdoor Storage (OS)
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- OS-03 ..... Page 5-33

Parking (PK)
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Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
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Setback (SB)
- SB-01 ..... Page 5-44

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- SE-01 ..... Page 5-79

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Multiple-family Residential (R4) District

2.19 R4 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The R4 (Multiple-family Residential) District is intended to be used as follows:

Use Type and Intensity
- medium to high density multiple-family residential
- limited mixes of residential uses
- multiple primary structures per lot

Application of District
- Existing and new development
- Small area zoning

Development Standards
- Recognize that multiple-family development requires more stringent development standards to protect the quality of life of tenants and surrounding zoning districts.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, RR, R1, R2, R3, MP, CN, IN, OT and CM

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Utilize this zoning district for existing developments and carefully for new residential development;
- Only rezone to this zoning district in urban fringe areas in close proximity to corporate limits.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Residential Uses
- assisted living facility
- dwelling, multiple-family
- dwelling, single-family attached
- fair housing facility (small)
- retirement community

see also *Chapter 05; §TU: Temporary Use & Structure Standards

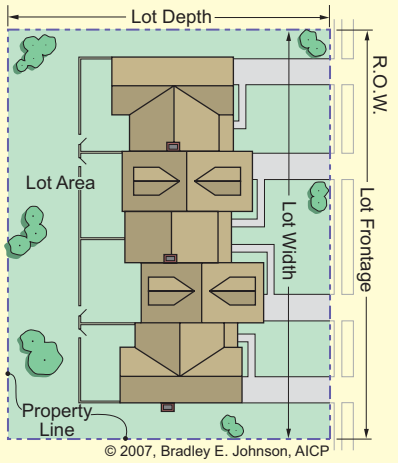
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area
- fair housing facility (large)

Multiple-family Residential (R4) District

2.20 R4 District Development Standards



Minimum Parent Tract Area:
- 5 acres (217,800 square feet)

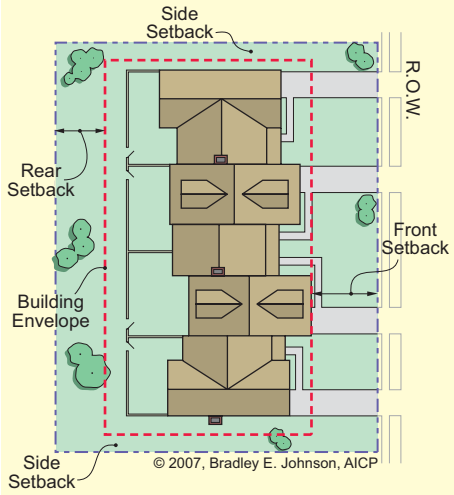
Minimum Lot Area:
- Single-family Attached: 4,000 sq. ft.

Minimum Parent Tract Width:
- 300 feet

Minimum Lot Width:
- Single-family Attached: 30 feet

Sewer:
- Sanitary sewer connection required

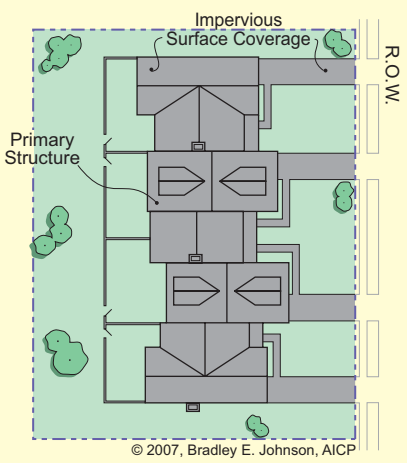
Water:
- Water utility connection required



Minimum Front Setback:
- 25 feet

Minimum Side Setback:
- Parent Tract: 15 feet
- Single-family Attached: 0 feet

Minimum Rear Setback:
- Primary Structure: 20 feet
- Accessory Structure: 15 feet

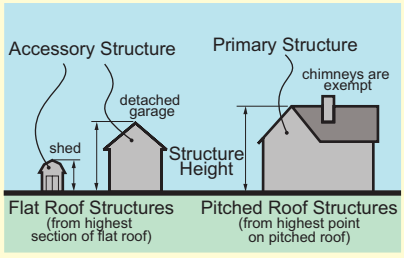


Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Minimum Number of Attached Dwelling Units: 3

Minimum Dwelling Unit Size:
- Multiple-family: 800 square feet
- Single-family Attached and Two-family: 1,000 square feet

Maximum Density:
- 10 units per acre



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-03 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
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- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-02 ..... Page 5-11

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Home Occupation (HO)
- HO-01 ..... Page 5-24

Landscaping (LA)
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- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-03 ..... Page 5-34

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-03 ..... Page 5-52

Special Exception (SE)
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- TU-02 ..... Page 5-89
- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Residential Lake (RL) District

2.21 RL District Intent, Permitted Uses, and Special Exception Uses

District Intent

The RL (Residential Lake) District is intended to be used as follows:

Use Type and Intensity
- single-family attached homes
- single-family detached homes
- small, existing lots

Application of District
- Existing developments in platted subdivisions along the lakes areas where the lot sizes and standards were historically outside the scope of the standards set in this Unified Development Ordinance.

Development Standards
- Accommodate development of lots in historic subdivision plats.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, RR, R1 and R2

Plan Commission
- Utilize this zoning district only for existing developments.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Residential Uses
- dwelling, single-family attached
- dwelling, single-family detached
- fair housing facility (small)

see also *Chapter 05; §TU: Temporary Use & Structure Standards

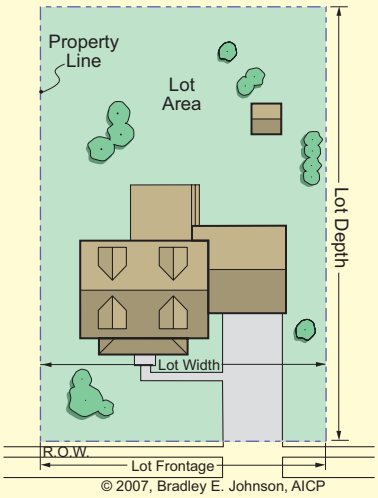
Special Exception Uses

Institutional Uses
- police, fire or rescue station

Residential Uses
- amenity area

Residential Lake (RL) District

2.22 RL District Development Standards

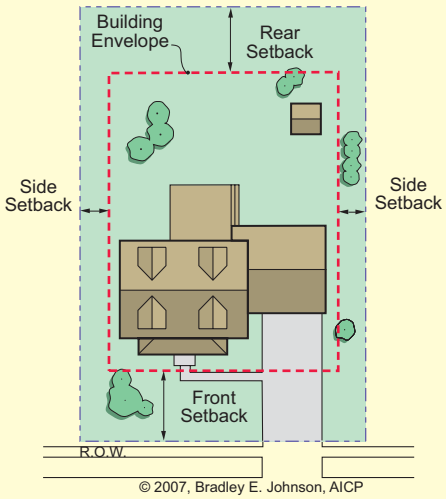


Minimum Lot Area:
- as shown on the recorded plat

Minimum Lot Width:
- as shown on the recorded plat

Sewer:
- Septic system permitted only where sanitary sewer is unavailable

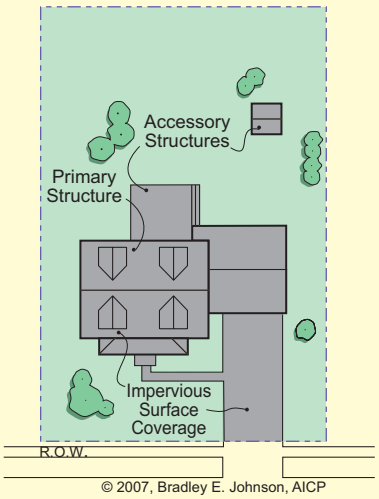
Water:
- Private well permitted only where water utility is unavailable



Minimum Front Setback:
- 20 feet

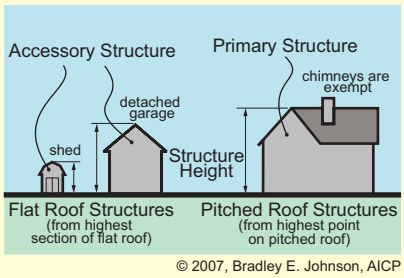
Minimum Side Setback:
- 4 feet

Minimum Rear Setback:
- 4 feet



Maximum Impervious Surface Coverage:
- 60% of the Lot Area

Minimum Dwelling Size:
- 800 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
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- AS-03 ..... Page 5-5

Density and Intensity (DI)
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- FW-02 ..... Page 5-11

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Home Occupation (HO)
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Landscaping (LA)
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- LA-06 ..... Page 5-28

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- LT-01 ..... Page 5-32

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
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Parking (PK)
- PK-01 ..... Page 5-34
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Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
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Sign (SI)
- SI-01 ..... Page 5-48
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Special Exception (SE)
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- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Manufactured Home Park (MP) District

2.23 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent

The MP (Manufactured Home Park) District is intended to be used as follows:

Use Type and Intensity
- lease-lot housing developments (typically mobile homes)
- multiple primary structures per lot

Application of District
- Existing and new development
- Small area zoning

Development Standards
- Recognize that lease lot development requires more stringent development standards to protect the quality of life of tenants and surrounding zoning districts.

Appropriate Adjacent Districts
- GW, P1, P2, R2, R3, R4, CN, IN, OT, CM and CH

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Utilize this zoning district for existing developments and carefully for new residential development.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the residential component of the development.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Residential Uses
- dwelling, mobile home
- manufactured home park
- mobile home park
- retirement community

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

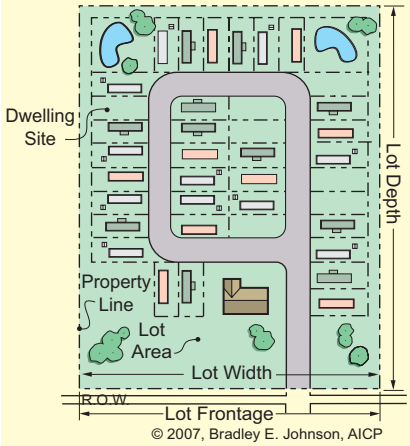
Institutional Uses
- police, fire or rescue station
- pool, public

Residential Uses
- dwelling, single-family detached*

see also *Chapter 05; §SE: Special Exception Standards

Manufactured Home Park (MP) District

2.24 MP District Development Standards

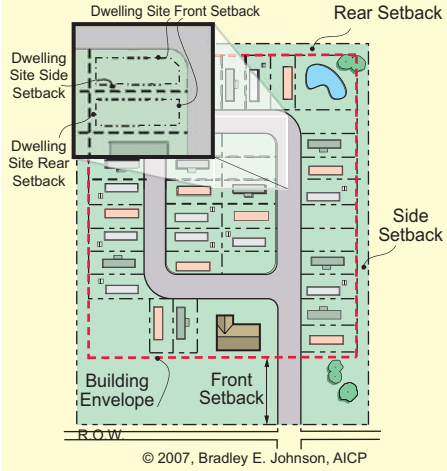


Minimum Area:
- Parent Tract: 10 acres
- Dwelling Site: 4,000 square feet

Minimum Width:
- Parent Tract: 200 feet
- Dwelling Site: 40 feet

Sewer:
- Sanitary sewer connection required

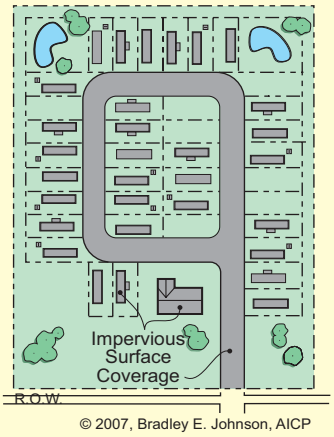
Water:
- Water utility connection required



Minimum Front Setback:
- Parent Tract: 50 feet
- Dwelling Site:
  - Interior Roads: 10 feet from edge of pavement
  - All Other Roads: 15 feet

Minimum Side Setback:
- Parent Tract: 20 feet
- Dwelling Site; Primary Structure: 10 feet
- Dwelling Site; Accessory Structure: 3 feet

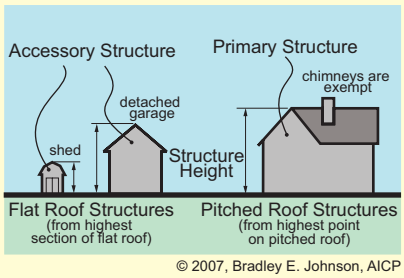
Minimum Rear Setback:
- Parent Tract: 20 feet
- Dwelling Site; Primary Structure: 10 feet
- Dwelling Site; Accessory Structure: 3 feet



Maximum Impervious Surface Coverage:
- Parent Tract: 40%
- Dwelling Site: 60%

Minimum Dwelling Size:
- 720 square feet

Maximum Primary Structures:
- One (1) per dwelling site



Maximum Structure Height:
- Primary Structure: 30 feet
- Accessory Structure: 15 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-04 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

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Lot (LO)
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Outdoor Storage (OS)
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- OS-02 ..... Page 5-33
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Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
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Setback (SB)
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Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
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- SI-03 ..... Page 5-52

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-08 ..... Page 5-83

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-03 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Institutional (IN) District

2.25 IN District Intent, Permitted Uses, and Special Exception Uses

District Intent

The IN (Institutional) District is intended to be used as follows:

Uses Type and Intensity
- institutionally-owned lands, including State and County facilities
- multiple primary structures per lot

Application of District
- Existing and new development
- Buffer district or transitional district

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, R3, R4, MP, CN, OT, CM, CH, I1, I2, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property IN only after determining the proposed use is appropriate for the surrounding area.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- bank machine/ATM
- club or lodge
- crematory
- day care, small
- emergency medical care clinic

Institutional Uses
- community center
- government office
- government operation (non-office)
- hospital
- library
- museum
- parking lot, public
- place of worship
- police, fire or rescue station
- post office
- school (P-12)
- trade or business school
- university or college

Residential Uses
- assisted living facility
- nursing home

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

Commercial Uses
- telecommunication facility

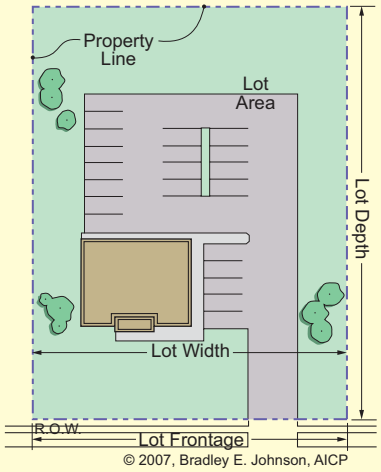
Institutional Uses
- cemetery/mausoleum*
- jail
- juvenile detention facility
- municipal airport
- municipal heliport
- recycling collection point

Residential Uses
- fair housing facility (large)

see also *Chapter 05; §SE: Special Exception Standards

Institutional (IN) District

2.26 IN District Development Standards

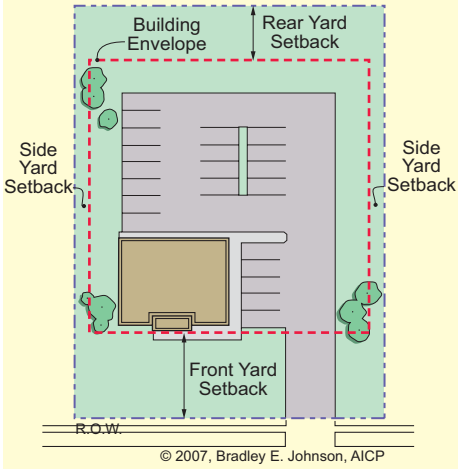


Minimum Lot Area:
- 43,560 square feet (1 acre)

Minimum Lot Width:
- 80 feet

Sewer:
- Sanitary sewer connection required
- Where sanitary sewer connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

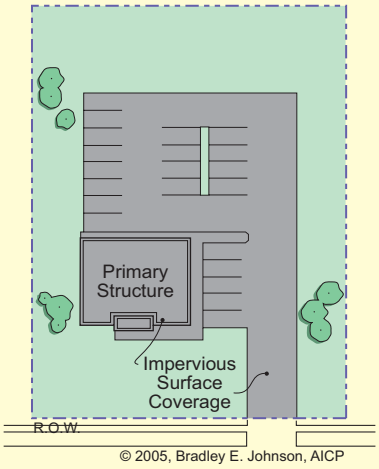
Water:
- Water utility connection required
- Where water utility connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water*.



Minimum Front Setback:
- 50 feet

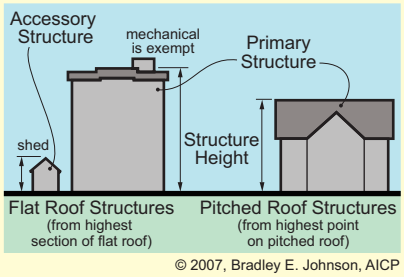
Minimum Side Setback:
- 10 feet, plus 10 feet per story above 2 stories

Minimum Rear Setback:
- 20 feet, plus 10 feet per story above 2 stories



Maximum Impervious Surface Coverage:
- 70% of the Lot Area

Minimum Main Floor Area:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-05 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-03 ..... Page 5-12

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-04 ..... Page 5-53

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-09 ..... Page 5-83
- SE-10 ..... Page 5-83

Telecom. Facilities (TC)
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Temporary Uses (TU)
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- TU-04 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Office and Technology (OT) District

2.27 OT District Intent, Permitted Uses, and Special Exception Uses

District Intent

The OT (Office and Technology) District is intended to be used as follows:

Uses Type and Intensity
- low impact office uses
- small clusters of office buildings
- multiple primary structures per lot

Application of District
- Existing and new development
- Buffer district or transitional district

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

Appropriate Adjacent Districts
- GW, P1, P2, A1, A2, R3, R4, MP, CN, IN, CM, CH, I1, I2, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property OT only after determining the proposed use is appropriate for the surrounding area.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas.

Permitted Uses

Accessory Uses
- cafeteria
- coffee shop
- convenience store
- day care, adult
- day care, child
- delicatessen
- pharmacy
- print shop/copy center
- restaurant

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- bank machine/ATM
- commercial training facility or school
- construction trade office
- emergency medical care clinic
- financial services office
- office, general
- office, medical
- office, professional

Institutional Uses
- community center
- government office
- police, fire or rescue station
- post office
- university or college

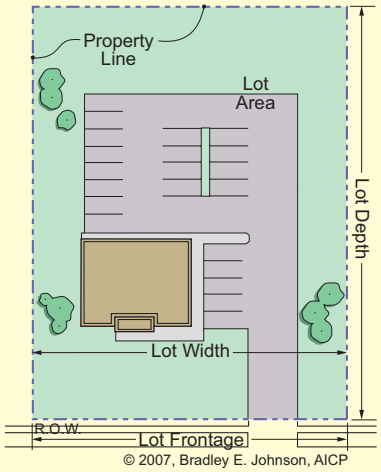
see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

Commercial Uses
- hotel
- telecommunication facility

Office and Technology (OT) District

2.28 OT District Development Standards

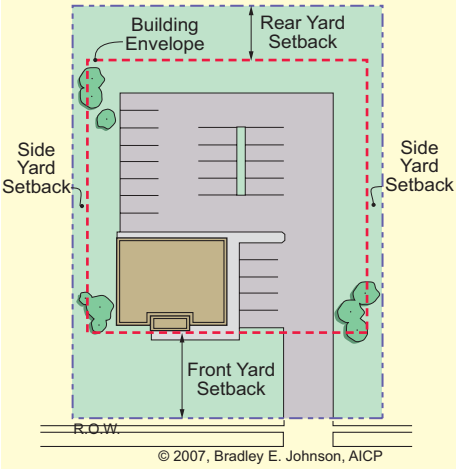


Minimum Lot Area:
- 20,000 square feet

Minimum Lot Width:
- 100 feet

Sewer:
- Sanitary sewer connection required
- Where sanitary sewer connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

Water:
- Water utility connection required
- Where water utility connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

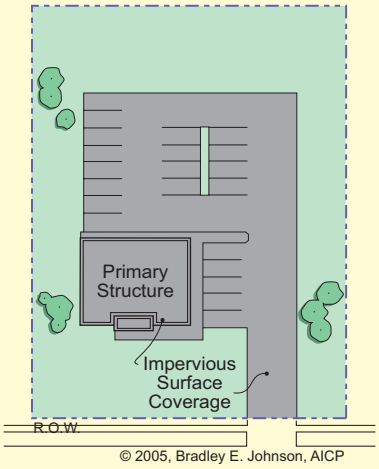


Minimum Front Setback:
- 30 feet

Minimum Side Setback:
- 10 feet, plus 10 feet per story above 2 stories

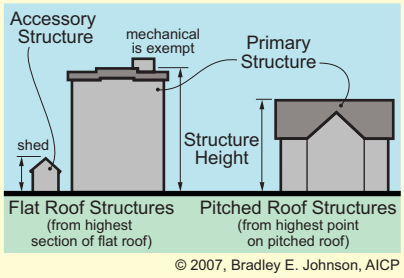
Minimum Rear Setback:
- 20 feet, plus 10 feet per story above 2 stories

Minimum Building Separation:
- 50 feet



Maximum Impervious Surface Coverage:
- 70% of the Lot Area

Minimum Main Floor Area:
- 2,000 square feet



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-05 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-03 ..... Page 5-12

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-04 ..... Page 5-35
- PK-05 ..... Page 5-36

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sexually Oriented (SX)
- SX-02 ..... Page 5-45

Sign (SI)
- SI-01 ..... Page 5-48
- SI-04 ..... Page 5-53

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-09 ..... Page 5-83

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87
- TC-02 ..... Page 5-88

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-04 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Neighborhood Commercial (CN) District

2.29 CN District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CN (Neighborhood Commercial) District is intended to be used as follows:

Use Type and Intensity
- small scale retail goods and services
- low impact uses

Application of District
- Existing and new development
- Buffering or transitional district

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

Appropriate Adjacent Districts
- GW, P1, P2, A2, R3, R4, MP, IN, OT, CM and CH

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property CN only after determining that the site is appropriate for any of the possible uses allowed in the zoning district.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Be very sensitive to the potential for light pollution, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- bank
- bank machine/ATM
- barber/beauty shop
- club or lodge
- coffee shop
- coin laundry
- day care, adult
- day care, child
- delicatessen
- dry-cleaning service (drop-off only)
- farmers market
- ice cream shop
- office, construction trade
- office, general
- office, medical
- office, professional
- pet grooming
- photographic studio
- print shop/copy center
- restaurant
- retail, low intensity
- shoe store/repair
- studio arts
- tailor/pressing shop
- tanning salon
- video rental

Institutional Uses
- police, fire or rescue station

Residential Uses
- bed and breakfast

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

Commercial Uses
- club or lodge

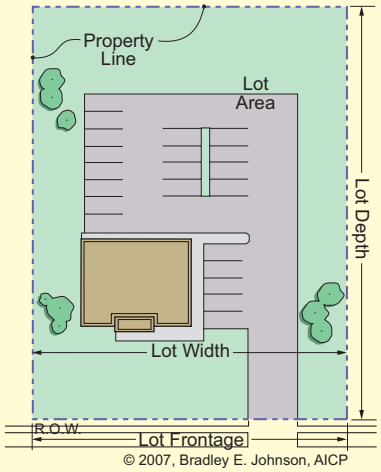
Institutional Uses
- community center
- place of worship
- recycling collection point

Residential Uses
- accessory apartment*

see also *Chapter 05; §SE: Special Exception Standards

Neighborhood Commercial (CN) District

2.30 CN District Development Standards

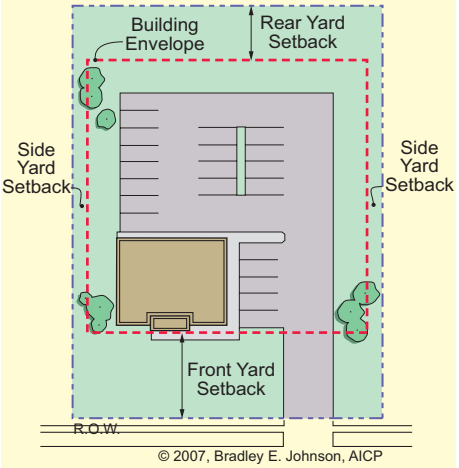


Minimum Lot Area:
- 5,000 square feet

Minimum Lot Width:
- 60 feet

Sewer:
- Sanitary sewer connection required
- Where sanitary sewer connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

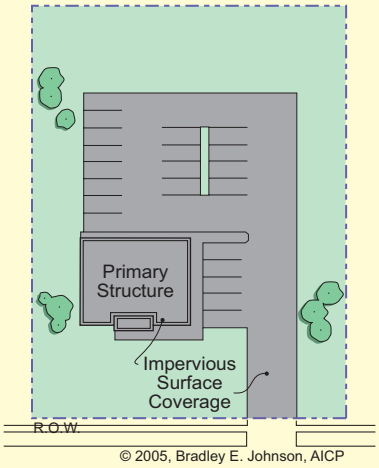
Water:
- Water utility connection required
- Where water utility connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*



Minimum Front Setback:
- 50 feet

Minimum Side Setback:
- 10 feet

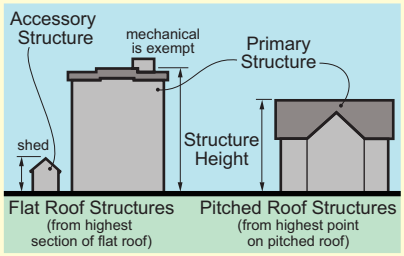
Minimum Rear Setback:
- 20 feet



Maximum Impervious Surface Coverage:
- 65% of the Lot Area

Minimum Main Floor Area:
- 800 square feet

Maximum Main Floor Area:
- 5,000 for a single establishment



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-05 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
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- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-03 ..... Page 5-12

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
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- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
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- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-05 ..... Page 5-57

Special Exception (SE)
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- SE-09 ..... Page 5-83
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Telecom. Facilities (TC)
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Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-04 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Moderate Intensity Commercial (CM) District

2.31 CM District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CM (Moderate Intensity Commercial) District is intended to be used as follows:

Type and Intensity
- wide range of retail, commercial, service, eating and entertainment establishments
- moderate impact uses

Application of District
- Existing and new development
- Small to medium area zoning
- Chiefly single-use sites

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

Appropriate Adjacent Districts
- GW, P1, P2, R3, R4, MP, CN, IN, OT, CH, I1, I2, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property CM only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Be very sensitive to the potential for light pollution, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- automobile accessory installation
- automobile gas station
- automobile oil change facility
- automobile parts sales
- bank machine/ATM
- banquet hall
- bar/tavern
- barber/beauty shop
- billiard/arcade room
- club or lodge
- coffee shop
- coin laundry
- day care, adult
- day care, child
- delicatessen
- dry-cleaning service (drop-off only)
- farmers market
- fitness center/health club
- funeral home/crematory
- health spa/day spa
- ice cream shop
- mortuary
- movie theater, single-screen
- office, construction trade
- office, financial services
- office, general
- office, medical
- party/event store
- pet grooming/store
- photographic studio
- plant nursery
- print shop/copy center
- quick cash/check cashing
- recreation center/play center
- restaurant
- restaurant with drive-up window
- retail, low intensity
- retail, medium intensity
- shoe store/repair
- studio arts
- tailor/pressing shop
- tanning salon
- tattoo/piercing parlor
- video rental

Institutional Uses
- community center
- police, fire or rescue station

see also *Chapter 05; §TU: Temporary Use & Structure Standards

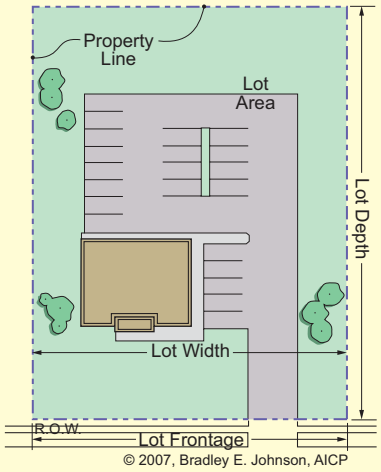
Special Exception Uses

Commercial Uses
- automobile wash
- kennel*
- telecommunication facility

see also *Chapter 05; §SE: Special Exception Standards

Moderate Intensity Commercial (CM) District

2.32 CM District Development Standards

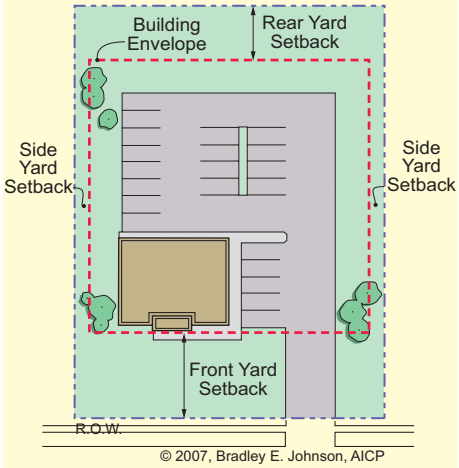


Minimum Lot Area:
- 15,000 square feet

Minimum Lot Width:
- 100 feet

Sewer:
- Sanitary sewer connection required

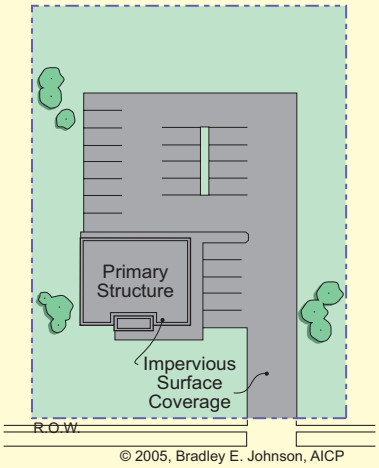
Water:
- Water utility connection required



Maximum Front Setback:
- 50 feet

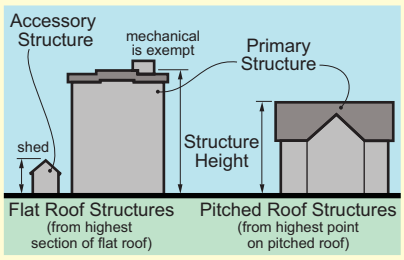
Minimum Side Setback:
- 20 feet

Minimum Rear Setback:
- 20 feet



Maximum Impervious Surface Coverage:
- 75% of the Lot Area

Minimum Main Floor Area:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 35 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-05 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-03 ..... Page 5-12

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-04 ..... Page 5-34

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sign (SI)
- SI-01 ..... Page 5-48
- SI-06 ..... Page 5-63

Special Exception (SE)
- SE-01 ..... Page 5-79

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87
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Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-04 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

High Intensity Commercial (CH) District

2.33 CH District Intent, Permitted Uses, and Special Exception Uses

District Intent

The CH (High Intensity Commercial) District is intended to be used as follows:

Use Type and Intensity
- wide range of retail, commercial, service, eating, and entertainment establishments
- moderate to high impact uses

Application of District
- Existing and new development
- Small to medium area zoning
- Chiefly multiple businesses established on a single site

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality.

Appropriate Adjacent Districts
- GW, P1, P2, MP, CN, IN, OT, CM, I1, I2, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property CH only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to the impacts of traffic generated by the site.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Be very sensitive to the potential for light pollution, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- automobile accessory installation
- automobile body shop
- automobile gas station
- automobile oil change facility
- automobile parts sales
- automobile rental
- automobile repair/service station
- automobile sales
- automobile wash
- bank machine/ATM
- banquet hall
- barber/beauty shop
- bowling alley
- cellular phone service
- coffee shop
- coin laundry
- dance/night club
- delicatessen
- driving range
- emergency medical care clinic
- farmers market
- fitness center/health club
- funeral home
- golf course
- health spa/day spa
- hotel
- ice cream shop
- miniature golf
- mortuary
- motel
- movie theater, multiple-screen
- paintball facility (indoor only)
- party/event store
- pet grooming/store
- plant nursery
- quick cash/check cashing
- recreation center/play center
- restaurant
- restaurant with drive-up window
- retail, high intensity
- retail, low intensity
- retail, medium intensity
- shoe store/repair
- skating rink
- special handling retail
- sports field
- swimming pool
- tattoo/piercing parlor
- video rental
- wholesale warehouse sales

Industrial Uses
- warehouse storage facility

Institutional Uses
- police, fire or rescue station

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

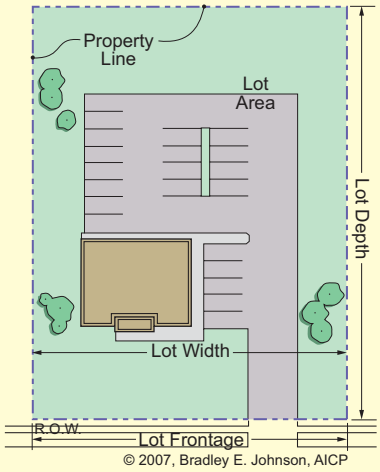
Commercial Uses
- kennel*

Industrial Uses
- telecommunication facility

see also *Chapter 05; §SE: Special Exception Standards

High Intensity Commercial (CH) District

2.34 CH District Development Standards

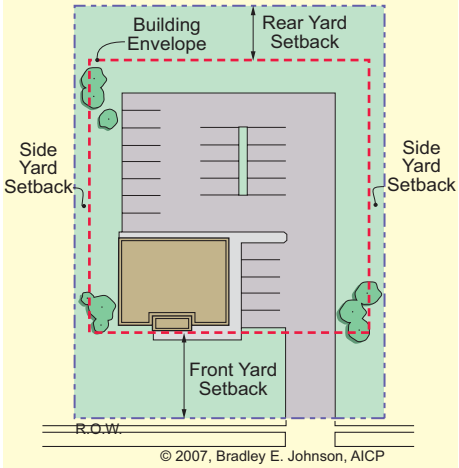


Minimum Lot Area:
- 217,800 square feet (5 acres)

Minimum Lot Width:
- 300 feet

Sewer:
- Sanitary sewer connection required

Water:
- Water utility connection required

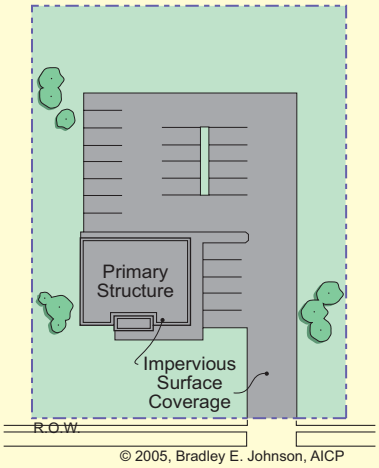


Maximum Front Setback:
- 50 feet

Minimum Side Setback:
- 25 feet, plus 10 feet per story above 2 stories

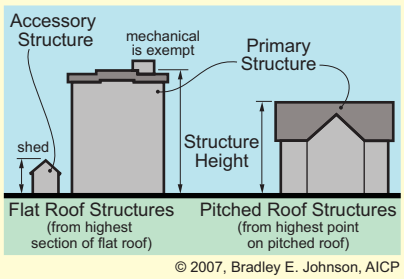
Minimum Rear Setback:
- 25 feet, plus 10 feet per story above 2 stories

Minimum Building Separation:
- 50 feet



Maximum Impervious Surface Coverage:
- 75% of the Lot Area

Minimum Main Floor Area:
- 1,000 square feet



Maximum Structure Height:
- Primary Structure: 40 feet
- Accessory Structure: 20 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4
- AS-05 ..... Page 5-5

Density and Intensity (DI)
- DI-01 ..... Page 5-7

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-03 ..... Page 5-12

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
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Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
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- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33

Parking (PK)
- PK-01 ..... Page 5-34
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-4

Sign (SI)
- SI-01 ..... Page 5-48
- SI-07 ..... Page 5-68

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-07 ..... Page 5-82
- SE-12 ..... Page 5-84

Telecom. Facilities (TC)
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- TC-02 ..... Page 5-88

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-04 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Light Industrial (I1) District

2.35 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I1 (Light Industrial) District is intended to be used as follows:

Use Type and Intensity
- low impact industrial
- business park, distribution operations and industrial facilities

Application of District
- Existing and new development
- Small to medium area zoning

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality;
- Assure there are minimal negative affects on the natural environment.

Appropriate Adjacent Districts
- GW, P1, P2, A2, IN, OT, CM, CH, I2, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property I1 only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Be very sensitive to the potential for light pollution, noise pollution, loading bay placement and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- crematory
- dry cleaning service (on-site)
- industrial wholesale
- office, construction trade
- office, design services
- print shop/copy center
- sexually oriented business

Industrial Uses
- assembly
- distribution facility
- flex-space
- light manufacturing
- research center
- testing lab
- warehouse
- warehouse storage facility
- welding

Institutional Uses
- government operation (non-office)
- police, fire or rescue station
- trade school

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

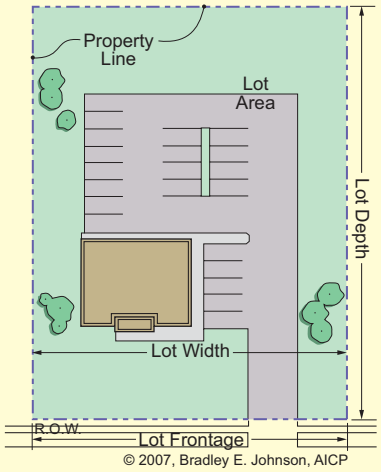
Commercial Uses
- cemetery/mausoleum*
- flea market (outdoor)
- kennel*

Industrial Uses
- telecommunication facility

see also *Chapter 05; §SE: Special Exception Standards

Light Industrial (I1) District

2.36 I1 District Development Standards

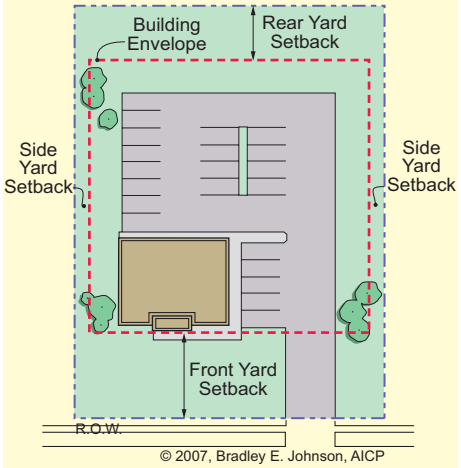


Minimum Lot Area:
- 43,560 square feet (1 acre)

Minimum Lot Width:
- 100 feet

Sewer:
- Sanitary sewer connection required
- Where sanitary sewer connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

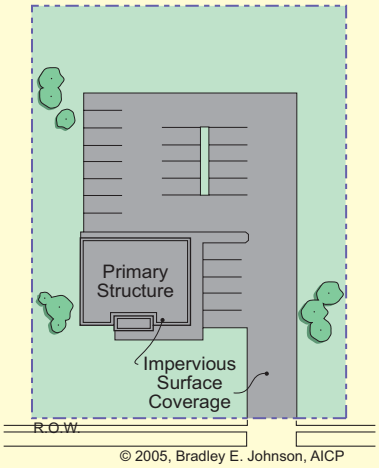
Water:
- Water utility connection required
- Where water utility connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*



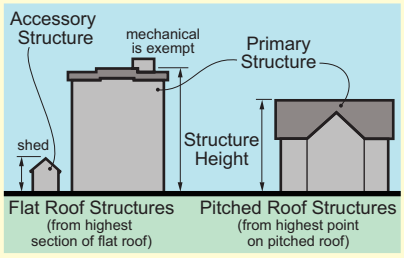
Minimum Front Setback:
- 50 feet

Minimum Side Setback:
- 30 feet

Minimum Rear Setback:
- 30 feet



Maximum Impervious Surface Coverage:
- 65% of the Lot Area



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-04 ..... Page 5-13

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-04 ..... Page 5-27
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-02 ..... Page 5-33
- OS-03 ..... Page 5-33
- OS-04 ..... Page 5-33

Parking (PK)
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sexually Oriented (SX)
- SX-01 ..... Page 5-47
- SX-02 ..... Page 5-47

Sign (SI)
- SI-01 ..... Page 5-48
- SI-08 ..... Page 5-74

Special Exception (SE)
- SE-01 ..... Page 5-79
- SE-07 ..... Page 5-82
- SE-09 ..... Page 5-83
- SE-13 ..... Page 5-84

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87
- TC-02 ..... Page 5-88

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-05 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

General Industrial (I2) District

2.37 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I2 (General Industrial) District is intended to be used as follows:

Use Type and Intensity
- moderate impact industrial
- business park, distribution operations and industrial facilities

Application of District
- Existing and new development
- Small to medium area zoning

Development Standards
- Recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality;
- Assure there are minimal negative affects on the natural environment;
- Minimize light, noise, water, and air pollution.

Appropriate Adjacent Districts
- GW, A1, A2, CN, IN, OT, CM, CH, I1, I3 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property I2 only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Require significant buffering and separation from residential uses and environmental features;
- Be very sensitive to the potential for light pollution, noise pollution, loading bay placement, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- flea market (outdoor)
- heavy equipment sales
- sexually oriented business

Industrial Uses
- assembly
- distribution facility
- flex-space
- food production/processing
- light manufacturing
- research center
- sign painting/fabrication
- telecommunication facility
- testing lab
- tool and dye shop
- warehouse
- welding

Institutional Uses
- police, fire or rescue station

see also *Chapter 05; §TU: Temporary Use & Structure Standards

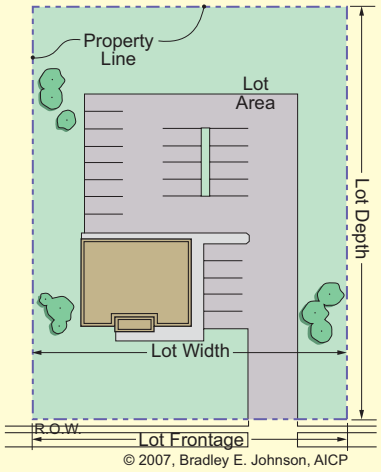
Special Exception Uses

Commercial Uses
- telecommunication facility

Industrial Uses
- mineral extraction
- outdoor storage
- storage tanks (nonhazardous)

General Industrial (I2) District

2.38 I2 District Development Standards

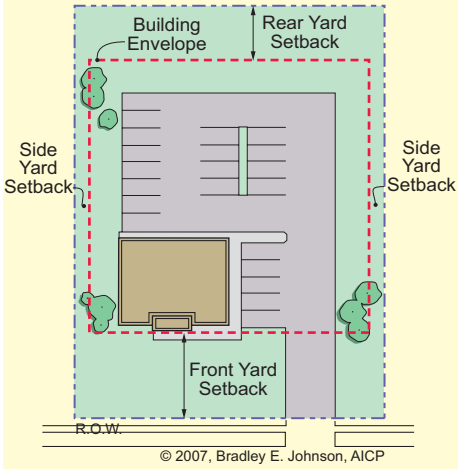


Minimum Lot Area:
- 43,560 square feet (1 acre)

Minimum Lot Width:
- 150 feet

Sewer:
- Sanitary sewer connection required
- Where sanitary sewer connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*

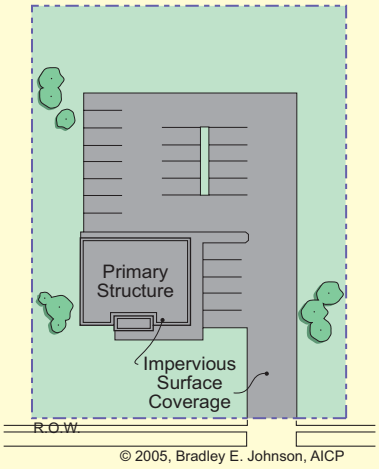
Water:
- Water utility connection required
- Where water utility connection is not available, an otherwise permitted use may be allowed per *Chapter 05; §SE-09: Special Exception; Sewer and Water.*



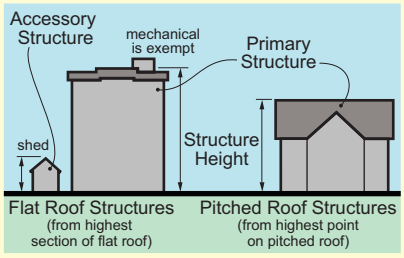
Minimum Front Setback:
- 70 feet

Minimum Side Setback:
- 40 feet

Minimum Rear Setback:
- 40 feet



Maximum Impervious Surface Coverage:
- 75% of the Lot Area



Maximum Structure Height:
- Primary Structure: 50 feet
- Accessory Structure: 30 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-04 ..... Page 5-13

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-04 ..... Page 5-27
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-03 ..... Page 5-33
- OS-04 ..... Page 5-33

Parking (PK)
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sexually Oriented (SX)
- SX-01 ..... Page 5-47
- SX-02 ..... Page 5-47

Sign (SI)
- SI-01 ..... Page 5-48
- SI-08 ..... Page 5-74

Special Exception (SE)
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- SE-09 ..... Page 5-83
- SE-14 ..... Page 5-85

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
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- TU-02 ..... Page 5-89
- TU-05 ..... Page 5-90

Vision Clearance (VC)
- VC-01 ..... Page 5-91

Heavy Industrial (I3) District

2.39 I3 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I3 (Heavy Industrial) District is intended to be used as follows:

Type and Intensity
- high impact industrial
- business park, distribution operations and industrial facilities

Application of District
- Existing and new development
- Small to medium area zoning

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality;
- Assure there are minimal negative affects on the natural environment;
- Minimize light, noise, water and air pollution.

Appropriate Adjacent Districts
- GW, P1, P2, A2, IN, OT, CM, CH, I1, I2 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property I3 only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Require significant buffering and separation from residential uses and environmental features;
- Be very sensitive to the potential for light pollution, noise pollution, loading bay placement and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- heavy equipment sales
- paintball facility (outdoor)

Industrial Uses
- asphalt plant
- assembly
- concrete ready-mix plant
- distribution facility
- fireworks sales
- food production/processing
- liquid fertilizer storage/distribution
- manufacturing, light
- outdoor storage
- radio/TV station
- recycling processing
- research center
- sign painting/fabrication
- storage tanks (nonhazardous)
- telecommunication facility
- testing lab
- tool and dye shop
- treatment plant, sewage
- treatment plant, water
- utility facility, above-ground
- warehouse
- welding

Institutional Uses
- police, fire or rescue station

see also *Chapter 05; §TU: Temporary Use & Structure Standards

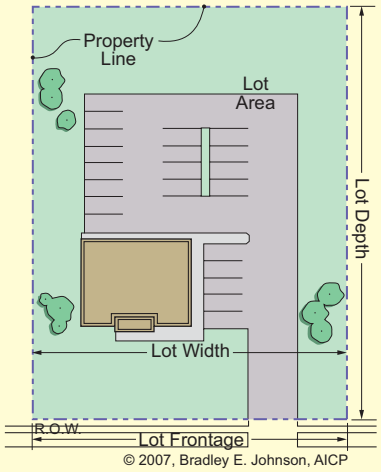
Special Exception Uses

Commercial Uses
- scrap metal yard
- telecommunication facility

Industrial Uses
- mineral extraction

Heavy Industrial (I3) District

2.40 I3 District Development Standards

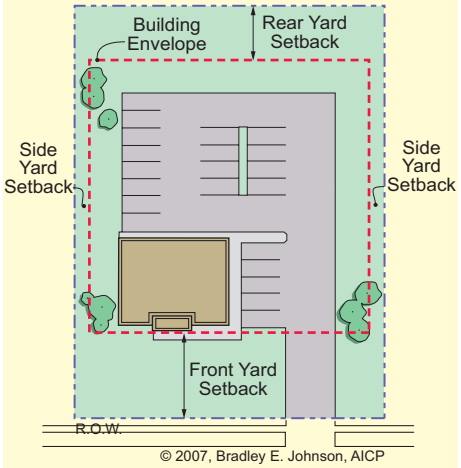


Minimum Lot Area:
- 130,680 square feet (3 acres)

Minimum Lot Width:
- 200 feet

Sewer:
- Sanitary sewer connection required

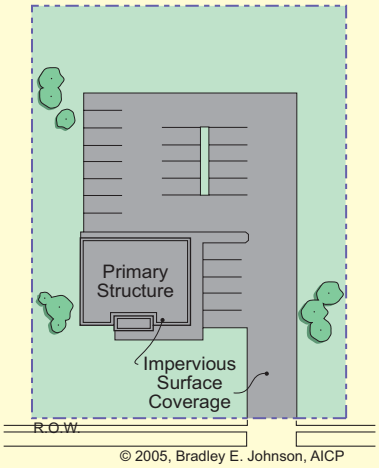
Water:
- Water utility connection required



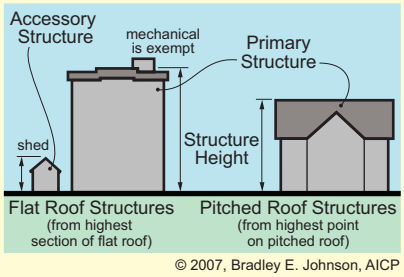
Minimum Front Setback:
- 80 feet

Minimum Side Setback:
- 50 feet

Minimum Rear Setback:
- 50 feet



Maximum Impervious Surface Coverage:
- 75% of the Lot Area



Maximum Structure Height:
- Primary Structure: 80 feet
- Accessory Structure: 40 feet

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 ..... Page 5-4

Density and Intensity (DI)
- DI-01 ..... Page 5-6

Entrance and Drive (ED)
- ED-01 ..... Page 5-7
- ED-03 ..... Page 5-9

Environmental (EN)
- EN-01 ..... Page 5-10

Fence and Wall (FW)
- FW-04 ..... Page 5-13

Floodplain (FP)
- FP-01 ..... Page 5-14

Height (HT)
- HT-01 ..... Page 5-23

Landscaping (LA)
- LA-01 ..... Page 5-25
- LA-02 ..... Page 5-26
- LA-03 ..... Page 5-26
- LA-04 ..... Page 5-27
- LA-05 ..... Page 5-28
- LA-06 ..... Page 5-28

Lighting (LT)
- LT-01 ..... Page 5-30

Loading (LD)
- LD-01 ..... Page 5-31

Lot (LO)
- LO-01 ..... Page 5-32

Outdoor Storage (OS)
- OS-01 ..... Page 5-33
- OS-03 ..... Page 5-33
- OS-04 ..... Page 5-33

Parking (PK)
- PK-04 ..... Page 5-35

Performance (PF)
- PF-01 ..... Page 5-42

Public Improvement (PI)
- PI-01 ..... Page 5-43

Setback (SB)
- SB-01 ..... Page 5-44

Sewer and Water (SW)
- SW-01 ..... Page 5-46

Sexually Oriented (SX)
- SX-02 ..... Page 5-47

Sign (SI)
- SI-01 ..... Page 5-48
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Special Exception (SE)
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- SE-14 ..... Page 5-85

Telecom. Facilities (TC)
- TC-01 ..... Page 5-87

Temporary Uses (TU)
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- TU-02 ..... Page 5-89

Vision Clearance (VC)
- VC-01 ..... Page 5-91

High Impact Uses (HI) District

2.41 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HI (High Impact Uses) District is intended to be used as follows:

Use Type and Intensity
- high impact uses

Application of District
- Existing and new development

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality;
- Minimize light, noise, water and air pollution.

Appropriate Adjacent Districts
- GW, P1, P2, A2, IN, OT, CM, CH, I1, I2 and I3

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property HI only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Require significant buffering and separation from adjacent uses and environmental features;
- Be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Industrial Uses
- asphalt plant
- concrete ready-mix plant
- electrical generation plant
- heavy manufacturing
- liquid fertilizer storage/distribution
- outdoor storage
- recycling processing
- storage tanks (hazardous)
- storage tanks (nonhazardous)
- telecommunication facility

Institutional Uses
- police, fire or rescue station

see also *Chapter 05; §TU: Temporary Use & Structure Standards

Special Exception Uses

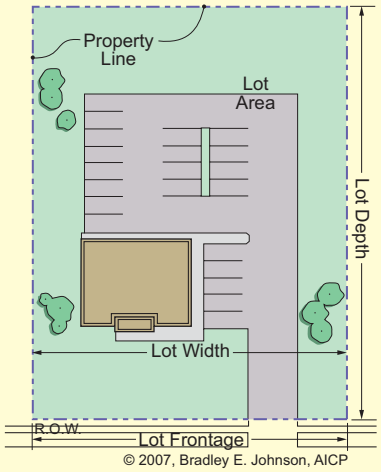
Commercial Uses
- amusement park
- feed lot, commercial
- feed lot, confined
- motorcross
- race track
- stadium
- water park

Industrial Uses
- construction material landfill
- incinerator
- junk yard
- mineral extraction
- rending plant
- sanitary landfill/refuse dump
- scrap metal yard
- transfer station

Institutional Uses
- prison

High Impact Uses (HI) District

2.42 HI District Development Standards

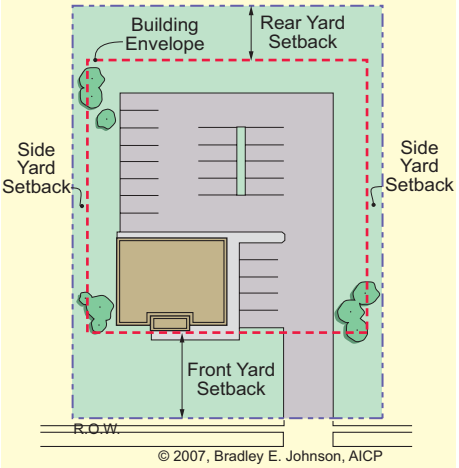


Minimum Lot Area:
- 30 acres

Minimum Lot Width:
- 225 feet

Sewer:
- Sanitary sewer connection required

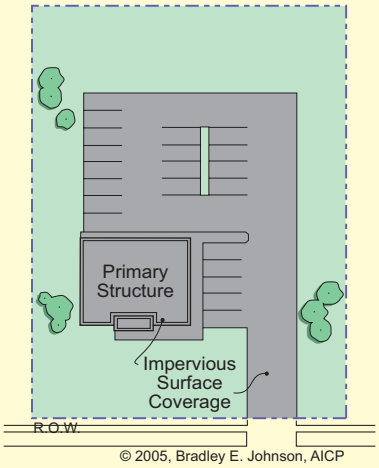
Water:
- Water utility connection required



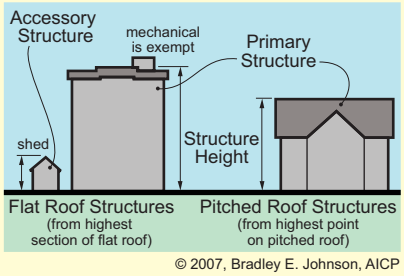
Minimum Front Setback:
- 150 feet

Minimum Side Setback:
- 100 feet

Minimum Rear Setback:
- 100 feet



Maximum Impervious Surface Coverage:
- 65% of the Lot Area



Maximum Structure Height:
- Primary Structure: 100 feet
- Accessory Structure: 50 feet

Additional Development Standards that Apply

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STATE OF INDIANA
PORTER COUNTY
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JON C. MILLER
RECORDER
REC FEE: 0.00
PAGES: 2

Tx:4000059

ORDINANCE NO. 12-15
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 2, Zoning Districts; Section 2.25 (Institutional (IN) District); Section 2.37 (General Industrial (I2) District) and Section 2.39 (Heavy industrial (I3) District) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 2, Zoning Districts; Section 2.25 (Institutional (IN) District); Section 2.37 (General Industrial (I2) District) and Section 2.39 (Heavy industrial (I3) District), shall be amended with the following:

Chapter 2, Zoning Districts; Section 2.25 (Institutional (IN) District); Section 2.37 (General Industrial (I2) District) and Section 2.39 (Heavy industrial (I3) District) Permitted Uses: of the Porter County Unified Development Ordinance, shall be added as follows:

Permitted Uses: Composting Facility

Composting Facility shall be added as a permitted use to the above sections.

This ordinance passed and adopted this 5th day of June, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

1-8 NE

2009-028218

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
10/21/2009 02:16PM
LINDA D. TRINKLER
RECORDER
REC FEE: $0.00
PAGES: 18

ORDINANCE NO 09-12
PORTER COUNTY BOARD OF COMMISSIONERS

Unified Development Ordinance

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and 2008-004335

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapters 2, Zoning Districts, Chapter 5, Zoning Districts Development Standards, Chapter 10, Processes, Permits and Fees and Chapter 12, Definitions of the Porter County Unified Development Ordinance

INTENT: That it is in the interest to promote and regulate the safe use on On-Site Wind Energy Systems.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

Chapters 2, 5, 10 and 12 are amended to the Porter County Unified Development Ordinance as follows:

- Chapter 2.07 A1 District Intent, Permitted Uses, and Special Exception Uses. WECS (Large) is added to Special Exception Uses.
- Chapter 2.09 A2 District Intent, Permitted Uses, and Special Exception Uses. WECS (Large) is added to Special Exception Uses.
- Chapter 2.39 I3 District Intent, Permitted Uses, and Special Exception Uses. WECS (Large) is added to Special Exception Uses
- Chapter 2.41 HI District Intent, Permitted Uses, and Special Exception Uses. WECS and WECS (Large) is added to Special Exception Uses.

Prime Agriculture (A2) District

2.09 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A2 (Prime Agriculture) District is intended to be used as follows:

Use Type and Intensity
- agricultural operations

Application of District
- Existing agricultural land

Development Standards
- Recognize the need for strict development standards to maximize protection of agricultural practices.

Appropriate Adjacent Districts
- GW, P1, P2, A1, IN, OT, I1, I2, I3 and HI

Plan Commission
- Utilize this zoning district for existing developments;
- Protect these areas from residential, commercial and industrial encroachment.

Board of Zoning Appeals
- Protect the integrity of these agricultural areas.

Permitted Uses

Agricultural Uses
- agricultural crop production
- farmstead
- greenhouse
- hobby farming
- nursery
- orchard
- raising of farm and exotic animals
- sale of agricultural products*
- stable, private
- storage of agricultural products
- tree farm
- vineyard

Commercial Uses
- farmers market
- paintball facility (outdoor)
- plant nursery
- stable, small commercial
- winery

Institutional Uses
- cemetery/mausoleum

Residential Uses
- dwelling, single family detached

*see also *Chapter 05; §TU: Temporary Use & Structure Standards*

Special Exception Uses

Agricultural Uses
- processing of agricultural products

Commercial Uses
- kennel*
- stable, large commercial*
- shooting range
- telecommunication facility

Residential Uses
- dwelling, single family subordinate*

Industrial Uses
- WECS (Large)

*see also *Chapter 05; §SE: Special Exception Standards*

Heavy Industrial (I3) District

2.39 I3 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The I3 (Heavy Industrial) District is intended to be used as follows:

Type and Intensity
- high impact industrial
- business park, distribution operations and industrial facilities

Application of District
- Existing and new development
- Small to medium area zoning

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality;
- Assure there are minimal negative affects on the natural environment;
- Minimize light, noise, water and air pollution.

Appropriate Adjacent Districts
- GW, P1, P2, A2, IN, OT, CM, CH, I1, I2 and HI

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property I3 only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Require significant buffering and separation from residential uses and environmental features;
- Be very sensitive to the potential for light pollution, noise pollution, loading bay placement and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products

Commercial Uses
- heavy equipment sales
- paintball facility (outdoor)

Industrial Uses
- asphalt plant
- assembly
- concrete ready-mix plant
- distribution facility
- fireworks sales
- food production/processing
- liquid fertilizer storage/distribution
- manufacturing, light
- outdoor storage
- radio/TV station
- recycling processing
- research center
- sign painting/fabrication
- storage tanks (nonhazardous)
- telecommunication facility
- testing lab
- tool and dye shop
- treatment plant, sewage
- treatment plant, water
- utility facility, above-ground
- warehouse
- welding

Institutional Uses
- police, fire or rescue station

*see also *Chapter 05: §TU: Temporary Use & Structure Standards*

Special Exception Uses

Commercial Uses
- scrap metal yard
- telecommunication facility

Industrial Uses
- mineral extraction
- WECS (Large)

High Impact Uses (HI) District

2.41 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent

The HI (High Impact Uses) District is intended to be used as follows:

Use Type and Intensity
- high impact uses

Application of District
- Existing and new development

Development Standards
- Recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality;
- Minimize light, noise, water and air pollution.

Appropriate Adjacent Districts
- GW, P1, P2, A2, IN, OT, CM, CH, I1, I2 and I3

Required Approvals
- Development Plan approval required for all developments.

Plan Commission
- Zone property HI only after determining that the site is appropriate for any of the possible uses allowed in the zoning district;
- Be very sensitive to environmental protection.

Board of Zoning Appeals
- Allow a Special Exception use only when it clearly is a benefit to the surrounding areas;
- Require significant buffering and separation from adjacent uses and environmental features;
- Be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety.

Permitted Uses

Agricultural Uses
- agricultural crop production
- raising of farm and exotic animals
- sale of agricultural products*
- storage of agricultural products*

Industrial Uses
- asphalt plant
- concrete ready-mix plant
- electrical generation plant
- heavy manufacturing
- liquid fertilizer storage/distribution
- outdoor storage
- recycling processing
- storage tanks (hazardous)
- storage tanks (nonhazardous)
- telecommunication facility

Institutional Uses
- police, fire or rescue station

*see also *Chapter 05, §TU- Temporary Use & Structure Standards*

Special Exception Uses

Commercial Uses
- amusement park
- feed lot, commercial
- feed lot, confined
- motorcross
- race track
- stadium
- water park

Industrial Uses
- construction material landfill
- incinerator
- junk yard
- mineral extraction
- rending plant
- sanitary landfill/refuse dump
- scrap metal yard
- transfer station
- WECS (Large)

Institutional Uses
- prison

Chapter
03

Overlay Districts

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

APO: Airport Overlay District

3.01 APO District Intent, Effect on Uses and Effect on Standards

District Intent

The Airport Overlay District is intended to be used to protect the Porter County Municipal Airport and any airport to which overlay protection is applied in the future.

In order to carry out the provisions of this section, there are created and established certain zones that include all of the land lying within the:

- Approach Zone;
- Conical Zone;
- Horizontal Zone;
- Noise-sensitive Zone; and
- Transitional Zone

as they apply to the airport. Such zones are shown on the Porter County Municipal Airport Layout Plan, as amended, the most current copy of which is on file with the Porter County Municipal Airport Authority, the Plan Commission Office, and the County Auditor's office. The limits of the various zones are defined in *Chapter 12: Definitions*.

Effect on Uses

Required Approvals:
- Development Plan

Permitted Uses:
- See *Chapter 02: Zoning Districts* for uses permitted by right in the base zoning district

Special Exceptions:
- See *Chapter 02: Zoning Districts* for uses permitted as a Special Exception in the base zoning district

Excluded Uses:
- Notwithstanding any other provisions of the APO District, no use may be made of land within any base zoning district subject to the APO District in such a manner as to:
  - Create electrical interference with navigational signals;
  - Create electrical interference with radio communication between the airport and aircraft;
  - Make it difficult for pilots to distinguish between airport lights and other lights;
  - Result in glare in the eyes of pilots using the airport;
  - Impair visibility in the vicinity of the airport; or
  - Otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Excluded Uses; Noise-sensitive Zone:
- No person may erect a building designed for noise-sensitive purposes, including:
  - assisted living facility
  - bed and breakfast
  - child care facility
  - day care center
  - dwelling, multifamily
  - dwelling, single-family
  - dwelling, two-family
  - hotel
  - library
  - medical facility
  - motel
  - movie theater
  - nursing home
  - place of worship
  - retirement home
  - school
  - and the like

Effect on Standards

The development standards of *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* apply where an alternative development standard has not been specified herein for the APO District.

The design standards of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* apply where an alternative design standard has not been specified herein for the APO District.

APO: Airport Overlay District

3.02 APO District Development Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the Airport Overlay District, refer to *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* for standards applicable to the base zoning district.

B. Interpretation: All distances specified herein are to be measured from existing airport facilities and from proposed airport facilities shown on the Airport Layout Plan.

C. Height Standards: The applicable zone height limitations are hereby established and described as follows:

1. *General*:
   a. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained or tree allowed to grow or be maintained in any zone created by the APO district to a height in excess of the applicable height limit herein established for such zone.
   b. An area located in more than one of the zones is considered to be only in the zone with the most restrictive height limitation.
2. *Utility Runway Visual Approach Zone*: Slopes upward one (1) foot vertically for each twenty (20) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. *Utility Runway Non-precision Instrument Approach Zone*: Slopes upward one (1) foot vertically for each twenty (20) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. *Runway Larger than Utility Visual Approach Zone*: Slopes upward one (1) foot vertically for each twenty (20) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
5. *Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile, Non-precision Instrument Approach Zone*: Slopes upward one (1) foot vertically for each thirty-four (34) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. *Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument Approach Zone*: Slopes upward one (1) foot vertically for each thirty-four (34) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
7. *Precision Instrument Runway Approach Zone*: Slopes upward one (1) foot vertically for each fifty (50) feet horizontally, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each one (1) foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
8. *Conical Zone*: Slopes upward and outward one (1) foot vertically for each twenty (20) feet horizontally beginning at the periphery of the Horizontal Zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
9. *Horizontal Zone*: One hundred fifty (150) feet above the airport elevation.
10. *Transitional Zone*: Slopes upward and outward one (1) foot vertically for each seven (7) feet horizontally beginning at the sides of and at the same elevation as the primary surface and the Approach Surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward one (1) foot vertically for each seven (7) feet horizontally beginning at the sides of and at the same elevation as the Approach Surface, and extending to where the Approach Surface intersect the conical surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, height limits sloping upward and outward one (1) foot vertically for each seven (7) feet horizontally shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at ninety-degree (90º) angles to the extended runway centerline.

11. *Excepted Height Limitations*: Nothing in *§C: Height Standards* shall be construed as prohibiting the growth of any tree or the construction or maintenance of any structure to a maximum height up to fifty (50) feet above the surface of the land; provided, however, that such maximum does not conflict with any of the Approach Zone or Transitional Zone limitations of the Airport Overlay District.

D. Lighting Standards:
   1. *General*:
      a. No parking lot, street, exterior building, or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure, or building shall utilize full-cutoff luminaires.
      b. All signage lighting shall be internally illuminated and shall not exceed twenty (20) lux at the property line.
      c. No lighting within the Airport Overlay District shall spin, oscillate, or blink.
   2. *Hazard Marking and Lighting*:
      a. Notwithstanding *§3.04(B)(1): Regulations Not Retroactive*, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Porter County Municipal Airport Authority to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Porter County Municipal Airport Authority.
      b. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of the Airport Overlay District and be reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the Porter County Municipal Airport Authority at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

E. Performance Standards:
   1. *Air Pollutants*: The emission of air pollutants such as, but not limited to, smoke, dust, noxious fumes, glare, and electrical radiation that would compromise the safety of aircraft by interfering with visibility, operation of electrical equipment, or any other condition necessary for safe flight is hereby prohibited.

3.03 APO District Design Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the Airport Overlay District, refer to *Chapter 07: Design Standards* for design standards applicable to the given type of development.

3.04 APO District Miscellaneous Standards

A. Airport Layout Plan: The Porter County Municipal Airport Layout Plan is hereby incorporated by reference.

B. Nonconformance:
   1. *Regulations Not Retroactive*: The regulations prescribed herein shall be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of September 1999, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to September 1999, and is diligently prosecuted.
   2. *Existing Uses*: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on September 1999 or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.
   3. *Nonconforming Uses Abandoned or Destroyed*: Whenever the Porter County Municipal Airport Authority determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the standards of the Airport Overlay District.

C. Noise-sensitive Purposes:
   1. *Applicability*: This section applies to any noise-sensitive purpose:
      a. Within a Noise-sensitive Zone that has had a Use Variance approved by the Board of Zoning Appeals and been issued a Permit for Construction in a Noise-sensitive Area by the Indiana Department of Transportation; or
      b. Outside a Noise-sensitive Zone, but within proximity to the extended runway centerline established in *§2: Proximity*.
   2. *Proximity*:
      a. One Nautical Mile: No noise-sensitive purpose shall be established within one (1) nautical mile of a runway centerline, extended one (1) nautical mile from each end of the runway, unless the applicant has recorded a deed restriction binding on all successors, heirs, and assigns to the real property acknowledging awareness of the airport facilities and operations, awareness of the airport's intention to expand those facilities and operations, and committing not to remonstrate against such expansion.
      b. Four Thousand Feet: No noise-sensitive purpose shall be established within 4,000 feet of a runway centerline extended one (1) nautical mile from each end of the runway, or inside the 60 dB DNL contour, whichever is greater, unless the structure is constructed using noise-mitigating techniques. Windows, exterior doors, exterior walls, and roofs shall be designed and constructed to a 35 dB noise level reduction class.

D. Hazardous Wildlife Attractants:
   1. *Uses Considered Hazardous Wildlife Attractants*:
      a. Aquaculture operation outside of totally enclosed buildings;
      b. Commercial or municipal compost operation;
      c. Confined feeding operation;
      d. Fuel processing or distribution facility;
      e. Golf course;
      f. Hazardous material or hazardous waste storage or processing;
      g. Recreational pond;
      h. Retention pond;
      i. Solid waste landfill;
      j. Trash transfer station;
      k. New wetlands, including mitigation efforts;
      l. Waste treatment facility.
   2. Land uses that attract migratory birds or that cause other risks to pilots and aircraft passengers shall not be established within:
      a. Airports Serving Piston-powered Aircraft: Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at Airports Serving Piston-powered Aircraft for any of the hazardous wildlife attractants mentioned in *§1: Uses Considered Hazardous Wildlife Attractants* or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's Aircraft Operating Area (AOA) and the hazardous wildlife attractant.
      b. Airports Serving Turbine-powered Aircraft: Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at Airports Serving Turbine-powered Aircraft for any of the hazardous wildlife attractants mentioned in *§1: Uses Considered Hazardous Wildlife Attractants* or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant.
      c. Protection of Approach, Departure, and Circling Airspace: For all airports, five (5) statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

E. Risk Abatement: Land uses that attract large gatherings (*e.g.* amphitheater, arena, school, stadium, *etc.*) shall not be established within 4,000 feet of a runway centerline, extended one (1) nautical mile from each end of the runway.

ARO: Arterial Roadway Overlay District

3.05 ARO District Intent, Effect on Uses and Effect on Standards

District Intent

The Arterial Roadway Overlay (ARO) District is intended to be used to promote a plan for rational, aesthetically pleasing and cohesive development in the areas along the major arterial roads of the County, and to preclude small, freestanding buildings and uses, unless they are part of a cohesive "campus" plan.

Applicability

- Roads that are subject to the ARO District are designated on the ~~Zoning~~ Map. The depth of the ARO District adjacent to the right-of-way of a designated road is based on the functional classification of the road on the Thoroughfare Plan.
- Primary Arterial: The ARO District extends four hundred (400) feet from the right-of-way line on each side of the designated road.
- Secondary Arterial: The ARO District extends two hundred (200) feet from the right-of-way line on each side of the designated road.

Appropriate Base Districts

- GW, P1, P2, A1, A2, RR, R1, R2, R3, R4, RL, CN, IN, OT, CM, CH, I1 and I2

Effect on Uses

Exceptions:

- Agricultural uses and structures in the A1 and A2 zoning districts are exempt from the requirements of the ARO District

Required Approvals:

- Development Plan

Permitted Uses:

- See *Chapter 02: Zoning Districts* for uses permitted by right in the base zoning district

Special Exceptions:

- See *Chapter 02: Zoning Districts* for uses permitted as a Special Exception in the base zoning district

Excluded Uses:

- outdoor storage

Effect on Standards

The development standards of *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* apply where an alternative development standard has not been specified herein for the ARO District.

The design standards of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* apply where an alternative design standard has not been specified herein for the ARO District.

ARO: Arterial Roadway Overlay District

3.06 ARO District Development Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the ARO District, refer to *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* for standards applicable to the base zoning district.

B. Accessory Structure Standards:
   1. *Applicability*: This Accessory Structure Standards section applies to all base zoning districts.
   2. All accessory structures and uses that are permitted in the base zoning district shall be permitted, except that any attached or detached accessory structure shall have on all sides the same proportions, architectural features, construction materials, and in general be architecturally complementary to the primary structure with which it is associated.

C. Architectural Design Standards:
   1. *Applicability*: This Architectural Design Standards section applies to the following base zoning districts:

      CN IN OT CM CH I1 I2

      a. Compatibility: Each building may be unique; however, all buildings within a single development shall be complementary in design, theme, materials, and architecture.
      b. Site Planning and Layout: Lineal/strip development shall incorporate variation in building height, building mass, roof forms and changes in wall planes. Lineal/strip development should be discouraged.
      c. Façade:
         i. Elevation Exterior Materials: A minimum of three (3) materials shall be used for building exteriors, from the following list:
            [a] Stone;
            [b] Brick;
            [c] Split-face concrete masonry unit;
            [d] Integrally-colored concrete masonry unit;
            [e] Fiber cement board;
            [f] Exterior insulation finish system (EIFS);
            [g] Stucco;
            [h] Architectural precast (panels or detailing);
            [i] Architectural metal panels;
            [j] Glass; or
            [k] Ornamental metal.
         ii. Large expanses of glass are allowed, up to seventy percent (70%) of the façade area. The building may not be constructed entirely of a metal and glass curtain wall.
         iii. Except as specified in *§i: Elevation Exterior Materials* above, concrete is not allowed as an exterior finish material.
         iv. Four-sided Architecture: The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure.
         v. Wall Planes: For every fifty (50) feet of building façade as measured horizontally, there shall be a minimum of four percent (4%) projection or recess in the façade (vertical plane). Any wall exceeding the fifty (50) feet in length shall include at least one (1) change in wall plane. Absolute minimum changes in plane shall be five (5) feet. The projection or recess can be realized with setbacks of the building façade, but also with architectural elements that include but are not exclusive or arcades, columns, piers, and pilasters.
         vi. Façade Colors: Façade colors shall be low reflectance, subtle, neutral hues or colors. The use of high-fluorescent colors shall be prohibited.
      d. Building Corners: All primary structures shall be designed with a minimum of eight (8) external corners, in order to eliminate the boxlike massing of buildings.

e. Windows: Where large retail structures contain additional, separately-owned or leased stores that occupy less than 20,000 square feet of gross floor area and have separate, exterior customer entrances, the street façade of retail structures shall be transparent above the walking grade.

f. Entries: Entries shall be clearly defined and accented with such features as grand doors, awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches. Each building greater than 15,000 square feet shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:
   i. Canopies or porticos;
   ii. Overhangs;
   iii. Arcades;
   iv. Raised corniced parapets over the door;
   v. Peaked roof forms;
   vi. Arches;
   vii. Outdoor patios;
   viii. Architectural details such as decorative tile work, brickwork, and moldings that are integrated into the building structure and design;
   ix. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
   x. Columns;
   xi. Awnings;
   xii. Enframed window walls.

g. Roof:
   i. Parapet: Parapets shall not exceed fifteen (15) feet as measured from the top of the roof deck and shall conceal flat roofs and shall be in proportion to the supporting walls.
   ii. Cornice: Cornices shall be three-dimensional.
   iii. Minimum Eave/Overhang Width: Pitched roofs shall have eaves and overhangs equal to or greater than twelve (12) inches in depth.
   iv. Cupola: Cupolas shall not exceed fifteen (15) feet past the base roofline.
   v. Pitched Roofs:
      [a] Minimum Pitch: 6 (vertical units): 12 (horizontal units).
      [b] Pitched roofs shall be comprised of three (3) or more roof slope planes.
      [c] Pitched roofs shall be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing-seam metal roofing, dimensional asphalt/fiberglass shingles.
      [d] Finish: Metal roofs shall have a low-gloss finish to reduce glare.
   vi. Flat Roofs: No more than fifty percent (50%) of the roof shall be flat unless the roof has an architectural addition. Flat roofs shall have architectural significance, such as different sections of flat roofs so the roof can be given articulation with different heights.
   vii. Variation in Roofline: For buildings with elevations in excess of one hundred (100) feet in width, a variation in roofline shall be employed for architectural interest and to reduce the apparent scale of the buildings. Sloped roofs shall not exceed one hundred (100) feet without a change in roof plane, or gable or dormer.

h. Mechanical and Utility Equipment Screening: All mechanical equipment, trash compactors, pallets, and the like shall be screened from view. Screening can be achieved through the use of landscaping, fence or walls for ground placed equipment, and parapet walls or other roof designs for roof-mounted structures. Screening enclosures shall be architecturally compatible with the primary structure.

i. Dumpster and Storage Area Screening:
   i. Enclosure Design: Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the primary structure. Dumpster enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure;
   ii. Enclosure Minimum Height: Six (6) feet;
   iii. Enclosure Gate: The enclosure shall contain a solid gate. The gate shall be maintained in operable condition. The gate shall remain closed except when being accessed.
   iv. Landscaping: Shrub plant material shall be provided where possible to further enhance the wall enclosure.

2. *Applicability*: This Architectural Design Standards section applies to the following base zoning districts:

I1 I2

a. Façade:
   i. Compatibility: All buildings on a site are to have compatible design, theme, materials, and architecture.
   ii. Exterior Materials: All siding shall be:
      [a] Masonry;
      [b] Fiber cement plank siding;
      [c] Decorative precast panels;
      [d] Integrally colored, textured concrete masonry unit;
      [e] External insulation finish system (EIFS);
      [f] Concrete tilt-up panels with brick or stone facing.
   iii. Exterior adjacent to Residential: The exterior of all buildings adjacent to residentially zoned or occupied areas shall predominantly consist of brick, masonry, stone, or materials with masonry surface and appearance.

b. Roof:
   i. Pitched Roofs:
      [a] Minimum Pitch: 6 (vertical units): 12 (horizontal units).
      [b] Finish: Metal roofs shall have a low gloss finish to reduce glare.
   ii. Variation in Roofline: For larger scale buildings, a variation in roofline shall be used in order to reduce the apparent scale of larger buildings.
   iii. Pedestrian or customer entries into buildings shall be further emphasized by overhanging eaves, sloped roofs, three (3) or more roof planes, higher roof lines, projected or recessed entryways, or change in building materials.

c. Mechanical and Utility Equipment Screening: All mechanical equipment, trash compactors, pallets, and the like shall be screened from view. Screening can be achieved through the use of landscaping, fence or walls for ground placed equipment, and parapet walls or other roof structures for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.

d. Dumpster and Storage Area Screening: Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the primary structure, is a minimum of six (6) feet in height, and contains a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. Dumpster enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure.

D. Density and Intensity Standards:
1. *Applicability*: This Density & Intensity Standards section applies to the following base zoning districts:

CN IN OT CM CH I1 I2

a. Minimum Gross Floor Area: All buildings shall have either:
i. A minimum of 15,000 square feet of gross floor area, excluding the floor area of any basement or any accessory building; or
ii. A minimum of three (3) buildings, with each building no less than 5,000 square feet in gross floor area, excluding the floor area of any basement or any accessory building, in an architecturally integrated campus-style grouping. The Plan Commission shall apply *§B: Architectural Design Standards* to determine whether the proposed buildings are architecturally integrated.

b. Exception: Permitted accessory buildings need not meet the 15,000 square foot floor area requirement.

E Entrance and Driveway Standards:
1. *Applicability*: This Entrance and Driveway Standards section applies to all base zoning districts.
2. Direct access to any street subject to the ARO District is prohibited unless the subject property does not have access to another public street or rear common access road. If another means of access is later established, direct access onto any street subject to the ARO District shall be closed, the entrance and driveway improvements removed, and the greenbelt established within six (6) months.

F. Height Standards:
1. *Applicability*: This Height Standards section applies to the following base zoning districts:

CN IN OT CM CH I1 I2

a. Minimum Height:
i. Primary Arterial: Twenty-six (26) feet and two (2) occupiable floors;

b. Maximum Height: As specified in the underlying zoning district, except as follows:
i. Primary Arterial: One hundred fifty (150) feet, except that the maximum height may not exceed forty percent (40%) of the distance from any residential use or zoning district;
ii. Secondary Arterial: Eighty (80) feet, except that the maximum height may not exceed forty percent (40%) of the distance from any residential use or zoning district.

G. Landscaping Standards:
1. *Applicability*: This Landscaping Standards section applies to the following base zoning districts:

RR R1 R2 R3 R4 RL

a. Greenbelt:
i. Open Space: The area within the greenbelt shall count one hundred percent (100%) toward the requirements of *Chapter 07; §OS: Open Space Standards* unless indicated otherwise elsewhere.
ii. Perimeter Landscaping: Where perimeter landscaping would otherwise be required in a greenbelt area subject to this section, the provisions of *§a: Greenbelt* supercede the requirements of *§3.08(C): Perimeter Landscaping Standards* and *Chapter 07; §PL: Perimeter Landscaping Standards*.
iii. Minimum Depth:
[a] Primary Arterial: One hundred (100) feet.
[b] Secondary Arterial: Fifty (50) feet.
iv. Minimum Length: The greenbelt shall extend the entire length of the frontage.
v. The greenbelt shall be unoccupied except for plant material, steps, walks, terraces, bike paths, lighting standards, signs, and other similar structures. Mounding and other innovative treatments are to be encouraged in this area.

vi. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. The base-planting unit for each one hundred (100) linear foot increment of the greenbelt is as follows:
[a] Primary Arterial: Ten (10) shade trees; and six (6) ornamental trees; and either thirty (30) shrubs or six (6) evergreen trees (a combination may be utilized, with one (1) evergreen tree substituting for five (5) shrubs, or two (2) for ten (10), *etc*.).
[b] Secondary Arterial: Either six (6) shade or evergreen trees; and either six (6) ornamental trees or twenty (20) shrubs (a combination may be utilized, with one (1) ornamental tree substituting for four (3) shrubs, or two (2) for six (6), *etc*.).

vii. Fencing or Mounding: Where used, fencing or mounding as described below may be integrated with the required trees and shrubs.
[a] Perimeter Fences: A high quality perimeter fence common to the development's character may be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that simulate natural materials will also be allowed. Fences shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Fencing may only be located in the greenbelt. The design of the fence is subject to Plan Commission approval.
[b] Mounds: Mounds may be combined with plant material, as described above, and may include fencing. Mounds shall be a maximum of six (6) feet in height. Maximum side slope shall not exceed a three to one (3 (horizontal units):1 (vertical unit)) ratio. Continuous mounds (*i.e*. levee-like mounds) are not permitted.

2. *Applicability*: This Landscaping Standards section applies to the following base zoning districts:

CN IN OT CM CH I1 I2

a. Greenbelt:
i. Open Space: The area within the greenbelt shall count one hundred percent (100%) toward the requirements of *Chapter 07; §OS: Open Space Standards* unless indicated otherwise elsewhere.
ii. Minimum Depth:
[a] Primary Arterial: One hundred (100) feet.
[b] Secondary Arterial: Fifty (50) feet.
iii. Minimum Length: The greenbelt shall extend the entire length of the frontage.
iv. The greenbelt shall be unoccupied except for plant material, steps, walks, terraces, bike paths, lighting standards, signs, and other similar structures. Mounding and other innovative treatments are to be encouraged in this area.
v. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. The base-planting unit for each one hundred (100) linear foot increment of the greenbelt is as follows:
[a] Primary Arterial: Five (5) shade trees; and three (3) ornamental trees; and either fifteen (15) shrubs or three (3) evergreen trees (a combination may be utilized, with one (1) evergreen tree substituting for five (5) shrubs, or two (2) for ten (10)).
[b] Secondary Arterial: Either three (3) shade or evergreen trees; and either three (3) ornamental trees or ten (10) shrubs (a combination may be utilized, with one (1) ornamental tree substituting for four (3) shrubs, or two (2) for six (6)).

H. Lighting Standards:
1. *Applicability*: This Lighting Standards section applies to the following base zoning districts:

CN IN OT CM CH I1 I2

a. All site lighting shall be coordinated throughout the project and be of uniform design, color and materials.
b. The maximum height of light standards shall not exceed the building height proposed, or twenty-five (25) feet, whichever is less. However, when light standards abut or fall within ninety (90) feet of a residential use or zoning district, they shall not exceed fifteen (15) feet.
c. All exterior architectural, display, decorative, and sign lighting shall be generated from concealed, low level light fixtures.
d. The average illumination for site lighting shall be a maximum of thirty (30) lux.
e. All site lighting shall be designed to not exceed three (3) lux at the property line in business or industrial zoning districts, and one (1) lux at the property line of adjoining residential uses or zoning districts.

I. Outdoor Storage Standards:
1. *Applicability*: This Outdoor Storage Standards section applies to the following base zoning districts:

I1 I2

a. All uses shall be fully contained within a building.
b. Outdoor storage is not permitted within the following proximity of the right-of-way:
i. Primary Arterial: Four hundred (400) feet.
ii. Secondary Arterial: Two hundred (200) feet.

J. Parking Standards:
1. *Applicability*: This Parking Standards section applies to the following base zoning districts:

CN IN OT CM CH I1 I2

a. Greenbelt: Parking is prohibited within the required greenbelt.
b. Structure: Parking is prohibited between any structure and the right-of-way of any street adjacent to the development.

K. Setback Standards:
1. *Applicability*: This Setback Standards section applies to the following base zoning districts:

A1 A2 RR R1 R2 R3 R4 RL

a. Minimum Setback:
i. Primary Arterial: No residential structure shall be located within two hundred (200) feet of the right-of-way line.
ii. Secondary Arterial: No residential structure shall be located within one hundred (100) feet of the right-of-way line.

2. *Applicability*: This Setback Standards section applies to the following base zoning districts:

CN IN OT CM CH I1

a. Build-to Line:
i. Except as allowed in *§ii* below, all primary structures shall be located on the ARO District build-to line, defined in *§iii* below.
ii. For campus-style developments with three (3) or more primary structures, up to one-half (½) of the buildings may be placed on the access road build-to line instead of the arterial build-to line.
iii. Dimensional requirements for build-to lines shall be measured from the right-of-way line:
[a] Primary Arterial: One hundred (100) feet;
[b] Secondary Arterial: Fifty (50) feet;
[c] Access Road: Twenty-five (25) feet.

3. *Applicability*: This Setback Standards section applies to the following base zoning districts:

   I2

   a. Minimum Setback:
      i. Primary Arterial: One hundred (100) feet.
      ii. Secondary Arterial: Fifty (50) feet.

L. Sign Standards:

1. *Applicability*: This Sign Standards section applies to the following base zoning districts:

   RR R1 R2 R3 R4 RL

   a. Permanent Subdivision Identification Sign:
      i. Type: Ground sign.
      ii. Maximum Number: One (1) per street subject to the ARO District.
      iii. Maximum Height: Eight (8) feet.
      iv. Minimum Setback: Twenty (20) feet from the right-of-way line.
      v. Minimum Sign Area: Twenty-four (24) square feet.
      vi. Maximum Sign Area:
         [a] Project Area Less than or Equal to Three Acres: Forty (40) square feet.
         [b] Project Area Greater than Three Acres: Eighty (80) square feet.
      vii. Location: Within the greenbelt.
      viii. Minimum Separation:
         [a] On-site: Permanent subdivision identification signs for the same subdivision, but located along different rights-of-way, shall be located a minimum of one hundred fifty (150) feet apart, measured between their closest points.
         [b] Adjacent Site: In order to promote an uncluttered sign environment, permanent subdivision identification signs shall be located a minimum of one hundred (100) feet from any adjacent parcel along the same frontage. Permanent subdivision identification signs established in a subdivision with less than two hundred (200) feet of frontage along the right-of-way shall be placed at or as close to the center of the frontage as possible.

2. *Applicability*: This Sign Standards section applies to the following base zoning districts:

   A1 A2 CN IN OT CM CH I1 I2

   a. General:
      i. Orientation: Except as provided below, no sign may be established that faces a street subject to the ARO District.
      ii. Design: All signs established on a given project site shall conform to a uniform sign design package proposed by the petitioner and approved by the Plan Commission as part of the Development Plan.

   b. Permanent Development Identification Sign:
      i. Type: Ground sign.
      ii. Maximum Number: One (1) per street subject to the ARO District.
      iii. Maximum Height: Eight (8) feet.
      iv. Minimum Setback: Twenty (20) feet from the right-of-way line.
      v. Minimum Sign Area: Twenty-four (24) square feet.
      vi. Maximum Sign Area:
         [a] Project Area Less than or Equal to Three Acres: Forty (40) square feet.
         [b] Project Area Greater than Three Acres but Less than Ten Acres: Eighty (80) square feet.
         [c] Project Area Equal to or Greater than Ten Acres: One hundred twenty (120) square feet.
      vii. Location: Within the greenbelt.
      viii. Materials: The base of the sign and any other supporting materials shall be covered with brick, stone or decorative block.

viii. Minimum Separation:

[a] On-site: Permanent development identification signs for the same development, but located along different rights-of-way, shall be located a minimum of one hundred fifty (150) feet apart, measured between their closest points.

[b] Adjacent Site: In order to promote an uncluttered sign environment, permanent development identification signs shall be located a minimum of one hundred (100) feet from any adjacent parcel along the same frontage. Permanent development identification signs established on project sites with less than two hundred (200) feet of frontage along the right-of-way shall be placed at or as close to the center of the frontage as possible.

c. Other Sign:

i. Type: The property owner may elect to forego the permanent development identification sign in favor of a sign that would be permitted in the base zoning district per *Chapter 05; §SI: Sign Standards*.

ii. Maximum Number: One (1) per street subject to the ARO District.

3.07 ARO District Design Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the ARO District, refer to *Chapter 07: Subdivision, Development Plan & PUD Design Standards* for design standards applicable to the given type of development.

B. Access Road Standards:

1. *Applicability*: This Access Road Standards section applies to the following types of development



a. Where access to individual tracts along these highways is either not in existence or not clearly defined in many cases, rear common access roads will need to be built. In order to preserve the aesthetic benefits provided by the greenbelt, access roads shall be provided at the rear of all tracts, wherever possible. Access roads to contiguous tracts shall be coordinated so as to form one (1) main access road serving adjoining developments. These roads should be designed so as to funnel traffic onto major arterial roads rather than into residential areas and roads that may adjoin or be near the ARO District.

C. Pedestrian Network Standards:

1. *Applicability*: This Pedestrian Network Standards section applies to the following types of development:



a. Site Planning and Layout: Layouts that allow pedestrian travel within commercial centers and to adjacent commercial centers are required. If an adjoining parcel is in a commercial zoning district but not yet developed, the internal pedestrian network shall be designed to provide pedestrian connectivity to the adjoining parcel.

D. Perimeter Landscaping Standards:

1. *Applicability*: This Perimeter Landscaping Standards section applies to the following types of development:



2. *General*: The public right-of-way shall be buffered from residential development using a soft barrier. Further, the landscaping shall be used to define the road corridors. A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the application submittal.
3. *Residential Applicability*: *Section D: Perimeter Landscaping Standards* shall apply to any portion of a residential development subject to the ARO District that abuts a street.
4. *Standards*:
   a. Minimum Depth: The perimeter landscape area shall be coterminous with the greenbelt.
   b. Minimum Length: The perimeter landscape area shall extend the entire length of the frontage.
   c. Plant Materials: Trees and shrubs shall be provided at a combined rate of ten (10) per one hundred (100) lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.
   d. Fencing or Mounding: Where used, fencing or mounding as described below shall be integrated with the required trees and shrubs.
      i. Perimeter Fences: A high quality perimeter fence common to the development's character shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that simulate natural materials will also be allowed. Fences shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Fencing may only be provided by the petitioner and only located in the perimeter landscaping area which must be classified as "common area."
      ii. Mounds: Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are not permitted (*i.e*. levee-like mounds).

SRO: Scenic Roadway Overlay District

3.08 SRO District Intent, Effect on Uses and Effect on Standards

District Intent

The SRO District is intended to preserve the rural and scenic nature of Porter County for aesthetics and maintain quality of life, and to encourage agricultural and rural activity. When assigning the SRO District, the County shall attempt to identify roadway sections of significant length, and encourage looped routes or routes with connectivity to each other and/or to scenic or recreational areas.

Applicability

- Roads that are subject to the SRO District are designated on the Zoning Map.
- The SRO District extends four hundred (400) feet from the right-of-way line on each side of the designated road.

Appropriate Base Districts

- GW, P1, P2, A1, A2, RR, R1, RL, IN, OT, CN, CM and CH

Effect on Uses

Required Approvals:

- Development Plan

Permitted Uses:

- See *Chapter 02: Zoning Districts* for uses permitted by right in the base zoning district

Permitted Uses, A1:

- See *Chapter 02: Zoning Districts* for uses permitted by right in the A1 zoning district
- art barn
- orchard

Special Exceptions:

- See *Chapter 02: Zoning Districts* for uses permitted as a Special Exception in the base zoning district.

Effect on Standards

The development standards of *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* apply where an alternative development standard has not been specified herein for the SRO District.

The design standards of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* apply where an alternative design standard has not been specified herein for the SRO District.

SRO: Scenic Roadway Overlay District

3.09 SRO District Development Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the SRO District, refer to *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* for standards applicable to the base zoning district.

B. Architectural Design Standards:

1. This Architectural Design Standards section applies to the following base zoning districts:

P1 P2 IN OT CN CM CH

a. Non-residential structures shall be compatible with a rural or park-like setting. To that end, the character of nonresidential structures shall be either:
   i. Agricultural (*e.g.* structures that look like barns, silos, *etc.*); or
   ii. Rural/rustic, characterized by:
      [a] Natural building materials (*e.g.* log construction, wood, stone, *etc.*)
      [b] Low-lying, sleek structures that are compatible with the landscape (*e.g.* Prairie Style);
      [c] Large eaves/soffits.

C. Landscaping Standards:

1. This Landscaping Standards section applies to the following base zoning districts:

P1 P2 IN OT CN CM CH

a. Maintenance of Trees:
   i. Tree Stands: The maintenance of existing tree stands is required.
   ii. Mature Trees: The cutting of mature, healthy trees over eight (8) inches dbh is prohibited within one hundred (100) feet of the right-of-way.

b. Hedge Row Plantings: Where hedge rows exist within seventy-five (75) feet of the right-of-way, they are required to be maintained and enhanced. Where hedge rows do not currently exist, they are required to be installed.

c. Planting Patterns: Landscape Plans are encouraged to utilize natural patterns rather than formal arrangements.

d. Native Species: Landscape materials shall be comprised of species native to Porter County or of species otherwise approved by the Executive Director.

D. Setback Standards:

1. This Setback Standards section applies to the following base zoning districts:

P1 P2 A1 A2 RR R1 RL CN

a. Minimum Front Setback:
   i. State Designated Highway: One hundred (100) feet.
   ii. All other roads: Fifty (50) feet.

2. This Setback Standards section applies to the following base zoning districts:

IN OT CN CM CH

a. Minimum Front Setback: One hundred (100) feet.

E. Sign Standards:

1. This Sign Standards section applies to the following base zoning districts:

IN OT CN CM CH

a. Ground Sign: The base of a ground sign and any other supporting materials shall be covered with brick, stone or decorative block.

b. Architectural Design: All signs shall compliment the archtiecture of the building.

3.10 SRO District Design Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the ARO District, refer to *Chapter 06: Subdivision Regulations* for standards applicable to the given subdivision type; and/or refer to *Chapter 07: Design Standards* for standards applicable to the given type of development.

B. Perimeter Landscaping Standards:

1. This Perimeter Landscaping Standards section applies to the following types of development:



a. Where existing trees and hedgerows exist, they are required to be preserved as set forth in *§3.09(C): Landscaping Standards*. Where existing vegetation is thin or minimal, the Plan Commission may, in its discretion, require enhancement to meet the density standards of *§b*.

b. Where tree stands and/or hedgerows do not exist or are minimal, they are required to be installed or enhanced in an area seventy-five (75) feet from the right-of-way of the designated roadway as follows:

i. Minimum Depth: Seventy-five (75) feet.

ii. Plant Materials: Trees and shrubs shall be provided at a combined rate of twenty (20) per one hundred (100) lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet.

iii. Planting Patterns: The required trees and shrubs shall be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.

iv. Native Species: Landscape materials shall be comprised of species native to Porter County or of species otherwise approved by the Executive Director.

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ORDINANCE NO. 17-07
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 3, Overlay Districts; with the addition of Section 3.19 (U.S. 6 Corridor Overlay District); of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 3, Overlay Districts; Section 3.19 (U.S. 6 Corridor Overlay District) of the Porter County Unified Development Ordinance, shall be added as follows:

Section 3.19, U.S. 6 Corridor Overlay District

A. **Purpose**: The US 6 corridor has been identified by Porter County as an important gateway and vital economic artery. In addition, this state highway serves an important traffic-carrying function. Studies by transportation organizations nationally have found a direct correlation between the number of access points and vehicle crashes. Therefore, protection and improvement of the US 6 corridor is of significant public benefit. The purpose of the US 6 Corridor Overlay District is to establish specific requirements that will:
   1. Promote economic development;
   2. Support the recommendations and goals of the Porter County Land Use and Transportation Plans, the County Corridor Plan and other related policy documents;
   3. Protect public and private investment in infrastructure and development;
   4. Establish a high quality and inviting image at the entrances to the county;
   5. Preserve roadway capacity and safety;
   6. Minimize distractions;
   7. Ensure that future development does not inhibit improvements to the roadway;
   8. Provide connectivity for non-motorized movement along the corridor; and
   9. Preserve property values.

B. **Applicability**:
   1. *Relation to Underlying District*: The requirements of this district are in addition to and shall supplement those imposed on the same lands by any underlying zoning provisions of this ordinance. These regulations supersede all conflicting regulations of the underlying district to the extent of such conflict. The U.S. 6 Corridor Overlay Ordinance shall supersede the overlay standards with the UDO for the *ARO: Arterial Roadway Overlay District* (Chapter 3.06) and *SRO: Scenic Roadway Overlay District* (Chapter 3.08)
   2. *District Boundaries*: The US 6 Corridor Overlay District shall apply to the entire length of US 6 from the City of Portage corporate limits on the west to the Porter/La Porte County line on the east. The US 6 overly district shall extend to a depth of 1,320 feet from the centerline of US 6 north and south from the City of Portage corporate limits to 1,320 feet east of the centerline of

Calumet Road; and shall extend to a depth of 600 feet from the centerline of US 6 north and south from 1,320 feet east of Calumet Road to the Porter/La Porte County line.

C. Sub-Districts

The age, character and scale of development along the US 6 corridor is diverse. Therefore, a one-size-fits-all regulation is not appropriate to address the varied conditions and specialized needs. In order to accommodate the distinct traits found within defined segments of the corridor, the overlay district is divided into four sub-districts, each with its own particular development regulations. The sub-districts are defined as follows:

Table 3.19 a.: Corridor Sub-Districts

Sub-district	Western Limits	Eastern Limits
South Haven	City of Portage corporate boundary	Centerline of SR 149
West-Central	Centerline of SR 149	1,320 feet west of the centerline of Meridian Road
Central	1,320 feet west of the centerline of Meridian Road	1,320 feet east of the centerline of Calumet Road
East	1,320 feet east of the centerline of Calumet Road	Porter/La Porte County line

1. **South Haven**:
   a. *Applicability*: The general regulations of this overlay district and the specific requirements of this section shall apply to those lands on either side of US 6 for a distance of 1,320 feet north and south of the right-of-way, extending from the east boundary of the City of Portage to the centerline of SR 149.
   b. *Intent*: South Haven is the most developed and mature of the sub-districts. In addition to existing business development with minimal driveway spacing, large single family subdivisions and other residential concentrations are found along the corridor. The intent of this sub-district is to support infill and redevelopment and to provide for new development that is consistent with the existing land use pattern, though higher standards of quality and access control will be introduced.

2. **West Central:**
   a. *Applicability*: The general regulations of this overlay district and the specific requirements of this section shall apply to those lands on either side of US 6 for a distance of 1,320 feet north and south of the right-of-way, extending from the centerline of SR 149 to a point 1,320 feet west of the centerline of Meridian Road.
   b. *Intent*: The West-Central sub-district contains scattered development, essentially commercial in nature and of relatively recent vintage. Most uses are, or will be, traditional highway-oriented businesses dependent upon the passing traffic along US 6. The regulations of this sub-district provide for a sustainable quality and harmonious character within this segment, consistent with the established and emerging pattern of development.

3. **Central**:
   a. *Applicability*: The general regulations of this overlay district and the specific requirements of this section shall apply to those lands on either side of US 6 for a distance of 1,320 feet north and south of the right-of-way, extending from a point 1,320 feet west of the centerline of Meridian Road to a point 1,320 feet east of the centerline of Calumet Road.
   b. *Intent*: This is the newest segment of the corridor to experience development. Its principal assets, the SR49/US 6 interchange and the Porter County Hospital, will serve as catalysts to stimulate future economic development. The intent of the Central sub-district regulations, therefore, is to support high quality medical, office, and complementary business uses that will comprise a prominent economic hub for the county and surrounding region.

4. **Eastern**:
   a. *Applicability*: The general regulations of this overlay district and the specific requirements of this section shall apply to those lands on either side of US 6 for a distance of 600 feet north and south of the right-of-way, extending from a point 1,320 feet east of the centerline of Calumet Road to the Porter/La Porte County line.
   b. *Intent*: The Eastern sub-district exhibits a completely different character than the balance of the corridor. It is decidedly rural, contains extensive woodlands and rugged topography, and the minimal existing development is primarily single family residential. The intent, therefore, is to preserve the distinctive rural character, protect the environmental assets and maintain rural viewsheds along the highway, consistent with the established low density residential nature.

D. Procedures

In addition to the applicable requirements for the underlying zoning districts, all proposed development within the US 6 Corridor Overlay District shall be subject to the following procedures:

1. A development plan shall be submitted, in accordance with the requirements of Section 10.09, as amended.

2. Simultaneous with the submittal of the development plan to Porter County for its review, the applicant shall submit a copy of the plan(s) to the INDOT for its review.

E. General Requirements

The following provisions apply to all sub-districts of the corridor.

1. *Building Envelope and Dimensions*:

Table 3.19 b.: Building Envelope and Dimensions

Sub-District	Setbacks **				Height		Coverage
	Parking	Building			Feet	Stories	%
	Front	Front	Side	Rear			
South Haven	10 ft.	35-50 ft* Residential not	10 ft	20 ft	35	2	Lot coverage shall conform to the

		fronting on US 6: 25 ft					requirements of the underlying zoning district
West-Central	20 ft.	85-100 ft*	20 ft	20 ft	40	3	
Central	30 ft.	50-80 ft*	10 ft	20 ft	65	5	
East	40 ft.	100 ft	30 ft	30 ft	25	2	

* These setbacks are minimum and maximum distances. Building setbacks shall be within these ranges.
** Setbacks along US 6 shall be measured from a point fifty (50) feet from the centerline of US 6 or the right-of-way line, whichever is the greater distance from the centerline.

2. *Land Uses:* All permitted and special exception uses allowed within the underlying zoning district shall be allowed, except for the following:

Table 3.19 c.: Prohibited Uses x = prohibited use				
Uses Prohibited	**South Haven**	**West-Central**	**Central**	**Eastern**
Residential				
Seasonal housing			X	
Commercial				
Automobile accessory installation			X	X
Automobile body shop			X	X
Automobile gas station			1	X
Automobile oil change facility			X	X
Automobile parts sales			X	X
Automobile rental				X
Automobile repair/service station			X	X
Automobile sales			X	X
Automobile wash			X	X
Convenience store				X
Fireworks sales	X	X	X	X
Flea market (outdoor)	X	X	X	X
Quick cash/check cashing			X	X
Restaurant with drive-up window			X	X
Sexually oriented business	X	X	X	X
Tanning salon			X	
Tattoo/piercing salon			X	
Commercial Recreation				
Amusement park	X	X	X	X
Moto-cross	X	X	X	X
Paintball facility (indoor)		X		X
Paintball facility (outdoor)	X		X	X
Race track	X	X	X	X

Water park	X	X	X	X
Industrial				
Asphalt plant	X	X	X	X
Assembly	X	X	X	X
Concrete ready-mix plant	X	X	X	X
Distribution facility	X	X	X	X
Electrical generation plant	X	X	X	X
Food production/processing	X	X	X	X
Heavy equipment sales	X	X	X	X
Heavy manufacturing	X	X	X	X
Incinerator	X	X	X	X
Industrial wholesale	X	X	X	X
Junk yard	X	X	X	X
Light manufacturing	X	X	X	X
Liquid fertilizer storage/distribution	X	X	X	X
Mineral extraction	X	X	X	
Recycling/processing	X	X	X	X
Rendering yard	X	X	X	X
Scrap metal yard	X	X	X	X
Sign painting and fabrication	X	X	X	X
Storage tanks (hazardous)	X	X	X	X
Storage tanks (nonhazardous)	X	X	X	X
Tool and die shop	X	X	X	X
Warehouse	X	X	X	X
Warehouse storage facility	X	X	X	X
Welding	X		X	X
Wholesale warehouse sales	X	X	X	X
Institutional				
Jail	X	X	X	X
Juvenile detention facility	X	X	X	X
Prison	X	X	X	X
Other				
Construction material landfill	X	X	X	X
Municipal airport	X	X	X	X
Municipal heliport	X	X	X	X
Sanitary landfill	X	X	X	X
Transfer station	X	X	X	X

1. Automobile Gas Station shall only be located within 1320 feet east and west of the centerline of Meridian Rd. and N. Calumet Ave. to U.S. Hwy. 6. Said Automobile Gas Station may be combined with a convenience store but no repair or service station

3. *Development Requirements*:
   a. *Signs*: Signs shall be permitted in the underlying zoning district, as provided in the UDO Sign Standards (SI).
   b. *Landscaping*:
      i. In addition to the landscaping requirements of Sections 5.22 – 5.27, the following requirements shall apply and, as applicable, supersede those contained in Chapter 5.
      ii. A greenbelt shall be provided across the entire frontage of the lot/parcel, in accordance with the following requirements:
         (1) The greenbelt shall occupy the required front parking setback area, as specified in Table 3.19 b., but shall have a depth of not less than ten (10) feet.
         (2) The equivalent of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted within the front greenbelt.
         (3) A minimum of one (1) shrub, at least twenty-four (24) inches high, per ten (10) feet or fraction of street frontage.
         (4) All areas within the front greenbelt which do not contain trees or planting beds shall be covered with grass or other living ground cover.
         (5) Clustering of trees and shrubs is encouraged provided they are spaced to allow proper root growth.
         (6) Detention/retention areas shall be permitted within the front greenbelt, provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant material. To the extent possible detention/retention areas shall have a natural shape and be integrated with the landscape design.
         (7) To the extent practical, all plant material shall be native plant species, as identified by the Porter County Planning Department.
         (8) Street Trees shall not be planted within the US 6 right-of-way and shall not apply within this overlay district along US 6.
      iii. The following requirements shall apply to buffer yards between adjacent land uses as identified in Table 3.19 d.: Buffer Yards:

Table 3.19 d.: Buffer Yards					
Adjacent uses	Agriculture	Residential	Commercial	Industrial	Institutional
Agriculture	NA	NA	NA	NA	NA
Residential	NA	NA	C	C	B
Commercial	NA	C	NA	A	B
Industrial	NA	C	A	NA	C
Institutional	NA	B	B	C	NA

         (1) Class A Buffer Yard: Buffer yards shall be a minimum of ten (10) feet wide and incorporate a mound and/or a fence in addition to plant material. Fences shall be constructed of opaque material (wood, brick, or stone) to a height of six (6) feet above the ground level. Mounds shall undulate between three (3) and six (6) feet above ground level. Mounds shall be constructed of clean fill dirt and maintained with grass or other living ground cover.
         (2) Class B Buffer Yard: Buffer yards shall be a minimum of twenty (20) feet wide and incorporate a mound and/or fence in addition to plant material. Fences shall be constructed of opaque material (wood, brick, or stone) to a height of six (6) feet

above the ground level. Mounds shall undulate between three (3) and six (6) feet above ground level. Mounds shall be constructed of clean fill dirt and maintained with grass or other living ground cover.

(3) Class C Buffer Yard: Buffer yards shall be a minimum of forty (40) feet wide and incorporate a mound and/or fence in addition to plant material. Fences shall be constructed of opaque material (wood, brick, or stone) to a height of six (6) feet above the ground level. Mounds shall undulate between three (3) and six (6) feet above ground level. Mounds shall be constructed of clean fill dirt and maintained with grass or other living ground cover.

(4) Evergreens shall be required in addition to a fence and/or mound at a rate of one (1) tree per thirty (30) feet of contiguous property line for Class A. Evergreens shall be required in addition to a fence and/or mound at a rate of one (1) tree per twenty (20) feet of contiguous property line for Class B and C buffers. Clustering trees at gaps in the fence or mound to provide greater opacity shall be permitted. Evergreens shall be planted at the top of the mound or the slope facing the less intensive land use.

(5) Additional plant material, including shrubs and ornamental trees, is encouraged.

(6) If existing conditions are such that a parcel cannot comply with the buffer zone requirements, the zoning administrator shall determine the character of the buffer based on the following criteria:

(i) Traffic impacts,
(ii) Building and parking lot coverage,
(iii) Outdoor sales, display, or manufacturing area,
(iv) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.,
(v) Views and noise levels,
(vi) Health, safety, and welfare of Porter County, and
(vii) Proximity or potential proximity of residential uses.

iv. The following requirements shall apply to parking lots with greater than sixteen (16) parking spaces:

(1) One landscape island shall be provided per 16 spaces. Landscape islands shall measure at least nine (9) feet by eighteen (18) feet and be designed to accept storm water and allow for snow storage. One (1) deciduous or two (2) ornamental trees shall be required per landscaped island. Landscape islands shall be maintained in grass or groundcover that facilitates storm water treatment and management.

(2) Perimeter landscaping around parking lots (other than required greenbelts or buffers) shall only be required as necessary to provide for appropriate vehicular and pedestrian circulation between lots. Expanses of paving between lots that result in undefined vehicular or pedestrian circulation shall not be permitted. When required, perimeter landscaping areas shall be a minimum of five (5) feet wide and be maintained in grass or other living ground cover.

(3) Vision clearance areas per Section 3.19 E. 3. g. shall be maintained.

v. The following requirements shall apply to the Eastern sub-district:

(1) Existing tree stands shall be maintained. The cutting of mature, healthy trees over eight (8) inches dbh is prohibited within 100 feet of the right-of-way of US 6.

(2) Existing hedgerows within 75 feet of the right-of-way of US 6 shall be maintained and/or enhanced. Where no hedgerow exists within 75 feet of the US 6 right-of-way, one must be installed.

(3) Native species are required unless otherwise approved by the Executive Director.

c. *Building Materials and Design*: The requirements of this sub-section shall apply to all base zoning districts in the US 6 Overlay:
   i. The building materials specified in Table 3.19 e. shall apply for all facades that face a public or private street or a parking lot.
   ii. Only those roofing materials specified in Table 3.19 f., may be used.
   iii. Preference shall be for pitched roofs. However, roofs may be completely flat, provided they include a parapet that meets the following requirements:
      (1) Parapets shall not exceed 15 feet, measured from the roof deck;
      (2) Parapets shall be in proportion to the supporting walls; and
      (3) Parapets shall conceal roof-mounted mechanical equipment.

Table 3.19 e: Permitted Building Materials x = permitted building material

Materials	Sub-district			
	South Haven	West Central	Central	Eastern
Brick	X	X	X	X
Masonry	X	X	X	X
Stone	X	X	X	X
Wood				X
EIFS	X	X	X	
Fiber cement siding	X	X	X	X
Glass curtain wall			X	

Table 3.19 f.: Permitted Roofing Materials x = permitted roofing material

Materials	Sub-district			
	South Haven	West Central	Central	Eastern
Architectural shingles	X	X	X	X
Cedar shakes				X
Standing seam metal	X	X		X
Rubber membrane (flat roofs only)	X	X	X	

d. *Accessory Structures*: Accessory buildings and structures shall meet the applicable requirements of Sections 5.04 – 5.08; provided no accessory building or structure shall exceed the height limitations of the district.

e. *Outdoor Storage*: Outdoor storage may be permitted within the South Haven and West Central corridor segments, provided:
   i. The storage area shall be located in the rear yard; and
   ii. A minimum six (6) foot high, opaque screen, consisting of landscaping, walls, fences or combination of these methods approved as part of the development plan review, shall be provided along all sides visible from a public or private street, parking lot or abutting residential zoning district.

f. *Non-Motorized Transportation:*

i. A concrete sidewalk, at least five (5) feet wide, shall be installed one (1) foot inside the street right-of-way or easement line on all sides of the property having street frontage. This shall apply to all property, except within the Eastern sub-district.

ii. A pathway shall be constructed in accordance with Porter County specifications where recommended in the County Alternative Transportation Plan.

g. *Vision Clearance*:

i. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, intersection of a street and a walking/biking path (trail), and intersection of a street and driveway.

ii. Horizontal Area: The vision clearance triangle leg lengths shall be determined by the functional classification of the intersecting streets, alleys, walking/biking paths, or driveways as defined by the Porter County Thoroughfare Plan (see table below) measured from the edge of pavement.

Table 3.19 g.: Vision Clearance Requirements

Functional Classification	Leg Length
Arterial Street	Fifty (50) Feet
Collector Street	Forty (40) Feet
Local Street	Thirty (30) Feet
Driveway, alley, or walking/biking path intersecting an Arterial or Collector Street, or Driveway serving thirty (30) or more parking spaces intersecting a local street, or Alley intersecting a local street	Both legs: Twenty-five (25) Feet
Driveway serving less than thirty (30) parking spaces intersecting a local street, or Walking/biking path intersecting a local street	Both legs: Fifteen (15) Feet

iii. Vertical Area: Principal and accessory structures, landscaping, fences, walls, and signs shall not be placed within or allowed to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent roadway, except for public street signs and public utility substations.

h. *Utilities*: All utilities shall be buried to the extent permitted by the utility service provider.

i. *Lighting Standards*: All luminaries shall be full cut-off and shielded.

i. All site lighting shall be coordinated throughout the project to be of uniform design, materials, and color.

ii. The maximum height of light standards shall not exceed the building height proposed, or twenty-five (25) feet, whichever is less. However, when light standards abut or fall within ninety (90) feet of a residential use or zoning district, they shall not exceed fifteen (15) feet.

iii. All exterior architectural, display, decorative, and sign lighting shall be generated from concealed, low level light fixtures.

iv. The average illumination for site lighting shall be a maximum of thirty (30) lux.

v. All site lighting shall be designed to not exceed three (3) lux at the property line in business or industrial zoning districts, and one (1) lux at the property line of adjoining residential uses or zoning districts.

F. Access Management

1. **Findings**: The Indiana Department of Transportation has jurisdiction within the highway right-of-way, while the county has authority for land use and site plan decisions within individual parcels along the highway. The US 6 Corridor Overlay zoning district was created to help ensure a collaborative process between INDOT and the county that would consistently address access management. Porter County has determined that special comprehensive regulations are needed along US 6, based upon the following findings:
   a. The combination of roadway design, traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access regulations.
   b. Studies by transportation organizations in Indiana and nationally have found a direct correlation between the number of access points and the number of crashes.
   c. The provisions of this district are based upon considerable research and recommendations by the Indiana Department of Transportation ("INDOT").
   d. Preservation of roadway capacity through access management protects the substantial public investment in the roadway.
   e. Opportunities for additional landscaping, combined signage, and upgrading driveway geometrics to meet current standards complement other traffic calming techniques and support smoother flow of vehicles.

2. **Purpose**: Among the specific purposes of access management requirements are to:
   a. Preserve the capacity of US 6 by regulating the number, location and design of access points and requiring alternate means of access through shared driveways, service drives and access off cross streets in certain locations.
   b. Implement, when feasible, traffic calming techniques that are intended to reduce traffic speeds within the overlay zoning district.
   c. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
   d. Improve safety and reduce the potential for crashes.
   e. Avoid the proliferation of unnecessary curb cuts and driveways and eliminate or reconfigure existing access points that do not conform to the requirements herein, as properties are developed, redeveloped or improved.
   f. Implement the recommendations related to US 6 contained in the Porter County Corridor Plan.
   g. Require coordinated access among adjacent lands where possible.
   h. Address situations where existing development within the corridor area does not conform to the requirements of this overlay district. At no time shall these requirements become retroactive to existing businesses, upon development plan review for new uses or substantial redevelopment or modification of an existing site.
   i. Avoid the need for unnecessary and costly reconstruction which disrupts business operations and traffic flow.
   j. Ensure efficient access by emergency vehicles.
   k. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.

l. Provide landowners with reasonable access, though the access may be restricted to a shared driveway, service drive or side street; or the number and location of access points may not be the arrangement most desired by the landowner or applicant.
m. Promote a more coordinated development review process with the Indiana Department of Transportation and the Porter County Highway Department.

3. **Applicability**:
   a. Access spacing from intersections and other driveways shall meet the requirements within the US 6 Corridor Overlay zone district and the guidelines of the applicable road agency (INDOT and/or Porter County Highway Department).
   b. No building or structure, nor the enlargement of any building or structure requiring development plan review, shall be erected unless the Corridor Overlay zone regulations are met and maintained in connection with such building, structure or enlargement.
   c. Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the County.
   d. No subdivision shall be approved within this overlay district unless compliance is demonstrated with the applicable access spacing requirements.
   e. Any change in use on a site that does not meet the access requirements of this overlay district shall be subject to development plan review by the reviewing authority and a new access permit from INDOT. The final details will be established jointly by INDOT and the Porter County Highway Department, where applicable.

4. **Additional Submittal Information.** In addition to the submittal information required for development plan review in Section 10.09, the following shall be provided with any application for development plan or special exception review. The information listed in items a. – d. below shall be required with any request for a subdivision:
   a. *Existing access points*: Existing access points within five hundred (500') feet on either side of US 6 frontage and along both sides of any intersecting roads shall be shown on the development plan, aerial photographs or on a plan sheet.
   b. *Sight distance*: The applicant shall submit evidence indicating that the applicable sight distance recommendations of INDOT or the Porter County Highway Department are met.
   c. *Separation distance*: Dimensions shall be provided between proposed and existing access points (and median crossovers if applicable in the future).
   d. *Shared access*: Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Porter County Recorder.
   e. *Dimensions*: Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
   f. *Truck movement*: The development plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
   g. *Traffic impact study*: A traffic impact study shall be required for any use that, based on ITE trip generation rates, would be expected to generate one-hundred (100) or more vehicle trips during any peak hour, one-thousand (1,000) or more vehicle trips daily or where modifications from the generally applicable access spacing standards are requested. The

traffic impact study shall be paid for by the developer and shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of traffic impact studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in Applicant's Guide to Traffic Impact Studies, Purdue University, June 1993 (or revised copy). INDOT may also require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

h. *Review coordination*: The applicant shall provide correspondence that the proposal has been submitted to INDOT and Porter County Highway Department for their approval. Any correspondence from INDOT or PCHD shall be considered during the development plan review process. Coordination meetings should be required or other communication between the authorities involved via e-mail with cc's to appropriate INDOT and county staff. An access permit shall be required from the appropriate agency prior to development plan approval unless other arrangements have been made with the permitting agency.

5. **Requirements**: Access points shall meet the following requirements:
   a. *Driveways Permitted*: The number of driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public street. Access shall be provided for each separately owned parcel via an individual driveway, shared driveway, service drive, frontage road or side street. Additional driveways may be permitted for property only as follows:
      I. One additional driveway may be allowed for properties with a continuous frontage greater than 300 feet, if the reviewing authority determines there are no other reasonable access alternatives;
      II. The reviewing authority determines additional access is justified without compromising traffic operations along the public street; and
      III. The minimum spacing requirements, specified in Table 3.19 h. can be met.

Table 3.19 h.: Minimum Driveway Spacing Same Side of Road		
Posted Speed (mph)	**Driveway Spacing (feet)**	
	Arterial Road	**Other Roads**
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50	395	275
55	435	300
Unless greater spacing is required by INDOT, Porter County, or required to meet other standards herein.		

   b. *Access Spacing*: The spacing requirements specified below shall be measured from all other roads and driveways. If there is a change in use from residential to a non-residential requiring a development plan review, the reviewing authority shall require access to be brought into

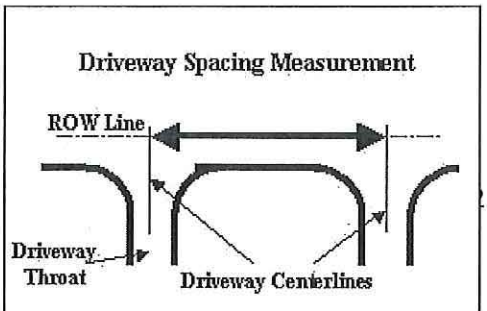


Exhibit 1

conformance with the requirements of this section.

I. The site shall be permitted reasonable access. An individual driveway may be permitted where the requirements of this overlay district are met, provided such driveway is located to facilitate shared access by adjacent lots.

II. Each lot developed under this ordinance shall be required to grant shared access easements to adjoining property to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible, as determined by INDOT and the reviewing authority.

III. For building or parking lot expansions or changes in use, the reviewing authority shall determine the extent of upgrades to bring the site into greater compliance with the provisions of this district. In making its decision, the reviewing authority shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation and any recommendations from INDOT. Required improvements may include removal or rearrangement or redesign of site access points.

IV. Any access point shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown in Exhibit 1) based on the posted speed limit along the public street segment (Table 3.19 h.).

V. Where the subject site adjoins land that may be developed or redeveloped in the future including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location requirements in the future.

VI. Access points shall be aligned with driveways on the opposite side of the street or offset the distance as indicated in Table 3.19 i.

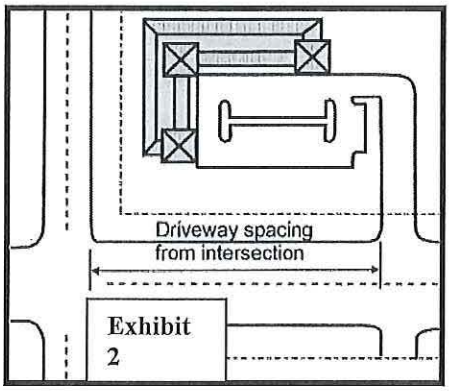
Table 3.19 i.: Minimum Opposing Driveway Offset	
Posted Speed (mph)	**Driveway Spacing (feet)**
25	255
30	325
35	425
40	525
45	630
50 +	750

VII. Minimum spacing of access points from intersections shall comply with Table 3.19 j. (measured from pavement edge to pavement edge as shown on Exhibit 2.

Table 3.19 j.: Minimum Spacing from Intersections			
Location of Access Point	**Type of Intersecting Road**	**Minimum Spacing for a Full Movement Driveway****	**Minimum Spacing for a Driveway Restricting Left-turns**
Access along US 6	Arterial	300	125
	Collector or local	200	125
Access along a collector road	Arterial	200	100
	Collector	150	100

	Local	125	100
Access along a local street	Arterial	125	75
	Collector	100	75
	Local	75	75

VIII. Where direct access consistent with the various requirements above cannot be achieved, access shall be via a shared driveway, service drive, frontage road or side street. In cases where access is from the side street, the access point must be located as far from an intersection as feasible.



c. *Sight Distance*: Driveways shall be located to provide safe sight distance or as determined by the applicable road agency.

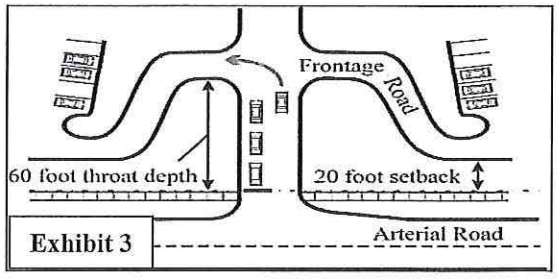
d. *Public Facilities in Right-of-Way*: No driveway shall interfere with public facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures or other necessary street structures.

e. *Shared commercial driveways, frontage roads and service drives*: Shared commercial driveways, frontage roads or rear service drives connecting two or more lots or uses shall be required in instances where the reviewing authority and INDOT determine that reducing the number of access points will have a beneficial impact on traffic operations and safety. In particular, frontage roads or service drives shall be required where recommended in a sub-area master plan; near existing traffic signals or near locations having potential for future signalization; where service drives may minimize the number of driveways; and along segments with a relatively high number or crashes or limited sight distance. Frontage roads or service drives shall be constructed in accordance with the following standards:

I. Frontage roads or service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to or behind principal buildings. In considering the most appropriate alignment for a service road, the reviewing authority and INDOT shall consider the setbacks of existing buildings and anticipated traffic flow for the site.

II. The frontage road or service drive shall be within an access easement permitting traffic circulation between properties. This easement shall be reviewed by INDOT for location and approved by the County and recorded with the Porter County Recorder. The required width shall remain free and clean of obstructions unless otherwise approved by the reviewing authority. Each property owner shall be responsible for maintenance of the easement roadway.

III. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty (20) feet shall be maintained between the public street right-of-way and the pavement of the frontage road with a minimum of sixty (60) feet of throat depth provided at the access point



measured between the public street right-of-way and the pavement of the parallel section of the frontage road (Exhibit 3).

IV. Frontage roads and service drives shall have a minimum pavement width of twenty-four (24) feet and be constructed of a base, pavement and curb with gutter that is in accordance with County street standards. An easement of forty (40) feet shall be provided. The reviewing authority may modify these standards based upon site conditions, anticipated traffic volumes and type of truck traffic.

V. The frontage road or service drive is intended to be used exclusively for circulation. The reviewing authority may require the posting of "no parking" signs along the frontage road or service drive. However, parallel parking on the side of the road closest to the building may be permitted, if it can be demonstrated through development plan review that parking will not significantly affect the capacity, safety or operation of the roadway and sufficient added width is provided.

VI. The development plan shall indicate the proposed elevation of the frontage road or service drive at the property line so that the County can maintain a record of all road elevations and their grades can be coordinated with future developments.

VII. The alignment of the roadway can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the road to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation.

VIII. In cases where a shared access facility is recommended but is not yet available, temporary direct access may be permitted provided the plan is designed to accommodate the future frontage road or service drive and a written agreement is submitted that the temporary access will be removed by the applicant when the alternative access system becomes available. This may require posting of a financial performance guarantee, in accordance with Section 10.29.

IX. With the redevelopment of existing sites, where it is not possible to develop separate frontage roads or service drives, the reviewing authority and INDOT may require a drive connecting parking lots in lieu of a frontage road or service drive.

f. *Conflicts*: The requirements of this overlay district were developed collaboratively between the county and INDOT. When a conflict occurs between a developer and INDOT, an acceptable access will be determined by the Porter County Plan Commission and INDOT.

6. **Modification of Requirements:**

a. Given the variation in existing physical conditions along US 6 and its intersecting streets, modifications to the spacing and other requirements above may be permitted by the reviewing authority and INDOT as part of the development plan review. The reviewing authority shall consider the criteria in subparagraph 6 b. when determining if there is a need for modification, in the following circumstances, and the degree to which any modification is necessary. The decision of the reviewing authority may be appealed per IC 36-7-4-1600 series.

I. The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.

II. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.

III. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.

IV. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.

b. The reviewing authority may waive certain requirements of this section upon consideration of the following:

I. The proposed modification is consistent with the general intent of the standards of this overlay zone, the recommendations of the Porter County Thoroughfare Plan, and published INDOT guidelines.

II. INDOT staff endorses the proposed access design.

III. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.

IV. Shared access has been provided, or the applicant has demonstrated it is not practical.

V. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

This ordinance passed and adopted this 4 day of April, 2017.

PORTER COUNTY BOARD OF COMMISSIONERS

Jeff Good, President

Laura Blaney

Jim Biggs

Attest: Vicki Urbanik
Vicki Urbanik, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

WSO: Watershed Overlay District

3.11 WSO District Intent, Effect on Uses and Effect on Standards

District Intent

The purpose of the Watershed Overlay District is to:

- Reduce soil and nutrient loss by slowing surface runoff;
- Maintain the quality of water by reducing erosion and minimizing siltation;
- Provide a buffer to reduce sedimentation and nutrient pollution of streams and rivers from non-point sources;
- Help moderate floods by establishing vegetation that will absorb some of the water's energy, thereby slowing the flow of floodwaters;
- Protect wetlands;
- Provide critical habitat for wildlife;
- Provide wildlife corridors to connect natural areas that would otherwise be isolated; and
- Shade streams in order to help provide good spawning sites for fish and other aquatic animals.

Applicability

- *Priority 1*: Consists of major drainageways and bodies of water that are to be given highest priority for protection. The WSO District extends five hundred (500) feet on each side of a Priority 1 water body, measured from the top of bank;
- *Priority 2*: Consists of major collectors, continually flowing drainways to Priority 1 water bodies, and may include small lakes, to be given second highest priority for protection. The WSO District extends three hundred (300) feet on each side of a Priority 2 water body, measured from the top of bank;
- *Priority 3*: Consists of minor drainways and may include tertiary waterways with intermittent flow. The WSO District extends one hundred (100) feet on each side of a Priority 3 water body, measured from the top of bank.
- *Establishment and Maintenance*: Where the WSO District crosses parcel lines, the owner of each affected parcel shall only be responsible for establishing and maintaining that portion of the WSO District that is located on that owner's parcel.

Appropriate Base Districts

- GW, P1, P2, A1, A2, RR, R1, R2, R3, R4, RL, MP, IN, CN, and CM

Effect on Uses

Required Approvals:

- Landscape Plan

Excluded Uses, All Priority Areas:

- All Permitted Uses listed in *Chapter 02: Zoning Districts* for the I3 and HI zoning districts
- automobile gas station
- construction material landfill
- dry cleaning service (on-site)
- junk yard
- manufacturing, heavy
- scrap metal yard
- stables
- storage tanks (hazardous)

Effect on Standards

The development standards of *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* apply where an alternative development standard has not been specified herein for the WSO District.

The design standards of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* apply where an alternative design standard has not been specified herein for the WSO District.

3.12 WSO District Development Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the WSO District, refer to *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* for standards applicable to the base zoning district.

B. Landscaping Standards:

1. *Buffer Yard*: Where *Chapter 05; §LA: Landscaping Standards* requires a buffer yard along the same property line along which the WSO District requires a riparian buffer, the buffer yard requirement is eliminated in favor of the riparian buffer.
2. *Riparian Buffer*: The following requirements apply to all proposed developments or lots that are contiguous with or contain a water resource:
   a. Applicability: A riparian buffer shall be established when a site is the subject of a:
      i. Development Plan (including Detailed and Final Development Plans required for Planned Unit Developments) or Subdivision petition before the Plan Commission;
      ii. Special Exception, Floodplain Standards Variance, or Use Variance petition before the Board of Zoning Appeals;
      iii. Erosion Control Permit;
      iv. Mineral Extraction Permit.
   b. Riparian Buffer Plan Requirements:
      i. The Riparian Buffer Plan shall be prepared by an arborist certified by the International Society of Arboriculture, a forester certified by the Society of American Foresters, or a landscape architect registered with the State.
      ii. The Riparian Buffer Plan shall be fitted to the topography and soil to create the least potential for vegetation loss and site disturbance. Protection of tree crowns and root zones within the drip-line shall be required for all trees planned for retention.
      iii. All newly planted vegetation within the riparian buffer shall be species native to the County or of species otherwise approved by the Executive Director.
      iv. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water, fertilizer, and protection to ensure reestablishment.
      v. Where a water resource is contained within a property to be developed, the riparian buffer shall extend along both sides of the water resource.
      vi. Width: The riparian buffer width shall be adjusted to include contiguous sensitive areas such as steep slopes or erodible soils, where development may impact the water quality of the water resource.
      vii. Floodplain: Where a SFHA is wider than the minimum required riparian buffer, the widths of the graduated riparian buffer zones shall be adjusted in the Riparian Buffer Plan so that the outer edge of Zone 3 is at least coterminous with the edge of the SFHA.
      viii. Long-term Maintenance: The Riparian Buffer Plan shall include a Long-term Maintenance Plan.
   c. Graduated Buffer Zones: The riparian buffer shall be composed of three (3) distinct zones unless it is determined, based on riparian buffer function and site characteristics, that only one (1) or two (2) zones are necessary. Each riparian buffer zone shall have its own set of allowable uses and vegetative targets.

d. ZONE 1: Streamside Zone: The function of the Streamside Zone is to protect the physical and ecological integrity of the ecosystem, especially stream bank and riverbank stabilization.
   i. Location: The zone closest to the stream or river.
   ii. Riparian Buffer Width: The width shall be measured perpendicular to the adjoining bank. The minimum width of Riparian Buffer Zone 1 shall be:
      [a] Priority 1: One hundred (100) feet;
      [b] Priority 2: Seventy-five (75) feet;
      [c] Priority 3: Forty (40) feet.
   iii. Vegetative Target: The mature vegetative cover of Riparian Buffer Zone 1 should consist of undisturbed vegetation. Only water-tolerant species native to the County should be planted in Riparian Buffer Zone 1 if no existing vegetation is present.

e. ZONE 2: Middle Zone: The function of the Middle Zone is to protect key components of the stream or river, and to allow soil particles to trap nitrogen and phosphorus.
   i. Location: The zone closest to Riparian Buffer Zone 1.
   ii. Zone 2 Width: The width shall be measured perpendicular to Riparian Buffer Zone 1. The minimum width of Riparian Buffer Zone 2 shall be:
      [a] Priority 1: Fifty (50) feet;
      [b] Priority 2: Fifty (50) feet;
      [c] Priority 3: Forty (40) feet.
   iii. Zone 2 Width Adjustment: The Plan Commission may increase or decrease the required width of Riparian Buffer Zone 2; however, the width shall not be reduced to less than twenty-five (25) feet outside Riparian Buffer Zone 1. Adjustment of the width of Riparian Buffer Zone 2 shall be based on written findings regarding one or more of the following streamside characteristics:
      [a] Percent slope adjacent to the water resource;
      [b] Soil type, thickness, and erodibility;
      [c] Watershed conditions, both upstream and downstream;
      [d] Existing riparian buffer condition and width including vegetation and wildlife habitat;
      [e] The riparian buffer characteristics of the adjoining Riparian Buffer Zones.
   iv. Vegetative Target: The mature vegetative cover of Riparian Buffer Zone 2 should consist of native, lower story and edge vegetation. Only species native to the County should be planted in Riparian Buffer Zone 2 if no existing vegetation is present.

f. ZONE 3: Outer Zone: The function of the Outer Zone is to prevent development encroachment into Riparian Buffer Zones 1 and 2 of the riparian buffer, and to filter runoff. This grass, sedge, and forbs-covered zone serves to “feather” surface water flow by increasing infiltration and water storage, and absorbing nutrients.
   i. Location: The zone closest to Riparian Buffer Zone 1 or Riparian Buffer Zone 2.
   ii. Zone 3 Width: The width shall be established to ensure the restoration or protection of Riparian Buffer Zone 1 and/or Riparian Buffer Zone 2. The minimum width of Riparian Buffer Zone 3 shall be:
      [a] Priority 1: Fifty (50) feet;
      [b] Priority 2: Twenty-five (25) feet;
      [c] Priority 3: Twenty (20) feet.
   iii. Vegetative Target: The mature vegetative target for Riparian Buffer Zone 3 should be grasses, sedges, and forbs native to Porter County that perform phytofiltration.

iv. Edge Demarcation:
[a] Required Signage: The outer edge of Riparian Buffer Zone 3 shall be demarcated by signs that read, "Riparian Buffer Zone: Do Not Mow." [**Note**: Mowing shall be permitted only as frequently and to the extent specified in the approved Long-term Maintenance Plan.] Riparian Buffer Zone demarcation signage shall not exceed eighteen (18) inches in height and twenty-four (24) inches in width; nor shall Riparian Buffer Zone demarcation signage be less than twelve (12) inches in height and sixteen (16) inches in width.
[b] Placement: Riparian Buffer Zone demarcation signs shall be placed at the outer edge of Riparian Buffer Zone 3, and shall be spaced at intervals of not more than one hundred (100) feet.

C. Parking Standards: Parking lots shall be set back a minimum of fifty (50) feet from the outer edge of Riparian Buffer Zone 3 of any riparian buffer.

D. Setback Standards: Structures shall be set back a minimum of:
1. Priority 1: Two hundred (200) feet from the outer edge of Riparian Buffer Zone 3;
2. Priority 2: One hundred (100) feet from the outer edge of Riparian Buffer Zone 3;
3. Priority 3: Fifty (50) feet from the outer edge of Riparian Buffer Zone 3.

3.13 WSO District Design Standards

A. Cross Reference: To the extent that they are not inconsistent with the provisions of the WSO District, refer to *Chapter 07: Subdivision, Development Plan & PUD Design Standards* for design standards applicable to the given type of development.

B. Open Space Standards: One hundred percent (100%) of the area of riparian buffers that meet the requirements of the WSO District shall count toward minimum open space requirements for the project site.

C. Pedestrian Network Standards: Where a pedestrian, multipurpose, or other path or trail is established on private property, such path or trail shall be placed within an appropriate access easement.

D. Storm Water Standards:
1. *Outlet*: Storm water drainage shall outlet no closer to the stream or river than the outer edge of Riparian Buffer Zone 3 of any riparian buffer. Outlets shall be designed to prevent damage to the riparian buffer by slowing and distributing the discharge in a manner sufficient to ensure that Riparian Buffer Zone 3 will be able to protect Riparian Buffer Zone 1 and Zone 2 without suffering significant damage itself.
2. *Regulated Drain*: Where the access easement for a Regulated Drain overlaps the riparian buffer, the Riparian Buffer Plan shall also be subject to review and approval by the County Drainage Board.

3.14 WSO District Miscellaneous Standards

A. Notice Requirements:
1. *Priority 1*: Notice shall be given to the IDEM Office of Water Quality and to the DNR Division of Water when a site is the subject of a:
   a. Development Plan (including Detailed and Final Development Plans required for Planned Unit Developments), Rezone, or Subdivision petition before the Plan Commission;
   b. Special Exception, Floodplain Standards Appeal, Floodplain Standards Variance, or Use Variance petition before the Board of Zoning Appeals;
   c. Erosion Control Permit;
   d. Mineral Extraction Permit.
2. *Regulated Drain*: The petitioner shall send notice to the County Drainage Board when any project includes proposed activity in an access easement for a Regulated Drain.

WPO: Wellhead Protection Overlay District

3.15 WPO District Intent, Effect on Uses and Effect on Standards

District Intent

The WPO District is intended to be used to protect the CPWSS (Community public water supply system), more specifically the water supply from public wells within or outside the County.

Effect on Uses

Permitted Uses:

- See *Chapter 02: Zoning Districts* for uses permitted by right in the base zoning district

Special Exceptions:

- See *Chapter 02: Zoning Districts* for uses permitted as a Special Exception in the base zoning district

Excluded Uses:

- dry cleaning service (on-site)
- junk yard
- sanitary landfill/refuse dump

Effect on Standards

The development standards of *Chapter 02: Zoning Districts* and *Chapter 05: Zoning District Development Standards* apply where an alternative development standard has not been specified herein for the WPO District.

The design standards of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* apply where an alternative design standard has not been specified herein for the WPO District.

3.16 WPO District Development Standards

A. **[PLACEHOLDER]**

3.17 WPO District Design Standards

A. **[PLACEHOLDER]**

3.18 WPO District Process

A. Filing of Plans: An applicant shall file a copy of the proposed plat and/or plans with the applicable Wellhead Protection Administrator when applying for the following items when all of or a portion of the land lies in a Wellhead Protection Overlay District:
   1. Subdivision of Land;
   2. Planned Unit Development;
   3. Special Exception;
   4. Improvement Location Permit;
   5. Variance;
   6. Rezoning.

B. Notice of Proceedings:
   1. In addition to any other notice an applicant is required to give, an applicant shall give notice to the Wellhead Protection Administrator of the affected CPWSS of the following when all of or a portion of the land lies in a Wellhead Protection Overlay District:
      a. The public hearing on the application for Primary Plat approval in *Chapter 10; §Subdivision Control.*
      b. The public hearing on the application for Planned Unit Development approval under *Chapter 10; §Planned Unit Developments*.
      c. The public hearing on the application for a Special Exception under *Chapter 10; §10.22: Special Exception*.
      d. The public hearing on the applicant's request for a Variance under *Chapter 10; §10.20: Development Standards Variance* or *§10.21: Use Variance* and IC 36-7-4-918.4 or IC 36-7-4-918.5.
      e. The public hearing on the applicant's request for a rezoning under IC 36-7-4-608(b).
   2. The Wellhead Protection Administrator of the affected CPWSS shall be deemed an interested party entitled to notice and an opportunity to be heard with respect to an application.
   3. A CPWSS affected by an application may submit written or oral comments to the administrative body of Porter County having jurisdiction over the matter, and may attend and participate in any public hearings, in the same manner and to the same extent as all other interested parties or citizens.

C. Participation in Proceedings: The Technical Advisory Committee may request to receive and consider written or oral communications from the CPWSS concerning the effect of the proposed application on the Wellhead Protection Overlay District and may invite a representative of the CPWSS to attend the Technical Advisory Committee meeting.

Chapter
04

Planned Unit Development Districts

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Planned Unit Development (PD) Districts

4.01 PD District Intent, Permitted Uses and Qualifying Standards

District Intent

The purpose of the Planned Unit Development (PD) district is to:

- Allow a mixed-use development when appropriate and when it fits into the context of the area.
- Allow a unique and innovative design, layout, and/or development product that cannot be reasonably achieved through the application of the subdivision regulations, design standards, and development standards. The need for variances or waivers is not justification for applying for a Planned Unit Development.
- Allow the development of a unique property which is substantially unable to be developed when the subdivision regulations, design standards, and development standards are applied.

Regulations

- Permitted uses in Planned Unit Developments shall be substantively consistent with the Comprehensive Plan and the default zoning district. Any contrary uses shall be prohibited.
- The Planned Unit Development shall substantively follow and help achieve the Thoroughfare Plan.
- The Planned Unit Development shall conform to the design standards and development standards listed in *Chapter 04*. All other design standards and development standards are subject to proposal by the developer and approved at the discretion of the Plan Commission and Board of County Commissioners.
- The Planned Unit Development shall be consistent with the goals of the Comprehensive Plan for the area in which it is located.

Prerequisites

- The area designated in the Establishment Plan must be a tract of land either under single ownership or control.

4.02 Development Requirements

A. Limitations:

1. *Prohibition Effective Date*: Effective **[insert effective date of the UDO]**, the County shall not accept petitions for new Planned Unit Developments. The Planned Unit Development standards found in *Chapter 04*, the design standards applicable to Planned Unit Developments found in *Chapter 07: Subdivision, Development Plan, and PUD Design Standards*, and the Planned Unit Development processes found in *Chapter 10: Processes, Permits, and Fees* have been retained to allow the County to administer those Planned Unit Developments approved and adopted prior to the prohibition effective date.
2. *Minimum Project Area*:
   a. Residential: Eighty (80) acres.
   b. Commercial: Twenty-five (25) acres.
   c. Infill: Three (3) acres.
   d. Mixed-use: One hundred (100) acres.
3. *Minimum Project Open Space*: No Planned Unit Development shall be approved unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common area or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and Board of County Commissioners. Open space shall be provided in at least the following percentage of the total gross area of the Planned Unit Development by type of use:
   a. Residential: Twenty-five percent (25%).
   b. Commercial: Twenty percent (20%).
   c. Infill and Mixed-use: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
4. *Minimum Access Requirement*:
   a. Residential, Commercial, or Mixed-use: Real property that is the subject of a residential, commercial, or mixed-use Planned Unit Development proposal shall have primary access on a fully improved public street with a classification of minor arterial or higher.
   b. Infill: Real property that is the subject of an infill Planned Unit Development proposal shall have primary access on a fully improved public street with a classification of minor collector or higher.

B. Standards:
   1. *Chapter 05: Zoning District Development Standards*:
      a. Applicability: Unless alternate development standards are specified in the PUD District Ordinance, the default development standards of the zoning district specified in the PUD District Ordinance shall apply to the Planned Unit Development zoning district.
      b. Authorization to Propose Alternate Development Standards: Except as prohibited in *§1(c): Prohibitions* or restricted in *§1(d): Restrictions*, the petitioner may propose the use of alternate development standards. Alternate development standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. Any lessening of the required development standards of *Chapter 05: Zoning District Development Standards* shall be directly linked to the intent of the Planned Unit Development to:
         i. Provide a mixed-use development; or
         ii. Provide a creative and unique design; or
         iii. Address unusual physical conditions on site.
      c. Prohibitions: The petitioner is prohibited from proposing alternate development standards for the following sections of *Chapter 05: Development Standards*:
         i. *§EN: Environmental Standards*;
         ii. *§FP: Floodplain Standards*;
         iii. *§PF: Performance Standards*;
         iv. *§PI: Property Identification Standards*;
         v. *§PV: Public Improvement Standards*;
         vi. *§SW: Sewer & Water Standards*;
         vii. *§SX: Sexually Oriented Business Standards*;
         viii. *§SE: Special Exception Standards*;
         ix. *§TC: Telecommunication Facility Standards*;
         x. *§VC: Vision Clearance Standards*.
      d. Restrictions: The petitioner shall not propose alternate development standards for the following sections of *Chapter 05: Zoning District Development Standards* that are less restrictive than the development standards applicable to the default zoning district:
         i. *§ED: Entrance & Driveway Standards*;
         ii. *§LT: Lighting Standards*;
         iii. *§OS: Outdoor Storage Standards*.
         iv. *§PA: Pedestrian Accessibility Standards*;
         v. *§TU: Temporary Use/Structure Standards*;
      e. Remainder: The petitioner may propose alternate development standards to those sections of *Chapter 05: Zoning District Development Standards* that are not specified in *§1(c): Prohibitions* and *§1(d): Restrictions* without restriction.

2. *Chapter 07: Subdivision, Development Plan & PUD Design Standards*:
   a. Applicability: Unless alternate design standards are adopted in the PUD District Ordinance, the Planned Unit Development standards of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* of the Unified Development Ordinance shall apply to each Planned Unit Development zoning district.
   b. Authorization to Propose Alternate Design Standards: Except as prohibited in *§2(c): Prohibitions* or restricted in *§2(d): Restrictions*, the petitioner may propose the use of alternate design standards. Alternate design standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. In such a case, the Plan Commission shall determine the alternate design standards that are appropriate in order to accomplish the intent of the Planned Unit Development. Any lessening of the required design standards of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* shall be directly linked to the intent of the Planned Unit Development to:
      i. Provide a mixed-use development; or
      ii. Provide a creative and unique design; or
      iii. Address unusual physical conditions on site.
   c. Prohibitions: The petitioner is prohibited from proposing alternate design standards for the following sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards*:
      i. *§AC: Access Road Standards*;
      ii. *§CE: Covenant Standards*;
      iii. *§DD: Dedication of Public Improvement Standards*;
      iv. *§DN: Development Name Standards*;
      v. *§EA: Easement Standards*;
      vi. *§EC: Erosion Control Standards*;
      vii. *§FL: Floodplain Standards*;
      viii. *§LT: Lot Establishment Standards*;
      ix. *§MM: Monument & Marker Standards*;
      x. *§PN: Pedestrian Network Standards*;
      xi. *§PQ: Prerequisite Standards*;
      xii. *§SM: Storm Water Standards*;
      xiii. *§SN: Street Name Standards*;
      xiv. *§SS: Street Sign Standards*;
      xv. *§SY: Surety Standards*.
   d. Restrictions: The petitioner shall not propose alternate design standards for the following sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* that are less restrictive than the design standards applicable to Planned Unit Developments:
      i. *§AL: Alley Standards*;
      ii. *§CA: Common Area Standards*;
      iii. *§CR: Conservation Standards*;
      iv. *§OG: On-street Parking Standards*;
      v. *§OP: Open Space Standards*;
      vi. *§PL: Perimeter Landscaping Standards*;
      vii. *§SR: Street & Right-of-way Standards*;
      viii. *§SL: Street Lighting Standards*;
      ix. *§UT: Utility Standards*.
   e. Remainder: The petitioner may propose alternate design standards to those sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* that are not specified in *§2(c): Prohibitions* and *§2(d): Restrictions* without restriction.

3. *Construction Standards*:
   a. Applicability: Unless alternate construction standards are adopted in the PUD District Ordinance, the requirements of the *General and Detailed Specifications* shall apply to each Planned Unit Development zoning district.
   b. Authorization to Propose Alternate Construction Standards: Alternate construction standards deemed appropriate by the County in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. Any lessening of the required standards of the *General and Detailed Specifications* shall be directly linked to the intent of the Planned Unit Development to:
      i. Provide a mixed-use development; or
      ii. Provide a creative and unique design; or
      iii. Address unusual physical conditions on site.
4. *Procedure for Establishing Alternate Standards*:
   a. County Engineer: All proposals to deviate from the standards of *Chapter 05: Zoning District Development Standards*; *Chapter 07: Subdivision, Development Plan & PUD Design Standards*; or the *General and Detailed Specifications* shall be reviewed by the County Engineer in conjunction with the Establishment Plan & PUD District Ordinance petition.
   b. Technical Advisory Committee: Prior to the project's being brought before the Plan Commission for public hearing, the petitioner shall be responsible for securing the approval of all agencies represented on the Technical Advisory Committee that would have facilities affected by an alternate standard.
   c. Local, State and Federal Agencies: Prior to the project's being brought before the Plan Commission for public hearing, the petitioner shall be responsible for securing the approval of all local, State, and federal agencies not represented on the Technical Advisory Committee that would have facilities affected by an alternate standard.
   d. Restriction: Failure to secure the approval of any agency that would have facilities affected by an alternate standard shall preclude the bringing of any Development Plan that relies on such alternative standard before the Plan Commission or Board of County Commissioners for consideration.

C. Definitions:
1. *Applicability*: The definitions found in *Chapter 12: Definitions* of the Unified Development Ordinance shall apply to every Planned Unit Development zoning district.
2. *New Definitions*: The petitioner may propose definitions for words that are not defined in *Chapter 12: Definitions* of the Unified Development Ordinance; however, the new definitions shall not be applicable to the proposed Planned Unit Development zoning district alone, but added to *Chapter 12: Definitions*. To that end, the petitioner shall identify every instance in which the word (or any variation thereof) proposed to be defined occurs in the Unified Development Ordinance and in every other PUD District Ordinance to ensure that the usage of the word will be consistent throughout.
3. *Amended Definitions*: The petitioner may propose the amendment of definitions for words that are defined in *Chapter 12: Definitions* of the Unified Development Ordinance; however, the amended definitions shall not be applicable to the proposed Planned Unit Development zoning district alone, but amended within *Chapter 12: Definitions*. To that end, the petitioner shall identify every instance in which the word (or any variation thereof) for which the amended definition is proposed occurs in the Unified Development Ordinance and every other PUD District Ordinance to ensure that the usage of the word will be consistent throughout.

D. PUD District Ordinance Format: The PUD District Ordinance shall follow the standard format adopted by the County.

E. Procedures:
   1. *PUD Procedures*: The procedures for the establishment and administration of a Planned Unit Development zoning district are set forth in *Chapter 10; §Planned Unit Development* of the Unified Development Ordinance. Alternate procedures shall not be established for any Planned Unit Development zoning district.
   2. *Subdivision Procedures*: All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Chapter 10; §Subdivision Control* of the Unified Development Ordinance. However, the Primary Plat shall be incorporated into the Detailed Development Plan review and approval process; and the Secondary Plat shall be incorporated into the Final Development Plan review and approval process. Alternate subdivision procedures shall not be established for any Planned Unit Development zoning district. The petitioner shall only be required to pay the filing fee associated with the applicable Planned Unit Development process.

F. Amendments to the Unified Development Ordinance: Unless the PUD District Ordinance specifies an alternate development or design standard, an amendment to the text of the Unified Development Ordinance shall apply equally to Planned Unit Development zoning districts.

G. Build-out: All Planned Unit Developments, once ninety-five percent (95%) built-out are subject to being rezoned to an appropriate standard zoning district if the County deems it necessary to administer the development.

4.03 Origination of Proposals

A. A Planned Unit Development is a special zoning district that can be pursued by a petitioner. A parcel or site proposed for a Planned Unit Development is not required to be under single ownership. However, if not under single ownership, the petitioner must represent all the property owners within the proposed area of the Planned Unit Development prior to submitting an application for an Establishment Plan & PUD District Ordinance approval.

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2012-004276

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
02/22/2012 02:25PM
JON C. MILLER
RECORDER
REC FEE: $0.00
PAGES: 13

ORDINANCE NO. 12-01
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 4, Planned Unit Development Districts of the Porter County Unified Development Ordinance. 2008-004335

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 4, Planned Unit Development Districts, shall be deleted in its entirety and amended with the following:

Chapter 4, Planned Unit Development Districts of the Porter County Unified Development Ordinance, shall be added as follows:

Section 4.01 PD District Purpose, Permitted Uses and Qualifying Standards

A. Purpose: It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the County relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the County as a whole and in furtherance of the vision and goals of the County Land Use Plan, Planned Unit Development may be permitted as a zoning district to achieve the following purposes:
   1. provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the County, in general;
   2. preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
   3. accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this Ordinance;
   4. encourage the utilization of open space and the development of recreational amenities generally located within walking distance of all living units;
   5. encourage the use of lands in ways which are most in accord with their character and adaptability; and
   6. encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.

B. Permitted Uses: Any land use or combination of land uses may be considered for inclusion within a Planned Unit Development.

C. Qualifying Conditions: At a minimum, all proposed Planned Unit Developments shall meet the following qualifying conditions to be considered for approval.
   1. *Location*: Planned Unit Developments may be located in any zoning district, subject to meeting all other applicable requirements.

2. *PUD Purpose*: The applicant shall demonstrate that the PUD achieves two (2) or more of the purposes listed in *Section 4.01 A.*
3. *Size*: The minimum site size for a Planned Unit Development shall be based on the type of PUD, as shown in the following table. Recreational amenities such as golf courses and health clubs, and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition.

Table 4.01: Minimum Site Size	
PUD Type	**Minimum Required Site Size**
All residential	20 acres
Mixed residential/non-residential	40 acres
All non-residential	60 acres

4. *Housing Variety*: A residential PUD shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability.
5. *Utilities*: The PUD shall be served by public (municipal or conservancy district) water and sanitary sewer facilities.
6. *Ownership and Control*: The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.

Section 4.02 Development Requirements

A. Minimum Requirements:
1. Uses within the PUD shall conform to the dimensional requirements of the corresponding zoning district indicated in Table 4.02, unless modified as provided in *Section 4.02 G.*

Table 4.02: Minimum Dimensional Requirements by Use	
Proposed Land Use	Applicable District Requirements
Single family dwelling	R-2
Two family dwelling	R-3
Townhouse and multiple family dwelling	R-4
Institution	IN
Office	OT
Commercial	CM
Industrial	I1

2. In a PUD that contains more than one land use, the applicable zoning district requirements shall apply to the areas devoted to the respective use.

B. Off-street Parking: Parking convenient to all uses shall be provided pursuant to the minimum Parking Standard requirements of *Chapter 05 (PK)*, except as may be modified per *Section 4.02 G.* Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants, users and the general public. Screening of parking and service areas shall be required through use of trees, shrubs, hedges, berms or screening walls, as required in *Chapter 5, Landscaping Standards*

(LA). To the extent practicable, parking should be located in the side and rear yards with minimal, if any, parking in the front.

C. Streets: All streets within the PUD shall be public, unless specifically permitted otherwise. The standards of *Chapter 7, Street and Right-of-Way Standards (SR)*, shall apply; provided, a reduction of street width may be permitted where, in the judgment of the Board of County Commissioners, safe and efficient traffic flow will not be adversely affected; the reduced width will enhance the character of the development; and added landscaping, open space and pedestrian amenities will be accommodated. The following street requirements shall apply to all PUDs:
   1. Streets shall be required to be extended to exterior property lines to allow connection to existing or future streets on adjacent parcels, in order to provide for secondary access, assure continuity of the street system and reduce traffic on collector streets.
   2. Where the PUD abuts land that has any existing or platted stub streets, a street within the PUD shall align with and connect to such stub street, unless determined to be infeasible or undesirable by the Plan Commission.
   3. A minimum of two (2) points of ingress/egress shall be provided for any PUD.
   4. At least one (1) entrance to the PUD shall be designed as a boulevard, extending a minimum of fifty (50) feet from the intersecting right-of-way line. Such boulevard shall be curbed and landscaped.
   5. To the extent practicable, the PUD shall incorporate the concept of "complete streets" (i.e., accommodating vehicular, pedestrian, bicycle and transit movement) along interior collector and arterial streets.

D. Land Use Pattern: All elements of the PUD Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

E. Common Open Space: For purposes of the PUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the PUD and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a PUD:
   1. The area of common open space shall not be less than 30 percent of the total land area of a PUD containing any residential units and not less than 20 percent of the total land area in non-residential PUDs.
   2. All common open space shown on the Final Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
   3. The open space shall meet the following minimum dimensions, contiguity and connectivity requirements:
      a. The required open space shall be centrally located, along the street frontage of the

development to protect or enhance views, located to preserve significant natural features, and/or located to interconnect open spaces throughout the development.

b. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these PUD regulations and enhance the quality of the development. The open space shall neither be perceived or function simply as an extension of the rear yard of those lots abutting it.
c. If the site contains a lake, stream or other body of water, the County may require that a portion of the required open space shall abut the body of water.
d. A portion of the required open space shall be located along the entire public street frontage abutting the site. The depth of this area shall be at least 100 feet, not including public street right-of-way, and shall be left in its natural condition or landscaped to help reduce the view of buildings and structures from the adjacent street and preserve or enhance the view.
e. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the PUD. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the Plan Commission may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Plan Commission to be open space reasonably usable by residents, visitors and other users of the PUD. The minimum average dimension of a required open space area shall be 100 feet.
f. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
g. Grading in the open space shall be minimal, with the intent to preserve existing topography where practical.
h. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the PUD if they may negatively impact the residential use of adjacent lands as determined by the Plan Commission.
i. The following land areas shall not be classified as required open space for the purposes of this section.
    i. The area within any public street right-of-way.
    ii. The area within private road easements.
    iii. Any easement for overhead utility lines.
    iv. Fifty (50) percent of any steep slopes (20 percent or over) and habitats of endangered species.
    v. Fifty percent (50) percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the PUD. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or recognizable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required open space.
    vi. The area within a platted lot.
    vii. Parking and loading areas.
    viii. Fifty (50) percent of the area of any golf course.

F. Improvements:
   1. *Circulation facilities.* The arrangements for vehicular and pedestrian circulation shall be coordinated with other existing or planned streets, walkways or pathways in the area.
   2. *Pedestrian circulation.* A system of convenient, usable sidewalks and/or pathways shall be provided along all streets abutting the PUD boundaries and along both sides of all streets within the interior of the PUD. The pedestrian circulation system and its related walks and pathways shall be separated as completely as reasonably possible from vehicular movement.
   3. *Utilities.* All utilities (including electricity, cable TV and telephone) in both public ways and private extensions thereof shall be installed underground. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm water, and to prevent erosion and the formation of dust. This could include the establishment of storm water basins in order to minimize storm water runoff.
   4. *Recreation areas.* Recreational facilities for residents, visitors or other users of the PUD shall be located in reasonable proximity to the persons served; provided care is taken to minimize adverse impact upon the views and privacy of any dwelling unit.
   5. *Planting.* The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features to the extent possible. New landscaping shall be added, as needed, for privacy, shade, accenting buildings and grounds and to screen out objectionable features.

G. Modification of Minimum Requirements:
   1. Lot area and width, building setbacks, height, lot coverage, and multiple family density applicable to a land use, as specified in Table 4.02, may be modified by up to fifty (50) percent of the Ordinance requirement. Minimum street width requirements may be modified based on the criteria stated in *Section 4.02 C.* Parking requirements may be modified in accordance with the shared parking and land banking provisions of *Chapter 5, Parking Standards (PK).*
   2. The applicant for a PUD shall identify, in writing, all desired modifications being proposed from the zoning district and other Ordinance requirements.
   3. Proposed modifications shall be presented at the Concept Plan review stage and may be approved by the Board of Board of County Commissioners, after Plan Commission recommendation.
   4. These adjustments shall be permitted only if they will result in a higher quality of development or in better integration of the proposed use(s) with surrounding uses. The modifications shall also satisfy one or more of the following criteria:
      a. preserve the best natural features of the site;
      b. create, maintain or improve habitat for wildlife;
      c. create, improve or maintain open space for the residents beyond the minimum required for the PUD;
      d. enhance the views into the site, as well as the view from buildings to be built on site; and
      e. result in a better development, consistent with the purposes of PUD expressed in Section 4.01 A. and the recommendations of the County's Land Use Plan

Section 4.03 Review Procedure:

A. Pre-application Conference: Prior to submitting a PUD application, the petitioner shall meet with the Executive Director to discuss the zoning classification of the site, the applicable

ordinances and materials, the qualifying conditions for PUD, the review procedures and the proposed development concept. The purpose of this meeting is to provide appropriate information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the County.

B. Neighborhood Meeting (*optional*): Subsequent to the pre-application conference, it is advisable for the applicant to meet with the property owners surrounding the proposed PUD site. While not required, this step is suggested as a means of providing information, minimizing the potential for misinformation about the project, obtaining input and improving upon the design of the development.

C. Concept Plan and Rezoning:
   1. *Application.* An application for rezoning to PUD shall be submitted to the Executive Director on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the Board of Board of County Commissioners. In addition, the application shall include the following:
      a. Concept Plan: A Concept Plan containing the following information shall be submitted:
         i. general location map;
         ii. legal description of the subject property;
         iii. title block, date, north arrow, scale, name and contact information of applicant, all owners (if different from applicant) and plan preparer;
         iv. current topographical map clearly showing existing topographic conditions, including contour intervals of no more than two (2) feet based on field survey or photo-grammetric methods;
         v. map showing the existing flood plains as indicated by the Federal Emergency Management Agency;
         vi. location of existing natural features including woods, streams, ponds, wetlands and steep (20 percent or greater) slopes;
         vii. existing land uses within the development site and surrounding areas for a distance of one-quarter mile, including the approximate location of all buildings, structures, lots and streets;
         viii. location and identification of existing and proposed public, semi-public, or community facilities such as schools, parks, trails, churches, public buildings and dedicated open space;
         ix. existing zoning on all abutting properties;
         x. approximate location of existing and proposed utilities, including a preliminary utility and drainage Concept Plan;
         xi. layout and type of uses proposed within the PUD;
         xii. number and type of dwelling units proposed;
         xiii. general location of proposed interior streets and access points to abutting streets;
         xiv. number and general location of off-street parking facilities; and
         xv. perspective drawings of representative building types, indicating the proposed architectural style and appearance.
      b. Summary of Intent: A written statement containing the following information shall be submitted with the Concept Plan:
         i. statement of how the proposed PUD meets each of the qualifying conditions of *Section 4.01 C*;
         ii. statement of the present ownership of all land within the proposed development;

iii. explanation of the character of the proposed development including a summary of acres by type of use, number and type of dwelling units, gross density calculation for dwelling units, and minimum standards for floor area, lot size, and setbacks;
iv. a complete description of any requested modifications from any applicable dimensional or other requirements applying to the property, based on the applicable zoning requirements in Table 4.02;
v. general statement of the proposed development schedule and progression of each phase or stage; and
vi. intended commitments, provisions, and covenants to govern the use of the development, building materials or architectural styles and any common or open space areas, including the provisions which will organize, regulate and sustain the property owners association, where applicable.

c. PUD Ordinance: The applicant shall prepare and submit, as part of the PUD application, a draft PUD Ordinance, incorporating the Concept Plan by reference.

2. *Executive Director Review:* The Executive Director shall review the PUD application and Concept Plan upon receipt of a complete application, supporting documentation and required fees. If the application and accompanying materials are determined to be complete, the Executive Director shall:
   a. assign the application a docket number;
   b. submit the draft PUD ordinance to the County attorney for review;
   c. transmit copies of the plan to the Checkpoint Agencies, as listed in Section 10.32 G; and
   d. schedule a project review meeting with the applicant and Checkpoint Agencies.
3. *Project Review Meeting*:
   a. The applicant shall be present at the project review meeting. Failure to appear will result in the review being continued to the next meeting.
   b. Following the project review meeting, the Executive Director shall transmit to the applicant a written summary of the comments and requested changes to the plan.
   c. The applicant shall cause the Concept Plan to be revised and resubmitted to the Executive Director, who will then place the item on the agenda for Plan Commission consideration.
   Prior to the Plan Commission meeting, the Executive Director shall prepare a written report summarizing the proposed plan, Checkpoint Agency comments and a recommendation of action along with conditions, if any, to be attached to an approval.
4. *Plan Commission Review*: The Plan Commission shall receive the application, Concept Plan, supporting documentation, draft PUD ordinance and Executive Director's report and recommendation for review.
5. *Public Hearing:* A public hearing shall be conducted in accordance with the Plan Commission rules of procedure.
6. *Recommendation and Certification*: Following the public hearing, the Plan Commission shall review the PUD request, the Concept Plan, supporting documentation, Executive Director report and recommendation and the public comment. A recommendation shall be made, based on the Standards of Approval of *Section 4.04*, to the Board of Board of County Commissioners to approve; approve with conditions and/or commitments; or deny the PUD request. In the alternative, the Plan Commission may choose to make no recommendation.
7. *Board of County Commissioners Action:* Upon receipt of the Plan Commission's recommendation and certification, the Board of County Commissioners shall:

a. hold a first reading of the PUD ordinance at which the application, Concept Plan, Executive Director report and recommendation, Plan Commission record and other relevant information will be reviewed;
b. conduct a second reading and make its decision to:
   i. adopt the PUD ordinance and Concept Plan;
   ii. adopt the PUD ordinance and Concept Plan with conditions and/or commitments;
   iii. return the PUD ordinance and Concept Plan to the Plan Commission with proposed amendments; or
   iv. deny the PUD ordinance and Concept Plan.

8. *Zoning Map*: If the PUD ordinance is approved, the Executive Director shall cause the zoning map to be changed to indicate Planned Unit Development. If the PUD ordinance or Concept Plan was approved with conditions and/or commitments, the applicant shall file with the Executive Director written notice of consent to the conditions and/or commitments and a properly revised Concept Plan, if applicable, prior to the zoning map being changed.

D. Detailed Plan: The Detailed Plan stage of review shall be optional at the applicant's discretion; provided, if the PUD requires Primary Plat approval, the Detailed Plan shall be required.

1. *Pre-application Conference (optional)*: Prior to submitting an application, the petitioner may meet with the Executive Director to discuss the review procedures for this step, the relationship of the approved Concept Plan to the Detailed Plan, conditions that may have been imposed during the PUD zoning approval or other technical matters prior to proceeding with preparation of the Detailed Plan.. However, no statements or representations made at this meeting shall be construed to be a commitment or assurance of approval on the part of the County.
2. *Application:* An application for Detailed Plan review shall be submitted to the Executive Director on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the Board of County Commissioners. In addition, the application shall include a Detailed Plan and supporting documentation, as required in *Section 10.09 C.3 for plans reviewed by the Plan Commission.*
3. *Executive Director Review*: The Executive Director shall review the Detailed Plan application and supporting documentation. If the application and accompanying materials are determined to be complete, the Executive Director shall:
   a. assign the application a docket number;
   b. transmit copies of the plan to the Checkpoint Agencies, as listed in Section 10.32 G;
   c. schedule a review meeting with the Checkpoint Agencies and the applicant; and
   d. notify the applicant of the place, time and date of the review meeting.
4. *Project Review Meeting*:
   a. The applicant shall be present at the project review meeting. Failure to appear will result in the review being continued to the next meeting.
   b. Following the project review meeting, the Executive Director shall transmit to the applicant a written summary of the comments and requested changes to the plan.
   c. The applicant shall cause the Detailed Plan to be revised and resubmitted to the Executive Director, who shall place the item on the agenda for Plan Commission consideration.
   d. Prior to the Plan Commission meeting, the Executive Director shall prepare a written report summarizing the proposed plan, Checkpoint Agency comments and a recommendation of action along with conditions, if any, to be attached to an approval.
5. *Plan Commission Decision*:

a. The Plan Commission shall receive the application, Detailed Plan, supporting documentation and the Executive Director's report for review.
b. If the PUD also requires primary plat review, a public hearing shall be scheduled. However, a public hearing will not be required if the request does not require primary plat review.
c. Following review of the plans and information and, if applicable, the public hearing comments, the Plan Commission shall, based on the Standards of Approval of *Section 4.04* take action to:
   i. approve the request;
   ii. approve the request with conditions and/or commitments;
   iii. deny the request; or
   iv. continue consideration of the request to a date certain.

E. Final PUD Plan:
1. *Pre-application Conference (optional):* Prior to submitting an application, the petitioner may meet with the Executive Director to discuss the review procedures for this step, the relationship of the approved Detailed Plan or Concept Plan, as applicable, to the Final Plan, conditions that may have been imposed as part of the Detailed Plan or Concept Plan approval or other technical matters prior to proceeding with preparation of the Final Plan. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the County.
2. *Application:* An application for Final Plan review shall be submitted to the Executive Director on a form for that purpose, along with an application fee in accordance with the schedule of fees established by the Board of County Commissioners. In addition, the application shall include a Final PUD Plan and supporting documentation, as required in *Section 10.09 C.3* for plans reviewed by the Plan Commission, along with Construction Plans, Geotechnical Report and Operation and Maintenance Manual, as required by Section III D of the Storm Water Management Plan Submittal Requirements.
3. *Executive Director Review*: The Executive Director shall review the Final PUD Plan application and supporting documentation. If the application and accompanying materials are determined to be complete, the Executive Director shall:
   a. assign the application a docket number;
   b. transmit copies of the plan to the members of the Checkpoint Agencies; and
   c. notify the applicant of the place, time and date of the project review meeting with the Checkpoint Agencies.
4. *Project Review Meeting*:
   a. The applicant shall be present at the project review meeting. Failure to appear will result in the review being continued to the next meeting.
   b. Following the project review meeting, the Executive Director shall transmit to the applicant a written summary of the comments and requested changes to the plan.
   c. The applicant shall cause the Final Plan to be revised and resubmitted to the Executive Director.
5. *Decision*:
   a. Following the project review meeting, the Executive Director shall:
      i. within ten (10) business days, approve, approve with conditions or deny the Final Plan, if the Plan Commission has previously reviewed and acted upon a Detailed Plan in accordance with Section 4.03 D.; or
      ii. prepare a written report to the Plan Commission summarizing the proposed Final Plan, Checkpoint Agency comments and a recommendation of action along with conditions, if any, to be attached to an approval, if the applicant chose to

exercise the option of not submitting a Detailed Plan in accordance with Section 4.03 D.

b. The Executive Director may, at his/her sole discretion, forward the Final Plan to the Plan Commission for action, even if a Detailed Plan was previously reviewed by the Plan Commission.
c. Action on the Final Plan, by the Executive Director or the Plan Commission, shall be based on conformance with the Standards of Approval in *Section 4.04*.
d. Following action by the Executive Director or the Plan Commission, the applicant shall cause the Final PUD Plan to be revised, if necessary, and resubmitted to the Executive Director.

6. *Appeals*: A decision of the Executive Director may be appealed to the Plan Commission within thirty (30) days of the date of that decision.
7. *Phased Projects*: If a proposed PUD is to be constructed in two (2) or more phases, Final PUD approval may be granted for individual phases; provided, a complete plan for the entire PUD was first given Detailed Plan or Concept Plan approval, as applicable, and that each subsequent phase shall be submitted for Final Plan approval and is consistent with the approved Detailed Plan or Concept Plan, as applicable. The Plan Commission or Executive Director, as applicable, may require additional information beyond what is otherwise required for Detailed Plan or Concept Plan review if, in its judgment, more detailed information is necessary due to the size of the PUD; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

Section 4.04 Standards for Approval

A. Purpose of PUD: The PUD shall be consistent with the stated Purpose, as found in Section 4.01 A.

B. Qualifying Conditions: The PUD shall satisfy each of the Qualifying Conditions, as stated in Section 4.01 C.

C. Land Use Plan: The PUD shall be consistent with the recommended future land use patterns, goals and guiding principles contained in the Porter County Future Land Use and Thoroughfare Plan.

D. Surrounding Uses: The PUD shall be compatible with the existing and intended uses surrounding the property.

E. Natural Environment: The design and layout of the PUD shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.

F. Public Facilities and Services: The PUD shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.

G. Protects Health, Safety and Welfare: The PUD shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.

H. Consistent with All Applicable Standards and Requirements: The PUD shall conform to all applicable requirements of this Ordinance, unless specifically modified and approved, as authorized by *Section 4.02 G.1.*

I. Nonconforming Site: Redevelopment of a nonconforming site where creative design can address unique site constraints.

J. Final PUD Plan: The final PUD plan is substantially consistent with the representations made and plans shown during the prior stages of approval.

K. Recognizable and Substantial Benefits: Approval of the PUD will result in a recognizable and substantial benefit to the users of the project and to the community, which would not otherwise be feasible or achievable under conventional zoning districts. The PUD shall provide two (2) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Plan Commission:
   1. Preservation of significant natural or historic features.
   2. A complementary mixture of uses or a variety of housing types that provides a benefit to the County over conventional development.
   3. Creative design that cannot be achieved by underlying district standards.
   4. Common open space for passive or active recreational use beyond the minimum required.
   5. Mitigation to offset community impacts.

Section 4.05 General Provisions

A. PUD Commitments:
   1. Acceptance: In conjunction with any approval as part of the PUD review process, the Board of County Commissioners, Plan Commission or Executive Director may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   2. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   3. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the applicable plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Executive Director before making application for Detailed or Final Plan review, as applicable, or obtaining an Improvement Location Permit.
   4. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the reviewing authority that originally accepted or required the commitment. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   5. Enforcement: The County may enforce any commitment that has been accepted as if the commitment were a standard of the Unified Development Ordinance.

B. Conditions:
   1. Requirement: In conjunction with any approval as part of the PUD review process, conditions of approval may be imposed concerning the use or development of the parcel that will, in the judgment of the reviewing authority, substantially secure the objectives of

these regulations. Such conditions may include, but shall not be limited to, creation of a corporation, association or other legal entity responsible for the ownership, operation and maintenance of common areas within the PUD such as private streets, open spaces, public spaces and amenities and similar features.

2. Form: The Executive Director shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
3. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the applicable Plan. The Executive Director shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
4. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the reviewing authority that originally accepted or required the condition. The Executive Director shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
5. Enforcement: The County may enforce any condition of approval that has been imposed as if the condition were a standard of the Unified Development Ordinance.

C. Changes to Approved PUD: Changes to an approved Final PUD plan shall be permitted only under the following circumstances:
   1. The holder of an approved Final PUD plan shall notify the Executive Director of any proposed change to the approved plan.
   2. Minor changes may be approved by the Executive Director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
      a. Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
      b. Movement of building or other structures by no more than ten (10) feet;
      c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
      d. Changes in building materials to a comparable or higher quality;
      e. Changes in floor plans which do not alter the character of the use;
      f. Changes in parking layout that do not alter the number of spaces by more than five (5) percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
      g. Changes required or requested by a County, state or federal regulatory agency in order to conform to other laws or regulations.
   3. A proposed change to an approved Final PUD plan that is determined by the Executive Director to not be a minor change shall be considered an amendment to the approved Final PUD plan and shall be submitted and reviewed in accordance with the procedures established for the Final PUD Plan.

D. Time Limits:
   1. A Final PUD Plan application shall be filed not later than twenty-four (24) months after the date of approval of the Detailed Plan, otherwise the Detailed Plan approval shall be considered expired. If the Detailed Plan option is not chosen, the Final Plan shall be submitted within twenty-four (24) months of Concept Plan approval.

2. One (1) extension of up to six (6) months may be authorized by the Executive Director for reason/cause. The applicant shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
3. Actual construction of a substantial portion of the improvements included in the approved PUD shall have commenced and proceeded meaningfully toward completion within twelve (12) months of the date of Final Plan approval. If meaningful construction has not commenced during that period, the Final Plan approval shall be null and void; provided:
   a. the Executive Director may authorize a single extension of up to twelve (12) additional months, if evidence is presented by the owner that there is a likelihood of construction commencing within the period of extension; and
   b. the request for an extension is submitted by the owner, in writing, to the Executive Director prior to expiration of the initial twelve (12) month period.

E. Performance Guarantee: In conjunction with the approval of a Final Development Plan, the petitioner shall provide financial surety for all public and common improvements pursuant to *Chapter 10; §Surety Standards, Performance; Maintenance and Certificate of Acceptance.*

Said amendment to the Unified Development Ordinance shall be subject to review on an annual basis by the plan commission and their sub-committee hereby referred to as the UDO Committee.

This ordinance passed and adopted this 21st day of February, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

Chapter
05

Zoning District Development Standards

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Development Standards

Chapter 05

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5.01 Using This Chapter

Chapter 05 contains development standards which are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

A. Refer to the two-page layouts in *Chapter 02: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific Zoning District are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that Zoning District.

[As an example, on page 2-11, the four-digit code "AS-01" can be found under the "Additional Development Standards that Apply" section in the Rural Residential (RR) zoning district. Therefore, the development standards in the section labeled "AS-01" (on page 5-4) would apply to the Rural Residential (RR) zoning district.]

B. Refer to the icons used at the top of each development standard section in *Chapter 05: Zoning District Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by square icons with zoning district abbreviations (*e.g.* CN for the Neighborhood Commercial zoning district or R3 for the Two-family Residential zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

[As an example, on page 5-4, the R3 icon (R3) can be found under the AS-01 development standard section. Therefore the language in the AS-01 section would apply to the R3 zoning district.]

5.02 Purpose of Development Standards

The purpose of *Chapter 05* is to establish and define the development standards that shall be required by the County prior to the approval of any permit. Additionally, these development standards shall apply to Planned Unit Developments unless through the PUD District Ordinance a development standard is waived or altered.

Development Standards Overview

5.03 Icon Legend

GW - Greenway District

P1 - Parks and Recreation District

P2 - Parks and Recreation District

A1 - General Agriculture District

A2 - Prime Agriculture District

RR - Rural Residential District

R1 - Low Density Single-family Residential District

R2 - Medium Density Single-family Residential District

R3 - Two-family Residential District

R4 - Multiple-family Residential District

RL - Residential Lake District

MP - Manufactured Home Park District

IN - Institutional District

OT - Office and Technology District

CN - Neighborhood Commercial District

CM - Moderate Intensity Commercial District

CH - High Intensity Commercial District

I1 - Light Industrial District

I2 - General Industrial District

I3 - Heavy Industrial District

HI - High Impact Uses District

Accessory Structure Standards (AS)

5.04 AS-01: Accessory Structure; General

This Accessory Structure Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Temporary Structure Cross Reference: For information regarding temporary structures, see *Chapter 05; §TU: Temporary Use and Structure Standards*.

B. Types: Accessory structures shall relate to the primary structure and its uses, and be commonly and usually used in connection with the specific primary use.

C. Prohibitions:
   1. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, shipping container, boat or motor vehicle shall not be used as an accessory structure.
   2. *Home Occupation*: An accessory structure may be used to store materials used in the conduct of a home occupation; however, an accessory structure shall not be used for the conduct of a home occupation.

D. Timing: Accessory structures shall not be permitted on a lot prior to the primary structure being constructed, except where the accessory structure is being used for agricultural purposes.

E. Swimming Pools: Swimming pools shall be subject to both the Unified Development Ordinance and the Indiana Administrative Code (675 IAC 20: Swimming Pool Code).

F. Placement: Accessory structures shall not be placed in the front yard of any lot, nor shall an accessory structure be placed between a primary structure and a right-of-way.

5.05 AS-02: Accessory Structure; Private Stable

This Accessory Structure Standards section applies to the following zoning districts:

A1 A2 RR R1

A. Minimum Lot Area:
   1. *Residential*: Where a stable is accessory to a residential use, there shall be a minimum of one (1) acre devoted to the primary residential use of the site, exclusive of the stables, exercise pools, horse wash areas, and pastures.
   2. *Horse Yard Area*: One (1) acre.

B. Yard Areas:
   1. *Horse Yard*: The yard area used in conjunction with the stable shall be enclosed in a manner sufficient to prevent the escape of horses. The horse yard shall not be over the well or septic areas used by the residential structure.
   2. *Residential Yard*: If the site includes a residence, a separate yard area of at least 3,000 square feet shall be provided at the rear of the dwelling for the outdoor residential use of the occupants.

5.06 AS-03: Accessory Structure; Residential

This Accessory Structure Standards section applies to the following zoning districts:

RR R1 R2 R3 R4 RL

A. Maximum Number:
   1. On a lot less than 10,000 square feet, no more than one (1) accessory structure shall be permitted;
   2. On a lot between 10,000 square feet and two (2) acres, no more than two (2) accessory structures shall be permitted;
   3. On lots greater than two (2) acres, up to three (3) accessory structures shall be permitted.
   4. Accessory structures used strictly for agricultural purposes are exempt from this regulation.

B. Maximum Floor Area:
   1. The cumulative square footage of all accessory structures shall not exceed:
      a. One thousand three hundred (1,300) square feet; or
      b. Two percent (2.0%) of the square footage of the lot;
      whichever is greater.

C. Appearance: The exterior finish and façade of each accessory structure shall match or closely resemble the finish and façade materials used on the primary structure. Accessory structures used strictly for agricultural purposes are exempt from this regulation.

5.07 AS-04: Accessory Structure; Manufactured Home Park

This Accessory Structure Standards section applies to the following zoning districts:

MP

A. Types: A management office, sales office, storage facility, laundry, and other structures customarily incidental to a manufactured home park or mobile home park are permitted, provided the following criteria are met:
   1. The accessory structure is subordinate to the residential component of the manufactured home park or mobile home park; and
   2. The accessory structure is located, designed and intended to serve only the needs of the manufactured home park or mobile home park and its residents; and
   3. The establishments located within the accessory structure present no visible evidence of their nature to areas outside the manufactured home park or mobile home park.

B. Maximum Number: Each dwelling site for a manufactured home or mobile home is allowed no more than one (1) accessory structure in addition to a carport or garage.

C. Maximum Floor Area: The cumulative square footage of all accessory structures may not exceed ten percent (10%) of the area of the dwelling site. Attached or detached garages, and carports are to be counted toward the total accessory structure area.

5.08 AS-05: Accessory Structure; Commercial

This Accessory Structure Standards section applies to the following zoning districts:

IN OT CN CM CH

A. Exception: For the purposes of this section, an ATM is not considered an accessory structure and is exempt.

B. Maximum Number: No more than two (2) enclosed accessory structures (*e.g.* detached garage, shed) shall be permitted on a lot.

C. Maximum Floor Area: The cumulative square footage of all enclosed accessory structures cannot exceed fifty percent (50%) of the square footage of the primary structure.

Density and Intensity Standards (DI)

5.09 DI-01: Density and Intensity; General

This Density and Intensity Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Maximum Density: The maximum density shall be per each two-page layout in *Chapter 02: Zoning Districts*.

B. Maximum Impervious Surface Coverage: The maximum impervious surface coverage shall be per each two-page layout in *Chapter 02: Zoning Districts*.

C. Applicability: If a density or intensity standard does not appear on the two-page layout for a zoning district, then a standard does not apply to that particular zoning district.

Entrance and Drive Standards (ED)

5.10 ED-01: Entrance and Drive; General

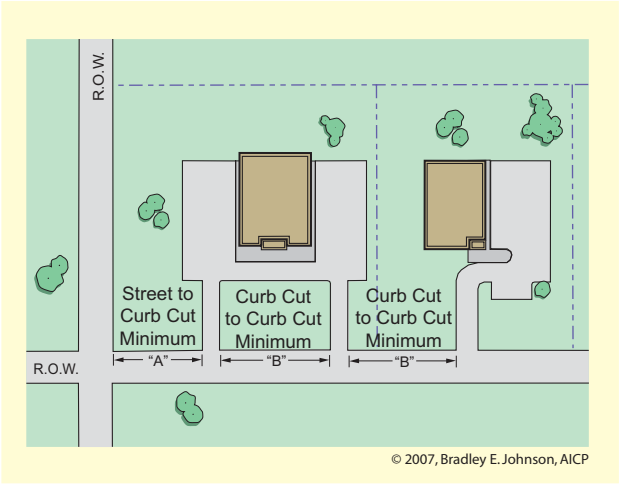
This Entrance and Drive Standards section applies to the following zoning districts:

P1 P2 A1 A2 IN OT CN CM CH I1 I2 I3 HI

A. Classification: All classification of streets shall be based on the Thoroughfare Plan.

B. Proximity:

1. *To a Street Intersection*: No entrance or drive shall be permitted to be installed:
   a. Within one hundred fifty (150) feet of any intersecting street if along an arterial or collector street (see "A" below in the illustration). If the lot is not large enough to achieve a one hundred fifty-foot (150') separation, then the drive shall be installed at a location that has been reviewed and approved by the County Engineer, subject to *§c*.
   b. Within one hundred (100) feet of any intersecting street if along a neighborhood street (see "A" below in the illustration). If the lot is not large enough to achieve a one hundred-foot (100') separation, then the drive shall be installed at a location that has been reviewed and approved by the County Engineer, subject to *§c*.
   c. Under no circumstances shall an entrance or drive be allowed within seventy-five (75) feet of any intersection.
2. *To Another Entrance or Drive*: Two (2) or more entrances or drives shall not be permitted to be installed:
   a. Within one hundred (100) feet of each other if along an arterial or collector street (see "B" below in the illustration).
   b. Within fifty (50) feet of each other if along a neighborhood street (see "B" below in the illustration).



3. *Measurement*:
   a. Distances from the right-of-way shall be measured from either the existing right-of-way or from the right-of-way proposed for a given street in the Thoroughfare Plan, whichever is greater.
   b. Distances between rights-of-way and entrances, drives, or private streets shall be determined by measuring from right-of-way (or proposed right-of-way, whichever is greater) line to the ingress/egress easement line, back of curb, or edge of pavement (whichever is nearest the right-of-way) of the entrance, drive, or private street.
   c. Distances between entrances, drives, and/or private streets shall be determined by measuring from the ingress/egress easement line, back of curb, or edge of pavement to the ingress/egress easement line, back of curb, or edge of pavement (whichever is less) of each entrance, drive, or private street.

C. Entrance Widths:
   1. *Dimensions at Right-of-way Line*: The maximum width of the entrance onto a public right-of-way shall be subject to the approval of the County Engineer and in accordance with the standards below. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements of *§a* through *§c* shall be at least one-half (½) of the requirements below):
      a. From a nonresidential use onto an arterial or collector street:
         i. Minimum Width: Twenty-four (24) feet;
         ii. Maximum Width: Forty (40) feet.
      b. From a nonresidential use onto a neighborhood street:
         i. Minimum Width: Twenty-four (24) feet;
         ii. Maximum Width: Twenty-six (26) feet.
      c. From a multiple-family residential use onto any classification of street:
         i. Minimum Width: Twenty-four (24) feet;
         ii. Maximum Width: Thirty (30) feet.
      d. From a single-family residential use onto any classification of street:
         i. Minimum Width: Twelve (12) feet;
         ii. Maximum Width: Twenty-four (24) feet.
   2. *Measurements*: The distances for the standards outlined in *§C(1): Dimensions at Right-of-way Line* shall be determined by measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.

D. Length: If a driveway is greater than two hundred (200) feet in length, then the Improvement Location Permit shall be reviewed by the Development Advisory Committee to determine the adequacy of the drive for emergency and fire equipment.

E. Improvements: The County Engineer may determine if the following improvements are necessary:
   1. An acceleration or deceleration lane; or
   2. A passing blister.

5.11 ED-02: Entrance and Drive; Residential

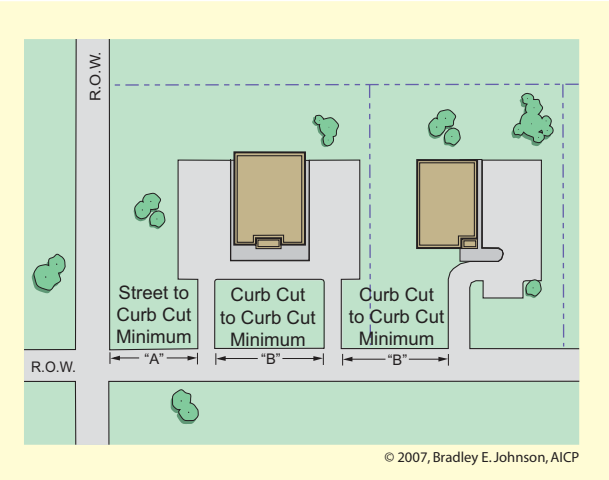
This Entrance and Drive Standards section applies to the following zoning districts:

RR R1 R2 R3 R4 RL MP

A. Classification: All classification of streets shall be based on the Thoroughfare Plan.

B. Proximity:
   1. *To a Street Intersection*: No driveway shall be permitted to be installed:
      a. Within one hundred fifty (150) feet of any intersecting street if along an arterial or collector street (see "A" below in the illustration). If the lot is not large enough to achieve a one hundred fifty-foot (150') separation, then the driveway shall be installed at a location that has been reviewed and approved by the County Engineer, subject to *§c* below.
      b. Within seventy-five (75) feet of any intersecting street if along a neighborhood street (see "A" below in the illustration). If the lot is not large enough to achieve a one hundred-foot (100') separation, then the driveway shall be installed at a location that has been reviewed and approved by the County Engineer, subject to *§c* below.
      c. Under no circumstances shall an entrance or drive be allowed within fifty (50) feet of any intersection.

2. *To Another Driveway*: Two (2) or more driveways shall not be permitted to be installed within one hundred (100) feet of each other if along an arterial or collector street (see "B" below in the illustration) unless the driveways utilize a shared curb cut located at the property line.



3. *Measurement*:
   a. Distances from the right-of-way shall be measured from either the existing right-of-way or from the right-of-way proposed for a given street in the Thoroughfare Plan, whichever is greater.
   b. Distances between rights-of-way and entrances, drives, or private streets shall be determined by measuring from right-of-way (or proposed right-of-way, whichever is greater) line to the ingress/egress easement line, back of curb, or edge of pavement (whichever is nearest the right-of-way) of the entrance, drive, or private street, whichever is greatest.
   c. Distances between entrances, drives, and/or private streets shall be determined by measuring from the ingress/egress easement line, back of curb, or edge of pavement to the ingress/egress easement line, back of curb, or edge of pavement (whichever is nearest) of each entrance, drive, or private street.

C. Driveway Width at Right-of-way Line:
   1. *Minimum Width*: Twelve (12) feet.
   2. *Maximum Width*: Eighteen (18) feet.

5.12 ED-03: Entrance and Drive; Materials

This Entrance and Drive Standards section applies to the following zoning districts:

R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Construction Materials: All entrances and drives shall consist of asphalt, concrete, pavers or other hard surface material. Gravel shall not be utilized as a surface material.

5.13 ED-04: Entrance and Drive; Manufactured Home Park

This Entrance and Drive Standards section applies to the following zoning districts:

MP

A. Entrance Design: Manufactured home parks with ten (10) or more dwelling sites shall be designed such that:
   1. At least two (2) access points shall provide ingress to and egress from the manufactured home park.
   2. Individual dwelling sites shall only have driveways or access from interior streets.

5.14 EN-01: Environmental; General

This Environmental Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Excessive Slope: Areas of land shall be deemed unsuitable for buildings when pre-development or post-development slopes are greater than twenty-five percent (25%), unless an engineered Site Plan is submitted showing adequate measures for:
   1. Erosion control;
   2. Minimum site disturbance;
   3. Soil stability for structural load;
   4. Storm water management;
   5. Final Landscape Plan.

B. Unsuitable Land Qualities: An area of land shall be deemed unsuitable for buildings when it:
   1. Contains adverse soil or rock formations;
   2. Contains any of the following muck soils:
      a. Adrian;
      b. Edwards;
      c. Houghton; or
      d. Palms.
   3. Has a low loading rate;
   4. Has a low weight-bearing strength; or
   5. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.

C. Erosion Prevention: See *Chapter 07; §EC: Erosion Control Standards.*

D. Waste Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot, unless expressly permitted by the Unified Development Ordinance.

E. Fuel Storage: No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal shall be stored in bulk above ground. Tanks of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks; and up to three (3) tanks of fuel used strictly for agricultural purposes are exempt up to one thousand (1000) gallons per tank.

F. Debris/Refuse: Debris, refuse, trash, discarded construction materials, garbage, litter, unfinished buildings, discarded appliances, scrap metals, or rotting wood is considered a nuisance and a threat to the environment. To protect the health and safety of residents, these materials shall not accumulate on any property.

Fence and Wall Standards (FW)

5.15 FW-01: Fence and Wall; Agricultural

This Fence and Wall Standards section applies to the following zoning districts:

A1 A2 RR

A. Vision Clearance: Fences and walls shall meet all vision clearance standards in *Chapter 05; §VC: Vision Clearance Standards*.

B. Location:
   1. *Property Line*: Fences and walls are permitted up to the property line.
   2. *Easements*: No fence or wall shall be located within a public street easement, right-of-way, or right-of-way as proposed in the Thoroughfare Plan.

C. Maximum Height:
   1. *Front Yard*: Fences and walls located in the front yard of a lot shall not exceed four (4) feet in height.
   2. *Side or Rear Yard*: Fences and walls located in the side or rear yard of a lot shall not exceed eight (8) feet in height.

D. Prohibitions: Fences and walls shall not incorporate:
   1. *Residential Uses*:
      a. Barbed wire (except for agricultural and livestock purposes);
      b. Razor wire;
      c. Refuse or nuisance materials (*e.g.* garage door panels, wood pallets, *etc.*);
      d. Security wire;
      e. Sharpened top spikes or similar sharp materials; or
      f. Electrified wire (except for agricultural and livestock purposes).
   2. *All Other Uses*:
      a. Refuse or nuisance materials (*e.g.* garage door panels, wood pallets, *etc.*); or
      b. Sharpened top spikes or similar sharp materials.

E. Fence Permit: The owner shall have an approved Improvement Location Permit (Fence) prior to erecting a fence or wall.

5.16 FW-02: Fence and Wall; Residential

This Fence and Wall Standards section applies to the following zoning districts:

R1 R2 R3 R4 RL MP

A. Vision Clearance: Fences and walls shall meet all vision clearance standards in *Chapter 05; §VC: Vision Clearance Standards*.

B. Location:
   1. *Property Line*: Fences and walls are permitted up to the property line.
   2. *Easements*: No fence or wall shall be located within a public street easement, right-of-way, or right-of-way as proposed in the Thoroughfare Plan.

C. Maximum Height:
   1. *Front Yard*: Fences and walls located in the front yard of a lot shall not exceed three (3) feet in height. Fences and wakks may niot exceed four (4) feet when a primary structure is not present.
   2. *Side or Rear Yard*: Fences and walls located in the side or rear yard of a lot shall not exceed six (6) feet in height.

D. Acceptable Materials:
   1. *Front Yard*: Fences and walls located in a front yard shall be constructed of:
      a. Masonry (*e.g.* brick, cast stone, ornamental concrete block, terra cotta, *etc.*);
      b. Stone;
      c. Wood (*e.g.* split-rail; picket, *etc.*);
      d. Wrought iron and decorative metal; or
      e. PVC
      f. Woven wire (for agricultural and livestock purposes only).
   2. *Side or Rear Yard*: Fences and walls located in a side or rear yard shall be constructed of:
      a. Chain link;
      b. Masonry (*e.g.* brick, cast stone, ornamental concrete block, terra cotta, *etc.*);
      c. PVC;
      d. Stone;
      e. Wood (*e.g.* shadowbox; stockade; split-rail; picket, *etc.*); or
      f. Wrought iron and decorative metal.

E. Prohibitions: Fences and walls may not incorporate:
   1. Barbed wire; (except for agricultural and livestock purposes);
   2. Razor wire;
   3. Refuse or nuisance materials (*e.g.* garage door panels, wood pallets, *etc.*);
   4. Security wire;
   5. Sharpened top spikes or similar sharp materials; or
   6. Electrified wire (except for agricultural and livestock purposes).

F. Presentation: Fences and walls shall present the non-structural face outward.

G. Fence Permit:
   1. *Requirement*: The owner shall have an approved Improvement Location Permit (Fence) prior to erecting a fence or wall.
   2. *Exceptions*:
      a. Landscape or retaining walls under five (5) feet in height, unless the wall is within five (5) feet of a property line; and
      b. Fenced areas for dog kennels that are no larger than three hundred (300) square feet.

5.17 FW-03: Fence and Wall; Commercial

This Fence and Wall Standards section applies to the following zoning districts:

IN OT CN CM CH

A. Vision Clearance: Fences and walls shall meet all vision clearance standards in *Chapter 05; §VC: Vision Clearance Standards*.

B. Location:
   1. *Property Line*: Fences and walls are permitted up to the property line.
   2. *Easements*: No fence or wall shall be located within a public street easement, right-of-way, or right-of-way as proposed in the Thoroughfare Plan.

C. Maximum Height:
   1. *Front Yard*: Fences and walls located in the front yard of a lot shall not exceed four (4) feet in height.
   2. *Side or Rear Yard*: Fences and walls located in the side or rear yard of a lot shall not exceed eight (8) feet in height.
   3. Where no primary structure exists on the lot, fences and walls shall not exceed three (3) feet in height.

D. Acceptable Materials:
   1. *Front Yard*: Fences and walls located in a front yard shall be constructed of:
      a. Masonry (*e.g.* brick, cast stone, ornamental concrete block, terra cotta, *etc.*);
      b. Stone;
      c. Wood (*e.g.* split-rail; picket, *etc.*); or
      d. Wrought iron and decorative metal.
   2. *Side or Rear Yard*: Fences and walls located in a side or rear yard shall be constructed of:
      a. Chain link;
      b. Masonry (*e.g.* brick, cast stone, ornamental concrete block, terra cotta, *etc.*);
      c. PVC;
      d. Stone;
      e. Wood (*e.g.* shadowbox; stockade; split-rail; picket, *etc.*); or
      f. Wrought iron and decorative metal.

E. Prohibitions:
   1. Fences and walls shall not incorporate:
      a. Barbed wire;
      b. Razor wire;
      c. Refuse or nuisance materials (*e.g.* garage door panels, wood pallets, *etc.*);
      d. Security wire;
      e. Sharpened top spikes or similar sharp materials; or
      f. Electrified wire.
   2. *Exceptions*: Public institutions are exempt from this provision.

F. Presentation: Fences and walls shall present the non-structural face outward.

G. Fence Permit: The owner shall have an approved Improvement Location Permit (Fence) prior to erecting a fence or wall.

5.18 FW-04: Fence and Wall; Industrial and High Impact

This Fence and Wall Standards section applies to the following zoning districts:

I1 I2 I3 HI

A. Vision Clearance: Fences and walls shall meet all vision clearance standards in *Chapter 05; §VC: Vision Clearance Standards*.

B. Location:
   1. *Property Line*: Fences and walls are permitted up to the property line.
   2. *Easements*: No fence or wall shall be located within a public street easement, right-of-way, or right-of-way as proposed in the Thoroughfare Plan.

C. Maximum Height:
   1. *Front Yard*: Fences and walls located in the front yard of a lot shall not exceed four (4) feet in height.
   2. *Side or Rear Yard*: Fences and walls located in the side or rear yard of a lot shall not exceed eight (8) feet in height.

D. Prohibitions: Fences and walls shall not incorporate:
   1. Refuse or nuisance materials (*e.g.* garage door panels, wood pallets, *etc.*); or
   2. Sharpened top spikes or similar sharp materials.

E. Presentation: Fences and walls shall present the non-structural face outward.

F. Fence Permit: The owner shall have an approved Improvement Location Permit (Fence) prior to erecting a fence or wall.

5.19 FP-01: Floodplain; General

This Floodplain Standards Section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Statutory Authorization, Findings of Fact, Purpose, and Objectives:

1. *Statutory Authorization*: The Indiana Legislature has, in IC 36-7-4: Local Planning and Zoning, granted the power to local government units to control land use within their jurisdictions. Therefore, the County does hereby adopt the following floodplain management regulations.
2. *Findings of Fact*:
   a. The flood hazard areas of the planning and zoning jurisdiction of the County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
   b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
3. *Statement of Purpose*: It is the purpose of *§FP: Floodplain Standards* to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
   a. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
   b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
   c. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
   d. Control filling, grading, dredging, and other development that may increase erosion or flood damage;
   e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
   f. Make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the County by fulfilling the requirements of the National Flood Insurance Program.
4. *Objectives*: The objectives of *§FP: Floodplain Standards* are:
   a. To protect human life and health;
   b. To minimize expenditure of public money for costly flood control projects;
   c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   d. To minimize prolonged business interruptions;
   e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
   f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
   g. To ensure that potential home buyers are notified that property is in a flood area.

B. General Provisions:

1. *Lands to Which this Ordinance Applies*: *Section FP: Floodplain Standards* shall apply to all SFHAs within the planning and zoning jurisdiction of the County.
2. *Basis for Establishing Regulatory Flood Data*: The protection standard of *§FP: Floodplain Standards* 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 Indiana Department of Natural Resources for review and approval.
   a. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of the planning and zoning jurisdiction of the County shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Porter County and Incorporated Areas, dated April 1, 1982, and the corresponding FIRM dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
   b. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of the planning and zoning jurisdiction of the County delineated as an "A Zone" on the FIRM of Porter County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.
3. *Establishment of Floodplain Development Permit*: A Floodplain Development Permit shall be required in conformance with the provisions of *§FP: Floodplain Standards* prior to the commencement of any development activities in areas of special flood hazard.
4. *Compliance*: No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of *§FP: Floodplain Standards* and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of *§FP: Floodplain Standards* and other applicable regulations.
5. *Abrogation and Greater Restrictions*: *Section FP: Floodplain Standards* is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where *§FP: Floodplain Standards* and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. *Discrepancy between Mapped Floodplain and Actual Ground Elevations*:
   a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
   b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
   c. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations shall not be applied. The property owner should be advised to apply for a LOMA.
7. *Interpretation*: In the interpretation and application of *§FP: Floodplain Standards* all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the County; and
   c. Deemed neither to limit nor repeal any other powers granted under State statutes.
8. *Warning and Disclaimer of Liability*: The degree of flood protection required by the Unified Development 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, the Unified Development Ordinance does not create any liability on the part of the County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on the Unified Development Ordinance or any administrative decision made lawfully thereunder.

9. *Penalties for Floodplain Standards Violation*: Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a Floodplain Standards Variance shall be deemed to be a violation of the Unified Development Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of *Chapter 10: Enforcement & Penalties* of the Unified Development Ordinance. All violations shall be punishable by a fine not exceeding $500.00.
   a. A separate offense shall be deemed to occur for each day the violation continues to exist.
   b. The County 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 County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person responsible.

C. Administration:
1. *Designation of Floodplain Administrator*: The Board of County Commissioners hereby appoints the Executive Director to administer and implement the provisions of *§FP: Floodplain Standards* and is herein referred to as the Floodplain Administrator.
2. *Floodplain Development Permit Procedures*: Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:
   a. Application Stage:
      i. A description of the proposed development;
      ii. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
      iii. A legal description of the property site;
      iv. A site development plan showing existing and proposed development locations and existing and proposed land grades;
      v. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
      vi. Elevation (in NGVD) to which any nonresidential structure will be floodproofed; and
      vii. Description of the extent to which any watercourse will be altered or related as a result of proposed development.
   b. Construction Stage: Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a Stop Work Order for the project.

D. Provisions for Flood Hazard Reduction:
   1. *General Standards*: In all SFHAs the following provisions are required:
      a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
      b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
      c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
      d. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
      e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
      f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
      g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
      h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
      i. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of *§FP: Floodplain Standards* shall meet the requirements of "new construction" as contained in *§FP: Floodplain Standards*; and
      j. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of *§FP: Floodplain Standards* shall be undertaken only if said nonconformity is not further extended or replaced.
      k. Whenever any portion of the SFHA is authorized for use, the volume of space that will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of one to one (1:1)) due to the fill or structure.
         i. The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located;
         ii. Under certain circumstances, the excavation may be allowed to take place outside, but adjacent to, the floodplain provided that the excavated volume:
            [a] Shall be below the regulatory flood elevation;
            [b] Shall be in the same immediate watershed in which the authorized fill or structure is located;
            [c] Shall be accessible to the regulatory floodwater;
            [d] Shall not be subject to ponding when not inundated by flood water; and
            [e] Shall not be refilled.
         iii. The fill or structure shall not obstruct a drainage way leading to the floodplain;
         iv. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and
         v. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with *§D: Provisions for Flood Hazard Reduction*.

2. *Specific Standards*: In all SFHAs, the following provisions are required:
   a. All Construction: In addition to the requirements of *§D(1): General Standards*, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
      i. Construction or placement of any new structure having a floor area greater than four hundred (400) square feet;
      ii. Structural alterations made to:
         [a] An existing (previously unaltered structure), the cost of which equals or exceeds fifty percent (50%) of the value of the pre-altered structure (excluding the value of the land);
         [b] Any previously altered structure.
      iii. Reconstruction or repairs made to a damaged structure that are valued at more than fifty percent (50%) of the market value of the structure (excluding the value of the land) before damaged occurred;
      iv. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days; and
      v. Installing a manufactured home on a new site or a new manufactured home on an existing site. *Section FP: Floodplain Standards* does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
      vi. Reconstruction or repairs made to a repetitive loss structure.
   b. Residential Construction: New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two (2) feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of *§D(2)(d): Elevated Structures*.
   c. Nonresidential Construction: New construction or substantial improvement of any commercial, industrial, or nonresidential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two (2) feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
      i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator as set forth in *Chapter 01; §1.28: Summary of Duties; Floodplain Administrator; §C(9)*.
      ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

d. Elevated Structures: New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
   i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the follow minimum criteria:
      [a] Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
      [b] The bottom of all openings shall be no higher than one (1) foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
      [c] Openings may be equipped with screens, louvers, valves or other coverings or devices provided they allow the automatic flow of floodwaters in both directions.
      [d] Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
      [e] The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
      [f] Where elevation requirements exceed six (6) feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

e. Structures Constructed on Fill: A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
   i. The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five percent (95%) of the maximum density obtainable with the Standard Proctor Test method.
   ii. The fill should extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPG.
   iii. 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.
   iv. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
   v. The top of the lowest floor including basements shall be at or above the FPG.

f. Standards for Structures Constructed with a Crawlspace: A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
   i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
   ii. Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) opening on each wall having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area. The bottom of the openings shall be no more than one (1) foot above grade; and
   iii. The interior grade of the crawlspace must be at or above the base flood elevation; and
   iv. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four (4) feet at any point; and
   v. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
   vi. Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
   vii. Utility systems within the crawlspace must be elevated above the flood protection grade.

g. Standards for Manufactured Homes and Recreational Vehicles: 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 (1) of the following requirements:
   i. 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:
      [a] Outside a manufactured home park or subdivision;
      [b] In a new manufactured home park or subdivision;
      [c] In an expansion to an existing manufactured home park or subdivision; or
      [d] In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
   ii. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations 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. 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.
   iii. Recreational vehicles placed on a site shall either:
      [a] Be on site for less than one hundred eighty (180) days; and
      [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" as stated earlier in *§g: Standards for Manufactured Homes and Recreational Vehicles*.

3. *Critical Facility*: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances shall not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.
4. *Standards for Identified Floodways*: Located within SFHAs, established in *§B(2): Basis for Establishing Regulatory Flood Data*, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.
    a. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a Permit for Construction in a Floodway. Under the provisions of IC 14-28-1: Flood Control, a Permit for Construction in a Floodway from the Indiana Department of Natural Resources 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 structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (*IC 14-28-1-26: Additions to structures in floodways* allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a Permit for Construction in a Floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)
    b. The Floodplain Administrator shall take no action until a Permit for Construction in a Floodway (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a Permit for Construction in a Floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in *§D: Provisions for Flood Hazard Reduction* have been met. The Floodplain Development Permit cannot be less restrictive than the Permit for Construction in a Floodway issued by the Indiana Department of Natural Resources. However, the County's more restrictive regulations (if any) shall take precedence.
    c. No development shall be allowed which, acting alone or in combination with existing or future development, will increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot; and
    d. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
5. *Standards for Identified Fringe*: If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in *§D: Provisions for Flood Hazard Reduction* 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 FPG.

6. *Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes*:
   a. Drainage area upstream of the site is greater than one (1) square mile:
      i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one (1) square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
      ii. The Floodplain Administrator shall take no action until either a Permit for Construction in a Floodway or a floodplain analysis/regulatory assessment citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
      iii. Once the Floodplain Administrator has received the Permit for Construction in a Floodway or floodplain analysis/regulatory assessment from the Indiana Department of Natural Resources approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in *§D: Provisions for Flood Hazard Reduction* have been met.
   b. Drainage area upstream of the site is less than one (1) square mile:
      i. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one (1) square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100-year flood elevation for the site.
      ii. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in *§D: Provisions for Flood Hazard Reduction* have been met.
   c. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than fourteen-hundredths (0.14) of one (1) foot and shall not increase flood damages or potential flood damages.

Height Standards (HT)

5.20 HT-01: Height; General

This Height Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Maximum Structure Height: The maximum structure height shall be per each two-page layout in *Chapter 02: Zoning Districts*.

B. Applicability: If the height standard listed above does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

C. Exceptions: The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:

1. Church steeples, bell towers, and religious symbols so long as the maximum height does not exceed one hundred fifty percent (150%) of the height of the primary structure or one hundred fifty percent (150%) of the maximum structure height for the zoning district, whichever is less.
2. Grain elevators.
3. Barns (not including riding stables), shall be allowed to be up to 50 feet in height as long as they are dominantly used for agricultural purposes.
4. Grain silos and related apparatus shall be allowed to be up to 75 feet in height.
5. Public utility structures.
6. Private water towers are allowed up to a height of one hundred (100) feet when allowed.
7. Chimneys are allowed to extend ten (10) feet above the roof's highest point.
8. Mechanical equipment, including elevator bulkheads, when mounted on a roof, are allowed to extend fifteen (15) feet above the roof's highest point, but shall be:
   a. Located so it is not visible from adjacent private and public streets; or
   b. Be shielded from view with a parapet or other architectural feature so it is not visible from adjacent private or public streets. Architectural feature shall be comprised of the same exterior building materials and compliment the facade.
9. *Antennas*:
   a. Roof-mounted antennas may exceed the maximum structure height by no more than ten (10) feet.
   b. Antennas located on utility poles or other structures may not exceed one hundred ten percent (110%) of the existing pole height.

Home Occupation Standards (HO)

5.21 HO-01: Home Occupation; General

This Home Occupation Standards section applies to the following zoning districts:

A1 A2 RR R1 R2 R3 R4 RL MP

A. Permit Required: All home occupations shall obtain a Certificate of Zoning Compliance (see *§10.12: Certificate of Zoning Compliance*).

B. Residency: The primary operator of the home occupation shall reside on the premises.

C. Operation Standards:
   1. The home occupation shall be conducted entirely within the residence.
   2. The home occupation shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
   3. The home occupation shall not generate traffic in greater volumes than would normally be expected in the neighborhood.
   4. The hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.

D. Construction Standards:
   1. There shall be no visible evidence of the home occupation, including but not limited to alterations to the exterior of the residence which changes the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home occupation.
   2. All parking related to the home occupation shall be located on the same premises. No provision for off-street parking or loading facilities, other than facilities meeting the requirements of the applicable zoning district, shall be permitted. No part of a minimum required yard shall be used for off-street parking or loading purposes.
   3. The home occupation shall not require the installation of mechanical equipment other than that which is typical for domestic or hobby purposes.
   4. The home occupation shall not require the installation of a utility service that is beyond what is standard for a residence, such as three-phase electrical, greater than a one-inch (1") water line, *etc*.

E. Sign Standards: One (1) non-illuminated sign, not exceeding two (2) square feet, will be allowed on the primary structure. Offsite signs and signs in the yard are prohibited.

F. Permitted Home Occupations: The permitted home occupations shall be limited to domestic crafts, professional services, catalog businesses, and internet businesses.

G. Exclusions: The following uses are not permitted as home occupations under any circumstances:
   1. Animal hospital;
   2. Automobile, motor vehicles, equipment painting or repair of any kind;
   3. Freight or trucking operation of any kind;
   4. Funeral home;
   5. Kennel;
   6. Landscaping business;
   7. Manufacturing facility;
   8. Medical clinic of any kind;
   9. Restaurant;
   10. Retail shop, except as subsidiary to the permitted home occupation;
   11. Salvage operation;
   12. Tooling, welding or machining of any kind;
   13. Tool or equipment rental of any kind;
   14. Trailer rental or sales.

5.22 LA-01: Landscaping; General

This Landscaping Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Applicability of Landscaping Standards: Site landscaping consistent with the requirements of the Unified Development Ordinance shall be installed when landscaping is required pursuant to a subdivision approval or an Improvement Location Permit for a new primary structure.

B. Placement of Landscape Materials:
   1. *Easements*: Landscape material shall not be planted in drainage easements or utility easements without permission from the County and/or the easement holder unless otherwise required by the Unified Development Ordinance. A tree canopy may project over a right-of-way or any type of easement.
   2. *Infrastructure*: Trees shall be located to avoid significant interference with overhead or underground utilities and shall maintain ten (10) feet of horizontal clearance from sanitary sewer and water service lines.
   3. *Movement*: Materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project over sidewalks, pedestrian paths, and the like below a height of seven (7) feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of ten (10) feet.
   4. *Vision Clearance*: Materials shall be located to avoid interference with visibility per *Chapter 05; §VC: Vision Clearance Standards*.
   5. *Streetscape*: The unpaved portion of an abutting public or private right-of-way shall be fine-graded, planted and maintained with vegetative ground cover.
   6. *Agricultural Zoning Districts*: Trees in adjoining zoning districts are required to be set back a minimum of twenty (20) feet from any agricultural zoning district.

C. Maintenance: Trees, vegetation, irrigation systems, fences, walls and other landscape material are essential elements of a project. Petitioners and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition, including trees in the adjacent right-of-way. Failure to maintain all landscaping is a violation of this Unified Development Ordinance subject to the provisions of *Chapter 11: Enforcement & Penalties*. Specifically:
   1. All plant material shall be maintained alive, healthy, and free from disease and pests.
   2. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

D. Buffer Yards: Within the buffer yard, a reasonable attempt shall be made to screen the more intensive land uses from the less intensive land uses through the installation of landscaping.
   1. *Applicability*: The buffer yard standards only apply along the property lines (side and rear property lines included) where conflicting zoning districts meet.
   2. *Installation*: The property that is being developed is responsible for installing the buffer yard.
   3. *Arrangement*: Plant material shall be installed within the buffer yard such that visual breaks from less intensive land uses are no greater than ten (10) feet as measured perpendicular to the adjacent property line.
   4. *Minimum Depth*: Buffer yards are required to be a minimum of twenty-five (25) feet deep.
   5. *Minimum Number*: The following are minimum requirements and shall be planted in the buffer yard:
      a. One (1) evergreen tree per ten (10) feet of contiguous boundary with the conflicting zoning district shall be planted.
      b. One (1) shrub per five (5) feet of contiguous boundary with the conflicting zoning district shall be planted.

5.23 LA-02: Landscaping; Plant Material

This Landscaping Standards section applies to the following zoning districts:

RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Plant Material Standards:
   1. *Plantings*: All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized as contributing to required landscaping.
   2. *Diversity*: On sites that require an aggregate total of twenty (20) or more new trees, any given species of tree shall be limited to a maximum of thirty-three percent (33%) of the total number of newly planted trees on site.
   3. *Permitted*: All plant material shall be non-invasive species not otherwise prohibited by the Executive Director.
   4. *Size*: Minimum sizes shall apply to all plant material required by the Unified Development Ordinance:
      a. Deciduous trees shall be at least one-inch (1") caliper.
      b. Evergreen trees shall be at least three (3) feet tall.
      c. Shrubs shall be at least two-gallon container size or eighteen (18) inches tall from the adjacent ground level.

B. Ground Cover: Grass and other vegetative ground cover shall be used for all pervious areas excluding planting beds.

C. Installation: All required landscaping shall be planted before a Certificate of Occupancy is issued. The Executive Director may grant an extension of up to one hundred eighty (180) days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials. As a condition of the extension, the Executive Director may require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.

D. Conservation: When wooded areas, tree rows, or specimen trees are designated to be conserved or have been included in the commitments, the following measures shall be taken:
   1. Install highly visible (orange) construction fencing around the tree a minimum of twice the size of the dripline of the tree.
   2. Avoid injuring roots when installing anchoring posts for fencing.
   3. Signs should be posted clearly identifying the area as a plant protection zone.
   4. Excavation and filling within the plant protection zone is prohibited.

5.24 LA-03: Landscaping; General Parking

This Landscaping Standards section applies to the following zoning districts:

R4 MP IN OT CN CM CH I1 I2 I3 HI

A. Perimeter Plantings: Parking lots shall be reasonably screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds.
   1. *Applicability*: Parking lots with four (4) or more spaces shall provide the following perimeter planting.
   2. *Installation*: Shrubs shall be planted to effectively screen all parking lot areas from the right-of-way and adjacent properties.
   3. *Arrangement*:
      a. Trees shall be planted within ten (10) feet of the parking lot edge.
      b. Shrubs shall be planted within five (5) feet of the parking lot edge.
   4. *Minimum Number*:
      a. One (1) tree per ten (10) parking spaces shall be planted. A minimum of fifty percent (50%) of the required trees shall be canopy trees.
      b. Three (3) shrubs per one (1) parking space shall be planted.
   5. *Substitution*: A decorative wall may be installed in lieu of shrubs for locations along the perimeter of the parking area. Walls, if used, shall be a minimum of thirty (30) inches and a maximum of forty-two (42) inches in height and may incorporate breaks to allow for pedestrian movement.

B. Landscape Bumpouts and Landscape Islands:
   1. *Applicability*: Parking lots with sixteen (16) or more parking spaces shall provide the following landscape bumpouts and landscape islands.
   2. *Arrangement*: Landscape islands shall be designed to accept storm water, and shall be planted with ground cover that will improve water quality.
   3. *Dimensions*:
      a. Landscape Bumpout: Each landscape bumpout shall be at least nine feet wide by eighteen feet deep (9' × 18').
      b. Landscape Island: Each landscape island shall be at least nine feet wide by thirty-six feet deep (9' × 36'), or eighteen feet wide by eighteen feet deep (18' × 18'), as circumstances may require.
   4. *Minimum Number*:
      a. Landscape Islands: One (1) landscape bumpout or landscape island per every sixteen (16) parking spaces.
      b. Trees per Landscape Bumpout or Landscape Island: Each landscape bumpout or landscape island shall contain at least one (1) deciduous tree.

C. Vision Clearance: Parking lot plantings shall meet all vision clearance standards in *Chapter 05; §VC: Vision Clearance Standards*.

5.25 LA-04: Landscaping; Buffer Yards; Industrial and High Impact

This Landscaping Standards section applies to the following zoning districts:

I1 I2 I3 HI

A. Buffer Yards: Within the buffer yard, a reasonable attempt shall be made to screen the more intensive land use from the less intensive land use through the installation of landscaping, mounding, and/or fencing materials. The following standards apply:
   1. *Applicability*: The buffer yard standards only apply along the property lines (side and rear property lines included) where conflicting zoning districts meet.
   2. *Installation*: The property that is being developed is responsible for installing the buffer yard.
   3. *Arrangement*: Plant material shall be installed within the buffer yard such that visual breaks from less intensive land uses are no greater than ten (10) feet as measured perpendicular to the adjacent property line.
   4. *Minimum Depth*: Buffer yards are required to be a minimum of one hundred fifty percent (150%) of the side setback and rear setback for the zoning district.
   5. *Fencing or Mounding:* In addition to the approved trees and shrubs standards, either fencing or mounding or a combination of both shall be installed as follows:
      a. A solid ornamental wall and/or fence along the entire length of the buffer yard shall be used for screening and shall meet the provisions of *Chapter 05; §FW: Fence & Wall Standards*. The fence shall be installed along the edge of the buffer yard closest to the more intensive land use with the required landscaping outside the fence.
      b. Undulating mounds with a minimum height of four (4) feet and a maximum height of eight (8) feet shall be installed for a distance equivalent to sixty percent (60%) of the distance contiguous to the conflicting property. The mounds shall be installed along the edge of the buffer yard closest to the more intensive land use with the required landscaping on the outside or on top of the mound.
   6. *Screening*: A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the property should be made. Buffer yard plantings shall be sufficient to screen the less intensive use from unattractive views of the adjoining property, to prevent light pollution, and to dampen noise.

5.26 LA-05: Landscaping; Lot Plantings; Multiple-family, Mobile Home Community, Commercial, Industrial and High Impact

This Landscaping Standards section applies to the following zoning districts:

R4 MP IN OT CN CM CH I1 I2 I3 HI

A. Lot Plantings: The following lot planting requirements apply to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment.
   1. *Arrangement*: It is suggested that the required plantings be planted in clusters or irregular patterns.
   2. *Installation*: To ensure establishment and long-term survivability of plant material, the installation of irrigation systems is required in all landscaped areas for new construction projects greater than one (1) acre.
   3. *Minimum Number*:
      a. Five (5) trees per acre shall be planted. A minimum of fifty percent (50%) of the required trees shall be evergreen trees.
      b. Fifteen (15) shrubs per acre shall be planted. A minimum of fifty percent (50%) of the required shrubs shall be evergreen.
   4. *Substitution*: One (1) ornamental tree may be substituted for every four (4) shrubs; however, substitution shall not exceed fifty percent (50%) of the required shrubs.

5.27 LA-06: Landscaping; Optional Natural Area Protection

This Landscaping Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Landscape Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in the Unified Development Ordinance. A credit shall be granted per tree that contributes to and satisfies similarly the intent of a particular section of the Unified Development Ordinance. The following credits shall be granted for an existing tree as follows:
   1. For each preserved deciduous tree over four (4) inches but less than eight (8) inches DBH a credit for three (3) deciduous trees shall be granted.
   2. For each preserved deciduous tree over eight (8) inches but less than twelve (12) inches DBH a credit for four (4) deciduous trees shall be granted.
   3. For each preserved deciduous tree over twelve (12) inches DBH a credit for five (5) deciduous trees shall be granted. The Executive Director may grant larger credits for trees over twelve (12) inches DBH upon request.
   4. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall shall be granted credit for two (2) evergreen trees.
   5. For each preserved evergreen tree over ten (10) feet tall shall be granted credit for three (3) evergreen trees. The Executive Director may grant larger credits for evergreen trees over ten (10) feet tall upon request.

B. Tree Conservation: If preserving the natural landscape is chosen, prior to construction on or removal of trees from a wooded area, the following standards apply.
   1. Provide a Tree Conservation Plan outlining strategies for retaining, protecting and replanting trees on a site. DNR can provide guidance. Prepare a Tree Conservation Map that outlines existing tree cover, priority protection areas, proposed grading, and proposed protective devices.
   2. Within the designated conservation areas, no trees with a DBH in excess of six (6) inches or evergreens eight (8) feet or more in height shall be removed from any lot unless trees are:
      a. Within the building site pad;
      b. Within fifteen (15) feet of the perimeter of the primary structure or accessory structures;
      c. Between the front of the primary structure and the interior roadway of the subdivision; and/or
      d. Required to be removed in order to comply with safety requirements of any governmental agency.
   3. Tree retention areas shall be a minimum of thirty-five (35) feet wide and minimum contiguous area of 10,000 square feet.
   4. A builder who violates the Tree Conservation Plan once established and improperly removes trees shall be required to reestablish such trees consistent with the trees removed. For example, if a six-inch (6") DBH tree is removed, the builder may reestablish such tree by installing three (3), two-inch (2") DBH trees or two (2), three-inch (3") DBH trees to total the DBH of the tree removed.

C. Specimen Tree: Prior to construction around a specimen tree in a tree conservation area, the following standards apply:
   1. Install highly visible (orange) construction fencing around the tree a minimum of twice the radius of the dripline of the tree.
   2. Avoid injuring roots when installing anchoring posts for fencing.
   3. Signs should be posted clearly identifying the plant protection zone.
   4. If a portion greater than thirty percent (30%) of the area within the drip line is unavoidably impacted, applicant shall install a root aeration system, tree well, retaining wall or raised boardwalk as appropriate permanent protection.

5.28 LT-01: Lighting; General

This Lighting Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. General Standards:

1. *Light Trespass*: The maximum allowable light at a property line is five (5) lux. The only exceptions to this standard are as follows:
   a. When the subject property is located within a commercial zoning district and the adjacent property is also located within a commercial zoning district or an industrial zoning district, then the allowable light at the property line is twenty (20) lux, but only along the sides of the property that are adjacent to the specified zoning districts.
   b. When the subject property is located within an industrial zoning district and the adjacent property is also located within an industrial zoning district, then the allowable light at the property line is forty (40) lux, but only along the sides of the property that are adjacent to the specified zoning districts.
2. *Light Reading*: Measurements of light readings shall be taken at any point along the property line of the subject property with a light meter facing the center of the subject property at a height of five (5) feet.
3. *Ground Lighting*:
   a. Architectural: The external illumination of any structure shall be done using full cut-off, fully-shielded, wall-mounted luminaires. Up-lighting from ground-mounted fixtures is prohibited.
   b. Sign: All ground lighting used to cast light on signs shall have shields to assure that light does not project beyond the sign and shall utilize the minimum amount of light necessary to light the sign. The light fixture and bulb shall be shielded from view of any street, public sidewalk, parking lot, or adjacent property.
4. *Glare*: Light fixtures shall be fully shielded to prevent direct lighting on streets, alleys, and adjacent properties. Any structural part of the light fixture providing this shielding must be permanently affixed.
5. *Luminaire*: All luminaires shall be full cutoff and fully-shielded.
6. *Sport Field Lights*:
   a. Maximum Height: Sport field lights shall not exceed one hundred (100) feet in height.
   b. Shut Off: Sport field lights shall be shut off by 11:00 p.m.
   c. Glare: The shielding requirements of *§A(4): Glare* shall also apply to sport field lighting.

B. Parking Lot Standards:

1. All parking lots shall be illuminated with lighting fixtures and poles that are consistent in color, size, height, and design and are compatible with the architecture of the primary structure.
2. All parking lot lights shall utilize full cutoff, full-shielded luminaires.
3. Parking lot lights shall not exceed twenty-five (25) feet in height, measured to the bottom of the luminaire.

Loading Standards (LD)

5.29 LD-01: Loading; General

This Loading Standards section applies to the following zoning districts:

IN OT CN CM CH I1 I2 I3 HI

A. Loading Berths Required: Commercial and industrial uses that receive or transport goods in quantity by truck delivery, may be required to provide loading berths as shown below. In situations where the uses clearly do not need and will not in the foreseeable future need loading berths, the Executive Director or the DAC may reduce the number required or eliminate the requirement.

Use	Gross Floor Area	Berths
Retail stores, department stores, wholesale establishments, storage uses and other business uses	3,000 to 15,000 square feet	1
	Each 25,000 more than 15,000 square feet	1 additional
Office buildings	Less than 100,000 square feet	1
	100,000 to 336,000 square feet	2
	Each 200,000 more than 336,000 square feet	1 additional
Industrial Uses	Less than 15,000 square feet	1
	15,000 to 40,000 square feet	2
	40,001 to 100,000 square feet	3
	Each 40,000 more than 100,000	1 additional

B. Design: Loading berths shall be designed and constructed as follows:
   1. Loading berths shall be located on the least conspicuous façade of the structure.
   2. Loading berths shall be paved with asphalt or concrete.
   3. Loading berth areas shall not allow any portion of a vehicle using the loading facility to project into a street or alley right-of-way.

C. Screening: Loading berths shall be effectively screened by solid building walls, constructed of similar building materials as the primary structure and may not be less than six (6) feet in height.

D. Drainage: Loading berths shall be constructed to allow proper drainage.

5.30 LO-01: Lot; General

This Lot Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Minimum Dwelling Site Area: The minimum dwelling site area shall be per each two-page layout in *Chapter 02: Zoning Districts*.

B. Minimum Dwelling Site Width: The minimum dwelling site width shall be per each two-page layout in *Chapter 02: Zoning Districts*.

C. Minimum Lot Area: The minimum lot area shall be per each two-page layout in *Chapter 02: Zoning Districts*.

D. Minimum Lot Width: The minimum lot width shall be per each two-page layout in *Chapter 02: Zoning Districts*.

E. Applicability: If a lot standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

Outdoor Storage Standards (OS)

5.31 OS-01: Outdoor Storage; Vehicles

This Outdoor Storage Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Stored or Parked Vehicles: Stored or parked vehicles shall meet the following standards:
   1. Vehicles shall not block, impede, or encroach upon a sidewalk.
   2. Vehicles shall not be used for other purposes such as living quarters, storage of materials, displaying offsite signage, unless such accessory uses are explicitly permitted within the Unified Development Ordinance and the accessory use is in conjunction with the primary use of the lot.

B. Unlicensed or Inoperable Vehicles:
   1. *Storage*: Unlicensed or inoperable vehicles shall not be stored in the front or side yard.
   2. *Exceptions*: Legally conforming automobile service and repair businesses may store a vehicle in the front or side yard during the period immediately proceeding the service or repair of the vehicle.

5.32 OS-02: Outdoor Storage; Prohibited

This Outdoor Storage Standards section applies to the following zoning districts:

P1 P2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1

A. Prohibited: The outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets and similar materials is prohibited.

5.33 OS-03: Outdoor Storage; Trash Receptacles

This Outdoor Storage Standards section applies to the following zoning districts:

R3 R4 MP IN OT CN CM CH I1 I2 I3 HI

A. Trash Receptacles: Outdoor trash receptacles, dumpsters, compactors and similar containers shall meet the following standards.
   1. Containers shall be placed on a paved slab.
   2. Containers shall be screened on all sides by a fence or wall that is constructed with wood, brick, stone, or similar exterior building materials as the primary structure.
   3. The height of the screening shall be six (6) feet tall or higher if the height does not block the view of the trash receptacle, dumpster, compactor or similar container from adjacent lots or public rights-of-way.
   4. Container screening shall meet the setback requirements in *Chapter 05; §SB: Setback Standards*.

5.34 OS-04: Outdoor Storage; Screening

This Outdoor Storage Standards section applies to the following zoning districts:

I1 I2 I3 HI

A. Screening: Outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets and similar materials shall be effectively screened on all sides with a minimum six-foot (6') privacy fence or wall and meet the applicable fence and wall standards in *Chapter 05; §FW: Fence & Wall Standards.*

B. Landscaping: One (1) shrub reaching a height of at least six (6) feet at maturity for every ten (10) feet of fencing facing adjacent lots or public rights-of-way shall be planted.

5.35 PK-01: Parking; General

This Parking Standards section applies to the following zoning districts:

R1 R2 R3 R4 RL MP IN OT CN CM CH

A. Surface: All parking required in the Unified Development Ordinance shall utilize a paved surface of concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand or grass shall not be permitted as parking surfaces except as described in *§PK-04(A)(11): Parking Pavers*.

B. Access: All ingress/egress onto a driveway or into a parking area shall be paved.

C. Prohibited: Parking of motor vehicles is not permitted on lawns or other pervious-surfaced areas of a lot.

D. Expansion: The expansion of legally nonconforming parking areas (existing gravel, stone, or rock) may be expanded one (1) time up to ten percent (10%) of its existing size with Site Plan review and approval.

E. Dimensions: Parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.

F. Right-of-way: Off-street parking spaces shall not be fully or partially in a public or private right-of-way or access easement.

G. Display: Parking spaces shall not be used for display or storage of merchandise.

5.36 PK-02: Parking; Residential

This Parking Standards section applies to the following zoning districts:

A1 A2 RR R1 R2 R3

A. Minimum Number: A minimum of two (2) off-street parking spaces are required per dwelling unit.

B. Location:
   1. The parking spaces required shall be located on the same lot as the dwelling unit.
   2. The parking spaces may include spaces within car ports or garages.

5.37 PK-03: Parking; Multiple-family and Manufactured Home Park

This Parking Standards section applies to the following zoning districts:

R4 RL MP

A. Minimum Number: A minimum of two (2) off-street parking spaces are required per dwelling unit.

B. Location: The parking spaces required shall be located on the same lot as the dwelling unit.

C. Visitor Parking:
   1. A minimum of one (1) off-street space per three (3) units is required for visitor parking and shall be spread evenly throughout the development.
   2. Visitor parking spaces may not include spaces in car ports or garages.

5.38 PK-04: Parking; Non-residential

This Parking Standards section applies to the following zoning districts:

IN OT CN CM CH I1 I2 I3 HI

A. Parking Lot Design:

1. *Setbacks*: Parking lots may project into the lot setbacks, but shall not project into or interfere with any landscape easement or buffer yard except as permitted in *Chapter 05; §LA: Landscaping Standards*. If a landscape easement or buffer yard is not present, a parking lot shall not be installed within ten (10) feet of any property line, except when the parking lot is used as a shared parking lot as outlined below in *§6: Shared Parking Spaces*.
2. *Driveways*: Entrance and exit driveways may transect landscape easements and bufferyards when crossing them only.
3. *Right-of-way*: Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
4. *Drainage*: Parking areas shall be constructed to allow proper drainage.
5. *Parking Lot Connectivity*:
   a. Requirement: Where a lot abuts one (1) or more lots zoned for commercial use (including Planned Unit Development zoning districts that allow commercial development), parking spaces, parking aisles and driving lanes shall be laid out in a manner that will allow for the connection of the parking areas on the abutting lots.
   b. Cross-access Easements:
      i. Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Chapter 07; §EA: Easement Standards.*
      ii. Cross-access easements shall not be less than twenty (20) feet nor exceed thirty (30) feet in width.
6. *Shared Parking Spaces*: A group of adjacent properties may provide a shared parking area if:
   a. The shared lot provides a minimum of seventy-five percent (75%) of the total spaces required for each use; and
   b. The Executive Director approves the shared parking area; and
   c. The building or use utilizing shared parking areas shall be located within three hundred (300) feet of the parking areas.
   d. A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items: maintenance, snow removal, ownership, liability and shall be recorded in the Porter County Recorder's Office.
7. *Aisle Widths*: Minimum parking aisle widths shall be as follows:
   a. Ninety-degree (90º) angle space: twenty-four (24) feet wide parking aisle for one- or two-way traffic.
   b. Sixty-degree (60º) angle space: eighteen (18) feet wide parking aisle for one-way traffic and shall be one-way.
   c. Forty-five-degree (45º) angle space: fourteen (14) feet wide parking aisle for one-way traffic and shall be one-way.
8. *Aisle Exits*: All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be allowed.
9. *Driving Lanes*: Driving lanes in parking lots that provide access to parking aisles shall be clearly striped or be curbed.
10. *Cart Corrals*: Cart corrals are required for all retail businesses with more than 20,000 square feet of retail space that provide shopping carts to its customers. The corrals shall be made of permanent materials, be able to accommodate a minimum of fifty percent (50%) of the fleet of shopping carts available, and any single unit shall not be any larger than ten (10) feet by thirty-six (36) feet in length.

11. *Parking Pavers*:
    a. Grass or other structurally engineered parking pavers may be substituted for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses.
    b. Areas utilizing parking pavers shall not count towards impervious surface calculations.

B. Number of Parking Spaces:
1. *Maximum Number*:
    a. Off-street parking shall be required for all uses as shown in *Table PK-A: Maximum Number of Parking Spaces per Use*. The maximum number of parking spaces is described in the right column for the land uses listed in the left column. The numbers do not guarantee the quantity needed per use, only maximums are expressed. If a structure combines two (2) or more uses, the parking requirement is figured by adding the maximum number of spaces allowed for all uses.
    b. If a use is not clearly noted below, the Executive Director may determine into which land use the proposed development best fits, therefore determining the maximum number of parking spaces required.
2. *Land Banking*: A parking lot may be built with fewer spaces than the required spaces in *Table PK-A: Maximum Number of Parking Spaces per Use* if the following standards are met:
    a. Adequate and appropriate space shall be land banked such that the full number of parking spaces required in *Table PK-A: Maximum Number of Parking Spaces per Use* can be built on-site at a later date, should the need arise.
    b. The property owner shall record a plat that clearly denotes the land banked area, and identifies the area as a "no build zone."
    c. A design shall be presented at the time of site plan review showing how the full number of parking spaces required in *Table PK-A: Maximum Number of Parking Spaces per Use* would be installed and how drainage would be handled, should the need arise. This design shall also be recorded.
    d. Under no circumstances may less than forty percent (40%) of spaces required in *Table PK-A: Maximum Number of Parking Spaces per Use* be permitted to be installed.
3. *Bicycle Parking Spaces*: Bicycle parking areas shall be provided in proportion to the total number of parking spaces installed as follows:
    a. A minimum of one (1) bicycle parking space shall be provided per thirty (30) vehicle parking spaces. No more than fifteen (15) bicycle parking spaces shall be required for any primary structure.
    b. The bicycle parking spaces shall be located within sixty (60) feet of the main entryway into the primary structure or be located inside the primary structure.
    c. A bike rack shall be installed to secure the bicycles.
4. *Stacking Lanes*: The following uses shall provide adequate stacking lane space to accommodate the number of vehicles specified as follows:
    a. Banks: 4
    b. Dry cleaner: 3
    c. Fast food restaurant: 7
    d. Pick-up windows: 5
    e. Place of Worship: 10
    f. School: 10
    g. Youth Club: 10

5.39 PK-05: Parking; Office and Technology

This Parking Standards section applies to the following zoning districts:

OT

A. Location: Parking is prohibited in the front yard, and between buildings and the right-of-way.

Parking Standards (PK)

Table PK-A: Maximum Number of Parking Spaces Per Use

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial		
amusement park	---	---
automobile oriented business	---	---
automobile accessory installation	1 space for each employee on maximum shift	5 spaces for each service bay (service bay may count as 1 of the required spaces)
automobile body shop	---	5 spaces per service bay
automobile gas station	---	3 per gas pump
automobile oil change facility	1 space for each employee on maximum shift	5 spaces for each service bay (service bay may count as 1 of the required spaces)
automobile part sales	---	1 per 375 square feet of GFA including service bays, wash tunnels and retail area
automobile rental	---	1.3 spaces per 1000 square feet of site area
automobile repair/service station	---	5 spaces per service bay
automobile wash	---	3 spaces per service bay or lane
bank machine/ATM	---	2 spaces for each teller machine located at any 1 premise; provided, however, that 2 parking spaces shall not apply to drive-through automatic teller machines that are adjacent to a bank drive-thru facility which has a designated drive-thru lane specifica
banquet hall	---	1 space for each 200 square feet of GFA
bar/tavern	---	1 space for each 50 square feet of GFA
barber/beauty shop	---	1 space for each 100 square feet of GFA
billiard/arcade room	---	1 space for each 50 square feet of GFA
bowling alley	---	5 spaces per 1000 square feet of GFA
cellular phone services	---	4.3 spaces per 1000 square feet of GFA
club or lodge	---	1 space per for each 150 square feet of GFA
coffee shop	---	1 space for each 100 square feet of GFA
coin laundry	---	1 space for each 150 square feet of GFA
commercial training facility or school	1 space for each employee on maximum shift	1 space for each 2 classroom seats
county club	---	1 space for each 75 square feet of GFA
dance/night club	---	1 space for each 50 square feet of GFA
day care, adult	---	1.5 spaces per 375 square feet of GFA
day care, child	---	1.5 spaces per 375 square feet of GFA
delicatessen	---	1 space for each 75 square feet of GFA
dry-cleaning service	---	1 space for each 150 square feet of GFA
emergency medical clinic	---	1 space for each 150 square feet of GFA
farmers market	---	1.3 spaces per 1000 square feet of GFA
financial services	---	1 space for each 200 square feet of GFA
fitness center/health club	---	1 space for each 100 square feet of GFA
funeral home or mortuary	---	1 space for each 75 square feet of GFA
golf course	1 space for each employee	4 spaces for each hole
golf, driving range	1 space for each employee on maximum shift	1 space for each tee
golf, miniature	1 space for each employee on maximum shift	1 space for each tee
health spa/day spa	---	5.4 spaces for each 1000 square feet of GFA

Parking Standards (PK)

Table PK-A: Maximum Number of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial (continued)		
hotel/motel	---	1.5 spaces for each sleeping room or individual suite of sleeping room, plus 1 space for each 100 square feet GFA within the restaurant per bar per entertainment per meeting room facility (if applicable)
ice cream shop	---	1 space per 200 square feet of GFA
kennel	1 for each 2 employees on maximum shift	1 space for each pet owner at maximum capacity if animal training classes taught on-site
movie theater	---	1 space for each 3 seats
office, construction trade	---	1 space for each 350 square feet of GFA
office, design service	---	1 space for each 200 square feet of GFA
office, financial services	---	1 space for each 200 square feet of GFA
office, general services	---	1 space for each 200 square feet of GFA
office, medical	---	1 space for each 150 square feet of GFA
paintball facility, indoor	---	1 space for each 50 square feet of GFA
party/event store	1 space for each employee on maximum shift	1 space for each 200 square feet of GFA
pet grooming/store	---	1 space for each 150 square feet of GFA
photographic studio	---	3 spaces for each full-time practitioner
plant nursery	---	1 space for each 150 square feet of GFA
print shop/copy center	---	1 space for each 150 square feet of GFA
quick cash/check cashing	---	1 space for each 250 square feet of GFA
race track	---	1 space for each 3 seats
recreation center/play center	---	1 space for each 100 square feet of GFA
restaurant	---	1 space for each 75 square feet of GFA
restaurant with drive-up window	---	1 space for each 100 square feet of GFA
retail, high intensity	---	5.1 spaces for each 1,000 square feet of GFA
retail, low intensity	---	1 space for each 200 square feet of GFA
retail, medium intensity	---	4.5 spaces per 1000 square feet of GFA
retail, special handling	---	1 space for each 200 square feet of GFA
sexually oriented business	---	3 spaces for each 1000 square feet of GFA
shoe store/repair	---	1 space for each 200 square feet of GFA
skate park	---	1 space for each 2 people the facility is designed to accommodate at maximum capacity
skating rink	---	1 space for each 100 square feet of skating area
sport fields	---	30 spaces for each playing field
stadium	---	1 space for each 2.5 seats or 2.5 people at maximum capacity
studio arts	---	3 spaces for each full-time practitioner
tailor/pressing shop	---	1 space for each 150 square feet of GFA
tanning salon		2 spaces per tanning room or station
tattoo/piercing parlor	---	1 space for each 200 square feet of GFA
video/DVD rental	---	1 space for each 200 square feet of GFA

Table PK-A: Maximum Number of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Industrial		
above-ground utility facility	1 space for each employee based on maximum shift	1 space for each facility
assembly	1 space for each employee based on maximum shift	1 visitor space for each 10 employees
construction demolition landfill	1 space for each employee based on maximum shift	---
distribution facility	1 space for each employee based on the combined total of the maximum and second shift	---
electrical generation plant	1 space for each employee based on maximum shift	1 space for each 2000 square feet of GFA
flex-space	1 space for each employee based on maximum shift	1 visitor space for each 10 employees
food production/processing	1 space for each employee based on maximum shift	1 per 300 feet of square feet of GFA
gravel/sand mining	1 space for each employee based on maximum shift	---
incinerator	1 space for each employee based on maximum shift	---
junk yard	2 space for each employee based on maximum shift	---
liquid fertilizer storage/distribution	1 space for each employee based on maximum shift	1 space for each 200 square feet of GFA
manufacturing, heavy	1 space for each employee based on maximum shift	---
manufacturing, light	1 space for each employee based on maximum shift	1 space for each 200 square feet of GFA
outdoor storage	1 space for each employee based on maximum shift	1.3 spaces per 1000 square feet of GFA
radio/TV station	1 space for each employee based on maximum shift	1 space for each 300 square feet of GFA
recycling processing	1.5 space for each employee based on maximum shift	---
rendering plant	1 space for each employee based on maximum shift	1 space per 10 employees
research center	1 space for each employee based on maximum shift	3.8 spaces per 1000 square of GFA
sanitary landfill/refuse dump	1 space for each employee based on maximum shift	---
scrap metal yard	1 space for each employee based on maximum shift	1 space for visitor parking on the basis of each 10 employees on the largest working shift
sewage treatment plant	1.5 space for each employee based on maximum shift	---
sign painting/fabrication	1.5 space for each employee based on maximum shift	---
storage tanks (hazardous)	1 space for each employee based on maximum shift	---
telecommunication facility	1 space for each employee based on maximum shift	1 space per 300 square feet of GFA, plus 1 space for each company-owned vehicle
testing lab	1 space for each employee based on maximum shift	1 visitor space per 10 employees
tool and die shop	1 space for each employee based on maximum shift	1 space per 500 square feet of GFA
transfer station	1 space for each employee based on maximum shift	1 space per 200 square feet of GFA

Table PK-A: Maximum Number of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Industrial (continued)		
warehouse	1 space for each employee based on maximum shift	0.7 space per 1000 square feet of GFA if less than 150,000 square feet; and 0.4 space per 1000 square feet of GFA if greater than 150,000 square feet
warehouse storage facility	1 space for each employee based on maximum shift	---
water treatment plant	1.5 space for each employee based on maximum shift	---
welding	1.5 space for each employee based on maximum shift	---

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional		
cemetery/mausoleum	---	1 space per 4 visitors to the maximum capacity
child care institution	1 per employee base on maximum shift	1 space each for each 10 peoples
community center	---	1 space each 250 square feet of GFA
crematory	---	1 space per 4 seats or 75 square feet in parlor area if no fixed seats
government office	1 space per employee based on maximum shift	---
government operations (non-office)	1 space per employee based on maximum shift	---
hospital	2 spaces for each 3 employees	1 space for each 2 beds
jail	1 space for each employee based on maximum shift	1 space for each 25 inmates
juvenile detention	---	0.4 spaces per bed based on maximum capacity
library	---	1 space for each 150 square feet GFA
municipal airport	1 space per employee based on maximum shift	1 per aircraft tie down
municipal heliport	---	2.5 spaces for each helicopter based at facility
museum	1 space for each 2 employees	1 space for each 250 square feet of GFA
park, public	---	1 space for each 0.5 acres of developed park
place of worship	---	1 space for every 4 seats, or 18' of linear bench
police, fire or rescue station		3 spaces for each 1000 square feet of GFA
post office	1 space for 3 employees	1 space for each 150 square feet of GFA
pool, public	1 space for each employee	1 space for each 4 persons lawfully permitted in the pool at 1 time
prison	1 space for each employee based on maximum shift	1 space for each 25 inmates
recycling collection point	---	1 space for each recycle collection container
school (p-12)	---	3 spaces for each classroom, or 1 space for each 3 seats in the primary assembly area, which ever is greater or as determined upon review by the planning director
school, trade or business	1 space for each employee based on maximum shift	1 space for each 2 classroom seats
school, university or college	2 spaces for each 3 employees	1 space for each 5 students, based on the maximum number of students the facility is designed to handle

Table PK-A: Maximum Number of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Residential		
assisted living	1 space for each employee on maximum shift	1.5 spaces for each dwelling unit
bed and breakfast	---	1.5 spaces for each bedroom
fair housing facility (small)	---	1 space for 2 resident beds
fair housing facility (large)	---	1.5 spaces for each 2 bedroom apartment
lodging house	---	1.5 spaces for each bedroom
manufactured home park	---	2 spaces for each home
mobile home park	---	2 spaces for each mobile home, plus 1 guest parking space for each 4 mobile homes
nursing home	1 space for each 3 employees	1 space for each 4 beds
retirement community	1 space for each employee on maximum shift	1.5 spaces for each dwelling unit

5.40 PF-01: Performance; General

This Performance Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Air Pollution: No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.

B. Electrical Disturbance: No use shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.

C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

D. Heat and Glare: No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

E. Noise: No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

F. Obnoxious Characteristics: No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of the Unified Development Ordinance shall be so altered or modified to conflict with these standards.

G. Odor: No use shall emit across the lot lines malodorous gas or substances in such quantity as to be detectable at any point along the lot lines.

H. Vibration: No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

I. Water and Solid Waste Pollution:
   1. No use shall produce erosion or pollutants so as to be detrimental to adjacent properties or conflict with public water quality standards.
   2. No authorization of a use under the Unified Development Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted by the Porter County Code.
   3. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

5.41 PI-01: Public Improvement; General

This Public Improvement Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Adequate Facilities: Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
   1. The Plan Commission and the Development Advisory Committee (DAC) shall make a determination as to whether the public streets that will carry the increased traffic from the development are adequate to accommodate such traffic.
   2. The Plan Commission Office and the Development Advisory Committee (DAC) shall make a determination as to needed public street improvements.
   3. Public utilities shall have sufficient capacity to serve the development.
   4. The Plan Commission Office and the Development Advisory Committee (DAC) shall make a determination as to needed utility improvements.
   5. Drainage facilities shall have sufficient capacity to serve the development.
   6. The Plan Commission Office and the Development Advisory Committee (DAC) shall make a determination as to needed drainage improvements.
   7. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements.

5.42 SB-01: Setback; General

This setback standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Minimum Dwelling Site Front Setback: The minimum dwelling site front setback shall be per each two-page layout in *Chapter 02: Zoning Districts*.

B. Minimum Dwelling Site Side Setback: The minimum dwelling site side setback shall be per each two-page layout in *Chapter 02: Zoning Districts*.

C. Minimum Dwelling Site Rear Setback: The minimum dwelling site rear setback shall be per each two-page layout in *Chapter 02: Zoning Districts*.

D. Minimum Front Setback:
   1. *Generally*: The minimum front setback shall be as per each two-page layout in *Chapter 02: Zoning Districts*.
   2. *Average Front Setback*: Where a subdivision has been platted and substantially built-out utilizing a front setback standard less than that required by *Chapter 02: Zoning Districts*, an infill lot may utilize the average setback as defined in *Chapter 12: Definitions*.

E. Minimum Side Setback:
   1. *Generally*: The minimum side setback shall be as per each two-page layout in *Chapter 02: Zoning Districts*.
   2. *Average Side Setback*: Where a subdivision has been platted and substantially built-out utilizing a side setback standard less than that required by *Chapter 02: Zoning Districts*, an infill lot may utilize the average setback as defined in *Chapter 12: Definitions*.

F. Minimum Rear Setback:
   1. *Generally*: The minimum rear setback shall be as per each two-page layout in *Chapter 02: Zoning Districts*.
   2. *Average Rear Setback*: Where a subdivision has been platted and substantially built-out utilizing a rear setback standard less than that required by *Chapter 02: Zoning Districts*, an infill lot may utilize the average setback as defined in *Chapter 12: Definitions*.

G. Waterside Setback:
   1. *Minimum Waterside Setback*: Structures on lakefront lots shall be set back:
      a. At least thirty (30) feet from the:
         i. Base flood elevation, if it has been established; or
         ii. Water's edge at normal pool elevation; or
      b. At the flood protection grade;

      whichever is greatest.
      c. so the structures do not impede the view of the lake from adjacent lakefront lots.
   2. *Average Waterside Setback*: On all lakefront lots, no structure shall be constructed or erected with a waterside setback less than the average setback of existing similar buildings or structures within two hundred (200) feet on each side of the property.

H. Environmental Features: All structures shall be set back a minimum of fifteen feet (15) from the environmental features identified in *Chapter 07; §OP: Open Space Standards*.

I. Exceptions: The following types of structures or building features are exempt or partially exempt from the setback standard as stated:
   1. *Architectural Features* (cornice, eave, sill, canopy or similar feature):
      a. May extend into a required front setback not more than three (3) feet.
      b. May extend into a required side setback not more than two (2) feet.
      c. May extend into a required rear setback not more than three (3) feet.
      d. But shall never be closer than three (3) feet to the property line.
   2. Chimneys may extend into a required setback not more than two (2) feet provided the width of any side yard is not reduced to less than three (3) feet.
   3. Stairs or an open platform or landing which does not extend above the level of the floor elevation of the first floor of the structure:
      a. May extend into a required front setback not more than four (4) feet.
      b. May extend into a required side setback not more than four (4) feet.
      c. May extend into a required rear setback not more than twenty-five percent (25%) of the required rear setback depth.
      d. But shall never be closer than three (3) feet to the property line.

5.43 SW-01: Sewer and Water; General

This sewer and water standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Sewer: Connection to a sanitary sewer shall be per each two-page layout in *Chapter 02: Zoning Districts*.

B. Water: Connection to a water utility shall be per each two-page layout in *Chapter 02: Zoning Districts*.

C. Applicability: If the above listed sewer and water standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

Sexually Oriented Business Standards (SX)

5.44 SX-01: Sexually Oriented Business; General

This Sexually Oriented Business Standards section applies to the following zoning districts:

I1 I2

Purpose: The purpose of provisions that regulate sexually oriented businesses is to promote the health, safety, morals and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent deleterious effects of sexually oriented businesses within the County. The provisions have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of these provisions to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the Indiana State Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these provisions to in any way condone or legitimize the distribution of obscene or material harmful to minors.

A. Permit Required: Sexually oriented businesses shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit has been obtained (see *Chapter 10; §10.11: Improvement Location Permit*).

B. Separation Requirements: Sexually oriented businesses shall have the following separation requirements:
   1. Sexually oriented businesses shall be separated from other sexually oriented businesses by 1,500 feet.
   2. Sexually oriented businesses shall be separated from residential zoning districts by 1,500 feet.
   3. Sexually oriented businesses shall be separated from public gathering places such as schools, parks, playgrounds, libraries, religious institutions, day-care centers, and public buildings by 1,500 feet.
   4. The separation shall be measured in a straight line from the closest points between property lines, without regard to intervening structures or objects for sexually oriented businesses on a single lot. If a sexually oriented business is within a multiple-tenant building, the measurement shall be taken from the exterior walls of the premises occupied by the sexually oriented business to the property line of the use, without regard to intervening structures or objects.

C. Parking:
   1. Parking lots shall not include spaces suitable for the parking of tractors with semitrailers attached.
   2. Overnight parking is prohibited.

5.45 SX-02: Sexually Oriented Business; Sexually Oriented Media

This Sexually Oriented Business Standards section applies to the following zoning districts:

I1 I2 I3

A. Sexually Oriented Media: Video stores, bookstores, and newsstands that carry some sexually oriented media and do not meet the definition of an adult bookstore as defined in *Chapter 12: Definitions*, shall be subject to the following requirements:
   1. Adult media in a shop shall be kept in a separate room or section of the shop, which room or section shall:
      a. Not be open to any person under the age of eighteen (18) years;
      b. Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
      c. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
      d. Have access controlled by electronic or other means to provide assurance that persons under the age of eighteen (18) years will easily not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; and
      e. Provide signage at the entrance stipulating that persons under age eighteen (18) years are not permitted inside.

5.46 SI-01: Sign; General

This Sign Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Permit Required: A Sign Permit is required for all signs located, erected, constructed, reconstructed, moved, and altered unless otherwise stated in *§SI: Sign Standards* or in *Chapter 10; §10.13: Sign Permit* of the Unified Development Ordinance.

B. Landscaping: All signs permanently mounted to the ground shall be landscaped as follows:
   1. The base of all permanent ground signs shall be effectively landscaped with living plant material (*e.g.* shrubs and flowers). Base landscaping shall be maintained in good health at all times. Landscaping materials shall not screen the sign message, but shall significantly soften the base.
   2. The minimum landscaped area shall be equal to one-half (½) the total sign face area; and extend equally from the supporting structure in all directions. The landscaped area shall include all points where sign structural supports attach to the ground and any lighting mounted on the ground.
   3. Exposed foundations shall be covered with a finish material such as brick, stone, metal or wood.

C. Illumination: All illuminated signs shall comply with the following standards:
   1. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
   2. All illuminating elements shall be kept in satisfactory working condition and repaired or replaced if damaged or inoperable within fourteen (14) days, or as soon as possible if circumstances do not allow.
   3. The direct or reflected light from a light element shall not be visible from vehicles on public streets, private streets and parking lots.
   4. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
   5. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Unified Development Ordinance.
   6. When lighting for signs is permitted, said lighting shall abide by the same light trespass regulations as indicated in *Chapter 05; §LT: Lighting Standards*.

D. Prohibited Locations: Signs shall not be installed at any of the following locations:
   1. In any public right-of-way, unless specifically authorized by the Board of County Commissioners.
   2. In any utility easement unless authorized by the County Engineer.
   3. In any no-build or no-disturb zone.
   4. In any public park or other public property, with the exception of those signs specifically permitted by the base zoning district.
   5. On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.
   6. Obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
   7. In a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic.
   8. Within the areas prohibited by *Chapter 05; §VC: Vision Clearance Standards*.

E. Prohibited Signs: The signs listed in this section are prohibited.
   1. *Animated Signs*: Signs that gain attention through animation, including:
      a. Signs that utilize any motion picture, laser, or visual projection of images or copy.
      b. Signs that emit audible sound, odor or visible matter.
      c. Signs that have blinking, flashing, or fluttering lights or which has a changing light intensity, brightness or color, or give such illusion.
   2. *Misleading Signs*: Signs that are misleading, including:
      a. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
      b. Signs that may be construed as or have on it a light of an emergency or road equipment vehicle.
   3. *Roof Signs*: Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a building.
   4. *Vehicle Signs*: Vehicle signs are prohibited when the vehicle is parked on public or private property for the primary purpose of displaying the sign. Prohibited vehicle signs are not to be construed as vehicles with signs on them that:
      a. Are lawfully parked overnight or during nonbusiness hours for that operation in a discreet location, on public or private property;
      b. Are making deliveries, sales calls, or customary practices relating to doing business;
      c. Are making trips to transport persons or property; or
      d. Are in conjunction with customary construction operations on a construction site.
   5. *Miscellaneous Signs*:
      a. Trailblazer or point of destination signs.
      b. Search lights.
      c. Pennants, streamers, and/or spinners, except as permitted in the Unified Development Ordinance.
      d. Bench signs, except as permitted in the Unified Development Ordinance.
      e. Signs with moving or movable parts.
      f. Signs that contain profane language, male genitalia or female genitalia are prohibited as a common nuisance.

F. Inspection Provisions: Signs for which a Sign Permit is required may be inspected periodically by the County for compliance with the Unified Development Ordinance.

G. Maintenance: All signs and sign components shall be kept in good repair and in safe, clean and working condition.

H. Noncommercial Message: Noncommercial messages are permitted on all signs permitted in this Chapter.

I. Government Flags: The flag, pennant, or insignia of any nation, state, city or other political unit are exempt from needing a Sign Permit, but shall not be mounted more than thirty-five (35) feet in height and be more than forty (40) square feet in area

J. Religious Symbols: Religious symbols incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

K. Scoreboards: Scoreboards are exempt from needing a Sign Permit as follows:
   1. When used in conjunction with a legally established sport field; and
   2. When not containing any commercial messages; and
   3. When the scoreboard does not exceed twenty (20) feet in height above the ground; and
   4. When the total scoreboard area does not exceed one hundred (100) square feet; and
   5. When the scoreboards are single-sided.

L. Holiday Decorations: Holiday decorations with noncommercial messages shall not be considered a sign.

M. Murals: Murals without a commercial message are exempt from the sign standards and do not require a Sign Permit.

N. Street Addresses: Every building is required to post its numerical street address, and is exempt from needing a Sign Permit if installed as follows:
   1. *Single-family Residential Structure Addresses*: Street addresses for single-family residential structures shall consist of Arabic numerals (*i.e.* 1, 2, 3...) no less than three (3) inches in height and no more than eight (8) inches in height on its mailbox and/or at its main entrance door, whichever is more visible.
   2. *Apartment Complex Addresses*: Street addresses for apartment complexes shall consist of Arabic numerals (*i.e.* 1, 2, 3...) no less than five (5) inches in height and no more than ten (10) inches in height. Each apartment complex is required to have each building's address displayed in an obvious location if the entrance into each apartment unit is not clearly labeled with a street address.
   3. *Nonresidential Use Addresses*: The minimum and maximum height for address numbers varies according to front setback as follows:
      a. If the address is posted one hundred (100) feet or less from the road right-of-way, the numbers shall be between five (5) and twelve (12) inches in height.
      b. If the address is posted between one hundred (100) and two hundred (200) feet from the road right-of-way, the numbers shall be between eight (8) and sixteen (16) inches in height.
      c. If the address is posted over two hundred (200) feet from the road right-of-way, the numbers shall be between twelve (12) and twenty (20) inches in height.
   4. *Legibility*: All street addresses shall contrast to the color of the surface on which they are mounted and shall be clearly visible and identifiable from the street.

O. Political Signs:
   1. *Freedom of Speech*: Political signs are considered noncommercial, freedom of speech signs.
   2. *Timing*: Political signs may be erected thirty (30) days prior to an election and should be removed within ten (10) days after the election.
   3. *Lighting*: Political signs shall not be lighted.
   4. *Location*: Political signs are subject to the requirements of *§D: Prohibited Locations*.
   5. *Maximum Height*: Political signs shall not exceed six (6) feet in height.
   6. *Maximum Sign Area*: Thirty-two (32) square feet.
   7. *Maximum Number*: Not applicable.
   8. *Sign Permit*: A Sign Permit is not required for a political sign.

P. Directional Devices: Directional devices are exempt from needing a Sign Permit if installed as follows:
   1. *Use*: Directional devices shall be used to indicate points of entry or exit for a business, public amenity, or off-street parking area.
   2. *Area*: Directional devices are limited to a maximum of four (4) square feet in area per entrance, and may be double-sided.
   3. *Maximum Height*: Directional devices are limited to a maximum of forty-two (42) inches in height above the ground.
   4. *Placement*:
      a. Directional devices shall not interfere with safe vehicular or pedestrian traffic circulations.
      b. Directional devices shall not obstruct the view of drivers entering or exiting the lot.
      c. Directional devices shall not be placed within a public right-of-way.
      d. Directional devices shall be on the property to which it refers.
   5. *Quantity:* No more than two (2) directional devices shall be used per street frontage, with a maximum of four (4) per lot.
   6. *Message*: Directional devices may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or directional arrows indicating desired traffic movement. Further, directional devices may display a logo on up to forty percent (40%) of the total sign area, but shall not contain a commercial message or advertising. If a commercial message or advertising is desired on a directional device, or if the logo exceeds forty percent (40%) of the sign area; the sign will be regulated as a Directional Sign and shall not be exempt from getting a Sign Permit or exempt from the cumulative square footage allowed on a site.

Q. Private Property Signs: Private property signs are exempt from needing a Sign Permit if installed as follows:
   1. *Use*: Information signs are allowed only when they display noncommercial message, either information necessary for the safety and convenience of residents and visitors. For example, "beware of dog" and "no trespassing"; or information about a security system.
   2. *Area*: Private property signs may not exceed two (2) square feet in area.
   3. *Quantity*: No more than one (1) private property sign is permitted per lot with less than one hundred (100) feet of road frontage. One (1) additional private property sign is permitted per one hundred (100) feet of additional road frontage over the initial one hundred (100) feet.
   4. *Message*: Private property signs shall not contain a commercial message.

R. Ground Level: The ground shall not be raised or lowered to artificially change the point at which a sign height is measured.

5.47 SI-02: Sign; Single-family Residential

This Sign Standards section applies to the following zoning districts:



The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

A. Permanent Sign Standards: No permanent signs are permitted on a single-family residential lot.

B. Temporary Sign Standards: Temporary signs shall be permitted as follows:
   1. *Standard Temporary Signs*: The following standards apply to standard temporary signs:
      a. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      b. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      c. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      d. Location: A standard temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle and driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      e. Separation: No two (2) standard temporary signs on the same property shall be closer than eighty (80) feet to each another.
      f. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* sale of property, garage sale, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
      g. Sign Permit: No Sign Permit is required for a standard temporary sign but the sign shall be in compliance with all applicable development standards.
      h. Sign Type: A standard temporary sign must be a freestanding sign placed in a yard adjacent to a public right-of-way.

C. Freedom of Speech: The standard temporary ground sign may be used for freedom of speech for any length of time, but shall be consistent with the time, place and manner standards described above.

5.48 SI-03: Sign; Multiple-family and Manufactured Home Park

This Sign Standards section applies to the following zoning districts:

R4 MP

The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

A. Permanent Sign Standards: Permanent signs shall be permitted as follows:
   1. *Types of Signs Permitted*: Entry feature signs are allowed within the constraints of the regulations in this section.
   2. *Entry Feature Signs*: The following standards apply to entry feature signs:
      a. Prerequisite: An entry feature sign is permitted for an apartment complex or a lease-lot development with at least twenty (20) dwelling units.
      b. Area: Any single entry feature sign shall not exceed forty (40) square feet in sign area per qualifying entrance.
      c. Maximum Number: One (1) entry feature sign is permitted at the main entrance into the development. An additional one (1) entry feature signs shall be permitted if all the following are present:
         i. The development has a second vehicular entrance from a public street; and
         ii. The development has at least 1,000 lineal feet of combined frontage.
      d. Location: Entry feature signs shall not be placed in the public right-of-way. No setback from the right- of-way is required.
      e. Maintenance: Entry feature signs shall be maintained by a the property owner, home owners association or similar legally binding arrangement.
      f. Materials: Entry feature signs shall consist entirely of brick, stone, or other aesthetically appealing materials. The reverse sides of such signs shall use the same materials and be finished to match the front.

B. Temporary Sign Standards: Temporary signs shall be permitted as follows:
   1. *Standard Temporary Signs*: The following standards apply to standard temporary signs:
      a. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      b. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      c. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      d. Location: A standard temporary sign shall be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle and driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      e. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other.
      f. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* sale of property, garage sale, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      g. Sign Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
      h. Sign Type: A standard temporary sign shall be a freestanding sign placed in a yard adjacent to a public right-of-way.

C. Freedom of Speech: The standard temporary ground sign may be used for freedom of speech for any length of time, but must be consistent with the time, place and manner standards described above.

5.49 SI-04: Sign; Office and Institutional

This Sign Standards section applies to the following zoning districts:

IN OT

A. Single-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Sign Standards*: Permanent signs shall be permitted as follows:

a. Sign Types: Any combination of permanent wall, ground, awning, window, drive-up window, changeable copy, display space, or directional signs is allowed within the constraints of the regulations in this section.

b. Cumulative Square Footage: The cumulative square footage of all permanent signs shall not exceed one and six-tenths (1.6) square foot per lineal foot of primary structure facade that faces a public right-of-way; or seventy (70) square feet, whichever is less. If a primary structure does not exist in conjunction with a permitted or approved conditional use, the site is permitted three-tenths (0.3) square foot per lineal foot of road frontage, or thirty-five (35) square feet of cumulative square footage; whichever is less.

c. Wall Signs: The following standards apply to permanent wall signs:

i. Area:

[a] Any single wall sign mounted on a structure shall not exceed fifty (50) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.

[b] Any single wall sign mounted on a structure shall not exceed seventy (70) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.

ii. Maximum Height: Eight (8) feet, and no part of a wall sign shall be more than twenty (20) feet above ground level.

iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

iv. Maximum Number: One (1) on each façade; maximum of two (2) per building.

d. Ground Signs: The following standards apply to permanent ground signs:

i. Area:

[a] Any single ground sign located facing a local or collector street, or on a property that has less than two hundred fifty (250) lineal feet of street frontage on an arterial street shall not exceed thirty-six (36) square feet in sign area per side.

[b] Any single ground sign located facing an arterial street on a property with two hundred fifty (250) lineal feet or more of street frontage shall not exceed forty-six (46) square feet in area. The ground sign shall be placed on said arterial street to qualify for the larger sign area.

[c] If the ground sign has two (2) identical sides, only one (1) side's sign area counts toward the maximum cumulative square footage.

ii. Maximum Height: Eight (8) feet, and no part of a ground sign shall be more than ten (10) feet above ground level.

iii. Maximum Number: One (1) for lots with frontage on one (1) public street; and two (2) for lots with one hundred fifty (150) cumulative feet of frontage on two (2) or more public streets.

iv. Location: Permanent ground sign must be located at least five (5) feet from the edge of any pavement, curb, property line, or proposed right-of-way.

v. Separation: No two (2) ground signs on the same lot shall be within one hundred (100) feet of each other. Only one (1) permanent ground sign shall be placed on each frontage.

e. Awning Signs: The following standards apply to permanent awning signs:

i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
ii. Maximum Height: Any single awning sign shall not exceed three (3) feet in height and no part of an awning sign shall be more than fifteen (15) feet or less than nine (9) feet above the ground.
iii. Maximum Number: There is no maximum number of awning signs.
iv. Illumination: Awning signs shall not be illuminated by backlighting.

f. Window Signs: The following standards apply to permanent window signs:
i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
iv. Sign Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

g. Changeable Copy: Changeable copy is permitted as a part of a permanent wall and/or ground sign as follows:
i. Prerequisite: Any changeable copy sign shall be integrated into a wall or ground sign. When integrated, the combined sign area shall not exceed the maximum allowable square footage for that type of sign.
ii. Area: The changeable copy sign area shall not exceed eighty percent (80%) of a ground sign or wall sign that meets the regulations for that type of sign.
iii. Physical Characteristics: Only static messages are allowed. Manually placed text and semi-static electronic message boards are allowed. No scrolling, flashing or cyclical changing of electronic messages is permitted.

h. Directional Signs: The following standards apply to permanent directional signs:
i. Intent: Permanent directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out-of, or around a development or lot.
ii. Area: Any single directional sign shall not exceed four (4) square feet in area per side. If a permanent directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
iii. Maximum Height: Any single directional sign shall not exceed forty-two (42) inches in height.
iv. Maximum Number: No more than one (1) permanent directional signs shall be installed per curb cut onto a public street.

2. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs.
      i. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      ii. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      iii. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      iv. Location: A standard temporary sign shall be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      v. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other. Also, a standard temporary sign shall not be closer than fifteen (15) feet to any other sign on the property.
      vi. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vii. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
3. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

B. Multi-tenant**:** The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:
1. *Permanent Tenant Sign Standards*: Permanent tenant signs shall be permitted as follows:
   a. Sign Types: Any combination of permanent wall, awning or window signs are allowed per tenant space as described below.
   b. Cumulative Square Footage. The cumulative square footage of all permanent signs per tenant space shall not exceed one and four-tenths (1.4) square feet per lineal foot of the tenant's front façade, or fifty-five (55) square feet, whichever is less.
   c. Wall Signs: The following standards apply to permanent wall signs:
      i. Area:
         [a] Any single wall sign mounted on a structure shall not exceed forty-five (45) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.
         [b] Any single wall sign mounted on a structure shall not exceed fifty-five (55) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.
      ii. Maximum Height: Any single wall sign shall not exceed five (5) feet in height nor shall any part of the sign extend more than twenty (20) feet above ground level.
      iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.
      iv. Maximum Number: No more than one (1) wall sign is permitted per tenant space.
      v. Consistency: All wall signs within the development must be consistent in type (*e.g.* reverse channel, box, *etc*.) and be mounted consistently on the facade of the building in order to create a uniform appearance.

d. Awning Signs: The following standards apply to permanent awning signs:
   i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
   ii. Height: Any single awning sign shall not exceed three (3) feet in height and no part of an awning sign shall be more than fifteen (15) feet or less than nine (9) feet above the ground.
   iii. Maximum Number: There is no maximum number of awning signs.
   iv. Illumination: Awning signs shall not be illuminated by backlighting.

e. Window Signs: The following standards apply to permanent window signs:
   i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
   ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
   iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
   iv. Sign Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

2. *Permanent Development Sign Standards*: Permanent development signs shall be permitted as follows:
   a. Sign Types: Any combination of permanent gateway signs or directional signs are allowed per multi-tenant development as described below. These signs are permitted for multiple-tenant structures in addition to the allotment of signs for permanent tenant space.
   b. Directional Signs: The following standards apply to permanent directional signs:
      i. Directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.
      ii. Any single directional sign shall not exceed four (4) square feet in area per side, and forty-two (42) inches in height. If a directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
      iii. No more than one (1) directional signs shall be used per curb cut onto a public street.

3. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Limitations: All standard temporary signs associated with a tenant space must be displayed in windows or affixed to an entrance door.
      ii. Area: The sign area for a standard temporary sign shall not exceed four (4) square feet.
      iii. Maximum Height: The height for any standard temporary sign shall not exceed seven (7) feet above ground level.
      iv. Maximum Number: One (1) standard temporary sign is permitted per tenant space.
      v. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, help wanted, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vi. Sign Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.

b. *Special Temporary Signs*: The following standards apply to special temporary signs:
   i. Maximum Number: One (1) special temporary sign is permitted per overall development.
   ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
   iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
   iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
   v. Sign Permit: Each time a special temporary sign is relocated or setup, a Temporary Sign Permit is required.

4. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.50 SI-05: Sign; Neighborhood Commercial

This Sign Standards section applies to the following zoning districts:

CN

A. Single-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:
   1. *Permanent Sign Standards*: Permanent signs shall be permitted as follows:
      a. Sign Type: Any combination of permanent wall, ground, awning, window, drive-up window, changeable copy, display space, or directional signs is allowed within the constraints of the regulations in this section.
      b. Cumulative Square Footage: The cumulative square footage of all permanent signs shall not exceed one (1) square foot per lineal foot of primary structure facade which faces a public right-of-way; or seventy (70) square feet, whichever is less. If a primary structure does not exist in conjunction with a permitted or approved conditional use, the site is permitted three-tenths (0.3) of a square foot per lineal foot of road frontage, or thirty-five (35) square feet of cumulative square footage; whichever is less.
      c. Wall Signs: The following standards apply to permanent wall signs:
         i. Area: Any single wall sign shall not exceed sixty-five (65) square feet in area.
         ii. Maximum Height: Any single wall sign shall not exceed five (5) feet in height nor shall any part of the sign extend more than sixteen (16) feet above ground level.
         iii. Distance from Building: No part of a wall sign shall protrude more than eight (8) inches from the wall or face of the building to which it is attached.
         iv. Maximum Number: Two (2) wall signs are permitted on each facade; maximum of four (4) per building.
      d. Ground Signs: The following standards apply to permanent ground signs:
         i. Area: Any single ground sign shall not exceed forty-five (45) square feet in area per side. If the ground sign has two (2) identical sides, only one (1) side's area counts toward the maximum cumulative square footage.
         ii. Maximum Height: Any single ground sign shall not exceed five (5) feet in height and no part of a ground sign shall be more than eight (8) feet above ground level.
         iii. Maximum Number: One (1) ground sign is permitted for lots with frontage on one (1) public street; and two (2) ground signs are permitted for lots with one hundred fifty (150) cumulative feet of frontage on two (2) or more public streets.
         iv. Location: Ground signs must be located at least ten (10) feet from the edge of any pavement, curb, property line, or proposed right-of-way.
         v. Separation: No two (2) ground signs on the same lot shall be within seventy (70) feet of each other.

e. Awning Signs: The following standards apply to permanent awning signs:
   i. Area: Any single awning sign shall not exceed twenty (20) square feet in area.
   ii. Maximum Height: Any single awning sign shall not exceed two (2) feet in height and no part of an awning sign shall be more than fifteen (15) feet or less than nine (9) feet above the ground.
   iii. Maximum Number: There is no maximum number of awning signs.
   iv. Illumination: Awning signs shall not be illuminated by backlighting.

f. Window Signs: The following standards apply to permanent window signs:
   i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
   ii. Maximum Height: Any single window sign shall not exceed four (4) feet in height.
   iii. Maximum Number: One (1) window sign is permitted on each façade; maximum of three (3) per building.
   iv. Sign Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

g. Drive-up Window Signs: The following standards apply to permanent drive-up window signs:
   i. Prerequisite: The lot must have a permitted, operable, and in-use drive-up window.
   ii. Area: Any single drive-up window sign shall not exceed twenty (20) square feet in area and shall not be two-sided. The drive-up window sign area shall not count against the cumulative square footage allotted to the property as long as it meets the location standards listed below.
   iii. Maximum Height: No part of a drive-up window sign shall be more than six (6) feet above ground level.
   iv. Maximum Number: One (1) drive-up window sign is permitted.
   v. Location: A drive-up window sign shall be located in the drive up window lane, the sign face shall not be visible from the public right-of-way, and be at least one (1) foot from the edge of any pavement, curb, or property line, or be mounted on the building.

h. Changeable Copy: Changeable copy is permitted as a part of a permanent wall and/or ground sign as follows:
   i. Prerequisite: Any changeable copy sign shall be integrated into a wall or ground sign. When integrated, the combined sign area shall not exceed the maximum allowable square footage for that type of sign.
   ii. Area: The changeable copy sign area shall not exceed eighty percent (80%) of a ground sign or wall sign that meets the regulations for that type of sign.
   iii. Physical Characteristics: Only static messages are allowed. Manually placed text and semi-static electronic message boards are allowed. No scrolling, flashing or cyclical changing of electronic messages is permitted.

i. Display Space: The following standards apply to a permanent sign area designated for temporary signs, banners, flyers, posters and pennants to be posted. Generally, this media is intended for pedestrians or patrons in close proximity to the display space.
   i. Intent: To allow a multitude of temporary two-dimensional signs, but to reduce clutter by requiring them to be displayed in a designated area.
   ii. Number of Permanent Display Signs: There shall not be more than two (2) permanent display spaces on a single lot.
   iii. Number of Temporary Signs: Any number of temporary two-dimensional signs, banners, flyers, posters, and pennants may be posted at any given time in a permanent display space as long as they are posted within the confines of the permanent display area and shall not be posted anywhere else on the lot except as per *§B: Temporary Sign Standards*.
   iv. Area: The total display space area shall not exceed sixteen (16) square feet per permanent display space and thirty (30) square feet cumulatively for all permanent display spaces.
   v. Maximum Height: A permanent display space shall not exceed eight (8) feet in height from ground level.
   vi. Framing of Display Space: The permanent display spaces shall either be framed with wood, metal, or other durable material; or located on a designated window; or mounted to permanent hardware affixed to the primary structure.
   vii. Location: The permanent display spaces shall be located on the facade of the primary structure.
   viii. Sign Permit: The permanent display spaces shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.
   ix. Exceptions: It is not necessary to get a temporary Sign Permit for any temporary wall sign, banner, flyer, poster, or pennant when posted in the permanent display spaces.

j. Directional Signs: The following standards apply to permanent directional signs:
   i. Intent: Permanent directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out-of, or around a development or lot.
   ii. Area: Any single directional sign shall not exceed four (4) square feet in area per side. If a permanent directional sign has two (2) or more sides, each side counts toward the cumulative square footage.
   iii. Maximum Height: Any single directional sign shall not exceed forty-two (42) inches in height.
   iv. Maximum Number: No more than one (1) permanent directional signs shall be installed per curb cut onto a public street.

2. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      ii. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      iii. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least one hundred fifty (150) lineal feet of combined street frontage.
      iv. Location: A standard temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      v. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other. Also, a standard temporary sign shall not be closer than fifteen (15) feet to any other sign on the property.
      vi. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, sale of property, *etc*.). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vii. Sign Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
   b. Special Temporary Signs: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) special temporary sign is permitted.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A special temporary sign shall not be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary signs on any property shall not exceed ten (10) days in any calendar year. Any single special temporary sign shall not exceed a duration of five (5) continuous days.
      iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed fifteen (15) feet off of the ground.
      v. Sign Permit: Each time a special temporary sign is setup or installed, a special Temporary Sign Permit is required.
3. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

B. Multiple-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Tenant Sign Standards*: Permanent tenant signs shall be permitted as follows:
   a. Sign Types: Any combination of permanent wall, awning or window signs are allowed per tenant space as described below.
   b. Cumulative Square Footage: The cumulative square footage of all permanent signs per tenant space shall not exceed one (1) square foot per lineal foot of the tenant's front facade, or fifty (50) square feet, whichever is less.
   c. Wall Signs: The following standards apply to permanent wall signs:
      i. Area: Any single wall sign shall not exceed fifty (50) square feet in area.
      ii. Maximum Height: Any single wall sign shall not exceed four (4) feet in height and no part of a wall sign shall be more than sixteen (16) feet above ground level.
      iii. Distance from Building: No part of a wall sign shall protrude more than eight (8) inches from the wall or face of the building to which it is attached.
      iv. Maximum Number: No more than one (1) wall sign is permitted per tenant space with a private entrance. No more than three (3) wall signs are permitted per development.
      v. Physical Characteristics: All wall signs within the development must be consistent in type (*e.g.* reverse channel or box) and be mounted consistently on the façade of the building in order to create a uniform appearance.
   d. Awning Signs: The following standards apply to permanent awning signs:
      i. Area: Any single awning sign shall not exceed twenty (20) square feet in area.
      ii. Maximum Height: Any single awning sign shall not exceed two (2) feet in height with no part of an awning sign more than fifteen (15) feet or less than nine (9) feet above the ground.
      iii. Maximum Number: There is no maximum number of awning signs.
      iv. Illumination: Awning signs shall not be illuminated by backlighting.
   e. Window Signs: The following standards apply to permanent window signs:
      i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
      ii. Maximum Height: Any single window sign shall not exceed four (4) feet in height.
      iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
      iv. Sign Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

2. *Permanent Development Sign Standards*: Permanent development signs shall be permitted as follows:
   a. Sign Types: Any combination of permanent gateway signs or directional signs are allowed per Multiple-tenant development as described below. These signs are permitted for multiple-tenant structures in addition to the allotment of signs for permanent tenant space in *§A*: *Permanent Tenant Sign Standards*.
   b. Gateway Signs: The following standards apply to permanent gateway signs.
      i. Prerequisite. A minimum of six (6) separate tenants and 12,000 square feet of occupiable space in the building is required to qualify for a gateway sign.
      ii. Area. The maximum sign area for a gateway sign shall be calculated by multiplying one (1) square foot times the lineal feet of facade facing a public street. Under no circumstance can the total sign area exceed forty-five (45) square feet per side in area.
      iii. Tenant Sign: Any single-tenant sign on a gateway sign cannot exceed thirty-five (35) square feet in area per side.
      iv. Maximum Height: No part of a gateway sign shall be more than seven (7) feet above ground level.
      v. Maximum Number: A maximum of one (1) gateway sign is permitted at the primary entrance into a multiple-tenant development.
      vi. Changeable Copy: Changeable copy is permitted on up to sixty percent (60%) of the permitted sign area of the gateway sign per side.
   c. Directional Signs: The following standards apply to permanent directional signs:
      i. Directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.
      ii. Any single directional sign shall not exceed four (4) square feet in area per side, and forty-two (42) inches in height. If a directional sign has two or more sides, each side counts toward the maximum cumulative square footage.
      iii. No more than one (1) directional signs shall be used per curb cut onto a public street.
3. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Limitations on Standard Temporary Signs: All standard temporary signs associated with a tenant space must be displayed in windows or affixed to an entrance door.
      ii. Area: The sign area for a standard temporary sign shall not exceed four (4) square feet.
      iii. Maximum Height: Seven (7) feet.
      iv. Maximum Number: One (1) per tenant space.
      v. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, help wanted, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vi. Sign Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
   b. Special Temporary Signs: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) per overall development.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A special temporary sign shall not be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed ten (10) days in any calendar year. Any single special temporary sign shall not exceed a duration of five (5) continuous days.
      iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
      v. Sign Permit: Each time a special temporary sign is relocated or setup, a Temporary Sign Permit is required.
4. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.51 SI-06: Sign; Moderate Intensity Commercial

This Sign Standards section applies to the following zoning district:

CM

A. Single-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Sign Standards*: Permanent signs shall be permitted as follows:

a. Types of Signs Permitted: Any combination of permanent wall, ground, awning, window, drive-up window, changeable copy, display space, or directional signs is allowed within the constraints of the regulations in this section.

b. Cumulative Square Footage:

i. Façade Width: The cumulative square footage of all permanent signs shall not exceed one and three-quarters (1.75) square feet per lineal foot of primary structure façade that faces a public right-of-way; or one hundred seventy-five (175) square feet, whichever is less.

ii. Frontage: If a primary structure does not exist, the site is permitted one-tenth (0.1) square foot per lineal foot of road frontage, or fifty (50) square feet of cumulative square footage; whichever is less.

iii. Cumulative Square Footage Bonuses: The cumulative square footage bonuses specified in *§iv: Speed Limit* and *§v: Proximity to Right-of-way* are each calculated based on the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*. If a sign is eligible for bonuses under *§iv: Speed Limit* and *§v: Proximity to Right-of-way*, the bonuses are individually added to the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*, and are not calculated one from the other.

iv. Speed Limit: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the speed limit of the nearest adjacent street as follows:

[a] 45 mph to 55 mph: Ten percent (10%);

[b] Above 55 mph: Twenty-five percent (25%).

v. Proximity to Right-of-way: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the sign's proximity to the nearest adjacent right-of-way as follows:

[a] 200 feet to 400 feet: Ten percent (10%);

[b] Greater than 400 feet to 1,000 feet: Twenty-five percent (25%);

[c] Greater than 1,000 feet: Fifty percent (50%).

c. Wall Signs: The following standards apply to permanent wall signs:

i. Area:

[a] Any single wall sign mounted on a structure shall not exceed one hundred (100) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.

[b] Any single wall sign mounted on a structure shall not exceed one hundred fifty (150) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.

ii. Height. Any single wall sign shall not exceed six (6) feet in height nor shall any part of the sign extend more than twenty (20) feet above ground level.

iii. Distance from Building. No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

iv. Number. One (1) wall sign is permitted on each facade; maximum of two (2) per building.

d. Ground Signs: The following standards apply to permanent ground signs:
   i. Area:
      [a] Any single ground sign located facing a local or collector street, or on a property that has less than two hundred fifty (250) lineal feet of street frontage on an arterial street shall not exceed fifty (50) square feet in sign area per side.
      [b] Any single ground sign located facing an arterial street on a property with two hundred fifty (250) lineal feet or more of street frontage shall not exceed sixty (60) square feet in area. The ground sign shall be placed on said arterial street to qualify for the larger sign area.
      [c] If the ground sign has two (2) identical sides, only one (1) side's area counts toward the maximum cumulative square footage.
   ii. Maximum Height: Six (6) feet, nor shall any part of the sign extend more than eight (8) feet above ground level.
   iii. Maximum Number: One (1) for lots with frontage on one (1) public street; and two (2) for lots with one hundred fifty (150) cumulative feet of frontage on two (2) or more public streets.
   iv. Location: Permanent ground sign must be located at least five (5) feet from the edge of any pavement, curb, property line, or proposed right-of-way.
   v. Separation: No two (2) ground signs on the same lot shall be within one hundred (100) feet of each other. Only one (1) permanent ground sign shall be placed on each frontage.

e. Awning Signs: The following standards apply to permanent awning signs:
   i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
   ii. Height: Any single awning sign shall not exceed three (3) feet in height nor shall any part of the sign extend more than fifteen (15) feet or less than nine (9) feet above ground level.
   iii. Maximum Number: There is no maximum number of awning signs.
   iv. Illumination: Awning signs shall not be illuminated by backlighting.

f. Window Signs: The following standards apply to permanent window signs:
   i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
   ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
   iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
   iv. Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

g. Drive-up Window Signs: The following standards apply to permanent drive-up window signs:
   i. Prerequisite: The lot must have a permitted, operable and in-use drive-up window.
   ii. Area: This sign shall not exceed twenty (20) square feet in area and shall not be a two-sided. This sign area shall not count against the cumulative square footage allotted to the property.
   iii. Maximum Height: No part of a ground sign shall be more than six (6) feet above ground level.
   iv. Maximum Number: Only one (1) drive-up window sign is permitted.
   v. Location: A drive-up window sign must be located at least one (1) foot from the edge of any pavement, curb, or property line, or be mounted on the building.

h. Changeable Copy: Changeable copy is permitted as a part of a permanent wall and/or ground sign as follows:
   i. Prerequisite: Any changeable copy sign shall be integrated into a wall or ground sign. When integrated, the combined sign area shall not exceed the maximum allowable square footage for that type of sign.
   ii. Area: The changeable copy sign area shall not exceed eighty percent (80%) of a ground sign or wall sign that meets the regulations for that type of sign.
   iii. Physical Characteristics: Only static messages are allowed. Manually placed text and semi-static electronic message boards are allowed. No scrolling, flashing or cyclical changing of electronic messages is permitted.

i. Display Space: The following standards apply to a permanent sign area designated for temporary signs, banners, flyers, posters and pennants to be posted:
   i. Intent: To allow a multitude of temporary two-dimensional signs, but to reduce clutter by requiring them to be displayed in a designated area.
   ii. Maximum Number of Permanent Display Spaces: There shall not be more than two (2) permanent display spaces on a single lot.
   iii. Maximum Number of Temporary Signs: Any number of temporary two-dimensional signs, banners, flyers, posters, and pennants may be posted at any given time in a permanent display space as long as they are posted within the confines of the permanent display area and shall not be posted anywhere else on the lot except as per *§B: Temporary Sign Standards.*
   iv. Area: The total display space area shall not exceed sixty (60) square feet per permanent display space and eighty (80) square feet cumulatively for all permanent display spaces.
   v. Maximum Height: A permanent display space shall not exceed eight (8) feet in height from ground level.
   vi. Framing of Display Space: The permanent display spaces shall either be framed with wood, metal, or other durable material; or located on a designated window; or mounted to permanent hardware affixed to the primary structure.
   vii. Location: The permanent display spaces shall be located on the facade of the primary structure.
   viii. Permit: The permanent display spaces shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.
   ix. Exceptions: It is not necessary to get a Temporary Sign Permit for any temporary wall sign, banner, flyer, poster, or pennant when posted in the permanent display spaces.

j. Directional Signs: The following standards apply to permanent directional signs:
   i. Intent: Permanent directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out-of, or around a development or lot.
   ii. Area: Any single directional sign shall not exceed four (4) square feet in area per side. If a permanent directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
   iii. Maximum Height: Any single directional sign shall not exceed forty-two (42) inches in height.
   iv. Maximum Number: No more than one (1) permanent directional signs shall be installed per curb cut onto a public street.

2. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      ii. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      iii. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      iv. Location: A standard temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      v. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other. Also, a standard temporary sign shall not be closer than fifteen (15) feet to any other sign on the property.
      vi. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vii. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.

b. Special Temporary Signs: The following standards apply to special temporary signs:
   i. Maximum Number: One (1) special temporary sign is permitted.
   ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A special temporary sign shall not be located fully or partially on any public sidewalk.
   iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
   iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
   v. Permit: Each time a special temporary sign is setup, a Temporary Sign Permit is required.

3. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

B. Multi-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:
1. *Permanent Tenant Sign Standards*: Permanent tenant signs shall be permitted as follows:
   a. Permitted: Any combination of permanent wall, awning or window signs are allowed per tenant space as described below.
   b. Area: The cumulative square footage of all permanent signs per tenant space shall not exceed one and six-tenths (1.6) square feet per lineal foot of the tenant's front facade, or seventy (70) square feet, whichever is less.
   c. Wall Signs: The following standards apply to permanent wall signs:
      i. Area:
         [a] Any single wall sign mounted on a structure shall not exceed fifty-five (55) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.
         [b] Any single wall sign mounted on a structure shall not exceed seventy (70) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.
      ii. Maximum Height: Any single wall sign shall not exceed five (5) feet in height nor shall any part of a wall sign be more than twenty (20) feet above ground level.
      iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.
      iv. Maximum Number: No more than one (1) wall signs are permitted per tenant space.
      v. Consistency: All wall signs within the development must be consistent in type (*e.g.* reverse channel, box, *etc.*) and be mounted consistently on the facade of the building in order to create a uniform appearance.
   d. Awning Signs: The following standards apply to permanent awning signs:
      i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
      ii. Height: Any single awning sign shall not exceed three (3) feet in height nor shall any part of an awning sign shall be more than fifteen (15) feet or less than nine (9) feet above the ground.
      iii. Maximum Number: There is no maximum number of awning signs.
      iv. Illumination: Awning signs shall not be illuminated by backlighting.
   e. Window Signs: The following standards apply to permanent window signs:
      i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
      ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
      iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
      iv. Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

2. *Permanent Development Sign Standards*: Permanent development signs shall be permitted as follows:
   a. Permitted: Any combination of permanent gateway signs or directional signs are allowed per multi-tenant development as described below. These signs are permitted for multiple-tenant structures in addition to the allotment of signs for permanent tenant space in *§A: Permanent Tenant Sign Standards.*
   b. Gateway Signs: The following standards apply to permanent gateway signs:
      i. Prerequisite: A minimum of six (6) separate tenants and 12,000 square feet of occupiable space in the building is required to qualify for a gateway sign.
      ii. Area: The maximum sign area for a gateway sign shall be calculated by multiplying one (1) square foot times the lineal feet of facade facing a public street. Under no circumstance can the total sign area exceed sixty (60) square feet per side in area.
      iii. Tenant Sign: Any single-tenant sign on a gateway sign cannot exceed fifty (50) square feet in area per side.
      iv. Maximum Height: No part of a gateway sign shall be more than eight (8) feet above ground level.
      v. Maximum Number: A maximum of one (1) gateway sign is permitted at the primary entrance into a multi-tenant development.
      vi. Changeable Copy: Changeable copy is permitted on up to sixty percent (60%) of the permitted sign area of the gateway sign per side.
   c. Directional Signs: The following standards apply to permanent directional signs:
      i. Directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.
      ii. Any single directional sign shall not exceed four (4) square feet in area per side, and forty-two (42) inches in height. If a directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
      iii. No more than one (1) directional signs shall be used per curb cut onto a public street.
3. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Limitations: All standard temporary signs associated with a tenant space must be displayed in windows or affixed to an entrance door.
      ii. Area: The sign area for a standard temporary sign shall not exceed four (4) square feet.
      iii. Maximum Height: The height for any standard temporary sign shall not exceed seven (7) feet above ground level.
      iv. Maximum Number: One (1) standard temporary sign is permitted per tenant space.
      v. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, help wanted, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vi. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
   b. Special Temporary Signs: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) special temporary sign is permitted per overall development.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
      iv. Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
      v. Permit: Each time a special temporary sign is relocated or setup, a Temporary Sign Permit is required.
4. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.52 SI-07: Sign; High Intensity Commercial

This Sign Standards section applies to the following zoning districts:

CH

A. Single-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Sign Standards*: Permanent signs shall be permitted as follows:

a. Permitted: Any combination of permanent wall, ground, awning, window, drive-up window, changeable copy, display space, or directional signs is allowed within the constraints of the regulations in this section.

b. Cumulative Square Footage:

i. Façade Width: The cumulative square footage of all permanent signs shall not exceed one and three-quarters (1.75) square feet per lineal foot of primary structure facade that faces a public right-of-way; or three hundred fifty (350) square feet, whichever is less.

ii. Frontage: If a primary structure does not exist, the site is permitted one-tenth (0.1) square foot per lineal foot of road frontage, or sixty (60) square feet of cumulative square footage; whichever is less.

iii. Cumulative Square Footage Bonuses: The cumulative square footage bonuses specified in *§iv: Speed Limit* and *§v: Proximity to Right-of-way* are each calculated based on the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*. If a sign is eligible for bonuses under *§iv: Speed Limit* and *§v: Proximity to Right-of-way*, the bonuses are individually added to the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*, and are not calculated one from the other.

iv. Speed Limit: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the speed limit of the nearest adjacent street as follows:

[a] 45 mph to 55 mph: Ten percent (10%);

[b] Above 55 mph: Twenty-five percent (25%).

v. Proximity to Right-of-way: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the sign's proximity to the nearest adjacent right-of-way as follows:

[a] 200 feet to 400 feet: Ten percent (10%);

[b] Greater than 400 feet to 1,000 feet: Twenty-five percent (25%);

[c] Greater than 1,000 feet: Fifty percent (50%).

c. Wall Signs: The following standards apply to permanent wall signs:

i. Maximum Sign Area:

[a] Any single wall sign mounted on a structure shall not exceed one hundred fifty (150) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.

[b] Any single wall sign mounted on a structure shall not exceed three hundred (300) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.

ii. Maximum Height: Any single wall sign shall not exceed six (6) feet in height or shall any part of the sign be more than twenty (20) feet above ground level.

iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

iv. Maximum Number: One (1) wall sign is permitted on each facade; maximum of two (2) per building.

d. Ground Signs: The following standards apply to permanent ground signs:
   i. Maximum Sign Area:
      [a] Any single ground sign located facing a local or collector street, or on a property that has less than two hundred fifty (250) lineal feet of street frontage on an arterial street shall not exceed fifty (50) square feet in sign area per side.
      [b] Any single ground sign located facing an arterial street on a property with two hundred fifty (250) lineal feet or more of street frontage shall not exceed sixty (60) square feet in area. The ground sign shall be placed on said arterial street to qualify for the larger sign area.
      [c] If the ground sign has two (2) identical sides, only one (1) side's area counts toward the maximum cumulative square footage.
   ii. Maximum Height: Six (6) feet, nor shall any part of the sign be more than eight (8) feet above ground level.
   iii. Maximum Number: One (1) for lots with frontage on one (1) public street; and two (2) for lots with one hundred fifty (150) cumulative feet of frontage on two (2) or more public streets.
   iv. Location: Permanent ground sign must be located at least five (5) feet from the edge of any pavement, curb, property line, or proposed right-of-way.
   v. Separation: No two (2) ground signs on the same lot shall be within one hundred (100) feet of each other. Only one (1) permanent ground sign shall be placed on each frontage.

e. Awning Signs: The following standards apply to permanent awning signs:
   i. Area: Any single awning sign shall not exceed fifty (50) square feet in area.
   ii. Height: Any single awning sign shall not exceed four (4) feet in height or more than fifteen (15) feet or less than nine (9) feet above the ground.
   iii. Maximum Number: There is no maximum number of awning signs.
   iv. Illumination: Awning signs shall not be illuminated by backlighting.

f. Window Signs: The following standards apply to permanent window signs:
   i. Area: Any single window sign shall not exceed forty (40) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
   ii. Maximum Height: Any single window sign shall not exceed seven (7) feet in height.
   iii. Maximum Number: Two (2) window signs are permitted on each façade; maximum of three (3) per building.
   iv. Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

g. Drive-up Window Signs: The following standards apply to permanent drive-up window signs:
   i. Prerequisite: The lot must have a permitted, operable and in-use drive-up window.
   ii. Area: This sign shall not exceed twenty (20) square feet in area and shall not be a two-sided. This sign area shall not count against the cumulative square footage allotted to the property.
   iii. Maximum Height: No part of a ground sign shall be more than six (6) feet above ground level.
   iv. Maximum Number: Only one (1) drive-up window sign is permitted.
   v. Location: A drive up window sign must be located at least one (1) foot from the edge of any pavement, curb, or property line, or be mounted on the building.

h. Changeable Copy: Changeable copy is permitted as a part of a permanent wall and/or ground sign as follows:
   i. Prerequisite: Any changeable copy sign shall be integrated into a wall or ground sign. When integrated, the combined sign area shall not exceed the maximum allowable square footage for that type of sign.
   ii. Area: The changeable copy sign area shall not exceed eighty percent (80%) of a ground sign or wall sign that meets the regulations for that type of sign.
   iii. Physical Characteristics: Only static messages are allowed. Manually placed text and semi-static electronic message boards are allowed. No scrolling, flashing or cyclical changing of electronic messages is permitted.

i. Display Space: The following standards apply to a permanent sign area designated for temporary signs, banners, flyers, posters and pennants to be posted:
   i. Intent: To allow a multitude of temporary two-dimensional signs, but to reduce clutter by requiring them to be displayed in a designated area.
   ii. Number of Permanent Display Spaces: There shall not be more than two (2) permanent display spaces on a single lot.
   iii. Number of Temporary Signs: Any number of temporary two-dimensional signs, banners, flyers, posters, and pennants may be posted at any given time in a permanent display space as long as they are posted within the confines of the permanent display area and shall not be posted anywhere else on the lot except as per *§B: Temporary Sign Standards*.
   iv. Area: The total display space area shall not exceed sixty (60) square feet per permanent display space and eighty (80) square feet cumulatively for all permanent display spaces.
   v. Maximum Height: A permanent display space shall not exceed eight (8) feet in height from ground level.
   vi. Framing of Display Space: The permanent display spaces shall either be framed with wood, metal, or other durable material; or located on a designated window; or mounted to permanent hardware affixed to the primary structure.
   vii. Location: The permanent display spaces shall be located on the façade of the primary structure.
   viii. Permit: The permanent display spaces shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.
   ix. Exceptions: It is not necessary to get a Temporary Sign Permit for any temporary wall sign, banner, flyer, poster, or pennant when posted in the permanent display spaces.

j. Directional Signs: The following standards apply to permanent directional signs:
   i. Intent: Permanent directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out-of, or around a development or lot.
   ii. Area: Any single directional sign shall not exceed four (4) square feet in area per side. If a permanent directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
   iii. Maximum Height: Any single directional sign shall not exceed forty-two (42) inches in height.
   iv. Maximum Number: No more than one (1) permanent directional signs shall be installed per curb cut onto a public street.

2. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      ii. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      iii. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      iv. Location: A standard temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      v. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other. Also, a standard temporary sign shall not be closer than fifteen (15) feet to any other sign on the property.
      vi. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vii. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
   b. Special Temporary Signs: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) special temporary sign is permitted.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
      iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
      v. Permit: Each time a special temporary sign is set up, a Temporary Sign Permit is required.
3. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

B. Multi-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Tenant Sign Standards*: Permanent tenant signs shall be permitted as follows:
   a. Types: Any combination of permanent wall, awning or window signs are allowed per tenant space as described below.
   b. Area: The cumulative square footage of all permanent signs per tenant space shall not exceed one and four-tenths (1.4) square feet per lineal foot of the tenant's front facade, or eighty (80) square feet, whichever is less.
   c. Wall Signs: The following standards apply to permanent wall signs:
      i. Area:
         [a] Any single wall sign mounted on a structure shall not exceed sixty (60) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.
         [b] Any single wall sign mounted on a structure shall not exceed eighty (80) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.
      ii. Maximum Height: Any single wall sign shall not exceed five (5) feet in height nor shall any part of the sign exceed twenty (20) feet above ground level.
      iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.
      iv. Maximum Number: No more than one (1) wall sign is permitted per tenant space.
      v. Consistency: All wall signs within the development must be consistent in type (*e.g.* reverse channel, box, *etc.*) and be mounted consistently on the facade of the building in order to create a uniform appearance.
   d. Awning Signs: The following standards apply to permanent awning signs:
      i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
      ii. Height: Any single awning sign shall not exceed four (4) feet in height nor shall any part of an awning sign be more than fifteen (15) feet or less than nine (9) feet above the ground.
      iii. Maximum Number: There is no maximum number of awning signs.
      iv. Illumination: Awning signs shall not be illuminated by backlighting.
   e. Window Signs: The following standards apply to permanent window signs:
      i. Area: Any single window sign shall not exceed forty (40) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
      ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
      iii. Maximum Number: Two (2) window sign is permitted on each facade; maximum of three (3) per building.
      iv. Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

2. *Permanent Development Sign Standards*: Permanent development signs shall be permitted as follows:
   a. Types: Any combination of permanent gateway signs or directional signs are allowed per multi-tenant development as described below. These signs are permitted for multiple-tenant structures in addition to the allotment of signs for permanent tenant space in *§A: Permanent Tenant Sign Standards*.
   b. Gateway Signs: The following standards apply to permanent gateway signs:
      i. Prerequisite: A minimum of six (6) separate tenants and 12,000 square feet of occupiable space in the building is required to qualify for a gateway sign.
      ii. Area: The maximum sign area for a gateway sign shall be calculated by multiplying one (1) square foot times the lineal feet of facade facing a public street. Under no circumstance can the total sign area exceed sixty (60) square feet per side in area.
      iii. Tenant Sign: Any single-tenant sign on a gateway sign cannot exceed fifty (50) square feet in area per side.
      iv. Maximum Height: No part of a gateway sign shall be more than eight (8) feet above ground level.
      v. Maximum Number: A maximum of one (1) gateway sign is permitted at the primary entrance into a multi-tenant development.
      vi. Changeable Copy: Changeable copy is permitted on up to sixty percent (60%) of the permitted sign area of the gateway sign per side.
   c. Directional Signs: The following standards apply to permanent directional signs:
      i. Directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.
      ii. Any single directional sign shall not exceed four (4) square feet in area per side, and forty-two (42) inches in height. If a directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
      iii. No more than one (1) directional signs shall be used per curb cut onto a public street.
3. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Sign: The following standards apply to temporary signs:
      i. Limitations: All standard temporary signs associated with a tenant space must be displayed in windows or affixed to an entrance door.
      ii. Area: The sign area for a standard temporary sign shall not exceed four (4) square feet.
      iii. Maximum Height: The height for any standard temporary sign shall not exceed seven (7) feet above ground level.
      iv. Maximum Number: One (1) standard temporary sign is permitted per tenant space.
      v. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, help wanted, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vi. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new temporary Sign Permit.
   b. Special Temporary Sign: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) special temporary sign is permitted per overall development.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
      iv. Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
      v. Permit: Each time a special temporary sign is relocated or setup, a temporary Sign Permit is required.
4. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.53 SI-08: Sign; Industrial and High Impact

This Sign Standards section applies to the following zoning districts:

I1 I2 I3 HI

A. Single-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Sign Standards*: Permanent signs shall be permitted as follows:

a. Types: Any combination of permanent wall, ground, awning, window, drive-up window, changeable copy, display space, or directional signs is allowed within the constraints of the regulations in this section.

b. Cumulative Square Footage:

i. Façade Width: The cumulative square footage of all permanent signs shall not exceed one and three-quarters (1.75) square feet per lineal foot of primary structure facade that faces a public right-of-way; or one hundred seventy five (175) square feet, whichever is less.

ii. Frontage: If a primary structure does not exist, the site is permitted one-tenth (0.1) square foot per lineal foot of road frontage, or fifty (50) square feet of cumulative square footage; whichever is less.

iii. Cumulative Square Footage Bonuses: The cumulative square footage bonuses specified in *§iv: Speed Limit* and *§v: Proximity to Right-of-way* are each calculated based on the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*. If a sign is eligible for bonuses under *§iv: Speed Limit* and *§v: Proximity to Right-of-way*, the bonuses are individually added to the maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage*, and are not calculated one from the other.

iv. Speed Limit: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the speed limit of the nearest adjacent street as follows:

[a] 45 mph to 55 mph: Ten percent (10%);

[b] Above 55 mph: Twenty-five percent (25%).

v. Proximity to Right-of-way: The maximum cumulative square footage of all permanent signs allowed pursuant to *i: Façade Width* or *ii: Frontage* may be increased based on the sign's proximity to the nearest adjacent right-of-way as follows:

[a] 200 feet to 400 feet: Ten percent (10%);

[b] Greater than 400 feet to 1,000 feet: Twenty-five percent (25%);

[c] Greater than 1,000 feet: Fifty percent (50%).

c. Wall Signs: The following standards apply to permanent wall signs:

i. Area:

[a] Any single wall sign mounted on a structure shall not exceed ninety (90) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.

[b] Any single wall sign mounted on a structure shall not exceed one hundred forty (140) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.

ii. Maximum Height: Any single wall sign shall not exceed six (6) feet in height nor shall any part of a wall sign be more than twenty (20) feet above ground level.

iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

iv. Maximum Number: One (1) wall sign is permitted on each facade; maximum of two (2) per building.

d. Ground Signs: The following standards apply to permanent ground signs:
   i. Area:
      [a] Any single ground sign located facing a local or collector street, or on a property that has less than two hundred fifty (250) lineal feet of street frontage on an arterial street shall not exceed forty (40) square feet in sign area per side.
      [b] Any single ground sign located facing an arterial street on a property with two hundred fifty (250) lineal feet or more of street frontage shall not exceed fifty (50) square feet in area. The ground sign shall be placed on said arterial street to qualify for the larger sign area.
      [c] If the ground sign has two (2) identical sides, only one (1) side's area counts toward the maximum cumulative square footage.
   ii. Maximum Height: Six (6) feet, nor shall any part of a ground sign be more than eight (8) feet above ground level.
   iii. Maximum Number: One (1) for lots with frontage on one (1) public street; and two (2) for lots with one hundred fifty (150) cumulative feet of frontage on two (2) or more public streets.
   iv. Location: Permanent ground sign must be located at least five (5) feet from the edge of any pavement, curb, property line, or proposed right-of-way.
   v. Separation: No two (2) ground signs on the same lot shall be within one hundred (100) feet of each other. Only one (1) permanent ground sign shall be placed on each frontage.

e. Awning Signs: The following standards apply to permanent awning signs:
   i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
   ii. Height: Any single awning sign shall not exceed three (3) feet in height nor shall any part of an awning sign be more than fifteen (15) feet or less than nine (9) feet above the ground.
   iii. Maximum Number: There is no maximum number of awning signs.
   iv. Illumination: Awning signs shall not be illuminated by backlighting.

f. Window Signs: The following standards apply to permanent window signs:
   i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
   ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
   iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
   iv. Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

g. Drive-up Window Sign: The following standards apply to permanent drive-up window signs:
   i. Prerequisite: The lot must have a permitted, operable and in-use drive-up window.
   ii. Area: This sign shall not exceed twenty (20) square feet in area and shall not be a two-sided. This sign area shall not count against the cumulative square footage allotted to the property.
   iii. Maximum Height: No part of a ground sign shall be more than six (6) feet above ground level.
   iv. Maximum Number: Only one (1) drive-up window sign is permitted.
   v. Location: A drive-up window sign must be located at least one (1) foot from the edge of any pavement, curb, or property line, or be mounted on the building.

h. Changeable Copy: Changeable copy is permitted as a part of a permanent wall and/or ground sign as follows:
   i. Prerequisite: Any changeable copy sign shall be integrated into a wall or ground sign. When integrated, the combined sign area shall not exceed the maximum allowable square footage for that type of sign.
   ii. Area: The changeable copy sign area shall not exceed eighty percent (80%) of a ground sign or wall sign that meets the regulations for that type of sign.
   iii. Characteristics: Only static messages are allowed. Manually placed text and semi-static electronic message boards are allowed. No scrolling, flashing or cyclical changing of electronic messages is permitted.

i. Display Space: The following standards apply to a permanent sign area designated for temporary signs, banners, flyers, posters and pennants to be posted:
   i. Intent: To allow a multitude of temporary two-dimensional signs, but to reduce clutter by requiring them to be displayed in a designated area.
   ii. Number of Permanent Display Spaces: There shall not be more than two (2) permanent display spaces on a single lot.
   iii. Number of Temporary Signs: Any number of temporary two-dimensional signs, banners, flyers, posters, and pennants may be posted at any given time in a permanent display space as long as they are posted within the confines of the permanent display area and shall not be posted anywhere else on the lot except as per *§B: Temporary Sign Standards*.
   iv. Area: The total display space area shall not exceed forty (40) square feet per permanent display space and seventy (70) square feet cumulatively for all permanent display spaces.
   v. Maximum Height: A permanent display space shall not exceed eight (8) feet in height from ground level.
   vi. Framing of Display Space: The permanent display spaces shall either be framed with wood, metal, or other durable material; or located on a designated window; or mounted to permanent hardware affixed to the primary structure.
   vii. Location: The permanent display spaces shall be located on the façade of the primary structure.
   viii. Permit: The permanent display spaces shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.
   ix. Exceptions: It is not necessary to get a Temporary Sign Permit for any temporary wall sign, banner, flyer, poster, or pennant when posted in the permanent display spaces.

j. Directional Signs: The following standards apply to permanent directional signs:
   i. Intent: Permanent directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out-of, or around a development or lot.
   ii. Area: Any single directional sign shall not exceed four (4) square feet in area per side. If a permanent directional sign has two (2) or more sides, each side counts toward the maximum cumulative square footage.
   iii. Maximum Height: Any single directional sign shall not exceed forty-two (42) inches in height.
   iv. Maximum Number: No more than one (1) permanent directional signs shall be installed per curb cut onto a public street.

2. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Area: The sign area for a standard temporary sign shall not exceed five (5) square feet per side.
      ii. Maximum Height: Any standard temporary sign shall not exceed four (4) feet above the ground.
      iii. Maximum Number: One (1) standard temporary sign is permitted for lots with frontage on one (1) public street; and two (2) standard temporary signs are permitted for lots with frontage on two (2) or more public streets if they have at least three hundred (300) lineal feet of combined street frontage.
      iv. Location: A standard temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A standard temporary sign cannot be located fully or partially on any public sidewalk.
      v. Separation: No two (2) standard temporary signs shall be closer than eighty (80) feet to each other. Also, a standard temporary sign shall not be closer than fifteen (15) feet to any other sign on the property.
      vi. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, sale of property, *etc*.). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary ground or wall signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vii. Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.

b. Special Temporary Signs: The following standards apply to special temporary signs:
   i. Maximum Number: One (1) special temporary sign is permitted.
   ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
   iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
   iv. Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
   v. Permit: Each time a special temporary sign is setup, a Temporary Sign Permit is required.

3. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

B. Multi-tenant: The following signs are permitted and are subject to the time, place and manner standards described for each type of sign:

1. *Permanent Tenant Sign Standards*: Permanent tenant signs shall be permitted as follows:
   a. Types of Signs Permitted: Any combination of permanent wall, awning or window signs are allowed per tenant space as described below.
   b. Cumulative Area: The cumulative square footage of all permanent signs per tenant space shall not exceed one and four-tenths (1.4) square feet per lineal foot of the tenant's front facade, or eighty (80) square feet, whichever is less.
   c. Wall Signs: The following standards apply to permanent wall signs:
      i. Area:
         [a] Any single wall sign mounted on a structure shall not exceed sixty (60) square feet in area if the sign is less than one hundred fifty (150) feet from the public right-of-way it faces.
         [b] Any single wall sign mounted on a structure shall not exceed eighty (80) square feet in area if the sign is one hundred fifty (150) feet or greater from the public right-of-way it faces.
      ii. Maximum Height: Any single wall sign shall not exceed five (5) feet in height nor shall any part of the sign shall be more than twenty (20) feet above ground level.
      iii. Distance from Building: No part of a wall sign shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.
      iv. Maximum Number: No more than one (1) wall signs are permitted per tenant space.
      v. Physical Characteristics: All wall signs within the development must be consistent in type (*e.g.* reverse channel, box, *etc*.) and be mounted consistently on the facade of the building in order to create a uniform appearance.
   d. Awning Signs: The following standards apply to permanent awning signs:
      i. Area: Any single awning sign shall not exceed thirty (30) square feet in area.
      ii. Height: Any single awning sign shall not exceed three (3) feet in height nor shall any part of the sign be more than fifteen (15) feet or less than nine (9) feet above the ground.
      iii. Maximum Number: There is no maximum number of awning signs.
      iv. Illumination: Awning signs shall not be illuminated by backlighting.
   e. Window Signs: The following standards apply to permanent window signs:
      i. Area: Any single window sign shall not exceed twenty (20) square feet in area or thirty percent (30%) of the window's glass area, whichever is less.
      ii. Maximum Height: Any single window sign shall not exceed five (5) feet in height.
      iii. Maximum Number: One (1) window sign is permitted on each facade; maximum of three (3) per building.
      iv. Sign Permit: The window sign shall be clearly noted on an elevation drawing attached to the Sign Permit and shall not be relocated to another location or modified without getting a new Sign Permit.

2. *Permanent Development Sign Standards*: Permanent development signs shall be permitted as follows:
   a. Types of Signs Permitted: Any combination of permanent gateway signs or directional signs are allowed per multi-tenant development as described below. These signs are permitted for multiple-tenant structures in addition to the allotment of signs for permanent tenant space in *§A:Permanent Tenant Sign Standards*.
   b. Gateway Signs: The following standards apply to permanent gateway signs:
      i. Prerequisite: A minimum of six (6) separate tenants and 12,000 square feet of occupiable space in the building is required to qualify for a gateway sign.
      ii. Area: The maximum sign area for a gateway sign shall be calculated by multiplying one (1) square foot times the lineal feet of facade facing a public street. Under no circumstance can the total sign area exceed sixty (60) square feet per side in area.
      iii. Tenant Sign: Any single-tenant sign on a gateway sign cannot exceed fifty (50) square feet in area per side.
      iv. Maximum Height: No part of a gateway sign shall be more than eight (8) feet above ground level.
      v. Maximum Number: A maximum of one (1) gateway sign is permitted at the primary entrance into a multi-tenant development.
      vi. Changeable Copy: Changeable copy is permitted on up to sixty percent (60%) of the permitted sign area of the gateway sign per side.
   c. Directional Signs: The following standards apply to permanent directional signs:
      i. Directional signs shall contain language or icons to guide pedestrians or motor vehicles into, out of, or around a development.
      ii. Any single directional sign shall not exceed four (4) square feet in area per side, and forty-two (42) inches in height. If a directional sign has two (2) or more sides, each side counts toward the cumulative square footage.
      iii. No more than one (1) directional signs shall be used per curb cut onto a public street.
3. *Temporary Sign Standards*: Temporary signs shall be permitted as follows:
   a. Standard Temporary Signs: The following standards apply to standard temporary signs:
      i. Limitations: All standard temporary signs associated with a tenant space must be displayed in windows or affixed to an entrance door.
      ii. Area: The sign area for a standard temporary sign shall not exceed four (4) square feet.
      iii. Maximum Height: The height for any standard temporary sign shall not exceed seven (7) feet above ground level.
      iv. Maximum Number: One (1) standard temporary sign is permitted per tenant space.
      v. Duration: A standard temporary sign may stay in place for the duration of the temporary event (*e.g.* special sale, special offer, help wanted, sale of property, *etc.*). The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs must be taken down within seven (7) days after the standard temporary signs purpose no longer exists.
      vi. Sign Permit: Each new standard temporary sign or relocation of an existing temporary sign requires a new Temporary Sign Permit.
   b. Special Temporary Signs: The following standards apply to special temporary signs:
      i. Maximum Number: One (1) special temporary sign is permitted per overall development.
      ii. Location: A special temporary sign must be located at least five (5) feet from any right-of-way, edge of pavement or curb associated with a roadway, aisle or driveway. A temporary sign cannot be located fully or partially on any public sidewalk.
      iii. Duration: Cumulatively, all special temporary sign on any property shall not exceed fourteen (14) days in any calendar year. Any single special temporary sign shall not exceed a duration of seven (7) continuous days.
      iv. Sign Types: Inflatable signs, banners, streamers, posters, pennants, and the like as long as they do not exceed twenty (20) feet off of the ground.
      v. Sign Permit: Each time a special temporary sign is relocated or set up, a Temporary Sign Permit is required.
4. *Freedom of Speech*: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

Special Exception Standards (SE)

5.54 SE-01: Special Exception; General

This Special Exception Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. The development standards assigned to each zoning district are considered appropriate for the permitted uses within that zoning district. However, the development standards are not considered appropriate for all Special Exception uses within a zoning district. For instance, some institutional uses are allowed in residential districts as Special Exceptions. In this case, residential development standards would not necessarily be applicable.

B. The Board of Zoning Appeals shall determine which development standards sections within *Chapter 05: Zoning District Development Standards* shall apply to each Special Exception application. The development standards determined to apply shall be documented in the application and approval.

C. If the Special Exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as a guideline. In situations where the Special Exception use is not a permitted use in any zoning district, the most stringent development standards may be assigned by the Board of Zoning Appeals as appropriate.

D. The approval process and criteria for Special Exceptions is in *Chapter 10; §10.22: Special Exception* of the Unified Development Ordinance.

5.55 SE-02: Special Exception; Greenway

This Special Exception Standards section applies to the following zoning districts:

GW

A. Institutional Uses:
   1. *Low Impact Structure*:
      a. Maximum Height: The Board of Zoning Appeals shall determine appropriate height standards as part of the Special Exception approval, and shall record those standards as conditions of approval.
      b. Minimum Setbacks: The Board of Zoning Appeals shall determine appropriate setback standards as part of the Special Exception approval, and shall record those standards as conditions of approval.
      c. The structure shall be built with appropriate design and materials.
      d. The structure shall be subservient to the dominant permitted use.
      e. Examples include:
         i. Low impact minimal public facilities;
         ii. Trail shelters;
         iii. Trails made of natural materials with minimal impervious surface coverage;
         iv. Trailhead markers and facilities;
         v. Access ramps;
         vi. Piers;
         vii. Fishing access.
   2. *Parking Lot, Public*:
      a. Minimum Setbacks: The Board of Zoning Appeals shall determine appropriate setback standards as part of the Special Exception approval, and shall record those standards as conditions of approval.
      b. Parking lot shall be accessory to uses established on site.
      c. Surface: Pervious surface required.
   3. *Nature Center*:
      a. Maximum Height: The Board of Zoning Appeals shall determine appropriate height standards as part of the Special Exception approval, and shall record those standards as conditions of approval.
      b. Minimum Setbacks: The Board of Zoning Appeals shall determine appropriate setback standards as part of the Special Exception approval, and shall record those standards as conditions of approval.
      c. Parking Lot: Pervious surface required.
      d. Impervious Surface Coverage: The Board of Zoning Appeals shall determine the maximum impervious surface coverage as part of the Special Exception approval.

B. Residential Uses:
   1. *Single-family Dwelling*:
      a. Maximum Number: One (1)
      b. Occupancy: Dwelling shall only be occupied by the caretaker or other employee.

5.56 SE-03: Special Exception; Parks and Recreation

This Special Exception Standards section applies to the following zoning districts:

P1 P2

A. Residential Uses:
   1. *Single-family Dwelling*:
      a. Maximum Number: One (1)
      b. Occupancy: Dwelling shall only be occupied by the park caretaker or other park employee.

5.57 SE-04: Special Exception; Commercial Stable

This Accessory Structure Standards section applies to the following zoning districts:

P2 A1 A2

A. Minimum Floor Area: Within the stable, there shall be at least three hundred (300) square feet per horse.

B. Minimum Lot Area:
   1. *Horse Yard Area*: One (1) acre.

C. Minimum Setback: Stables, exercise pools, horse wash areas, and manure bins shall not be constructed or located within the setbacks listed below:
   1. *Residential*: Thirty (30) feet from a residential structure, residentially-used lot, or residential zoning district.
   2. *Food Preparation*: Thirty (30) feet from any use or premises involved in the manufacture, preparation, or storage of food.
   3. *Water Bodies*: Fifty (50) feet from any well, stream, pond, or other water body, whether natural or man-made.

D. Horse Wash Area:
   1. *Drainage*: Adequate measures shall be taken to ensure that grey water from the horse wash area does not reach adjoining properties.
   2. *Waste Water*:
      a. Sanitary Sewer: Where sanitary sewers are available, waste water shall be drained to such sewers.
      b. Septic System: Where sanitary sewers are unavailable, waste water shall be treated through a septic system approved by the County Health Department.

E. Exercise Pool:
   1. *Safety*: Exercise pools shall be subject to the same safety standards as swimming pools (see *§AS-01(E): Swimming Pools*).
   2. *Drainage*: Adequate measures shall be taken to ensure that overspill does not reach adjoining properties.
   3. *Waste Water*:
      a. Sanitary Sewer: Where sanitary sewers are available, waste water shall be drained to such sewers.
      b. Septic System: Where sanitary sewers are unavailable, waste water shall be treated through a septic system approved by the County Health Department.

F. Manure Disposal:
   1. Horse manure that is not immediately removed from the site shall be stored in durable, moistureproof, fly-proof bins at all times, or shall be composted pursuant to a Manure Management Plan. The Manure Management Plan shall provide for adequate disposal and minimal environmental impact.
   2. The lids of the manure bins shall be kept closed at all times. Manure bins shall be emptied and cleaned at least once a week.

G. Yard Areas:
   1. *Horse Yard*: The yard area used in conjunction with the stable shall be enclosed in a manner sufficient to prevent the escape of horses. The horse yard shall not be located over the well or septic areas.
   2. *Residential Yard*: If the site includes a residence, a separate yard area of at least 3,000 square feet shall be provided at the rear of the dwelling for the outdoor residential use of the occupants.

H. Nuisance:
   1. *Pest Control*: The premises shall be maintained free of insects, rodents, and other vermin.
   2. *Dust Control*: Stables and yard areas shall be constructed and maintained so as to prevent dust likely to affect adjacent premises.
   3. *Sanitary Conditions*: The premises shall be maintained in a clean and sanitary condition at all times.

I. Parking: The petitioner shall submit a Parking Plan demonstrating compliance with *Chapter 05; §PK: Parking Standards* and specifying the parking area for any horse trailers that maybe stored on site. Parking areas for horse trailers shall be visually screened from adjoining properties and public rights-of-way using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds. Parking areas with four (4) or more spaces shall provide the following perimeter planting:
   1. *Installation*: Shrubs shall be planted to effectively screen all parking lot areas from the right-of-way and adjacent properties.
   2. *Arrangement*:
      a. Trees shall be planted within ten (10) feet of the parking lot edge.
      b. Shrubs shall be planted within five (5) feet of the parking lot edge.
   3. *Minimum Number*:
      a. One (1) tree per four (4) parking spaces shall be planted. A minimum of fifty percent (50%) of the required trees shall be canopy trees.
      b. Three (3) shrubs per one (1) parking space shall be planted.
   4. *Substitution*: A decorative wall may be installed in lieu of shrubs for locations along the perimeter of the parking area. Walls, if used, shall be a minimum of thirty (30) inches and a maximum of forty-two (42) inches in height and may incorporate breaks to allow for pedestrian movement.

J. Sewer and Water:
   1. *Septic System*: Where septic systems are used, they shall be located outside the horse wash area, horse roll area, horse yard, and pasture.
   2. *Well*: Where wells are used, they shall be located outside the horse wash area, horse roll area, horse yard, and pasture.

K. Site Plan: The petitioner shall submit a Site Plan showing areas proposed for pasture or feeding; including acreage sufficient to accommodate the number of horses proposed.

5.58 SE-05: Special Exception; General Agriculture

This Special Exception Standards section applies to the following zoning districts:

A1 A2

A. Residential Uses:
   1. *Single-family Dwelling, Subordinate*:
      a. Maximum Number: One (1)
      b. Occupancy: The primary single-family dwelling shall be occupied by the property owner.
      c. Subordination: The subordinate single-family dwelling shall be subsidiary to the permitted use.
      d. Subdivision: The subordinate single-family dwelling shall be located on the same parcel as the primary single-family dwelling, and the property shall not be otherwise subdivided.

5.59 SE-06: Special Exception; Prime Agriculture

This Special Exception Standards section applies to the following zoning districts:

A2

A. Residential Uses:
   1. *Single-family Dwelling*:
      a. Maximum Number: One (1)
      b. Occupancy: Dwelling shall only be occupied by the owner or manager.

5.60 SE-07: Special Exception; Kennel

This Special Exception Standards section applies to the following zoning districts:

A2 CH I1

A. Minimum Setbacks:
   1. *Front Setback*: Per *Chapter 02: Zoning Districts*.
   2. *Side Setback*: Fifty (50) feet.
   3. *Rear Setback*: Fifty (50) feet.
   4. *Proximity to Residential*: No kennel shall be permitted within one-half mile (2,640 feet) of a residential use or residential zoning district.

B. Minimum Lot Size: As required per the zoning district or three (3) acres, whichever is greater.

C. Minimum Lot Width: Two hundred (200) feet.

D. Perimeter Fencing: The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:
   1. *Minimum Depth Underground*: Twelve (12) inches.
   2. *Height*: Eight (8) feet from grade.
   3. *Minimum Gauge of Chain-link Fence*: Eleven (11).
   4. *Minimum Fence Setback*: Twenty (20) feet from any adjoining property line.

E. License: Prior to establishment, the property owner, or the kennel operator if the operator is not the property owner, shall provide proof of all necessary licenses to the Executive Director.

F. Nuisance: A plan for management of noise abatement shall be submitted with the Special Exception application.

G. Sanitary Facilities: A plan for management of animal wastes shall be submitted with the Special Exception application.

5.61 SE-08: Special Exception; Manufactured Home Park

This Special Exception Standards section applies to the following zoning districts:

MP

A. Residential Uses:
   1. *Single-family Dwelling*:
      a. Applicability: In a manufactured home park, Special Exception approval is required for a single-family dwelling that does not occupy a dwelling site. In a manufactured home subdivision where every dwelling is on a separate, platted lot, Special Exception approval is not required.
      b. Maximum Number: One (1) per manufactured home park.
      c. Occupancy: Dwelling shall only be occupied by the manufactured home park caretaker or the property owner.

5.62 SE-09: Special Exception; Sewer and Water

This Special Exception Standards section applies to the following zoning districts:

IN OT CN I1 I2

A. Permitted Uses:
   1. *Sewer and Water*: Where sanitary sewer connection and/or water utility connection is not available, an otherwise permitted use may be allowed by Special Exception as follows:
      a. The applicant shall submit an Engineering Feasibility Report showing:
         i. Where the nearest sanitary sewer and/or water utilities are available; and
         ii. That it is not feasible for sanitary sewer and/or water utilities to be brought in.
      b. The Board of Zoning Appeals may approve such a use with septic and/or well only if the applicant can show that there will be minimal use and minimal impact.
      c. The Board of Zoning Appeals shall have full discretion to approve or deny such a request. Approval of a sanitary sewer and/or water utility Special Exception qualifies the applicant to file with the Plan Commission for Development Plan approval.

5.63 SE-10: Special Exception; Institutional

This Special Exception Standards section applies to the following zoning districts:

IN

A. Commercial Uses:
   1. *Cemetery/Mausoleum*:
      a. Minimum Lot Area: Forty (40) acres.
      b. Minimum Setback:
         i. Side Setback: Fifty (50) feet.
         ii. Rear Setback: Fifty (50) feet.
      c. Fence: Six-foot (6') wire-mesh where accessible to the public.
      d. Mandatory Conditions of Approval: The owners shall provide to appropriate governmental agencies, upon request and without cost, all data secured from the use of the installation.
      e. Maximum Number of Principal Entrances from a Major Thoroughfare: One (1).
      f. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.
      g. No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards*.

5.64 SE-11: Special Exception; Neighborhood Commercial

This Special Exception Standards section applies to the following zoning districts:

CN

A. Residential Uses:
   1. *Accessory Apartment*:
      a. Maximum Number: One (1)
      b. Occupancy: Dwelling shall only be occupied by the property owner or manager.

5.65 SE-12: Special Exception; High Intensity Commercial

This Special Exception Standards section applies to the following zoning districts:

CH

A. Commercial Uses:
   1. *Telecommunication Facility*:
      a. See *Chapter 10; §10.02: Telecommunication Facility Review; Special Exception.*

5.66 SE-13: Special Exception; Light Industrial

This Special Exception Standards section applies to the following zoning districts:

I1

A. Commercial Uses:
   1. *Cemetery/Mausoleum*:
      a. Minimum Lot Area: Forty (40) acres.
      b. Minimum Setback:
         i. Side Setback: Fifty (50) feet.
         ii. Rear Setback: Fifty (50) feet.
      c. Fence: Six-foot (6') wire-mesh where accessible to the public.
      d. Mandatory Conditions of Approval: The owners shall:
         i. Perpetuate maintenance;
         ii. Provide to appropriate governmental agencies, upon request and without cost, all data secured from the use of the installation.
      e. Maximum Number of Principal Entrances from a Major Thoroughfare: One (1).
      f. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.
      g. No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards.*
   2. *Telecommunication Facility*:
      a. See *Chapter 10; §10.02: Telecommunication Facility Review; Special Exception*.

5.67 SE-14: Special Exception; Mineral Extraction

This Special Exception Standards section applies to the following zoning districts:

I2 I3 HI

A. Industrial Uses:

1. *Mineral Extraction*:

a. Declaration of Policy:

i. Any conflict between the provisions in this section and other provisions of the Unified Development Ordinance are to be resolved in favor of the more restrictive section. All zoning standards in applicable zoning districts shall apply.

ii. Nothing in this section shall prevent the use and alienation of mineral resources by the owner. However, any such use shall be subject to the standards found herein.

b. Administration: No mineral extraction shall be undertaken, nor shall a Mineral Extraction Permit for the same be issued until the Board of Zoning Appeals grants a Special Exception. This subsection shall be enforced by the County Engineer or any other official/entity authorized to enforce the Unified Development Ordinance.

c. Issuance of Mineral Extraction Permit: Upon obtaining a Special Exception from the Board of Zoning Appeals, an applicant may then seek a Mineral Extraction Permit from the Plan Commission Office. No person shall undertake any mineral extraction in the unincorporated areas of the County without first having secured a Mineral Extraction Permit issued by the Plan Commission Office.

d. Applicability: The provisions of this section shall apply to new Mineral Extraction Permits and renewal Mineral Extraction Permits applied for from and after June 13, 1997. Mineral extraction operations conducted pursuant to previous permitting procedures in effect or that were in effect at any time within the one hundred eighty (180) days prior to June 13, 1997, may be issued Mineral Extraction Permits pursuant to the renewal provisions outlined in *Chapter 10; §10.16(G)(2): Renewal*, notwithstanding any lapse of such Mineral Extraction Permit within such one hundred eighty-day period.

e. Development Standards: In addition to the standards generally applicable to Special Exceptions:

i. Mineral extraction shall not occur within seventy-five (75) feet of all property lines, and no excavation shall be permitted which creates a maximum slope steeper than one (1) foot horizontal to one (1) foot vertical (*i.e.* 100% slope);

ii. Use permitted not closer than two hundred (200) feet to a residential zoning district;

iii. Hours of Operation: Extraction and material processing activities permitted in the plan area shall be limited to the hours of 6:00 a.m. to 9:00 p.m., except in the following situations:

[a] Where required by public authorities;

[b] Where necessary due to public emergencies; and

[c] Where any necessary and reasonable repairs to equipment are required.

iv. Ingress, Egress, and Traffic Safety: There must be an acceptable relationship with public roads, and the affected roads must be adequate to carry the types of additional traffic engendered by the use. Access roads to any plant area shall be limited to one (1), or at most two (2), points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty (80) feet. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of state and local highway authorities. Vehicles carrying materials from the site shall be loaded in such a manner as to prevent spilling rock, gravel or sand, or other materials of a similar nature while in transit upon roads and highways.

v. Off-street Parking: Off-street parking shall be provided for all equipment and for cars of employees.

vi. Drainage: Sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any such point is not increased.

vii. There must be rehabilitation of the plan area in conformance with the Plan of Development submitted with the application.

5.68 SE-15: Special Exception; High Intensity

This Special Exception Standards section applies to the following zoning districts:

HI

A. Agricultural Uses:
   1. *Confined Feeding Operation*: The petitioner shall demonstrate that the operation will be in full compliance with 327 IAC 16: Confined Feeding Operations.

B. Commercial Uses:
   1. *Race Track*:
      a. Minimum Setback:
         i. Side Setback: Forty (40) feet.
         ii. Rear Setback: Forty (40) feet.
      b. Landscape Plan to be submitted with application.
      c. Screen Planting where Abutting Residential Use (tight screen, effective at all times): Eight-foot (8') height by six-foot (6') width.
      d. Maximum Number of Principal Entrances from a Major Thoroughfare: One (1).
      e. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.
      f. No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards*.
   2. *Stadium*:
      a. Minimum Lot Area: Five (5) acres.
      b. Screen Planting where Abutting Residential Use (tight screen, effective at all times): Six-foot (6') height by six-foot (6') width.
      c. Maximum Number of Principal Entrances from a Major Thoroughfare: Two (2).
      d. Acceptable relationship to major thoroughfare.
      e. Thoroughfares must be adequate to carry additional traffic engendered by use.
      f. No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards*.

C. Industrial Uses:
   1. *Junk Yard*:
      a. Setback: At least two hundred (200) feet from any residential zoning district.
      b. Fence: Solid wall or solid painted fence eight (8) feet high.
      c. Maximum Number of Principal Entrances from a Major Thoroughfare: One (1).
      d. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.
      e. Parking: No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards*.
   2. *Sanitary Landfill/Refuse Dump*:
      a. Minimum Lot Area: Fifty (50) acres.
      b. Minimum Setback:
         i. Front Setback: Two hundred (200) feet.
         ii. Side Setback: Two hundred (200) feet.
         iii. Rear Setback: Two hundred (200) feet.
         iv. Residential: At least two hundred (200) feet from any residential zoning district.
      c. Fence: Six-foot (6') solid painted.
      d. Screen Planting abutting Residential Use (tight screen, effective at all times): Six (6) feet along streets.
      e. Maximum Number of Principal Entrances from a Major Thoroughfare: One (1).
      f. State Board of Health approval required.
      g. Disposal of liquid and other wastes shall meet the approval of the State Board of Health.
      h. Parking: No parking in the front yard, except as provided in *Chapter 05; §PK: Parking Standards*.

5.69 TC-01: Telecommunication Facility; General

This Telecommunication Facilities Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 IN OT CN CM CH I1 I2 I3 HI

A. Permits Required: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until a Special Exception and an Improvement Location Permit have been obtained. See *Chapter 10; §10.02: Telecommunication Facility Review; Special Exception* and *§10.03: Telecommunication Facility Review; Improvement Location Permit*.

B. Location: Telecommunication facilities shall not be located within the boundaries of any recorded residential subdivision.

C. Design Requirements: Proposed or modified telecommunication towers and antennas shall meet the following design requirements:

1. *Appearance*: Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
2. *Monopole Design*: Towers shall be of a monopole design, unless the Board of Zoning Appeals determines an alternative design would better blend in with the surrounding environment.
3. *Setbacks*: Telecommunication facilities shall meet the following setback requirements:
   a. All telecommunication facilities shall meet the setback requirements of the underlying zoning district; however, a telecommunication facility that is located in an industrial zoning district may encroach up to ten (10) feet into the required rear yard if the adjoining lot is also in an industrial zoning district.
   b. Front Setback: Telecommunication towers shall be set back from any planned right-of-way, as identified on the Thoroughfare Plan, a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
   c. Side and Rear Setback: Telecommunication towers shall be set back from the side and rear property lines a minimum distance equal to sixty percent (60%) of the tower height, including all antennas and attachments.
   d. Telecommunication towers shall not be located between the principal structure and a public street.
   e. Telecommunication towers shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to one hundred ten percent (110%) of the tower height.
   f. A telecommunication tower's setback may be reduced or its location varied at the sole discretion of the Board of Zoning Appeals to allow for the integration of the telecommunication facility into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.
4. *Collocation*: Any proposed telecommunication tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
   a. A minimum of one (1) additional user if the telecommunications tower is between sixty (60) and one hundred (100) feet in height.
   b. A minimum of two (2) additional users if the telecommunications tower is one hundred (100) feet or more.
5. *Accessory Utility Structures*: All utility buildings and structures needed to support a telecommunications tower shall be architecturally designed to blend in with the surrounding environment shall meet the minimum setback requirements of the underlying zoning district.
6. *Security Fence*: Telecommunication facilities and all accessory utility buildings and structures shall be protected by a security fence at least seven (7) feet tall.
7. *Screening*: A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.
8. *Lighting*: Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the FAA.
9. *Signs*: The use of any portion of a telecommunication facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, is prohibited.

D. Construction Standards: All telecommunication facilities which an Improvement Location Permit is required are subject to inspection by the Building Commissioner during the construction process.
   1. If an easement is required for location of a telecommunication facility on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
   2. Footing inspections may be required by the Building Commissioner for all telecommunication facilities having footings.
   3. All telecommunication facilities containing electrical wiring shall be subject to the provisions of the National Electric Code, as amended.

E. Inspection of Towers: The following shall apply to the inspection of telecommunications facilities:
   1. All towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Executive Director and/or a qualified and licensed Indiana engineer to determine compliance with the original construction standards.
   2. The Executive Director and the Building Commissioner may enter onto the property to investigate the matter and may order the appropriate action be taken to bring the facility into compliance.
   3. Deviation from original construction for which any permit was obtained constitutes a violation of the Unified Development Ordinance.
   4. Notices of Violation will be sent in accordance with *Chapter 09: Nonconformance* for any known violation on the telecommunication facility.

F. Abandoned Towers: Any tower unused or left abandoned for six (6) months will be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, the County may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

5.70 TC-02: Telecommunication Facility; Height Limit

This Telecommunication Facilities Standards section applies to the following zoning districts:



A. Maximum Height:
   1. Telecommunication towers shall not exceed one hundred ninety-nine (199) feet in height.
   2. All other utility structures and antennas shall meet the height standards in *Chapter 05*; *§HT: Height Standards*.

Temporary Use and Structure Standards (TU)

5.71 TU-01: Temporary Use and Structure; General

This Temporary Use and Structure Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Permit Required: All temporary uses require a Temporary Use Permit except a yard or garage sale.

B. Termination and Removal: Temporary uses and structures shall be terminated and removed at the end of the permitted event period.

C. Location:
   1. Temporary uses and structures shall not displace required parking for any use or block any existing drives.
   2. Adequate off-street parking is required for each temporary use and structure.
   3. The temporary use shall be arranged so that vehicles do not block a public right-of-way.

D. Signs: See *Chapter 05; §SI: Sign Standards*.

E. Contractor's Offices and Equipment Storage: Contractor's offices and equipment storage are permitted on or adjacent to the construction site with the following requirements:
   1. The Temporary Use Permit is valid for one (1) year and may be renewed a maximum of two (2) one-year extensions.
   2. All temporary uses and structures shall be removed upon completion of construction or the expiration of the Temporary Use Permit, whichever occurs first.
   3. The structures shall not contain sleeping or cooking facilities.

5.72 TU-02: Temporary Use and Structure; Agricultural Use

This Temporary Use and Structure Standards section applies to the following zoning districts:

P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Seasonal Sale of Farm Products: The seasonal sale of farm products is permitted with the following requirements:
   1. The seasonal sale of farm products shall be located on the farm from which it was grown.
   2. The seasonal sale of farm products is permitted up to six (6) months per calendar year.
   3. The sales space shall be of portable or seasonal construction.
   4. The stands shall be removed so as to observe the setback line for permanent structures when not in use.

5.73 TU-03: Temporary Use and Structure; Residential

This Temporary Use and Structure Standards section applies to the following zoning districts:

RR R1 R2 R3 R4 RL MP

A. Model Homes: Model homes and apartments are permitted with the following requirements:
   1. The Temporary Use Permit is valid for a three (3) years and may be renewed annually after the initial three-year period.
   2. The model home and apartments shall be on the site of the development for which the sales are taking place.

B. Inflatable Projection Screens: The use of inflatable projection screens is permitted with the following requirements:
   1. The Temporary Use Permit is valid for seven (7) days. Two (2) Temporary Use Permits may be issued per calendar year per parcel.
   2. The use of the inflatable projection screen shall not be a nuisance to the adjacent properties.

5.74 TU-04: Temporary Use and Structure; Commercial

This Temporary Use and Structure Standards section applies to the following zoning districts:

IN OT CN CM CH

A. Sale of Seasonal Items: The sale of seasonal items such as Christmas trees and Halloween pumpkins is permitted with the following requirements:
   1. The Temporary Use Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
   2. The lot shall front a collector or arterial street; and
   3. The temporary use shall be located a minimum of fifty (50) feet from residential zoning districts.

5.75 TU-05: Temporary Use and Structure; Industrial

This Temporary Use and Structure Standards section applies to the following zoning districts:

I1 I2

A. Sale of Seasonal Items: The sale of seasonal items such as Christmas trees and Halloween pumpkins is permitted with the following requirements:
   1. The Temporary Use Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
   2. The lot shall front a collector or arterial street; and
   3. The temporary use shall be located a minimum of fifty (50) feet from residential zoning districts.

B. Sale of Fireworks: The sale of Independence Day fireworks is permitted with the following requirements.
   1. The Temporary Use Permit is valid for forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the holiday;
   2. The lot shall front a collector or arterial street;
   3. The temporary use shall be located a minimum of one hundred (100) feet from residential zoning districts; and
   4. The area must comply with all requirements of State law regarding sale of fireworks.

Vision Clearance Standards (VC)

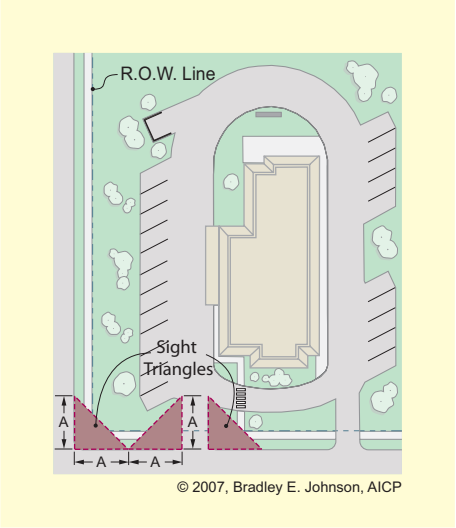
5.76 VC-01: Vision Clearance; General

This Vision Clearance Standards section applies to the following zoning districts:

GW P1 P2 A1 A2 RR R1 R2 R3 R4 RL MP IN OT CN CM CH I1 I2 I3 HI

A. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.

B. Horizontal Area: The vision clearance triangle leg lengths shall be fifty (50) feet as measured from the edge of pavement (see "A" below in the illustration).



C. Vertical Area: No primary or accessory structures, landscaping, fences, walls, or signs are allowed to be placed or to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent roadway.

D. Exceptions:
1. Farm crops;
2. Public street signs;
3. Booster stations.

NC 2

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STATE OF INDIANA
PORTER COUNTY
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JON C. MILLER
RECORDER
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PAGES: 2



ORDINANCE NO. 12-16
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; Section 5.40 (Performance Standards) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5, Zoning District Development Standards; Section 5.40 (Performance Standards), shall be amended with the following:

Chapter 5, Zoning District Development Standards; Section 5.40 Performance; General J. Commercial Compost Sites: of the Porter County Unified Development Ordinance, shall be added as follows:

J. Commercial Compost Sites:

1. compost facility operations shall not be located closer than 600 feet from an existing residence or public use facility such as a school, library or park.
2. Mounding to contain the site shall be no higher than 15 feet and must be seeded within 5 days of construction and landscaped; slopes on mounds shall not exceed 4:1 grade.
3. **Mounds shall not be constructed using organic composted materials such as grass, wood chips, stumps, etc. Other clean fill material such as concrete, asphalt and stone shall not be exposed on the mounds.**
4. Access roads must be approved by State/County Highway Department and sufficient to handle truck traffic. Roads must be kept clean from soils and compost material.
5. IDEM registration required.
6. Hours of operation 5:00 AM CST to 7:00 PM CST.
7. Management Plan consisting of odor controls; nitrogen leachate plan; landscaping of disturbed areas and erosion control plan. Said management plan shall not be limited to these items but as plans also seen necessary by the Executive Director.

This ordinance passed and adopted this 5th day of June, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest:
Robert J. Wiehlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

RECEIVED

JUL 11 2008

PORTER COUNTY
PLANNING COMMISSION

2008-018224

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
07/03/2008 02:30PM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 3

ORDINANCE NO. 08- 16

PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; Section 5.22 (Landscaping Standards); Section 5.23 (Landscaping; Plant Material); Section 5.24 (Landscaping; General Parking) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5 Zoning District Development Standards; Section 5.22 (LA-01: Landscaping; General) of the Porter County Unified Development Ordinance, shall be amended as follows:

Section 5.22 (LA-01: Landscaping; General) A. (Applicability of Landscaping Standards) shall be amended with the following addition:

1. Institutional (IN) Office and Technology (OT), Commercial (CN, CM, CH), Industrial (I1, I2, I3) and High Impact (HI) Zoning Districts:
    a. Construction of a primary or accessory structure (new or and addition)
        1. Any addition or enlargement of an existing primary structure or accessory structure when the addition exceeds 1,500 square feet in gross floor area,
        2. Any existing or primary or accessory structure if such structure or any portion thereof is repaired or rehabilitated (including interior alteration or remodeling) and the cost of such repair or rehabilitation exceeds 150% of property's assessed value or $10,000, whichever is greater.

Section 5.22 (LA-01: Landscaping; General) D. (Buffer Yards) shall be deleted and amended with the following:

D. Buffer Yards: Within the buffer yard, a reasonable attempt shall be made to screen the more intensive land uses from the less intensive land uses through the installation of landscaping.

1. Applicability: The buffer yards standards only apply along the property lines (front, side, and rear property lines included) where conflicting zoning districts meet. Buffer yards are in addition to required setbacks.
2. Installation: The property that is being developed is responsible for installing the buffer yard.
3. Arrangement: On sites with three (3) or more acres in area, buffer yard planting materials may be established outside the buffer if the Plan Commission Staff working with the petitioner, determines that a more flexible planting arrangement will serve the intent of the buffering.

2008-604335

Commissioners

4. Screening: A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the property should be made. Buffer yard plantings shall be sufficient to screen the less intensive use from unattractive views of the adjoining property, to prevent light pollution and to dampen noise.

Section 5.22 (LA-01: Landscaping; General) E. (Small-sized Buffer Yard) 2 and 6 shall be deleted and amended with the following:

2. Four (4) deciduous trees and four (4) evergreen trees per one hundred (100) lineal feet. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet of contiguous boundary with the conflicting zoning district or use.

6. A six (6) foot opaque fence may also be used for screening. The fence shall be constructed of masonry or stone. Fences constructed of synthetic materials that simulate natural material will also be allowed.

Section 5.22 (LA-01: Landscaping; General) F. (Medium-sized Buffer Yard) 2 and 6 shall be deleted and amended with the following:

2. Four (4) deciduous trees and ten (10) evergreen trees per one hundred (100) lineal feet. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet of contiguous boundary with the conflicting zoning district or use.

6. A six (6) foot opaque fence may also be used for screening. The fence shall be constructed of masonry or stone. Fences constructed of synthetic materials that simulate natural material will also be allowed.

Chapter 5 Zoning District Development Standards; Section 5.23 (LA-02: Landscaping; Plant Material) of the Porter County Unified Development Ordinance, shall be amended as follows:

Section 5.23 (LA-02: Landscaping; Plant Material) A. (Plant Material Standards) 4. (*size*) shall be deleted and amended with the following:

4. *Size*: Minimum sizes shall apply to all plant material required by the Unified Development Ordinance:
   a. Deciduous trees shall be at least two-inch (2") caliper.
   b. Evergreen trees shall be at least six (6) feet tall.
   c. Shrubs shall be at least three-gallon container or two (2) feet tall from adjacent ground level.

Section 5.23 (LA-02: Landscaping; Plant Material) D. (Conservation) 4. shall be deleted and amended with the following:

4. Excavation, filling, storage of material and driving of vehicles within the plant protection zone is prohibited.

Chapter 5 Zoning District Development Standards; Section 5.24 (LA-03: Landscaping; General Parking) of the Porter County Unified Development Ordinance, shall be amended as follows:

Section 5.24 (LA-03: Landscaping; General Parking) A. (Perimeter Plantings) 1. (*Applicability*) shall be deleted and amended with the following:

1. *Applicability*: Parking lots with four (4) or more spaces shall provide the following perimeter planting. Construction or installation of any surface parking area containing more than four parking spaces; and repair, rehabilitation or expansion of any existing surface parking area containing more than four (4) parking spaces by more than 25% or four (4) spaces, whichever is less.

This ordinance passed and adopted this 1st day of July, 2008.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Attest: _____
James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2012-006769

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
03/21/2012 03:06PM
JON C. MILLER
RECORDER

REC FEE: $0.00
PAGES: 8

ORDINANCE NO. 12-07
PORTER COUNTY BOARD OF COMMISSIONERS

PORTER COUNTY CODE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; with the addition of a Section titled Property Maintenance within the Porter County Unified Development Ordinance.

INTENT: The purpose of this Section is to establish minimum requirements for the maintenance of premises, vacant, under construction and established; and structures, vacant, under construction and established, in order to promote and protect the public health, safety and welfare of the residents within the unincorporated area of Porter County.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5; Zoning District Development Standards; Section 5.77 shall be added to the Porter County unified Development Ordinance; said section shall be added as follows:

Section 5.77; PM-01: Property Maintenance
This Property Maintenance section applies to all zoning districts within Chapter 2 of the Porter County Unified Development Ordinance:

A. Responsibility: It shall be unlawful, for any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the unincorporated area of Porter County, any agent thereof, to erect, construct, cause, permit, keep, or maintain within the unincorporated area of the county anything that is a public nuisance. Any person, owner, occupant, company, corporation, tenant or any other person having a substantial interest in any real or personal property within the unincorporated area, or any agent thereof, maintaining any nuisance as described herein is declared to be responsible for the nuisance. Public nuisances are prohibited on private property, as well as on public property, and on public ways.

B. Additional Definitions:

1. DEBRIS shall include, but not be limited to:

   a. Paper, paper products and newspapers not being gathered for recycling;

COPY

b. Empty, or partially empty, plastic or glass bottles and/or metal cans or empty receptacles of any and all types not being gathered for recycling;
c. Bed springs and/or mattress(es);
d. Rubber tires, rubber tubes, metal wheels, hubcaps or wheel covers;
e. Building materials, including, but not limited to: cinder blocks, bricks, lumber, plywood, plumbing and piping material and parts, siding, roofing and forms when no construction is in process upon the real estate;
f. Sinks, refrigerators, washing machines, dishwashers, clothes dryers, home appliances or other metal machinery, home exercise equipment, computers or any other home electronics equipment or household items no longer being used for the purpose for which they were manufactured; and
g. Any waste or scrap materials, including motor vehicles parts or parts of other manufactured items.

2. Stock and Race Vehicles.

   a. Any vehicle kept primarily for purposes of competing in stock car, racing event, demolition derby or other related automotive spots.

3. Junk Motor Vehicles. Any motor vehicle that meets any one of the following qualifications:

   a. Does not carry a current valid registration and/or license plates; or
   b. Is partially dismantled or inoperable.

4. Public Nuisance. A public nuisance includes the following:

   a. Those conditions that are known to the common law and the Statutes of Indiana as public nuisances;
   b. Any real or personal property that is infected with contagious disease or is likely to cause an immediate health hazard;
   c. Any condition or use of premises or buildings exteriors which is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of property in the neighborhood in which such premises are located, including but not limited to keeping, permitting or allowing any material, including but not limited to the following:

      i. Debris and junk;
      ii. Junk motor vehicles;
      iii. Any stock or race vehicle unless the vehicle is garaged and kept from public view at all times;
      iv. Demolition remains stored for more than 30 calendar days;

v. Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced property within the county, unless the property in an active construction site;
vi. Automobile parts; disassembled automobiles and automobiles without engines; plumbing and piping materials and parts; scrap metal; unseaworthy or dilapidated boats; dilapidated, deteriorated or inoperable jet skis, snowmobiles, bicycles, trailers or toys, any of which are not kept completely enclosed in a building;
vii. Structure defaced with paint or wording;
viii. Any waste water, filth, offal, garbage, animal waste or human excrement which is deposited, allowed, or caused to be upon any public or private property;
ix. Any dead domesticated animal or parts and any dead livestock or non-domesticated animals within the public view;
x. Trees, shrubbery, weeds, snow or other matter obstructing public ways or causing visual barriers which create vehicular traffic or pedestrian safety hazards;
xi. Any item not originally designed or manufactured solely for outdoor use; and
xii. Parking a motor vehicle on a front yard not designed and approved for parking. The front yard shall be defined as the area of private property that is located between the public right-of-way and the front line of the primary structure on that property; parking of any motor vehicle within this area shall be prohibited.
xiii. The placing or accumulating on or within any real or personal property, or permitting the same, of any matter which attracts or may attract rodents, insects or domestic or wild animals in such a manner as to create a health hazard or an unsanitary or dangerous condition.
xiv. The storage of any explosive, combustible or other material that creates a safety or health hazard.

6. WEED shall include any plant that is not valued where it is growing, and is of rank growth, tends to overgrow or choke out more desirable plants and/or is listed as a weed in the U.S. Department of Agriculture publication entitled *Common Weeds of the United States*, or in any similar government publication.
6. RANK VEGETATION shall include those weeds and growing vegetation which are excessively vigorous in growth, shockingly conspicuous, malodorous and/or flagrant.

C. Exemptions: The provisions of this ordinance related to weeds, unintended, and rank vegetation shall not apply to the following:
1. Cultivated agricultural crops, active grazing areas for livestock, and orchards.

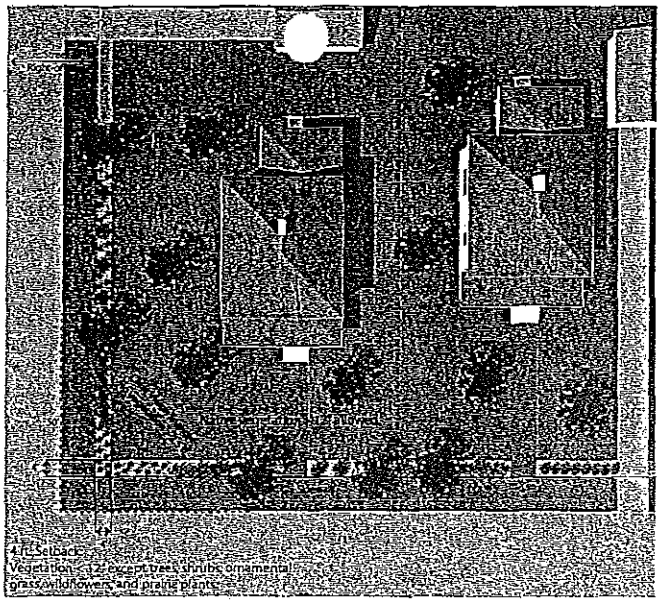
2. Designated wetlands, parklands, and forest preserves.
3. River banks, creek banks, and drainage ditches from the centerline of the waterway to a line ten (10) feet from the top edge of each bank.

D. Construction Sites: No person/company owning, leasing, or having charge on any premises shall maintain or keep any nuisance thereon, nor shall any person/company keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises is located. All property located in the unincorporated area of the county shall be maintained within the following minimum standards:

1. Construction debris and waste shall be placed in a dumpster and said dumpster shall be maintained so as debris is below top and will not blow out or fall during transportation.
2. Unintended, rank, and unmanaged growth of vegetation on any property which is visible from any public way, street, sidewalk, or ally is declared to be a public nuisance and may be abated in accordance with state and local law. This prohibition shall not apply to vegetation native to Indiana, provided that there is a setback of not less than four (4) feet from the front lot line of vegetation not in excess of twelve (12) inches exclusive of trees, shrubs, ornamental grasses, wildflowers, prairie plants, and other cultivated plants;
3. Noxious weeds, defined in IC 15-16-7-2, are expressly prohibited and shall be abated in accordance with state and local law;
4. All property shall be maintained in a manner so that it does not create or constitute a public nuisance.
5. All fences and walls shall be maintained in a structurally sound manner to protect the public safety;

E. Duty of Maintaining Private Property: No person owning, leasing, occupying or having charge on any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises is located. All property located in the unincorporated area of the county shall be maintained within the following minimum standards:

1. All fences and walls shall be maintained in a structurally sound manner to protect the public safety;
2. Unintended, rank, and unmanaged growth of vegetation on any property which is visible from any public way, street, sidewalk, or ally is declared to be a public nuisance and may be abated in accordance with state and local law. This prohibition shall not apply to vegetation native to Indiana, provided that there is a setback of not less than four (4) feet from the front lot line of vegetation not in excess of twelve (12) inches exclusive of trees, shrubs, ornamental grasses, wildflowers, prairie plants, and other cultivated plants;



3. Noxious weeds, defined in IC 15-16-7-2, are expressly prohibited and shall be abated in accordance with state and local law;
4. All outbuildings and accessory structures shall be maintained in a structurally sound manner to protect the public safety;
5. All property shall be maintained in a manner so that it does not create or constitute a public nuisance.

F. Exterior of Structures:

1. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches and trim shall be maintained in good repair.
2. All porches, decks, balconies, exterior stairways and all appurtenances attached thereto, shall be maintained in a structurally sound manner, capable of supporting the imposed load and free from hazardous conditions.
3. Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials.
4. Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects that might admit rain and cause dampness in the interior portions of the buildings. All portions, additions and sections of a roof, including, but not limited to the fascia, eave, soffit, sheathing, rafter rail, barge rafter, vent screening, gutter, down spout, roofjack, lead and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.
5. Windows of buildings shall be fully supplied and maintained with glass windowpanes or a substitute approved by the Building Commissioner, without open cracks or holes. Screens, if provided, shall be securely fastened to the window.
6. Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Additionally, exterior doors shall be provided with proper hardware and maintained in a proper working condition.

G. Swimming Pools and Spas: All swimming pools, hot tubs, spas or any other decorative water-filled area shall be maintained in a sanitary condition to avoid the creation of any health hazard or a breeding ground for disease-carrying insects.

H. Enforcement, Notices of Violation.

It shall be the duty of the Executive Director or their agents to enforce the provisions of this chapter.

1. *Enforcement may include*:
    i. Issuance of a warning notice to the person responsible for the violation, indicating the nature of the violation, ordering the action necessary to correct, and specifying a reasonable amount of time, not less than 5 business days and not more than 30 business days, for the correction of the violation or the performance of any other act required;
    ii. Issuance of a ticket (citation) to the property owner for such a violation.
2. *Notice of violation shall be served:*
    i. Personally; or
    ii. By certified mail, with return receipt required, to the last known address; and by posting the notice in a conspicuous place on the building; structure or premises on which the violation exists.

I. PENALTY.

1. In addition to any and all other remedies set forth in this chapter, the Executive Director or their agent may, after warning ticket expiration for any violation of this chapter, levy a fine against the violator of $100 for first occurrence; second occurrence $250, third occurrence $500; every violation thereafter will be an additional $250 not to exceed $2,500, each day being a separate occurrence. The violator shall pay the levied fine through the local violations bureau. In addition, any person violating this chapter shall pay and be responsible for all attorney fees incurred by the county in enforcing the provisions of this chapter. Extraordinary or multiple violations by the same person may result in an assessment of an additional fine not to exceed $2,500 per occurrence and pursued through legal court proceedings.
2. The County may issue a bill to the owner of the real Property for the costs incurred by the County in bringing the real property into compliance with the this chapter, including administrative Costs and removal costs.
3. If the owner of the real property fails to pay a bill issued under §2, the County may, after thirty (30) days, certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The County Auditor shall place the total amount certified on the tax duplicate for the real property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the County.

4. The Plan Commission or the Executive Director may bring an action in the Circuit or Superior Court of the County to invoke any legal, equitable, or special remedy for the enforcement of this chapter.

J. APPEAL.

1. The property owner may appeal a notice of violation or a bill issued under this Ordinance to the Porter County Plan Commission Executive Director.
2. The Executive Director shall conduct an investigation of the appeal and make a written determination which shall be forwarded to the property owner and to the Porter County Auditor.
3. The decision of the Executive Director on all property maintenance appeals shall be appealable to the Porter County Board of Zoning Appeals as an administrative appeal using the process established in the Unified Development Ordinance.

This ordinance passed and adopted this 20th day of March, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2008-003298

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
02/07/2008 09:12AM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 2

ORDINANCE NO. 08-03
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5; Section 5.49 (Sign Office and Institutional); Section 5.50 (Sign; Neighborhood Commercial); Section 5.51 (Sign; Moderate Intensity Commercial); Section 5.52 (Sign; High Intensity Commercial); Section 5.53 (Sign; Industrial and High Impact) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5; Section 5.49 (Sign; Office and Institutional); Section 5.50 (Sign; Neighborhood Commercial); Section 5.51 (Sign; Moderate Intensity Commercial); Section 5.52 (Sign; High Intensity Commercial); Section 5.53 (Sign; Industrial and High Impact) of the Porter County Unified Development Ordinance, shall be amended as follows:

Section 5.49 (Sign; Office and Institutional) A. Single Tennant, g. Changeable Copy, iii. Physical Characteristics, Delete and amend with

iii. Physical Characteristics: Manually placed text allowed. Electronically placed text or lighted text is not allowed.

Section 5.50 (Sign; Neighborhood Commercial) A. Single Tennant, h. Changeable Copy, iii. Physical Characteristics, Delete and amend with

iii. Physical Characteristics: Manually placed text allowed. Electronically placed text or lighted text is not allowed.

Section 5.51 (Sign; Moderate Intensity Commercial) A. Single Tennant, h. Changeable Copy, iii. Physical Characteristics, Delete and amend with

iii. Physical Characteristics: Manually placed text allowed. Electronically placed text or lighted text is not allowed.

Section 5.52 (Sign; High Intensity Commercial) A. Single Tennant, h. Changeable Copy, iii. Physical Characteristics, Delete and amend with

iii. Physical Characteristics: Manually placed text allowed. Electronically placed text or lighted text is not allowed.

Section 5.53 (Sign; Industrial and High Impact) A. Single Tennant, h. Changeable Copy, iii. Physical Characteristics, Delete and amend with

iii. Physical Characteristics: Manually placed text allowed. Electronically placed text or lighted text is not allowed.

This ordinance passed and adopted this 5th day of February 2008.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Attest: James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson Jr. AICP
Executive Director/County Planner

18

2012-005980

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
03/12/2012 02:40PM
JON C. MILLER
RECORDER

REC FEE: $0.00
PAGES: 18

ORDINANCE NO. 12-04
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; Section 5.46 (Sign; General); Section 5.47 (Sign; Single-family Residential); Section 5.48 (Sign; Multiple-family and Manufactured Home Park); Section 5.49 (sign; Office and Institution); Section 5.50 (Sign; Neighborhood Commercial); Section 5.51 (Sign; Moderate Intensity Commercial); Section 5.52 (Sign; High Intensity Commercial); and Section 5.53 (Sign Industrial and High Impact) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5; Section 5.46 (Sign; General); Section 5.47 (Sign; Single-family Residential); Section 5.48 (Sign; Multiple-family and Manufactured Home Park); Section 5.49 (sign; Office and Institution); Section 5.50 (Sign; Neighborhood Commercial); Section 5.51 (Sign; Moderate Intensity Commercial); Section 5.52 (Sign; High Intensity Commercial); and Section 5.53 (Sign Industrial and High Impact) shall be deleted in its entirety and amended with the following:

Chapter 5, Zoning District Development Standards; Section 5.47 (General Provisions); Section 5.48 (Permitted Signs); Section 5.49 (Sign Permits); Section 5.50 (Enforcement); Section 5.51 (Violations and Penalties) Section 5.52 (Nonconforming Signs); and Section 5.53 (Appeals and Modifications) of the Porter County Unified Development Ordinance, shall be added as follows:

Section 5.46 Sign; Purpose

The Sign Standards section is intended to regulate the size, number, location and manner of display of signs in Porter County for the following public purposes:

A. To protect and further the health, safety and welfare of the county residents, property owners and visitors;
B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers or are improperly secured or constructed;
C. To minimize or prevent nuisance impacts of signs on abutting property due to glare;
D. To conserve and enhance community character;
E. To promote consistency in the size, number or placement of signs within districts to improve the appearance of streets and commercial corridors within the county;
F. To promote the economic viability of commercial area by minimizing visual clutter and allowing proper placement of signs to safely direct motorists to their destination; and
G. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the desires of businesses and non-business uses to communicate by means of signs.

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MAR 15 2012
BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Section 5.47 General Provisions

A. Applicability: The Sign Standards section applies to all zoning districts, unless otherwise noted.

B. Prohibited Signs: The following signs are prohibited:
   1. *Animated Signs*: Signs that gain attention through animation, including:
      a. Signs that utilize any motion picture, laser, or visual projection of images or copy.
      b. Signs that emit audible sound, odor or visible matter.
      c. Signs that have blinking, flashing, or fluttering lights or which have a changing light intensity, brightness or color, or give such illusion.
   2. *Misleading Signs*: Signs that are misleading, including:
      a. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
      b. Signs that may be construed as or have on them a light of an emergency or road equipment vehicle.
   3. *Roof Signs*: Signs to be placed on the roofs of structures and signs that extend above the roof line or parapet of a building.
   4. *Vehicle Signs*: The use of vehicles, trailers or similar movable structures as signs is prohibited when the vehicle, trailer or similar movable structure is parked on public or private property within fifty (50) feet of any property line abutting a public street, except for those:
      a. lawfully parked overnight or during non-business hours in a discreet location or designated truck parking or loading area;
      b. making deliveries, sales calls, or other customary practices relating to doing business;
      c. making trips to transport persons or property;
      d. in conjunction with active construction operations on the site; or
      e. passenger vehicles, pick-up trucks, and vans, containing signs that do not exceed sixteen (16) square feet in area painted on or permanently affixed to the doors or integral body panels and such vehicles are of a size that can fully fit within a standard parking space.

   5. *Miscellaneous Signs*:
      a. Off-premise signs, except billboards and community special event signs.
      b. Search lights.
      c. Pennants, streamers, balloons and/or spinners, except as permitted in the Unified Development Ordinance.
      d. Bench signs, except as specifically permitted in the Unified Development Ordinance.
      e. Signs with moving or movable parts.
      f. Signs that contain profane language, male genitalia or female genitalia are prohibited as a common nuisance.
      g. Any other sign not specifically permitted shall be prohibited.

C. Exempt Signs: The following signs shall be permitted in all districts and are exempt from the permitting requirements of Section 5.49, unless otherwise noted.
   1. *Barber Poles*
   2. *Garage Sale/Yard Signs*
   3. *Government Flags*; provided the flag is mounted no more than thirty-five (35) feet in height and does not exceed forty (40) square feet in area.

4. *Government Signs*
5. *Handicapped Parking Signs*
6. *Historical Markers*
7. *Holiday Decorations*
8. *Legal Notices*
9. *Murals*
10. *Nameplate/Address Signs*
11. *Political Signs*
12. *Private Property Signs*
13. *Real Estate Signs*
14. *Religious Symbols* incorporated into the architecture on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied by text.
15. *Scoreboards* are exempt when:
    a. used in conjunction with a legally established sports field;
    b. not containing any commercial messages;
    c. not exceeding twenty (20) feet in height above the ground;
    d. not exceeding one hundred (100) square feet in area; and
    e. the scoreboard is single sided.
16. *Signs not visible from any street or alley*
17. *Street Addresses*
18. *Warning Signs*

D. Location: Signs shall be located as specified by the applicable provisions of this Ordinance. Signs shall not be permitted in the following locations:
1. in any public right-of-way, unless specifically authorized by the Board of County Commissioners;
2. in any utility easement unless authorized by the County Engineer;
3. in any no-build or no-disturb zone;
4. in any public park or on other public property, except as specifically permitted herein;
5. on any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects;
6. obstructing any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure;
7. in a manner that obstructs or interferes with safe movement of vehicular or pedestrian traffic; and
8. within the areas prohibited by *Chapter 05; §VC: Vision Clearance Standards.*

E. Illumination and Movement: All illuminated signs shall comply with the following standards:
1. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness of color, or give such illusion.
2. All illuminating elements shall be kept in satisfactory working condition and, if damaged or inoperable, repaired or replaced within fourteen (14) days or as soon as possible if circumstances do not allow.
3. The direct or reflected light from a light element shall not be visible from vehicles on public streets, private streets and parking lots.
4. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness does not interfere with safety or visibility and does not project onto any adjacent property. No exposed light source is permitted.
5. Neon light elements may be used for internal illumination and/or when permitted otherwise in this Unified Development Ordinance.

6. When lighting for signs is permitted, the lighting shall abide by the same light trespass regulations as indicated in *Chapter 05; §LT: Lighting Standards.*
7. Electronic changeable copy signs, excluding billboards, shall conform to the following lighting limits:
   a. shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 250 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness; and
   b. must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

F. Measurement: The following standards shall apply to determining permitted sign area and height:
1. The area of a sign shall be measured as the entire area within a circle, triangle, parallelogram or any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less; provided, artificially constructed berms shall not be considered in calculating grade.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall applicable to each tenant and computing the allowable sign area for that portion of the total wall.

G. Construction Standards: A licensed sign contractor or general contractor is required to install all permanent signs. A site location and footing inspection is required by Porter County for all freestanding signs.

H. Maintenance: All signs shall be adequately maintained to keep them in a state of good appearance and repair. The general area in the vicinity of any sign shall be kept free and clean sign material, weeds, debris, trash and other refuse.

I. Landscaping: All permanent ground signs shall be landscaped around the sign base, as follows:
1. Low plant material (*e.g.* shrubs and flowers) shall surround the base, but shall not be of a type that exceeds a height of twenty-four (24) inches at maturity in order to ensure that the sign will not be obscured or vehicular lines of sight obstructed.
2. The minimum landscaped area shall be equal to one-half (½) the total sign face area; and extend equally from the supporting structure in all directions. The landscaped area shall include all points where sign structural supports attach to the ground and any lighting mounted on the ground.
3. Exposed foundations shall be covered with a finish material such as brick, stone, metal or wood.

Section 5.48 Permitted Signs
The following signs are permitted within the respective zoning districts and as regulated in this section.

Sign Type	Signs Permitted by Zoning District							
	Open Space GW, P1, P2		Single Family RR, RL, R1, R2, R3	Multi-Family R4, MP		Neighb. Commer. CN	Commer. CM, CH	Indus. I1, I2, I3, HI
Awning						X		
Billboard								X
Business Center					X	X	X	X
Changeable Copy					X	X	X	
Construction	X	X	X	X	X	X	X	X
Directional					X	X	X	X
Drive-up Window						X	X	
Gateway/Entry			X	X	X	X	X	X
Ground	X	X			X	X	X	X
Temporary	X	X			X	X	X	
Wall	X	X			X	X	X	X
Window						X	X	

A. Open Space Districts - GW, P1, P2	
Construction	
Number	One (1) per lot
Size	Eight (8) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Sixteen (16) square feet
Location	No setback is required, provided the sign is not located within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum six (6) feet
Temporary/Special Events	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines

Height	Maximum six (6) feet
Other	A temporary sign shall not be displayed on any one lot or parcel for more than twenty-one (21) consecutive days for any one (1) permit period and a maximum of two (2) permits may be issued for any lot or parcel per calendar year.
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed thirty-two (32) square feet.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.

B. Agricultural Districts – A1, A2	
Construction	
Number	One (1) per lot
Size	Sixteen (16) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Sixteen (16) square feet
Location	No setback is required, provided the sign is not located within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum six (6) feet
Other	Permitted only for non-residential principal uses
Temporary	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet
Other	A temporary sign shall not be displayed on any one lot or parcel for more than twenty-one (21) consecutive days for any one (1) permit period and a maximum of two (2) permits may be issued for any lot or parcel per calendar year.
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed thirty-two (32) square feet.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.

C. Single Family Districts - RR, RL, R1, R2, R3	
Construction	
Number	One (1) per lot
Size	Sixteen (16) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way
Height	Maximum Six (6) feet high
Other	Gateway sign(s) shall only be permitted for developments of twenty (20) or more units

D. Multiple Family – R4, MP	
Construction	
Number	One (1) per lot; two (2) per corner lot
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum eight (8) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum Six (6) feet high
Other	Gateway sign(s) shall only be permitted for developments of twenty (20) or more units

E. Office and Institutional Districts – IN, OT	
Business Center	
Number	One (1) ground-mounted per street frontage and a maximum of two (2) signs per business center
Size	Fifty (50) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Eight (8) feet
Other	No individual freestanding sign shall be permitted for any single business within the business center.

Changeable Copy (IN District only)	
Number	One (1) per property
Size	Maximum size no greater than twenty (20) percent of the sign area on which it is located and shall be counted as part of the total permitted sign area of the sign on which it is integrated.
Location	May be incorporated into a permitted ground sign. However, no electronic changeable copy sign shall be located within one hundred (100) feet of a Residential District.
Other	a. Electronic message changes may occur no more frequently than once during any twenty-four (24) hour period. The method of change between messages shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, exploding, scroll and other methods of transition between messages shall not be permitted. b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. c. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within three hundred (300) feet of a dwelling unit shall be black and all lettering, graphics and symbols shall be amber, yellow, red or similar muted color approved as part of the sign permit. d. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs. e. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
Construction	
Number	One (1) per lot; two (2) per corner lot
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum eight (8) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Directional	
Number	Two (2) per street frontage
Size	Four (4) square feet
Location	Setback a minimum of five (5) feet from the right-of-way line and edge of the driveway
Height	Maximum forty-two (42) inches
Other	A directional sign may contain a commercial logo or trademark not exceeding one-third of the sign size; but shall not contain a business name or commercial message
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way and

	does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum Six (6) feet high
Other	Only permitted for a platted development or planned unit development containing at least five (5) individual lots, all of which are accessed only from an interior roadway
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Thirty-two (32) square feet
Location	Setback at least five (5) feet from any right-of-way or front property line and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum eight (8) feet
Temporary	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Sixteen (16) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet
Other	A temporary sign shall not be displayed on any one lot or parcel for more than twenty-one (21) consecutive days for any one (1) permit period and a maximum of two (2) permits may be issued for any lot or parcel per calendar year.
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall. Multi-tenant buildings may have one (1) wall sign per tenant having an individual means of public access.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed one hundred fifty (150) square feet. For multi-tenant buildings, the cumulative area of all signs shall not exceed one and one-half (1 ½) square feet per linear foot of building wall on which the signs are affixed.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.

F. Neighborhood Commercial – CN	
Awning	
Number	One (1) per business; provided an awning sign may only be permitted in lieu of a wall sign
Size	Thirty-two (32) square feet, but no more than three (3) feet in height
Height	Sign shall not be more than fifteen (15) feet, nor less than nine (9) feet above grade
Other	Illumination from back lighting shall not be permitted
Business Center	
Number	One (1) ground-mounted per street frontage and a maximum of two (2) signs per business center
Size	Fifty (50) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Eight (8) feet

Other	No individual freestanding sign shall be permitted for any single business within the business center.
Changeable Copy	
Number	One (1) per lot or parcel
Size	Maximum size no greater than twenty (20) percent of the sign area on which it is located and shall be counted as part of the total permitted sign area of the sign on which it is integrated.
Location	May be incorporated into a permitted ground sign. However, no electronic changeable copy sign shall be located within one hundred (100) feet of a Residential District.
Other	a. Electronic message changes may occur no more frequently than once during any twenty-four (24) hour period. The method of change between messages shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, exploding, scroll and other methods of transition between messages shall not be permitted. b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. c. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within three hundred (300) feet of a dwelling unit shall be black and all lettering, graphics and symbols shall be amber, yellow, red or similar muted color approved as part of the sign permit. d. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs. e. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
Construction	
Number	One (1) per lot; two (2) per corner lot
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum eight (8) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Directional	
Number	Two (2) per street frontage; provided two (2) signs may be located at one (1) driveway
Size	Four (4) square feet
Location	Setback a minimum of five (5) feet from the right-of-way line and edge of the driveway
Height	Maximum forty-two (42) inches
Other	A directional sign may contain a commercial logo or trademark not exceeding one-third of the sign size; but shall not contain a business name or commercial message
Drive-up Window	
Number	One (1) per lot or parcel

Size	Maximum twenty (20) square feet
Location	Shall be located adjacent to the drive-up window lane, at least one (1) foot from the edge of any pavement or curb and not visible from a public right-of-way.
Height	Maximum six (6) feet
Other	The sign shall not be two-sided
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum six (6) feet high
Other	Only permitted for a platted development or planned unit development containing at least five (5) individual lots, all of which are accessed only from an interior roadway
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street and to qualify for a second sign no street frontage shall be less than fifty (50) feet
Size	Thirty-two (32) square feet
Location	Setback at least five (5) feet from any right-of-way or front property line and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum eight (8) feet
Temporary	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Sixteen (16) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet
Other	A temporary sign shall not be displayed on any one lot or parcel for more than twenty-one (21) consecutive days for any one (1) permit period and a maximum of two (2) permits may be issued for any lot or parcel per calendar year.
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall. Multi-tenant buildings or shopping centers may have one (1) wall sign per tenant having an individual means of public access.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed one hundred fifty (150) square feet. For multi-tenant buildings or shopping centers, the cumulative area of all signs shall not exceed one and one-half (1 ½) square feet per linear foot of building wall on which the signs are affixed.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.
Window	
Number	One (1) per façade, maximum of three (3) per building
Size	Thirty (30) percent of the window's glass area, not to exceed 20 square feet
Height	Maximum four (4) feet
Other	The sign shall be clearly noted on an elevation drawing attached to the sign permit

	and shall not be relocated to another window or modified without obtaining a new sign permit

G. Commercial – CM, CH	
Business Center	
Number	One (1) per street frontage, ground or pole-mounted and a maximum of two (2) signs per business center
Size	Seventy-five (75) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Eight (8) feet, if ground-mounted
Other	No individual freestanding sign shall be permitted for any single business within the business center
Changeable Copy	
Number	One (1) manual or electronic sign per lot or parcel
Size	Maximum size no greater than twenty (20) percent of the sign area on which it is located and shall be counted as part of the total permitted sign area of the sign on which it is integrated.
Location	May be incorporated into a permitted ground sign. However, no electronic changeable copy sign shall be located within one hundred (100) feet of a Residential District.
Other	a. Electronic message changes may occur no more frequently than once during any twenty-four (24) hour period. The method of change between messages shall be instantaneous. Roll, splice, unveil, venetian, zoom, fade, exploding, scroll and other methods of transition between messages shall not be permitted. b. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display. In no case shall white be used as the background color on any part of the electronic display portion of the sign. c. To reduce the potential negative effects of light and glare on nearby residential properties, the background of the electronic display portion of any sign located within three hundred (300) feet of a dwelling unit shall be black and all lettering, graphics and symbols shall be amber, yellow, red or similar muted color approved as part of the sign permit. d. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs. e. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
Construction	
Number	One (1) per lot; two (2) per corner lot
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum eight (8) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.
Directional	

Number	Two (2) per street frontage; provided two (2) signs may be located at one (1) driveway
Size	Four (4) square feet
Location	Setback a minimum of five (5) feet from the right-of-way line and edge of the driveway
Height	Maximum forty-two (42) inches
Other	A directional sign may contain a commercial logo or trademark not exceeding one-third of the sign size; but shall not contain a business name or commercial message
Drive-up Window	
Number	One (1) per lot or parcel
Size	Maximum twenty (20) square feet
Location	Shall be located adjacent to the drive-up window lane, at least one (1) foot from the edge of any pavement or curb and not visible from a public right-of-way.
Height	Maximum six (6) feet
Other	The sign shall not be two-sided
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum Six (6) feet high
Other	Only permitted for a platted development or planned unit development containing at least five (5) individual lots, all of which are accessed only from an interior roadway
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street and to qualify for a second sign no street frontage shall be less than fifty (50) feet
Size	Thirty-two (32) square feet
Location	Setback at least five (5) feet from any right-of-way or front property line and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum eight (8) feet
Other	Either a ground sign or a pole sign is permitted, but not both
Temporary	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum six (6) feet
Other	A temporary sign shall not be displayed on any one lot or parcel for more than twenty-one (21) consecutive days for any one (1) permit period and a maximum of two (2) permits may be issued for any lot or parcel per calendar year.
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall. Multi-tenant buildings or shopping centers may have one (1) wall sign per tenant having an individual means of public access.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed three hundred (300) square feet. For

	multi-tenant buildings or shopping centers, the cumulative area of all signs shall not exceed two (2) square feet per linear foot of building wall on which the signs are affixed.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.
Window	
Number	One (1) per façade, maximum of three (3) per building
Size	Thirty (30) percent of the window's glass area, not to exceed 20 square feet
Height	Maximum four (4) feet
Other	The sign shall be clearly noted on an elevation drawing attached to the sign permit and shall not be relocated to another window or modified without obtaining a new sign permit

H, Industrial – I1, I2, I3, HI	
Billboard (Said provisions for billboards shall apply to the CH commercial district also)	
Number	a. One (1) static (non-digital billboard); or b. One (1) digital billboard panel may be erected for each four (4) billboard panels (static or digital) removed from any location within unincorporated Porter County, in accordance with the following: 1. The number of billboard panels permitted, of any type, shall be limited to the number lawfully in existence on *** (effective date of ordinance amendment). To encourage a reduction in the number of billboard panels in the county and to accommodate emerging LED technology, the owner of a lawful billboard may be awarded credit for the removal of an existing billboard panel in any zoning district. 2. One (1) credit shall be awarded for each lawful billboard panel removed. 3. Credit shall be received when an existing billboard panel is removed, even if the reason for removal is loss of lease. However, no credit shall be given for removal of illegal billboards. 4. Credits shall be awarded by the County, if a sign owner or designee provides written notification to the Executive Director within sixty (60) days of the billboard panel's removal. No credit shall be awarded if notification is not provided within the sixty (60) day period. 5. Sign credits shall be transferrable. 6. The County shall issue a permit for the erection of a billboard panel meeting the requirements of this ordinance upon obtaining proof of the removal of existing billboard panels in accordance with these provisions.
Size	Maximum area of three hundred (300) square feet; provided the minimum height to width ratio shall be 1:3.5. Area may be four hundred (400) square feet for panels located on divided highways such as I-94, I-80/90.
Location	a. Billboards shall only be located on property with frontage on the following streets: I-94, I-80/90; U.S. 6, U.S. 20, U.S. 30, U.S. 231, S.R. 2, S.R. 8, S.R. 49, S.R. 130 and S.R. 149; b. setbacks shall be equal to the required setbacks for a principal building in the district in which the billboard is located; c. a billboard shall be at least five hundred (500) feet from the nearest property line of any Residential, GW, P1, P2 or IN District and any church, school, historic site, hospital, retirement or nursing home or government building; and

	d. a billboard shall be at least two thousand six hundred forty (2,640) feet from any other billboard on either side of the street, including billboards outside of unincorporated Porter County, and from any highway interchange
Height	Maximum thirty-five (35) feet
Other	The following requirements shall apply to all digital billboard panels: a. the display shall not emit an illuminative brightness exceeding three hundred (300) NITs at any time between one-half (½) hour after sunset until one-half (½) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (½) hour before sunrise until one-half (½) hour after sunset. b. the illuminative brightness shall not impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle. c. a digital billboard panel shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light. d. a digital billboard panel shall not be permitted to operate unless it is equipped with: 1. a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and 2. notwithstanding subparagraph a., a mechanism able to automatically adjust the display's illuminative brightness according to ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed. e. The owner of a digital billboard panel shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information. f. The owner of a digital billboard panel shall provide Porter County with contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time more than ninety-five (95) percent of the LED display lights malfunction or are no longer working, the owner of the digital billboard shall make repairs to the sign within sixty (60) days or the sign will require removal.
Business Center	
Number	One (1) ground-mounted per street frontage, a maximum of two (2) signs per business center
Size	Seventy-five (75) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Eight (8) feet, if ground-mounted or twenty-five (25) feet if pole-mounted
Other	No individual freestanding sign shall be permitted for any single business within the business center, except for the ground sign allowed on an individual lot or parcel
Construction	
Number	One (1) per lot; two (2) per corner lot
Size	Thirty-two (32) square feet
Location	Setback fifteen (15) feet from the front lot line and fifty (50) feet from all other lot lines
Height	Maximum eight (8) feet high
Other	Sign may be erected upon issuance of ILP and shall be removed upon issuance of certificate of occupancy. No illumination is permitted.

Directional	
Number	Two (2) per street frontage; provided two (2) signs may be located at one (1) driveway
Size	Four (4) square feet
Location	Setback a minimum of five (5) feet from the right-of-way line and edge of the driveway
Height	Maximum forty-two (42) inches
Other	A directional sign may contain a commercial logo or trademark not exceeding one-third of the sign size; but shall not contain a business name or commercial message
Gateway/Entry	
Number	One (1) per entry to the development
Size	Maximum thirty-two (32) square feet along designated state routes and federal highways; and a maximum of sixteen (16) square feet along all other roads
Location	No setback required, provided the sign is not within the public right-of-way and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum Six (6) feet high
Other	Only permitted for a platted development or planned unit development containing at least five (5) individual lots, all of which are accessed only from an interior roadway
Ground	
Number	One (1) per street frontage; provided no more than one (1) sign is located along any street and to qualify for a second sign neither street frontage shall be less than fifty (50) feet
Size	Thirty-two (32) square feet
Location	Setback at least five (5) feet from any right-of-way or front property line and does not obscure the visibility of vehicles entering or exiting the site
Height	Maximum eight (8) feet
Wall	
Number	One (1) per street frontage; provided no more than one (1) sign is located on a wall. Multi-tenant buildings may have one (1) wall sign per tenant having an individual means of public access.
Size	Ten (10) percent of the wall area on which the sign is affixed and occupied by the use to which the sign relates, not to exceed two hundred (200) square feet. For multi-tenant buildings, the cumulative area of all signs shall not exceed one and one-half (1 ½) square feet per linear foot of building wall on which the signs are affixed.
Location	Mounted flat against the wall facing the street
Height	No part of a wall sign shall be higher than twenty (20) feet above the average grade. If a building has two (2) or more floors, the sign shall be located below the second floor windows.

Section 5.49; Sign Permits:

Except as otherwise provided for Exempt Signs (*§ 5.47 C*), a permit, in accordance with Section 10.13, shall be required prior to the erection of any sign authorized by these regulations.

Section 5.50; Enforcement:

A. Inspection: The Executive Director or building inspector may, at any time, inspect signs for which a permit is required.

B. Notice of Unlawful Sign: If upon any inspection, a sign is found to be in violation of these sign regulations, unsafe or otherwise does not comply with the requirements of the UDO, the Executive Director shall give notice of the condition or violation to the owner who shall be required within ten (10) days to remove the sign or cause the necessary repairs or corrections to be made.
C. Removal of Unlawful Signs: If the sign is not removed or repaired within the prescribed time period, the County may remove or cause the removal of the sign and shall collect reimbursement for the associated costs, as provided in this section.
D. Removal Without Notice: The County may remove any sign that is in violation of this ordinance, without giving notice to any party, if:
   1. the sign is within the public right-of-way or upon other public property; or
   2. the sign poses an immediate safety threat to the life of health of any member of the public.

Section 5.51; Violations and Penalties

A. No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this Ordinance.
B. No person shall maintain or permit to be maintained on any premises owned or controlled by him/her any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises on which the sign is located, or as otherwise provided for in this ordinance.
C. Each sign installed, created, erected or maintained in violation of this Ordinance shall be considered a separate violation when applying penalties, as stated in this section.
D. Any violation of this Ordinance is hereby declared a public nuisance.
E. In case any sign or other device regulated by this Ordinance is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the enforcement provisions of Section 11.08 of the UDO shall apply.

Section 5.52; Nonconforming Signs

The provisions of Section 9.07 of this UDO shall govern the continuation, change or removal of any nonconforming sign.

Section 5.53; Appeals and Modifications

A. Appeal: Any person whose sign permit application has been denied or revoked may appeal the decision to the Zoning Board of Appeals within 30 days of receiving written notice of the denial or revocation. Once an applicant has notified the County of an intent to appeal, a hearing shall be scheduled within 30 days of the appeal being filed with the Executive Director. In considering an appeal, the Zoning Board of Appeals shall state the grounds and findings upon which relief, if any, is granted and shall base its decision solely on the following criteria:
   1. Permitted signs could not be easily seen by passing motorists due to the configuration of existing buildings, topography or other obstructions.
   2. Permitted signs could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, number of travel lanes, volume of traffic and speed limit.
   3. Existing signs on nearby parcels would substantially reduce the visibility of a conforming sign on the subject parcel.
   4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel such as, but not limited to: removal of trees, alteration of the natural topography, filling of wetlands or obstruction of a natural drainage course.

5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
6. Other signs or other locations permitted on the property or building would not provide a satisfactory alternative to alleviate the conditions for which an appeal is sought.
7. Modification of certain sign regulations would be offset by increased building setback, increased landscaping or other enhancements, so the net effect would be an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.

B. PUD Modification: Nothing in these sign regulations shall restrict the modification of the sign requirements within a planned unit development.

Said amendment to the Unified Development Ordinance shall be subject to review on an annual basis by the plan commission and their sub-committee hereby referred to as the UDO Committee.

This ordinance passed and adopted this 6th day of March, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2/NC

2008-020980

AUG 14 2008
PORTER COUNTY
PLANNING COMMISSION

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
08/07/2008 10:09AM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 2

ORDINANCE NO. 08- 21

PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5 Zoning district Development Standards; Section 5.70 (Telecommunication Facility; Height Limit); of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5 Zoning district Development Standards; Section 5.70 (Telecommunication Facility; Height Limit) of the Porter County Unified Development Ordinance, shall be amended as follows:

5.70 TC-02: Telecommunication Facility; Height Limit
This Telecommunication Facilities Standards section applies to the following zoning districts:

GW, Greenway; P1, Parks and Recreation; P2, Parks and recreation; A1, General Agriculture; A2, Prime Agriculture; IN, Institutional; OT, Office and Technology; CN, Neighborhood Commercial; CM, Moderate Intensity commercial; CH, High Intensity Commercial; I1, Light Industrial; I2, General Industrial; I3, Heavy Industrial; HI, High Impact Uses.

A. Maximum Height:
   1. Telecommunication towers shall not exceed one hundred ninety-nine (199) feet in height.
   2. All other utility structures and antennas shall meet the height standards in *Chapter 05; §HT: Height Standards.*

This ordinance passed and adopted this 5th day of August, 2008.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Attest: _____
James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2008-010404

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
04/16/2008 01:43PM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 2

ORDINANCE NO. 08-07
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5 Zoning District Development Standards; Section 5.69 (Telecommunication Facility Standards); of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5 Zoning District Development Standards; Section 5.69 (telecommunication facility Standards) of the Porter County Unified Development Ordinance, shall be amended as follows:

Amend Section 5.69 (Telecommunications Facility Standards) C. Design Requirements 8. *Lighting* to read as follows:

9. *Lighting:* Telecommunication facilities shall not be illuminated by artificial means and shall not display flashing white obstruction lights during the nighttime hours except when dictated by State or Federal authorities such as the FAA or FCC. Documentation of this requirement must be provided to the plan commission office. Lighting shall be dual lighting if required; this lighting consists of red lights for nighttime and medium intensity flashing white lights for daytime and twilight.

This ordinance passed and adopted this 15th day of April, 2008.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Carole M. Knoblock

RECEIVED
APR 25 2008
PORTER COUNTY
PLANNING COMMISSION

Commissioner's Box

Attest: _____
James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

_____
Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2009-015941

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
06/17/2009 01:00PM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 8

ORDINANCE NO. ~~08-~~ 09 08

PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and 2008-004335

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards; with the addition a Section titled Tree Preservation Standards within the Porter County Unified Development Ordinance.

INTENT: That it is in the interest to promote, protect and conserve the tree canopy in the unincorporated area of Porter County. This tree canopy is part of a larger ecosystem and contributes significantly to minimize air, noise and visual pollution as well as providing benefits to storm water and water quality and energy conservation in buildings. To promote tree canopy that reduces heat islands or heat sinks that cause excessive heat. To maintain a high level of community aesthetics through the conservation and planting of trees. To maintain critical habitats which contain rare, threatened or endangered species. To encourage planting of native trees. And to maintain trees in floodplains, wooded wetlands, and wooded slopes.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5 Zoning District Development Standards; Section on Tree Preservation Standards (TP): shall be added to the Porter County Unified Development Ordinance, said section shall be added as follows:

Section (TP-01: Tree Preservation Standards)
This Tree Preservation Standards section applies to all zoning districts within Chapter 2 of the Porter County Unified Development Ordinance:

TP-01. Applicability; Permits:

A. Generally this division shall not apply to
   1. Trees with a diameter breast height (DBH) of less than 5 inches;
   2. Exempt trees (Table B);
   3. Single-family residential in platted subdivisions or single family residential parcels 5 acres and less;
   4. Un-improved parcels that are rural areas as defined by I.C. 36-7-4-1103;
      i. Parcels subject to I.C. 36-7-4-1103; harvesting of trees for a product; plan commission staff shall require proof of this if parcel is developed as a subdivision, multiple-family residential and non-residential development plan within (5) years of tree harvest; and
      ii. Proof of harvested sale shall be presented to the plan commission staff and replacement of trees shall be pursuant to the replacement schedule; and
   5. Nurseries and tree farms.

6. Parcels of property requesting development approval that are required pursuant to Open Space standards to set aside twenty-five percent (25%) or more of strictly forested areas.

TP-02. Tree Removal and Planting on Public Property.

A. **Private Entities.** No person shall remove a tree from public property nor plant a tree on public property except with the consent of the Porter County Plan Commission or designated agent or agents. As a condition of removal for non-exempt trees, the owner must agree to replacement provision in section TP-03, Removal, Tree Preservation Plan and Protection During Plan Review and Construction.

B. **Porter County.** The Porter County Highway Supervisor or designated agent or agents may remove a tree or trim trees from improved and accepted public way if said tree is deemed a hazard to the public.

TP-03 Removal, Tree Preservation Plan and Protection During Plan Review and Construction.

A. **General**

1. No tree removal is permitted unless:
   a. Approved by subdivision plan, development plan or landscape plan approval;
   b. A tree preservation plan shall be completed and submitted with any development plan, planned development, subdivision application or residential permits for parcels greater than 5 acres.
      i. A preliminary tree survey and inventory shall be completed and submitted with any development plan, planned development, subdivision application or residential building permit for parcels greater than 5 acres. The tree survey shall result in a drawing that identifies the species listed in Table A.
      ii. The tree preservation plans and landscaping plans shall contain the following: the location of existing and proposed structures; the location of parking lots, drives, roadways, right-of-ways and sidewalks; the elevations and locations of all fences, bridges, retaining walls or other similar details; the number of all non-exempt trees of 5 inch DBH or greater to be removed; the DBH, general location, species of all trees and plant material to be planted after site (re)development.
   c. The tree preservation plan shall strive to preserve and protect all non-exempt trees. The plan shall show trees proposed to be removed, however, the removal and replacement of any non-exempt tree is ultimately at the discretion of the petitioner.
   d. The tree preservation plan or landscaping plan shall indicate the techniques that will be used during the construction to preserve existing trees to be retained or relocated on site.
   e. The following tree protection measures shall be required on all sites:
      i. Prior to construction activities a fence or barrier shall be erected around designated trees for protection at a minimum distance of one linear foot for every inch of DBH. No machinery, tools, chemicals, or temporary soil deposits shall be permitted within this area.

ii. Site is to be inspected by plan commission staff prior to the commencement of construction activities on the site.
iii. Tunneling shall be used for utility placement in all areas where trees are to be preserved. If trenches must be used, they should all be planned for minimal root damage.
iv. Soil grading around preserved trees shall be avoided. A depth of no more than six inches of soil maybe placed over tree roots within the protected area, nor shall soil be graded away.

f. Trees severely damaged during construction phase that were targeted for protection shall be replaced; the remaining ratio of trees required for planting shall be paid into the tree fund if the site is not able to accept all required trees.
g. Trees are replaced pursuant to subsection C.1. and C.2. below, or contributions to the tree fund are made pursuant to subsection C.3., below.

2. For parcels subject to development applications before the plan commission that are suspected of having trees removed; said parcels shall be investigated by the plan commission and/or their Executive Director. The investigation may use aerial photography and/or permission from owner of parcel for entry so identification and measurement of tree stumps that were removed or left in place. Trees removed shall be subject to replacement per schedule in Subsection 'C' of this Section.

B. **Tree Removal Necessitated by Conditions of Approval.** In the event the County plan commission requires the construction of development improvements that are more extensive than those generally required by the Construction Standards Manual (such as wider street pavements), and said improvements necessitate that additional trees be removed from the premises, the applicant shall be liable for the replacement of only those trees requested to be removed if the Construction Standards Manual was strictly applied.

C. **Replacement or Contribution to Tree Fund.** Based upon Section TP-03 A. 1. b. ii. The following is the replacement schedule.

1. Tree replacement shall be based on the below ratio for every non-exempt tree of 5 inches DBH or greater that is removed in excess of subsection C.1.
   a. 1 to 1 tree replacement to removal for trees that are at least 5 inches DBH, but less than 16 inches DBH;
   b. 2 to 1 tree replacement to removal for trees that are at least 16 inches DBH, but less than 24 inches DBH;
   c. 3 to 1 tree replacement to removal for trees that are at least 24 inches DBH, but less than 30 inches DBH; and
   d. 4 to 1 tree replacement to removal for trees that are at least 30 inches DBH.
2. Replacement trees shall be:
   a. Planted on the site from which trees were removed.
   b. Replacement trees shall be a minimum of 2 inch caliper and a minimum height of 10 feet. And said replacement tree shall be from the list of landscaping trees in attached tables.
   c. Native trees approved by the Executive Director of the Porter County Plan Commission (Executive Director) if not listed in Table A and C.

3. In lieu of replacement, the applicant may pay the County $200 per replacement tree, which shall be deposited in the Tree Fund. See Section TP-05, Tree Fund. The maximum mandatory contributions to the Tree Fund shall be:
   a. For as developer: $10,000 per project.
   b. For a building contractor: One percent of the estimated cost of construction as indicated on the application for a building permit; and
   c. For the County: $10,000 per project.

TP-04. Existing Tree Maintenance During Construction and Improvement Location Permit.

A. Restrictions Within Drip-line or Critical Root Zone.

1. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within the larger of the drip-line or critical root zone of any protected tree.
2. No impervious paving for motorized vehicles shall be placed within the critical root zone of any protected tree that is retained on the parcel proposed for development.
3. The larger of the drip-line or critical root zone of all protected trees shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.

TP-05. Tree Fund.

A. Generally. There is hereby established a Tree Fund, dedicated to the replacement and preservation of trees within the unincorporated areas of Porter County, to be administered by the Executive Director or his/her agent or agents, and used primarily for public spaces.

B. Funding Source. This Fund shall be funded by payments made pursuant to Section TP-03, Removal, Tree Preservation Plan and Protection During Plan Review and Construction, and such other monies as may be allocated by the County or donated by other source.

C. Reimbursement. The applicant may be eligible for reimbursement for planting trees pursuant to the following rules and procedures.

1. To be eligible for reimbursement the tree shall be:
   a. visible from a public way;
   b. 2 inch caliper or greater; and
   c. a species approved by the Porter County Plan Commission.
2. Prior to purchasing a tree, the applicant shall complete a form as supplied by the plan commission requesting reimbursement;
3. Approval or denial of an application shall be based on compliance with requirements in subsection C.1., above, and on sufficient funds within the Tree Fund to remit reimbursement;
4. After the tree has been planted, the plan commission shall verify compliance with requirements in subsection C.1., above, and remit to the applicant 50 percent of the cost of such tree(s).
5. No applicant shall be reimbursed more than $100 per year.

This Ordinance shall not take effect until a Tree Fund has been established for the unincorporated area of Porter County.

This ordinance passed and adopted this 16th day of June, 2009.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Attest: James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

Table A.. Deciduous, Conifer and Ornamental Trees (Native Trees)

1	**Deciduous Trees**	
	Scientific Name	Common Name
	Acer saccharum	Sugar Maple
	Celtis occidentalis	Hackberry
	Gleditsia triacanthos	Honey Locust
	Gymnocladus dioica	Kentucky Coffee tree
	Liriodendron tulipifera	Tulip Tree
	Nyssa sylvatica	Black Gum
	Ostrya virginiana	Hop Hornbeam
	Quercus bicolor	Swamp White Oak
	Quercus coccinea	Scarlet Oak
	Quercus imbricaria	Shingle Oak
	Quercus macrocarpa	Bur Oak
	Quercus muhlenbergii	Chinquapin Oak
	tilia americana	American Linden
	Ulmus americana	American Elm
2	**Conifer Trees**	
	Scientific Name	Common Name
	Pinus banksiana	Jack Pine
	Pinus strobus	White Pine
	Taxodium distichum	Bald Cypress
	Larix larcina	Eastern Larch
	Thuga occidentalis	Northern White Cedar
	Pinus virginiana	Virginia Pine
	Juniperus virginiana	Eastern Red Cedar
	Tsuga canadensis	Hemlock

3	**Ornamental Trees**	
	Scientific Name	Common Name
	Aesculus glabra	Ohio Buckeye
	Alnus rugosa	Speckled Alder
	Amelanchier arborea	Serviceberry
	Amelanchier humilis	Low Shadblow
	Amelanchier interior	Inland Shadblow
	Amelanchier laevis	Allegheny Shadblow
	Amelanchier sanguinea	Round-Leaved Serviceberry
	Asimina triloba	Papaw
	Carpinus caroliniana virginiana	Blue Beech
	Cercis canadensis	Redbud
	Cornus alternifolia	Pagoda Dogwood
	Cornus florida	Flowering Dogwood
	Crataegus calpodendron	Sugar Hawthorn
	Crategus chrysocarpa	Fireberry Hawthorn
	Crategus coccinea	Scarlet Hawthorn
	Crataegus crus-galli	Cockspur Hawthorn
	Crataegus flabellata	Large-Seeded Hawthorn

	Crataegus intricata	Biltmore Hawthorn
3	**Ornamental Trees (cont.)**	
	Crateaegus mollis	Downy Hawthorn
	Crataegus pruinosa	Frosted Hawthorn
	Crataegus punctata	Dotted Hawthorn
	Crataegus succulenta	Fleshy Hawthorn
	Hamamelis virginiana	Witch Hazel
	Malus coronaria	Wild Sweet Crab
	Malus ioensis	Iowa Crab
	Ptelea trifoliata	Wafer Ash
	Sasssfras albidum	Sassafras
	Viburnum acerifolium	Maple-Leaved Arrow-Wood
	Viburnum cassinoides	With Rod
	Viburnum lentago	Nannyberry
	Viburnum prunifolium	Black Haw
	Viburnum rafinesquianum	Downy Arrow-Wood
	Viburnum trilobum	Highbush Cranberry

Trees not listed in Table B that are native may be planted if approved by the Executive Director. Publications from the Indiana Department of Natural Resources, Division of Forestry, Community and Urban Forestry shall be used to determine native trees and the appropriate planting guidelines.

Table B; Exempt Trees

The following trees are not recommended for planting in Indiana's landscapes because they may have invasive tendencies, be weak wooded and break easily, or prone to insect and disease problems.

Boxelder or Ashleaf Maple (Acer negundo)
Black Locust (Robinia pseudoacacia)
Bradford Pear (Pyrus calleryana)
Cottonwood (Populus deltoids)
Crabapple; unimproved varieties (Malus sp.)
Elm, Red Slippery and Siberian (Ulmus rubra and Ulmus pumila)
Lombardy Poplar (Populus nigra var. italica)
Mountain Ash (Sorbus, sp.)
Mulberry (Morus)
Norway Maple (Acer plantanoides)-escaping into woodlots and forests
Osage Orange (Maclura pomifera)
Russian Olive (Elaegnus angustifolia)
Sawtooth Oak (Quercus acutissima)
Silver Maple (Acer saccharinum)
Tree of Heavan (Ailanthus altissima)-invasive
Willow (Salix sp.)
Corktree (Phellodendron amurense)-escaping into woodlots and forests

Table C. (Native Trees)

- Ash
  - Green
  - Blue
- Aspen
  - Bigtooth
  - Quaking
- Basswood, American
- Beech, American
- Birch
  - Paper
  - River
  - Yellow
- Blackgum
- Buckeye
  - Ohio
  - Yellow
- Buckthorn, Carolina
- Buckthorn, smooth southern
- Butternut
- Catalpa, northern
- Cherry
  - Black
  - Pin
- Chestnut
  - American
  - Horse
- Coffeetree, Kentucky
- Cypress, bald
- Devils-walkingstick
- Dogwood
  - Flowering
  - Pagoda
- Elm
  - American
  - Rock
  - Winged
- Hackberry
- Hawthorn, downy
  - Cockspur
  - Downy
  - Washington
  - Winter King Green
- Hemlock, eastern
- Hickory
  - Bitternut
  - Mockernut
  - Pignut
  - Red
  - Sand
  - Shagbark
  - Shellbark
- Honeylocust
- Hophornbeam, eastern
- Hornbeam, American
- Ironwood
- Larch, eastern
- Locust, black
- Magnolia
  - Cucumber
  - Umbrella
- Maple
  - Black
  - Red
  - Sugar
- Musclewood
- Oak
  - Black
  - Blackjack
  - Bur
  - Cherrybark
  - Chestnut
  - Chinkapin
  - Northern pin
  - Northern red
  - Overcup
  - Pin
  - Post
  - Scarlet
  - Shingle
  - Shumard
  - Southern red
  - Swamp chestnut
  - Swamp white
  - White
- Pawpaw
- Pecan
- Persimmon
- Plum, American
- Pine
  - Eastern white
  - Jack
  - Virginia
- Privet, swamp
- Redbud, eastern
- Redcedar, eastern
- Serviceberry, downy
- Sourwood
- Sugarberry
- Sweetgum
- Sycamore, American
- Tulip Tree
- Viburnum
  - Blackhaw
  - Nannyberry
  - Wayfaring
- Walnut
  - Black
  - White
- Waterlocust
- White-cedar, northern
- Yellowwood

Wind Energy Conversion Systems (WE)

Add to chapter 5

5.78 WE-01: Wind Energy Conversion Systems: Large Wind Energy Systems

This Large Wind Energy Conversion System Standards section applies to the following zoning districts:

A1 A2 I1 HI

Permits required: Large WECs shall not be constructed, erected, placed, modified or altered until a Special Exception and an Improvement Location Permit has been obtained. See Chapter 10; § 10.37: Wind Energy Conversion System Review; Special Exception and *§10.38: Wind Energy Conversion System Review; Improvement Location Permit.*

A) Location: Large WECS shall not be located within the boundaries of any recorded residential Subdivision.

B) Design Requirements: Proposed or modified Large WECs shall meet the following design requirements:

(1) *Appearance*: All wind turbines and towers that are a part of the Large WECS, shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA). All WECS shall be of uniform design, including tower type, color, number of blades, and direction of blade rotation.

(2) *Clearance*: Rotor blades or air folds must maintain at least twenty-five feet (25') of clearance, as measured at the lowest point of the arc of the blade or air folds.

(3) *Signs*: A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

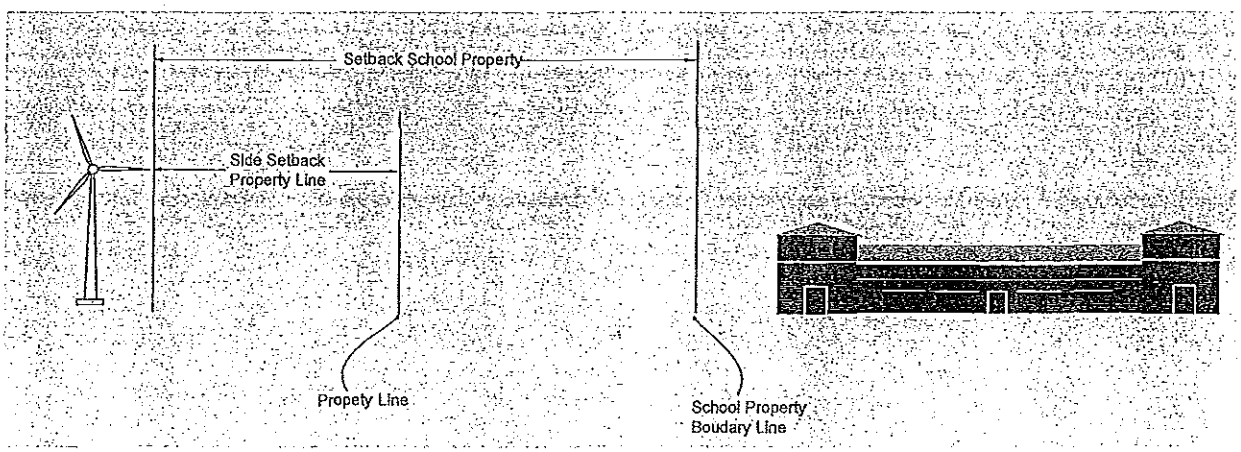
(a) Signs shall comply with *Chapter 5; § 5.46 SI-01: Sign; General*

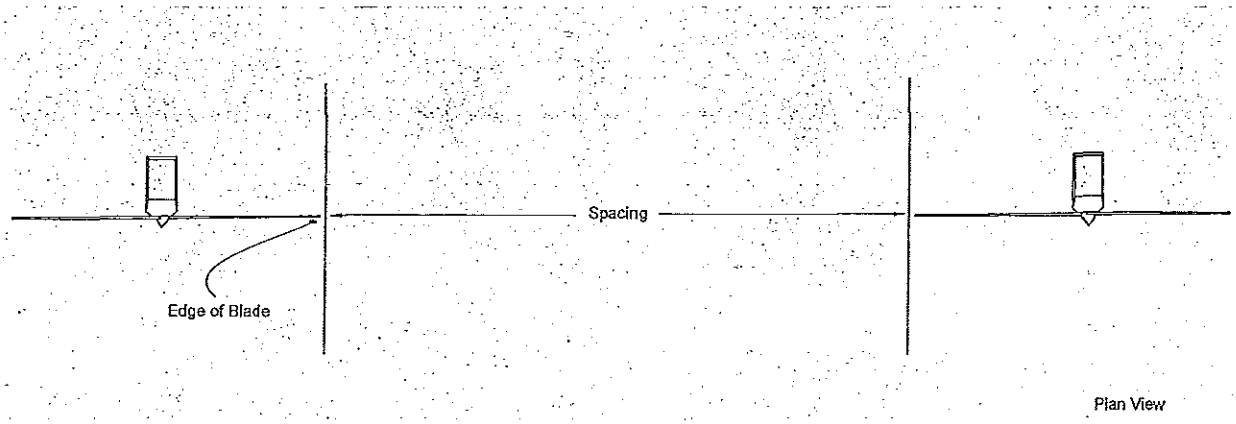
(b) Signs shall not display advertising, expect for identification of the turbine manufactures and facility owner and operator.

(c) Signs with emergency contact information shall also be posted on the turbine or at another suitable point.

(4) *Electrical Wires*: Electrical control and control wiring shall be wireless or buried a minimum of five (5) below grade. WECS collector wiring connected to the transmission or distribution network, adjacent to that network, may be above ground.

(5) *Lighting*: Large WECS shall not be illuminated by artificial means and shall not display flashing white obstruction lights during the nighttime hours except when dictated by State and Federal authorities such as FAA or FCC. Documentation of this requirement must be provided to the Plan Commission Office. If lighting is required by State or Federal authorities such as FAA or FCC, the lighting shall be dual lighting; this consists of red lights for nighttime and medium intensity flashing white lights for daytime and twilight.





C) *Setbacks*: All Large WECS shall meet the following setback requirements:

(a) Side and Rear Setbacks: All Large WECS shall be set back a minimum distance of 1.1 times the total height from the rear and side property lines, including all blades and attachments as certified by an Indiana licensed engineer, unless two (2) adjoing parcel owners agree to allow the tower to be constructed without a side yard setback

(b) Front Setback:Large WECS shall be set back a minimum distance of one (1) times the total height from the right-of-way or proposed right-of-way.

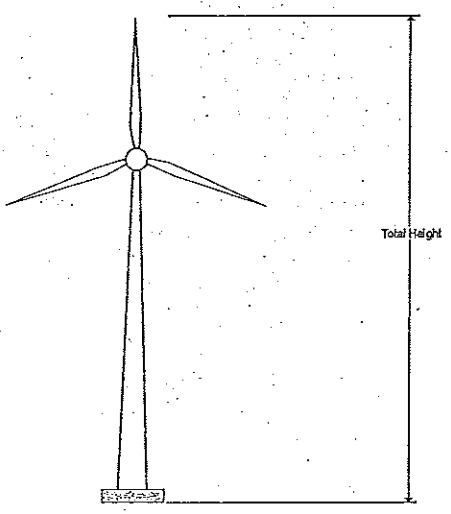
(c) The minimum setback from all existing or proposed primary and accessory structures shall be two times the total height of WECS.

(d) Boundaries:

i) Large WECS shall be set back from the boundaries of any minor subdivision approved and recorded between 1992 and 2007 a minimum distance of 1,000 feet.

ii) Large WECs shall be set back from the boundries of any subdivision, school and/or place of worship a minimum distance of 3000 feet.

(f) Large WECS setbacks may be reduced or increase the location of WECS varied at the sole discretion of the Board of Zoning Appeals to allow the integration of an existing or proposed structure.



(g) Spacing and Density: The minimum distance between all turbines shall be two (2) times the total height

(h) Height:The maximum total height of any turbine shall be five hundred (500) feet.

(i) Overlay Districts: WECS shall be located from the boundaries of any Overlay Districts a minimum distance of two hundred (200) feet.

(j) Wetlands: Large WECS shall be located from the boundaries of any existing wetlands a minimum distance of six hundred (600) feet.

(k)Regulated Drain(s): Large WECS shall be located from the boundaries of any Porter County Regulated Drain(s) a minimum distance of seventy-five feet (75') as mesured from the center line of the tile or top of bank.

(l) Floodplains: Large WECS shall be located from the boundaries of any floodplains a minimum distance of two hundred (200) feet.

D)*Roads*: An applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting any size WECS or substation parts and/or equipment for construction, operation or maintenance of the WECS or substation(s) shall prior to construction identify the following:

(1) Any proposed routes that will be used for the construction and maintenance purposes shall be identified. If the route includes a public road(s), it shall be approved by Porter County's Highway Engineer and Highway Supervisor. Porter County Sheriff's department and school systems must be notified of all proposed constuction routes.

(a) Any road damage repair caused by the construction of any WECS project equipment, the installation of, or removal of said WECS project, must be repaired by the developer to the satisfaction of Porter County's Highway Engineer and/or Highway Supervisor.

(b) Surety Bond: The Highway Supervisor and/or Highway Engineer may require a surety bond in an amount fixed by an Indiana Registered Engineer for the remediation of road repair upon completion of the project.

(2) Dust Control: Dust control measures shall be required during the construction and maintenance of all WECS projects. Said dust control shall be provided by the developer.

E) *Access*: The Large WECS must be guarded against unauthorized climbing. It shall have the climbing apparatus not lower than twelve (12) feet to the ground or be designed to be un-climbable for the first twelve (12) feet.

F) *Sewer and Water*: Any WECS project shall comply with existing and proposed septic and well regulations as required by the County of Porter Heath Department and the State of Indiana Department of Public Health.

G) *Drainage Repair*: Damages to waterways, drainage ditches, field tiles, and/or any infrastructures

caused by the construction or maintenance of the WECS must be completely repaired by the developer to the satisfaction of the County of Porter Office of the Surveyor and/or Porter County Drainage Board. All repairs shall be completed in a reasonable amount of time.

H) *Noise*: All Large WECS shall comply with all county, state and federal regulations.

(a) Audible sound from a Large WECS facility shall not exceed fifty-five (55) dBA, as measured from any Occupied Building of a Non-Participating Landowner(s).

I) *Shadow Flicker*: All WECS shall be designed such that shadow flicker will not fall on, or in any existing occupied building. Shadow flicker expected to fall on a roadway or a portion of a residence parcel may be acceptable under the following circumstances:

a) The flicker will not exceed ten (10) hours per day;
b) The flicker will fall within one hundred (100) feet from an existing residence;
c) The traffic volumes are fewer than five hundred (500) vehicles per day on the roadway;
d) The flicker will not fall on to an intersection; and
e) If shadow flicker exceeds any of these conditions, the source WECS shall be shut down until the flicker is remedied

J) *Signal Interference*: The owner of WECS shall take such reasonable steps as are necessary to prevent, eliminate or mitigate any interference with cellular, radio or television signals caused by the WECS

K) *Decommissioning*: Decommissioning the facilities shall include the following:

a) The WECS owner shall have six (6) months to complete decommissioning of the facility if no electricity is generated for a continuous period of 12 months.
b) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads and any other associated facilities down to five (5) feet below grade.
c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

L) *Inspection of Large WECS*: Proposed or modified Large WECS shall meet the following maintenance/inspection requirements:

a)The Porter County Building Commissioner/Executive Director and/or staff, along with licensed 3rd party professionals retained by the County for the specific purpose of conducting inspections of all WECS shall have a right, at any reasonable time and with sufficient prior notice, to accompany the owner or operator, or his/her agent, on the premises where any WECS has been constructed, to inspect all parts of said WECS installation and to require that repairs and alterations have been made.
b) Inspections, at a fee to be determined by the Porter County Plan Commission and paid by the applicant, may be made by the Porter County Building Commissioner, or by a qualified inspector, for equipment of this type selected by the Porter County Building Commissioner, to certify the safety and maintenance of the WECS and accessory structure(s).

M) *Waste Disposal*: Solid and hazardous wastes, including but not limited to, crates, packaging materials, damaged or worn out parts, and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

N) *Collector Stations*:

(a) Collector stations shall be required to follow the design standards of Chapter 5: § 5.22 *LA-01: Landscaping; Buffer Yards (E) Small-Size Buffer Yard.*

(b) Setbacks:

(i) Minimum Front Yard Setback: The minimum front setback shall follow the primary sturcure standard per each two-page layout in *Chapter 02: Zoning District*

*(ii) Minimum Side Setback:*The minimum front setback shall follow the primary structure standard per each two-page layout in *Chapter 02: Zoning District*

(iii) Minimum Rear Setback: The minimum front setback shall follow the primary sturture standard per each two-page layout in *Chapter 02: Zoning District*

6/NC

2009-028217

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
10/21/2009 02:16PM
LINDA D. TRINKLER
RECORDER

REC FEE: $0.00
PAGES: 6

ORDINANCE NO. 09- 11
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and

2008-004335

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 5, Zoning District Development Standards with the addition Section Titled, Wind Energy Conversion Systems: On-Site Service Wind Energy Systems (WE-02);

INTENT: That it is in the interest to promote and regulate the safe use of On-Site Wind Energy Systems.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 5, Zoning District Development Standards; Wind Energy Conversion Systems: On-Site Service Wind Energy Systems (WE-02); shall be an addition within the Porter County Unified Development Ordinance, said section shall be added as follows:

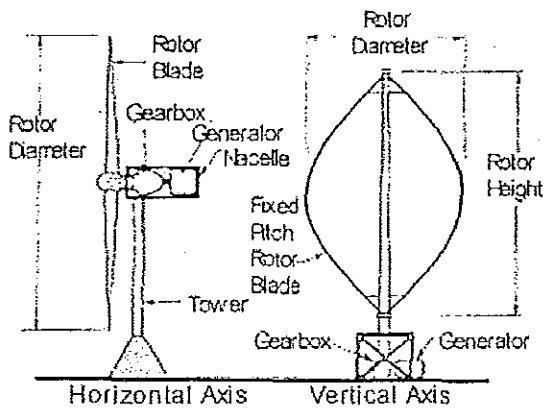
WE-02: Wind Energy Conversion Systems: On-Site Service Wind Energy Systems
This On-Site Service Wind Energy Conversion System section applies to the following zoning districts:
General Agriculture (A-1), Prime Agriculture (A-2), Rural Residential (RR), Low Density Single-family Residential (R-1), Parks and Recreation (P1) and Parks and Recreation (P2).

Permits required: On-Site Service WECS shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit has been obtained.

A. Definitions:

1. Wind Energy Conversion System (WECS): Shall mean a combination of:
   a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
   b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
   c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
   d. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.

e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.



A WECS may have a horizontal axis, with a rotor that spins perpendicular to the ground, or a vertical axis, with a rotor that spins parallel to the ground.

2. *WECS Height:* The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).

3. *On-site Service WECS :* A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.

B. On-Site Requirement: Only On-site Service WECS shall be allowed under this Section. A WECS with the primary purpose of providing power to the utility grid or any other use not on the same site is regulated under 5.78 WE-01: Wind Energy Conversion Systems: Large Wind Energy Systems.

C. General Requirements: On-site Service WECS General Requirements:

1. *Minimum Lot Area:* The minimum lot area for installation of a WECS shall be 2.50 acres. Parcels 20,000 square feet up to 2.49 acres shall require a Special Exception approval from the Board of Zoning Appeals prior to permitting for a WECS.

2. *Review Requirements:*
   a. For a WECS that does not exceed thirty-five (35) feet in height, review shall be according to the Development Plan Review requirements of Section 10.09.
   b. For any WECS exceeding thirty-five (35) feet in height, a Special Exception must be approved by the Board of Zoning Appeal, according to Section 10.22.

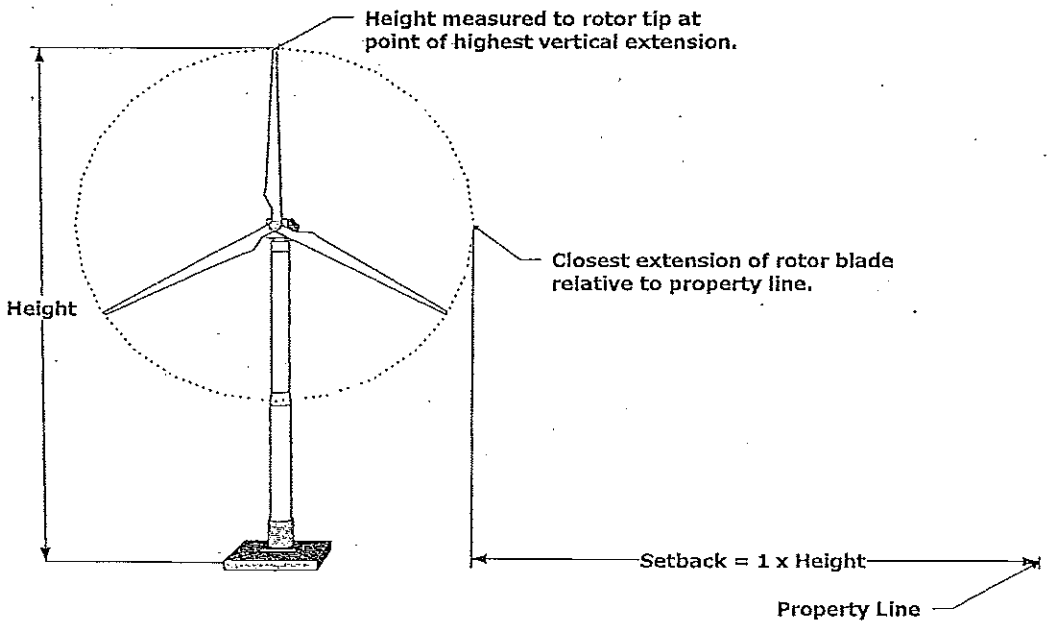
3. *Power Rating:* Power rating of the WECS turbine shall not be greater than 25 kW.

4. *On-Site Nature:* The WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company of any power that is generated beyond the needs of the structures or uses on the property. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.

5. *Noise:* No sound attributed to the WECS in excess of 55 dB(A) shall be discernible at the property line.
6. *Signs:* There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the base of the tower or to the nacelle. No sign shall exceed three (3) square feet in area.
7. *Lighting:* There shall be no lighting on or directed to the WECS.
8. *Color:* The WECS shall be painted in a neutral matte color, such as white, gray or light blue, to blend into the background. A building mounted WECS may be painted in similar colors to those on the building.
9. *Braking and Shut-Off:* A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. Emergency shut-off information shall be posted on the tower in an easily viewable location.
10. *Anti-Climbing:* A WECS shall employ an anti-climbing device or be designed to prevent climbing and other unauthorized access.
11. *Proximity to Telecommunications:* A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.
12. *Compliance:* The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements.
13. *Electric and Building Code:* All WECS installations shall comply with applicable ANSI (American National Standards Institute), Indiana Electric Code and Indiana Building Code standards.
14. *Abandonment:* A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for twelve (12) consecutive months.
15. *Maintenance and Repair:* An existing and approved WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the Executive Director, provided that the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. For the purposes of this paragraph, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.

D. Ground-Mounted On-Site Service WECS

1. *Location on Site:* The WECS shall be located on the property so that it is set back from all property lines a distance equal to the WECS height. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a single WECS (including guy wire anchors) shall be located within or above any required setback.



Ground Mounted WECS Height and Setback

2. *Height:* The WECS height shall be limited by available setbacks as required in paragraph D)(1) above; however, no WECS height shall exceed fifty (50) feet on a property at least 15,000 square feet but less than one (1) acre in area; or seventy-five (75) feet on a property one (1) acre in area or greater. Any WECS over thirty-five (35) feet high is subject to Special Exception review according to Section 10.22, regardless of lot size.
3. *Clearance From Grade:* The minimum rotor blade tip clearance from grade shall be twenty (20) feet.
4. *Clearance From Structure:* The minimum rotor blade tip clearance from any structure shall be twenty (20) feet.
5. *Rotor Diameter:* The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed fifty (50) feet.
6. *Anchoring:* The tower used to support a WECS shall be adequately anchored meeting applicable standards, as certified by a professional engineer. Guyed wires shall be identified with visible and reflective objects, such as plastic sleeves, to a height of eight (8) feet above grade.

E. Building Mounted On-Site Service WECS

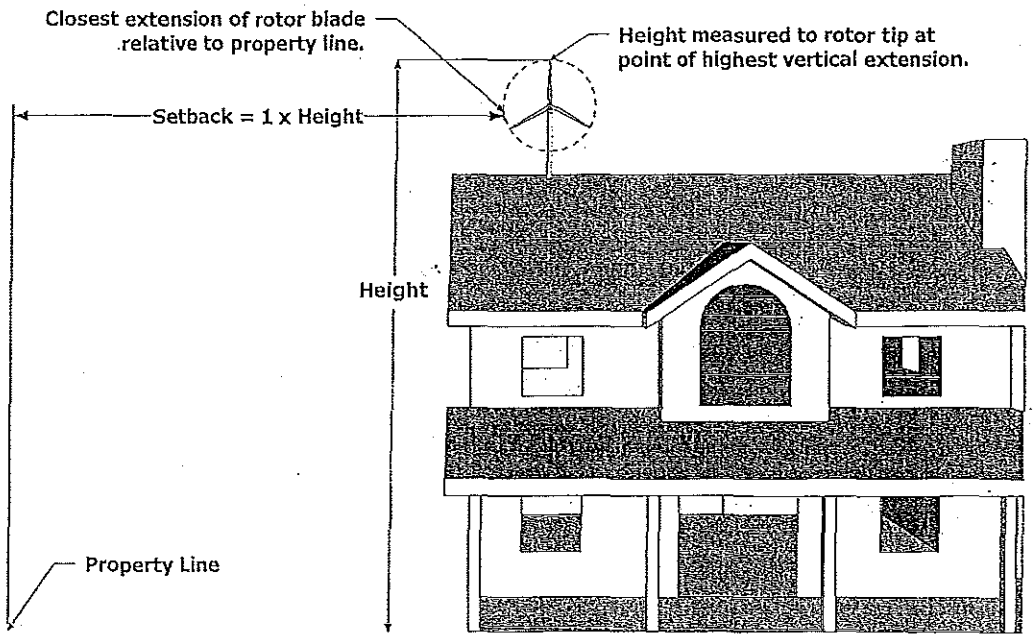
1. *Rotor Diameter:* The diameter of the rotor shall not exceed twenty (20) feet.
2. *Height:* The WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus fifteen (15) feet.

3. *Setbacks:* The WECS shall be mounted so that it is set back from adjoining property lines a distance equal to the combined height of the WECS and the height of the portion of the building on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).

4. *Mount Location:* A building mounted WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.

5. *Mounting:* The mount and the structure used to support a building mounted WECS shall meet applicable standards, as certified by a professional engineer.

F. Discretionary Conditions: The Plan Commission, or in the case of a Special Exception, the Board of Zoning Appeals, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS. Such



Building Mounted WECS Height and Setback

other terms and conditions may include, but are not limited to, the following:

1. *Tree preservation:* The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.

2. *Tree replacement:* The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.

3. *Impacts on Neighboring Properties:* Altering the location of the WECS to prevent impacts on neighboring properties, provided that all other requirements of this Section are met.

4. *Performance Bonds:* Requiring a performance bond or letter of credit, in favor of the County, and conditioned upon the timely and faithful performance of all

required conditions of the special land use, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section, when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

This ordinance passed and adopted this 4th day of October, 2009.

PORTER COUNTY BOARD OF COMMISSIONERS

Robert P. Harper, President

John A. Evans

Carole M. Knoblock

Attest: _____
James Kopp, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

Chapter
06

Subdivision Regulations

Porter County
Unified Development
Ordinance

© 2007 Bradley E. Johnson, AICP

GroundRules
website www.groundrulesinc.com

Conventional Subdivision (CV)

6.01 Conventional Subdivision Intent

The Conventional type of subdivision is intended to be used as follows:

- Provide appropriate regulations for the most typical residential subdivisions.
- Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;
- Provide open space in the form of common area.

6.02 Conventional Subdivision Prerequisites

Prerequisite Base Zoning:

- RR, R1, R2, R3, R4, or MP

Minimum Parent Tract:

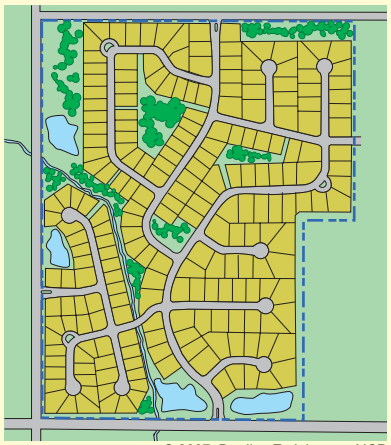
- N/A

Maximum Parent Tract:

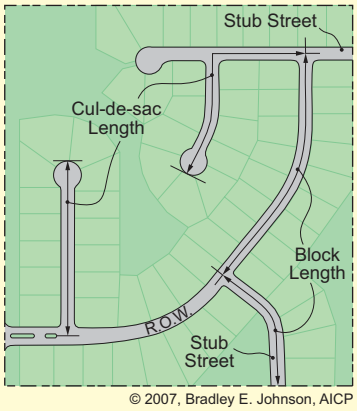
- None

Conventional Subdivision (CV)

6.03 Conventional Subdivision Standards and Effect on Development Standards



Minimum Perimeter Landscaping:
- 50 feet of common area between all lots and any arterial or collector street; and
- 30 feet of common area between all lots and all other parent tract boundaries



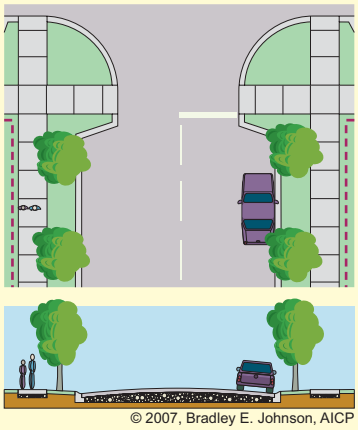
Minimum Block Length:
- 140 feet

Maximum Block Length:
- 1,000 feet

Minimum Cul-de-sac Length:
- 150 feet

Maximum Cul-de-sac Length:
- 1,000 feet

Sidewalks/Perimeter Paths:
- Sidewalks required on both sides of internal streets
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets



Minimum ROW on Local Streets:
- 60 feet

Maximum Design Speed:
- 25 to 35 mph

Minimum Street Width:
- 30 feet

On-Street Parking:
- Allowed, but not required

Minimum Tree Plot Width:
- 5 feet

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-01 ..... Page 7-5

Alley Standards (AL)
- AL-01 ..... Page 7-7

Covenant Standards (CE)
- CE-01 ..... Page 7-9

Dedication of Public Improv. Standards (DD)
- DD-01 ..... Page 7-11

Development Name Standards (DN)
- DN-01 ..... Page 7-12

Easement Standards (EA)
- EA-01 ..... Page 7-13

Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-29

Monument and Marker Standards (MM)
- MM-01 ..... Page 7-32

Open Space Standards (OP)
- OP-01 ..... Page 7-33
- OP-02 ..... Page 7-36

Pedestrian Network Standards (PN)
- PN-01 ..... Page 7-43

Perimeter Landscaping Standards (PL)
- PL-01 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street and Right-of-way Standards (SR)
- SR-01 ..... Page 7-55

Street Lighting Standards (SL)
- SL-01 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Cluster Subdivision (CT)

6.04 Cluster Subdivision Intent

The Cluster type of subdivision is intended to be used as follows:

- Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;
- Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;
- Allow very limited development for those parcels containing environmental constraints such as mature tree stands, steep slopes, and water resources; and
- Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk networks, as well as the placement of individual building lots.

6.05 Cluster Subdivision Prerequisites

Prerequisite Base Zoning District:

- R1, R2, R3, R4, or MP

Minimum Parent Tract:

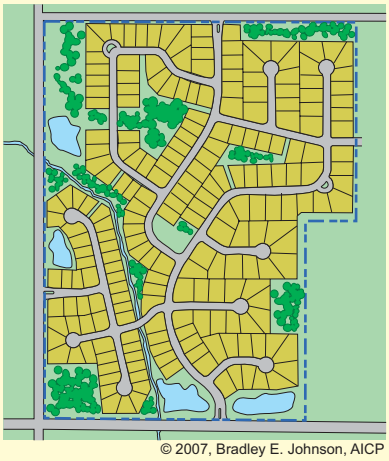
- 5 acres (217,800 square feet)

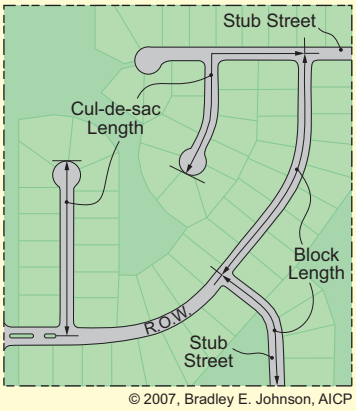
Maximum Parent Tract:

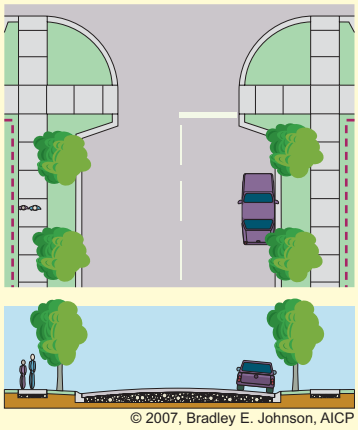
- None

Cluster Subdivision (CT)

6.06 Cluster Subdivision Standards and Effect on Development Standards







Minimum Perimeter Landscaping:
- 50 feet of common area between all lots and any arterial or collector street; and
- 30 feet of common area between all lots and all other parent tract boundaries

Minimum Open Space:
- >25%

Minimum Block Length:
- 140 feet

Maximum Block Length:
- 1,000 feet

Minimum Cul-de-sac Length:
- 150 feet

Maximum Cul-de-sac Length:
- 1,000 feet

Sidewalks/Perimeter Paths:
- Pedestrian network system required; materials to be approved by the Plan Commission based on layout
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets

Minimum ROW on Local Streets:
- 60 feet

Maximum Design Speed:
- 25 to 35 mph

Minimum Street Width:
- 30 feet

On-street Parking:
- Not required

Minimum Tree Plot Width:
- 5 feet

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-01 ..... Page 7-5

Alley Standards (AL)
- AL-02 ..... Page 7-7

Covenant Standards (CE)
- CE-01 ..... Page 7-9

Dedication of Public Improv. Standards (DD)
- DD-01 ..... Page 7-11

Development Name Standards (DN)
- DN-01 ..... Page 7-12

Easement Standards (EA)
- EA-01 ..... Page 7-13

Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-29

Monument & Marker Standards (MM)
- MM-01 ..... Page 7-32

Open Space Standards (OP)
- OP-01 ..... Page 7-33
- OP-02 ..... Page 7-36

Pedestrian Network Standards (PN)
- PN-01 ..... Page 7-43

Perimeter Landscaping Standards (PL)
- PL-01 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street & Right-of-way Standards (SR)
- SR-01 ..... Page 7-55

Street Lighting Standards (SL)
- SL-01 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Conservation Subdivision (CS)

6.07 Conservation Subdivision Intent

The Conservation type of subdivision is intended to be used as follows:

- Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;
- Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;
- Allow very limited development for those parcels containing environmental constraints such as mature tree stands, steep slopes, and water resources; and
- Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk networks, as well as the placement of individual building lots.

6.08 Conservation Subdivision Prerequisites

Prerequisite Base Zoning District:

- RR, R1, R2, or R3

Minimum Parent Tract:

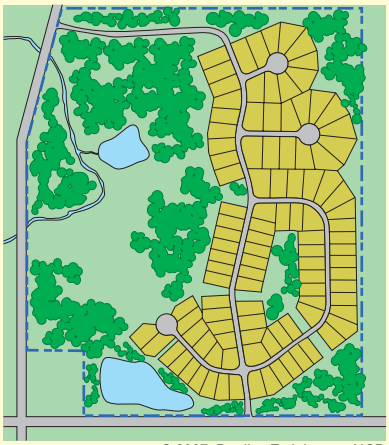
- 5 acres (217,800 square feet)

Maximum Parent Tract:

- None

Conservation Subdivision (CS)

6.09 Conservation Subdivision Standards and Effect on Development Standards

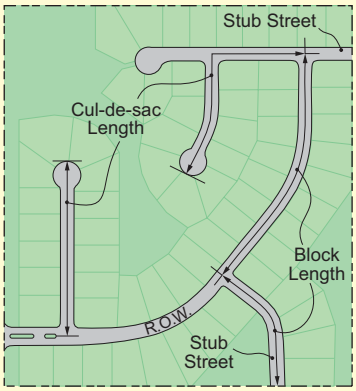


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Retention Pond Location:
- In natural areas or along primary roadways

Minimum Perimeter Landscaping:
- 50 feet of common area between all lots and any arterial or collector street; and
- 30 feet of common area between all lots and all other parent tract boundaries

Minimum Open Space:
- 40%



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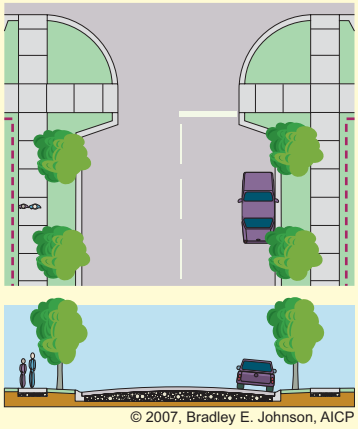
Minimum Block Length:
- 100 feet

Maximum Block Length:
- 1,000 feet

Minimum Cul-de-sac Length:
- 100 feet

Maximum Cul-de-sac Length:
- 1,000 feet

Sidewalks/Perimeter Paths:
- Sidewalks are required on one side of all streets in the R2 and R3 districts
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets



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Minimum ROW on Local Streets:
- 60 feet

Maximum Design Speed:
- 20 to 25 mph

Minimum Pavement Width:
- 24 feet with no curbs
- 28 feet with ribbon curbs

On-street Parking:
- Not permitted

Minimum Tree Plot Width:
- 5 feet if sidewalks installed along streets

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-01 ..... Page 7-5

Alley Standards (AL)
- AL-01 ..... Page 7-7
- AL-02 ..... Page 7-7

Covenant Standards (CE)
- CE-01 ..... Page 7-9

Dedication of Public Improv. Standards (DD)
- DD-01 ..... Page 7-11

Development Name Standards (DN)
- DN-01 ..... Page 7-12

Easement Standards (EA)
- EA-01 ..... Page 7-13

Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-29

Monument & Marker Standards (MM)
- MM-01 ..... Page 7-32

Open Space Standards (OP)
- OP-01 ..... Page 7-33
- OP-02 ..... Page 7-36

Pedestrian Network Standards (PN)
- PN-02 ..... Page 7-44

Perimeter Landscaping Standards (PL)
- PL-01 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street & Right-of-way Standards (SR)
- SR-01 ..... Page 7-55

Street Lighting Standards (SL)
- SL-01 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Traditional Subdivision (TD)

6.10 Traditional Subdivision Intent

The Traditional type of subdivision is intended to be used as follows:

- Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;
- Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;
- Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;
- Facilitate development on properties not characterized by environmental constraints;
- Provide a range of development options (including mixed uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and
- Provide open space in the form of community amenities.

6.11 Traditional Subdivision Prerequisites

Prerequisite Base Zoning:

- Min of 70% R2
- Min of 3% and Max of 15% R3 or R4
- Min of 10% and Max 20% of CN, IN, OT or CM

Minimum Parent Tract:

- 40 acres (217,800 square feet)

Maximum Parent Tract:

- 125 acres

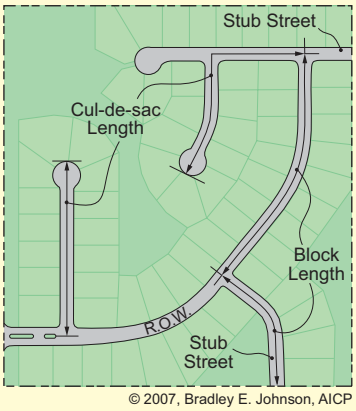
Traditional Subdivision (TD)

6.12 Traditional Subdivision Standards and Effect on Development Standards



Minimum Perimeter Landscaping:
- 40 feet along arterial or collector streets
- 0 feet if abutting another TD subdivision
- 20 feet along all other perimeters

Minimum Open Space:
- 10% if no environmental features
- 20% if environmental features



Minimum Block Length:
- 200 feet

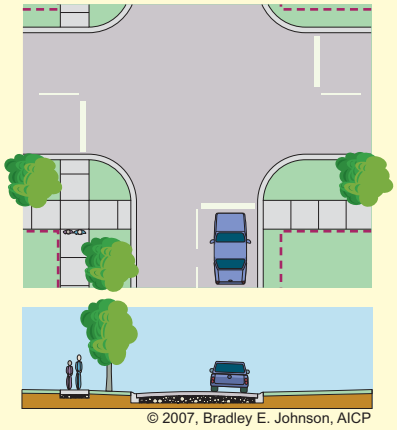
Maximum Block Length:
- 660 feet (1/8 mile)

Average Block Length:
- Between 400 and 600 feet

Minimum Cul-de-sac Length:
- Cul-de-sacs are not allowed

Maximum Cul-de-sac Length:
- Cul-de-sacs are not allowed

Sidewalks/Perimeter Paths:
- Sidewalks required on both sides of internal streets
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets



Minimum ROW on Local Streets:
- 60 feet with one parking lane
- 62 feet with two parking lanes

Maximum Design Speed:
- 15 to 25 mph

Minimum Street Width:
- 30 feet

On-street Parking:
- Required on at least one side

Minimum Tree Plot Width:
- 7 feet in residential areas
- 0 feet in commercial areas

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-01 ..... Page 7-5

Alley Standards (AL)
- AL-02 ..... Page 7-7
- AL-03 ..... Page 7-8

Covenant Standards (CE)
- CE-01 ..... Page 7-9

Dedication of Public Improv. Standards (DD)
- DD-01 ..... Page 7-11

Development Name Standards (DN)
- DN-01 ..... Page 7-12

Easement Standards (EA)
- EA-01 ..... Page 7-13

Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-01 ..... Page 7-29

Mixed-use Development Standards (MU)
- MU-01 ..... Page 7-31

Monument & Marker Standards (MM)
- MM-01 ..... Page 7-32

Open Space Standards (OP)
- OP-01 ..... Page 7-33
- OP-02 ..... Page 7-36

Pedestrian Network Standards (PN)
- PN-01 ..... Page 7-43
- PN-03 ..... Page 7-45

Perimeter Landscaping Standards (PL)
- PL-01 ..... Page 7-46
- PL-02 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street & Right-of-way Standards (SR)
- SR-01 ..... Page 7-55
- SR-03 ..... Page 7-57
- SR-04 ..... Page 7-58

Street Lighting Standards (SL)
- SL-01 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Strip Commercial Subdivision (SC)

6.13 Strip Commercial Subdivision Intent

The Strip Commercial type of subdivision is intended to be used as follows:

Pedestrian Network:
- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

Vehicular Network:
- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

Site Feature Preservation:
- Strive to save existing tree stands

Landscaping:
- Significant along arterial and collector streets
- Canopy trees in common areas

6.14 Strip Commercial Subdivision Prerequisites

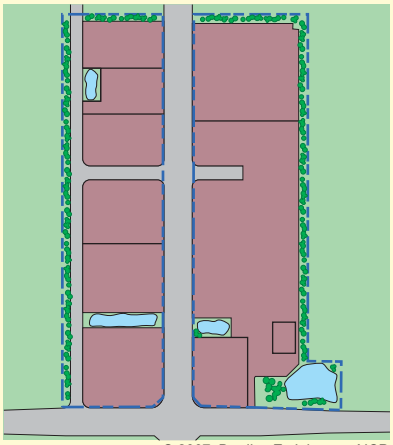
Prerequisite Base Zoning:
- CN, IN, OT, CM, or CH

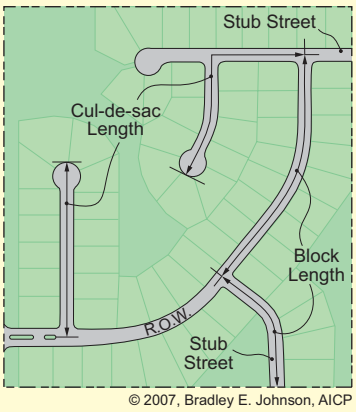
Minimum Parent Tract:
- 2 acres (87,120 square feet)

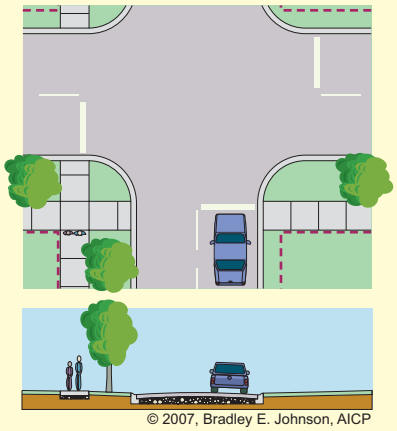
Maximum Parent Tract:
- None

Strip Commercial Subdivision (SC)

6.15 Strip Commercial Subdivision Standards and Effect on Development Standards







Minimum Perimeter Landscaping:
- 30 feet along arterial or collector streets
- 0 feet if abutting C1, C2 or C3 zoning
- 20 feet along all other perimeters

Minimum Block Length:
- Not applicable

Maximum Block Length:
- Not applicable

Minimum Cul-de-sac Length:
- Not applicable

Maximum Cul-de-sac Length:
- Not applicable

Sidewalks/Perimeter Paths:
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets
- Sidewalks are required on at least one side of all internal streets, access roads and throat roads

Minimum ROW on Local Streets:
- 60 feet

Minimum Street Width:
- 28 feet

Minimum Tree Plot Width:
- Not applicable

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-02 ..... Page 7-5

Alley Standards (AL)
- AL-03 ..... Page 7-8

Covenant Standards (CE)
- CE-01 ..... Page 7-9

Dedication of Public Improv. Standards (DD)
- DD-01 ..... Page 7-11

Development Name Standards (DN)
- DN-01 ..... Page 7-12

Easement Standards (EA)
- EA-01 ..... Page 7-13

Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-02 ..... Page 7-29

Monument & Marker Standards (MM)
- MM-01 ..... Page 7-32

Open Space Standards (OP)
- OP-01 ..... Page 7-33
- OP-03 ..... Page 7-40

Pedestrian Network Standards (PN)
- PN-03 ..... Page 7-45

Perimeter Landscaping Standards (PL)
- PL-02 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street & Right-of-way Standards (SR)
- SR-04 ..... Page 7-58

Street Lighting Standards (SL)
- SL-02 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Commercial District Subdivision (CD)

6.16 Commercial District Subdivision Intent

The Commercial District type of subdivision is intended to be used as follows:

Pedestrian Network:
- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

Vehicular Network:
- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

Site Feature Preservation:
- Strive to save existing tree stands

Landscaping:
- Significant along arterial and collector streets
- Canopy trees in common areas

6.17 Commercial District Subdivision Prerequisites

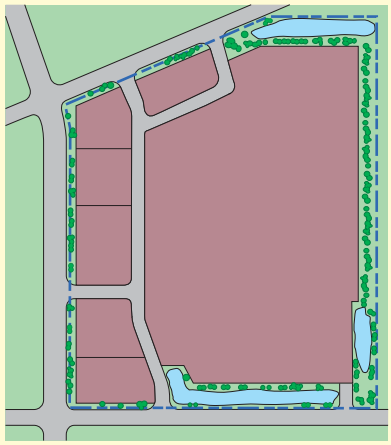
Prerequisite Base Zoning:
- CN, IN, OT, CM, or CH

Minimum Parent Tract:
- 2 acres (87,120 square feet)

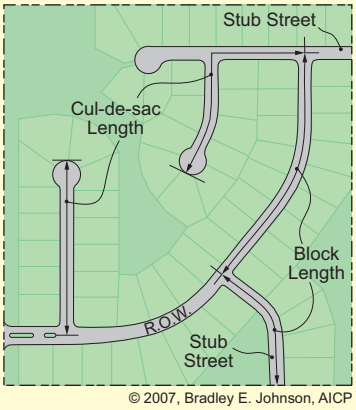
Maximum Parent Tract:
- None

Commercial District Subdivision (CD)

6.18 Commercial District Subdivision Standards and Effect on Development Standards



Minimum Perimeter Landscaping:
- 30 feet along arterial or collector streets
- 0 feet if abutting C1, C2 or C3 zoning
- 25 feet along all other perimeters



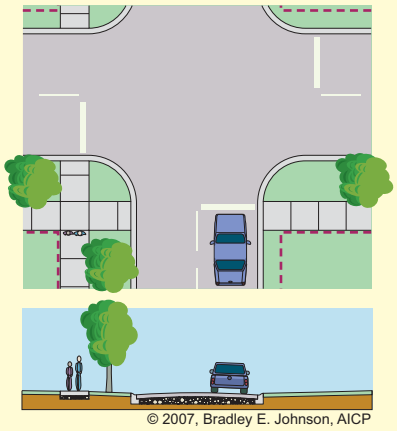
Minimum Block Length:
- 140 feet

Maximum Block Length:
- 1,000 feet

Minimum Cul-de-sac Length:
- Not applicable

Maximum Cul-de-sac Length:
- Not applicable

Sidewalks/Perimeter Paths:
- Sidewalks are required on at least one side of all internal streets, access roads and throat roads
- Perimeter paths and sidewalks required as per the Thoroughfare Plan on arterial and collector streets



Minimum ROW on Local Streets:
- 60 feet

Maximum Design Speed:
- 30 to 40 mph

Minimum Street Width:
- 28 feet

On-street Parking:
- Not permitted

Minimum Tree Plot Width:
- Not applicable

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
- PQ-01 ..... Page 7-4

Access Road Standards (AC)
- AC-02 ..... Page 7-5

Alley Standards (AL)
- AL-03 ..... Page 7-8

Covenant Standards (CE)
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Entryway Feature Standards (EF)
- EF-01 ..... Page 7-22

Erosion Control Standards (EC)
- EC-01 ..... Page 7-23

Lot Establishment Standards (LT)
- LT-02 ..... Page 7-29

Monument & Marker Standards (MM)
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Open Space Standards (OP)
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- OP-03 ..... Page 7-40

Pedestrian Network Standards (PN)
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Storm Water Standards (SM)
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Street Lighting Standards (SL)
- SL-02 ..... Page 7-60

Street Name Standards (SN)
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Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
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Utility Standards (UT)
- UT-01 ..... Page 7-64

Industrial Park Subdivision (IP)

6.19 Industrial Park Subdivision Intent

The Industrial Park type of subdivision is intended to be used as follows:

Pedestrian Network:
- Safe movement to primary structures from public streets
- Perimeter paths along arterial streets

Vehicular Network:
- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

Site Feature Preservation:
- Strive to save existing tree stands

Landscaping:
- Significant along arterial and collector streets
- Canopy trees in common areas

6.20 Industrial Park Subdivision Prerequisites

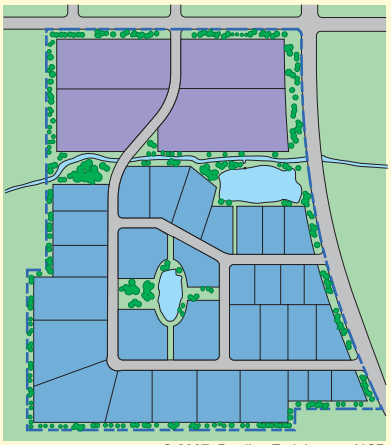
Prerequisite Base Zoning:
- I1, I2 or I3

Minimum Parent Tract:
- 2 acres (87,120 square feet)

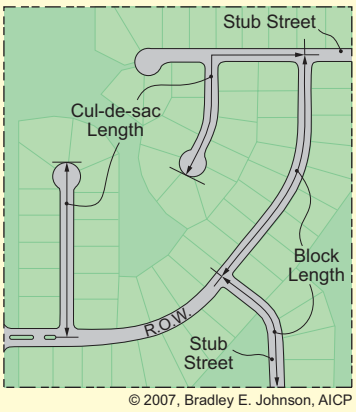
Maximum Parent Tract:
- None

Industrial Park Subdivision (IP)

6.21 Industrial Park Subdivision Standards and Effect on Development Standards



Minimum Perimeter Landscaping:
- 35 feet along arterial or collector streets
- 0 feet if abutting C1, C2 or C3 zoning
- 30 feet along all other perimeters



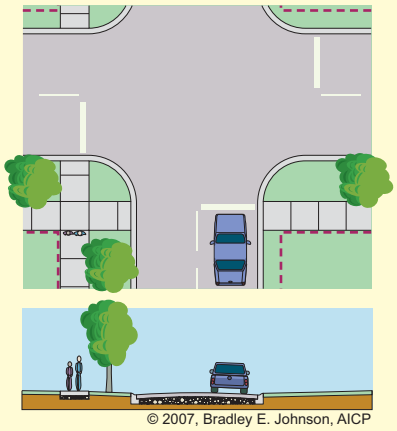
Minimum Block Length:
- Not applicable

Maximum Block Length:
- Not applicable

Minimum Cul-de-sac Length:
- Not applicable

Maximum Cul-de-sac Length:
- Not applicable

Sidewalks/Perimeter Paths:
- Perimeter paths and/or sidewalks required as per the Thoroughfare Plan on arterial and collector streets



Minimum ROW on Local Streets:
- 60 feet

Maximum Design Speed:
- 30 to 40 mph

Minimum Street Width:
- 32 feet

On-Street Parking:
- Not permitted

Minimum Tree Plot Width:
- Not applicable

Minimum Sidewalk Width:
- per Thoroughfare Plan

Additional Design Standards that Apply

Prerequisite Standards (PQ)
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Access Road Standards (AC)
- AC-02 ..... Page 7-5

Alley Standards (AL)
- AL-03 ..... Page 7-8

Covenant Standards (CE)
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Erosion Control Standards (EC)
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Open Space Standards (OP)
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- OP-03 ..... Page 7-40

Pedestrian Network Standards (PN)
- PN-03 ..... Page 7-45

Perimeter Landscaping Standards (PL)
- PL-02 ..... Page 7-46

Storm Water Standards (SM)
- SM-01 ..... Page 7-48

Street & Right-of-way Standards (SR)
- SR-04 ..... Page 7-58

Street Lighting Standards (SL)
- SL-02 ..... Page 7-60

Street Name Standards (SN)
- SN-01 ..... Page 7-61

Street Sign Standards (SS)
- SS-01 ..... Page 7-62

Surety Standards (SY)
- SY-01 ..... Page 7-63

Utility Standards (UT)
- UT-01 ..... Page 7-64

Chapter
07

Subdivision, Development Plan and PUD Design Standards

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Design Standards

Chapter 07

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Icon Key

7.01 Using this Chapter

Chapter 07 contains design standards that are arranged by category. There are two ways to determine which design standards apply to a specific type of petition. They are:

A. Refer to the two-page layouts in *Chapter 06: Subdivision Regulations* for a specific subdivision type. In the "Additional Design Standards that Apply" box for that specific subdivision type are listed four-digit codes that determine which design standards apply. Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.

[As an example, on page 6-3, the four-digit code "AC-01" can be found under the "Additional Design Standards that Apply" section in the Conventional Subdivision (CV) type. Therefore, the design standards in the section labeled "AC-01" (on page 7-4) would apply to the Conventional Subdivision (CV) type.]

B. Refer to the project icons used at the top of each design standard section in *Chapter 07: Subdivision, Development Plan and PUD Design Standards.* Each design standard section begins with a four-digit code and introductory sentence followed by square icons with project type abbreviations (*e.g.* CV for a Conventional Subdivision or PD for a Planned Unit Development). These project icons note that the design standard written in that section applies to that type of petition.

[As an example, on page 7-4, the DP icon (DP) can be found under the §AC-01 design standard section. Therefore the language in the AC-01 section would apply to a Development Plan petition.]

7.02 Purpose of Design Standards

The purpose of *Chapter 07* is to establish and define the design standards that shall be required by the County prior to the approval of any subdivision or Development Plan. Additionally, these design standards shall apply to Planned Unit Developments unless through the PUD District Ordinance a design standard is waived or altered.

See *Chapter 07; §PQ: Prerequisite Standards* for information regarding development prerequisites for subdivisions and Planned Unit Developments.

In addition to the requirements of *Chapter 07: Subdivision, Development Plan and PUD Design Standards,* there are zoning district-specific standards in *Chapter 05: Zoning District Development Standards* that must be met in each subdivision, Development Plan and Planned Unit Development.

7.03 Icon Key

CV - Conventional Subdivision

CT - Cluster Subdivision

CS - Conservation Subdivision

TD - Traditional Subdivision

SC - Strip Commercial Subdivision

CD - Commercial District Subdivision

IP - Industrial Park Subdivision

DP - Development Plan

PD - Planned Unit Development

7.04 PQ-01: Prerequisite Standards; General

This Prerequisite Standards section applies to the following types of development:



A. General: All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments.

B. Types of Prerequisites: To qualify for a type of subdivision or for a Planned Unit Development, the following prerequisites apply:

1. *Prerequisite Base Zoning*: The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments. If a parent tract has multiple zoning districts, each of those zoning districts must be on the prerequisite listing.
2. *Minimum Parent Tract*: The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*; or as indicated in *Chapter 04: Planned Unit Developments* for Planned Unit Developments.

C. Unlisted Types of Prerequisites: If any the above listed prerequisite standards do not appear for a particular type of subdivision (in *Chapter 06: Subdivision Regulations*) or for a Planned Unit Development (in *Chapter 04: Planned Unit Developments*), then it does not apply to that particular subdivision type or Planned Unit Development.

Access Road Standards (AC)

7.05 AC-01: Access Road Standards; Residential Frontage Roads

This Access Road Standards section applies to the following types of development:



A. General: An internal access, which may be a frontage road, alley, or other road, shall be required for any single-family detached dwelling that fronts a secondary or primary arterial street unless it is the only property within four hundred (400) feet that has primary access from the same secondary or primary arterial. Frontage roads shall meet the standards below. Other access roads shall meet the standards set forth in their respective section.

B. Ingress/Egress:
   1. *Maximum Ingress/Egress*: Frontage roads shall have a maximum of one (1) ingress/egress if it serves five (5) or less properties or is less than three hundred (300) feet in length. All other frontage roads shall have a maximum of two (2) points of ingress/egress onto a public street.
   2. *Separation of Ingress/Egress per Public Street*:
      a. A maximum of one (1) ingress/egress point shall be permitted per primary arterial.
      b. A maximum of two (2) ingress/egress points shall be permitted per secondary arterial, and shall be separated by a minimum of:
         i. One hundred fifty (150) feet from any intersection;
         ii. One hundred fifty (150) feet from any ingress/egress on the same side of the street; and
         iii. One hundred fifty (150) feet from any offset ingress/egress on the opposite side of the street.
         iv. Ingress/egress points aligned across the street do not require separation.

C. Traffic Lanes: Frontage roads shall be designed to accommodate two-way traffic.

D. Location: Frontage roads shall be designed to generally run parallel to the secondary or primary arterial.

E. Minimum Right-of-way or Easement Width: Forty (40) feet.

F. Minimum Roadway Width:
   1. *Two-way, No Parking*: Twenty-four-foot (24') pavement width with four-foot (4') shoulders.
   2. *Two-way, Parking on One Side*: Twenty-eight (28) feet back of curb to back of curb.

G. Sidewalks: The Plan Commission may require that the developer install sidewalks on each side of a frontage road that has home sites which derive their primary access from the frontage road.

H. Separation: Frontage roads shall be separated (edge of pavement to edge of pavement) by a minimum of thirty (30) feet from secondary arterials and forty (40) feet from primary arterials.

7.06 AC-02: Access Road Standards; Commercial and Industrial

This Access Roads Standards section applies to the following types of development:



A. General: Internal access roads shall be provided in any commercial development with multiple tenants or multiple primary structures, and located along a secondary or primary arterial.

B. Ingress/Egress:
   1. *Maximum Ingress/Egress*: Developments of fifteen (15) acres or less shall have a maximum of two (2) ingress/egress points onto a public street. Developments with more than fifteen (15) acres shall have a maximum of three (3) ingress/egress points onto a public street.
   2. *Separation of Ingress/Egress per Public Street*:
      a. A maximum of one (1) ingress/egress point shall be permitted per primary arterial.
      b. A maximum of two (2) ingress/egress points shall be permitted per secondary arterial, and shall be separated by a minimum of:
         i. Two hundred (200) feet from any intersection;
         ii. Two hundred (200) feet from any ingress/egress on the same side of the street; and
         iii. Two hundred (200) feet from any offset ingress/egress on the opposite side of the street.
         iv. Ingress/egress points aligned across the street do not require separation.

C. Traffic Lanes: Access roads shall be designed to accommodate two-way traffic.

D. Location/Separation: Access roads shall be designed to generally run perpendicular to a secondary or primary arterial; or parallel to a secondary or primary arterial if separated by at least one hundred fifty (150) feet (*e.g.* behind outlots). Frontage roads are not permitted.

E. Minimum Right-of-way or Easement Width: Access roads shall have a minimum right-of-way or permanent easement as per the Thoroughfare Plan.

F. Minimum Pavement Width: Per the Thoroughfare Plan.

G. Parking: Parking shall not be permitted on access roads within commercial or industrial developments.

H. Sidewalks: Access roads shall have sidewalks on one side of the street and be integrated into the overall pedestrian network on-site.

I. Private Roads: Access roads may be private roads.

Alley Standards (AL)

7.07 AL-01: Alley Standards; Modern Residential Subdivision Design

This Alley Standards section applies to the following types of development:



A. General: Alleys within residential neighborhoods with a modern design (*i.e.* conventional subdivisions) shall require the approval of a Design Waiver by the Plan Commission.

B. Use of Alleys: The maximum permitted number of lots with alley access shall not exceed the percentage shown on the two-page layouts in *Chapter 06: Subdivision Regulations*. Alleys shall not be designed for primary public access, only private use. Residential alleys are not permitted to access commercial land uses within the development.

C. Minimum Easement Width: Alleys shall be located in easements a minimum of sixteen and one-half (16.5) feet in width.

D. Minimum Pavement Width: Twelve (12) feet.

E. Curb:
   1. *Requirement*: Alleys are not required to have a curb outside a street right-of-way.
   2. *Minimum Curb Radius*: The minimum curb radius at any alley intersection with a public street for which a curb is required shall be six (6) feet.

F. Intersections: Alley intersections with public streets shall not exceed twenty degrees (20°) from perpendicular to said streets.

G. Construction: All alleys are to be constructed per the *General and Detailed Specifications*.

7.08 AL-02: Alley Standards; Cluster, Conservation and Traditional Subdivision

This Alley Standards section applies to the following types of development:



A. General:
   1. *Traditional Subdivision*: Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of a traditional residential subdivision.
   2. *Cluster Subdivision*: In order to better accommodate the higher intensity of cluster subdivision development, alleys may be integrated into the design.

B. Use of Alleys:
   1. *Traditional Subdivision*:
      a. Single-family Residential: Alleys are required in traditional residential subdivisions to provide access to at least seventy-five percent (75%) of all single-family dwelling sites to access rear-loading garages.
      b. Multifamily Residential and Commercial: Alleys are required to provide additional access to at least fifty percent (50%) of multiple-family and commercial land uses within the development.

C. Minimum Right-of-way Width: Alleys shall be located in rights-of-way a minimum of sixteen and one-half (16.5) feet in width.

D. Minimum Pavement Width: Twelve (12) feet.

E. Curb:
   1. *Requirement*: Alleys are not required to have a curb outside a street right-of-way.
   2. *Minimum Curb Radius*: The minimum curb radius at any alley intersection with a public street for which a curb is required shall be eight (8) feet.

F. Intersections: Alley intersections with public streets shall not exceed twenty degrees (20°) from perpendicular to said streets.

G. Construction: All alleys are to be constructed per the *General and Detailed Specifications*.

7.09 AL-03: Alley Standards; Commercial and Industrial Development

This Alley Standards section applies to the following types of development:



A. General: Commercial and industrial subdivision alleys shall be required for loading where there is no direct access to a public right-of-way at the rear of the structures.

Covenant Standards (CE)

7.10 CE-01: Covenant Standards; General

This Covenant Standards section applies to the following types of development:



A. Enforcement Disclaimer: Declaration of Covenants documents are private contracts among the property (lot or unit) owners within the development, and are therefore not subject to enforcement by the County.

B. General:

1. *Requirement*: A development with common areas, amenities, or other facilities that are to be privately maintained by an owners association shall have a legally binding Declaration of Covenants that is applicable to each owner of property within the development and provides for the maintenance and management of such common area, amenity, or facility.
2. *Foundation and Control*: When an owners association is used for the purposes of maintaining/controlling facilities within the development, the Declaration of Covenants shall state:
   a. When the owners association has to be constituted; and
   b. When the management and control of the owners association has to be turned over to the persons buying the lots or units. Control of the owners association shall be turned over before two-thirds (2/3) of the lots or units are sold.
   c. When ownership of the common areas, amenities, and other facilities shall be turned over to the owners association. Common areas, amenities, and other facilities shall not be turned over to the owners association before two-thirds (2/3) of the lots or units are sold.
3. *Assessments*: Whenever a Declaration of Covenants calls for the collection of an annual assessment from the members of the owners association, the Declaration shall specify:
   a. When the assessment begins;
   b. Which common areas, amenities, and other facilities are to be maintained using the assessment funds; and
   c. When and how the owners association Board of Directors is constituted.
4. *Contractual Obligation*: Prior to turning control of the owners association over to the lot or unit owners, the developer shall not enter into any contractual relationship on behalf of the owners association that exceeds a period of two (2) years. Once the owners association is under the lot or unit owners' control, the renewal of such a contract shall be at the discretion of the owners association Board of Directors.

C. Recording: The Declaration of Covenants shall be recorded in the County Recorder's office following approval of the development. A cross-reference to the recorded Declaration of Covenants instrument shall be recorded on the deed for every lot, parcel, condominium unit or other applicable division of ownership within the development.

D. Required Language: The following covenant language is required:

1. *Water Service Standards*: Should private wells be allowed, the covenants shall reflect that private wells are to be installed and that the County is not now or in the future obligated to provide, furnish or have any liability for fire protection that could have been provided by the public water supply.
2. *Covenant Language on the Plat Standards*: When trees and/or shrubs are provided by the petitioner, the Declaration of Covenants shall include the following statements:
   a. The owner or person in control of the dominant real estate adjacent to the area between the street and the sidewalk and/or right-of-way line on which any tree or shrub is planted pursuant to the requirements of the Unified Development Ordinance shall be responsible for the maintenance, removal, and/or replacement of the tree or shrub, as necessary.
   b. If after notice from the County, the owner or person in control fails to maintain, remove, and/or replace a dead tree or shrub or any dead or dangerous limbs or branches thereon, the County may remove said tree, shrub or limbs and collect the costs thereof from the owner or person in control pursuant to *Chapter 11: Enforcement and Penalties*.

c. The County retains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work to be performed by the County and/or all public utilities, or other properly authorized users.

d. Neither the County nor any public utility or other properly authorized user of the County's property located between the street and the sidewalk and/or right-of-way line shall be liable to the owner of the dominant real estate for any damages done to trees or shrubs located upon County property between the street and the sidewalk and/or right-of-way line as a result of actions of the County or any public utility or other authorized user or their agents or employees in the performance of their duties.

Dedication of Public Improvements Standards (DD)

7.11 DD-01: Dedication of Public Improvement Standards; General

This Dedication of Public Improvement Standards section applies to the following types of development:



A. General: Any development that includes improvements that are intended to be dedicated to the County shall meet the standards within this section.

B. Dedicated Streets:
   1. All streets accepted for dedication shall be in accordance with *Chapter 07: Subdivision, Development Plan and PUD Design Standards* and shall have rights-of-way per the Thoroughfare Plan.
   2. On-street parking areas, when established as per the Thoroughfare Plan and fully within the established rights-of-way shall be considered part of a dedicated street. However, alleys, blisters, eyebrows, bubbles or lots shall not be located within the dedicated street right-of-way, but may be connected to the street with approved drives, ingress and egress controls.
   3. All other non-dedicated streets, alleys, drives, and traffic areas on-site shall be and remain a part of the subdivision and hence maintained by the owners or occupants of said subdivision.

C. Dedicated Utilities:
   1. *Water*: Placeholder for the dedication of water standards.
   2. *Sanitary Sewer*: Placeholder for the dedication of sanitary sewer standards.
   3. *Storm Sewer*: Placeholder for the dedication of storm sewer standards.
   4. *Drainage Facility*: Placeholder for the dedication of drainage facility standards.

7.12 DN-01: Development Name Standards; General

This Development Name Standards section applies to the following types of development:



A. Proposed Development Name: The petitioner shall propose a unique name for the development and submit that name at the time of initial application.

B. Criteria: Within the jurisdiction of the Unified Development Ordinance, the following standards shall apply:
   1. The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
   2. Deviations in suffix names (*e.g.* Place, Woods, or Glen) shall not constitute a unique name. For example, if 'Preston Place' existed as a development, the name 'Preston Woods' shall not be permissible.
   3. Unique districts within a large development shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Executive Director.

C. Authority to Rename:
   1. *Similarity*: The Executive Director shall have authority to require a new unique name for the development if the proposed name is found to be too similar to another development.
   2. *Suitability*: The Executive Director shall have authority to require a new unique name for the development if the proposed name is found to be explicit, derogatory, or defamatory.
   3. *Executive Director*: If a new and unique development name is not proposed by the petitioner, the Executive Director shall have the right to rename the development prior to final approval.

7.13 EA-01: Easement Standards; General

This Easement Standards section applies to the following types of development:

CV CT CS TD SC CD IP DP PD

A. Other Easements:

1. *Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute the easement instrument in favor of the appropriate authority ("grantee"). Said instrument shall:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
   b. Specify those activities that the grantee is authorized to perform in the easement;
   c. Specify those activities that the grantor is prohibited from performing in the easement;
   d. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
   e. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
   f. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
   g. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance;
   h. Cross-reference the most recently recorded deed to the property on which the easement is to be established;
   i. Include a metes and bounds description of the easement;
   j. Be signed by a duly authorized representative of the property owner of record granting the easement and by a duly authorized representative of the grantee accepting the easement.

2. *Easement Certificate*:
   a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the plan.
   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

B. Conservation Easement:

1. *Conservation Easement Holder*: The following persons are eligible to hold a conservation easement:
   a. A governmental body that is empowered to hold an interest in real property under the laws of Indiana or the United States; or
   b. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include:
      i. Retaining or protecting the natural, scenic, or open space values of real property;
      ii. Assuring the availability of real property for agricultural, forest, recreational, or open space use;
      iii. Protecting natural resources;
      iv. Maintaining or enhancing air or water quality; or
      v. Preserving the historical, architectural, archeological, or cultural aspects of real property.

2. *Conservation Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute a conservation easement instrument in favor of the easement holder ("grantee"). Said instrument shall, at a minimum:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
   b. Grant the grantee the right to enter the easement for purposes of **[_____]** the easement;
   c. Grant the County, or any successor unit of government, the right to enter a private conservation easement in order to make temporary or emergency repairs;
   d. Prohibit any person from **[_____]** within the easement;
   e. Bind all heirs, successors, and assigns to the property on which the easement is located;

f. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
h. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
i. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
j. Include a metes and bounds description of the easement;
k. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.

3. *Conservation Easement Certificate*:
   a. When a plan (*e.g*. Secondary Plat, Development Plan, *etc*.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following conservation easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Conservation Easement' or abbreviated as 'C.E.' Such easements are hereby established in favor of the County, or any successor unit of government, and the conservation easement holder ('grantee'), and grant the grantee the right to enter the easement for purposes of **[_____]**. These easements grant the County, or any successor unit of government, the right to **[_____]**. These easements also grant the County, or any successor unit of government, the right to **[_____]**. These easements prohibit any person from **[_____]**. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g*. Secondary Plat, Development Plan, *etc*.), the conservation easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

C. Drainage Easement: If any stream or other natural water body, or an existing or proposed storm water management facility is located in the area to be developed, a drainage easement shall be established along all sides according to the County Surveyor if it is a regulated drain or at least twenty (20) feet per side (measured from top of bank) if not a regulated drain (see also *Chapter 07; §SM: Storm Water Standards*).
   1. *Drainage Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute a drainage easement instrument in favor of either the County for public storm water management systems, or in favor of the property owners association for private storm water management systems, ("grantee"). Said instrument shall, at a minimum:
      a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
      b. Grant the grantee the right to enter the easement to alter, repair, maintain, or remove the improvements, subject to the storm water management practices and standards in effect at the time of such alteration, repair, maintenance, or removal;
      c. Grant the County, or any successor unit of government, the right to enter a private drainage easement in order to make temporary or emergency repairs to the storm water management system;

d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
e. Prohibit any person from obstructing the easement;
f. Bind all heirs, successors, and assigns to the property on which the easement is located;
g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
k. Include a metes and bounds description of the easement;
l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.

2. *Drainage Easement Certificate*:
   a. When a plan (*e.g*. Secondary Plat, Development Plan, *etc*.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following drainage easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Drainage Easement' or abbreviated as 'D.E.' Such easements are hereby established in favor of [the County (for public storm water management systems); or the County and the property owners association (for private storm water management systems)] ('grantee'), and grant the grantee the right to enter the easement to alter, repair, maintain, or remove the improvements, subject to the storm water management practices and standards in effect at the time of such alteration, repair, maintenance, or removal. These easements grant the County, or any successor unit of government, the right to enter a private drainage easement in order to make temporary or emergency repairs to the storm water management system. These easements also grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g*. Secondary Plat, Development Plan, *etc*.), the easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

D. Emergency Access Easement:

1. *Emergency Access Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute an emergency access easement instrument in favor of any emergency services agency ("grantee"; *e.g.* fire department, sheriff's department, ambulance service, *etc.*) through the County, as agent. Said instrument shall, at a minimum:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the emergency access easement is associated;
   b. Grant the grantee the right to access the easement for purposes of maneuvering vehicles, staging equipment, accessing adjacent properties, and performing any other function necessary to ensure the health, safety, and general welfare of the public;
   c. Grant the County, or any successor unit of government, the right to enter the easement to alter, repair, maintain, or remove the improvements;
   d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
   e. Prohibit any person from parking vehicles within or otherwise obstructing the easement;
   f. Bind all heirs, successors, and assigns to the property on which the emergency access easement is located;
   g. Specify that the County, or any successor unit of government, may enforce the provisions of the emergency access easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
   i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
   j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
   k. Include a metes and bounds description of the easement;
   l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the Board of County Commissioners accepting the easement.

2. *Emergency Access Easement Certificate*:
   a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following emergency access easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Emergency Access Easement' or abbreviated as 'E.A.E.' Such easements are hereby established in favor of any emergency services agency ("grantee"; *e.g.* fire department, sheriff's department, ambulance service, *etc.*) through the County, as agent ('grantee'), and grant the grantee the right to enter the easement for purposes of maneuvering vehicles, staging equipment, accessing adjacent properties, and performing any other function necessary to ensure the health, safety, and general welfare of the public. These easements grant the County, or any successor unit of government, the right to enter the easement to alter, repair, maintain, or remove the improvements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within the easement. These easements prohibit any person from parking vehicles within or otherwise obstructing the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc*.), the emergency access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

E. Open Space Easement:

1. *Open Space Easement Holder*: The following persons are eligible to hold an open space easement:
   a. A governmental body that is empowered to hold an interest in real property under the laws of Indiana or the United States; or
   b. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include:
      i. Retaining or protecting the natural, scenic, or open space values of real property;
      ii. Assuring the availability of real property for agricultural, forest, recreational, or open space use;
      iii. Protecting natural resources;
      iv. Maintaining or enhancing air or water quality; or
      v. Preserving the historical, architectural, archeological, or cultural aspects of real property.
2. *Open Space Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute an open space easement instrument in favor of the open space easement holder ("grantee"). Said instrument shall, at a minimum:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
   b. Grant the grantee the right to enter the easement for purposes of **[_____]**;
   c. Grant the County, or any successor unit of government, the right to **[_____]**;
   d. Prohibit any person from **[_____]** within the easement;
   e. Prohibit the property owner or any other person from **[_____]** within the easement;
   f. Bind all heirs, successors, and assigns to the property on which the easement is located;
   g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
   h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
   i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
   j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
   k. Include a metes and bounds description of the easement;
   l. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the grantee accepting the easement.

3. *Open Space Easement Certificate*:
   a. When a plan (*e.g*. Secondary Plat, Development Plan, *etc*.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Open Space Easement' or abbreviated as 'O.S.E.' Such easements are hereby established in favor of the County, or any successor unit of government, and the open space easement holder ('grantee'), and grant the grantee the right to enter the easement for purposes of **[_____]**. These easements grant the County, or any successor unit of government, the right to **[_____]**. These easements also grant the County, or any successor unit of government, the right to **[_____]**. These easements prohibit any person from **[_____]**. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g*. Secondary Plat, Development Plan, *etc*.), the open space easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

F. Pedestrian Access Easement:
   1. *Pedestrian Access Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute the pedestrian access easement instrument in favor of the general public ("grantee") through the County, as agent. Said instrument shall, at a minimum:
      a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
      b. Grant the general public the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain other classes of non-motorized vehicles;
      c. Grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements;
      d. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
      e. Prohibit any person from obstructing the easement;
      f. Bind all heirs, successors, and assigns to the property on which the pedestrian access easement is located;
      g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
      h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
      i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
      j. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
      k. Include a metes and bounds description of the easement;
      l. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the Board of County Commissioners accepting the easement.

2. *Pedestrian Access Easement Certificate*:
   a. When a plan (*e.g*. Secondary Plat, Development Plan, *etc*.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following pedestrian access easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Pedestrian Access Easement' or abbreviated as 'P.A.E.' Such easements are hereby established in favor of the County, or any successor unit of government, and the general public ('grantee'), and grant the grantee the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain other classes of non-motorized vehicles. These easements grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g*. Secondary Plat, Development Plan, *etc*.), the pedestrian access easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

G. Utility Easement: All proposed projects submitted for Plan Commission or Board of Zoning Appeals approval shall allocate areas of suitable size and location, wherever necessary, for utility easements. Such easements shall be at least twenty (20) feet wide. All easements and corresponding utility location plans shall be complete and approved prior to the approval of the development

1. *Utility Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute the utility easement instrument in favor of any public or municipally-owned utility ("grantee") through the County, as agent. Said instrument shall, at a minimum:
   a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
   b. Grant the grantee the right to access the easement for purposes of altering, repairing, maintaining, or removing the improvements;
   c. Grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within the easement;
   d. Prohibit any person from obstructing the easement;
   e. Bind all heirs, successors, and assigns to the property on which the easement is located;
   f. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
   g. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
   h. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
   i. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
   j. Include a metes and bounds description of the easement;
   k. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the Board of County Commissioners accepting the easement.

2. *Utility Easement Certificate*:
   a. When a plan (*e.g*. Secondary Plat, Development Plan, *etc*.) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following utility easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Utility Easement' or abbreviated as 'U.E.' Such easements are hereby established in favor of any public or municipally-owned utility ('grantee'), and grant the grantee the right to access such easements for purposes of altering, repairing, maintaining, or removing their infrastructure improvements. These easements also grant the grantee and the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g*. Secondary Plat, Development Plan, *etc*.), the public utility easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

H. Temporary Turnaround Easement:
   1. *Temporary Turnaround Easement Instrument Specifications*: Where required by the Unified Development Ordinance, each property owner of record ("grantor") shall execute a temporary turnaround easement instrument in favor of the County, or any successor unit of government, and the general public ("grantee") through the County, as agent. Said instrument shall, at a minimum:
      a. Specify the docket numbers of the petitions and/or the project numbers of the permits with which the easement is associated;
      b. Grant the general public the right to access the easement for purposes of maneuvering vehicles;
      c. Grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements;
      d. Grant the County, or any successor unit of government, the right to remove any obstruction located within the easement;
      e. Prohibit any person from parking vehicles within or otherwise obstructing the easement;
      f. Bind all heirs, successors, and assigns to the property on which the easement is located;
      g. Specify that the County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Unified Development Ordinance, or successor ordinance;
      h. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
      i. Provide for modification or termination of the easement in the manner stipulated in the Unified Development Ordinance, or successor ordinance;
      j. Provide for automatic termination upon the dedication to and acceptance of the reciprocal stub street by the County, or any successor unit of government;
      k. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
      l. Include a metes and bounds description of the easement;
      m. Be signed by an authorized representative of the property owner of record granting the easement and an authorized representative of the Board of County Commissioners accepting the easement.

2. *Temporary Turnaround Easement Certificate*:
   a. When a plan (*e.g.* Secondary Plat, Development Plan, *etc.*) is being recorded, the petitioner may forego a separate easement instrument in favor of printing the following temporary turnaround easement certificate on the plan:

      "There are shown on this instrument areas that are designated as 'Temporary Turnaround Easement' or abbreviated as 'T.T.E.' Such easements are hereby established in favor of the County, or any successor unit of government, and the general public ('grantee'), and grant the grantee the right to access the easement for purposes of maneuvering vehicles. These easements also grant the County, or any successor unit of government, the right to alter, repair, maintain, or remove the improvements located within said easements. These easements also grant the County, or any successor unit of government, the right to remove any obstruction located within said easements. These easements prohibit any person from parking vehicles within or otherwise obstructing such easements. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The County, or any successor unit of government, may enforce the provisions of the easement as if the easement were a standard of the Porter County Unified Development Ordinance, or its successor ordinance. The grantee, the property owner, and/or the property owners association, are also entitled to enforce the provisions of these easements. These easements shall only be modified or vacated in the manner stipulated in the Porter County Unified Development Ordinance, or its successor ordinance."

      The dedication and acceptance of easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication signed by the property owner of record, and a Certificate of Acceptance signed by the grantee or its agent.

   b. Declaration of Covenants: If the Declaration of Covenants is included on the plan (*e.g.* Secondary Plat, Development Plan, *etc.*), the temporary turnaround easement certificate shall not be incorporated into the Declaration of Covenants, and shall be clearly separate from the Declaration of Covenants.

7.14 EF-O1: Entryway Feature Standards; General

This Entryway Feature Standards section applies to the following types of development:

CV CT CS TD SC CD IP DP PD

A. General: Where entryway features are established, they shall be attractive, eye-catching, and constructed of durable materials. Entryway features shall be designed, installed and maintained to be safe and healthful environments. Entryway features shall not be located within the right-of-way.

B. Cross Reference: Signs associated with entryway features in the R4 and MP zoning districts are subject to additional standards pursuant to *Chapter 05; §SI-03(A)(2): Entry Feature Signs.*

C. Site Plan: Where entryway features are proposed, a Site Plan shall be submitted for consideration and approval for entryway features in all subdivisions, condominium projects and Planned Unit Developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement).

D. Project Identification: The number and size of signs shall depend on the number of entrances and scale of the roadway from which the entrance is located.
   1. One (1) large entryway feature is permitted per development. If the development has more than one hundred (100) dwelling units or the parent tract is greater than eighty (80) acres, and the development has primary entrances off of two (2) different arterial or collector streets, it shall be permitted to have two (2) large entryway features.
   2. One (1) small entryway feature is permitted for any secondary entrances. This entryway feature shall be significantly smaller in scale than the large entryway feature.
   3. The sign portion of the entryway feature shall be significantly subordinate to the landscaping and hardscape features installed.
   4. No single identification sign incorporated into a large entryway feature shall exceed forty (40) square feet.
   5. No single identification sign incorporated into a small entryway feature shall exceed twenty (20) square feet.

7.15 EC-01: Erosion Control Standards; General

This Erosion Control Standards section applies to the following types of development:

CV CT CS TD SC CD IP DP PD

A. Purpose and Intent:

1. *Purpose*: The purpose of the Erosion Control Standards is to control or eliminate soil erosion and resulting sedimentation in the unincorporated area of the County within the jurisdictional area of the Plan Commission.

   The purpose of *§EC: Erosion Control Standards* is to be accomplished by requiring persons conducting land-disturbing activities, as defined herein, to provide an Erosion and Sediment Control Plan for controlling erosion, movement of sediment, and control of storm water run off. The purpose of *§EC: Erosion Control Standards* is to require an Erosion and Sediment Control Plan for both permanent measures to be in place at the conclusion of the project, as well as temporary measures during development and construction. Soil is most vulnerable to erosion by wind and water during the construction process. Eroded soil endangers water resources by reducing water quality, and causing silting of aquatic habitat. Soil erosion resulting from land-disturbing activities can cause a significant amount of sediment and other pollutants to be transported to storm sewers, ditches, watercourses, wetlands, lakes and reservoirs necessitating repairs or dredging activities.

2. *Intent*: The intent of *§EC: Erosion Control Standards* is to establish and require erosion control practices in order to minimize the amount of soil and sediment leaving sites where the vegetative cover has been disturbed. *Section EC: Erosion Control Standards* applies to land-disturbing activities, as defined herein, including but not limited to those land-disturbing activities associated with commercial, industrial, institutional, nonresidential and residential development.

B. Applicability:

1. *Land-disturbing Activity*: *Section EC: Erosion Control Standards* shall apply to all land-disturbing activities within the unincorporated area of Porter County, Indiana.
2. *Exceptions*:
   a. Minor Projects: *Section EC: Erosion Control Standards* shall not apply to minor projects where land-disturbing activities involve less than 10,000 square feet, excepting the following:
      i. When such sites are immediately adjacent to:
         [a] A storm sewer inlet; or
         [b] A ditch or stream acting as a watercourse; or
         [c] Wetlands.
      ii Sites with a slope of six percent (6%) or greater.
   b. *Section EC: Erosion Control Standards* shall not apply to existing nursery, mineral extraction, or agricultural operations conducted as a permitted primary or accessory use;
   c. Emergency Activity: *Section EC: Erosion Control Standards* shall not apply to any emergency activity that is immediately necessary for the protection of life, property or natural resources.

C. Erosion Control Permit Required: Before commencing any land-disturbing activity to which *§EC: Erosion Control Standards* applies, the developer of the site shall be required to file an application and obtain an Erosion Control Permit (see *§10.15: Erosion Control Permit*).

D. Approval of Erosion and Sediment Control Plan Required:

1. *Subdivision*: An Erosion and Sediment Control Plan, as described herein, shall be submitted to the Plan Commission Office at the time of the submission of the Primary Plat application. The Erosion and Sediment Control Plan shall be reviewed by the Development Advisory Committee, which shall make recommendations to the Plan Commission regarding the proposed Erosion and Sediment Control Plan.
2. *Commercial or Industrial Project*: Commercial or industrial applications requiring an Improvement Location Permit and/or a Building Permit shall submit an Erosion and Sediment Control Plan with the Improvement Location Permit and/or Building Permit application and other required plans.
3. *Single- or Two-family Dwellings*: Construction of single- or two-family dwellings shall submit an Erosion and Sediment Control Sketch Plan, as described herein, as part of the application for a Building Permit.

E. Requirements of Erosion and Sediment Control Plan: Except as set forth in *§3: Single- and Two-family Dwelling Sites* below, the Erosion and Sediment Control Plan shall be prepared by an Indiana Licensed Professional Land Surveyor, Engineer, Architect or Landscape Architect. The Erosion and Sediment Control Plan shall include the following as a minimum; however, the Plan Commission or Development Advisory Committee may request further information during the review and permitting procedures:

1. *Erosion and Sediment Control Plan Specifications*: The Erosion and Sediment Control Plan shall be drawn to a scale adequate to clearly show the site and the required information, but no less than 1" = 100', and shall include all existing and proposed:
   a. Site boundaries, lots, *etc*.;
   b. Size and location of all watercourses, ponds, lakes and wetlands;
   c. Apparent floodplains, floodway fringes and floodways;
   d. Soil types and their erodibility. The information provided in the *Soil Survey of Porter County, Indiana* as published by the United States Department of Agriculture, Natural Resources Conservation Service, is appropriate.
   e. Description of existing vegetative cover such as crops, grasses, weeds, trees, *etc*.
   f. Utilities, structures, road pavements and other improvements;
   g. Existing contours at an interval not greater than two (2) feet;
   h. A natural resources map identifying soils, forest cover, and any other environmental feature protected under other chapters within the Porter County Code;
   i. A description of the sequence of construction activities for the site, including stripping, clearing, rough grading, construction of utilities, infrastructure, buildings, final grading and landscaping.
   j. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, the sequence of clearing, installation of temporary erosion control measures and establishment of permanent vegetation.
   k. Permanent Erosion and Sediment Control Plan: The Permanent Erosion and Sediment Control Plan shall document all erosion and sediment control measures necessary to provide for permanent erosion control expected to be in place at the conclusion of the project. The Permanent Erosion and Sediment Control Plan may be coordinated with other phases of the drainage and storm sewer plans as required by other sections of the Unified Development Ordinance and the Porter County Code. The Permanent Erosion and Sediment Control Plan shall also include:
      i. Designation of general types and location of permanent plantings;
      ii. Designation of non-vegetative materials expected to be used; and
      iii. Provisions for maintenance of permanent control facilities, including easements and estimates of the cost of maintenance.
   l. Temporary Erosion and Sediment Control Plan: The Temporary Erosion and Sediment Control Plan should include a description of techniques and methods to meet the objectives of *§EC: Erosion Control Standards* throughout all phases of construction. Depending upon the complexity of the project, or upon the schedule for completion, the Plan Commission may require an Intermediate Erosion and Sediment Control Plan for the close of the growing season. The Intermediate Erosion and Sediment Control Plan should include a detailed description of ground cover expected to be used, and may, as applicable, include:
      i. Seeding mixtures and rates;
      ii. Seed and/or plant materials to be used;
      iii. Method of seedbed preparation;
      iv. Expected seeding and/or planting dates;
      v. Description of any non-vegetative ground cover to be used; and
      vi. Provisions for the responsibility and final removal of any temporary measures when final vegetation and control structures are established.

2. *Modifications*: Modifications to the Erosion and Sediment Control Plan shall conform to the following:
   a. Major amendments to the Erosion and Sediment Control Plan shall be submitted to the Plan Commission for approval or denial in the same manner as the original Erosion and Sediment Control Plan submission.
   b. The Executive Director may authorize field modifications of a minor nature upon written authorization to the Erosion Control Permit holder.
3. *Single- and Two-family Dwelling Sites*: The Erosion and Sediment Control Plan for single- and two-family dwelling sites, or other regulated construction activities on small projects, shall be subject to the following requirements:
   a. Erosion and Sediment Control Sketch Plan: An Erosion and Sediment Control Plan shall be made a part of the sketch provided with the application for an Improvement Location Permit. The applicant may prepare the Erosion and Sediment Control Sketch Plan. The Erosion and Sediment Control Sketch Plan shall include:
      i. The direction of surface slopes (arrows);
      ii. Any watercourses on the lot; and
      iii. The location of silt fencing and/or other erosion control methods proposed.
   b. Minimum Requirements: At a minimum, said sites shall provide silt fencing along the road frontage to protect roadside swales or curb and gutter flow lines. Silt fencing shall be placed along the perimeter of the disturbed areas of the site to protect adjoining parcels. Access to the site shall be on a stone pad at the location of the proposed drive. Erosion control measures shall be maintained by the Improvement Location Permit holder.

F. General Erosion Control Practices to Be Included in Erosion and Sediment Control Plan: Grading, erosion control practices, sediment control practices and waterway crossings shall meet the design criteria set forth in the most recent version of *Indiana Stormwater Quality Manual* and *Erosion and Sediment Control for Individual Building Sites* by the Indiana Department of Natural Resources, and shall be adequate to prevent transportation of sediment from the site. The Plan Commission shall consider the following erosion control methods when reviewing an Erosion and Sediment Control Plan:
   1. *Clearing and Grading*:
      a. Clearing and Grading of Natural Resources: Clearing and grading of natural resources such as wooded lands, stream corridors, wetlands and other environmental features as defined within the Unified Development Ordinance shall not be permitted except when in compliance with all chapters of the Porter County Code.
      b. Clearing Techniques: Clearing techniques that help retain natural vegetation and preserve natural drainage patterns as described in the Indiana Department of Natural Resources publications shall be employed.
      c. Initiation of Clearing: Except as necessary to establish or construct the sediment control devices, clearing shall not begin until the temporary sediment control measures have been implemented.
      d. Cut and Fill: Cut and fill slopes shall be no greater than three to one (3 horizontal units:1 vertical unit), except as approved by the Plan Commission to meet other community or environmental objectives. To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with steep slopes where dip cuts and fill would be required should be avoided. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in Indiana Department of Natural Resources publications shall be used to ensure stabilization.

2. *Permanent Erosion Control Methods*:
   a. Drainage Ways: Drainage ways should be designed so that their final gradients and resultant velocities will not cause erosion.
   b. Increased Runoff: Provisions shall be made to accommodate any increased runoff caused by regrading activities.
   c. Disturbed Slopes: Techniques that divert upland runoff past disturbed slopes should be employed.
   d. On-site Storm Water Conveyance Channels: All on-site storm water conveyance channels shall be designed according to the criteria outlined in the Indiana Department of Natural Resources publications.
   e. Outlets of Pipes and Paved Channels: Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.
3. *Temporary Erosion Control Methods*:
   a. Increased Runoff: Provisions shall be made to accommodate increased runoff caused by changed surface and soil conditions during construction activities.
   b. Dust or Sediment: Techniques shall be employed to prevent or minimize the blowing of dust or sediment from the site during construction.
   c. Temporary Sediment Controls: Temporary sediment controls should be provided in the form of settling basins, sediment traps or tanks. Where circumstances warrant, installation of these may be required prior to further construction. Where possible, these should be designed to allow adaptation for permanent erosion control methods and storm water management.
   d. Adjacent Properties: Adjacent properties shall be protected by use of a vegetated buffer strip and/or perimeter controls.
   e. Stone Check Dams: Stone check dams shall be used in open drainage courses to slow velocities of the runoff and allow sediment to drop out.
   f. Silt Fences: Silt fences or other approved methods shall be used along the down slope edges of all disturbed areas on the site; generally, silt fences should be installed at the edges of pavements, adjoining properties, along a watercourse, or to protect the inlets to drains and culverts.
   g. Temporary Soil Stockpiles: All efforts should be made to stabilize temporary soil stockpiles during the construction phase; where necessary, this may include covering, where necessary.
   h. Close of the Construction Season: If vegetative stabilization cannot be achieved at the close of the construction season, the site must be stabilized where necessary, using a heavy mulch layer or other approved method not requiring germination.
   i. Phasing: Phasing may be required on all sites disturbing more than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the Plan Commission. Provisions for phasing may include, for example, completion of certain infrastructure, and provision of erosion control protections, prior to beginning further construction activities of grading and clearing.
   j. Stabilization Time Limit: Soil must be stabilized from erosion by wind or water within five (5) days of clearing.
   k. Vegetative Erosion Control Methods: Where vegetative erosion control methods, such as seeding, have not become established within two (2) weeks, the Plan Commission may require the site to be reseeded or that a non-vegetative option is employed.
   l. Temporary Stream Crossing: When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the Plan Commission and any other federal, State or County agency with jurisdiction.
   m. Permit Requirement: When in-channel work is conducted, all applicable permits shall be obtained from the Plan Commission and any other federal, State, or County agency with jurisdiction and the channel stabilized before, during and after work has been completed.

n. Maintenance: Sediment control measures and temporary storm water control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent storm water control measures are established in a manner specified in the applicable Erosion and Sediment Control Plan approval and Erosion Control Permit issued pursuant to *§EC: Erosion Control Standards* and *§10.15: Erosion Control Permit*. Fully functioning temporary sediment control measures, including but not limited to perimeter sediment controls shall remain in place until the ground is stabilized with permanent ground cover. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing permanent ground cover, an exception will be made only if one (1) or more of the conditions listed below will be met (*e.g.* when control measures need to be removed in order to grade the area or install pavement or sod). In no way does adhering to one of the conditions listed below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or storm water runoff leaving the site.

o. At times deemed appropriate in the construction process, permanent vegetation by seeding may be required. On slopes greater than or equal to five percent (5%), anchored mulch shall be used. On project areas with slopes not exceeding five percent (5%), permanent vegetation shall be established by seeding within three (3) days of the removal of sediment barriers during the optimum spring (March 1st through May 10th) or fall (August 10th through September 30th) seeding periods. Temporary groundcover, such as annual summer grasses, may be required during the summer season where necessary.

4. *Construction Site Access*:
   a. Transport of Excavated Material: Provision should be made for proper transport of excavated material from the site without tracking or spilling along the transport route.
   b. Site Ingress and Egress:
      i. General: Ingress and egress to the site shall be by way of a coarse stone drive of sufficient length to cause soil picked up by tires of vehicles to be dropped before the vehicle enters the roadway. Drives shall be designed and situated so that they provide maximum protection against tracking of soil or mud onto the street.
      ii. Single-family and Two-family Dwelling: For single- and two-family dwelling sites, the stone drive should coincide with the final location of the drive to the residence.
   c. Additional Control Measures: The Executive Director may require additional control measures pursuant to *§EC: Erosion Control Standards* if determined necessary.

G. Financial Security:
1. *Exceptions*: Applications for Improvement Location Permits for single- or two-family dwelling sites shall be exempt from the conditions of *§G: Financial Security*.
2. *Subdivision*: As a condition of Secondary Plat approval, the Plan Commission may require an amount not less than $5,000.00 to be included in the Performance Surety otherwise applicable to the subdivision to ensure compliance with *§EC: Erosion Control Standards*.
3. *Commercial or Industrial*: In a commercial or industrial project, or a site not otherwise subject to a Performance Surety, the applicant shall provide surety bond, irrevocable letter of credit or executed escrow agreement in the name of Porter County for an amount of not less than $5,000.00, or in the amount required by the Plan Commission. Said financial security shall remain in full force and effect throughout the length of the Improvement Location Permit. Contractors who regularly do work within the County may file a continuous surety bond with the County to cover the requirements of this section. However, renewals, continuation certificates and notices of cancellation must be directed to the Plan Commission by the bonding agency.

H. Liability and Responsibility of the Erosion Control Permit Holder:

1. The Erosion Control Permit holder is responsible for safely and legally completing the project. Neither the issuance of an Erosion Control Permit under the provisions of *§EC: Erosion Control Standards*, nor the compliance with the provisions or with any condition imposed by the Plan Commission shall relieve any person from the responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the County for damages to persons or property.
2. *General*: Notwithstanding other conditions or provisions or the minimum requirements set forth in *§EC: Erosion Control Standards*, the Erosion Control Permit holder is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.
3. *Public Ways*: The Erosion Control Permit holder shall be responsible for the prompt removal of and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares, incidental to the construction activity, or during transit to and from the construction site.

Lot Establishment Standards (LT)

7.16 LT-01: Lot Establishment Standards; Residential

This Lot Establishment Standards section applies to the following types of development:



A. General: The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as as allowed by *Chapter 07: Subdivision, Development Plan and PUD Design Standards*.

B. Standards: Every lot shall meet the following standards.

1. *Interior Street Frontage*: Residential lots shall be laid out such to only have frontage on interior streets, which may include frontage roads. All residential lots shall have frontage on a public street built to County street standards.
2. *Side Lot Lines*: Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way.
3. *Corner Lots*: Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and an exterior public street.
4. *Through Lots*: Residential lots shall not be designed to be through lots, unless the lot does not establish access to the second frontage.
5. *Special Lots*: Residential lots abutting a watercourse, drainage way, channel or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
6. *Property Line Corners*:
   a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet in radius or by chords of such arcs.
   b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.

7.17 LT-02: Lot Establishment Standards; Commercial and Industrial

This Lot Establishment Standards section applies to the following types of development:



A. General: The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as as allowed by *Chapter 07: Subdivision, Development Plan and PUD Design Standards*.

B. Standards: Every lot shall meet the following standards.

1. *Interior Street Frontage*: Commercial lots shall be laid out such to only have frontage on interior streets or access roads. Individual lots shall only be laid out to have direct access on public streets if expressly permitted to do so by the Thoroughfare Plan and the County Engineer.
2. *Side Lot Lines*: Commercial lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of-way for at least twenty percent (20%) of the property's depth.
3. *Corner Lots*: Commercial corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by twenty-five percent (25%).
4. *Special Lots*: Commercial lots abutting a watercourse, drainage way, channel or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
5. *Cohesive Design*: Commercial and industrial developments (*i.e.* shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.

6. *Sensitivity to Context*: Commercial and industrial developments shall be laid out to be sensitive to neighboring developments (if built), or neighboring zoning districts if undeveloped.
7. *Flexible Design*: Office parks are encouraged to plat small lots in order to maximize flexibility. Small office projects can consume one lot, while larger projects can consume multiple lots.
8. *Property Line Corners*:
   a. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet in radius or by chords of such arcs.
   b. At intersections of streets the property line corners shall be rounded by arcs of at least twenty-five (25) feet in radius or by chords of such arcs.

7.18 MU-01: Mixed-use Development Standards

This Mixed Used Development Standards section applies to the following types of development:



A. General: Any development that incorporates a mix of uses, either as a Traditional Neighborhood, Site Plan, or Planned Unit Development shall meet the standards in this section. A mix of uses may be proposed within the same building and on the same parent tract.

B. Traditional Neighborhoods:
   1. *Rezoning to Most Appropriate Zoning District*: Upon Primary Plat approval, the Plan Commission shall initiate the rezoning of each unique district within the development (*e.g.* single-family, townhouses, apartments, commercial center, park, or mixed use village) to the most appropriate zoning district for each subarea of the development to fulfill the applicant's intention and forward a recommendation for zoning change to the County Commissioners. The applicant may make a recommendation for those zoning districts, but the Plan Commission shall make the final determination. The applicant shall bear the cost of notice to adjacent property owners, and shall pay the fee for one (1) rezoning, even if the development will be rezoned into more than one new classification.

C. Site Plan:
   1. *Minimizing On-site Conflicts*: Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.

D. Planned Unit Development:
   1. *Minimizing On-site Conflicts*: Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
   2. *Buffering Adjacent Properties*: Any land use within the development that borders a differing land use outside the development shall be reviewed to determine if a buffer yard is necessary. If a buffer yard is required, the Planned Unit Development shall install the buffer yard to specifications in *Chapter 05; §LA: Landscaping Standards*.

7.19 MM-01: Monument and Marker Standards; General

This Monument and Marker Standards section applies to the following types of development:



A. Corner Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18 and the *General and Detailed Specifications*.

B. Centerline: Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

C. Reporting: Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit by the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

Open Space Standards (OP)

7.20 OP-01: Open Space Standards; General

This Open Space Standards section applies to the following types of development:



A. Purpose: All developments shall be required to provide open space. Open space shall be designed to preserve important site amenities and environmentally sensitive areas. The intent of the Open Space Standards is to:
   1. Encourage the wise use and management of natural resources;
   2. To preserve the integrity, stability, beauty, and value of the land;
   3. Preserve the natural beauty of the County and insure appropriate development with regard to environmental features; and
   4. To provide active or passive recreational opportunities for the residents within a proposed development.

B. Applicability:
   1. *Establishment of Control*: The Open Space Standards shall apply to the placement and modification of open space, as defined in *Chapter 12: Definitions*, within the jurisdiction of the Plan Commission. No such open space within a residential subdivision, multifamily, commercial, or industrial development or Planned Unit Development shall be constructed, erected, placed, modified or altered within the jurisdiction of the Plan Commission unless approved by the Plan Commission.
   2. *Identification of Forest Areas*: For purposes of the Open Space Standards, forest area priority areas shall be identified based upon the April 1999 aerial photography on record in the Mapping Division of the County Auditor's Office. For sites on which forest areas have been cleared between the date of the aerial photographs and the date on which a development proposal is filed with the Plan Commission, the application shall include a Reforestation Plan.
   3. *Lots of Record*: For purposes of the Open Space Standards, lots of record that are legally or illegally divided after January 7, 1994, and have not gone through the subdivision process before the Plan Commission shall be considered as though the parcels remain undivided.

C. Improvement of Open Space Parcels:
   1. *Improvements to Open Space*: As a general principle, environmental features should be left in their natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provisions of picnic areas, *etc*. In addition, the Plan Commission shall require the developer to perform essential maintenance, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.
   2. *Incorporation of Features*: The design of the development shall recognize and incorporate, where possible, the natural and man-made characteristics of the land both on the site and adjacent to the site. Areas with unique environmental features such as mature trees, wetlands, scenic watercourses, or aesthetic vistas shall be preserved, to the degree possible, and shall have those features incorporated into the development.
   3. *Land Unsuitable for Development*: Lands or portions of lands that the Plan Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, adverse earth formations or topography, utility easements, or other reason or feature that may be harmful to the health, safety and general welfare of the present or future inhabitants of the development shall not be subdivided or developed unless adequate and environmentally appropriate provisions are made by the developer and approved by the Plan Commission to remedy and/or control the problems created by the unsuitable conditions. If the conditions cannot be remedied, those lands, or portions of lands, shall be set aside and allowed to remain open space.
   4. *Access to Open Space*: Open space shall have access for the residents within the proposed development. Said access must be a minimum of a fifty-foot (50') wide open space area fronting on an internal road proposed within the development.
   5. *Excluded Areas*: Non-qualifying storm water management facilities, rights-of-way, parking, drainage and utility easements shall not be considered within the area calculated for the open space.

D. Deed Restrictions: Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Plan Commission ensuring that:
   1. The open space area will not be further subdivided in the future;
   2. The use of the open space will continue in perpetuity for the purpose specified;
   3. Appropriate provisions will be made for the long-term maintenance of the open space; and
   4. Open space shall not be turned into a commercial enterprise admitting the general public at a fee.

E. Open Space Ownership: The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Plan Commission. Type of ownership may include, but is not limited to, the following:
   1. Quasi-public organizations, subject to their acceptance;
   2. Homeowner, multifamily, or cooperative associations or organizations;
   3. Shared, undivided interest by all property owners in the subdivision; or
   4. County Department of Parks and Recreation or other governmental body, subject to their acceptance and terms.

F. Maintenance of Open Space Areas: The person or entity identified in *§E: Open Space Ownership* as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance. In the event the person or entity responsible for upkeep and maintenance does not fulfill its obligation to maintain the open space, it is in violation of the Unified Development Ordinance and susceptible to *Chapter 11: Enforcement and Penalties* to remedy the violation.

G. Owners Association: If the open space is owned and maintained by an owners association or like entity, the developer shall file a Declaration of Covenants that will govern the owners association, to be submitted with the application for Development Advisory Committee review (for multifamily developments), the Development Plan, Primary Plat, or Planned Unit Development. The provisions shall include, but are not limited to, the following:
   1. The owners association must be established before any real property is sold;
   2. Membership must be mandatory for each buyer and any successive buyer;
   3. The open space restrictions must be permanent, not just applicable for a period of years;
   4. The owners association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
   5. Each owner must pay a *pro rata* share of the cost. Also, the assessment may be levied by the owners association as a lien on the property; and
   6. The owners association must be able to adjust the assessment to meet changed needs.

H. Qualification of Open Space Parcels: Land being set aside for open space shall meet the following standards to count toward the minimum open space requirement:
   1. *Quality Natural Features*: Any preserved quality natural feature (*e.g.* wetland, floodplain, ≥15% slopes, riparian corridor, natural lake, native species forest area, *etc.*) with a land area of at least eight hundred (800) contiguous square feet shall count toward the minimum open space requirement.
   2. *Low Quality Natural Features*: Any low quality natural feature (*e.g.* non-indigenous forest area, 5% to <15% steep slopes, *etc.*) with a land area of at least 10,890 continuous square feet (¼ acre) shall count toward the minimum open space requirement.

3. *Man-made Water Features*: Any man-made water feature (including retention facilities) shall count towards fifty percent (50%) of the minimum open space if it is enhanced to support aquatic life and provides native habitat as follows:
   a. Surface Area: A surface area at normal pool elevation of at least 43,560 square feet (1 acre), and
   b. Depth: At least twenty-five percent (25%) of the water body is at least eight (8) feet deep in order to support aquatic life. At least five percent (5%) shall be over ten (10) feet deep. These depths shall be delineated on the plans and maintained for the man-made water feature.
   c. Perimeter Access:
      i. Width: A buffer area around the full circumference of the water feature of at least seventy-five (75) feet from the top of bank shall be available as open space.
      ii. Plantings: This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent (20%) lawn grass) vegetation including prairie grasses and tree planting.
      iii. Maintenance: Mowing may be used on an occasional basis to provide for walking trails and lakeside access for public recreation. However, no more than twenty percent (20%) of the open space shall be maintained as mowed areas.
   d. Access: An area of open space at least fifty (50) feet wide extends from a street right-of-way to the seventy-five-foot (75') perimeter access area.
4. *Detention Facilities*: Man-made storm water detention facilities shall count towards fifty percent (50%) of the minimum open space if it provides native habitat as follows:
   a. Area: The facility shall be at least 10,890 continuous square feet (¼ acre).
   b. Depth: The man-made depth of a detention facility shall not exceed four (4) feet.
   c. Slope: Man-made slopes within the detention facility shall not exceed four to one (4:1).
   d. Perimeter Access:
      i. Width: A buffer area around the full circumference of the facility of at least twenty-five (25) feet from the top of bank shall be available as open space.
      ii. Plantings: This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of native (no more than twenty percent (20%) lawn grass) vegetation including prairie grasses and/or tree planting. Tree planting shall not be within the basin area and slopes. Tree planting shall be reserved for the adjoining buffer area.
      iii. Maintenance: Mowing may be used on an occasional basis to provide for walking trails and access for public recreation.
   e. Access: An area of open space at least fifty (50) feet wide extends from a street right-of-way to the twenty-five-foot (25') perimeter access area.
5. *Stream Corridors*: Open space along watercourses shall be a minimum width of seventy-five (75) feet from the water's edge (normal pool elevation) to the outer edges of the open space parcel or a greater distance that will protect the watercourse from erosion. Areas narrower than seventy-five (75) feet shall be deemed qualifying where the dimensions of the parcel preclude the ability to meet the full seventy-five-foot (75') open space dimension on one or both sides of the watercourse.
6. Any site that is stabilized from erosion with a land area of at least one (1) contiguous acre and at least thirty (30) feet in width.

7.21 OP-02: Open Space Standards; Residential

This Open Space Standards section applies to the following types of development:

CV CT CS TD DP PD

A. Minimum Open Space Requirement:

1. *Sites without Existing Environmental Features or Unbuildable Land*:
   a. Minimum Open Space:
      i. Open Space including Detention Facilities: Sites that do not have existing environmental features or unbuildable land shall reserve the greater of:
         [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
         [b] A minimum of fifteen percent (15%) of the site for open space if detention facilities that meet the requirements of *§OP-01(H)(4): Detention Facilities* are to be included in the open space.
      ii. Open Space excluding Detention Facilities: If detention facilities that meet the requirements of *§OP-01(H)(4): Detention Facilities* are not included in the open space, then the open space set-aside shall be the greater of:
         [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
         [b] A minimum of ten percent (10%) of the site. No intensity bonus is permitted on sites preserving a minimum of ten percent (10%).
   b. Voluntary Set-aside: Subdivisions that set aside an area in excess of the greater of:
      i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
      ii. Fifteen percent (15%) of the site;

      as passive recreation open space or active recreation open space shall qualify to utilize the intensity bonus (see *§B: Intensity Bonus*).
   c. Exceptions: For purposes of calculating the open space set-aside area that would qualify a site for the intensity bonus (see *§B: Intensity Bonus*), man-made storm water detention and retention facilities shall not be counted toward the initial ten percent (10%) of open space.
2. *Sites with Existing Environmental Features and/or Unbuildable Land*:
   a. Minimum Open Space: Sites that have one (1) or more existing environmental features and/or unbuildable land shall reserve the greater of:
      i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
      ii. A minimum of twenty percent (20%) of the site for open space.
   b. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.
      i. If the area of the designated priority areas alone exceeds twenty percent (20%) of the total site area, the site qualifies to utilize the intensity bonus.
      ii. If the area of the designated priority areas in addition to those areas of unbuildable land that qualify as, and will be utilized for, open space exceeds (20%) of the total site area, the site qualifies to utilize the intensity bonus.
      iii. Exceptions: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area. Priority areas that are not preserved are not eligible to be utilized in the intensity bonus calculation.
      iv. Exceptions: For purposes of calculating the area of designated priority areas that would qualify a site for the intensity bonus (see *§B: Intensity Bonus*), man-made storm water detention and retention facilities shall not be counted toward the initial twenty percent (20%) of open space.

3. *Minor Subdivisions*: Minor Subdivisions (with four (4) or less lots) shall not be required to set aside any open space.
4. *Planned Unit Development*: A minimum of twenty percent (20%) of the tract proposed for development shall be set aside for open space.
   a. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.
   b. Exceptions: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.

B. Intensity Bonus:

1. The total number of residential units allowable within an open space development that qualifies for the use of the intensity bonus under *§A(1): Sites without Existing Environmental Features or Unbuildable Land* shall be determined based upon the following formula:

   $T = BD \times [(0.9) \times (A - R)]$

   Where:

   T = the total number of dwelling units;
   BD = the base density of the zoning district expressed in dwelling units per acre;
   A = the total area of the pre-development site (in acres);
   U = the unbuildable land as defined (in acres);
   R = the total area of existing rights-of-way and utility easements on site pre-development (in acres).

   [*Example*: For a one hundred-acre (100 Ac.) subdivision in a zoning district with a base density of two dwelling units per acre (2.0 d.u./Ac.), where the area of preexisting easements and rights-of-way is 5.0 acres, the Total Number of Dwelling Units = 2.0 × (0.9 × (100 - 5)) = 2.0 × (0.9 × 95) = (2.0 × 85.5) = 171 dwelling units]

2. The total number of residential units allowable within an open space development that qualifies for the use of the intensity bonus under *§A(2): Sites with Existing Environmental Features and/or Unbuildable Land* shall be determined based upon the following formula:

   $T = BD \times [A - (U + R)]$

   [*Example*: For a one hundred-acre (100 Ac.) subdivision in a zoning district with a base density of two dwelling units per acre (2.0 d.u./Ac.), where the area of the unbuildable land is 5.0 acres and the area of preexisting easements and rights-of-way is 5.0 acres, the Total Number of Dwelling Units = 2.0 × (100 - (5+5)) = 2.0 × (100 - 10) = (2.0 × 90) = 180 dwelling units]

3. *Minimum Lot Area*: In single-family zoning districts, lot area may be reduced by up to twenty-five percent (25%), but no lot shall be smaller than 8,000 square feet; however, lots utilizing wells or individual lot waste disposal systems shall not be smaller than the minimum area required by the County Health Department for the use of such systems.

   In the Rural Residential (RR) zoning district, lots utilizing well and septic systems shall not reduce the minimum lot area below 43,560 square feet (one (1) acre), and then only if so approved by the County Health Department.

4. Lots utilizing municipal water and sewer service are eligible to use the following lot standards:
   a. Minimum Front Setback: The front setback shall not be reduced to less than twenty-five (25) feet.
   b. Minimum Side Setback: The side setback shall not be reduced to less than five (5) feet.
   c. Minimum Lot Width: The lot width shall not be reduced to less than sixty (60) feet. Lots in the Rural Residential (RR) zoning district that have received approval for reduced lot area pursuant to *§B(3)* may also reduce the lot width to not less than one hundred (100) feet.
   d. Minimum Rear Setback: The rear setback shall not be reduced to less than fifteen (15) feet.

C. Priority Areas: The land set aside for open space shall, as a first priority, be the areas with the most significant environmental features (*e.g.* dunes, floodplains, prairie, steep slopes, wetlands, wood lots, high quality forest resources, natural lakes, stream corridors, critical wildlife habitat areas, *etc.*).

D. Other Areas: The following features count toward the minimum open space requirement in all residential developments once the requirements of *§C: Priority Areas* have been met. These features' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere:

1. *Perimeter Landscaping*: Perimeter landscaping as required per *Chapter 07; §PL: Perimeter Landscaping Standards*, except when the required perimeter landscaping area is reduced pursuant to a Design Waiver.
2. *Development Amenity*:
   a. General:
      i. Large residential developments shall install a development amenity located in reasonable proximity to all of the residential lots and units.
      ii. Development amenities are required to be installed or conserved as open space in all residential subdivisions. Development amenities' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere.
   b. Applicability: Developments with one hundred (100) dwelling units or more, or have a parent tract of eighty (80) acres or more.
   c. Exceptions: If all the following conditions exist or are caused to exist by the applicant, the Development Amenity Standards shall not apply:
      i. A public park or public recreation courts exist within one-half (½) mile of the development's perimeter; and
      ii. A pedestrian network exists to safely and efficiently convey people to the park or recreation courts; and
      iii. The park or recreation courts are at least twice as large as is required in these standards.
      iv. Development amenity shall not apply if open space is otherwise protecting high quality natural features for conservation purposes, and incorporating some form of pedestrian network system.
   d. Options: The applicant shall install either a:
      i. Children's playground with play equipment; or
      ii. Recreation courts/fields; or
      iii. Pocket park with large trees, landscaping and sitting areas.
   e. Children's Playground: If the children's playground option is selected, the following standards shall apply:
      i. Area: The children's playground area shall be one-half (½) acre for the first one hundred (100) dwelling units; plus one-quarter (¼) acre for every fifty (50) dwelling units over the first one hundred (100) dwelling units.
      ii. Feature: The children's playground shall have at least six (6) unique pieces of commercial grade playground equipment (*i.e.* straight slide, cyclone slide, crawl tubes, swing set, teeter-totter, and the like). One (1) additional piece of equipment shall be installed for every fifty (50) dwelling units over the initial one hundred (100) dwelling units.
      iii. Location: The children's playground shall be sited in a central location accessible to all dwelling units and connected by sidewalks.
      iv. Seating: Four (4) places to sit for pedestrians shall be provide for every one-quarter (¼) acre of required children's playground area. Seating can be benches, ledges, boulders, or the like.
      v. Landscaping: A minimum of one (1) tree shall be installed for every one-quarter (¼) acre of required children's playground area.
      vi. Safety: All equipment and surfaces shall meet or exceed the safety standards set by the Consumer Product Safety Commission (CPSC) and ASTM International.

f. Recreation Court: If the recreation court option is selected, the following standards shall be met:
   i. Area: The recreation court area shall be one (1) acre for the first one hundred (100) dwelling units; plus one-quarter (¼) acre for every fifty (50) dwelling units over the first one hundred (100) dwelling units.
   ii. Feature: The recreation court shall have at least three (3) unique types of courts/fields (*i.e.* basketball, sand volleyball, tennis, soccer, football and the like) and at least four (4) total courts/fields. One (1) additional court/field shall be installed for every fifty (50) dwelling units over the initial one hundred (100) dwelling units.
   iii. Location: The recreation court shall be sited in a central location accessible to all dwelling units and connected by sidewalks.
   iv. Seating: Ten (10) places to sit for pedestrians shall be provided for every court/field area. Seating can be benches, ledges, boulders, or the like.
   v. Fencing and Landscaping: A ten-foot (10') tall fence shall be installed to enclose any tennis or basketball court, and a minimum of thirty (30) shrubs shall be around the perimeter of any hard surface recreation court.

g. Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
   i. Area: The pocket park shall be one-half (½) acre for the first one hundred (100) dwelling units; plus one-quarter (¼) acre for every fifty (50) dwelling units over the first one hundred (100) units.
   ii. Feature: The pocket park shall be a "soft space" for respite from the suburban environment. This softness shall be provided by an organic layout, plant materials, natural boulders and the like.
   iii. Location: The pocket park shall be sited anywhere in the development as long as it is easy to access and is connected to the sidewalk/path network with a sidewalk or hard surface path.
   iv. Seating: Ten (10) places to sit for pedestrians shall be provided for every one-quarter (¼) acre of required pocket park area. Seating can be benches, ledges, boulders, or the like.
   v. Landscaping: A minimum of ten (10) canopy trees, five (5) non-canopy trees and twenty (20) shrubs shall be installed per one-quarter (¼) acre of required pocket park area. The minimum caliper of each canopy tree shall be four (4) inches DBH.

3. *Common Area*:
   a. General: Residential developments required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways; or that electively have amenities accessible to residents in the development shall designate those areas as common areas that are neither dedicated to nor accepted for ownership and maintenance by the public.
   b. Maintenance: All common area shall be operated and maintained by an owners association or similar legal entity in perpetuity. A legally binding mechanism specified in the development's Declaration of Covenants shall be utilized to collect fees to maintain all common areas as originally designed and committed to the County. The covenant language shall explicitly establish the ownership, assessment to each property, dues and programs that will insure maintenance of all common areas and other non-dedicated development features, at no expense or burden to the County. All of the common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the applicant and committed to the County on the day of approval.
   Note: Any deviation from the originally approved design or commitments of the applicant is a violation of the Unified Development Ordinance and shall be susceptible to enforcement and penalties. Proposed deviations shall require a replat.
   c. Modifications:
      i. Landscaping: Any landscaping (*e.g.* trees, shrubs, and ground cover) installed as perimeter landscaping shall not be removed unless diseased or dead. If landscaping is removed, an equal type of plant shall be installed. Additionally, a minimum of two-thirds (2/3) of the DBH shall be installed, whether as one plant or multiple plants. Additional landscaping may be added to common areas as long as it is located outside any easement that would prevent the activity.

ii. Fences and Walls: No new fence or wall shall be installed in common areas. A fence or wall that was installed as a part of the original development shall be maintained (*e.g.* finish, materials, location, and size).

E. Phasing: Multiple-phase residential subdivision or multifamily development shall not be required to set aside open space in each phase as long as the final development meets the minimum standards, and the priorities listed above are achieved.

7.22 OP-03: Open Space Standards; Commercial and Industrial

This Open Space Standards section applies to the following types of development:



A. Minimum Open Space Requirement:

1. *Sites without Existing Environmental Features or Unbuildable Land*:
   a. Minimum Open Space:
      i. Open Space including Dry Detention Facilities: Sites that do not have existing environmental features or unbuildable land shall reserve the greater of:
         [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
         [b] A minimum of fifteen percent (15%) of the site for open space if detention facilities that meet the requirements of *§OP-01(H)(4): Detention Facilities* are to be included in the open space.
      ii. Open Space excluding Dry Detention Facilities: If detention facilities that meet the requirements of *§OP-01(H)(4): Detention Facilities* are not included in the open space, then the open space set-aside shall be the greater of:
         [a] The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
         [b] A minimum of ten percent (10%) of the site.
2. *Sites with Existing Environmental Features and/or Unbuildable Land*:
   a. Minimum Open Space: Sites that have one (1) or more existing environmental features and/or unbuildable land shall reserve the greater of:
      i. The minimum required open space for the subdivision type per *Chapter 06: Subdivision Regulations*; or
      ii. A minimum of twenty percent (20%) of the site for open space.
   b. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space. If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.
3. *Planned Unit Development*: A minimum of twenty percent (20%) of the tract proposed for development shall be set aside for open space.
   a. Designated Priority Areas: Sites that have existing environmental features shall preserve one hundred percent (100%) of the designated priority areas for open space.
   b. Exceptions: If the area of the designated priority areas alone exceeds forty percent (40%) of the total site area, the developer shall not be required to preserve priority areas greater than forty percent (40%) of the total site area.

B. Priority Areas: The land set aside for open space shall, as a first priority, be the areas with the most significant environmental features (*e.g.* dunes, floodplains, prairie, steep slopes, wetlands, wood lots, high quality forest resources, natural lakes, stream corridors, critical wildlife habitat areas, *etc.*).

C. Other Areas: The following features count toward the minimum open space requirement in all residential developments once the requirements of *§B: Priority Areas* have been met. These features' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere:
   1. *Perimeter Landscaping*: Perimeter landscaping as required per *Chapter 07; §PL: Perimeter Landscaping Standards*, except when the required perimeter landscaping area is reduced pursuant to a Design Waiver.
   2. *Development Amenity*:
      a. General:
         i. Large commercial or office developments along primary corridors shall install a public amenity integrated closely with the perimeter pedestrian network.
         ii. Development amenities' land area shall count one hundred percent (100%) toward the open space requirement unless indicated otherwise elsewhere.
      b. Applicability: Developments that meet both of the criteria listed below shall comply with the requirements of this section.
         i. Developments that will result in 40,000 square feet or more of total floor area, or that have a parent tract of ten (10) acres or greater, and
         ii. Developments along the _____ Road, _____ Street, or _____ Street corridor shall provide at least one (1) public amenity integrated closely with the pedestrian network of paths.
      c. Options: The petitioner shall install either a:
         i. Plaza with a notable sculpture or fountain, or
         ii. Pocket park with large trees, landscaping and sitting areas.
      d. Plaza Standards: If the plaza option is selected, the following standards shall be met:
         i. Area: The plaza shall be at least two-tenths of one percent (0.2%) of the total primary structure's footprint area. The total plaza area shall count toward the minimum open space requirement.
         ii. Feature: The plaza shall have a focal point comprised of either a fountain or fine art sculpture and be large enough to be visible from the primary roadway.
         iii. Location: The plaza shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The plaza may be integrated into the development's gateway feature or double as a gateway feature for the development.
         iv. Seating: One (1) place to sit for pedestrians shall be provided for every one hundred (100) square feet of required plaza area. Seating can be benches, ledges, boulders, or the like.
         v. Landscaping: A minimum of two (2) trees and fifteen (15) shrubs shall be installed in or on the perimeter of the plaza.
      e. Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
         i. Area: The pocket park shall be at least four-tenths of one percent (0.4%) of the total primary structure's footprint area. The total pocket park shall count toward the minimum open space requirement.
         ii. Feature: The pocket park shall be a "soft space" for respite from the suburban environment. This softness shall be provided by an organic layout, plant materials, natural boulders and the like.
         iii. Location: The pocket park shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The pocket park may be integrated into the development's gateway feature or double as a gateway feature for the development.
         iv. Seating: One (1) place to sit for pedestrians shall be provide for every two hundred (200) square feet of required pocket park area. Seating can be benches, ledges, boulders, or the like.
         v. Landscaping: A minimum of one (1) canopy tree, one (1) non-canopy tree and five (5) shrubs shall be installed per two hundred (200) square feet of required pocket park area. The minimum caliper of each canopy tree shall be four (4) inches DBH.

3. *Common Area*:
   a. General: Commercial or industrial developments required to have perimeter landscaping, open space, conservation, detention, retention, drainage ways, or parking lots; or that electively have amenities accessible to businesses or the public in the development shall designate those areas as common area. Common areas shall function as an "umbrella" classification denoting that it is to be operated and maintained privately.
   b. Maintenance: All common area shall be maintained by an owners association or other legal entity in perpetuity. A legally binding mechanism specified in the Declaration of Covenants shall be utilized to collect fees to maintain all common areas as originally designed and committed to the County. The covenant language shall explicitly establish the ownership, assessment to each property, dues and programs that will insure maintenance of all common areas and other non-dedicated development features, at no expense or burden to the County. All of the common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the applicant and committed to the County on the day of approval.
   Note: Any deviation from the originally approved design or commitments of the applicant is a violation of the Unified Development Ordinance and shall be susceptible to enforcement and penalties. Proposed deviations shall require a replat.
   c. Modifications:
      i. Landscaping: Any landscaping (*e.g.* trees, shrubs, and ground cover) that was installed in perimeter areas shall not be removed unless diseased or dead. If landscaping is removed an equal type of plant shall be installed. Additionally, a minimum of two-thirds (2/3) of the DBH shall be installed, whether as one (1) plant or multiple plants. Additional landscaping may be added to common areas as long as it is outside an easement that prevents the activity.
      ii. Fences and Walls: No new fence or wall shall be installed in common areas. A fence or wall that was installed as a part of the original development shall be maintained (*e.g.* finish, materials, location, and size).

D. Phasing: Multiple-phase commercial or industrial developments shall not be required to set aside open space in each phase as long as the final development meets the minimum open space standards, and the priorities listed above are achieved.

7.23 PN-01: Pedestrian Network Standards; Residential

This Pedestrian Network Standards section applies to the following types of development:



A. General: All residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt paths for pedestrian transportation and recreation.

B. Minimum Internal Pedestrian Network Standards:
   1. *Width*: The minimum sidewalk width shall be as indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or five (5) feet for Development Plans and Planned Unit Developments.
   2. *Location*: As indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations*; or on both sides of the street for Development Plans and Planned Unit Developments.
   3. *Location within the Right-of-way*: All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be:
      a. Subdivision: As indicated on the two-page layouts for each type of subdivision in *Chapter 06: Subdivision Regulations;* or
      b. Planned Unit Development: Five (5) feet; or
      c. Development Plan: Five (5) feet.

C. Minimum External Pedestrian Network Standards: All residential developments shall participate in the establishment or improvement of the pedestrian network along its perimeter.
   1. *Type of Pedestrian Facility*: The determination of whether the perimeter pedestrian network shall be constructed of concrete, asphalt, or fine-crushed stone, shall be determined by the Thoroughfare Plan.
   2. *Sidewalk/Path Width*: As indicated on the Thoroughfare Plan.
   3. *Sidewalk/Path Spacing from the Right-of-way*: Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside the public right-of-way.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
   5. *Planting of Grass Plot*: If the grass plot needs planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
   6. *Special Requirements*: Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.

D. Pedestrian Crosswalk: In the design of blocks longer than eight hundred (800) feet, the Plan Commission may specify the installation of a mid-block pedestrian crosswalks at a location that is useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination; or to assure a safe pedestrian network.

E. Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

7.24 PN-02: Pedestrian Network Standards; Conservation Residential

This Pedestrian Network Standards section applies to the following type of development:



A. General: All conservation residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks, asphalt, fine crushed stone or mulch paths for pedestrian transportation and recreation.

B. Minimum Internal Pedestrian Network Standards:
   1. *Width*: The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
   2. *Location*: As indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
   3. *Location within the Right-of-way*: All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.

C. Minimums Trail Network Standards:
   1. *Surface*: The minimum trail surface shall be constructed of at least five (5) inches of mulch, sand, or crushed stone recessed to be one (1) inch above grade. Asphalt surfaces are allowed as well, but concrete shall not be permitted.
   2. *Width*: The minimum trail width shall be four (4) feet.
   3. *Length*: The minimum length of total trail to be installed on-site shall be sixty percent (60%) of the total lineal feet of internal streets installed in the development.
   4. *Location*: The trail network shall be installed in the conservation areas and be linked to the hard surface pedestrian network. The trail system shall also be sensitively extended to environmental amenities if practicable.

D. Minimum External Pedestrian Network Standards: All residential developments shall participate in the establishment or improvement to the pedestrian network along its perimeter.
   1. *Type of Pedestrian Facility*: The determination of whether the perimeter pedestrian network shall be constructed of concrete or asphalt shall be determined by the Thoroughfare Plan.
   2. *Sidewalk/Path Width*: As indicated on the Thoroughfare Plan.
   3. *Sidewalk/Path Spacing from the Right-of-way*: Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside the public right-of-way.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
   5. *Planting of Grass Plot*: If the grass plot needs planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
   6. *Special Requirements*: Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.

E. Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

7.25 PN-03: Pedestrian Network Standards; Commercial and Industrial

This Pedestrian Network Standards section applies to the following types of development:



A. General: All commercial and industrial developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt for pedestrian transportation and recreation.

B. Minimum Internal Pedestrian Network Standards:
   1. *Width*: The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
   2. *Location*: As indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.
   3. *Location within the Right-of-way or Easement*: All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to the County.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb to provide a grass plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Chapter 06: Subdivision Regulations*.

C. Minimum External Pedestrian Network Standards: All commercial and industrial developments shall participate in the establishment or improvement to the pedestrian network along its perimeter adjacent to public streets.
   1. *Type of Pedestrian Facility*: The determination of whether the perimeter pedestrian network shall be constructed of concrete, asphalt, or fine-crushed stone, shall be determined by the Thoroughfare Plan.
   2. *Sidewalk/Path Width*: As indicated on the Thoroughfare Plan.
   3. *Sidewalk/Path Spacing from the Right-of-way*: Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic block or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine (9) feet inside of the public right-of-way.
   4. *Grass Plot Width*: All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a grass plot and to provide pedestrian separation from vehicles. This distance shall be per the Thoroughfare Plan.
   5. *Planting of Grass Plot*: If the grass plot needs to be planted with grass, the petitioner shall install grass seed as per the County Engineer in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
   6. *Special Requirements*: Where it is identified in the Thoroughfare Plan, other material, methods of construction, and development standards may be warranted, as determined by the Executive Director and/or the County Engineer.

D. Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed per the *General and Detailed Specifications*.

7.26 PL-01: Perimeter Landscaping Standards; Residential

This Perimeter Landscaping Standards section applies to the following types of development:



A. General: The public right-of-way shall be buffered from the development using a soft barrier. Further, the landscaping shall be used to define the road corridors. A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal.

B. Applicability: *Section PL: Perimeter Landscaping Standards* shall apply to any portion of a residential development that abuts an expressway, interstate highway, primary or secondary arterial, or a primary or secondary collector.

C. Standards:

1. *Minimum Depth*: Twenty-five (25) feet and counts twenty-five percent (25%) toward the minimum open space requirement in *Chapter 07; §OP: Open Space Standards*.)
2. *Minimum Length*: The perimeter landscape area shall extend the entire length of the frontage.
3. *Plant Materials*: Trees and shrubs shall be provided at a combined rate of ten (10) per one hundred (100) lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.
4. *Fencing or Mounding*: Where used, fencing or mounding as described below shall be integrated with the required trees and shrubs.
   a. Perimeter Fences: A high quality perimeter fence common to the development's character shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that simulate natural materials will also be allowed. Fences shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Fencing may only be provided by the petitioner and only located in the perimeter landscaping area which must be classified as "common area."
   b. Mounds: Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are not permitted (*i.e*. levee-like mounds).

7.27 PL-02: Perimeter Landscaping Standards; Commercial and Industrial

This Perimeter Landscaping Standards section applies to the following types of development:



A. General: The public right-of-way shall be buffered from the development using a soft barrier. Further, the landscaping shall be used to define the road corridors. A Landscape Plan showing perimeter landscaping shall be presented to the Plan Commission for approval as part of the project submittal.

B. Applicability: *Section PL: Perimeter Landscaping Standards* shall apply to any portion of a commercial or industrial development that abuts an expressway, interstate highway, primary arterial, secondary arterial, primary collector, or secondary collector.

C. Standards:

1. *Minimum Depth*: Twenty (20) feet. (Note that perimeter landscaping that is at least fifty (50) feet in width and length counts one hundred percent (100%) toward the minimum open space requirement in *Chapter 07; §OP: Open Space Standards*.)
2. *Minimum Length*: The perimeter landscape area shall extend the entire length of the frontage.
3. *Plant Materials*: Trees shall be provided at a rate of nine (9) trees per one hundred (100) feet of right-of-way frontage and shrubs provided at a rate of ten (10) per one hundred (100) feet of right-of-way frontage. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular, nonlinear patterns.

7.28 SM-01: Storm Water Standards; General

This Storm Water Standards section applies to the following types of development:

CV CT CS TD SC CD IP DP PD

A. Purpose and Intent: The purpose of this section is to establish minimum storm water management standards and controls to protect and safeguard the general health, safety and welfare of the public residing within watersheds in the County, through the following objectives to:

1. Minimize increases in non-point source pollution caused by storm water runoff from development that might otherwise degrade local water quality;
2. Minimize surface water runoff from specific sites during and after development to not exceed the pre-development hydrologic regime, to the maximum extent practicable;
3. Ensure that soil erosion and sediment control facilities and storm water management facilities are properly designed, constructed, and incorporated into site development at the beginning of design and planning;
4. Ensure that storm water management facilities are properly maintained so as to pose no threat to the public health and safety;
5. Ensure that landowners control the volume and rate of storm water runoff originating from their property and maintain available flood storage areas so that surface and ground water quality is protected, erosion minimized, and flooding reduced;
6. Encourage the design and construction of storm water management facilities that promote flood prevention, water quality protection, wildlife habitat preservation, and wetland protection;
7. Reduce maintenance and remediation project costs resulting from accelerated soil erosion and sedimentation from uncontrolled storm water run off.

B. Considerations: *Section SM: Storm Water Standards* does not create any liability on the part of the County, the Plan Commission, or any elected or appointed official or employee thereof, for any damages that result from reliance on this section or any alterations required to conform to the engineering requirements established hereunder or any administrative decisions lawfully made thereunder. Any land-disturbing activity shall be accomplished in conformity with the storm water management standards.

C. Enforcement Authority: The enforcement authority for *§SM: Storm Water Standards* shall be the Plan Commission, its agents and employees. In addition, the Plan Commission may seek direction and assistance from the County Drainage Board, the County Surveyor, the County Engineer, the Natural Resources Conservation Service (NRCS) and the Indiana Department of Natural Resources (DNR).

D. Applicability: All proposals for land development submitted to the Plan Commission or Board of Zoning Appeals for approval shall provide for the collection and management of all storm and surface water drainage.

1. A Drainage Plan is required for all development or land-disturbing activity, unless otherwise exempt per *§3: Exceptions*.
2. All Drainage Plans shall be reviewed by the Plan Commission. The Plan Commission may delegate Drainage Plan review and approval for individual Improvement Location Permits to the Executive Director.
3. *Exceptions*: *Section SM: Storm Water Standards* also applies to land-disturbing activities that are smaller than the minimum applicability criteria below, if the project site is a phase of a larger development, even if multiple separate and distinct land-disturbing activities take place at different times on different schedules. The following are exempt from such Drainage Plans:
   a. Additions or modifications to an existing single-family dwelling;
   b. Land-disturbing activities that do not disturb more than 5,000 square feet, provided:
      i. The project site is not a phase of a larger development; and
      ii. The impervious surface coverage does not exceed 1,000 square feet;
   c. Repairs to any storm water management facility deemed necessary by the Plan Commission.

4. *Design Waiver*:
   a. Every applicant shall provide for storm water management as required per *§SM: Storm Water Standards* unless the Plan Commission approves Design Waivers of specific requirements (see *§10.10: Design Waiver*).
   b. Supplemental Findings of Fact: In addition to the findings required for a Design Waiver per *§10.10(H)(6): Findings of Fact*, the Plan Commission shall not approve a Design Waiver of any requirement, in whole or in part, of *§SM: Storm Water Standards* unless it makes findings based upon the evidence presented to it in each specific case that:
      i. Meeting the minimum on-site storm water management requirements of *§SM: Storm Water Standards* is not feasible due to the natural or existing physical characteristics of a site;
      ii. The proposed development is not likely to impair attainment of the objectives of *§SM: Storm Water Standards*, because at least one (1) of the following conditions applies:
         [a] The Plan Commission has approved and required the implementation of alternative minimum storm water management practices for the on-site management of storm water; or
         [b] The Plan Commission has approved and required the implementation of an in-place, off-site storm water management facility, which is designed and sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site storm water management practices, and which has a legally obligated entity responsible for long-term operation and maintenance of the off-site storm water management facility; or
         [c] Other storm water management practices that are adequate to reduce the generation of storm water runoff are provided at the site; and
      iii. Provided that acceptable alternative storm water management mitigation measures are provided, the immediate downstream waterways will not be subject to:
         [a] Deterioration of existing culverts, bridges, dams and other structures;
         [b] Deterioration of biological functions or habitat;
         [c] Accelerated streambed or stream bank erosion or siltation; and
         [d] Increased threat of flood or other damage to the public health and safety, or to downstream.

E. Permits and Procedures:
   1. *Drainage Plan Approval Required*: Unless specifically exempted per *§D(3): Exceptions*, no person shall receive a Building Permit, Erosion Control Permit, Improvement Location Permit, Mineral Extraction Permit, or any other permit required for land-disturbing activities without first meeting the requirements of *§SM: Storm Water Standards* prior to commencing the proposed land-disturbing activity.
   2. Every development that is not exempt per *§D(3): Exceptions* shall submit the following information with the permit application form:
      a. Drainage Concept Plan (described in *§I: Drainage Plan; Procedure and Approval; Contents of Plan*);
      b. Maintenance Commitment; and
      c. Nonrefundable Drainage Concept Plan review fee (this fee is based on the amount of land to be disturbed at the site; the fee structure shall be established by the Plan Commission).

F. Storm Water Design Manual:
   1. *Authority*: The Plan Commission may furnish additional storm water management policies, practices, criteria and information, including storm water management specifications and standards, for the proper implementation of the requirements of *§SM: Storm Water Standards*, in the form of a *Storm Water Design Manual*.
   2. *Content*: Such Storm Water Design Manual shall include a list of acceptable storm water management practices, including specific design criteria for each storm water management facility. The *Storm Water Design Manual* may be updated and expanded from time to time, at the discretion of the Plan Commission, based on improvements in engineering, science, monitoring, and local maintenance experience. Storm water management systems that are designed and constructed in accordance with the design criteria of the *Storm Water Design Manual* will be presumed to meet the minimum requirements of *§SM: Storm Water Standards*.

G. Requirements: A storm water management system shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. Furthermore, a storm water management system shall be:
   1. Designed and constructed in accordance with the *Storm Water Design Manual*.
   2. Durable, easily maintained, retard sedimentation, and retard erosion. A storm water management system shall not be designed in a way that would endanger the public health and safety, or cause significant damage to property.
   3. Sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream. Also, consideration shall be given to water runoff from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention-detention facilities, over-sizing with fifteen-year law cost recovery, and the granting of adequate drainage easements for future construction. The type of future development shall be in accordance with the uses indicated in the Comprehensive Plan or the uses allowed by the current zoning district, whichever reflects the more intense use. The volume of water runoff attributable to future development that is not to be accommodated in the proposed storm water management facilities, shall be determined by good engineering practice, and may assume use of retention-detention facilities, except:
      a. Parcels that are too small to effectively use retention-detention facilities; and
      b. Parcels on which it is not technically and/or economically justifiable to use retention-detention facilities.
   4. Designed such that there will be no increase in the peak discharge runoff rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
      a. The water runoff from the site after development;
      b. The present water runoff from developed and undeveloped areas upstream; and
      c. The present water runoff of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
   5. Designed such that the low points of entry for residential, commercial and industrial structures are two (2) feet above the base flood elevation. In addition, avenues of ingress-egress shall also be above the base flood elevation.
   6. Inspected during construction by a professional engineer, or a land surveyor, registered in the State, at the expense of the petitioner and certified in accordance with this section. This is in addition to the inspection provided by the County.

H. Basic Storm Water Management Design Criteria:
   1. All storm water management systems shall be designed so that the specific storm frequency storage volumes (*e.g.* recharge, water quality, channel protection, storm events, *etc*.) as identified in the current *Storm Water Design Manual* are met, unless the Plan Commission grants the applicant a Design Waiver, or unless the project is exempt. In addition, if the physical conditions of the site warrant greater control than the requirements of *§SM: Storm Water Standards* addresses, the Plan Commission reserves the right to impose conditions of approval stipulating additional storm water management mitigation measures deemed necessary to control the volume, timing and rate of runoff.
   2. The storm water management practices and facilities for a site shall be chosen based on the physical conditions of the site, including the following factors:
      a. Topography;
      b. Maximum drainage area;
      c. Depth to water table;
      d. Soil types;
      e. Slopes and terrain; and
      f. Location in relation to environmentally-sensitive or other special features.

3. All storm water management systems shall be designed to convey storm water to allow for the maximum removal of pollutants, siltation, and reduction in flow velocities.
4. It is the purpose and intent of *§SM: Storm Water Standards* to require large developments to have storm sewers, and storm water conducted to a detention facility (where required), and then to an approved outfall.
5. All Drainage Plans shall accommodate the runoff that enters the site from other locations in the tributary watershed. The off-site runoff may be diverted around the site or accommodated directly in the design of the on-site storm water management facilities. In no event shall off-site runoff be blocked or restricted by the proposed development. When appropriate, the pass-through runoff shall be directed through the site detention facilities to provide downstream protection. When so required, the discharge or detention facilities shall be designed to accommodate the pass-through runoff.
6. *Operation and Maintenance Agreements*: All storm water management facilities shall have an enforceable Operation and Maintenance Agreement to ensure the systems function as designed. The Operation and Maintenance Agreement shall include any and all drainage easements required to access and inspect the storm water treatment facilities, and to perform routine maintenance as necessary to ensure continued proper functioning of the storm water treatment facilities. The Operation and Maintenance Agreement shall be a legally-binding covenant specifying the parties responsible for the proper maintenance of all storm water management facilities, and shall be secured as part of the approval process, or prior to issuance of any permits for land-disturbing activity.
7. *Drainage Easements*:
   a. When a subdivision or other major development is traversed by a waterway, drainage way, channel or stream, there shall be dedicated an approved drainage easement conforming substantially to such watercourse, of such width and construction to be adequate for both continued drainage purposes and maintenance of same. When possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
   b. Where topography or other conditions are such as to make impractical the inclusion of storm water management facilities within the right-of-way, then perpetual unobstructed drainage easements at least twenty (20) feet wide shall be provided across the property; said drainage easements shall extend from the right-of-way to a natural watercourse or to other storm water management facilities, and shall be indicated on the recorded Secondary Plat or in a recorded drainage easement instrument (see *§EA-01(C)(1): Drainage Easement Instrument Specifications*).
   c. When a proposed storm water management system will carry water across private land either inside or outside the development, appropriate drainage easements must be secured and indicated on the Secondary Plat or recorded in a drainage easement instrument (see *§EA-01(C)(1): Drainage Easement Instrument Specifications*).

8. *Public and Private Storm Water Management Systems*: During the course of the planning and design of the storm water management facilities, it shall be determined and documented whether the storm water management system is to be public or private.
   a. Public storm water management facilities shall be maintained by the County after dedication to and acceptance by the County. Generally, public storm water management facilities shall be those in or under a public road, with road and storm water management system the responsibility of the County Highway Department, or regulated drains being the responsibility of the County Drainage Board.
   b. Private storm water management facilities shall be privately maintained. Rear yard swales, ditches that convey storm water from individual lots, or development detention facilities constructed as storm water management measures for a development shall be private storm water management systems. Provisions shall be made for the maintenance of private storm water management systems. On an individual site, the owner shall maintain the storm water management system. In a development, a property owners association, or similar entity, shall be established to provide for said maintenance.
   c. Recorded drainage easements shall be provided over all parts of public and private storm water management systems, and shall run to the public and to the County for purposes of maintaining the storm water management facilities located in the drainage easements. However, the establishment of said drainage easements shall in no manner obligate the County to maintain private storm water management systems but shall allow the County to enter and make temporary or emergency repairs to the storm water management system.
9. *Alternative Storm Water Management Mitigation Measures*: When the Plan Commission has approved a Design Waiver of a standard of *§SM: Storm Water Standards*, the Plan Commission may require that the petitioner satisfy the purposes and intent of *§SM: Storm Water Standards* by meeting one (1) or more of the alternative storm water management mitigation measures selected by the Plan Commission. Alternative storm water management mitigation measures may include, but are not limited to the following:
   a. The purchase and donation of privately owned lands, or the grant of an open space conservation easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to an existing waterway in order to provide permanent buffer areas to protect water quality and aquatic habitat (The Plan Commission may initiate a County-sponsored rezone petition to place areas located in dedicated open space conservation easements in the WSO District);
   b. The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of *§SM: Storm Water Standards*;
   c. Monetary fees-in-lieu to fund storm water management-related projects or studies, including regional wetland delineation studies, stream monitoring for water quality, stream flow monitoring, and threatened/endangered species studies;
   d. An agreement for the granting of a drainage easement or dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. Said agreement shall be entered into by the applicant prior to the recording of plats, or, if no record plat is required, prior to the issuance of the permit.

I. Drainage Plan; Procedure and Approval; Contents of Plan:
1. *Preparer*:
   a. Three Acres or Less: For sites three (3) acres or less, Drainage Plans and calculations shall be prepared by a registered professional engineer, registered land surveyor, architect, or landscape architect licensed to practice in the State of Indiana.
   b. Over Three Acres: For sites over three (3) acres in size, or with unique and/or sensitive drainage issues, Drainage Plans shall be prepared, signed and sealed by a registered professional engineer or registered land surveyor.
2. *Individual One- and Two-unit Sites*: The Drainage Plan may be shown on a sketch prepared by the applicant. The Drainage Plan should be drawn as accurately as possible and clearly show all the storm water control measures proposed for the site. Arrows may be used to show the direction of surface flow. Location of swales, down spouts, sump pump discharges, and other storm water flow should be shown, with their direction of flow. Specific elevations may be requested by the Plan Commission.
3. *Subdivisions, Multiple-family Residential, Commercial, Industrial and PUD Sites*:
   a. Drainage Concept Plan: No application for development will be approved unless it includes a Drainage Plan detailing ***in concept*** how runoff and associated water quality impacts resulting from the development will be controlled or managed.
      i. The Drainage Concept Plan shall include sufficient information (*e.g.* maps, hydrologic calculations, *etc*.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site on the water resources, and the effectiveness and acceptability of the proposed storm water management measures.
      ii. The intent of this conceptual planning process is to initially determine the type of storm water management measures necessary for the proposed project, and to ensure adequate planning for runoff.
      iii. The following information shall be included in the Drainage Concept Plan, and is set forth on a checklist included in the Storm Water Design Manual:
         [a] Maps indicating the location of existing and proposed buildings, roads, easements, parking areas, utilities, storm water management facilities and erosion and sediment control facilities;
         [b] Maps should show proposed land use, with tabulation of the percentage of surface area to be used for various uses, pervious and impervious surface, drainage patterns, and limits of clearing and grading, along with a description of the proposed changes in natural conditions.
         [c] Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling the runoff in compliance with *§SM: Storm Water Standards*;
         [d] An inventory of the natural resources at the site and surrounding area, existing prior to the commencement of the project, and a description of the watershed and its relation to the project site. The description should contain information including soil conditions, forest cover, topography, wetlands, and native vegetative areas on the site;
         [e] A written description of the long-term provisions for maintenance;
         [f] Initial drainage calculations shall be provided for the analysis of existing drainage courses, the design of any proposed drainage course, detention/retention facilities, and discharge control structures. Said calculations shall be thorough enough to allow a reasonable analysis of the expected impact by the development on the site itself as well as the properties downstream.

b. Final Drainage Plan: After review of the Drainage Concept Plan, and modifications to the Drainage Concept Plan as deemed necessary, a final Drainage Plan must be submitted to the Plan Commission Office for approval prior to the commencement of land-disturbing activity. In addition to the information from the Drainage Concept Plan, the final Drainage Plan shall include all of the information required in the Storm Water Design Manual.

c. As-built Plan: Applicants are required to submit actual "As-built" Plans for any storm water management facilities or drainage easements located on-site after final construction is complete. The As-built Plan must show the final measurements compared with design specifications for all storm water management facilities and must be certified by an Indiana Professional Engineer or Indiana Professional Land Surveyor. A final inspection by the Plan Commission is required before the release of any performance sureties can occur.

d. Independent Engineer: The Plan Commission staff may forward an application for subdivisions, Multiple Unit Residential, Commercial, Industrial and PUD Sites to an Indiana State licensed professional engineer of the Plan Commission selection to review the conceptual plan, final storm water management plan and as built plans as described in *§SM-01(I)(3)*(a), *§SM-01(I)(3)*(b) and *§SM-01(I)(3)*(c) of this section. Payment of the Indiana State licensed professional engineer shall be made by the applicant prior to the hearing date scheduled; if payment is not made the petition will be continued until the next Plan Commission hearing date. Said fee will be set on the Building Planning and Zoning Fee Schedule.

J. Surety: The Plan Commission may require additional security or surety for installation of all storm water management facilities required under *§SM: Storm Water Standards* (see also *Chapter 10; §Surety Standards*).

K. Maintenance Easements and Covenants:

1. For those parts of a storm water management system that the County Drainage Board has not accepted as a regulated drain, and prior to the issuance of any permit that has a storm water management facility as one (1) of the requirements of the permit, the applicant or owner of the site must execute a Maintenance Easement Agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The Maintenance Easement Agreement shall provide for access to the storm water management facility at reasonable times for periodic inspection by the Plan Commission, and for regular or special assessments of property owners to ensure that the storm water management facility is maintained in proper working condition to meet design standards and any other provisions established by *§SM: Storm Water Standards*. The form of the Maintenance Easement Agreement shall be approved by the Plan Commission Attorney and recorded.
2. Maintenance of all storm water management facilities shall be ensured through the creation of a formal Maintenance Covenant that includes the right of entry for inspection. This must be approved by the Plan Commission and recorded with the land prior to final plan approval.
3. In lieu of a Maintenance Covenant, the Plan Commission at its sole discretion may recommend acceptance and dedication to the County of any storm water management facility for maintenance, provided such storm water management facility meets all the requirements of *§SM: Storm Water Standards*, and includes adequate access and area, by drainage easement or otherwise, for inspection and maintenance.
4. Inspection of storm water management facilities may be done by the Plan Commission from time to time on any reasonable basis, including routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, or areas identified with greater than typical sources of sediment, contaminants or pollutants. Inspections may include, but are not limited to: review of maintenance and repair records, sampling of discharge from surface or ground water, and evaluating the condition of storm water management facilities.

7.29 SR-01: Street and Right-of-way Standards; Residential

This Street and Right-of-way Standards section applies to the following types of development:



A. General: All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.

B. Private Streets: Private streets are not permitted, but where they exist shall conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets shall be located in common areas, rather than rights-of-way. When the term right-of-way is used in this section, it shall also apply to private street easements.

C. Design Principles:

1. *General*: Streets shall be laid out on the parent tract:
   a. In an orderly and logical manner;
   b. With concern for connectivity to adjacent parcels;
   c. With concern for pedestrian and vehicular safety; and
   d. To provide reasonably direct access to the primary circulation system.
2. *Topographical Consideration*: Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
3. *Maximum Design Speed*: Twenty-five (25) miles per hour.
4. *Connectivity*: All developments shall provide stub streets to connect to adjacent properties.
   a. Where the development abuts undeveloped land, stub streets may be proposed by the petitioner. However, the final number and location of stub streets shall be determined by the Executive Director and concurred with by the County Engineer.
   b. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.
   c. As a general rule, each side of the development that does not border on a public street shall have at least one (1) stub street. In large developments, two (2) or more stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
   d. Subdivisions are required to have more than one (1) entrance. The Plan Commission may grant a Design Waiver of this requirement based on analysis of a number of factors, including:
      i. A small number of homes;
      ii. Alternative access for emergency use;
      iii. Boulevard-type entrance that provides access in the event of blockage by emergency vehicles;
      iv. Configuration of the property making multiple entrances unnecessary or unreasonable.
   e. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan.
5. *Stub Streets*: Stub streets shall be constructed at the same time the other streets are built within the development. Temporary turnaround easements shall be established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easements* to provide for turnarounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a permanent sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development.
6. *Gated Entrances*:
   a. Emergency Access: Gated development entrances shall have apparatus installed such that emergency vehicles (*i.e.* fire, police and ambulance) can quickly and easily gain access to the development.
   b. Dimensional Requirement: The gates shall be sized to allow the largest fire truck in service in the County to enter the development.
   c. Turnaround: The entrance drive outside the gate shall be designed to allow vehicles the ability to turn around prior to reentering the right-of-way without having to back into the right-of-way.
7. *Boulevard Entrances*: All residential developments shall have a boulevard entrance extending at least fifty (50) feet from the perimeter street's right-of-way.

8. *Intersections*: All intersections of two (2) streets shall be within fifteen degrees (15°) of perpendicular as measured at the street centerlines. Intersections of more than two (2) streets at one point shall not be permitted. Local street intersection with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
9. *Right-of-way Width*: The minimum right-of-way width shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development.
10. *Street Width*: The minimum street pavement width shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
11. *Curb Type*: Rolled or ribbon curbs are permitted.
12. *Block Length*: The maximum block length shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
13. *Cul-de-sac Length*: The maximum cul-de-sac length shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
14. *Cul-de-sac Terminus*: The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the County to turn around.
15. *Permanent Dead-end Streets*: Dead-end streets are prohibited. Dead-end streets do not include cul-de-sacs or stub streets.
16. *Temporary Dead-end Streets*: A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. Where such dead-end streets extend one hundred fifty (150) feet or more in length, turnarounds shall be located within temporary turnaround easements established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easement*.
17. *Eyebrows*: Eyebrow street designs shall be constructed for one-way traffic and shall have an island in the middle which contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network.
18. *Half-width Streets*: Half-width streets are not permitted.

D. Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Thoroughfare Plan, the petitioner shall dedicate additional width along either one or both sides of such streets in order to bring them up to standards, provided the area to be used for widening is owned by the petitioner or under his control.

E. Construction and Installation Standards: All street improvements, private or public, are to be designed, constructed and installed per the *General and Detailed Specifications*.

7.30 SR-02: Street and Right-of-way Standards; Minimal Bump-out

This Street and Right-of-way Standards section applies to the following types of development:

DP PD

A. General: Residential developments that utilize a curvilinear street pattern shall install bump-outs at least thirty percent (30%) of the internal street intersections. For example, if there are ten (10) internal intersections, three (3) shall have bump-outs installed. This provision shall apply to all internal public or private streets.

B. Configuration:
   1. *Projection from Curb Line*: The bump-out shall be designed to extend seven (7) feet from the curb line.
   2. *Curb*: The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
   3. *Use of Bump-outs*: A bump-out shall be used on each side of the road that has on-street parking. Cul-de-sacs with on-street parking are exempt from this bump-out requirement.

C. Prioritizing of Intersections: The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.
   1. Intersections where four (4) or more legs are through-streets shall be the first priority sites for bump-outs.
   2. Intersections where three (3) legs are through-streets shall be the second priority sites for bump-outs.
   3. Intersections where two (2) legs are through streets shall be the third priority.
   4. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the more priority that intersection shall be given.
   5. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the more priority each intersection shall be given.

7.31 SR-03: Street and Right-of-way Standards; Significant Bump-out

This Street and Right-of-way Standards section applies to the following types of development:

TD

A. General: Residential developments that utilize a traditional neighborhood or village center pattern of streets shall install bump-outs at least fifty percent (50%) of the internal street intersections. For example, if there are ten (10) internal intersections, five (5) of them shall have bump-outs installed. This provision shall apply to all internal public or private streets.

B. Configuration:
   1. *Projection from Curb Line*: The bump-out shall be designed to extend seven (7) feet from the curb line.
   2. *Curb*: The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
   3. *Use of Bump-outs*: A bump-out shall be used on each side of the road that has on-street parking. Cul-de-sacs with on-street parking are exempt from this bump-out requirement.

C. Prioritizing of Intersections: The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.
   1. Intersections where four (4) or more legs are through-streets shall be the first priority sites for bump-outs.
   2. Intersections where three (3) legs are through-streets shall be the second priority sites for bump-outs.
   3. Intersections where two (2) legs are through streets shall be the third priority.
   4. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the more priority that intersection shall be given.
   5. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the more priority each intersection shall be given.

7.32 SR-04: Street and Right-of-way Standards; Commercial and Industrial

This Street and Right-of-way Standards section applies to the following types of development:

TD SC CD IP DP PD

A. General: All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.

B. Private Streets: Private streets are permitted, but must conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets have easements, rather than rights-of-way. When the term right-of-way is used in this section, it shall be applied to private street easements.

C. Street Design Principles:

1. *General Street Layout*: Streets shall be laid out on the parent tract:
   a. In an orderly and logical manner;
   b. With concern for connectivity to adjacent parcels;
   c. With concern for pedestrian and vehicular safety; and
   d. To provide reasonably direct access to the primary circulation system.
2. Streets shall be adjusted to the contour of the land so as to produce usable development sites and streets of reasonable gradient.
3. *Design Speed*: The maximum design speed shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Site Plan: Twenty-five (25) miles per hour.
4. *Connectivity*: All developments shall provide stub streets to connect to adjacent properties.
   a. Where the development abuts undeveloped land, stub streets may be proposed by the petitioner. However, the final number and location of stub streets shall be determined by the Executive Director and concurred with by the County Engineer.
   b. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.
   c. As a general rule, each side of the development that does not border on a public street shall have at least one (1) stub street. In large developments, two (2) stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
   d. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan.
5. *Stub Streets*: Stub streets shall be constructed at the same time the other streets are built within the development. Temporary turnaround easements shall be established pursuant to *Chapter 07; §EA-01(H): Temporary Turnaround Easement* to provide for turnarounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development. This sign shall be removed upon the connecting stub street's construction.
6. *Boulevard Entrances*: All commercial developments shall have a boulevard entrance extending at least fifty (50) feet from the perimeter street's right-of-way. The width of the center grass plot shall be a minium of ten (10) feet.
7. *Intersections*: All intersections of two (2) streets shall be within fifteen degrees (15°) of perpendicular as measured at the street centerlines. Intersections of more than two (2) streets at one point shall not be permitted. Internal street intersection with center line offsets of less than one hundred twenty-five (125) feet shall not be permitted.

8. *Right-of-way Width*: The minimum right-of-way width shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development.
9. *Street Width*: The minimum street pavement width shall be:
   a. Subdivision: As indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
10. *Curb Type*: Rolled or ribbon curbs are required.
11. *Block Length*: The maximum block length shall be:
   a. Subdivision: as indicated on the two-page layout for each type of subdivision in *Chapter 06: Subdivision Regulations*;
   b. Planned Unit Development: As indicated in *Chapter 04: Planned Unit Developments*;
   c. Unspecified: If not indicated, the County Engineer shall utilize the Thoroughfare Plan to determine the appropriate maximum length.
12. *Cul-de-sac Length*: Cul-de-sacs shall not be permitted.
13. *Cul-de-sac Terminus*: Cul-de-sacs shall not be permitted.
14. *Permanent Dead-end Streets*: Dead-end streets shall not be permitted.
15. *Eyebrows*: Eyebrow streets shall not be permitted.
16. *Half-width Streets*: Half-width streets shall not be permitted.
17. *On-street Parking*:
   a. General: All commercial and industrial developments (or commercial areas within a mixed use development) that install private streets or streets that will be dedicated to the County and have on-street parking shall meet the standards within this section. For off-street parking requirements, see *Chapter 05; §PK: Parking Standards*. On-street parking does not count toward the minimum off-street parking required per *Chapter 05; §PK: Parking Standards*.
   b. Requirements:
      i. Striping: All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least seven (7) feet long, and be spaced at least twenty (20) feet apart. No parking spaces shall be placed within fifty (50) feet of an intersection.
      ii. No Parking Signs: If parking is only allowed on one (1) side, then the other side of the street shall have a sign at least every one hundred fifty (150) feet noting parking is not permitted.
   c. Dedication of Right-of-way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the petitioner shall dedicate additional width along either one (1) or both sides or such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the petitioner or under his control.
   d. Construction and Installation Standards: All street improvements, private or public, are to be designed, constructed and installed per the *General and Detailed Specifications*.

Street Lighting Standards (SL)

7.33 SL-01: Street Lighting Standards; Residential

This Street Lighting Standards section applies to the following types of development:



A. General: A Lighting Plan showing street lighting shall be presented to the Plan Commission for approval as part of the project submittal. The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the County Engineer's guidelines. Full cutoff luminaires shall be used.

C. Entrances: The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety. Luminaries shall be shielded to prevent glare in these sensitive areas.

7.34 SL-02: Street Lighting Standards; Commercial

This Street Lighting Standards section applies to the following type of development:



A. General: The petitioner shall install, or cause to be installed, street lights at all intersections and development entrances as required by the provisions of this section. A Lighting Plan showing street lighting shall be presented to the Plan Commission for approval as part of the project submittal.

B. Intersections: The petitioner shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the *General and Detailed Specifications*. Fixtures installed in these areas shall not exceed twenty (20) feet in height. Full cutoff or semi-cutoff luminaires shall be used.

C. Intersection Administrative Waivers: The Executive Director with a concurring recommendation from County Engineer may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (intersections involving collector streets) within the development be waived from the requirements by the Executive Director.

Street Name Standards (SN)

7.35 SN-01: Street Name Standards; General

This Street Name Standards section applies to the following types of development:



A. Proposed Street Name: The petitioner shall propose a unique name for each street within the development at the time of initial application.

B. Standards: Within the jurisdiction of the Unified Development Ordinance and within the jurisdiction of the E-911 Coordinator the following standards shall apply:
   1. Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Plan Commission, shall bear the names of such existing streets.
   2. The root street name (*e.g.* Maple) shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.
   3. Deviations in suffix names (*e.g.* Street, Court, or Avenue) shall not constitute a unique name. Therefore, if Maple Street existed, the name Maple Court shall not be permissible.
   4. Street numbers for all lots shall be assigned by the Executive Director in consultation with the E-911 Coordinator.

C. Authority to Rename a Proposed Street:
   1. *Similarity*: The Plan Commission or E-911 Coordinator shall have the authority to require the petitioner to propose a new name for any street if the proposed name is found to be too similar to another street name within Porter County, regardless of planning jurisdiction.
   2. *Suitability*: The Plan Commission or E-911 Coordinator shall have authority to require a new unique name for a street if the proposed name is found to be obscene, lewd, derogatory, or defamatory.
   3. *Plan Commission*: If a new name is not proposed by the petitioner, the Plan Commission shall have the right to rename the street prior to final approval.

7.36 SS-01: Street Sign Standards; General

This Street Sign Standards section applies to the following types of development:



A. General: Each street within a residential, commercial, or industrial development shall have signs necessary to:
   1. Provide a safe environment for drivers and pedestrians; and
   2. Provide information so that a visitor can efficiently find a certain street, address, or development amenity.

B. County's Responsibilities: The County's engineering policies and the *Indiana Manual on Uniform Traffic Control Devices for Streets and Highways* (current version adopted by INDOT) shall be used to determine the type, size, height and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.

C. Petitioner's Responsibilities:
   1. *Public Safety Related Street Signs*: The petitioner shall be required to install the public safety related street signs prior to any street being opened to public. These signs shall be installed in the location and to the height determined by the County Engineer.
   2. *Street Name Signs*: The petitioner shall install a minimum of one (1) street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side).
   3. *Way-finding/Directional Signs*: The petitioner shall provide for review all proposed way-finding and directional signs along internal roads for consideration. Each sign's design, size and proposed location shall be submitted. These signs shall meet the below described design standards.
   4. *Multifamily Building or Development Amenity Identification*: The petitioner shall provide for review all proposed signs to be used for building identification. These sign shall meet the below listed design standards.
   5. *Installation*: The petitioner is responsible for purchasing and installing all public safety related street signs in consultation with the County Engineering Department.
   6. *Temporary Signage during Construction*: Temporary signs for street name, address, and/or regulatory signs may be required by the Executive Director for public safety reasons.

D. Internal Way-finding/Directional Signs:
   1. *Prerequisites*: The development shall have an amenity that necessitates a way-finding or directional sign.
   2. *Maximum Number of Signs*: The minimum number of signs necessary to locate the amenity shall be allowed to provide directional assistance for drivers to find any single development amenity. If deemed unnecessary by the Plan Commission due to the conspicuousness of the development amenity, no way-finding or directional sign shall be permitted.
   3. *Maximum Sign Area*: Three (3) square feet.
   4. *Location*:
      a. Within the Right-of-way: With the consent of the County Highway Department, stand-alone way-finding or directional signs may be located within the right-of-way. Such signs shall meet or exceed the minimum standards for public traffic signage. However, the maintenance of stand-alone way-finding or directional signs shall not be the responsibility of the County Highway Department. Stand-alone way-finding or directional signs shall not be located within a vision clearance triangle (See *Chapter 05; §VC: Vision Clearance Standards*) or within one (1) foot of any asphalt or concrete surface; nor within five (5) feet of any tree.
      b. Outside the Right-of-way: Way-finding or directional signs shall not be located within a vision clearance triangle (see *Chapter 05; §VC: Vision Clearance Standards*) or within one (1) foot of any asphalt or concrete surface; nor within five (5) feet of any tree.
   5. *Maximum Height*: Any way-finding or directional sign shall not exceed five (5) feet in height above ground level.

7.37 SY-01: Surety Standards; General

This Surety Standards section applies to the following types of development:



A. Construction Surety Standards:
   1. *Cross-reference*: See *Chapter 10; §Surety Standards* for construction surety procedures.
   2. *General*: All petitioners shall provide a performance surety to the County for any street, sidewalk, utility, drainage facility, lighting, or any other facility that is intended or will be dedicated to the County. All such facilities on-site, any off-site improvements committed by the petitioner, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
   3. Duration: All performance sureties shall be effective from approval to begin construction of the project until the date the improvement has been dedicated to the County and a Maintenance Surety has been accepted.

B. Maintenance Surety Standards:
   1. *Cross-reference*: See *Chapter 10; §Surety Standards* for maintenance surety procedures.
   2. *General*: The petitioner shall provide a maintenance surety to the County for any street, sidewalk, utility, drainage facility, lighting, or any other facility that has been dedicated to the County. All such facilities on-site, any off-site improvements to which the petitioner has committed, and any off-site improvements required as a condition of approval shall be covered by the maintenance surety.

7.38 UT-01: Utility Standards; General

This Utility Standards section applies to the following types of development:



A. Sanitary Sewer Standards:

1. *General*:
   a. Zoning Districts that Require Sewers: In zoning districts that require the installation of sanitary sewers, the sewers shall be tied into the community-wide system per the County Engineer and constructed within the street rights-of-way or within other dedicated sewer or utility easements.
   b. Zoning Districts that do not Require Sewers: On-site waste treatment systems shall only be considered for development if:
      i. the base zoning district allows on-site waste treatment systems (i.e. septic systems), and
      ii. the cumulative cost to install sanitary sewers to each lot or unit is as least two times (2X) the cumulative cost of installing the necessary one (1) or more on-site waste treatment systems to serve the same lot(s) or unit(s). The calculations for this determination shall be conducted by a licensed engineer. A development with five (5) or less lots shall be exempt from the two times (2X) rule.
2. *Permission*: The petitioner shall obtain a letter from the community-wide treatment facility verifying the facility has the capacity to service the proposed development.
3. *Location*:
   a. Outside the Right-of-way: Unless the sanitary sewer utility requires larger, sanitary sewers located outside the right-of-way shall be installed in a twenty-foot (20') wide, dedicated sanitary sewer easement.
   b. Within the Right-of-way: Sanitary sewers located within the right-of-way shall be installed between the edge of pavement or back of curb and the right-of-way line. Except where the sanitary sewer passes under the street to reach the opposite side of the right-of-way, sanitary sewers shall not be installed under the street pavement.

B. Water Service Standards:

1. *General*: All developments submitted to the Plan Commission for approval, under the provisions of *Chapter 07: Subdivision, Development Plan and PUD Design Standards*, shall provide for the installation of a complete potable water and fire protection distribution system.
2. *Private/Semipublic Systems*: Should the petitioner wish to install individual wells for the potable water supplies on a per-lot basis, the petitioner shall demonstrate that:
   a. The cost of connecting to the public water system is prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The cost difference shall exceed two hundred percent (200%) before the Plan Commission shall make any consideration of private systems.
   b. Further, the Plan Commission shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
3. *Private Wells*: Private wells and water systems shall be approved by the County Health Department, and be constructed in accordance with the rules, regulations and approval of the Indiana State Board of Health. The Plan Commission may require that the petitioner demonstrate that adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist:
   a. The scope of the testing and report shall be determined by the hydrologist and the County Health Department.
   b. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the project and/or demand placed upon the aquifer.
4. *Extension of Public Water Supplies*: The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The Construction Plans shall be approved by the Indiana State Board of Health and shall be on file with the Executive Director prior to the start of construction.

5. *Coordination of Installation*: The petitioner shall be responsible for coordinating the installation of the water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed, the work shall be stopped, and damages repaired before allowing the work to continue.
6. *Limitations*: No Improvement Location Permit or Building Permit for construction of a single-family detached dwelling or a two-family dwelling shall be allowed in a subdivision until all street infrastructure and the sanitary sewer or septic system have been installed and released by the County Health Department. This shall be determined by a statement in writing from the utility to the Executive Director.

C. Construction Standards for Utilities: All utility improvements, private or public (to be dedicated) are to be designed and installed per the *General and Detailed Specifications*.

D. Engineering Feasibility Report: The developer shall submit copies of a feasibility report covering sewage and potable water facilities to serve the development, including, but not limited to, the following:
1. *Existing System*: If the developer proposes to connect to a public or private sewer and/or water supply system, documentation from the utility shall be submitted indicating the ability and capacity of the utility to serve the development. However, if the developer does not propose to connect to a public or private sewer and/or water supply system, a statement on the feasibility of a connection shall be made which shall include the distance from the nearest public sewer and water mains, the capacity of the existing systems intended to handle the additional load and the estimated cost for such connection.
2. *Non-municipal*:
   a. If the connection to an existing sewer or water system is not feasible, the feasibility of constructing a public on-site sewage and water system shall be reviewed. The statement shall give consideration to treatment works, receiving streams, lagoons and public on-site water supplies and their estimated costs, all in conformance to State laws, rules and regulations.
   b. If private septic systems are proposed, the application or petition shall not be accepted unless an advisory report from the County Health Department accompanies the submittal:
      i. If the Development Advisory Committee's report is favorable and the Plan Commission Office finds that the development has been prepared in accordance with the terms of the Unified Development Ordinance, the developer shall provide the Executive Director two (2) copies of the revised plans, the Development Advisory Committee (DAC) report, and the County Health Department advisory report at least twenty (20) days prior to the next regular meeting of the approval body. The developer shall provide one (1) copy of the revised plans, the DAC report, and the County Health Department advisory report to each member of the approval body at least ten (10) days prior to the meeting.
      ii. All proposed septic systems must:
         [a] Have County Health Department approval prior to final approval of the plans; or
         [b] Meet the requirements of the County Health Board; or
         [c] Have approval from the State regulatory agency involved.
      iii. The Plan Commission is not bound by the recommendations of the County Health Department advisory report, and may request additional information regarding suitability of soils for septic systems.

Chapter
08

Construction Standards

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Construction Standards

Chapter 08

8.01 Introduction

The intent of this chapter is to cross-reference the County's construction standards which are the regulations involving quality engineering practices. The construction standards assure public infrastructure and facilities to be deeded over to the County will be constructed in a manner that meets the County's requirements. The construction standards apply to all lots and parcels in the County. Below are the categories of construction standards that shall apply:

8.02 Public Street Standards

All public street improvements are to be per the *General and Detailed Specifications*.

8.03 Public Street Curb Standards

All curbs along public streets are to be per the *General and Detailed Specifications*.

8.04 Cul-de-sac Street Standards

All cul-de-sac improvements are to be per the *General and Detailed Specifications*.

8.05 Street Lighting Standards

All street lighting improvements are to be per the *General and Detailed Specifications*.

8.06 Sidewalk/Path Standards

All path and sidewalk improvements are to be per the *General and Detailed Specifications*.

8.07 Monument and Marker Standards

All monuments and markers are to be per the *General and Detailed Specifications*.

8.08 Private Street and Commercial Driveway Standards

All private street and commercial driveway improvements are to be per the *General and Detailed Specifications*.

8.09 Private Street and Commercial Driveway Curb Standards

All curbs along private streets and commercial driveways are to be per the *General and Detailed Specifications.*

8.10 Off-street Parking Area Standards

All off-street parking areas are to be per the *General and Detailed Specifications.*

8.11 Storm Water Drainage Standards

All storm water improvements are to be per the *Storm Water Design Manual*.

8.12 Sanitary Sewer Standards

All sewer improvements are to be per the *General and Detailed Specifications*.

8.13 Water Supply Standards

All water supply improvements are to be per the *General and Detailed Specifications.*

8.14 Non-public Utility Standards

All non-public utility improvements are to be per the *General and Detailed Specifications.*

8.15 Erosion Control and Sedimentation Standards

All erosion control issues are to be per the *General and Detailed Specifications.*

8.16 Easement Standards

All easements are to be per the *General and Detailed Specifications.*

Chapter
09

Nonconformance

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Nonconforming Lots

Chapter 09

9.01 Intent

As new zoning provisions are adopted or map changes are made, lots, structures, and uses that were compliant with the zoning law are sometimes made noncompliant. For example, upon adoption of the Unified Development Ordinance and Official Zoning Map, some lots, structures, and uses may no longer conform to the requirements of the zoning district in which they are located. When zoning changes, special provisions apply to the previously legal lots, structures, and uses that have been rendered noncompliant. *Chapter 09: Nonconformance* specifies the provisions that apply to these legal nonconforming (informally referred to as "grandfathered") lots, structures, and uses.

9.02 Distinction Between Illegal Nonconforming and Legal Nonconforming Structures and Uses

A structure that was constructed in violation of the zoning law (*e.g.*, in violation of setback requirements or without all required permits or approvals from the Board of Zoning Appeals or Plan Commission) is an illegal nonconforming structure. A use that was initiated in violation of the zoning law is an illegal nonconforming use. In addition, a use that was legally initiated, but abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use. An illegal nonconforming structure or use is subject to actions and penalties allowed by the Unified Development Ordinance and all other applicable County laws. Such structure or use shall be altered to conform to all applicable standards and regulations of the Unified Development Ordinance.

A legal nonconforming structure or use results from a change in the provisions of the ordinance that renders noncompliant a structure or use that previously conformed to the zoning law. The noncompliance is not a result of the fault or inappropriate action of the owner, tenant or property manager.

9.03 Nonconforming Lots of Record

A. Lot Standards: Any lot that does not meet the lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, shall be deemed a legal nonconforming lot of record. A legal nonconforming lot of record no longer meets one or more of the following lot standards:
   1. Lot area;
   2. Lot width;
   3. Lot depth;
   4. Lot frontage; or
   5. Any other provision of the Unified Development Ordinance that is applicable to lots.

B. Requirements: A legal nonconforming lot of record may be built upon if the proposed use is permitted by the applicable zoning district of the Unified Development Ordinance, and is still subject to the remaining portions of the Unified Development Ordinance.

Nonconforming Structures

9.04 Nonconforming Structures

A. Development Standards: Any structure that does not meet the development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, shall be deemed a legal nonconforming structure. Examples of such development standards are:

1. Front, side and rear setbacks;
2. Maximum lot coverage;
3. Minimum main floor area;
4. Minimum finished floor area;
5. Height;
6. Parking;
7. Accessory structures; or
8. Any other provision of the Unified Development Ordinance that is applicable to the structure.

A legal nonconforming structure may continue provided that it remains otherwise lawful, subject to the conditions set out in *§9.04*.

B. Enlarged or Altered: A legal nonconforming structure may continue provided that it shall not be enlarged or altered in a manner that increases its nonconformity. A legal nonconforming structure or portion thereof may be altered to decrease its nonconformity.

C. Destroyed or Removed: A legal nonconforming structure or portion of such a structure which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided:

1. The owner or agent makes application for a Building Permit within six (6) months of the date of destruction or removal.
2. The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architectural design and constructed of similar or upgraded materials, to the extent possible and to the extent permitted by building code or other applicable regulations.
3. The elevation of the lowest floor, including the basement floor, shall be at least two (2) feet above the regulatory flood and all necessary permits must be obtained from the Indiana Department of Natural Resources;

D. Moved: If a legal nonconforming structure is moved for any reason, for any distance, it loses it legal nonconforming structure status and shall thereafter conform to the provisions of the Unified Development Ordinance.

E. Exceptions: *Section 9.04* does not apply to signs (see *§9.07: Nonconforming Signs*) or to telecommunication facilities (see *§9.08: Nonconforming Telecommunication Facilities*).

9.05 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any use of structures or land (or a structure and land in combination) that was legally established and has been continuous since the time it was started that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located shall be deemed a legal nonconforming use. A legal nonconforming use may continue provided it remains otherwise lawful, subject to the following conditions:

A. Enlarged or Altered: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, moved, or structurally altered unless it changes the use of the structure to a use permitted in the zoning district in which it is located and meets the development standards of the Unified Development Ordinance.

B. Additional Structures: No additional building or structure shall be constructed in connection with an existing legal nonconforming use of land except accessory structures for single-family residential uses or agricultural uses.

C. Interior: Any legal nonconforming use of a structure may be extended throughout any parts of a building that were plainly arranged or designed for such use at a point in time when the nonconforming use was legal, but no such use shall be extended to occupy any land outside the building.

D. Abandonment of Use: If a legal nonconforming use is abandoned or is discontinued for one (1) year, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure in combination shall conform to the provisions of the Unified Development Ordinance.

E. Change of Use: When a legal nonconforming use is changed to a permitted use, the new use shall conform to regulations of the zoning district.

F. Exceptions: *Section 9.05* does not apply to signs (see *§9.07: Nonconforming Signs*) or to telecommunication facilities (see *§9.08: Nonconforming Telecommunication Facilities*). With respect to legal agricultural nonconforming uses, nothing in *§9.05* shall be interpreted in a manner that is inconsistent with IC 36-7-4-616.

9.06 Repairs and Maintenance

The following provisions apply to legal nonconforming structures, legal nonconforming uses of structures, and legal nonconforming structures and land in combination:

A. Interior Repairs: Ordinary repair of walls, heating, fixtures, wiring, or plumbing may be accomplished. Replacement of interior walls is also permitted.

B. Exterior Walls: Exterior walls shall not be moved.

C. Unsafe Structures: Nothing in *§9.06* shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure declared to be unsafe by any official charged with protecting public safety upon order of such official. If a structure or portion of a structure is declared by an authorized official to be unsafe or condemned due to physical condition, unless the structure is restored, repaired or rebuilt within six (6) months of the declaration (or a reasonable extension of time allowed by the Executive Director after such work is initiated), all future improvements shall conform to all standards and regulations within the Unified Development Ordinance. The provisions of *§C* shall not be construed or interpreted in a manner that conflicts with or impedes the provisions of Porter County Code; Title 8: Health & Safety; Chapter 8.036: Unsafe Building Law.

D. Reconstruction: If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the zoning district in which it is located.

Nonconforming Signs

9.07 Nonconforming Signs

Any sign that was legally established and has been in continuous use since the time of its placement that no longer conforms to all the standards of the Unified Development Ordinance shall be deemed a legal nonconforming sign. A legal nonconforming sign may continue provided it remains otherwise lawful, subject to the following conditions:

A. Major Changes: A sign retains its protected status as a legal nonconforming sign until a major change is made to the sign. The protected status is lost if a major change is made. Major changes include:
   1. Changing the size of the sign;
   2. Changing the height of the sign; and/or
   3. Relocation of the sign.

B. Minor Changes: Every legal nonconforming sign shall be kept in good repair and operating condition. Minor changes that include ordinary maintenance are permitted, and shall include replacement of supports with different materials or design than the previous supports. The dimensions of replaced supports shall not be enlarged. A legal nonconforming sign that is not kept in good repair loses its protected status as a legal nonconforming sign and shall comply immediately with all provisions of the Unified Development Ordinance.

C. Removal: A legal nonconforming sign on a premises loses it protected status if the business it advertises is no longer conducted on the premises. The sign and its supporting structure shall be removed within thirty (30) days when the business it advertises is no longer conducted on the premises.

D. Compliance: A legal nonconforming sign that is structurally altered by a major change or relocated loses its protected status as a legal nonconforming sign and shall comply immediately with all provisions of the Unified Development Ordinance.

E. Right-of-way Acquisition:
   1. *Existing Conforming Signs*: In the case of a legally established sign that would become a legal nonconformity due to its setback from the new right-of-way line or position within a redefined vision clearance triangle by virtue of right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would bring it into compliance with *Chapter 05; §SG: Sign Standards* and *§VC: Vision Clearance Standards*. The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner or lessee shall be responsible for accomplishing the relocation within ninety (90) days of receiving payment for the right-of-way.
   2. *Existing Legal Nonconforming Signs*: In the case of a legal nonconforming sign for which the nonconformity is increased due to its setback from the new right-of-way line or position within a redefined vision clearance triangle by virtue of right-of-way acquisition by any government entity, the sign shall be required to be relocated to a position that would bring it into compliance with *Chapter 05; §SG: Sign Standards* and *§VC: Vision Clearance Standards*. The cost of such relocation should be factored into the price paid for the additional right-of-way during the condemnation proceedings, and the property owner or lessee shall be responsible for accomplishing the relocation within ninety (90) days of receiving payment for the right-of-way.
   3. *Existing Illegal Nonconforming Signs*: Illegal nonconforming signs that may be discovered during right-of-way acquisition by any government entity shall be removed at the cost of the property owner or lessee.

9.08 Nonconforming Telecommunication Facilities

Any telecommunication facility that was legally established and has been in continuous use since the time of its placement that no longer conforms to all the standards of the Unified Development Ordinance shall be deemed a legal nonconforming telecommunication facility.

A. Illegal Nonconforming Telecommunication Facility: Any nonconforming telecommunication facility which does not meet the criteria for a legal nonconforming use is an illegal nonconforming telecommunication facility and shall be removed.

B. Legal Nonconforming Telecommunication Facility: A legal nonconforming telecommunication facility shall immediately lose its legal nonconforming use status if any of these events occur:
   1. The telecommunication facility, because of improper installation or maintenance or failure to maintain it in safe conditions and in good repair, becomes or constitutes a threat to public health or safely, if the condition is not remedied within sixty (60) days after written notice from the Building Commissioner or Executive Director.
   2. The telecommunication facility is demolished or damaged (*e.g.* because of fire, weather conditions, *etc*.) to the extent of fifty percent (50%) or more of its value.
   3. The permit, variance or Special Exception under which the facility was permitted expires or any condition of or commitment related to such permit, variance, or Special Exception is not fully satisfied or compliance with any condition or commitment lapses.
   4. The telecommunication facility is structurally altered so as to prolong its expected life, unless such alteration is made in compliance with the provisions of the Unified Development Ordinance.

Chapter
10

Processes, Permits and Fees

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Processes, Permits and Fees Introduction

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Processes, Permits and Fees Introduction

10.01 Types of Applications

The following Section recognizes and outlines each permit, formal approval and appeal.

A. Porter County hereby requires that an application and filing fee be submitted for the following formal applications (permits, formal approvals and appeals):

- Administrative Appeal
- Amendment to Ordinance Text
- Amendment to Zoning Map (Rezone)
- Certificate of Zoning Compliance
- Design Waiver
- Development Standards Variance
- Development Plan
- Easements; Modification
- Easements; Termination
- Easements; Vacation
- Erosion Control Permit
- Floodplain Standards Appeal
- Floodplain Standards Variance
- Improvement Location Permit
- Mineral Extraction Permit
- Planned Unit Development; PUD District Ordinance and Establishment Plan
- Planned Unit Development; Detailed Development Plan
- Planned Unit Development; Final Development Plan
- Planned Unit Development; Modification
- Sign Permit
- Special Exception
- Subdivision Control; General
- Subdivision Control; Primary Plat
- Subdivision Control; Secondary Plat or Replat
- Subdivision Control; Plat Vacation
- Surety Standards; Performance Surety
- Surety Standards; Maintenance Surety
- Surety Standards; Certificate of Final Acceptance
- Telecommunication Facility Review (Improvement Location Permit)
- Telecommunication Facility Review (Special Exception)
- Temporary Use Permit
- Use Variance
- Schedule of Fees

B. All application forms may be obtained through the Plan Commission Office. Fees shall be paid at the Plan Commission Office at the time of assignment of a docket number.

C. A project shall not proceed without first successfully being granted the applicable permits, formal approvals, and/or appeals. Any project that proceeds otherwise is subject to fines, penalties and court action (see *Chapter 11: Enforcement and Penalties*).

Telecommunication Facility Review (SE)

10.02 Telecommunication Facility Review; Special Exception

A. Authority and Purpose: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been issued.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in the parcel that is the subject of the petition; or
      b. Provide documentation authorizing the petitioner to act as the agent of the owner of the parcel that is the subject of the petition.
   2. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. Telecommunication facilities shall not be constructed, erected, placed, modified or altered until a Special Exception has been approved and an Improvement Location Permit has been obtained.
   2. *Exceptions*: Once a Special Exception has been granted for a telecommunication facility, minor alterations made thereafter do not require a Special Exception; the facility need only obtain a new Improvement Location Permit and Site Plan Review (see *§10.03: Telecommunication Facility Review; Improvement Location Permit*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project. The application shall include:
         i. Name, address and telephone number of petitioner, property owner, owner of the telecommunication facility, intended lessee or user, and contractor.
         ii. A report from a professional engineer licensed in the State of Indiana which:
            [a] Describes the height of the telecommunication facility or tower height and the structural design of the facility and all footings or anchors. Cross-section and elevations of telecommunication towers shall be shown on a scaled drawing;
            [b] Describes the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
            [c] Describes the telecommunication facility's capacity, including the number and type of antennas it can accommodate and their effective range;
            [d] Includes a copy of the stress sheets and calculations showing the structure's dead load and wind pressure capacities;
            [e] Includes a detailed Site Plan of the lot showing the position of the telecommunication tower and facility in relation to existing structures, easements, rights-of-way and applicable setback lines. Detailed Site Plans shall include adjoining lots, if located within a distance equal to one hundred twenty percent (120%) of the tower height;
            [f] Includes a description of any right-of-way cuts and utility service to be installed.

iii. Written consent or other proof of authorization of the owner of the building, structure or land to which or on which the telecommunication facility is to be erected.
iv. Written documentation or other proof that the telecommunication facility will be in service within one (1) month of completion of construction.
v. Copies of any necessary easements.
vi. A written commitment by the petitioner to notify the County not less than sixty (60) days prior to any changes in ownership of the telecommunication facility or ownership of the property.
vii. Written proof of adequate liability insurance covering the telecommunication facility owner and operator, together with a written commitment to file proof of such insurance with the County on an annual basis.
viii. A document committing the owner and his successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use. This document shall be recorded in the County Recorder's office and proof given to the Plan Commission Office before a Certificate of Zoning Compliance shall be issued.
ix. A plan delineating any existing, proposed or anticipated telecommunication facilities within the County for the purpose of promoting long-range planning over the next three (3) years.

c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
2. The petitioner shall submit the filing fee when the Plan Commission Office issues the docket number.

F. Independent Consultant:
1. At any point in the review process, the County may hire one (1) or more independent consultants of its own choosing. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one or more of the following fields: telecommunications/ radio frequency engineering; structural engineering; electromagnetic fields (EMF); and, if determined by the Executive Director or the Board of Zoning Appeals, other fields;
2. The Plan Commission Office shall provide the independent consultant with a copy of the complete application for analysis and review.
3. The independent consultant shall provide an estimate for the cost of reviewing the application to the Plan Commission Office. The Plan Commission Office shall forward this estimate in writing to the petitioner; and the petitioner shall promptly pay this fee during the review process (separate from the general application fee). The estimate shall be regarded as a decision of the Executive Director. No application will be processed and no public hearings shall be scheduled until full payment has been made.
4. The consultant shall work under the direction of the Board of Zoning Appeals. Copies of the consultant's findings and reports shall be made available to the petitioner not less than seven (7) days prior to any scheduled public hearing, and the petitioner shall be given the opportunity to respond to said reports in writing and at the applicable public hearing.

F. Plan Commission Office:
1. *Review*:
a. Plan Commission Office: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.

2. *Development Advisory Committee*:
a. Determination: The Executive Director shall determine whether the petition merits Development Advisory Committee review.
b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.

3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
   a. Assign the item a docket number;
   b. Place the item on an agenda of the Board of Zoning Appeals;
   c. Inform the petitioner of the time, date, and place of the meeting.
4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Special Exception petition.
5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Special Exception. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Special Exception.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Special Exception petitions that have been forwarded by the Plan Commission Office.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal. The Development Advisory Committee shall review the submittal for compliance with the provisions of the Unified Development Ordinance and shall make recommendations to the Board of Zoning Appeals within thirty (30) days of the meeting.
4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Board of Zoning Appeals:
1. *Procedure*: The Board of Zoning Appeals procedure for Special Exceptions can be found in *§10.22: Special Exception; §I: Board of Zoning Appeals.*
2. *Additional Findings of Fact*: The Board of Zoning Appeals shall not grant approval of a Special Exception for a telecommunication facility unless the following criteria have been satisfied:
   a. No new telecommunication tower for a commercial wireless communications service shall be approved unless the Board of Zoning Appeals finds the telecommunication equipment planned for the tower cannot be accommodated on an existing or approved tower or building within a two-mile search radius of the proposed tower due to one (1) or more of the following reasons:
      i. The planned equipment would exceed the structural capacity of the existing or approved telecommunication tower or buildings, as documented by a qualified and licensed Indiana professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
      ii. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the telecommunication tower or building, as documented by a qualified and licensed Indiana professional engineer, and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved telecommunication towers and buildings within the two-mile search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Indiana professional engineer.
iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved tower or building.

b. The petitioner has submitted all required application materials, including without limitation the plan of existing and proposed telecommunication facilities and the written commitment to notify the County of changes in ownership of the facility or its land.
c. The proposed telecommunication facility meets the requirements of *Chapter 05; §TC: Telecommunication Facility Standards*.
d. The petitioner has furnished evidence of appropriate licensure and approval by the Federal Communications Commission (FCC) for the construction and operation of the telecommunication facility, and the telecommunication tower approval by the Federal Aviation Administration (FAA), as applicable.

3. *Mandatory Condition of Approval*: As a condition of the granting of the Special Exception, the petitioner shall be required to send written notice by certified mail to all commercial wireless communications service providers then licensed by the FCC that provide service within the County, indicating the availability of the petitioner's facility for collocation of future equipment or services. The petitioner shall furnish proof of such notification prior to issuance of a Improvement Location Permit.

I. Duration:
1. In the case of new construction or modifications to an existing structure, a Special Exception granted by the Board of Zoning Appeals shall expire two (2) years after the date granted by the Board of Zoning Appeals, unless a Building Permit has been obtained and construction of the structure or structures has commenced.
2. In the case of occupancy of land which does not involve new construction, a Special Exception granted by the Board of Zoning Appeals shall expire two (2) years after the date granted by the Board of Zoning Appeals, unless a Certificate of Zoning Compliance has been obtained and the use has commenced.
3. *Extension*: The Board of Zoning Appeals may provide by rule for the granting of extensions of Special Exception approvals.

J. Changes or Amendments:
1. Any modification or intensification of a Special Exception that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals at the time the Special Exception was granted shall require a new Special Exception approval. The property owner/operator or his authorized representative shall apply for such Special Exception approval prior to any modification of the use or property.
2. The Executive Director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Special Exception as approved. The operator of the Special Exception use shall provide the Executive Director with all the necessary information to render this determination.

10.03 Telecommunication Facility Review; Improvement Location Permit

A. Authority and Purpose: Telecommunication facilities shall not be constructed, erected, placed, modified or altered until a Special Exception has been granted and an Improvement Location Permit has been issued.

B. Prerequisites:
   1. *Ownership*: The applicant must:
      a. Own a controlling interest in the parcel that is the subject of the petition; or
      b. Provide documentation authorizing the applicant to act as the agent of the owner of the parcel that is the subject of the petition.
   2. *Evidence of Special Exception*: The applicant shall file evidence demonstrating that a Special Exception has been granted or demonstrating the facility's compliance with *Chapter 09: Nonconformance*.
   3. *Proof of Written Notice*: The applicant for an Improvement Location Permit for the construction or erection of a new Telecommunication Facility shall file proof of delivery of the written notice required in *§10.02(H)(3): Mandatory Condition of Approval* prior to issuance of a Improvement Location Permit.
   4. *Pre-application Meeting*: Prior to submitting an application, the applicant shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the applicant in preparing the application and supporting documents as necessary.

C. Applicability:
   1. Telecommunication facilities shall not be constructed, erected, placed, modified or altered until an Improvement Location Permit has been obtained.
   2. *Exceptions*:
      a. Antennas Mounted on Roofs or Walls: Installation of antennas for commercial wireless telecommunication service on existing roofs and walls may be approved by the Building Commissioner and the Executive Director without obtaining a Special Exception provided that:
         i. Evidence of Special Exception: The applicant shall file evidence demonstrating that a Special Exception has been duly granted pursuant to the provisions of *§10.02: Telecommunication Facility Review; Special Exception*, or demonstrating the communication facility's compliance with the provisions of *§9.08: Nonconforming Telecommunication Facilities*;
         ii. FCC and FAA Approval: The applicant shall furnish evidence of appropriate licensure and approval by the Federal Communications Commission (FCC) for the construction and tower approval by the Federal Aviation Administration (FAA), as applicable.
         iii. Notification of Other Providers: The applicant for an Improvement Location Permit for the construction or erection of a new communications facility shall file proof of delivery of the written notice required in *§10.02(H)(3): Mandatory Condition of Approval*.
         iv. Compliance with Design Standards: The proposed communications facility shall meet the design criteria specified in *Chapter 05; §TC: Telecommunication Facility Standards*.
         v. The applicant submits a report prepared by a qualified and licensed Indiana professional engineer, indicating the suitability of the antenna, and specifying the proposed method of affixing the antenna to the structure. Complete detail of all fixtures and couplings, and the precise point of attachment shall be indicated.

D. Application:
1. *Filing Deadline*: An Improvement Location Permit is an administrative approval, and an application may be filed at any time following the approval of the Special Exception by the Board of Zoning Appeals.
2. *Application Packet*: The applicant shall submit the completed application to the Plan Commission Office.
3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
   a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
   b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project. The application shall include:
      i. Name, address and telephone number of all of the following people: applicant, property owner, owner of the telecommunication facility, intended lessee or user, and contractor.
      ii. A report from an Indiana licensed professional engineer which:
         [a] Describes the height of the telecommunication facility or tower height and the structural design of the facility and all footings or anchors. Cross-section and elevations of telecommunication towers shall be shown on a scaled drawing;
         [b] Describes the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
         [c] Describes the telecommunication facility's capacity, including the number and type of antennas it can accommodate and their effective range;
         [d] Includes a copy of the stress sheets and calculations showing the structure's dead load and wind pressure capacities;
         [e] Includes a detailed site plan of the lot showing the position of the telecommunication tower and facility in relation to existing structures, easements, rights-of-way and applicable setback lines. Detailed site plans shall include adjoining lots, if located within a distance equal to one hundred twenty percent (120%) of the tower height;
         [f] Includes a description of any right-of-way cuts and utility service to be installed.
      iii. Written consent or other proof of authorization of the owner of the building, structure or land to which or on which the telecommunication facility is to be erected.
      iv. Written documentation or other proof that the telecommunication facility will be in service within one (1) month of completion of construction.
      v. Copies of any necessary easements.
      vi. A written commitment by the applicant to notify the County not less than sixty (60) days prior to any changes in ownership of the telecommunication facility or ownership of the property.
      vii. Written proof of adequate liability insurance covering the telecommunication facility owner and operator, together with a written commitment to file proof of such insurance with the County on an annual basis.
      viii. A document committing the owner and his successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use. This document shall be recorded in the County Recorder's office and proof given to the Plan Commission Office before a Certificate of Zoning Compliance shall be issued.
      ix. A plan delineating any existing, proposed or anticipated telecommunication facilities within the County for the purpose of promoting long-range planning over the next three (3) years.
   c. FCC and FAA Approval: The applicant shall furnish evidence of appropriate licensure and approval by the Federal Communications Commission (FCC) for the construction and tower approval by the Federal Aviation Administration (FAA), as applicable.

E. Fees: Once a complete submittal has been filed, the Plan Commission Office shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees prior to issuance of the Improvement Location Permit.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the application and Site Plan for compliance with the Unified Development Ordinance.
   2. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether the application merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the applicant of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal and the Development Advisory Committee has made its recommendations, the Executive Director shall approve or deny the Site Plan within thirty (30) days. An Improvement Location Permit shall be issued within thirty (30) days of the approval of the Site Plan and satisfaction of the criteria specified in *§C(2): Exceptions*.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of an Improvement Location Permit application.
   5. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Special Exception.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Improvement Location Permit applications that have been forwarded by the Plan Commission Office.
   2. *Copies*: The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the applicant time to complete the submittal.
   4. *Attendance*: The applicant should be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Duration:
   1. *Expiration*: Once an Improvement Location Permit has been issued, the applicant shall have twelve (12) months to commence construction on the project or the Improvement Location Permit shall expire. Once construction has commenced, the applicant shall have eighteen (18) months to complete the project and obtain a Certificate of Zoning Compliance.
   2. *Extension*: The applicant may apply to the Plan Commission Office for an extension of the duration of an Improvement Location Permit. The Executive Director may extend the Improvement Location Permit as needed by the applicant, up to an additional eighteen (18) months.

I. Changes or Amendments: The Executive Director shall decide if the proposed changes require review by the Development Advisory Committee and if the applicant will need to apply for a new Improvement Location Permit. If the extent of the changes is deemed significant enough for a new Improvement Location Permit, the applicant shall reapply by filing the new plans with the Plan Commission Office as detailed in *§D: Application*. Applications for an Improvement Location Permit for alteration or modification of an existing communications facility shall be submitted to the Plan Commission Office for Site Plan approval prior to issuance of an Improvement Location Permit. No Improvement Location Permit for alteration or modification of an existing communications facility may be issued without the Executive Director's approval of the application and Site Plan hereunder.

10.04 Planned Unit Development; General

A. Prohibition Effective Date: Pursuant to *Chapter 04: Planned Unit Development Districts; §4.02(A)(1): Prohibition Effective Date*, effective **[insert effective date of the UDO]**, the County shall not accept petitions for new Planned Unit Developments. The Planned Unit Development Standards found in *Chapter 10: Processes, Permits, and Fees* have been retained to allow the County to administer those Planned Unit Developments approved and adopted prior to the prohibition effective date.

B. Purpose and Intent:
   1. *Purpose and Intent; Generally*: A Planned Unit Development (PUD) zoning district may be established to provide for the development of mixed zoning classifications, densities, and uses under a common classification, when presented to the Plan Commission in a well-prepared, organized and documented plan. This classification is intended to provide for:
      a. Greater flexibility in applying the ordinances to mixed zoning classifications;
      b. Innovative approaches to meet the demands of the housing, commercial, and business markets;
      c. The recognition of the interdependency of the housing, commercial, and business markets;
      d. The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of the County's standard zoning district regulations;
      e. The planning and development of mixed zoning classifications to be consistent with the best interest of the jurisdictional area of the County, and the applicable ordinances.
   2. *Process Outline*: The three steps of the Planned Unit Development process are:
      a. PUD District Ordinance & Establishment Plan: The PUD District Ordinance & Establishment Plan is the first step in the process for establishing a Planned Unit Development. During this step, the petitioner's proposed development requirements for the Planned Unit Development are reviewed by the Plan Commission and Board of County Commissioners. The approved standards are codified in a PUD District Ordinance that has the effect of rezoning the subject property to a Planned Unit Development zoning district, and establishing the development requirements that will be applied in all subsequent reviews. An Establishment Plan provides the Plan Commission and Board of County Commissioners with a general vision for the development of the site.
      b. Detailed Development Plan: The Detailed Development Plan is the second step in establishing a Planned Unit Development. During this step, the petitioner's overall plan for the site is reviewed by the members of the Development Advisory Committee and the Plan Commission. For a Planned Unit Development that is going to be subdivided, this step also serves as the Primary Plat.
      c. Final Development Plan: The Final Development Plan is the third step in establishing a Planned Unit Development. During this step, the petitioner's specific plan for the entire site or a portion of the site is reviewed by the members of the Development Advisory Committee and the Development Review Committee. For a Planned Unit Development that is going to be subdivided, this step also serves as the Secondary Plat. Following approval of the Final Development Plan, the petitioner may apply for either an Improvement Location Permit and/or an Erosion Control Permit.

C. Development Plan:
   1. *Development Plan Required*: Every Planned Unit Development zoning district within the County's planning jurisdiction shall require Detailed Development Plan and Final Development Plan approvals pursuant to the procedures outlined in this Chapter for Planned Unit Developments.

D. Development Review Committee:
   1. *Delegation of Authority*: Per IC 36-7-4-1511(c), the Board of County Commissioners hereby delegates authority to the Development Review Committee established per *§10.09: Development Plan; §I: Development Review Committee* to act as a Hearing Examiner with the authority to review and approve Final Development Plan petitions for commercial and industrial projects.

Planned Unit Development; Establishment Plan

10.05 Planned Unit Development; PUD District Ordinance and Establishment Plan

A. Purpose and Intent:
   1. *PUD District Ordinance*: The purpose of the PUD District Ordinance is to:
      a. Designate a parcel of real property as a Planned Unit Development zoning district;
      b. Specify uses or a range of uses permitted in the Planned Unit Development zoning district;
      c. Specify development requirements in the Planned Unit Development zoning district;
      d. Specify the plan documentation and supporting documentation that may be required;
      e. Specify any limitation applicable to the Planned Unit Development zoning district; and
      f. Meet the requirements of IC 36-7-4-1500 *et seq*.
   2. *Establishment Plan*: The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic plans, drainage, perimeter buffer yards, *etc*.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting a Planned Unit Development application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. This section is applicable to new Planned Unit Development proposals, and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD District Ordinance or the general layout of any element of the Establishment Plan.
   2. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the application fee when the Plan Commission Office issues the docket number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review a PUD District Ordinance & Establishment Plan application upon receipt of a complete application, supporting documents, and the appropriate fees.
      a. PUD District Ordinance Draft: The Plan Commission Office shall prepare a draft of the proposed PUD District Ordinance. The draft of the PUD District Ordinance shall incorporate the Establishment Plan by reference. The petitioner shall supply a legible 8½" by 11" reduction of the Establishment Plan to be included as an exhibit attached to the PUD District Ordinance draft.
      b. Plan Commission Attorney: The Plan Commission Office shall forward a copy of the PUD District Ordinance draft to the Plan Commission Attorney for review.
   2. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Plan Commission for public hearing;
      c. Inform the petitioner of the time, date, and place of the Plan Commission meeting.
   3. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a PUD District Ordinance & Establishment Plan petition.
   4. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the PUD District Ordinance & Establishment Plan.
   5. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a PUD District Ordinance & Establishment Plan.

G. Plan Commission:
   1. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission agenda for the following month.
   2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the petition's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal.
   3. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

5. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The written statement and supporting material submitted by the petitioner;
   b. The PUD District Ordinance draft;
   c. The Establishment Plan;
   d. The Comprehensive Plan;
   e. Current conditions and the character of current structures and uses in the area;
   f. The most desirable use for which the land in the area is adapted;
   g. The conservation of property values throughout the jurisdiction;
   h. Responsible development and growth;
   i. The testimony of the petitioner;
   j. Relevant evidence presented by other persons;
   k. The limitations, standards, and requirements of *Chapter 04: Planned Unit Developments*;
   l. The applicable standards of the Unified Development Ordinance;
   m. The applicable standards of the County's engineering manuals;
   n. The Plan Commission Office report; and
   o. Such other additional information as may be required by the Plan Commission to evaluate the petition.
6. *Decision*: The Plan Commission shall:
   a. Certify and forward the petition to the Board of County Commissioners with:
      i. A favorable recommendation;
      ii. A favorable recommendation and with recommendations for conditions and/or commitments;
      iii. A negative recommendation;
      iv. No recommendation; or
   b. Continue the petition to a definite future meeting date.
7. *Commitments*: In conjunction with its recommendation to the Board of County Commissioners regarding a PUD District Ordinance & Establishment Plan, the Plan Commission may recommend that the Board of County Commissioners permit or require the petitioner to make written commitments concerning the use or development of the parcel.
8. *Conditions of Approval*: In conjunction with its recommendation to the Board of County Commissioners regarding a PUD District Ordinance & Establishment Plan, the Plan Commission may recommend that the Board of County Commissioners impose conditions of approval concerning the use or development of the parcel.
9. *Revisions*: Following certification of the PUD District Ordinance draft by the Plan Commission:
   a. PUD District Ordinance: The Plan Commission Office shall revise the PUD District Ordinance draft to accurately represent the text certified by the Plan Commission.
   b. Establishment Plan: The petitioner shall revise the Establishment Plan to address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised Establishment Plan to be delivered to the Plan Commission Office. The petitioner shall also supply a legible 8½" by 11" reduction of the Establishment Plan to be included as an exhibit to be attached to the certified PUD District Ordinance draft.

H. Board of County Commissioners:

1. *First Reading*: Following Plan Commission certification of the PUD District Ordinance, the Board of County Commissioners shall hold the first reading of the PUD District Ordinance.
   a. *Review*: At their regularly scheduled public meeting, the Board of County Commissioners shall review:
      i. The written statement and supporting material submitted by the petitioner;
      ii. The PUD District Ordinance draft;
      iii. The Establishment Plan;
      iv. The Comprehensive Plan;
      v. Current conditions and the character of current structures and uses in the area;
      vi. The most desirable use for which the land in the area is adapted;
      vii. The conservation of property values throughout the jurisdiction;
      viii. Responsible development and growth;
      ix. The testimony of the petitioner;
      x. Relevant evidence presented by other persons;
      xi. The limitations, standards, and requirements of *Chapter 04: Planned Unit Developments*;
      xii. The applicable standards of the Unified Development Ordinance;
      xiii. The applicable standards of the County's engineering manuals;
      xiv. The Plan Commission Office report;
      xv. The Plan Commission recommendation; and
      xvi. Such other additional information as may be required by the Board of County Commissioners to evaluate the petition.
2. *Second Reading*:
   a. Decision: At second reading the Board of County Commissioners shall:
      i. Adopt the PUD District Ordinance & Establishment Plan;
      ii. Adopt the PUD District Ordinance & Establishment Plan with conditions and/or commitments;
      iii. Return the PUD District Ordinance & Establishment Plan to the Plan Commission with proposed amendments; or
      iv. Deny the PUD District Ordinance & Establishment Plan.
   b. Meaning of Approval: Approval of the PUD District Ordinance by the Board of County Commissioners shall act as a zoning map amendment and an overall guide for the Planned Unit Development, setting forth concepts that shall be consistent in the Detailed Development Plan and Final Development Plan.
3. *Commitments*:
   a. Acceptance: In conjunction with the approval of a PUD District Ordinance & Establishment Plan, the Board of County Commissioners may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Board of County Commissioners shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the PUD District Ordinance & Establishment Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before filing a Detailed Development Plan petition.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Board of County Commissioners has accepted as if the commitment were a standard of the Unified Development Ordinance.

4. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a PUD District Ordinance & Establishment Plan, the Board of County Commissioners may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Board of County Commissioners shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the PUD District Ordinance & Establishment Plan. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
   e. Enforcement: The County may enforce any condition of approval the Board of County Commissioners has imposed as if the condition were a standard of the Unified Development Ordinance.

I. Duration: Not applicable.

J. Changes or Amendments:
   1. *UDO/PUD Text Amendment*: Changes of amendments to the text of the PUD District Ordinance or to an Establishment Plan that has been made a part of the PUD District Ordinance shall be filed pursuant to *§10.23: Amendment to Ordinance Text*.
   2. *Establishment Plan*: Changes or amendments to an Establishment Plan that has not been made a part of the PUD District Ordinance may be amended in the same manner as a Detailed Development Plan.
   3. *Commitments and Conditions of Approval*: Commitments and Conditions of Approval associated with a PUD District Ordinance & Establishment Plan petition shall only be modified or terminated by a decision of the Board of County Commissioners made at a public hearing.

10.06 Planned Unit Development; Detailed Development Plan

A. Purpose and Intent: The purpose of a Detailed Development Plan is to divide land into lots, blocks and common areas.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting a Detailed Development Plan application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing his application and supporting documents as necessary.

C. Applicability:
   1. This section is applicable to new Planned Unit Development proposals, and to any proposed amendment to an existing Planned Unit Development that would affect the previously approved Detailed Development Plan.
   2. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the application fee when the Plan Commission Office issues the Docket Number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review a Detailed Development Plan upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Docket Number: Assign a docket number;
      b. Agenda: Place the item on an agenda of the Plan Commission;
      c. Notification: Inform the petitioner of the time, date, and place of the Plan Commission meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Detailed Development Plan petition.

5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Detailed Development Plan. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Detailed Development Plan.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Detailed Development Plans.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office.

H. Plan Commission:
1. *Public Notice*:
   a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice on site pursuant to the Plan Commission Rules of Procedure.
   b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission agenda for the following month.
2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the petition's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal.
3. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

5. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The written statement and supporting material submitted by the petitioner;
   b. The PUD District Ordinance;
   c. The Establishment Plan;
   d. The Detailed Development Plan;
   e. Any commitments or conditions of approval attendant to prior approvals;
   f. The testimony of the petitioner;
   g. Relevant evidence presented by other persons;
   h. The requirements of *Chapter 04: Planned Unit Developments*;
   i. The applicable standards of the Unified Development Ordinance;
   j. The applicable standards of the County's engineering manuals;
   k. The procedures of *Chapter 10; §Subdivision Control*, when applicable;
   l. All information presented by the members of the Development Advisory Committee;
   m. The Plan Commission Office report; and
   n. Such other additional information as may be required by the Plan Commission to evaluate the petition.
6. *Decision*: The Plan Commission shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.
7. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Detailed Development Plan, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Detailed Development Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before filing a Final Development Plan petition.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
8. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Detailed Development Plan, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Detailed Development Plan. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.

d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.

e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.

9. *Meaning of Approval*: Approval of the Detailed Development Plan by the Plan Commission shall act as a Primary Plat, show restrictions placed on the land, and act as a zoning control device. No construction, site grading, *etc*. is authorized by adoption of a Detailed Development Plan.
10. *Revisions*: Following Plan Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

I. Duration:

1. *Duration*: A Final Development Plan application shall be filed not later than twenty-four (24) months after the date of approval of the Detailed Development Plan, otherwise the Detailed Development Plan approval shall be considered expired.
2. *Extension*: One (1) extension of up to six (6) months may be authorized by the Executive Director for reason/cause. The petitioner shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Detailed Development Plan record.

J. Changes or Amendments:

1. The Plan Commission Office shall determine if the proposed changes are of a significant nature to require resubmittal of a Detailed Development Plan.
2. If the Plan Commission Office determines that the proposed changes warrant resubmittal, the petitioner shall follow the procedures set forth for the Detailed Development Plan.
3. The Plan Commission Office may determine that the changes are of a less significant nature, in which case the Development Review Committee may act as the review body.
4. *Detailed Development Plan Amendment*:
   a. Applicability: A Detailed Development Plan Amendment shall be required when:
      i. A condition of approval is proposed to be modified or terminated;
      ii. A commitment is proposed to be modified or terminated;
      iii. An increase in the density or intensity of the project is proposed (*e.g*. additional lots, structures, square footage, *etc*.); or
      iv. A new right-of-way is proposed; or
      v. A right-of-way is proposed to be removed from the approved Detailed Development Plan; or
      vi. The ratio of platted lot area to common area and/or open space is being increased; or
      vii. The boundary of the area included in the Detailed Development Plan is proposed to be:
         [a] Expanded to incorporate additional area; or
         [b] Contracted to exclude area previously included and for which a Secondary Plat has not been recorded.
   b. *Procedure*: Detailed Development Plan Amendment applications shall be processed in the same manner as Detailed Development Plan applications.
5. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.07 Planned Unit Development; Final Development Plan

A. Purpose and Intent: The purpose of a Final Development Plan is to clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare for official recording of the document.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting a Final Development Plan application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. This section is applicable to new Planned Unit Development proposals, and to any proposed amendment to an existing Planned Unit Development that would affect a previously approved or recorded Final Development Plan.
   2. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*:
      a. Executive Director: A Final Development Plan that is eligible for approval by the Executive Director may be filed at any time.
      b. Development Review Committee: The petitioner shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any given meeting of the Development Review Committee.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. *Commercial Projects*: The petitioner shall submit the application fee at least thirty (30) calendar days prior to the Development Review Committee meeting at which the item is scheduled to be heard.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review a Final Development Plan upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.

3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
   a. Docket Number: Assign a docket number;
   b. Agenda; Commercial Projects: Place the item on an agenda of the Development Review Committee;
   c. Notification; Commercial Projects: The Plan Commission Office shall inform the petitioner of the time, date, and place of the Development Review Committee meeting.
4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Final Development Plan petition.
5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Final Development Plan. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
6. *Review; Residential Projects*: The Executive Director shall review:
   a. The written statement and supporting material submitted by the petitioner;
   b. The PUD District Ordinance;
   c. The Establishment Plan;
   d. The Detailed Development Plan;
   e. The Final Development Plan;
   f. Any commitments or conditions of approval attendant to prior approvals;
   g. The requirements of *Chapter 04: Planned Unit Developments*;
   h. The applicable standards of the Unified Development Ordinance;
   i. The applicable standards of the County's engineering manuals;
   j. The procedures of *Chapter 10; §Subdivision Control*, when applicable;
   k. All information presented by the members of the Development Advisory Committee;
   l. The Plan Commission Office report; and
   m. Such other additional information as may be required by the Executive Director to evaluate the application.
7. *Decision; Residential Projects*: The Executive Director shall approve or deny applications for residential development.
   a. Approval:
      i. Sign and Seal: Upon approval of the Final Development Plan, the Executive Director shall sign and seal the Final Development Plan at the appropriate locations.
      ii. Notification: The Plan Commission Office shall then notify the petitioner in writing of the Executive Director's actions.
      iii. Recording: The Final Development Plan may then be filed for recording in the County Recorder's office, as required by law.
   b. Denial:
      i. Notification: The Plan Commission Office shall then notify the petitioner in writing of the Executive Director's decision.
      ii. Right to Appeal: The Plan Commission Office shall also notify the petitioner in writing that a decision of the Executive Director may be appealed to the Plan Commission within thirty (30) days after said decision by the Executive Director.
8. *Surety Requirement*: In conjunction with the approval of a Final Development Plan, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
9. *Meaning of Approval; Residential Projects*:
   a. Subdivision: For a Planned Unit Development that is being subdivided, approval of the Final Development Plan shall be considered to be the Secondary Plat for recording purposes.
   b. Commencement of Construction: No construction or site grading shall begin prior to the issuance of an ILP or ECP, whichever may be required.

10. *Revisions*: Following approval by the Executive Director, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Executive Director. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
11. *Right to Appeal*: A decision of the Executive Director may be appealed to the Plan Commission within thirty (30) days after said decision by the Executive Director.
12. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Final Development Plan. The original copy of the Final Development Plan shall be filed with the County Recorder's office and one (1) reproducible copy of the recorded plat as well as a copy in electronic media shall be submitted to the Plan Commission Office.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Final Development Plans.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the application's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
4. *Attendance*: The petitioner is required to be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the application's being continued to the Development Advisory Committee agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office.

H. Plan Commission:
1. *Appeal of a Decision of the Executive Director or Development Review Committee*: The Plan Commission shall review an appeal of a Final Development Plan decision made by either the Executive Director or the Development Review Committee at a regularly scheduled meeting as though it were a Final Development Plan application filed with the Plan Commission *de novo*.
   a. Public Notice:
      i. Responsibility: The appellant shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
      ii. Proof: The appellant shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The appellant shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission agenda for the following month.
   b. Submittal: The appellant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals may result in the petition's being held off the Plan Commission agenda to allow the appellant time to complete the submittal.
   c. Attendance: The appellant or the appellant's representative is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   d. Public Hearing: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

e. Review: At their regularly scheduled public meeting, the Plan Commission shall review:
   i. The written statement and supporting material submitted by the appellant;
   ii. The PUD District Ordinance;
   iii. The Establishment Plan;
   iv. The Detailed Development Plan;
   v. The Final Development Plan materials submitted by the petitioner for review by the Executive Director or Development Review Committee;
   vi. The record of action supplied by the Executive Director or Development Review Committee;
   vii. The testimony of the appellant;
   viii. The testimony of the petitioner, if the petitioner is not the appellant;
   ix. The testimony of the Executive Director or Development Review Committee;
   x. Relevant evidence presented by other persons;
   xi. Any commitments or conditions of approval attendant to prior approvals;
   xii. The requirements of *Chapter 04: Planned Unit Developments*;
   xiii. The applicable standards of the Unified Development Ordinance;
   xiv. The applicable standards of the County's engineering manuals;
   xv. The procedures of *Chapter 10; §Subdivision Control*, when applicable;
   xvi. All information presented by the members of the Development Advisory Committee;
   xvii. The Plan Commission Office report; and
   xviii. Such other additional information as may be required by the Plan Commission to evaluate the appeal.

f. *Decision*: The Plan Commission shall:
   i. Affirm the decision of the Executive Director or Development Review Committee;
   ii. Affirm the decision of the Executive Director or Development Review Committee with additional conditions and/or commitments;
   iii. Reverse the decision of the Executive Director or Development Review Committee;
   iv. Reverse the decision of the Executive Director or Development Review Committee with additional conditions and/or commitments;
   v. Modify the decision of the Executive Director or Development Review Committee;
   vi. Modify the decision of the Executive Director or Development Review Committee with additional conditions and/or commitments; or
   vii. Continue the petition to a definite future meeting date.

I. Development Review Committee:
   1. *Review*: The Development Review Committee shall review a Final Development Plan upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Development Review Committee. Incomplete submittals shall result in the petition's being held off the Development Review Committee agenda to allow the petitioner time to complete the submittal.
   3. *Attendance*: The petitioner is required to be present at the Development Review Committee meeting to address concerns posed by the Development Review Committee members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   4. *Review; Commercial Projects*: At their regularly scheduled public meeting, the Development Review Committee shall review:
      a. The written statement and supporting material submitted by the petitioner;
      b. The PUD District Ordinance;
      c. The Establishment Plan;
      d. The Detailed Development Plan;
      e. The Final Development Plan;
      f. Any commitments or conditions of approval attendant to prior approvals;

g. The requirements of *Chapter 04: Planned Unit Developments*;
h. The applicable standards of the Unified Development Ordinance;
i. The applicable standards of the County's engineering manuals;
j. The procedures of *Chapter 10; §Subdivision Control*, when applicable;
k. All information presented by the members of the Development Advisory Committee;
l. The Plan Commission Office report; and
n. Such other additional information as may be required by the Development Review Committee to evaluate the application.

5. *Decision; Commercial Projects*: The Development Review Committee shall approve or deny applications for commercial development.
   a. Approval:
      i. Sign and Seal: Upon approval of the Final Development Plan, a majority of the members of the Development Review Committee shall sign and seal the Final Development Plan at the appropriate locations.
      ii. Notification: The Plan Commission Office shall then notify the petitioner in writing of the Development Review Committee's actions.
      iii. Recording: The Final Development Plan may then be filed for recording in the County Recorder's office, as required by law.
   b. Denial:
      i. Notification: The Plan Commission Office shall then notify the petitioner in writing of the Development Review Committee's decision.
      ii. Right to Appeal: The Plan Commission Office shall also notify the petitioner in writing that a decision of the Development Review Committee may be appealed to the Plan Commission within thirty (30) days after said decision by the Development Review Committee.
6. *Surety Requirement*: In conjunction with the approval of a Final Development Plan, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
7. *Meaning of Approval; Commercial Projects*:
   a. Subdivision: For a Planned Unit Development that is being subdivided, approval of the Final Development Plan shall be considered to be the Secondary Plat for recording purposes.
   b. Commencement of Construction: No construction or site grading shall begin prior to the issuance of an ILP or ECP, whichever may be required.
8. *Revisions*: Following Development Review Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Review Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
9. *Right to Appeal*: A decision of the Development Review Committee may be appealed to the Plan Commission within thirty (30) days after said decision by the Development Review Committee.

J. Duration:
1. *Duration*: The work or use authorized by a Final Development Plan must be commenced within six (6) months of the date of issuance; otherwise, the Final Development Plan approval shall lapse and become null and void. All work authorized by a Final Development Plan shall be completed within twenty-four (24) months of the date of approval of the Final Development Plan, unless good cause for an extension of time for completion is shown to the Executive Director.
2. *Extension*: One (1) extension of up to six (6) months may be authorized by the Executive Director for reason/cause. The petitioner shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Final Development Plan record.

K. Changes or Amendments:
1. The Plan Commission Office shall determine if proposed changes are of a significant nature to require resubmittal of a Final Development Plan.
2. If the Plan Commission Office determines that the proposed changes warrant resubmittal, the petitioner shall follow the procedures set forth for the Final Development Plan.
3. The Plan Commission Office may determine that the changes are of a less significant nature, in which case the Development Review Committee may act as the review body.
4. *Final Development Plan Amendment*:
   a. Applicability: A Final Development Plan Amendment shall be required when:
      i. An element of the Final Development Plan is proposed to be amended (*e.g.* Landscape Plan, Sign Plan, *etc.*);
      ii. A recorded street name change is proposed;
      iii. A recorded development name change is proposed;
      iv. A recorded address change is proposed;
      v. Lots are being joined;
      vi. Lots are being split (also requires a Detailed Development Plan Amendment);
      vii. Platted easements are being modified or vacated (see also *Chapter 10; §Easements*);
      viii. A public way is being vacated [**Note**: per IC 36-7-3-12, right-of-way vacation also requires that an ordinance be adopted by the Board of County Commissioners]; or
      ix. Other significant changes to the Final Development Plan are proposed.
   b. Procedure: Final Development Plan Amendment applications shall be processed in the same manner as Final Development Plan applications.
5. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.08 Planned Unit Development; Modification

A. Purpose and Intent: The purpose of this Section is to outline the process by which the Plan Commission considers petitions for Modifications of the permitted uses or development requirements that are specified in a PUD District Ordinance. The term "Modification" in the context of a PUD District Ordinance bears the meaning set forth in the 1500 Series of IC 36-7-4, and is distinct from the use of the term in the context of the amendment of Easements, Commitments or Conditions of Approval.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Detailed Development Plan Application*: The petitioner shall only file a Modification application in conjunction with a Detailed Development Plan or Detailed Development Plan Amendment petition.
   3. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Delegation of Authority*: Pursuant to IC 36-7-4-1511(b), the Board of County Commissioners hereby delegates to the Plan Commission the authority to approve or deny Modifications of the permitted uses or development requirements that are specified in a PUD District Ordinance.
   2. *Eligibility*: Only permitted uses or development requirements that are specified in a PUD District Ordinance are eligible for consideration of Modifications by the Plan Commission.
   3. *Exceptions*: Requirements set forth in the text of the Unified Development Ordinance (*e.g. Chapter 04: Planned Unit Development Districts*; *Chapter 05: Zoning District Development Standards*; *Chapter 07: Subdivision, Development Plan & PUD Design Standards*; *etc.*) are not eligible for consideration of a Modification petition.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the filing fee when the Plan Commission Office issues the Docket Number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.
   2. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether the petition merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Plan Commission;
      c. Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Modification petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Modification. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Modification.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Modification petitions that have been forwarded by the Plan Commission Office.
   2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:

1. *Public Notice*:
   a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
   b. Proof: The petitioner shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition's being continued to the Plan Commission agenda for the following month.
2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the petition's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Plan Commission Rules of Procedure.
3. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
5. *Review*: The Plan Commission shall review:
   a. The application and required supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. The PUD District Ordinance;
   d. The Detailed Development Plan;
   e. Any commitments or conditions of approval attendant to prior approvals;
   f. The testimony of the petitioner;
   g. Relevant evidence presented by other persons;
   h. Any applicable provisions of the Unified Development Ordinance;
   i. The applicable standards of the County's engineering manuals;
   j. Any information presented by the members of the Development Advisory Committee;
   k. The Plan Commission Office report; and
   l. Such other additional information as may be required by the Plan Commission to evaluate the application.
6. *Decision*: The Plan Commission shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.

7. *Findings of Fact*:
   a. Development Requirements: The Plan Commission may grant a Modification of the development requirements of a PUD District Ordinance if, after a public hearing, it makes written findings of fact that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the area adjacent to the property included in the Modification will not be affected in a substantially adverse manner; and
      iii. The strict application of the terms of the PUD District Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
   b. Permitted Uses: The Plan Commission may grant a Modification of the uses permitted in a PUD District Ordinance if, after a public hearing, it makes written findings of fact that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the adjacent areas to the subject property are not adversely affected; and
      iii. The need for a Modification stems from a condition unusual or peculiar to the subject property itself; and
      iv. The strict application of the terms of the PUD District Ordinance will result in an unnecessary hardship if they were applied to the subject property; and
      v. The approval of the Modification does not contradict the goals and objectives of the Comprehensive Plan.
   c. Certification: The findings of fact shall be signed by the President of the Plan Commission.
   d. Notification: In the case of a denied petition, the Plan Commission shall furnish the petitioner with a copy of its decision.
8. *Surety Requirement*: In conjunction with the approval of a Modification, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards.*
9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Modification, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for any permits for the site.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

10. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Modification, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.

11. *Revisions*: Within thirty (30) calendar days of Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission to the Plan Commission Office. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

I. Duration:
1. Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Modification granted by the Plan Commission shall run with the parcel until such time as the property conforms with the PUD District Ordinance as written.
2. *Regulation of Tall Structures*: Before approval of a Modification involving a structure regulated under IC 8-21-10: Regulation of Tall Structures may become effective, the petitioner shall submit to the Plan Commission Office:
    a. A copy of:
        i. The permit for the structure issued by the Indiana Department of Transportation; or
        ii. The Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
    b. Evidence that notice was delivered to a public use airport as required in IC 8-21-10-3: Permit Requirements not less than sixty (60) days before the Modification petition was considered.

K. Changes or Amendments: Any change to an approved Modification shall be the subject of a new Modification petition.

10.09 Development Plan

A. Purpose and Intent: The purpose of this section is to outline the procedure employed by the County when considering an application for the approval of a Development Plan. Further, the intent of this section is to ensure the statutory requirements established in the 1400 Series of IC 36-7-4 for the consideration of a Development Plan application are met.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Zoning Districts*: Development Plans are required in the following zoning districts:

      R4 MP IN OT CN CM CH I1 I2 I3 HI

   2. *Exceptions*:
      a. Detailed Development Plan: A Detailed Development Plan required for a Planned Unit Development shall be considered pursuant to *§10.06: Planned Unit Development; Detailed Development Plan*.
      b. Final Development Plan: A Final Development Plan required for a Planned Unit Development shall be considered pursuant to *§10.07: Planned Unit Development; Final Development Plan*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.
   2. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether the petition merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Development Review Committee or the Plan Commission;
      c. Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Development Plan petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Development Plan. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Development Plan.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Development Plans.
   2. *Copies*: The petitioner shall refer to the Development Plan application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the application's being held off the Development Advisory Committee agenda to allow the petitioner to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the application's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the Development Plan that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the Development Plan application packet to determine the format and number of copies of the revised Development Plan to be delivered to the Plan Commission Office.

H. Plan Commission:
1. *Public Notice*: If a public hearing is required per *§4: Public Hearing*, then public notice shall be accomplished as follows:
   a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
   b. Proof: The petitioner shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition's being continued to the Plan Commission agenda for the following month.
2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the application's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal.
3. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure if any of the following conditions apply:
   a. The site is not a lot in a platted commercial or industrial subdivision; or
   b. The petitioner has filed one (1) or more Design Waiver petitions in conjunction with the Development Plan petition (see *§10.10: Design Waiver*).
5. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
   a. The application and required supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. The Development Plan;
   d. Any commitments or conditions of approval attendant to prior approvals;
   e. The testimony of the petitioner;
   f. Relevant evidence presented by other persons;
   g. Any applicable provisions of the Unified Development Ordinance;
   h. The applicable standards of the County's engineering manuals;
   i. Any information presented by the members of the Development Advisory Committee;
   j. The Plan Commission Office report; and
   k. Such other additional information as may be required by the Plan Commission to evaluate the application.
6. *Decision*: The Plan Commission shall:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.

7. *Findings of Fact*:
   a. The Plan Commission shall approve the application for a Development Plan only upon making written findings that the Development Plan:
      i. Is consistent with the Comprehensive Plan;
      ii. Satisfies the development requirements of *Chapter 02: Zoning Districts*;
      iii. Satisfies the development requirements of *Chapter 05: Zoning District Development Standards*;
      iv. Satisfies the development requirements of *Chapter 07: Subdivision, Development Plan & PUD Design Standards*;
      v. Satisfies any other applicable provisions of the Unified Development Ordinance;
      vi. Satisfies the development requirements of the County's engineering manuals; and
      vii. Satisfies the requirements of agencies represented by the members of the Development Advisory Committee.
   b. Certification: The findings shall be signed by the President of the Plan Commission.
   c. Notification: If the Plan Commission denies approval of the Development Plan, the Plan Commission Office shall furnish the petitioner with a copy of the decision.
8. *Surety Requirement*: In conjunction with the approval of a Development Plan, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Development Plan, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for an ILP or an ECP.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Development Plan, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations and that are reasonably necessary to satisfy the development requirements specified in the Unified Development Ordinance.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The Plan Commission Office shall deliver a copy of the conditions of approval instrument to the petitioner within thirty (30) days of recording.

d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.

e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.

11. *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.
12. *Appeal of a Decision of the Development Review Committee*: The Plan Commission shall review an appeal of a Development Plan decision by the Development Review Committee at a regularly scheduled meeting as though it were a Development Plan petition filed with the Plan Commission *de novo*.

I. Development Review Committee:

1. *Authorization*: Per IC 36-7-4-1402(c)(2), the Board of County Commissioners hereby authorizes the Development Review Committee to act as a Hearing Examiner with the authority to review and approve Development Plan petitions under the following circumstances:
   a. The site is a lot in a platted commercial or industrial subdivision; and
   b. A public hearing is not required per *§H(4): Public Hearing*.
2. *Membership*: The members of the Development Review Committee shall be:
   a. The President of the Board of County Commissioners or a representative appointed by the President of the Board of County Commissioners (the appointee may be another member of the Board of County Commissioners);
   b. The Plan Commission President or another member of the Plan Commission appointed by the Plan Commission President;
   c. The Executive Director or his designee;
   d. An at-large member who is not a member of either the Board of County Commissioners or the Plan Commission; and
   e. An at-large member who is:
      i. An architect licensed in the State of Indiana;
      ii. A landscape architect licensed in the State of Indiana; or
      iii. A member of the American Institute of Certified Planners.
3. *Residency Requirement*: The at-large members of the Development Review Committee must reside within the jurisdictional area of the Plan Commission.
4. *Term*: Each member of the Development Review Committee shall be appointed to a one-year term that begins at the first regular Plan Commission meeting of the new year, and ends at the first regular meeting of the Plan Commission the following year. The Plan Commission may set forth procedures for the replacement of members midterm and for the removal of members in the Plan Commission Rules of Procedure.
5. *Official Action*: Action of the Development Review Committee is not official unless it is authorized by a majority of the entire membership of the Development Review Committee.
6. *Powers and Duties*: Regardless of the enabling text found here and elsewhere in *Chapter 10*, the Development Review Committee shall only have and exercise those powers and duties granted by the Plan Commission in the Plan Commission Rules of Procedure.
7. *Review*: The Development Review Committee shall review a Development Plan upon receipt of a complete application, supporting documents, and the appropriate fees.

8. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Development Review Committee. Incomplete submittals shall result in the petition's being held off the Development Review Committee's agenda to allow the petitioner time to complete the submittal.
9. *Attendance*: The petitioner is required to be present at the Development Review Committee meeting to address concerns posed by the Development Review Committee members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
10. *Review*: At their regularly scheduled public meeting, the Development Review Committee shall review:
    a. The application and required supporting material submitted by the petitioner;
    b. The Comprehensive Plan;
    c. The Development Plan;
    d. Any commitments or conditions of approval attendant to prior approvals;
    e. The testimony of the petitioner;
    f. Relevant evidence presented by other persons;
    g. Any applicable provisions of the Unified Development Ordinance;
    h. The applicable standards of the County's engineering manuals;
    i. Any information presented by the members of the Development Advisory Committee;
    j. The Plan Commission Office report; and
    k. Such other additional information as may be required by the Development Review Committee to evaluate the application.
11. *Decision*: The Development Review Committee shall:
    a. Approve the application;
    b. Approve the application with conditions and/or commitments;
    c. Deny the application;
    d. Continue the application to a definite future meeting date; or
    e. Forward the application to the Plan Commission for consideration.
12. *Findings of Fact*:
    a. The Development Review Committee shall approve the application for a Development Plan only upon making written findings that the Development Plan:
        i. Is consistent with the Comprehensive Plan;
        ii. Satisfies the development requirements of *Chapter 02: Zoning Districts*;
        iii. Satisfies the development requirements of *Chapter 05: Zoning District Development Standards*;
        iv. Satisfies the development requirements of *Chapter 07: Subdivision, Development Plan & PUD Design Standards*;
        v. Satisfies any other applicable provisions of the Unified Development Ordinance;
        vi. Satisfies the development requirements of the County's engineering manuals; and
        vii. Satisfies the requirements of agencies represented by the members of the Development Advisory Committee.
    b. Certification: The findings shall be signed by the Chair of the Development Review Committee.
    c. Sign and Seal: Upon approval of the Development Plan, the Chair of the Development Review Committee shall sign and seal the Development Plan at the appropriate locations.
    d. Notification: The Plan Commission Office shall notify the petitioner in writing of the Development Review Committee's actions.
    e. Right to Appeal: The Plan Commission Office shall also notify the petitioner in writing that a decision of the Development Review Committee may be appealed to the Plan Commission within thirty (30) days after said decision by the Development Review Committee.
13. *Surety Requirement*: In conjunction with the approval of a Development Plan, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards.*

14. *Commitments*:
    a. Acceptance: In conjunction with the approval of a Development Plan, the Development Review Committee may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
    b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the Chair of the Development Review Committee shall sign the commitment instrument.
    c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for an ILP or an ECP.
    d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
    e. Enforcement: The County may enforce any commitment the Development Review Committee has accepted as if the commitment were a standard of the Unified Development Ordinance.
15. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Development Plan, the Development Review Committee may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations and that are reasonably necessary to satisfy the development requirements specified in the Unified Development Ordinance.
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The Chair of the Development Review Committee shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The Plan Commission Office shall deliver a copy of the conditions of approval instrument to the petitioner within thirty (30) days of recording.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The County may enforce any condition of approval the Development Review Committee has imposed as if the condition were a standard of the Unified Development Ordinance.
16. *Revisions*: Following Development Review Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Review Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
17. *Right to Appeal*: A decision of the Development Review Committee may be appealed to the Plan Commission within thirty (30) days after said decision by the Development Review Committee.

J. Duration:
1. *Commencement of Construction*: No construction or site grading shall begin prior to the issuance of an ILP and/or ECP, as required.
2. *Expiration of Approval*: An approved Development Plan shall be valid for a period of two (2) years from the date the Plan Commission or the Development Review Committee granted approval. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approval expires and a new Development Plan application must be submitted.
3. *Extension*: The Executive Director may grant one (1) six-month extension for reason/cause. The petitioner shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding the decision to extend or deny extension. Both the request and the determination shall be made part of the Development Plan record.

K. Changes or Amendments:
1. *Development Plan Amendment*:
   a. Applicability:
      i. Public Hearing Items: A public hearing shall be required for a Development Plan Amendment when:
         [a] A commitment or a condition of approval is proposed to be modified or terminated;
         [b] An increase in the density of the project is proposed for a residential development or the residential component of a mixed-use development (*i.e.* additional dwelling units, regardless of whether the combined floor area of all the dwelling units increases, remains constant, or decreases);
         [c] An increase or a cumulative increase of greater than twenty-five percent (>25%) in the intensity of a commercial or industrial project that is not on a lot in a platted commercial or industrial subdivision is proposed (*e.g.* additional structures, additional square footage, additional impervious surface, *etc.*);
         [d] A new right-of-way is proposed;
         [e] A right-of-way is proposed to be removed from the approved Development Plan (Note: per IC 36-7-3-12, right-of-way vacation also requires that an ordinance be adopted by the Board of County Commissioners);
         [f] The ratio of platted lot area to common area and/or open space is being increased;
         [g] The boundary of the area included in the Development Plan is proposed to be expanded to incorporate additional area (regardless of whether the subject area was part of the original Development Plan or excluded by a previous Development Plan Amendment); or
         [h] The boundary of the area included in the Development Plan is proposed to be contracted to exclude area previously included (regardless of whether the subject area was part of the original Development Plan or incorporated by a previous Development Plan Amendment).
      ii. Non-public Hearing Items: A public hearing shall not be required for a Development Plan Amendment when:
         [a] An element of the Development Plan is proposed to be amended (*e.g.* Landscape Plan, Sign Plan, *etc.*).
         [b] A proposed amendment to a residential development or the residential component of a mixed-use development does not increase in the density of the project; or
         [c] An increase or a cumulative increase of twenty-five percent or less (≤25%) in the intensity of a commercial or industrial project that is not on a lot in a platted commercial or industrial subdivision is proposed (*e.g.* additional structures, additional square footage, additional impervious surface, *etc.*).
   b. Procedure: Development Plan Amendment applications shall be processed in the same manner as Development Plan applications.
2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.10 Design Waiver

A. Purpose and Intent: When the Plan Commission finds that hardships or practical difficulties may result from strict compliance with these regulations and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal, the Plan Commission may approve Design Waivers to specified provisions of *Chapter 06: Subdivision Regulations* or *Chapter 07: Subdivision, Development Plan & PUD Design Standards* so that substantial justice may be done and the public interest secured, provided that such Design Waivers shall not have the effect of nullifying the intent and purpose of these regulations.

B. Prerequisites:
   1. *Primary Plat or Development Plan Application*: The petitioner may only file a Design Waiver petition in conjunction with a Primary Plat, Primary Plat Amendment, Development Plan, or Development Plan Amendment application.
   2. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Exclusive Control*: Except for the provisions of *Chapter 07; §FL: Floodplain Standards*, it shall not be within the jurisdiction of the Board of Zoning Appeals to grant Development Standards Variances to *Chapter 06: Subdivision Regulations* or *Chapter 07: Subdivision, Development Plan & PUD Design Standards*.
   2. *Eligible Chapters*: Design standards set forth in the following Chapters are eligible for consideration of Design Waivers by the Plan Commission:
      a. *Chapter 06: Subdivision Regulations*; and
      b. *Chapter 07: Subdivision, Development Plan & PUD Design Standards*.
   3. *Exceptions*:
      a. PUD District Ordinance Modification: Applications for waivers from the provisions of a PUD District Ordinance shall be the subject of a petition filed under *§10.08: Planned Unit Development; Modification*.
      b. Floodplain Standards Variance: Applications for waivers from the provisions of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards* shall be the subject of a petition filed under *§10.19: Floodplain Standards Variance*.
      c. Development Standards Variance: Except as provided in *§a: Floodplain Standards Variances*, applications for waivers from the provisions of *Chapter 02: Zoning Districts* or *Chapter 05: Zoning District Development Standards* shall be the subject of a petition filed under *§10.20: Development Standards Variance*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates included with the application packet to determine the filing deadline.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application.

F. Plan Commission Office:
   1. *Review of Application*: Upon receipt of a complete application, supporting documents, and the appropriate fees, the Plan Commission Office shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Plan Commission with the Primary Plat;
      c. Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Design Waiver petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Design Waivers. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Design Waiver.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Design Waiver petitions in conjunction with a Development Plan or Primary Plat.
   2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee's agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee's agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:
   1. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice on site pursuant to the Plan Commission Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office pursuant to the Plan Commission Rules of Procedure. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission's agenda for the following month.
   2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packets to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the petition's being held off the Plan Commission's agenda to allow the petitioner time to complete the submittal.
   3. *Attendance*: The petitioner or the petitioner's representative is required to be present at the Plan Commission meeting to address concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure. The public hearing may be held concurrently with the public hearing for the Primary Plat or Development Plan.
   5. *Review*: At their regularly scheduled meeting, the Plan Commission shall review:
      a. The written statement and supporting material submitted by the petitioner;
      b. The Primary Plat or Development Plan;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. The Comprehensive Plan;
      g. The applicable standards of the Unified Development Ordinance;
      h. The applicable standards of the County's engineering manuals;
      i. The procedures of *Chapter 10; §Subdivision Control*, when applicable;
      j. All information presented by the members of the Development Advisory Committee;
      k. The Plan Commission Office report; and
      l. Such other additional information as may be required by the Plan Commission to evaluate the petition.

6. *Findings of Fact*:
   a. The Plan Commission may grant a waiver of development requirements specified in *Chapter 06: Subdivision Regulations* or *Chapter 07: Subdivision, Development Plan & PUD Design Standards* if, after a public hearing, the Plan Commission makes written findings of fact that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community, nor injurious to other property; and
      ii. The use and value of the areas adjacent to the subject property will not be affected in a substantially adverse manner; and
      iii. The need for a Design Waiver stems from a condition unusual or peculiar to the subject property itself; and the conditions upon which the request for a Design Waiver is based are unique to the subject property and are not applicable generally to other property; and
      iv. Because of the particular physical surroundings, shape, or topographical conditions of the subject property, the strict application of the terms of the Unified Development Ordinance would result in an unnecessary hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. Financial hardship shall not constitute grounds for a Design Waiver; and
      v. The approval shall not in any manner vary the provisions of *Chapter 02: Zoning Districts* or *Chapter 05: Zoning District Development Standards*; and
      vi. The approval does not contradict the goals and objectives of the Comprehensive Plan.
   b. Certification: The findings shall be signed by the President of the Plan Commission.
   c. Notification: The Plan Commission shall furnish the petitioner with a copy of its decision.
7. *Decision*: The Plan Commission shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.
8. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Design Waiver, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Design Waiver. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before submitting a Secondary Plat application.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment.
   e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

9. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Design Waiver, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Design Waiver. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
   e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
10. *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

J. Duration:
1. Unless a more stringent standard is applied pursuant to a Commitment or Condition of Approval, a Design Waiver granted by the Plan Commission shall run with the parcel until such time as the property conforms with the Unified Development Ordinance as written.
2. *Regulation of Tall Structures*: Before approval of a Design Waiver involving a structure regulated under IC 8-21-10: Regulation of Tall Structures may become effective, the petitioner shall submit to the Plan Commission Office:
   a. A copy of:
      i. The permit for the structure issued by the Indiana Department of Transportation; or
      ii. The Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
   b. Evidence that notice was delivered to a public use airport as required in IC 8-21-10-3: Permit Requirements not less than sixty (60) days before the Design Waiver petition was considered.

J. Changes or Amendments:
1. Any change to an approved Design Waiver shall be the subject of a new Design Waiver petition.
2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.11 Improvement Location Permit

A. Purpose and Intent: The purpose of an Improvement Location Permit is to encourage the development of the Plan Commission's jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience, and welfare of its citizens by affording the County the ability to confirm the conformance of plans to the requirements of the Unified Development Ordinance prior to the issuance of a Building Permit.

B. Prerequisites:

1. *Ownership*: The petitioner must:
   a. Own a controlling interest in each parcel within the area that is the subject of the application; or
   b. Provide written permission from the owner of each parcel of land within the area that is the subject of the application authorizing the applicant to act as the agent of the owner of each parcel.
2. *General*: The following criteria must be met before an Improvement Location Permit will be issued:
   a. Entrance and Driveway: Where culverts are required, the design must be filed with and approved by the County Highway Department.
   b. Parking: For commercial, industrial, institutional, and multifamily projects, the stone base for the parking lot must be in place.
   c. Sanitary Sewer:
      i. Public: The sanitary sewer must be in place, inspected and approved by the waste water utility.
      ii. Private: Where an on-site, private treatment plant has been proposed, said plant must be constructed and operational, and inspected and approved by the County.
   d. Storm Water Management: The storm water management facilities and infrastructure must be in place and approved by the County.
   e. Street: For sites deriving access from new streets, the asphaltic binder must be down and approved by the County Engineer.
3. *Tall Structures*: For structures regulated under IC 8-21-10: Regulation of Tall Structures, Improvement Location Permits shall not be processed until the applicant has filed with the Plan Commission Office a copy of:
   a. The permit for the structure issued by INDOT; and/or
   b. The Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration.
4. *Noise-sensitive Purposes*:
   a. Applicability: This section applies to any use identified as a noise-sensitive purpose per *Chapter 03; §APO: Airport Overlay District* located:
      i. Within a Noise-sensitive Zone that has had a Use Variance approved by the Board of Zoning Appeals; or
      ii. Outside a Noise-sensitive Zone, but within proximity to the extended runway centerline established in *§c: Proximity*.
   b. Noise-sensitive Zone: An Improvement Location Permit shall not be processed for the establishment or expansion of a noise-sensitive purpose within a Noise-sensitive Zone until the Board of Zoning Appeals has granted a Use Variance, and the applicant has filed with the Plan Commission Office a copy of:
      i. The recorded Permit for Construction in a Noise-sensitive Area issued by INDOT; and
      ii. The recorded deed restriction acknowledging awareness of the airport facilities and operations, awareness of the airport's intention to expand those facilities and operations, and committing not to remonstrate against such expansion.
   c. One Nautical Mile: An Improvement Location Permit shall not be issued or processed for the establishment or expansion of a noise-sensitive purpose within one (1) nautical mile of a runway centerline, extended one (1) nautical mile from each end of the runway, until the applicant has filed with the Plan Commission Office a copy of the recorded deed restriction acknowledging awareness of the airport facilities and operations, awareness of the airport's intention to expand those facilities and operations, and committing not to remonstrate against such expansion.

5. *Surety*: For projects that include a surety requirement, Improvement Location Permits shall not be issued or processed if the surety lapses or the improvements covered by the surety remain incomplete after two (2) years from the start of construction.
6. *Primary Plat*: For any site for which a Primary Plat has been approved, Improvement Location Permits and Building Permits shall not be issued or processed until the Secondary Plat has been approved. This prerequisite shall not prevent the commencement of construction of infrastructure for which Construction Plans have been approved.
7. *Pre-application Meeting*: It is suggested the applicant request a meeting with the County Engineer, the County Surveyor and the Executive Director before formal application is made.

C. Applicability:
   1. Start of Construction:
      a. No structure, improvement, or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement, or use and its location conform with the Unified Development Ordinance and an Improvement Location Permit has been issued.
      b. Erosion Control: Prior to the start of construction, the erosion control measures shown on the approved Erosion & Sediment Control Plan (for commercial, industrial, institutional, or multifamily) or Erosion & Sediment Control Sketch Plan (for a single-family residential dwelling) must be in place.
   2. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: For projects for which a Building Permit is required, the Improvement Location Permit application shall be filed before or at the same time as the Building Permit application. All other Improvement Location Permit applications may be filed at any time.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees at the time of application.

F. Plan Commission Office:
   1. *Notification*: When application for an Improvement Location Permit is filed, the Plan Commission Office shall notify the County Highway Department of the proposed improvement.
   2. *Review*: The Plan Commission Office shall review the application upon receipt of a complete application and supporting documents.
   3. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether the application merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the applicant of the time, date, and place of the meeting.
   4. *Decision*: An Improvement Location Permit shall be issued by the Plan Commission Office after the Development Advisory Committee has reviewed the application and determined that all requirements of the Improvement Location Permit process have been satisfactorily completed and the proposed project meets the regulations in the Unified Development Ordinance and other applicable regulations.
   5. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of an Improvement Location Permit application.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for an Improvement Location Permit.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Improvement Location Permit applications that have been forwarded by the Plan Commission Office.
   2. *Copies*: The applicant shall refer to the application packet to determine the format and number of copies to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the application's being held off the Development Advisory Committee agenda to allow the applicant time to complete the submittal.
   4. *Attendance*: The applicant is required to be present at the Development Advisory Committee meeting to address concerns posed by the committee members. Failure to appear may result in the application's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office.

H. Duration:
   1. *Expiration*: Once an Improvement Location Permit has been issued, the applicant shall have twelve (12) months to commence construction on the project or the Improvement Location Permit shall expire. Once construction has commenced, the applicant shall have eighteen (18) months to complete the project and obtain a Certificate of Zoning Compliance.
   2. *Extension*: The applicant may apply to the Plan Commission Office for an extension of the duration of an Improvement Location Permit. The Executive Director may extend the Improvement Location Permit as needed by the applicant, up to an additional eighteen (18) months.

I. Changes or Amendments:
   1. Any change to the project requires review and approval by the Plan Commission Office. The Executive Director shall decide if the proposed changes require review by the Development Advisory Committee and if the applicant will need to apply for a new Improvement Location Permit. If the extent of the changes is deemed significant enough for a new Improvement Location Permit, the applicant shall reapply by filing the new plans with the Plan Commission Office as detailed in *§D: Application*.
   2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

Certificate of Zoning Compliance

10.12 Certificate of Zoning Compliance

A. Purpose and Intent: The purpose of this section is to outline the procedure employed by the County in order to ensure compliance with all applicable ordinances and regulations when considering the granting of a final Certificate of Occupancy for a structure, or confirming full compliance with any other land use approval.

B. Prerequisites: Not applicable.

C. Applicability:
   1. *Permanent Structures*: A Certificate of Zoning Compliance shall be obtained prior to the occupancy or use of a structure in each of the following situations:
      a. Erection of a new single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily.
      b. Build-out of a flex commercial, flex office, flex industrial space, or the like.
      c. Relocation of a single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily.
      d. Addition to a single-family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily. Parts of an existing building that is not a part of the addition may continue to be occupied.
      e. Situations that present similar public health and safety risks to those above in which the Executive Director requires a Certificate of Zoning Compliance.
   2. *Temporary Structures*: An Certificate of Zoning Compliance shall be obtained prior to the temporary occupancy or use of the following types of building:
      a. Temporary classrooms;
      b. Sales trailers;
      c. Model homes; or
      d. Similar types of buildings for which the Executive Director requires a Certificate of Zoning Compliance.
   3. *Failure to Obtain Permit*: If a Certificate of Zoning Compliance is required, it is unlawful and a violation of the Unified Development Ordinance for anyone to occupy or utilize a structure until the Certificate of Zoning Compliance is issued by the Executive Director. Anyone who is required to obtain a Certificate of Zoning Compliance and fails to do so is subject to a Stop Work Order, mitigation, or fines and penalties as specified in *Chapter 11: Enforcement & Penalties*.
   4. *Exceptions*: None.

D. Application:
   1. *Filing Deadline*:
      a. Building Permit: A Certificate of Zoning Compliance application shall be part of the application for a Certificate of Occupancy.
      b. Improvement Location Permit: For projects that do not require a Building Permit and/or Certificate of Occupancy, the Certificate of Zoning Compliance application shall be part of the application for an Improvement Location Permit.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      b. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees on or before the date of issuance of the Certificate of Zoning Compliance.

F. Plan Commission Office: A Certificate of Zoning Compliance shall be issued after completion of all requirements of the Improvement Location Permit and Building Permit. However, due to weather or other circumstances, a conditional Certificate of Zoning Compliance may be issued without the required landscaping, building finishes, parking lot finishes, or the like; provided some sort of surety has been posted to satisfy the Executive Director.

G. Duration: Not applicable.

H. Changes or Amendments: Each new use shall obtain a new Certificate of Zoning Compliance.

Sign Permit

10.13 Sign Permit

A. Purpose and Intent: The purpose of a Sign Permit is to encourage the effective use of signs as a means of communication within the County; to maintain the County's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to encourage the use of signs appropriate to residential and commercial activities; to ensure the safety of vehicular and pedestrian traffic; to encourage economic development within the County; and to ensure compliance with *Chapter 05; §SI: Sign Standards*.

B. Prerequisites: None.

C. Applicability:
   1. *Sign Permit Required*: No sign shall be erected without first obtaining a Sign Permit from the Plan Commission Office.
   2. *Exceptions*:
      a. Cross Reference: Signs that do not require a Sign Permit are listed in *Chapter 05; §SI: Sign Standards.*
      b. Entryway Feature: A permanent sign that is part of an entryway feature established pursuant to *Chapter 07; §EF: Entryway Feature Standards* that has been reviewed and approved by the Plan Commission as part of a Development Plan, Primary Plat, or PUD Detailed Development Plan approval shall not require a Sign Permit.

D. Application:
   1. *Filing Deadline*: There is no filing deadline for a Sign Permit application.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      b. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees on or before the date of issuance of the Sign Permit.

F. Plan Commission Office:
   1. *Review*: The Executive Director shall review the application upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Decision*: The Executive Director shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with all the requirements of the Unified Development Ordinance, a Sign Permit shall be issued.

G. Duration: A Sign Permit shall be good for one (1) year from the date of issuance, after which, if the sign has not been erected, a new Sign Permit application shall be submitted in accordance with *§D: Application*.

H. Changes or Amendments: Any proposed changes or alterations to the sign shall require a new sign review and a new Sign Permit.

10.14 Temporary Use Permit

A. Purpose and Intent: Temporary use provisions allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact the surrounding properties and land uses, and which can be terminated and removed at will.

B. Prerequisites: None.

C. Applicability:
   1. Temporary use provisions allow deviations for uses that are minor and temporary in nature, and which will not adversely impact the surrounding properties and land uses. Temporary uses are regulated pursuant to *Chapter 05; §TU: Temporary Use & Structure Standards*.
   2. *Exceptions*: The following uses do not require a Temporary Use Permit:
      a. Residential garage sale; and
      b. Residential yard sale.

D. Application:
   1. *Filing Deadline*: There is no filing deadline for a Temporary Use Permit application.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      b. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees on or before the date of issuance of the Temporary Use Permit.

F. Plan Commission Office:
   1. *Review*: The Executive Director shall review the application upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Decision*: The Executive Director shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to place the temporary use. If the proposed temporary use is in compliance with all the requirements of the Unified Development Ordinance, a Temporary Use Permit shall be issued.

G. Duration: A Temporary Use Permit shall be issued for the amount of time requested by the applicant within the allowable duration permitted for the given use by *Chapter 05; §TU: Temporary Use & Structure Standards* of the Unified Development Ordinance. The expiration date shall be displayed on the Temporary Use Permit.

H. Changes or Amendments: Not applicable.

10.15 Erosion Control Permit

A. Purpose and Intent: The intent of the Erosion Control Permit is to ensure that the erosion control measures approved in the Erosion & Sediment Control Plan are implemented. The Erosion Control Permit applies to land-disturbing activities, as defined herein, including but not limited to those land-disturbing activities associated with commercial, industrial, institutional, nonresidential and residential development.

B. Prerequisites:
   1. *Erosion & Sediment Control Plan*: An Erosion Control Permit shall not be issued until the Erosion & Sediment Control Plan has been approved.
   2. *Financial Surety*: An Erosion Control Permit shall not be issued until a financial security has been received as described in *Chapter 07; §EC-01(G): Financial Security*.

C. Applicability:
   1. *Erosion Control Permit Required*: Before commencing any land-disturbing activity to which *Chapter 07; §EC: Erosion Control Standards* applies, the applicant shall be required to file an application and obtain an Erosion Control Permit.
   2. *Issuance of Erosion Control Permit*:
      a. Scope of Work: The issuance of an Erosion Control Permit shall constitute an authorization to do only that work described and shown on the approved Erosion & Sediment Control Plan.
      b. Plans and Permits on Site: The Erosion Control Permit holder shall maintain a copy of the approved Erosion & Sediment Control Plan and Erosion Control Permit at the job site during working hours.

D. Application:
   1. *Filing Deadline*: There is no filing deadline for an Erosion Control Permit application.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project. The Erosion Control Permit application shall contain at a minimum the following general information:
         i. That written approval is obtained from the Plan Commission Office prior to making any modifications to the approved Erosion & Sediment Control Plan;
         ii. That all erosion and sediment control measures required in the Erosion & Sediment Control Plan be installed.
         iii. That all erosion and sediment control measures are maintained during construction;
         iv. Such other conditions as the Plan Commission Office deems appropriate.
      b. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees on or before the date of issuance of the Erosion Control Permit.

F. Plan Commission Office:
   1. *Review*: The Executive Director shall review the application upon receipt of a complete application, supporting documents, and the appropriate fees.
   2. *Decision*: The Executive Director shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the premises for which the Erosion Control Permit is being sought. If the Erosion & Sediment Control Plan is in compliance with all the requirements of the Unified Development Ordinance, an Erosion Control Permit shall be issued.

3. *Inspections*:
   a. The Executive Director may make periodic inspections and either approve that portion of the work completed or notify the Erosion Control Permit holder that the work fails to comply with the Erosion & Sediment Control Plan.
   b. In addition to periodic inspections, the Erosion Control Permit holder is required to obtain the following inspections, and is responsible to notify the Executive Director at least forty-eight (48) hours prior to the following required inspections:
      i. Start of land-clearing activities to assure access to site is installed and perimeter erosion and sediment control measures are in place;
      ii. Completion of site clearing, prior to grading;
      iii. Completion of rough grading;
      iv. Completion of final grading;
      v. Close of the construction season or when a significant postponement of construction activities may occur;
      vi. At completion of project:
         [a] For subdivisions, this would be at the close of the project, prior to the release of the Performance Surety for roads and other infrastructure;
         [b] For single- or two-family dwellings or other covered applications, at the time of final inspection for Certificate of Occupancy.
   c. The Erosion Control Permit holder or agent is responsible for making regular inspections of all control measures in accordance with the inspection schedule required by the Plan Commission, in order to determine the effectiveness of the Erosion & Sediment Control Plan and the need for additional control measures. Depending on circumstances of the project, this may be weekly, bi-weekly, or monthly.
   d. All inspections shall be documented in written form and inspection reports retained by the Erosion Control Permit holder. Said inspection reports are to be made available to the Executive Director within two (2) business days of request. Said inspection reports shall continue until the end of the project; for subdivisions, this is the release of the performance surety; for other sites, this is the final inspection.
   e. The Executive Director may enter the site at any time during regular business hours, as deemed necessary to make regular inspections. The Executive Director may also enter the site whenever necessary in the event of an emergency threatening the health or safety of persons or property.

G. Duration: An Erosion Control Permit shall be issued for the amount of time requested by the applicant within the allowable duration permitted by *Chapter 07; §EC: Erosion Control Standards* of the Unified Development Ordinance. The expiration date shall be displayed on the Erosion Control Permit.
   1. *Expiration*:
      a. Erosion Control Permit: In the event that land-disturbing activities are not started within six (6) months and/or work has not been completed within two (2) years from the date of issuance of the Erosion Control Permit, said Erosion Control Permit shall expire and a new Erosion Control Permit shall be obtained.
      b. Erosion & Sediment Control Sketch Plan: An Erosion & Sediment Control Sketch Plan shall expire for a single- or two-family dwelling site when the issued Building Permit expires.

H. Changes or Amendments:
   1. Changes or amendments to the Erosion & Sediment Control Plan shall be reviewed by the Plan Commission Office. No work that is the subject of such an amendment shall commence until the Plan Commission Office has approved the change or amendment in writing.
   2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.16 Mineral Extraction Permit

A. Purpose and Intent: The purpose of the Mineral Extraction Permit is to regulate the recovery of mineral resources in the unincorporated area of Porter County within the jurisdiction of the Unified Development Ordinance and to ensure compliance with *Chapter 05; §SE-11(A)(1): Mineral Extraction.*

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the application; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the application authorizing the applicant to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting an application, the applicant shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, and review the procedures. The Plan Commission Office shall aid and advise the applicant in preparing the application and supporting documents as necessary.
   3. *Special Exception*: No mineral extraction shall be undertaken, nor shall a Mineral Extraction Permit for the same be issued until the Board of Zoning Appeals grants a Special Exception.
   4. *Proof of Liability Insurance*: Prior to obtaining a Mineral Extraction Permit, the applicant shall be required to provide proof of liability insurance by which the County, its agents, employees, elected and appointed officials are named as additional insurers, in an amount not less than three hundred thousand dollars ($300,000.00) per incident, and one million dollars ($1,000,000.00) aggregate, which liability insurance insures against all forms of loss arising from the excavation, hauling of extracted materials, and any related activities of the applicant;
   5. *Performance Surety*: Prior to obtaining a Mineral Extraction Permit, the applicant shall be required to post a surety performance bond, indemnity bond, or other form of bond or indemnity as required by the County, issued by an insurance company in good standing with the Commissioner of Insurance of the State of Indiana, in an amount established by the Board of County Commissioners or its designee, and sufficient to provide for the cost of restoration to that condition specified in the Special Exception, and to repair and/or replace any streets or highways within the County that may be damaged by the hauling of excavated materials, to construct adequate safety barriers, where appropriate, to abate any public nuisance that may be caused by the excavation, to pay the attorney's fees incurred in enforcing the provisions of the Unified Development Ordinance pertaining to mineral extraction operations, and to protect against any other specified and foreseeable loss or damage that the Board of County Commissioners may find; provided that no such bond shall be required of a governmental agency or body.

C. Applicability:
   1. *Mineral Extraction Permit Required*: No person shall undertake any mineral extraction in the unincorporated areas of the County without first having secured a Mineral Extraction Permit issued by the Plan Commission Office, and having paid the fee for the same as is set from time to time by the Plan Commission.
   2. *Legal Nonconforming Uses*: The provisions of this section shall apply to new Mineral Extraction Permits and renewal Mineral Extraction Permits applied for from and after June 13, 1997. Mineral extraction operations conducted pursuant to previous permitting procedures in effect or that were in effect at any time within the one hundred eighty (180) days prior to June 13, 1997, may be issued Mineral Extraction Permits pursuant to the renewal provisions outlined in *§G(2): Renewal*, notwithstanding any lapse of such Mineral Extraction Permit within such one hundred eighty-day period.
   3. *Issuance of Mineral Extraction Permit*:
      a. Scope of Work: The issuance of a Mineral Extraction Permit shall constitute an authorization to do only that work described and shown on the approved plans.
      b. Plans and Permits on Site: The Mineral Extraction Permit holder shall maintain a copy of the approved plans and Mineral Extraction Permit at the job site during working hours.
   4. *Exceptions*: A Mineral Extraction Permit shall not be required for any emergency activity that is immediately necessary for the protection of life, property or natural resources.

D. Application:
1. *Filing Deadline*: The Mineral Extraction Permit application shall be filed at the same time as the Special Exception application (see *§10.22: Special Exception*).
2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
   a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
   b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project. The Mineral Extraction Permit application shall contain at least the following information:
      i. The street address of the extraction site;
      ii. The legal description of the extraction site;
      iii. The full name, street address, and post office address of the applicant and the owner of record if different than the applicant;
      iv. The purpose for which the proposed extraction is being undertaken;
      v. The traffic routes that will be used for the hauling of the extracted materials from the extraction site;
      vi. Scaled drawings from a licensed engineer or surveyor showing boundaries of the property proposed to be included in the plan area and the land within two hundred (200) feet in all directions. The drawing shall show the existing conditions on the mapped lands, including:
         [a] Existing contours (with a contour interval appropriate to the site which accurately reflects the topographic condition) including contour lines at two-foot (2') intervals on the property to be excavated and the elevations of the adjoining properties;
         [b] Water bodies and drainage courses; depth of water table below existing terrain;
         [c] Estimate of depth and extent of mineral deposit;
         [d] The present use of adjoining properties (residential, commercial, industrial, institutional, recreational, agricultural, *etc.*);
         [e] The present zoning classification of subject and adjoining properties and setback requirements;
         [f] All publicly-owned lands;
         [g] Public rights-of-way and road classifications;
         [h] Easements;
         [i] Railroad lines; and
         [j] Soil boring information.
      vii. A Plan of Operational Area showing:
         [a] Area proposed for excavation;
         [b] Area proposed for settling ponds and wash water outlets;
         [c] Area proposed for processing facilities and storage;
         [d] Drainage calculations documenting that flowage will not adversely affect adjoining properties;
         [e] Area proposed for production facilities (if any) for resource-related industry; and
         [f] Area proposed for plant entrance, office, dispatcher headquarters, off-street parking and equipment storage.
      viii. A Plan of Excavation showing:
         [a] Estimated dates for the rehabilitation of the tract;
         [b] Methods to be used to minimize the effect of erosion by wind and water on the entire tract, such as the planting of ground cover vegetation; and
         [c] Potential methods of screening the area of operations from view, such as planting screens or the use of earth mounds.

ix. A Conceptual Plan of Development for the rehabilitation and re-use of the entire plan area following extraction showing:
[a] Proposed final Topographical Plan at two-foot (2') contour intervals;
[b] Proposed Landscape Rehabilitation Plan including grading, drainage, planting, and similar appropriate installations; and
[c] The proposed water area (if any) resulting from excavation.

c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees on or before the date of issuance of the Mineral Extraction Permit.

F. Plan Commission Office:
1. *Review*: The Executive Director shall review the application upon receipt of a complete application, supporting documents, and the appropriate fees.
2. *Decision*: The Executive Director shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the premises for which the Erosion Control Permit is being sought. If the plans are in compliance with all the requirements of the Unified Development Ordinance, a Mineral Extraction Permit shall be issued.
3. *Inspections*:
a. The Executive Director may make periodic inspections and either approve that portion of the work completed or notify the Mineral Extraction Permit holder that the work fails to comply with the approved plans.
b. In addition to periodic inspections, the Mineral Extraction Permit holder is required to obtain the following inspections, and is responsible to notify the Executive Director at least forty-eight (48) hours prior to the following required inspections:
i. Start of land-clearing activities to assure access to site is installed and perimeter erosion and sediment control measures are in place;
ii. Completion of site clearing, prior to grading;
iii. Completion of rough grading;
iv. Completion of final grading;
v. Close of the construction season or when a significant postponement of construction activities may occur; and
vi. At completion of project, prior to the release of the Performance Surety for roads and other infrastructure.

c. The Mineral Extraction Permit holder or agent is responsible for making regular inspections of all activities in accordance with the inspection schedule required by the Board of Zoning Appeals, in order to determine the effectiveness of the plans. Depending on circumstances of the project, this may be weekly, bi-weekly, or monthly.
d. All inspections shall be documented in written form and inspection reports retained by the Mineral Extraction Permit holder. Said inspection reports are to be made available to the Executive Director within two (2) business days of request. Said inspection reports shall continue until the final inspection.
e. The Executive Director may enter the site at any time during regular business hours, as deemed necessary to make regular inspections. The Executive Director may also enter the site whenever necessary in the event of an emergency threatening the health or safety of persons or property.

G. Duration:
1. *Expiration*: Any Mineral Extraction Permit issued pursuant to *§10.16: Mineral Extraction Permit* shall expire and be of no further force and effect two (2) years after the date of issuance. The expiration date shall be displayed on the Mineral Extraction Permit.
2. *Renewal*:
   a. Any Mineral Extraction Permit may be renewed upon the:
      i. Payment of the applicable fee;
      ii. Determination being made by the Plan Commission Office that the terms and conditions of the preceding Mineral Extraction Permit are still applicable, and the bonding requirements as outlined herein are met; and
      iii. Determination by the Plan Commission Office that the preceding Mineral Extraction Permit has not expired or lapsed.
   b. A renewal Mineral Extraction Permit must be applied for prior to the expiration of the existing Mineral Extraction Permit in order to avoid a lapse between Mineral Extraction Permits.

H. Changes or Amendments:
1. Changes or amendments to the approved plans shall be reviewed by the Plan Commission Office. No work that is the subject of such an amendment shall commence until the Plan Commission Office has approved the change or amendment in writing.
2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

Administrative Appeal

10.17 Administrative Appeal

A. Purpose and Intent: The purpose of the Administrative Appeal section is to outline the procedure employed by the County in order to provide an avenue of appeal when there is some doubt that an administrative official, hearing officer, staff member, administrative board or other body ("administrative official"), except the Plan Commission or Floodplain Administrator, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing of any part of this Unified Development Ordinance. Further, the intent of the Administrative Appeal section is to ensure the statutory requirements established in the 900 Series and in the 1000 Series of IC 36-7-4 for the consideration of an Administrative Appeal application are met.

B. Prerequisites: None.

C. Applicability:

1. *Jurisdiction*: An Administrative Appeal taken from any order, requirement, decision, or determination made by an administrative official, except the Plan Commission or the Floodplain Administrator, charged with the administration or enforcement of any part of this Unified Development Ordinance shall be filed with the Board of Zoning Appeals.
2. *Stay of Work*:
   a. Authority:
      i. Board of Zoning Appeals: When an Administrative Appeal from the decision of an administrative official has been filed, the Board of Zoning Appeals may stay the proceedings and work on the premises affected unless the administrative official certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a Stay of Work would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a Restraining Order (see *§b: Restraining Order*).
      ii. Other: After the owner of, or a person in charge of the work on, the premises affected has received notice that an Administrative Appeal has been filed with the Board of Zoning Appeals, the administrative official charged with the enforcement of an ordinance, under the 600 Series of IC 36-7-4, may order the work stayed and call on the police power of the County to give effect to that order.
   b. Restraining Order: After application, after notice to the administrative official and to the owner of the premises affected, and after due cause is shown, the circuit or superior court of Porter County may grant the Restraining Order.
3. *Exceptions*:
   a. Plan Commission: Any order, requirement, decision, or determination made by the Plan Commission in relation to the enforcement of the Unified Development Ordinance shall not be the subject of an Administrative Appeal.
   b. Indiana Code:
      i. Mandatory: Where the Indiana Code requires that a given appeal be made to either the Plan Commission or to the Board of County Commissioners, such appeal shall be made in accordance with the applicable statutes, ordinances and Rules of Procedure, and shall not be the subject of an Administrative Appeal.
      ii. Elective: Where the Indiana Code provides the option for a given appeal be made to either the Plan Commission or to the Board of County Commissioners, and the Unified Development Ordinance provides for such, said appeal shall be made in accordance with the applicable statutes, ordinances and Rules of Procedure, and shall not be the subject of an Administrative Appeal.
   c. Floodplain Standards Appeals: Appeals of any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards* shall be the subject of a petition filed under *§10.18: Floodplain Standards Appeal*.

D. Application:
   1. *Filing Deadline*: The appellant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The appellant shall be responsible for paying the fees at the time of application submittal.

F. Board of Zoning Appeals:
   1. *Public Notice*: Administrative Appeals require public notice in the newspaper per IC 5-3-1-2 and IC 5-3-1-4.
   2. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
   3. *Review*: The Board of Zoning Appeals shall review:
      a. The written statement and supporting material submitted by the appellant;
      b. The record of action supplied by the administrative official from whom the appeal is taken;
      c. The testimony of the appellant;
      d. Relevant evidence presented by other persons; and
      e. The testimony of the administrative official from whom the appeal is taken.
   4. *Decision*: The Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination from which the appeal stems.
   5. *Appeal*: Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the circuit or superior court of Porter County, as provided in IC 36-7-4-1000 *et seq*.

G. Duration: Not applicable.

H. Changes or Amendments: Not applicable.

Floodplain Standards Appeal

10.18 Floodplain Standards Appeal

A. Purpose and Intent: The purpose of the Floodplain Standards Appeal section is to outline the procedure employed by the County in order to afford the public an avenue of appeal when there is some doubt that the Floodplain Administrator has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing the requirements of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.

B. Prerequisites:
   1. *Pre-application Meeting*: Prior to submitting a Floodplain Standards Appeal application, the appellant shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, and review the procedures. The Plan Commission Office shall aid and advise the appellant in preparing the application and supporting documents as necessary.

C. Applicability:
   1. The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.
   2. *Stay of Work*:
      a. Authority: When an appeal from the decision of the Floodplain Administrator has been filed, the Board of Zoning Appeals may stay the proceedings and work on the premises affected.
      b. Restraining Order: If the Floodplain Administrator certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the Floodplain Administrator and to the owner of the premises affected, and after due cause is shown, the Board of Zoning Appeals or the circuit or superior court of Porter County may grant the Restraining Order.
   3. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The appellant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   2. *Application Packet*: The appellant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified in the application packet unless certain documentation is deemed superfluous by the Floodplain Administrator due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the petition.

E. Fees: Once a complete submittal has been filed, the Plan Commission Office shall calculate the total of the application fee and any other applicable fees. The appellant shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review a Floodplain Standards Appeal petition upon receipt of a complete application and supporting documents.
   2. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Docket Number: Assign the item a docket number;
      b. Agenda: Place the item on an agenda of the Board of Zoning Appeals;
      c. Notification: Inform the appellant of the time, date, and place of the meeting.
   3. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Floodplain Standards Appeal petition.
   4. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Floodplain Standards Appeal. The Plan Commission Office's report shall incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   5. *Record*: The Floodplain Administrator shall maintain records of all applications, plans, and permits filed for a Floodplain Standards Appeal.

G. Board of Zoning Appeals:
   1. *Designation of Floodplain Standards Variance & Appeals Board*: The Board of Zoning Appeals is hereby designated the Floodplain Standards Variance & Appeals Board, and, as such, shall hear and decide Floodplain Standards Appeals.
   2. *Public Notice*:
      a. Responsibility: The appellant shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
      b. Proof: The appellant shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Plan Commission Office. The appellant shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
   3. *Submittal*: The appellant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals may result in the petition's being held off the Board of Zoning Appeals agenda to allow the appellant time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board of Zoning Appeals Rules of Procedure.
   4. *Attendance*: The appellant is required to be present at the Board of Zoning Appeals meeting to address concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
   5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.

6. *Review*: The Board of Zoning Appeals shall review:
   a. The written statement and supporting material submitted by the appellant;
   b. The record of action supplied by the Floodplain Administrator;
   c. The testimony of the appellant;
   d. The testimony of the Floodplain Administrator;
   e. Relevant evidence presented by other persons;
   f. All technical evaluations;
   g. All relevant factors;
   h. All standards specified in other sections of the Unified Development Ordinance;
   i. The danger of life and property due to flooding or erosion damage;
   j. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   k. The importance of the services provided by the proposed facility to the community;
   l. The necessity to the facility of a waterfront location, where applicable;
   m. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
   n. The compatibility of the proposed use with existing and anticipated development;
   o. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
   p. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   q. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
   r. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
   s. The applicable standards of the Unified Development Ordinance;
   t. The applicable standards of the County's engineering manuals;
   u. All information presented by the members of the Development Advisory Committee;
   v. The Plan Commission Office report; and
   w. Any additional information provided at or prior to the public hearing.
7. *Decision*: The Board of Zoning Appeals may reverse, affirm or modify the order, requirements, decision, or determination of the Floodplain Administrator.
8. *Appeal*: Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the circuit or superior court of Porter County, as provided in IC 36-7-4-1000 *et seq*.

H. Duration: Not applicable.

I. Changes or Amendments: Not applicable.

10.19 Floodplain Standards Variance

A. Purpose and Intent: The purpose of the Floodplain Standards Variance section is to outline the process by which the Board of Zoning Appeals considers petitions for variances from the floodplain standards of the Unified Development Ordinance, and approves those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done. Further, it is the purpose of this Section to make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the County by fulfilling the requirements of the National Flood Insurance Program.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting a Floodplain Standards Variance application, the petitioner shall meet with the Floodplain Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability: The Board of Zoning Appeals shall approve or deny variances from the floodplain standards of the Unified Development Ordinance.
   1. *Eligible Sections*: Floodplain standards set forth in the following sections are eligible for consideration of Floodplain Standards Variances:
      a. *Chapter 05; §FP: Floodplain Standards*; and
      b. *Chapter 07; §FL: Floodplain Standards*.
   2. *Residential Use*: No Floodplain Standards Variance for a residential use within a floodway subject to *Chapter 05; §FP-01(D)(3): Critical Facility* or *§FP-01(D)(5): Standards for Identified Fringe* shall be granted.
   3. *Permit Requirement*: In addition to the local Floodplain Development Permit, any Floodplain Standards Variance granted in a floodway subject to *Chapter 05; §FP-01(D)(3): Critical Facility* or *§FP-01(D)(5): Standards for Identified Fringe* shall require a Permit for Construction in a Floodway from the Indiana Department of Natural Resources.
   4. *Area Restriction*: Floodplain Standards Variances to *Chapter 05; §FP-01(D)(2): Specific Standards*, may be granted only when a new structure is to be located on a lot of one-half acre (½ Ac.) or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
   5. *Historic Structures*: A Floodplain Standards Variance 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 & Cultural Sites, Structures, Districts, & Objects.
   6. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified in the application packet unless certain documentation is deemed superfluous by the Floodplain Administrator due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.
   4. *Time Limitation*: The Plan Commission Office shall refuse to accept a petition for a Floodplain Standards Variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Floodplain Administrator shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six-month period.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the filing fee when the Plan Commission Office issues the docket number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review a Floodplain Standards Variance petition upon receipt of a complete application and supporting documents.
   2. *Development Advisory Committee*:
      a. Determination: The Floodplain Administrator shall determine whether the petition merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Docket Number: Assign the item a docket number;
      b. Agenda: Place the item on an agenda of the Board of Zoning Appeals;
      c. Notification: Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Floodplain Standards Variance petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Floodplain Standards Variance. The Plan Commission Office's report shall incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Floodplain Administrator shall maintain records of all applications, plans, and permits filed for a Floodplain Standards Variance. The Floodplain Administrator shall maintain the records of Floodplain Standards Variance actions and report any Floodplain Standards Variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request. The Floodplain Administrator shall maintain a record of all Floodplain Standards Variance actions, including justification for their issuance, and report such Floodplain Standards Variances issued in the County's biennial report submission to the Federal Emergency Management Agency.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Floodplain Standards Variance petitions that have been forwarded by the Plan Commission Office.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee's agenda to allow the petitioner time to complete the submittal.
4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee's agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Board of Zoning Appeals:
1. *Designation of Floodplain Standards Variance & Appeals Board*: The Board of Zoning Appeals is hereby designated the Floodplain Standards Variance & Appeals Board, and, as such, shall hear and decide requests for Floodplain Standards Variances from the requirements of *Chapter 05; §FP: Floodplain Standards* and *Chapter 07; §FL: Floodplain Standards*.
2. *Public Notice*:
   a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
   b. Proof: The petitioner shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
3. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals shall result in the petition's being held off the Board of Zoning Appeals agenda to allow the petitioner time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board of Zoning Appeals Rules of Procedure.
4. *Attendance*: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.

6. *Review*: The Board of Zoning Appeals shall review:
   a. The application;
   b. The required supporting information;
   c. The testimony of the petitioner;
   d. Relevant evidence presented by other persons;
   e. The Floodplain Administrator's report;
   f. All technical evaluations;
   g. All relevant factors;
   h. All standards specified in other sections of the Unified Development Ordinance;
   i. The danger of life and property due to flooding or erosion damage;
   j. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   k. The importance of the services provided by the proposed facility to the community;
   l. The necessity to the facility of a waterfront location, where applicable;
   m. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
   n. The compatibility of the proposed use with existing and anticipated development;
   o. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
   p. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   q. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
   r. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
   s. The applicable standards of the Unified Development Ordinance;
   t. The applicable standards of the County's engineering manuals;
   u. All information presented by the members of the Development Advisory Committee;
   v. The Plan Commission Office report; and
   w. Any additional information provided at or prior to the public hearing.
7. *Decision*: The Board of Zoning Appeals shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.

8. *Findings of Fact*:
   a. The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance if, after a public hearing, the Board of Zoning Appeals makes written findings of fact that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the area adjacent to the property included in the Floodplain Standards Variance will not be affected in a substantially adverse manner; and
      iii. The strict application of the terms of the Unified Development Ordinance will result in a practical difficulty. This situation is not self-imposed, nor based on a perceived reduction of or restriction of economic gain; and
      iv. The Floodplain Standards Variance is the minimum necessary, considering the flood hazard, to afford relief; and
      v. The petitioner has shown good and sufficient cause; and
      vi. A determination that failure to grant the Floodplain Standards Variance would result in exceptional hardship; and
      vii. A determination that the granting of a Floodplain Standards Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
   b. Findings of Fact for a Historic Structure: The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance for the repair or rehabilitation of "historic structures" if, after a public hearing, the Board of Zoning Appeals makes written findings of fact that:
      i. The proposed repair or rehabilitation shall not preclude the structure's continued designation as an "historic structure"; and
      ii. The Floodplain Standards Variance is the minimum to preserve the historic character and design of the structure.
   c. Certification: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals.
   d. Notification:
      i. Approval: The Board of Zoning Appeals shall give the petitioner written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The Board of Zoning Appeals shall give the petitioner written notice over the signature of the Chair of the Board of Zoning Appeals that:
         [a] The issuance of a Floodplain Standards Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and
         [b] Such construction below the base flood level increases risks to life and property. A copy of the notice shall by recorded by the Floodplain Administrator in the County Recorder's office and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
      ii. Denial: In the case of a denied petition, the Board of Zoning Appeals shall furnish the petitioner with a copy of its decision.
9. *Surety Requirement*: In conjunction with the approval of a Floodplain Standards Variance, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

10. *Commitments*:
    a. Acceptance: In conjunction with the approval of a Floodplain Standards Variance, the Board of Zoning Appeals may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
    b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The petitioner and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
    c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Floodplain Standards Variance. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for a Floodplain Development Permit.
    d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
    e. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
11. *Conditions of Approval*:
    a. Requirement: Upon the consideration of the factors listed in *§6: Review*, and the purposes of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*, the Board of Zoning Appeals may attach such conditions to the granting of Floodplain Standards Variances as it deems necessary to further the purposes of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Board of Zoning Appeals Attorney. The Chair of the Board of Zoning Appeals shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Floodplain Standards Variance. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall prepare and record a condition of approval modification instrument or conditions of approval termination instrument in the same manner required for a condition of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
12. *Revisions*: Within thirty (30) calendar days of approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Plan Commission Office. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

I. Duration: Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Floodplain Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms to the Unified Development Ordinance as written.

J. Changes or Amendments: Any change to an approved Floodplain Standards Variance shall be the subject of a new Floodplain Standards Variance petition.

10.20 Development Standards Variance

A. Purpose and Intent: The purpose of this section is to outline the process by which the Board of Zoning Appeals considers petitions for variances from the development standards of the Unified Development Ordinance, and approve those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability: Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals shall approve or deny variances from the development standards of the Unified Development Ordinance.
   1. *Eligible Chapters*: Development standards set forth in the following Chapters are eligible for consideration of Development Standards Variances:
      a. *Chapter 02: Zoning Districts*;
      b. *Chapter 03: Overlay Districts*;
      c. *Chapter 04: Planned Unit Development Districts*;
      d. *Chapter 05: Zoning District Development Standards*; and
      e. *Chapter 09: Nonconformance*.
   2. *Exceptions*:
      a. PUD District Ordinance Modification: Applications for variances from the development requirements of a PUD District Ordinance shall be the subject of a petition filed under *§10.08: Planned Unit Development; Modification*.
      b. Design Waiver: Except as provided in *§10.19: Floodplain Standards Variance*, applications for variances from the provisions of *Chapter 06: Subdivision Regulations* and *Chapter 07: Subdivision, Development Plan & PUD Design Standards* shall be the subject of a petition filed under *§10.10: Design Waiver*.
      c. Floodplain Standards Variance: Applications for variances from the provisions of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards* shall be the subject of a petition filed under *§10.19: Floodplain Standards Variance*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
   2. *Application Packet*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the filing fee when the Plan Commission Office issues the Docket Number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.
   2. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether the petition merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the planning staff shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Docket Number: Assign the item a docket number;
      b. Agenda: Place the item on an agenda of the Board of Zoning Appeals;
      c. Notification: Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Development Standards Variance petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Development Standards Variance. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Development Standards Variance.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Development Standards Variance petitions that have been forwarded by the Plan Commission Office.
   2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Board of Zoning Appeals:
   1. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning the affidavit of public notice and proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of the affidavit of public notice and proof of published and mailed notice. Failure to submit the affidavit of public notice and proof of published and mailed notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
   2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals shall result in the petition's being held off the Board of Zoning Appeals agenda to allow the petitioner time to complete the submittal. Materials submitted by the petitioner after the informational packets have been distributed shall be subject to action pursuant to the Board of Zoning Appeals Rules of Procedure.
   3. *Attendance*: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
   4. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
   5. *Review*: The Board of Zoning Appeals shall review:
      a. The written statement and supporting material submitted by the petitioner;
      b. Any commitments or conditions of approval attendant to prior approvals;
      c. The testimony of the petitioner;
      d. Relevant evidence presented by other persons;
      e. The applicable standards of the Unified Development Ordinance;
      f. The applicable standards of the County's engineering manuals;
      g. All information presented by the members of the Development Advisory Committee;
      h. The Plan Commission Office report; and
      i. Such other additional information as may be required by the Board of Zoning Appeals to evaluate the petition.
   6. *Decision*: The Board of Zoning Appeals shall:
      a. Approve the petition;
      b. Approve the petition with conditions and/or commitments;
      c. Deny the petition; or
      d. Continue the petition to a definite future meeting date.

7. *Findings of Fact*:
   a. The Board of Zoning Appeals may grant a variance from the development standards of the Unified Development Ordinance (such as height, bulk, area) if, after a public hearing, it makes written findings of fact in compliance with IC 36-7-4-900 *et seq*. and the requirements of the Unified Development Ordinance, that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and
      iii. The strict application of the terms of the Unified Development Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
   b. Certification: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals.
   c. Notification: In the case of a denied petition, the Board of Zoning Appeals shall furnish the petitioner with a copy of its decision.
8. *Surety Requirement*: In conjunction with the approval of a Development Standards Variance, the Board of Zoning Appeals may require that the petitioner provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Development Standards Variance, the Board of Zoning Appeals may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The petitioner and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Standards Variance. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for any permits for the site.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.

10. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Development Standards Variance, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Board of Zoning Appeals Attorney. The Chair of the Board of Zoning Appeals shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Development Standards Variance. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Revisions*: Within thirty (30) calendar days of Board of Zoning Appeals approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Plan Commission Office. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

I. Duration:
1. Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Development Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms with the Unified Development Ordinance as written.
2. *Regulation of Tall Structures*: Before approval of a Development Standards Variance involving a structure regulated under IC 8-21-10: Regulation of Tall Structures may become effective, petitioner shall submit to the Board of Zoning Appeals:
    a. A copy of:
        i. The permit for the structure issued by the Indiana Department of Transportation; or
        ii. The Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
    b. Evidence that notice was delivered to a public use airport as required in IC 8-21-10-3: Permit Requirements not less than sixty (60) days before the Development Standards Variance petition was considered.

J. Changes or Amendments: Any change to an approved Development Standards Variance shall be the subject of a new Development Standards Variance petition.

Use Variance

10.21 Use Variance

A. Purpose and Intent: The purpose of this section is to outline the process by which the Board of Zoning Appeals considers petitions for variances of use, and approve those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

B. Prerequisites:

1. *Ownership*: The petitioner must:
   a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
   b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
2. *Pre-application Meeting*: Prior to submitting a Use Variance application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, examine the proposed use and development of the property. The Plan Commission Office shall aid the petitioner in preparing the application and supporting documents.

C. Applicability:

1. Pursuant to IC 36-7-4-918.4, the Board of Zoning Appeals shall approve or deny variances of use from the terms of the Unified Development Ordinance. A Use Variance may be approved under this section only upon a determination in writing that:
   a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   b. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner;
   c. The need for the Use Variance arises from some condition peculiar to the property involved;
   d. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the Use Variance is sought; and
   e. The approval does not interfere substantially with the Comprehensive Plan adopted under the 500 Series of IC 36-7-4.
2. *Exceptions*: Applications for variances from the permitted uses of a PUD District Ordinance shall be the subject of a petition filed under *§10.08: Planned Unit Development; Modification.*

D. Application:

1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
   a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
   b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
   c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
4. *Development Plan*: A Use Variance petition that involves new construction shall also be the subject of a Development Plan petition before the Plan Commission (see *§10.09: Development Plan*). In such cases, approval of the Use Variance petition by the Board of Zoning Appeals confirms the appropriateness of the use on the subject property under any conditions that the Board of Zoning Appeals may specify, and does not in any way diminish the Plan Commission's ability to exercise its authority over the Development Plan. Although the Use Variance and Development Plan petitions may be taken through their respective processes concurrently, an approved Development Plan is without effect unless and until the Board of Zoning Appeals approves the necessary Use Variance petition.

E. Fees:
   1. The Plan Commission Office shall calculate the total of the application fee and any other applicable fees, and shall then apprise the petitioner of the total fee.
   2. The petitioner shall submit the filing fee when the Plan Commission Office issues the docket number.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the petition upon receipt of a complete application and supporting documents.
   2. *Development Advisory Committee*:
      a. Determination: The Executive Director shall determine whether a given Use Variance petition merits Development Advisory Committee review.
      b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Board of Zoning Appeals;
      c. Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Use Variance petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Use Variance. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Use Variance.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Use Variance petitions that have been forwarded by the Plan Commission Office.
   2. *Copies*: The petitioner shall refer to the Use Variance application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner to complete the submittal.
   4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the Use Variance application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Board of Zoning Appeals:

1. *Public Notice*: A public notice shall be completed in accordance with the Board of Zoning Appeals Rules of Procedure.
2. *Submittal*: The petitioner shall refer to the application form to determine the format and number of copies of the plans application to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals.
3. *Attendance*: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the application being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
4. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
5. *Review*: The Board of Zoning Appeals shall review:
   a. The written statement and supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. Any commitments or conditions of approval attendant to prior approvals;
   d. The testimony of the petitioner;
   e. Relevant evidence presented by other persons;
   f. The importance of the services provided by the proposed use to the community;
   g. The availability of alternative locations for the proposed use that are consistent with those locations' zoning districts;
   h. The compatibility of the proposed use with existing and anticipated development;
   i. The applicable standards of the Unified Development Ordinance;
   j. The applicable standards of the County's engineering manuals;
   k. All information presented by the members of the Development Advisory Committee;
   l. The Plan Commission Office report; and
   m. Such other additional information as may be required by the Board of Zoning Appeals to evaluate the petition.
6. *Decision*: The Board of Zoning Appeals shall:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.
7. *Findings of Fact*:
   a. Approval: The Board of Zoning Appeals may grant a variance of use if, after a public hearing, it makes written findings of fact in compliance with IC 36-7-4-900 *et seq*. and the requirements of the Unified Development Ordinance, that:
      i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
      ii. The use and value of the adjacent areas to the subject property are not adversely affected; and
      iii. The need for a variance stems from a condition unusual or peculiar to the subject property itself; and
      iv. The strict application of the terms of the Unified Development Ordinance will result in an unnecessary hardship if they were applied to the subject property; and
      v. The approval of the Use Variance does not contradict the goals and objectives of the Comprehensive Plan.
   b. Certification: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals.
   c. Notification: The Board of Zoning Appeals shall furnish the petitioner with a copy of its decision.
8. *Surety Requirement*: In conjunction with the approval of a Use Variance, the Board of Zoning Appeals may require that the petitioner provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Use Variance, the Board of Zoning Appeals may permit or require the owner of a lot to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The commitment instrument shall be signed by the petitioner and the Chair of the Board of Zoning Appeals.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for a Certificate of Zoning Compliance.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
   e. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.

10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Use Variance, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the lot.
   b. Form: The Plan Commission Office shall prepare the conditions of approval in a form approved by the Board of Zoning Appeals Attorney. The conditions of approval instrument shall be signed by the Chair of the Board of Zoning Appeals.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
   e. Enforcement: The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.

11. *Revisions*: If changes were requested for approval of the application by the Board of Zoning Appeals, the petitioner shall submit revised copies of the plans that address the comments and concerns to the Executive Director within thirty (30) days of the variance approval.

I. Duration: A Use Variance granted by a Board of Zoning Appeals may run with the parcel or petitioner until such time as:
   1. The use permitted by the Use Variance ends, is vacated, or is unused for at least one (1) year;
   2. A standard applied pursuant to a commitment or condition of approval that has the effect of terminating the Use Variance is met;
   3. A commitment or condition of approval is violated;
   4. The property is brought into conformance with the Unified Development Ordinance as written; or
   5. The use is changed.

J. Changes or Amendments: Any change to an approved Use Variance shall be the subject of a new Use Variance petition.

10.22 Special Exception

A. Purpose and Intent: A Special Exception use is a use for which more stringent development standards may be required before the use can be established at a given location. The use shall be permitted by the Board of Zoning Appeals if the Board of Zoning Appeals determines the development standards are met.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting an application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. The Board of Zoning Appeals, in accordance with the procedures and standards set out in this Chapter, may grant Special Exception approval authorizing the development of uses listed as Special Exceptions in the regulations applicable to the zoning district in which the subject property is located.
   2. The grant of a Special Exception authorizes the use and establishes the terms of use. Special Exceptions are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements.
   3. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*:
      a. General: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals.
      b. Mineral Extraction: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Form*:
      a. General: The applicant shall submit the completed application to the Plan Commission Office.
      b. Mineral Extraction: The applicant shall submit the completed application to the Plan Commission Office. Each application shall be signed under oath, dated, and shall recite under penalties for perjury that the applicant has read the relevant sections of the applicable ordinances and accepts the obligations hereby imposed. Each application shall be accompanied by a nonrefundable fee that the Plan Commission may set from time to time.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information:
         i. General: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
         ii. Mineral Extraction: The petitioner shall submit the application for a Mineral Extraction Permit at the same time as the Special Exception application. The materials submitted with the Mineral Extraction Permit application shall be reviewed by the Plan Commission and Board of Zoning Appeals during the Special Exception process.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission Office:
1. *Review*: The Plan Commission Office shall review the application upon receipt of a complete application, supporting documents, and the appropriate fees.
2. *Development Advisory Committee*:
   a. Determination: The Executive Director shall determine whether the petition merits Development Advisory Committee review.
   b. Agenda: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Executive Director shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
3. *Complete Submittal*:
   a. General: Once the Plan Commission Office has determined that the applicant has made a complete submittal, the Executive Director shall:
      i. Assign the item a docket number;
      ii. Place the item on an agenda of the Board of Zoning Appeals;
      iii. Inform the applicant of the time, date, and place of the meeting.
   b. Mineral Extraction: Once the Plan Commission Office has determined that the applicant has made a complete submittal, the Executive Director shall:
      i. Assign the item a docket number;
      ii. Place the item on an agenda of the Plan Commission;
      iii. Inform the applicant of the time, date, and place of the meeting.
4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Special Exception petition.
5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Special Exception. The Plan Commission Office's report shall incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Special Exception.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Special Exception petitions that have been forwarded by the Plan Commission Office.
2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee agenda to allow the petitioner time to complete the submittal.
4. *Attendance*: The petitioner should be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:
1. *Review of Special Exception Applications*:
   a. General: The Plan Commission is not required to review Special Exception applications.
   b. Mineral Extraction:
      i. Review: The Plan Commission shall review all pertinent information regarding the proposed mineral extraction activity and forward, within forty-five (45) days following receipt of the complete Special Exception application, a report to the Board of Zoning Appeals.
      ii. Recommendation: The Plan Commission shall forward the application with:
         [a] A favorable recommendation; or
         [b] A negative recommendation; or
         [c] No recommendation.
      iii. *Commitments*: In conjunction with its recommendation to the Board of Zoning Appeals, the Plan Commission may recommend that the Board of Zoning Appeals permit the petitioner to make written commitments concerning the use and/or development of the parcel.
      iv. *Conditions of Approval*: In conjunction with its recommendation to the Board of Zoning Appeals, the Plan Commission may recommend that the Board of Zoning Appeals impose conditions of approval concerning the use and/or development of the parcel.

I. Board of Zoning Appeals:
1. *Plan Commission Report*: If the Plan Commission has not filed its report with the Board of Zoning Appeals within the forty five-day time period, the Board of Zoning Appeals may proceed to process the application and hold a public hearing pursuant to the Board of Zoning Appeals Rules of Procedure.
2. *Public Notice*:
   a. Published: The applicant shall be responsible for publishing notice pursuant to the Board of Zoning Appeals Rules of Procedure.
   b. Mailed: The applicant shall be responsible for mailing notice pursuant to the Board of Zoning Appeals Rules of Procedure.
   c. Posted: The applicant shall be responsible for posting notice on site pursuant to the Board of Zoning Appeals Rules of Procedure.
   d. Proof: The applicant shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The applicant shall refer to the application form to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
3. *Submittal*: The applicant shall refer to the application form to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals may result in the petition's being held off the Board of Zoning Appeals agenda to allow the applicant time to complete the submittal.
4. *Attendance*: The applicant is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.

6. *Review*: The Board of Zoning Appeals shall review:
   a. The written statement and supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. Any commitments or conditions of approval attendant to prior approvals;
   d. The testimony of the petitioner;
   e. Relevant evidence presented by other persons;
   f. In the case of a mineral extraction use, the Plan Commission report;
   g. The compatibility of the proposed use with existing and anticipated development;
   h. The potential use of adjoining land for uses permitted in the district;
   i. The current trends of development of lands in the vicinity;
   j. The effect of the proposed use on the natural features of the site and adjoining lands;
   k. The quality and capacity of existing or proposed access roads to accommodate traffic generated by the proposed use;
   l. The applicable standards of the Unified Development Ordinance;
   m. The applicable standards of the County's engineering manuals;
   n. All information presented by the members of the Development Advisory Committee;
   o. The Plan Commission Office report; and
   p. Such other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision*: The Board of Zoning Appeals shall:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.
8. *Findings of Fact*:
   a. The Board of Zoning Appeals may grant a Special Exception if, after a public hearing, it makes written findings of fact that:
      i. The proposed Special Exception is to be located in a zoning district that wherein such use may be permitted; and
      ii. The requirements set forth in *Chapter 05; §SE: Special Exception Standards* for such Special Exception shall be met; and
      iii. The Special Exception is consistent with the spirit, purpose, and intent of the Unified Development Ordinance; and
      iv. The Special Exception shall not substantially and permanently injure the appropriate use of the neighboring property; and
      v. The Special Exception shall serve the public convenience and welfare.
   b. Certification: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals.
   c. Notification: In the case of a denied petition, the Board of Zoning Appeals shall furnish the petitioner with a copy of its decision.
9. *Surety Requirement*: In conjunction with the approval of a Special Exception, the applicant shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards.*

10. *Commitments*:
    a. Acceptance: In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may permit or require the owner of a parcel of property to make written commitments concerning the use or development of the lot.
    b. Form: The applicant shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The commitment instrument shall be signed by the applicant and the Chair of the Board of Zoning Appeals.
    c. Recording: The applicant shall record the commitment instrument in the County Recorder's office. The applicant shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for a Certificate of Zoning Compliance.
    d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
    e. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
11. *Conditions of Approval*: The Board of Zoning Appeals may impose such conditions and limitations as may be necessary to minimize adverse effects upon other property in the vicinity or upon public facilities and services or to satisfy applicable criteria. Such conditions shall be expressly set forth in the record of the grant of the Special Exception, and the Board of Zoning Appeals may require the commitment of the applicant to such conditions.
    a. Requirement:
        i. General: In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the lot.
        ii. Mineral Extraction: The Board of Zoning Appeals shall review the report from the Plan Commission and investigate the area to be developed, as well as the surrounding area, in order to determine the conditions of approval to be prescribed so as to protect surrounding property.
    b. Form: The Plan Commission Office shall prepare the conditions of approval in a form approved by the Board of Zoning Appeals Attorney. The conditions of approval instrument shall be signed by the Chair of the Board of Zoning Appeals.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
    e. Enforcement: The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
    f. Compliance: Whenever any Special Exception granted pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall meet such conditions as may be applicable prior to the issuance of a permanent Certificate of Occupancy.
12. *Revisions*: Within thirty (30) calendar days of Board of Zoning Appeals approval, the applicant shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Plan Commission Office. The applicant shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

J. Duration: Any Special Exception granted by the Board of Zoning Appeals shall expire:
   1. In the case of new construction or modifications to an existing structure:
      a. Two (2) years after the date granted by the Board of Zoning Appeals, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or
      b. At the date of termination established by the Board of Zoning Appeals as a condition of approval or commitment if different from *§1(a)* above.
   2. In the case of occupancy of land which does not involve new construction:
      a. Two (2) years after the date granted by the Board of Zoning Appeals, unless a Certificate of Zoning Compliance has been obtained and the use has commenced; or
      b. At the date of termination established by the Board of Zoning Appeals as a condition of approval or commitment if different from *§2(a)* above.
      c. If an appeal is taken from an order granting a Special Exception, the time during which such appeal is pending shall not be counted in determining whether the Special Exception approval has expired under *§a* or *§b* of this Section.
      d. Extension: The Board of Zoning Appeals may provide by rule for the granting of extensions of Special Exception approvals.

K. Changes or Amendments:
   1. *Amendments to Special Exception Approvals*:
      a. Any modification or intensification of a Special Exception that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals at the time the Special Exception was granted shall require a new Special Exception approval. The property owner/ operator or an authorized representative shall apply for such Special Exception approval prior to any modification of the use or property.
      b. The Executive Director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Special Exception as approved. The operator of the Special Exception use shall provide the Executive Director with all the necessary information to render this determination.
      c. If so authorized in the Plan Commission Rules of Procedure, the Hearing Officer may hear requests for amendments to a Special Exception.
      d. No use classified as conditional may be conducted without first obtaining a Special Exception approval, and no such use shall be conducted except in compliance with all applicable provisions of this Unified Development Ordinance and with any conditions upon such Special Exception approval.
   2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

Amendments to Ordinance Text

10.23 Amendments to Ordinance Text

A. Purpose and Intent: The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance or a PUD District Ordinance and make a recommendation to the Board of County Commissioners concerning that proposal. The Board of County Commissioners have the power to approve or reject a proposal to amend the text of the Unified Development Ordinance or a PUD District Ordinance.

B. Prerequisites:

1. *Unified Development Ordinance*:
   a. Petitions Originating with the Plan Commission or Board of County Commissioners: Only the Plan Commission or the Board of County Commissioners have standing to initiate a proposal to amend the text of the Unified Development Ordinance.
   b. Petitions Originating outside the Plan Commission or Board of County Commissioners:
      i. Initiation: Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of either group shall request that either the Plan Commission or Board of County Commissioners initiate the proposal.
      ii. Pre-application Meeting: Prior to submitting a proposal to amend the text of the Unified Development Ordinance, the petitioner shall meet with the Plan Commission Office to review the regulatory ordinances and materials, review the procedures and examine the effect of the proposal.
   c. Floodplain Standards: Amendments to the text of *§1.27: Summary of Duties; Floodplain Standards Variance & Appeals Board, §1.28: Summary of Duties; Floodplain Administrator, Chapter 05; §FP: Floodplain Standards, Chapter 07; §FL: Floodplain Standards, §10.18: Floodplain Standards Appeal,* or *§10.19: Floodplain Standards Variance* must be submitted to and approved by the Division of Water of the Indiana Department of Natural Resources before becoming effective.
2. *PUD District Ordinance*:
   a. Petitions Originating with the Plan Commission or Board of County Commissioners: The Plan Commission or the Board of County Commissioners have standing to initiate a proposal to amend the text of a PUD District Ordinance.
   b. Petitions Originating outside the Plan Commission or Board of County Commissioners:
      i. Initiation: Persons who wish to propose an amendment to the text of a PUD District Ordinance and who are not members of either group may:
         [a] Request that either the Plan Commission or Board of County Commissioners initiate the proposal; or
         [b] Present a petition signed by property owners who own at least fifty percent (50%) of the land involved.
      ii. Pre-application Meeting: Prior to submitting a proposal to amend the text of a PUD District Ordinance, the petitioner shall meet with the Plan Commission Office to review the regulatory ordinances and materials, review the procedures and examine the effect of the proposal. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability: No text within the Unified Development Ordinance or a PUD District Ordinance may be amended without an Ordinance Amendment.

D. Application:
   1. *Petitions Originating with the Plan Commission or Board of County Commissioners*: The Plan Commission Office shall file the application and required supporting information at least thirty (30) calendar days prior to the regularly scheduled Plan Commission meeting.
   2. *Petitions Originating outside the Plan Commission or Board of County Commissioners*:
      a. Filing Deadline: The petitioner shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any given meeting of the Plan Commission.
      b. Application Packet: The petitioner shall submit the completed application to the Plan Commission Office.
      c. Supporting Information: The application shall include, but not be limited to, the following documents:
         i. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
         ii. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular proposal.
         iii. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Not applicable.

F. Plan Commission Office:
   1. *Preparation*: The Plan Commission Office shall prepare the proposal upon the direction of either the Plan Commission or the Board of County Commissioners. The Plan Commission Office shall prepare the proposal so that it is consistent with IC 36-7-4-601.
   2. *Review*:
      a. The Plan Commission Office shall review a text amendment application upon receipt of a complete application and supporting documents.
      b. Plan Commission Attorney: The Plan Commission Office shall forward a copy of the text amendment ordinance draft to the Plan Commission Attorney for review.
   3. *Complete Submittal*: The Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of the Plan Commission for public hearing.
      c. Inform the Plan Commission of the time, date, and place of the meeting.
   4. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Unified Development Ordinance or PUD District Ordinance text amendment.
   5. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Text Amendment.
   6. *Copies*: The Plan Commission Office shall keep additional copies of the text amendment ordinance in the office for the purpose of sale or distribution.

G. Plan Commission:

1. *Initiation*: The Plan Commission may initiate a proposal to amend the Unified Development Ordinance text.
2. *Preparation*: The Plan Commission shall prepare the proposal so that it is consistent with IC 36-7-4-601. The Plan Commission may direct the Plan Commission Office to prepare the proposal.
3. *Public Notice*: Public notice shall be completed in accordance with the Plan Commission Rules of Procedure.
4. *Public Hearing*: Within sixty (60) days of initiating a proposal to amend the Unified Development Ordinance text or receiving a proposal from the Board of County Commissioners requiring the Plan Commission to prepare the proposal, the Plan Commission shall hold a public hearing in accordance with the Plan Commission Rules of Procedure.
5. *Review*: In preparing and considering proposals to amend the text, the Plan Commission shall pay reasonable regard to:
   a. The Comprehensive Plan;
   b. Current conditions and the character of current structures and uses in each zoning district;
   c. The most desirable use for which the land in each zoning district is adapted;
   d. The conservation of property values throughout the jurisdiction; and
   e. Responsible development and growth.
6. *Decision*: The Plan Commission shall:
   a. Certify and forward the proposal to the Board of County Commissioners with:
      i. A favorable recommendation;
      ii. A negative recommendation;
      iii. No recommendation; or
   b. Continue the proposal to a definite future meeting date.
7. *Certification*: Within ten (10) business days after the Plan Commission determines its recommendation (if any), the Plan Commission shall certify the proposal to the Board of County Commissioners.
8. *Commitments; Petitions Originating outside the Plan Commission or Board of County Commissioners*: In conjunction with its recommendation to the Board of County Commissioners of a PUD District Ordinance text amendment, the Plan Commission may recommend that the Board of County Commissioners permit the petitioner to make written commitments concerning the use and/or development of the parcel.
9. *Conditions of Approval; Petitions Originating outside the Plan Commission or Board of County Commissioners*: In conjunction with its recommendation to the Board of County Commissioners of a PUD District Ordinance text amendment, the Plan Commission may recommend that the Board of County Commissioners impose conditions of approval concerning the use and/or development of the parcel.
10. *Rejection or Amendment by the Board of County Commissioners*: If the Board of County Commissioners return the proposal, the Plan Commission shall consider the rejection or amendment, and shall vote on the proposal within forty-five (45) days in accordance with IC 36-7-4-607.
11. *Publication*: If the proposal is adopted by the Board of County Commissioners pursuant to IC 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in the Unified Development Ordinance or PUD District Ordinance printed by the County.
12. *Notice of Adoption*: Within thirty (30) calendar days after adoption of a text amendment, the Plan Commission Office shall publish a notice of adoption in accordance with IC 5-3-1-2(h). The notice of adoption shall:
    a. Summarize the subject matter of the text amendment ordinance;
    b. Give the date of adoption;
    c. Specify the places or areas that would be directly affected by the text amendment ordinance (this does not require the identification of any real property by metes and bounds);
    d. Specify the penalty or forfeiture prescribed for a violation of the Unified Development Ordinance; and
    e. Give two (2) locations open to the public where the entire text of the ordinance is available for inspection.

H. Board of County Commissioners:

1. *Action*: The Board of County Commissioners may initiate a proposal to amend the Unified Development Ordinance text or shall vote on a proposal from the Plan Commission to amend the text within ninety (90) days of certification by the Plan Commission in accordance with IC 36-7-4-607, which governs whether the proposal is adopted or defeated.
2. *Review*: In preparing and considering proposals to amend the Unified Development Ordinance text, the Board of County Commissioners shall pay reasonable regard to:
   a. The Comprehensive Plan;
   b. Current conditions and the character of current structures and uses in each zoning district;
   c. The most desirable use for which the land in each zoning district is adapted;
   d. The conservation of property values throughout the jurisdiction; and
   e. Responsible development and growth.
3. *Public Notice*: If the Plan Commission forwards the proposal to the Board of County Commissioners with either a negative or no recommendation, then the Board of County Commissioners shall be responsible for publishing notice of the meeting at which it will consider the proposal. Such notice shall be accomplished in accordance with IC 5-14-1.5-5.
4. *Publication*: If the proposal is adopted by the Board of County Commissioners pursuant to IC 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in the Unified Development Ordinance printed by the County.
5. *Notice of Adoption*: Within thirty (30) calendar days after adoption of a text amendment, the Executive Director shall publish a notice of adoption in accordance with IC 5-3-1-2(h). The notice of adoption shall:
   a. Summarize the subject matter of the text amendment ordinance;
   b. Give the date of adoption;
   c. Specify the places or areas that would be directly affected by the text amendment ordinance (this does not require the identification of any real property by metes and bounds);
   d. Specify the penalty or forfeiture prescribed for a violation of the Unified Development Ordinance; and
   e. Give two (2) locations open to the public where the entire text of the ordinance is available for inspection.
6. *Commitments; PUD District Ordinance Amendment*:
   a. Acceptance: In conjunction with the approval of a PUD District Ordinance Amendment, the Board of County Commissioners may permit or require the owner of a lot to make written commitments concerning the use or development of the affected property.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The commitment instrument shall be signed by the petitioner and the President of the Board of County Commissioners.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for any permits under the amended PUD District Ordinance.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure.
   e. Enforcement: The County may enforce any commitment the Board of County Commissioners has accepted as if the commitment were a standard of the Unified Development Ordinance.

7. *Conditions of Approval; PUD District Ordinance Amendment*:
   a. Requirement: In conjunction with the approval of a PUD District Ordinance Amendment, the Board of County Commissioners may impose conditions of approval concerning the use or development of the affected property.
   b. Form: The Plan Commission Office shall prepare the conditions of approval in a form approved by the County Attorney. The conditions of approval instrument shall be signed by the President of the Board of County Commissioners.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure.
   e. Enforcement: The County may enforce any condition of approval the Board of County Commissioners has imposed as if the condition were a standard of the Unified Development Ordinance.
8. *Recording*: The Plan Commission Office shall record in the County Recorder's office any amendment to the content of *Chapter 06: Subdivision Regulations*, *Chapter 07: Subdivision, Development Plan & PUD Design Standards*, *Chapter 10; §Subdivision Control*, or any other amendment that affects the subdivision of land.

I. County Auditor:
   1. *File Copies*: Two (2) copies of the adopted text amendment ordinance shall be filed with the County Auditor, and these copies shall be kept in the County Auditor's office for public inspection.
   2. *Additional Copies*: The County Auditor shall keep additional copies of the text amendment ordinance in the office for the purpose of sale or distribution

J. Duration:
   1. *Effective Date*: Unless a text amendment ordinance provides for a later effective date, the ordinance takes effect when it is adopted under IC 36-7-4-607.
   2. *Provision for a Penalty*: When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the later of the following:
      a. The final day on which notice of its adoption is published; or
      b. The day on which it is filed in the County Auditor's office.

K. Changes or Amendments: Not applicable.

10.24 Amendment to Zoning Map

A. Purpose and Intent: The Plan Commission has the authority to hear a petition to amend the zoning map (rezoning) and make a recommendation to the Board of County Commissioners. The Board of County Commissioners consider the Plan Commission's recommendation, approves or rejects the recommendation, and makes the final decision approving or rejecting the zoning map amendment application.

B. Prerequisites:
   1. *Standing*: Only the members of the Board of County Commissioners, the Plan Commission, or property owners who own at least fifty percent (50%) of the land involved (*i.e.* a controlling interest in each parcel of land proposed for rezoning) shall have standing to initiate an application for rezoning.
   2. *Pre-application Meeting*: Prior to submitting a rezoning application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. No changes may be made to the zoning map without first obtaining approval from the Board of County Commissioners.
   2. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Plan Commission.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Agricultural Use Disclosure: All parcels bordered by or within 2,500 feet of an existing agricultural operation shall be required to submit an Agricultural Use Disclosure. The Agricultural Use Disclosure language shall be provided by the Plan Commission and is available in the Plan Commission Office.
      d. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission:
   1. *Public Notice*:
      a. General: Public notice shall be completed in accordance with the Plan Commission Rules of Procedure.
      b. Wellhead Protection Overlay (WPO) District: Per IC 13-18-17-6(d), a person that requests the establishment of a WPO District is responsible for sending written public notice to the owner of record, any mineral owner, and any mineral leaseholder of record of every parcel affected by the petition.
   2. *Public Hearing*: Within sixty (60) days of initiating a proposal to amend the zoning map of the Unified Development Ordinance or of receiving a proposal from the Board of County Commissioners, the Plan Commission shall hold a public hearing in accordance with the Plan Commission Rules of Procedure.

3. *Review*: The Plan Commission shall pay reasonable regard to:
   a. The written statement and supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. Any commitments or conditions of approval attendant to prior approvals;
   d. The testimony of the petitioner;
   e. Relevant evidence presented by other persons;
   f. Current conditions and the character of current structures and uses in each zoning district;
   g. The most desirable use for which the land in each zoning district is adapted;
   h. The conservation of property values throughout the jurisdiction;
   i. Responsible development and growth;
   j. In the case of a petition to establish a WPO District, the testimony of the owner of record, any mineral owner, and any mineral leaseholder of record;
   k. The Plan Commission Office report; and
   l. Such other additional information as may be required by the Plan Commission to evaluate the application.
4. *Decision*: The Plan Commission shall:
   a. Forward the application to the Board of County Commissioners with:
      i. A favorable recommendation;
      ii. A negative recommendation;
      iii. No recommendation; or
   b. Continue the application to a definite future meeting date.
5. *Commitments*: In conjunction with its recommendation to the Board of County Commissioners, the Plan Commission may recommend that the Board of County Commissioners permit the petitioner to make written commitments concerning the use and/or development of the parcel.
6. *Conditions of Approval*: In conjunction with its recommendation to the Board of County Commissioners, the Plan Commission may recommend that the Board of County Commissioners impose conditions of approval concerning the use and/or development of the parcel.

G. Board of County Commissioners:
1. *Review*: The Board of County Commissioners shall pay reasonable regard to:
   a. The written statement and supporting material submitted by the petitioner;
   b. The Comprehensive Plan;
   c. Any commitments or conditions of approval attendant to prior approvals;
   d. The testimony of the petitioner;
   e. Relevant evidence presented by other persons;
   f. Current conditions and the character of current structures and uses in each zoning district;
   g. The most desirable use for which the land in each zoning district is adapted;
   h. The conservation of property values throughout the jurisdiction;
   i. Responsible development and growth;
   j. In the case of a petition to establish a WPO District, the testimony of the owner of record, any mineral owner, and any mineral leaseholder of record;
   k. The Plan Commission Office report;
   l. The Plan Commission recommendation; and
   m. Such other additional information as may be required by the Board of County Commissioners to evaluate the application.
2. *Public Notice*: If the Plan Commission forwards the proposal to the Board of County Commissioners with either a negative or no recommendation, then the Board of County Commissioners shall be responsible for publishing notice of the meeting at which it will consider the proposal. Such notice shall be accomplished in accordance with IC 5-14-1.5-5.

3. *Decision*: The Board of County Commissioners shall act on the application within ninety (90) days of certification by the Plan Commission in accordance with IC 36-7-4-608. The Board of County Commissioners shall:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.
4. *Commitments*:
   a. Acceptance: In conjunction with the approval of a rezoning, the Board of County Commissioners may permit or require the owner of a lot to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The commitment instrument shall be signed by the petitioner and the Board of County Commissioners.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for a Certificate of Zoning Compliance.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure.
   e. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
5. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a rezoning, the Board of County Commissioners may impose conditions of approval concerning the use or development of the lot.
   b. Form: The Plan Commission Office shall prepare the conditions of approval in a form approved by the County Attorney. The conditions of approval instrument shall be signed by the Board of County Commissioners.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure.
   e. Enforcement: The County may enforce any condition of approval the Board of County Commissioners has imposed as if the condition were a standard of the Unified Development Ordinance.

H. Duration: A rezoning shall be effective from the date of its final approval pursuant to Indiana Code.

I. Changes or Amendments: Not applicable.

Easements; General

10.25 Easements; General

A. Applicability: *Chapter 10; §Easements* governs easements that have been established as:
   1. A requirement of a provision of the Unified Development Ordinance or its predecessor ordinances; or
   2. A commitment offered by or required of the petitioner; or
   3. A condition of approval imposed by the Plan Commission or Board of Zoning Appeals; or
   4. Part of a recorded plat.

B. Form: The petitioner shall render the easement instrument in a form acceptable to the County Attorney.

C. Easement Instrument Specifications: When applicable, the easement instrument shall conform to the easement instrument specifications found in *Chapter 07; §EA: Easement Standards* for the given type of easement.

D. Recording: The petitioner shall record the approved easement instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement instrument to each grantee for the given type of easement and one (1) copy to the Plan Commission Office within ten (10) business days of recording and prior to the issuance of any permits. Easement instruments shall be independently recorded documents only modifiable, terminable, or vacatable as provided in *Chapter 10; §Easements* of the Unified Development Ordinance.

10.26 Easement Modification

A. Purpose and Intent: The purpose of the Easement Modification section is to outline the procedure employed by the County when considering an application for the modification of platted or unplatted easements that have been required by the provisions of the Unified Development Ordinance. Further, the intent of the Easement Modification section is to ensure that the statutory requirements established in the Indiana Code for the modification of easements are met.

B. Prerequisites:
   1. *Pre-application Meeting*: Prior to submitting an Easement Modification application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Modification of Easements*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body (*i.e.* the Board of Zoning Appeals or Plan Commission) for modification of the easement.
   2. *Affected Easements*: This section governs easements that are:
      a. Established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances;
      b. Established pursuant to a commitment by the petitioner;
      c. Established pursuant to a condition of approval by the Plan Commission or Board of Zoning Appeals; or
      d. Shown on a recorded plat.
   3. *Exceptions*: This Section does not govern private easements that do not meet the requirements of *§C(2): Affected Easements*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals or Plan Commission, whichever may be applicable.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
   4. *Time Limitation*: If an Easement Modification application has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the application upon receipt of a complete application and supporting documents. When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the County is the grantee, either the grantor or grantee may apply to the Plan Commission Office for administrative modification of the easement in the manner outlined in this Section.

G. Plan Commission:
   1. *Jurisdiction*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, either the grantor or grantee may apply to the Plan Commission for modification of the easement.
   2. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the application's being continued to the Plan Commission agenda for the following month.
   3. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the application's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the application's being dealt with as outlined in the Plan Commission Rules of Procedure.
   5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
   6. *Review*: The Plan Commission shall review:
      a. The application and required supporting material submitted by the petitioner;
      b. The easement modification instrument draft;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. Any applicable provisions of the Unified Development Ordinance;
      g. The applicable standards of the County's engineering manuals;
      h. Any information presented by the members of the Development Advisory Committee;
      i. The Plan Commission Office report; and
      j. Such other additional information as may be required by the Plan Commission to evaluate the application.
   7. *Decision*: The Plan Commission shall:
      a. Approve the application;
      b. Approve the application with conditions and/or commitments;
      c. Deny the application; or
      d. Continue the application to a definite future meeting date.
   8. *Surety Requirement*: In conjunction with the approval of an Easement Modification, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

9. *Commitments*:
   a. Acceptance: In conjunction with the approval of an Easement Modification, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of an Easement Modification, the Plan Commission may impose conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
12. *Recording*: The petitioner shall record the easement modification instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement modification instrument to every other party to the easement and one (1) copy to the Plan Commission Office within ten (10) business days of recording.

H. Board of Zoning Appeals:
   1. *Jurisdiction*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, either the grantor or grantee may apply to the Board of Zoning Appeals for modification of the easement.
   2. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Board of Zoning Appeals agenda for the following month.
   3. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals shall result in the petition's being held off the Board of Zoning Appeals agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the petition's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
   5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
   6. *Review*: The Board of Zoning Appeals shall review:
      a. The application and required supporting material submitted by the petitioner;
      b. The easement modification instrument draft;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. Any applicable provisions of the Unified Development Ordinance;
      g. The applicable standards of the County's engineering manuals;
      h. Any information presented by the members of the Development Advisory Committee;
      i. The Plan Commission Office report; and
      j. Such other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
   7. *Decision*: The Board of Zoning Appeals shall:
      a. Approve the application;
      b. Approve the application with conditions and/or commitments;
      c. Deny the application; or
      d. Continue the application to a definite future meeting date.
   8. *Surety Requirement*: In conjunction with the approval of an Easement Modification, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

9. *Commitments*:
   a. Acceptance: In conjunction with the approval of an Easement Modification, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of an Easement Modification, the Plan Commission may impose conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Revisions*: Following Board of Zoning Appeals approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
12. *Recording*: The petitioner shall record the easement modification instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement modification instrument to every other party to the easement and one (1) copy to the Plan Commission Office within ten (10) business days of recording.

I. Duration: Not applicable.

J. Changes or Amendments: Any change to an approved Easement Modification shall be the subject of a new Easement Modification application.

Easements; Termination of Unplatted

10.27 Easement Termination

A. Purpose and Intent: The purpose of the Easement Termination section is to outline the procedure employed by the County when considering an application for the termination of an unplatted easement. Further, the intent of the Easement Termination section is to ensure that the statutory requirements established in the Indiana Code for the termination of easements are met.

B. Prerequisites:
   1. *Pre-application Meeting*: Prior to submitting an Easement Termination application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Termination of Unplatted Easements*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body (*i.e*. the Board of Zoning Appeals or Plan Commission) for termination of the easement.
   2. *Affected Easements*: This section governs easements that are:
      a. Established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances;
      b. Established pursuant to a commitment by the petitioner;
      c. Established pursuant to a condition of approval by the Plan Commission or Board of Zoning Appeals; or
      d. Not shown on a recorded plat.
   3. *Exceptions*: This Section does not govern private easements that do not meet the requirements of *§C(2): Affected Easements*.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of Zoning Appeals or Plan Commission, whichever may be applicable.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or other members of the Development Advisory Committee to evaluate the application.
   4. *Time Limitation*: If an Easement Termination application has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application submittal.

F. Plan Commission Office:
   1. *Review*: The Plan Commission Office shall review the application upon receipt of a complete application and supporting documents. When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the County is the grantee, either the grantor or grantee may apply to the Plan Commission Office for administrative termination of the easement in the manner outlined in this Section.

G. Plan Commission:
   1. *Jurisdiction*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, either the grantor or grantee may apply to the Plan Commission for termination of the easement.
   2. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the application's being continued to the Plan Commission agenda for the following month.
   3. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals shall result in the application's being held off the Plan Commission agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the application's being dealt with as outlined in the Plan Commission Rules of Procedure.
   5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
   6. *Review*: The Plan Commission shall review:
      a. The application and required supporting material submitted by the petitioner;
      b. The easement termination instrument draft;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. Any applicable provisions of the Unified Development Ordinance;
      g. The applicable standards of the County's engineering manuals;
      h. Any information presented by the members of the Development Advisory Committee;
      i. The Plan Commission Office report; and
      j. Such other additional information as may be required by the Plan Commission to evaluate the application.
   7. *Decision*: The Plan Commission shall:
      a. Approve the application;
      b. Approve the application with conditions and/or commitments;
      c. Deny the application; or
      d. Continue the application to a definite future meeting date.
   8. *Surety Requirement*: In conjunction with the approval of an Easement Termination, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

9. *Commitments*:
   a. Acceptance: In conjunction with the approval of an Easement Modification, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of an Easement Modification, the Plan Commission may impose conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Removal of Improvements*: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.
12. *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
13. *Recording*: The petitioner shall record the easement termination instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement termination instrument to each grantee for the given type of easement and one (1) copy to the Plan Commission Office within ten (10) business days of recording.

H. Board of Zoning Appeals:

1. *Jurisdiction*: When an easement has been established pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, either the grantor or grantee may apply to the Board of Zoning Appeals for termination of the easement.
2. *Public Notice*:
   a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice pursuant to the Board of Zoning Appeals Rules of Procedure.
   b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the application's being continued to the Board of Zoning Appeals agenda for the following month.
3. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Board of Zoning Appeals. Incomplete submittals shall result in the application's being held off the Board of Zoning Appeals agenda to allow the petitioner time to complete the submittal.
4. *Attendance*: The petitioner is required to be present at the Board of Zoning Appeals meeting to address and discuss comments and concerns posed by the Board of Zoning Appeals members. Failure to appear shall result in the application's being dealt with as outlined in the Board of Zoning Appeals Rules of Procedure.
5. *Public Hearing*: A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review*: The Board of Zoning Appeals shall review:
   a. The application and required supporting material submitted by the petitioner;
   b. The easement termination instrument draft;
   c. Any commitments or conditions of approval attendant to prior approvals;
   d. The testimony of the petitioner;
   e. Relevant evidence presented by other persons;
   f. Any applicable provisions of the Unified Development Ordinance;
   g. The applicable standards of the County's engineering manuals;
   h. Any information presented by the members of the Development Advisory Committee;
   i. The Plan Commission Office report; and
   j. Such other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision*: The Board of Zoning Appeals shall:
   a. Approve the application;
   b. Approve the application with conditions and/or commitments;
   c. Deny the application; or
   d. Continue the application to a definite future meeting date.
8. *Surety Requirement*: In conjunction with the approval of an Easement Termination, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

9. *Commitments*:
   a. Acceptance: In conjunction with the approval of an Easement Modification, the Board of Zoning Appeals may permit or require the petitioner to make written commitments concerning the use or development of the lot.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The petitioner and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of an Easement Modification, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the Board of Zoning Appeals Attorney. The Chair of the Board of Zoning Appeals shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Removal of Improvements*: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.
12. *Revisions*: Following Board of Zoning Appeals approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
13. *Recording*: The petitioner shall record the easement termination instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement termination instrument to each grantee for the given type of easement and one (1) copy to the Plan Commission Office within ten (10) business days of recording.

I. Duration: Not applicable.

J. Changes or Amendments: Not applicable.

10.28 Easement Vacation

A. Purpose and Intent: The purpose of the Easement Vacation section is to outline the procedure employed by the County when considering an application for the vacation of a platted easement. Further, the intent of the Easement Vacation section is to ensure that the statutory requirements established in the Indiana Code for the vacation of easements are met.

B. Prerequisites:
   1. *Pre-application Meeting*: Prior to submitting an Easement Vacation application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.
   2. *Commitment or Condition of Approval*: If the easement to be vacated was established as a result of a commitment or as a condition of approval accepted or imposed by either the Board of Zoning Appeals or the Plan Commission, the body that accepted or required the commitment or imposed the condition of approval shall have considered and approved a commitment or condition of approval modification or termination petition prior to the filing of the Easement Vacation petition.

C. Applicability:
   1. *Vacation of Platted Easements*: When an easement has been established on a plat either the grantor or grantee may application the Board of County Commissioners for vacation of the easement in accordance with the requirements of IC 36-7-3-16.
   2. *Exceptions*: This section does not govern easements that are:
      a. Not required pursuant to a provision of the Unified Development Ordinance or its predecessor ordinances; and
      b. Not offered as a commitment by the petitioner; and
      c. Not required as a condition of approval by the Plan Commission or Board of Zoning Appeals; and
      d. Not shown on a recorded plat.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of County Commissioners.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
   4. *Time Limitation*: If an Easement Termination application has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application submittal.

F. Board of County Commissioners:
   1. *Public Notice*: The County Clerk shall give public notice of the application and of the time and place of the hearing.
      a. Public notice shall be published one (1) time, at least ten (10) days before the date of the public hearing.
      b. Public notice shall be sent by certified mail to each owner of land that abuts the easement proposed to be vacated.
      c. The cost of the public notice shall be borne by the petitioner.
   2. *Public Hearing*: The Board of County Commissioners shall hold a hearing on the application within thirty (30) calendar days after it is received.
   3. *Review*: The Board of County Commissioners shall review:
      a. The application and required supporting material submitted by the petitioner;
      b. The easement vacation ordinance draft;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. Any applicable provisions of the Unified Development Ordinance;
      g. The applicable standards of the County's engineering manuals;
      h. Any information presented by the members of the Development Advisory Committee;
      i. The Plan Commission Office report; and
      j. Such other additional information as may be required by the Board of County Commissioners to evaluate the application.
   4. *Decision*: The Board of County Commissioners shall:
      a. Approve the application;
      b. Approve the application with conditions and/or commitments;
      c. Deny the application; or
      d. Continue the application to a definite future meeting date.
   5. *Surety Requirement*: In conjunction with the approval of an Easement Vacation, the petitioner shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
   6. *Removal of Improvements*: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the vacation of the easement.
   7. *Commitments*:
      a. Acceptance: In conjunction with the approval of an Easement Modification, the Board of County Commissioners may permit or require the petitioner to make written commitments concerning the use or development of the lot.
      b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Board of County Commissioners shall sign the commitment instrument.
      c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office
      d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
      e. Enforcement: The County may enforce any commitment Board of County Commissioners has accepted as if the commitment were a standard of the Unified Development Ordinance.

8. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of an Easement Modification, the Board of County Commissioners may impose conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of these regulations.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Board of County Commissioners shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Easement Modification. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the Board of County Commissioners Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any condition of approval the Board of County Commissioners has imposed as if the condition were a standard of the Unified Development Ordinance.
9. *Revisions*: Following Board of County Commissioners approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Board of County Commissioners to the Plan Commission Office. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
10. *Recording*: The County Auditor shall record the easement vacation ordinance in the County Recorder's office.
    a. The Board of County Commissioners shall deliver one (1) copy of the easement vacation ordinance to the County Auditor.
    b. The Board of County Commissioners shall deliver one (1) copy of the recorded easement vacation ordinance to the grantor, one (1) copy to each grantee for the easement, and one (1) copy to the Plan Commission Office.

G. Duration: Not applicable.

H. Changes or Amendments: Not applicable.

Surety Standards; Performance Surety

10.29 Performance Surety

A. Purpose and Intent: Prior to or at the time of approval, the applicant shall be required to provide financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the County, that all public facility improvements and installations required under the provisions of this Unified Development Ordinance and the *General & Detailed Specifications* shall be completed.

B. Prerequisites: None.

C. Applicability:
   1. A performance agreement between the applicant and the County, supported by a performance bond or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public improvements.
   2. The Plan Commission and Board of Zoning Appeals shall not approve any project that involves public improvements without a performance bond or irrevocable letter of credit to cover the proposed improvements and installation.
   3. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any of the other individual public facility improvements and installations or their performance guarantees.
   4. The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the County. The time period and amount of the performance guarantee shall be determined by the Executive Director.
   5. *Exceptions*: Not applicable.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of County Commissioners.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Construction Cost Estimate: Estimate prepared by a Professional Engineer for the amount of the performance bond or letter of credit.
      b. Additional information as may be required by the Executive Director to evaluate the application.

E. Fees: Not applicable.

F. Plan Commission Office:
   1. *Review*: Upon receipt of a complete application and supporting documents, the Plan Commission Office shall forward the Performance Surety to the County Engineer to review the estimate.

G. Board of County Commissioners:
   1. *Review*: The Board of County Commissioners shall consider the County Engineer's report.
   2. *Decision*: The Board of County Commissioners shall:
      a. Accept the Performance Surety;
      b. Require adjustment to the amount of the Performance Surety; or
      c. Reject the Performance Surety.

H. Duration:
1. *Time Limit*: The completion of public facility improvements and installations shall be within two (2) years of the approval of the project.
2. *Extension of Completion Time*: Should the applicant not complete the public facility improvements and installations as herein required within a two-year period, the County Engineer may approve the applicant's written request for an extension of time of up to two (2) additional years, granted at six-month intervals, for completion of the required public facility improvements and installations.
3. *Nonperformance*: Should the applicant not complete the public facility improvements and installations as herein required within the two-year period or within any time extension approved by the County Engineer, the County may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.
4. *Expiration*: The performance bond or letter of credit shall be in effect and shall not terminate until thirty (30) calendar days after the Maintenance Surety has been accepted.

I. Changes or Amendments:
1. *Performance Surety Reductions*:
   a. Periodic partial releases of Performance Sureties held by the County may be approved by the Board of County Commissioners.
   b. Bonds held by the County shall be reduced in accordance with the County's bonding policy.
   c. The applicant shall apprise the Plan Commission Office of any request for a reduction in the amount of a performance surety. The Plan Commission Office shall inspect the project site and make its recommendation to the Board of County Commissioners concurrently with that of the County Engineer.
   d. Upon recommendation of the County Engineer, the Board of County Commissioners shall act within thirty (30) days of the receipt of any written request for a bond reduction, unless the County Engineer notifies the applicant in writing of nonreceipt of approval by applicable State agencies or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.
2. *Standards*: The following standards shall apply to any request for a bond reduction:
   a. No more than three (3) reductions shall be permitted within any twelve-month period.
   b. Periodic partial releases shall not occur before completion of at least thirty percent (30%) of the improvements covered by the Performance Surety.
3. *Inspection*: The Plan Commission Office, the County Engineer, and/or the County Surveyor may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Performance Surety Reduction.

10.30 Maintenance Surety

A. Purpose and Intent: The purpose of the Maintenance Surety shall be to:
   1. Assure and guarantee the maintenance of all improvements and installations during a three (3) year period following preliminary acceptance of the improvements;
   2. Assure and guarantee the maintenance of all bridges and improvements and installation made without a proper inspection during a five (5) year period following preliminary acceptance of the improvement;
   3. Provide maintenance surety satisfactory to the County;
   4. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workmanlike manner in accordance with:
      a. The standards, specifications and requirements of this Unified Development Ordinance;
      b. The approved Construction Plans and specifications therefor;
      c. The *Storm Water Design Manual*; and
      d. The *General & Detailed Specifications*.
   5. Provide that for a period of three (3) to five (5) years after the Board of County Commissioners meeting at which said installations and improvements have been completed and are preliminarily accepted for public maintenance by the County or agency thereof, the applicant shall at his own expense make all repairs to said improvements and installations.

B. Prerequisites: None.

C. Applicability:
   1. When any project for which a Performance Surety has been submitted has been completed, the applicant shall provide a Maintenance Surety.
   2. *Exceptions*: None.

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Board of County Commissioners.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Certification by a Professional Engineer that all improvements were installed as shown and in conformance with the Unified Development Ordinance and the *General & Detailed Specifications*.
      b. Estimate prepared by a Professional Engineer for the amount of the performance bond or letter of credit.
      c. Additional information as may be required by the Executive Director to evaluate the application.

E. Fees: Not applicable.

F. Plan Commission Office:
   1. *Review*: Upon receipt of a complete application and supporting documents, the Plan Commission Office shall forward the Maintenance Surety to the County Engineer to review the estimate.

G. Board of County Commissioners:
   1. *Review*: The Board of County Commissioners shall consider the County Engineer's report.
   2. *Decision*: The Board of County Commissioners shall:
      a. Accept the Maintenance Surety;
      b. Require adjustment to the amount of the Maintenance Surety; or
      c. Reject the Maintenance Surety.

H. Duration:
   1. *Time Limit*: The period of the Maintenance Surety shall be a period of time to be determined by the Board of County Commissioners, not to exceed five (5) years from the date of acceptance by the Board of County Commissioners.
   2. *Nonperformance*: Should the improvements and installations require maintenance within the three-year period and the applicant fails to perform such maintenance, the County shall take the necessary steps to maintain the improvements and installations, making use of the maintenance bond or letter of credit.
   3. *Expiration*: The maintenance bond or letter of credit shall be in effect and shall not terminate until thirty (30) calendar days after the Certificate of Final Acceptance is approved by the Board of County Commissioners.

I. Changes or Amendments: Not applicable.

Surety Standards; Certificate of Final Acceptance

10.31 Certificate of Final Acceptance

A. Purpose and Intent: The purpose of the Certificate of Final Acceptance section is to outline the procedure employed by the County in order to ensure compliance with all applicable ordinances and regulations when considering an application for a Certificate of Final Acceptance.

B. Prerequisites: None.

C. Applicability:
   1. When the required public facility improvements and installations for any project for which a Maintenance Surety has been submitted has been completed, the owner or developer shall apply for a Certificate of Final Acceptance from the County.
   2. *Exceptions*: None.

D. Application:
   1. *Filing Deadline*: The applicant shall refer to the Schedule of Meeting Dates included in the application packet to determine the filing deadline for any applicable meeting dates.
   2. *Application Packet*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Information*: The application shall include, but not be limited to, the following documents:
      a. Certification: Certification by a Professional Engineer that all improvements were installed as shown and in conformance with the Unified Development Ordinance and the *General & Detailed Specifications*.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office or County Engineer to evaluate the application.

E. Fees: Not applicable.

F. Plan Commission Office:
   1. *Review*: Upon receipt of a complete application and supporting documents, the Plan Commission Office shall forward the Certificate of Final Acceptance application to the County Engineer for review. The County Engineer shall report to the Board of County Commissioners on the condition of the work and recommend that the Maintenance Surety be released, extended, or declared in default. The Board of County Commissioners shall act on the release, extension, or default of the Maintenance Surety.

G. Board of County Commissioners:
   1. *Review*: The Board of County Commissioners shall consider the County Engineer's report.
   2. *Conditions for Final Acceptance of Public Improvements*: The Board of County Commissioners shall accept public improvements that meet the following conditions:
      a. The completed public improvements shall comply with the design standards of *Chapter 07: Subdivision, Development Plan & PUD Design Standards*; have been constructed in accordance with the *General & Detailed Specifications*; and have been installed in accordance with the approved plans;
      b. All final inspections required by the County Code of Ordinances have been completed and the improvements found to be acceptable by the County Engineer;
      c. The applicant has prepared and submitted two (2) sets of prints of record plans that accurately depict the improvements as actually built (as-built plans); and
      d. The applicant, by appropriate instrument, has conveyed to the County good title, free of all liens, to all public improvements for which the County is to be responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the County Attorney and bearing acceptance on behalf of the appropriate entity. The applicant shall have furnished a copy of the recording receipt to the County prior to Maintenance Surety release.
   3. *Decision*: The Board of County Commissioners shall:
      a. Release the Maintenance Surety and accept the public improvements;
      b. Require that the public improvements be brought up to County standards prior to acceptance; or
      c. Reject the public improvements.

H. Duration: Not applicable.

I. Changes or Amendments: Not applicable.

Subdivision Control; General

10.32 Subdivision Control; General

A. Purpose and Intent: The purpose of this Subdivision Control Ordinance section is to guide the development of the County's planning jurisdiction in such a manner as to provide for the improvement of the health, safety, convenience and welfare of its citizens and to plan for the future development of the community; to the end that streets and highways are carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities. Further, that the needs of public utilities and facilities be recognized in the future growth; that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

B. Establishment of Control: No plat or replat of a subdivision of land or amendment, including plans or specifications and amendments thereto, or corrections to an already recorded plat (Certificate of Corrections, or Certificate of Error) located within the County's planning jurisdiction shall be recorded until it shall have been approved by the Plan Commission and the Board of County Commissioners, and such approval shall have been entered in writing on the plat by the President of the Plan Commission and the President of the Board of County Commissioners, if applicable. All corrections or amendments to an approved plat shall be cited as an addendum to and on said approved plat, including the copy at the County Recorder's office.

C. Authorization to Subdivide:

1. *Standard Zoning Districts*: The subdivision of land may occur in the following zoning districts:



2. *Planned Unit Development Zoning Districts*: The subdivision of land may occur in those Planned Unit Development zoning districts for which the applicable PUD District Ordinance makes specific provision.

D. Adoption and Jurisdiction: The Plan Commission hereby recommends to the Board of County Commissioners this ordinance containing provisions for subdivision control, which ordinance shall be adopted, amended, or repealed in the same manner as other sections of the Unified Development Ordinance. After the Subdivision Control Ordinance has been adopted and a certified copy of the ordinance has been filed in the County Recorder's office, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by the Subdivision Control Ordinance.

E. Condominiums: The Subdivision Control Ordinance does not apply to Condominiums regulated by IC 32-25.

F. Plat Committee:

1. *Authority to Appoint*: The Plan Commission may appoint a Plat Committee.
2. *Membership*: The Plat Committee shall consist of either three (3) or five (5) persons, with at least one (1) of the members being a member of the Plan Commission.
3. *Term*: Each appointment of a member of the Plat Committee is for a term of one (1) year.
4. *Removal of Members*: The Plan Commission may remove a member from the Plat Committee. The Plan Commission must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise.
5. *Powers and Duties*: Regardless of the enabling text found here and elsewhere in *Chapter 10; §Subdivision Control*, the Plat Committee shall only have and exercise those powers and duties granted by the Plan Commission in the Plan Commission Rules of Procedure.
6. *Official Action*: The Plat Committee may take action only by a majority vote.

G. Agricultural Use Disclosure: All subdivisions bordered by or within 2,500 feet of an existing agricultural operation shall be required to have an Agricultural Use Disclosure recognizing that they may cause a nuissance to the existing or future property owner. The Agricultural Use Disclosure may also require restricting the existing or future property owner from remonstrating against those agricultural practices in perpituity. This disclosure shall be a binding covenant or deed restriction tied to each new or residual parcel. The Agricultural Use Disclosure language shall meet the expectations of the Plan Commission and draft language may be provided by the Plan Commission Office.

H. Exemptions:

1. Any subdivision of land in the A1 Zoning District where all new or residual parcels are at least ten (10) acres in area shall be exempt from the Subdivision Control Process as described in this Chapter and the Design Standards in Chapter 11. However, these "exempt subdivisions" shall still be required to submit a land survey showing the parent tract of land and the proposed property lines creating each parcel , with property line and area measurements, to the Plan Commission Office. The Executive Director shall review the proposed exempt subdivision to confirm the lots being created meet the ten (10) acre minimum, the minimum lot requirements as per the applicable zoning district, and to add reasonable restrictions and/or requirements. This review and administrative approval shall be conducted prior to recording the new parcels.
2. If deemed necessary, the Executive Director may:
   a. Restrict driveway access for each lot to specific road segments where deemed safe for such a curb cut.
   b. Restrict portions of any new parcel from development due to drainage or ponding constraints.
   c. Restrict portions of any new parcel from development due to topographical constraints.
   d. Require an Agricultural Use Disclosure, recognizing existing farm operations adjacent to or within 2500 feet that may cause a nuisance to the existing or future property owner. The Executive Director may also require restricting the existing or future property owner from remonstrating against those agricultural practices in perpetuity.
3. The Executive Director shall review the proposed exempt subdivision and draft a letter indicating approval, denial, or approval with restrictions and/or requirements. Denials shall only be based on one or more parcels not meeting the minimum applicable zoning district requirements. Approvals with restrictions and/or requirements shall describe the restrictions and/or requirements in writing and/or on a drawing. Restrictions must be reasonable and based on protecting public health, safety, and welfare, and on avoiding drainage problems on-site or on neighboring sites. If the owner wishes to complete the subdividing of the parent tract, each parcel shall be recorded with deed restrictions achieving the Executive Director's restrictions and/or requirements. A copy of the recorded documents shall be submitted to the Plan Commission Office for filing.
4. If the land owner disagrees with the Executive Director's restrictions placed on any one or more of the parcels, the Executive Director's decision is not appealable. The method of resolution shall be for the land owner to submit an application for subdivision approval through the traditional process as a "nonexempt subdivision."
5. Failure to gain review and administrative approval prior to recording shall render all parcels undevelopable until the time the subdivision has been reviewed and administratively approved. The Plan Commission Office will not recognize any parcel that has not been approved through the traditional subdivision process or the exempt subdivision process.

Subdivision Control; Primary Plat

10.33 Subdivision Control; Primary Plat

A. Purpose and Intent: The purpose of the Primary Plat section is to outline the procedure employed by the County when considering a petition for the platting of a subdivision. Further, the intent of the Primary Plat section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.

B. Prerequisites:
   1. *Ownership*: The petitioner must:
      a. Own a controlling interest in each parcel within the area that is the subject of the petition; or
      b. Provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the petitioner to act as the agent of the owner of each parcel.
   2. *Pre-application Meeting*: Prior to submitting a Primary Plat application, the petitioner shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the petitioner in preparing the application and supporting documents as necessary.

C. Applicability:
   1. A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.
   2. *Exceptions*:
      a. Right-of-way Vacation: Per IC 36-7-3-12, public ways are vacated by the Board of County Commissioners.
      b. Easement Vacation: Per IC 36-7-3-16, platted easements are vacated by the Board of County Commissioners (see *§10.28: Easement Vacation*).

D. Application:
   1. *Filing Deadline*: The petitioner shall refer to the Schedule of Meeting Dates included with the application packet to determine the filing deadline.
   2. *Application Form*: The petitioner shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
   4. *Computation of Time*: For purposes of computing any time period, an application is not deemed filed until the Executive Director has determined that the submission is complete and has assigned a docket number, under the provisions of *§F(3): Complete Submittal* below.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The petitioner shall be responsible for paying the fees at the time of application.

F. Plan Commission Office:
   1. *Review of Application*: Upon receipt of a complete application, supporting documents, and the appropriate fees, the Plan Commission Office shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The Plan Commission Office shall then decide to:
      a. Assign the Primary Plat to the Plat Committee for review; or
      b. Assign the Primary Plat to the Plan Commission for review.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the petitioner of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the petitioner has made a complete submittal, the Plan Commission Office shall:
      a. Assign the item a docket number;
      b. Place the item on an agenda of either the Plat Committee or the Plan Commission;
      c. Inform the petitioner of the time, date, and place of the meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Primary Plat petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Primary Plat.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Primary Plat.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Primary Plats.
   2. *Copies*: The petitioner shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The petitioner shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee's agenda to allow the petitioner time to complete the submittal.
   4. *Attendance*: The petitioner is required to be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee's agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:
   1. *Public Notice*:
      a. Responsibility: The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice on site pursuant to the Plan Commission Rules of Procedure.
      b. Proof: The petitioner shall be responsible for returning proof of published and mailed notice to the Plan Commission Office pursuant to the Plan Commission Rules of Procedure. The petitioner shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission's agenda for the following month.
   2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packets to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals may result in the petition's being held off the agenda to allow the petitioner time to complete the submittal.
   3. *Attendance*: The petitioner is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
   5. *Review*: At their regularly scheduled meeting, the Plan Commission shall review:
      a. The written statement and supporting material submitted by the petitioner;
      b. The Primary Plat;
      c. Any commitments or conditions of approval attendant to prior approvals;
      d. The testimony of the petitioner;
      e. Relevant evidence presented by other persons;
      f. The Comprehensive Plan;
      g. The applicable standards of the Unified Development Ordinance;
      h. The applicable standards of the County's engineering manuals;
      i. All information presented by the members of the Development Advisory Committee;
      j. The Plan Commission Office report; and
      k. Such other additional information as may be required by the Plan Commission to evaluate the petition.
   6. *Decision*: The Plan Commission shall:
      a. Approve the petition;
      b. Approve the petition with conditions and/or commitments;
      c. Deny the petition; or
      d. Continue the petition to a definite future meeting date.
   7. *Findings of Fact*: The Plan Commission may grant Primary Plat approval if, after a public hearing, it makes written findings of fact that the Primary Plat:
      a. Meets the standards prescribed by *Chapter 06: Subdivision Types*; and
      b. Meets the standards prescribed by *Chapter 07: Subdivision, Development Plan & PUD Design Standards*; and
      c. Meets all other applicable standards of the Unified Development Ordinance;
      d. Conforms to the Comprehensive Plan; and
      e. Is not a detriment to the public health, safety and welfare.

8. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Primary Plat, the Plan Commission may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before Secondary Plat approval is granted.
   d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
9. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Primary Plat, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations, specifying:
      i. The manner in which public ways shall be laid out, graded, and improved;
      ii. A provision for water, sewage, and other utility services;
      iii. A provision for lot size, number, and location;
      iv. A provision for drainage design; and
      v. A provision for other services as specified in *Chapter 07: Subdivision, Development Plan & PUD Design Standards*.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
   e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
10. *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.

11. *Appeal of a Decision of the Plat Committee*:
    a. Procedure: The Plan Commission shall review an appeal of a Primary Plat approval granted by the Plat Committee at a public hearing as though it were a Primary Plat application filed with the Plan Commission.
    b. Decision: The Plan Commission shall:
        i. Affirm the decision of the Plat Committee;
        ii. Affirm the decision of the Plat Committee with additional and/or amended conditions and/or commitments;
        iii. Reverse the decision of the Plat Committee; or
        iv. Continue the petition to a definite future meeting date.

I. Plat Committee:
1. *Jurisdiction*: The Plat Committee may grant Primary Plat or Primary Plat Amendment approval to a subdivision of land that:
    a. Does not involve the opening of a new public way;
    b. Does not include Design Waiver applications;
    c. Complies in all other respects with the Subdivision Control Ordinance;
    d. Complies in all other respects with the remainder of the Unified Development Ordinance; and
    e. Does not create more than four (4) lots.
2. *Submittal*: The petitioner shall refer to the application packet to determine the format and number of copies of the informational packets to be delivered to the Plan Commission Office for distribution to the members of the Plat Committee. Incomplete submittals may result in the petition's being held off the Plat Committee agenda to allow the petitioner time to complete the submittal.
3. *Attendance*: The petitioner is required to be present at the Plat Committee meeting to address and discuss comments and concerns posed by the Plat Committee members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
4. *Public Hearing*: A public hearing before the Plat Committee is not required.
5. *Review*: At their regularly scheduled meeting, the Plat Committee shall review:
    a. The written statement and supporting material submitted by the petitioner;
    b. The Primary Plat;
    c. Any commitments or conditions of approval attendant to prior approvals;
    d. The testimony of the petitioner;
    e. Relevant evidence presented by other persons;
    f. The Comprehensive Plan;
    g. The applicable standards of the Unified Development Ordinance;
    h. The applicable standards of the County's engineering manuals;
    i. All information presented by the members of the Development Advisory Committee;
    j. The Plan Commission Office report; and
    k. Such other additional information as may be required by the Plat Committee to evaluate the petition.
6. *Decision*: The Plat Committee shall:
    a. Approve the petition;
    b. Approve the petition with conditions and/or commitments;
    c. Deny the petition;
    d. Forward the petition to the Plan Commission for consideration; or
    e. Continue the petition to a definite future meeting date.

7. *Findings of Fact*: The Plat Committee may grant Primary Plat approval if, after a public hearing, it makes written findings of fact that:
   a. The Primary Plat meets the standards prescribed by *Chapter 06: Subdivision Types*;
   b. The Primary Plat meets the standards prescribed by *Chapter 07: Subdivision, Development Plan & PUD Design Standards*;
   c. The Primary Plat meets all other applicable standards of the Unified Development Ordinance; and
   d. The Primary Plat conforms to the Comprehensive Plan.
8. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Primary Plat, the Plat Committee may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the Chair of the Plat Committee shall sign the commitment instrument.
   c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before Secondary Plat approval is granted.
   d. Modification or Termination: The Plat Committee may not modify or terminate any commitment; a commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
   e. Enforcement: The County may enforce any commitment the Plat Committee has accepted as if the commitment were a standard of the Unified Development Ordinance.
9. *Conditions of Approval*:
   a. Requirement: In conjunction with the approval of a Primary Plat, the Plat Committee may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations, specifying:
      i. The manner in which public ways shall be laid out, graded, and improved;
      ii. A provision for water, sewage, and other utility services;
      iii. A provision for lot size, number, and location;
      iv. A provision for drainage design; and
      v. A provision for other services as specified in *Chapter 07: Subdivision, Development Plan & PUD Design Standards*.
   b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The Chair of the Plat Committee shall sign the conditions of approval instrument.
   c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
   d. Modification or Termination: The Plat Committee may not modify or terminate any condition of approval; a condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
   e. Enforcement: The County may enforce any condition of approval the Plat Committee has imposed as if the condition were a standard of the Unified Development Ordinance.

10. *Revisions*: Following Plat Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plat Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Plan Commission Office.
11. *Public Notice & Right to Appeal*: Within ten (10) days after Primary Plat approval by the Plat Committee, the Plan Commission Office shall provide for due notice to interested parties of the Plat Committee's approval and of their right to appeal to the Plan Commission. The notice shall be given in the following manner:
    a. Published: The Plan Commission Office shall be responsible for publishing notice pursuant to the Plan Commission Rules of Procedure.
    b. Mailed: The Plan Commission Office shall be responsible for mailing notice pursuant to the Plan Commission Rules of Procedure.
12. *Notice of Appeal*: An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Plan Commission not more than ten (10) days after the Plan Commission Office has mailed a copy of the Plat Committee's action to the interested party.

J. Duration:
1. *Duration*: A Secondary Plat application shall be filed not later than twenty-four (24) months after the date of approval of the Primary Plat, otherwise the Primary Plat approval shall be considered expired.
2. *Extension*:
    a. Administrative: One (1) extension of up to six (6) months may be authorized by the Executive Director for reason/cause. The petitioner shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Primary Plat record.
    b. Phasing: If the Primary Plat identifies that the subdivision is to be developed in phases, then the Executive Director may extend the Primary Plat for up to one (1) year. Additional extensions may be granted by the Plan Commission, but not to exceed an additional four (4) years.

K. Changes or Amendments:
1. *Primary Plat Amendment*:
    a. A Primary Plat Amendment shall be required when:
        i. An increase in the density of the subdivision is proposed (*i.e*. additional lots); or
        ii. A new right-of-way is proposed; or
        iii. A right-of-way is proposed to be removed from an approved Primary Plat (Note: per IC 36-7-3-12, if the right-of-way has already been established by way of metes and bounds dedication or on a recorded Secondary Plat, the right-of-way vacation also requires that an ordinance be adopted by the Board of County Commissioners); or
        iv. The ratio of platted lot area to common area and/or open space is being increased; or
        v. Any element of the plan that was approved as part of the Primary Plat is proposed to be amended (*e.g*. Common Area Landscape Plan, Subdivision Sign Plan, *etc*.); or
        vi. The boundary of the subdivision is proposed to be:
            [a] Expanded to incorporate additional area; or
            [b] Amended to exclude area originally or subsequently included and for which a Secondary Plat has not been recorded.
    b. Procedure: Primary Plat Amendment applications shall be processed in the same manner as Primary Plat applications.
2. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.34 Subdivision Control; Secondary Plat or Replat

A. Purpose and Intent: The purpose of the Secondary Plat or Replat section is to outline the procedure employed by the County when considering a petition for the platting of a subdivision. Further, the intent of the Secondary Plat or Replat section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.

B. Prerequisites:
   1. *Primary Plat*: The Plan Commission or Plat Committee shall have approved the Primary Plat; and the Primary Plat must not be expired.
   2. *Pre-application Meeting*: Not required.

C. Applicability:
   1. No Secondary Plat or Replat of a subdivision of land located within the jurisdiction and territorial limits of the Plan Commission shall be recorded in the County Recorder's Office until the plat shall have been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the President of the Plan Commission, Chair of the Plat Committee, or the Executive Director.
   2. *Exceptions*:
      a. Easement Vacation: The Replat procedure shall not be used to vacate platted easements; per IC 36-7-3-16, platted easements are vacated by the Board of County Commissioners (see *§10.28: Easement Vacation*).

D. Application:
   1. *Filing Deadline*: The applicant shall refer to the Schedule of Meeting Dates included with the application packet to determine the filing deadline.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
   4. *Time Limitation*: The applicant may submit an application within the time provided for appeal under IC 36-7-4-708; however, approval of a Secondary Plat shall not be granted until:
      a. Thirty (30) days after the approval of a Primary Plat by the Plan Commission; or
      b. Ten (10) days after:
         i. The approval of a Primary Plat by the Plat Committee for which a public hearing was held; or
         ii. The mailing of notice by the Plan Commission Office of the approval of a Primary Plat by the Plat Committee for which a public hearing was not held.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees at the time of application.

F. Plan Commission Office:
   1. *Review of Application*: Upon receipt of a complete application, the Plan Commission Office shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The Plan Commission Office shall then:
      a. Utilize the administrative approval process; or
      b. Assign the Secondary Plat or Replat to the Plat Committee for approval; or
      c. Assign the Secondary Plat or Replat to the Plan Commission for approval.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the applicant of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the applicant has made a complete submittal, the Plan Commission Office shall:
      a. Assign a docket number;
      b. Agenda:
         i. Begin the administrative review process; or
         ii. Place the item on an agenda of the Plat Committee; or
         iii. Place the item on an agenda of the Plan Commission.
      c. Inform the applicant of the time, date, and place of either the Plat Committee meeting or the Plan Commission meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Secondary Plat or Replat petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Secondary Plat or Replat.
   6. *Review*: The Plan Commission Office shall review:
      a. The written statement and supporting material submitted by the applicant;
      b. The Primary Plat;
      c. The Secondary Plat;
      d. The Replat, when applicable;
      e. Any commitments or conditions of approval attendant to prior approvals;
      f. The testimony of the applicant;
      g. Relevant evidence presented by other persons at the Primary Plat hearing, when applicable;
      h. The applicable standards of the Unified Development Ordinance;
      i. The applicable standards of the County's engineering manuals;
      j. All information presented by the members of the Development Advisory Committee;
      k. The Plan Commission Office report; and
      l. Such other additional information as may be required by the Plan Commission Office to evaluate the petition.

7. *Decision*:
   a. Revision: The Plan Commission Office shall, based upon the facts presented for review, notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval.
   b. Approval: Following the applicant's submittal of revised copies of the plans, the Plan Commission Office shall approve the Secondary Plat or Replat.
   c. Sign and Seal: Upon approval of the Secondary Plat or Replat, the Executive Director or his designee shall sign and seal the plat at the appropriate locations.
   d. Notification: The Plan Commission Office shall then notify the applicant in writing of the Plan Commission Office's actions.
   e. Recording: The applicant shall then file the Secondary Plat or Replat for recording in the County Recorder's office, as required by law.
   f. Within thirty (30) days of recording the plat, the applicant shall provide the Plan Commission Office with:
      i. A copy of recorded mylar; and
      ii. A digital copy of the recorded mylar in the format specified by the Plan Commission Office.
8. *Surety Requirement*: In conjunction with the approval of a Secondary Plat or Replat, the applicant shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
9. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Secondary Plat or Replat.

G. Development Advisory Committee:
1. *Determination*: The Development Advisory Committee shall review Secondary Plat and Replat applications.
2. *Copies*: The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
3. *Meeting Date*: The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee's agenda to allow the applicant time to complete the submittal.
4. *Attendance*: The applicant is required to be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee's agenda for the following month.
5. *Revisions*: Following Development Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:
   1. *Submittal*: The applicant shall refer to the application packet to determine the format and number of copies of the informational packets to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission. Incomplete submittals may result in the petition's being held off the agenda to allow the applicant time to complete the submittal.
   2. *Attendance*: The applicant is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   3. *Public Hearing*: A public hearing is not required.
   4. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
      a. The written statement and supporting material submitted by the applicant;
      b. The Primary Plat;
      c. The Secondary Plat;
      d. The Replat, when applicable;
      e. Any commitments or conditions of approval attendant to prior approvals;
      f. The testimony of the applicant;
      g. Relevant evidence presented by other persons at the Primary Plat hearing, when applicable;
      h. The applicable standards of the Unified Development Ordinance;
      i. The applicable standards of the County's engineering manuals;
      j. All information presented by the members of the Development Advisory Committee;
      k. The Plan Commission Office report; and
      l. Such other additional information as may be required by the Plan Commission to evaluate the petition.
   5. *Decision*:
      a. Revision: The Plan Commission shall, based upon the facts presented for review, notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval.
      b. Approval: Following the applicant's submittal of revised copies of the plans, the Plan Commission shall approve the Secondary Plat or Replat.
      c. Sign and Seal: Upon approval of the Secondary Plat or Replat, the President of the Plan Commission shall sign and seal the plat at the appropriate locations.
      d. Notification: The Plan Commission Office shall then notify the applicant in writing of the Plan Commission's actions.
      e. Recording: The applicant shall then file the Secondary Plat or Replat for recording in the Office of the Recorder of Porter County, as required by law.
      f. Within thirty (30) days of recording the plat, the applicant shall provide the Plan Commission Office with:
         i. A copy of recorded mylar; and
         ii. A digital copy of the recorded mylar in the format specified by the Plan Commission Office.
   6. *Surety Requirement*: In conjunction with the approval of a Secondary Plat or Replat, the applicant shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

I. Plat Committee:
   1. *Jurisdiction*:
      a. Secondary Plat: The Plat Committee may grant Secondary Plat approval to a subdivision of land that:
         i. Complies in all respects with the approved Primary Plat; and
         ii. Complies in all respects with the Subdivision Control Ordinance; and
         iii. Complies in all respects with the remainder of the Unified Development Ordinance.
      b. Replat: The Plat Committee may grant Replat approval to a subdivision of land that:
         i. Does not involve the opening of a new public way;
         ii. Does not involve the vacation of a platted public way;
         iii. Does not increase the number of buildable lots in the subdivision;
         iv. Complies in all respects with the approved Primary Plat;
         v. Complies in all other respects with the Subdivision Control Ordinance; and
         vi. Complies in all other respects with the remainder of the Unified Development Ordinance.
   2. *Submittal*: The applicant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plat Committee. Incomplete submittals may result in the petition's being held off the agenda to allow the applicant time to complete the submittal.
   3. *Attendance*: The applicant is required to be present at the Plat Committee meeting to address and discuss comments and concerns posed by the Plat Committee members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
   4. *Public Hearing*: A public hearing is not required.
   5. *Review*: At their regularly scheduled meeting, the Plat Committee shall review:
      a. The written statement and supporting material submitted by the applicant;
      b. The Primary Plat;
      c. The Secondary Plat;
      d. The Replat, when applicable;
      e. Any commitments or conditions of approval attendant to prior approvals;
      f. The testimony of the applicant;
      g. Relevant evidence presented by other persons at the Primary Plat hearing, when applicable;
      h. The applicable standards of the Unified Development Ordinance;
      i. The applicable standards of the County's engineering manuals;
      j. All information presented by the members of the Development Advisory Committee;
      k. The Plan Commission Office report; and
      l. Such other additional information as may be required by the Plat Committee to evaluate the petition.
   6. *Decision*:
      a. Revision: The Plat Committee shall, based upon the facts presented for review, notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval.
      b. Approval: Following the applicant's submittal of revised copies of the plans, the Plat Committee shall approve the Secondary Plat or Replat.
      c. Sign and Seal: Upon approval of the Secondary Plat or Replat, the Chair of the Plat Committee shall sign and seal the plat at the appropriate locations.
      d. Notification: The Plan Commission Office shall then notify the applicant in writing of the Plat Committee's actions.
      e. Recording: The applicant shall then file the Secondary Plat or Replat for recording in the Office of the Recorder of Porter County, as required by law.
      f. Within thirty (30) days of recording the plat, the applicant shall provide the Plan Commission Office with:
         i. A copy of recorded mylar; and
         ii. A digital copy of the recorded mylar in the format specified by the Plan Commission Office.
   7. *Surety Requirement*: In conjunction with the approval of a Secondary Plat or Replat, the applicant shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.

J. Duration:
   1. *Recording Deadline*: The applicant shall record an approved Secondary Plat or Replat within one hundred twenty (120) days of approval. If the plat has not been recorded within the prescribed period, the approval shall be considered null and void; and the applicant shall submit a new Secondary Plat or Replat application.
   2. *Commencement of Construction*: No construction or site grading shall begin prior to the issuance of an ILP and/or ECP, as required.
   3. *Construction Plans; Expiration of Approval*: Construction Plans approved in conjunction with a Secondary Plat or Replat are valid for twenty-four (24) months from the date of approval of the Secondary Plat or Replat. If development of the project has not begun by the end of the two-year period (or by the end of the one-year extension), the approval expires and a new Construction Plans must be submitted for Development Advisory Committee review and approval by the County.
   4. *Extension*: The Executive Director may grant one (1) one-year extension for reason/cause. The petitioner shall submit the request for extension in writing to the Executive Director, and the Executive Director shall make a written determination regarding the decision to extend or deny extension. Both the request and the determination shall be made part of the Secondary Plat or Replat record.

K. Changes or Amendments:
   1. *Secondary Plat Amendment*:
      a. Applicability: A Secondary Plat Amendment shall be required when:
         i. A street name change is proposed; or
         ii. A subdivision name change is proposed; or
         iii. A platted address change is proposed; or
         iv. The Plan Commission Office determines that the proposed change to the recorded Secondary Plat is insufficient to warrant a Replat.
      b. Procedure: Secondary Plat Amendment applications shall be processed in the same manner as Secondary Plat applications.
   2. *Replat*:
      a. Applicability: A Replat shall be required when:
         i. Lots are being joined;
         ii. Lots are being split (also requires a Primary Plat Amendment); or
         iii. Platted easements are being modified or vacated (see also *Chapter 10; §Easements*);
         iv. A public way has been vacated (requires Board of County Commissioners action); or
         v. Other significant changes to the Secondary Plat are proposed.
      b. Procedure: Replat applications shall be processed in the same manner as Secondary Plat applications.
   3. *Current Standards*: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10.35 Subdivision Control; Plat Vacation

A. Purpose and Intent: The purpose of the Plat Vacation section is to outline the procedure employed by the County when considering a petition for the vacation of a subdivision. Further, the intent of the Plat Vacation section is to ensure that the statutory requirements established in the Indiana Code for the vacation of a subdivision of land are met.

B. Prerequisites:
   1. *Ownership*: The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.
   2. *Pre-application Meeting*: Prior to submitting a Plat Vacation application, the applicant shall meet with the Plan Commission Office to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Plan Commission Office shall aid and advise the applicant in preparing the application and supporting documents as necessary.

C. Applicability:
   1. *Secondary Plat*: The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the Secondary Plat pertaining to the land owned by the applicant.
   2. *Rights-of-way*: The Plat Vacation procedure shall not be used to vacate platted rights-of-way. Rights-of-way shall be vacated pursuant to IC 36-7-3-12.
   3. *Covenants or Commitments*: The Plat Vacation petition may include a request to vacate any recorded covenants or commitments filed as part of the Secondary Plat. The covenants or commitments are then also subject to vacation.
   4. *Easements*: The Plat Vacation procedure shall not be used to vacate platted easements; per IC 36-7-3-16, platted easements are vacated by the Board of County Commissioners. Platted easements shall be vacated pursuant to *§10.28: Easement Vacation*.
   5. *Exceptions*:
      a. Public Utilities: Notwithstanding this Chapter, plat vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this Subsection by filing its written consent in the plat vacation proceedings.
      b. Easement Vacation: Per IC 36-7-3-16, platted easements are vacated by the Board of County Commissioners (see *§10.28: Easement Vacation*).

D. Application:
   1. *Filing Deadline*: The applicant shall refer to the Schedule of Meeting Dates included with the application packet to determine the filing deadline.
   2. *Application Form*: The applicant shall submit the completed application to the Plan Commission Office.
   3. *Supporting Documentation*: The application shall include, but not be limited to, the following information and documents:
      a. Pre-application Meeting: The application shall include all documentation specified by the Plan Commission Office during the pre-application meeting.
      b. Application Packet: The application shall include all documentation specified on the application packet unless certain documentation is deemed superfluous by the Plan Commission Office due to the specific circumstances of the particular project.
      c. Additional Information: Such other additional information as may be required by the Plan Commission Office to evaluate the application.
   4. *Time Limitation*: After the termination of a Plat Vacation proceeding under this Chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

E. Fees: Once the Plan Commission Office has received a complete submittal, the Executive Director shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees at the time of application.

F. Plan Commission Office:
   1. *Review of Application*: Upon receipt of a complete application, the Plan Commission Office shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance.
   2. *Development Advisory Committee*: Once the Plan Commission Office has determined that it has received a submittal that is sufficiently complete for Development Advisory Committee review, the Plan Commission Office shall place the item on an agenda of the Development Advisory Committee and inform the applicant of the time, date, and place of the meeting.
   3. *Complete Submittal*: Once the Plan Commission Office has determined that the applicant has made a complete submittal, the Plan Commission Office shall:
      a. Assign a docket number;
      b. Place the item on an agenda of the Plan Commission.
      c. Inform the applicant of the time, date, and place of either the Plat Committee meeting or the Plan Commission meeting.
   4. *Inspection*: The Plan Commission Office may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Plat Vacation petition.
   5. *Department Report*: The Plan Commission Office shall prepare a written report outlining its findings with respect to the Plat Vacation. The Plan Commission Office report may incorporate, or incorporate by reference, any items that remain outstanding with the other members of the Development Advisory Committee.
   6. *Record*: The Plan Commission Office shall maintain records of all applications, plans, and permits filed for a Plat Vacation.

G. Development Advisory Committee:
   1. *Determination*: The Development Advisory Committee shall review Plat Vacation petitions.
   2. *Copies*: The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered to the Plan Commission Office for distribution to the members of the Development Advisory Committee.
   3. *Meeting Date*: The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Development Advisory Committee. Incomplete submittals may result in the petition's being held off the Development Advisory Committee's agenda to allow the applicant time to complete the submittal.
   4. *Attendance*: The applicant is required to be present at the Development Advisory Committee meeting to address and discuss comments and concerns posed by the committee members. Failure to appear may result in the petition's being continued to the Development Advisory Committee's agenda for the following month.
   5. *Revisions*: Following Development Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Development Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the revised plans to be delivered to the Plan Commission Office.

H. Plan Commission:

1. *Public Notice*:
   a. Responsibility: The applicant shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission Office shall be responsible for posting public notice on site pursuant to the Plan Commission Rules of Procedure.
   b. Mailed: In addition to those persons identified as required to receive notice in the Plan Commission Rules of Procedure, every owner of property within the area of the Secondary Plat which is the subject of the petition shall also receive mailed notice.
   c. Proof: The applicant shall be responsible for returning proof of published and mailed notice to the Plan Commission Office. The applicant shall refer to the application packet to determine the deadline for submittal of proof of notice. Failure to submit proof of notice by the deadline may result in the petition's being continued to the Plan Commission's agenda for the following month.
2. *Submittal*: The applicant shall refer to the application packet to determine the format and number of copies of the informational packet to be delivered to the Plan Commission Office for distribution to the members of the Plan Commission.
3. *Meeting Date*: The applicant shall refer to the Schedule of Meeting Dates to determine the filing deadline for any given meeting of the Plan Commission. Incomplete submittals shall result in the petition's being held off the Plan Commission's agenda to allow the applicant time to complete the submittal.
4. *Attendance*: The applicant or the applicant's representative is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission members. Failure to appear shall result in the petition's being dealt with as outlined in the Plan Commission Rules of Procedure.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure; however, regardless of overall time limits set within the Plan Commission Rules of Procedure, each owner of land in the Secondary Plat shall have an opportunity to comment on the petition, subject to individual time limits.
6. *Grounds for Remonstrances and Objections*: A remonstrance or objection may be filed or raised by any person aggrieved by the proposed Plat Vacation, but only on one (1) or more of the following grounds:
   a. The Plat Vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
   b. The Plat Vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient;
   c. The Plat Vacation would hinder the public's access to a church, school, or other public building or place; and/or
   d. The Plat Vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.
7. *Decision*: The Plan Commission shall:
   a. Approve the petition;
   b. Approve the petition with conditions and/or commitments;
   c. Deny the petition; or
   d. Continue the petition to a definite future meeting date.

8. *Findings of Fact*:
   a. The Plan Commission shall approve the petition for Plat Vacation of all or part of a Secondary Plat only upon making written findings that:
      i. Conditions in the platted area have changed as to defeat the original purpose of the Secondary Plat;
      ii. It is in the public interest to vacate all or part of the Secondary Plat; and
      iii. The value of that part of the land in the Secondary Plat not owned by the applicant will not be diminished by vacation.
   b. Certification: The findings shall be signed by the President of the Plan Commission.
   c. Recording: The Plan Commission shall furnish a copy of an approved decision to the County Recorder for recording. This copy may be an Exhibit attached to the plat vacation instrument recorded by the petitioner per *§10(b): Recording*.
   d. Notification: The Plan Commission shall furnish the applicant with a copy of its decision.
9. *Surety Requirement*: In conjunction with the approval of a Plat Vacation, the applicant shall provide financial surety for all public improvements pursuant to *Chapter 10; §Surety Standards*.
10. *Plat Vacation Instrument*:
    a. Certification: The President of the Plan Commission and the owner of the vacated property shall sign the plat vacation instrument.
    b. Recording: The applicant shall record the plat vacation instrument in the County Recorder's office within thirty (30) days of the approval of the Plat Vacation. The applicant shall deliver a copy of the recorded plat vacation instrument to the Plan Commission Office before applying for any permits for the site.
11. *Commitments*:
    a. Acceptance: In conjunction with the approval of a Plat Vacation, the Plan Commission may permit or require the applicant to make written commitments concerning the use or development of the parcel.
    b. Form: The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The applicant and the President of the Plan Commission shall sign the commitment instrument.
    c. Recording: The applicant shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Plat Vacation. The applicant shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before applying for any permits for the site.
    d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
    e. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

12. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Plat Vacation, the Plan Commission may impose conditions of approval concerning the use or development of the parcel.
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Plat Vacation. The Plan Commission Office shall deliver a copy of the recorded conditions of approval instrument to the applicant within thirty (30) days of recording.
    d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
    e. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.

I. Duration: Not applicable.

J. Changes or Amendments: Not applicable.

Schedule of Fees

10.36 Schedule of Fees

A. Cross Reference: The fees cited in the Unified Development Ordinance can be found in *the Porter County Code of Ordinances*. The aforementioned section of the *Porter County Code of Ordinances* is hereby incorporated into the Unified Development Ordinance by reference.

B. Availability: The official fee schedule shall be available to the public in the County Clerk's office and the Plan Commission Office.

C. Payment of Fees: Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or application.

2012-004278

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
02/22/2012 02:25PM
JON C. MILLER
RECORDER

REC FEE: $0.00
PAGES: 10

ORDINANCE NO. 12-03
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and 2008-004335

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 10, Subdivision, Processes, Permits and Fees; Section 10.09 (Development Plan).

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 10 Section 10.09 (Development Plan); shall be deleted in its entirety and amended with the following:

Chapter 10, Processes, Permits and Fees Introduction; Section 10.09 (Development Plan) of the Porter County Unified Development Ordinance, shall be added as follows:

10.09 Development Plan

A. Purpose: The purpose of this Section is to establish a uniform set of requirements for the planning and design of developments within the County for the following purposes:
   1. to ensure compliance with the provisions of this Ordinance;
   2. to promote the orderly development of the County;
   3. to ensure a consistent level of quality throughout the County;
   4. to ensure a harmonious relationship between new development and the existing natural and man-made surroundings;
   5. to achieve the purposes of the Porter County Comprehensive Plan; and
   6. to promote communication and cooperation between property owners and the County in order that property owners may achieve their objectives in the utilization of their land.

B. Applicability:
   1. *Review Required*: Development plan review shall be required for the following:
      a. all new construction;
      b. any building additions; and
      c. new or expanded surface parking areas.
   2. *Exemptions*: The following shall not be subject to the Development Plan review requirements of this Section.
      a. single and two-family dwellings when permitted by right on a lot on which there are no other buildings;
      b. accessory buildings on the same lot as a single or two-family dwelling;
      c. planned Unit Development; and
      d. minor and major subdivisions.

C. Submittal and Review:

1. *Pre-application Conference*: Prior to submitting an application, the applicant shall meet with the Executive Director to review: the zoning classification of the property, proposed use and development, relevant regulations, required information and materials, and applicable procedures for obtaining approval.
2. *Application Form and Fee*: The applicant shall submit a complete application including: a form for that purpose, development plan, and fee in an amount established by the County Commissioners, along with any additional documentation that may be specified by the Executive Director. Incomplete applications will be returned to the applicant
3. *Development Plan Content*: The applicant shall, as part of the application, submit the required number of development plans, along with a digital version in PDF format, containing all information applicable to the review level specified for the type of development being proposed. The development plan shall include the following information, as applicable:

Table 10.09 C3			
Required Information	**Adminis.**	**DRC**	**Plan Comm.**
General			
Proposed development name	X	X	X
Legal description and general description including existing street address if applicable	X	X	X
Affidavit of consent	X	X	X
Zoning district and applicable overlay districts	X	X	X
Location sketch	X	X	X
Name, address, contact information of property owner	X	X	X
Name, address, contact information of plan preparer	X	X	X
Professional seal of plan preparer		X	X
North arrow and scale	X	X	X
Revision schedule	X	X	X
Property size (in acres), excluding road right-of-way	X	X	X
Existing Conditions			
Site boundary (dimensioned)	X	X	X
Current zoning classifications of site and abutting properties	X	X	X
Adjoining lots/parcels (subdivision name and lot number; or permanent parcel number)	X	X	X
Existing buildings on-site	X	X	X
Existing buildings on abutting property	X		
Existing buildings within 300 feet of property boundary		X	X
Existing roads and right-of-way (dimensioned and surface type)	X	X	X
Existing driveways and roads within 300 feet of property boundary	X	X	X
Existing parking/loading areas (number of spaces, surface)	X	X	X
Existing utilities (water, sewer, septic, well, electric, etc.)	X	X	X
Existing drainage courses and structures (type, inverts, known field drains, etc.)	X	X	X
Existing easements (purpose and dimensions)	X	X	X

Table 10.09 C3			
Required Information	Adminis.	DRC	Plan Comm.
Topography (five foot intervals)	X	X	X
Soil borings (minimum 3) on lots to be served with septic systems	X	X	X
Off-site watersheds (boundaries, acreage, existing drainage courses)		X	X
Wetlands, streams and other water bodies/features (on- and off-site)	X	X	X
Delineated 100 year flood plain	X	X	X
Existing vegetation and natural features	X	X	X
Proposed Development			
Required and proposed setback lines	X	X	X
Buildings and structures (dimensioned)	X	X	X
Proposed parking areas (including size of typical space)	X	X	X
Calculations showing required parking number of spaces proposed	X	X	X
Proposed rights-of-way and streets (dimensioned and surface)	X	X	X
Proposed street names	X	X	X
Acceleration/deceleration lanes (dimension, including taper)	X	X	X
Driveways and access points (dimensioned, including curve radii)	X	X	X
Directional signs and pavement markings	X	X	X
Loading/unloading areas (dimensioned)	X	X	X
Sidewalks and pathways (dimension and surface)	X	X	X
Lighting (location and type of fixtures)	X		
Lighting (location, photometric plan and cut sheets for fixtures)		X	X
Landscaping (type, location, greenbelts, buffers, etc.)	X		
Landscape plan (prepared by registered landscape architect showing planting plan, species, sizes for all landscaped areas including buffers, greenbelts, parking lots, etc.)		X	X
Trash receptacles (including screening details)	X	X	X
Signs (location, height, size, materials)	X	X	X
Open space areas (acres, amenities, access, maintenance)		X	X
Fences and walls (location, height, type, materials)	X	X	X
Deed restrictions and/or covenants	X	X	X
Written commitments proposed	X	X	X
Schedule for residential development showing number of units and density by type of unit		X	X
Notation of any waivers or variances to be requested	X	X	X
Building Details			
Floor area (gross and net) of all non-residential buildings	X	X	X
Building height	X	X	X

Table 10.09 C3			
Required Information	Adminis.	DRC	Plan Comm.
Finished floor elevation		X	X
Building floor plans		X	X
Exterior elevations (front only or addition, as applicable)	X		
Exterior elevations (all sides)		X	X
Building materials	X	X	X
Engineering			
Utility easements (dimensioned and type)	X	X	X
Drainage easements (dimensioned)	X	X	X
Final grading plan (2 foot contours)	X	X	X
Method of handling sanitary sewer and potable water	X	X	X
Size and location of proposed utilities, including connections to public systems	X	X	X
Fire hydrant locations and spacing between hydrants (if applicable)	X	X	X
Proposed location of on-site water wells and/or waste disposal systems and dimensions from nearest water bodies and property lines	X	X	X
Location and type of storm water drainage facilities	X	X	X
Storm drainage system (catch basins, manholes, detention pond design, materials, etc.)	X	X	X
Best Management Practices for storm water management	X	X	X
All information required by Section III D., Storm Water Management Plan submittal requirements			X
Additional Information			
Other information required by the Executive Director deemed necessary to evaluate compliance with the applicable provisions of this Ordinance	X	X	X
Other studies, data or information needed to demonstrate compliance with the applicable provisions of this Ordinance may be required by the respective reviewer. This may include traffic studies, environmental impact assessments, fiscal impact analysis, groundwater analysis, wetland determinations, utility studies, perspective views, aerial photos, building material samples and similar items.	X	X	X
Specific items of information may be waived by the respective reviewer where it is determined that the information is not applicable to the subject request.	X	X	X

4. *Waiver of Requirements*: The Executive Director may at his/her discretion waive any items of required information specified in Table 10.09 C3 upon determining that the information is not relevant to the proposed development or is unnecessary for determining compliance with the requirements of this Ordinance.

D. Review Procedure:

1. Administrative:

a. Applicability: The Executive Director shall be responsible for reviewing development plans for:
   i. residential developments consisting of four (4) or fewer units;
   ii. developments in the Institutional (IN) District on less than five (5) acres of property;
   iii. additions to commercial and industrial buildings when the addition is less than ten thousand (10,000) square feet; and
   iv. administrative subdivisions.
b. Process: The application and review process shall be as follows:
   i. Pre-application Conference: Prior to submitting any materials required by this Ordinance, the applicant shall meet with the Executive Director to discuss the zoning classification of the site, the regulatory ordinances, the review process and the proposed use and development of the site. The Executive Director may also advise the applicant to discuss the proposed development with other officials, as appropriate, who may eventually review the application. However, no statements or representations made during the pre-application conference shall relieve the applicant of his/her responsibility to meet all applicable requirements of this Ordinance or other county, state or federal laws; nor shall any statement or representation made be construed as an endorsement of the proposed development or commitment of actions to be taken during the review process.
   ii. Application: An application form, along with a site plan containing all required information specified in Table 10.09 C.3, shall be submitted in sufficient copies as specified by the Executive Director accompanied by the application fee in an amount as established by the Board of County Commissioners. If the application and accompanying plan are determined to be complete, the Executive Director shall assign a docket number, at which point the application will be considered "filed."
   iii. Checkpoint Agency Review: At the discretion of the Executive Director, based on the location and scale of the proposed project, copies of the development plan may be forwarded to one or more Checkpoint Agencies, as listed in Section 10.32 G, for review and/or consultation.
   iv. Executive Director Review: Within ten (10) business days, the Executive Director shall prepare a written report summarizing the plan review; comments and recommendations of individual Checkpoint Agencies, if applicable; findings of fact; and decision regarding the development plan.
c. Executive Director Decision: Following the review and consideration of all materials, plans, documentation and, if applicable, input from the Checkpoint Agencies, the Executive Director shall provide his written report and inform the applicant of any changes and/or additions to be made to the development plan. Based on the criteria listed in Section 10.09 E, the Executive Director shall:
   i. approve the development plan;
   ii. approve the development plan with conditions or commitments;
   iii. deny the development plan request;
   iv. or continue the application to a date certain for further study.

2. Development Review Committee:
   a. Applicability: The Development Review Committee shall be responsible for reviewing development plans for:
      i. residential developments of more than five (5) dwelling units, but less than one hundred (100) dwelling units;
      ii. developments in the Institutional (IN) District on at least five (5) acres, but no more than ten (10) acres of property;

iii. additions to commercial and industrial buildings when the addition is at least ten thousand (10,000) square feet, but not more than twenty-five thousand (25,000) square feet; and

iv. new commercial and industrial buildings of less than twenty-five thousand (25,000) square feet.

b. Process: The application and review process shall be as follows:

i. Pre-application Conference: Prior to submitting any materials required by this Ordinance, the applicant shall meet with the Executive Director to discuss the zoning classification of the site, the regulatory ordinances, the review process and the proposed use and development of the site. The Executive Director may also advise the applicant to discuss the proposed development with other officials, as appropriate, who may eventually review the application. However, no statements or representations made during the pre-application conference shall relieve the applicant of his/her responsibility to meet all applicable requirements of this Ordinance or other county, state or federal laws; nor shall any statement or representation made be construed as an endorsement of the proposed development or commitment of actions to be taken during the review process.

ii. Application: An application form, along with a site plan containing all required information specified in Table 10.09 C.3, shall be submitted in sufficient copies as specified by the Executive Director accompanied by the application fee in an amount established by the Board of County Commissioners. If the application and accompanying plan are determined to be complete, the Executive Director shall assign a docket number, at which point the application will be considered "filed." The Executive Director shall also place the request on the agenda of the next Development Plan Review Committee meeting.

iii. Checkpoint Agency Review: Upon determining that the application and plans are complete, the Executive Director shall forward copies of the development plan to one or more Checkpoint Agencies, as listed in Section 10.32 G, for review and/or consultation.

iv. Executive Director Review: Within ten (10) business days, the Executive Director shall prepare a written report to the Development Review Committee summarizing the plan review; comments and recommendations of individual Checkpoint Agencies, if any; and a recommendation regarding the development plan, including any conditions to be imposed.

v. Development Review Committee Meeting: Within thirty (30) days of the filing date, the Development Review Committee shall meet to consider the development plan application. The applicant shall be present at that meeting to present the request and address questions of the committee. Failure to appear shall result in the application being continued to a future meeting or denied.

c. Development Review Committee Decision: Following the review and consideration of all materials, plans, documentation; input from the Checkpoint Agencies; and the Executive Director's report and recommendation, the Development Review Committee shall inform the applicant of any changes and/or additions to be made to the development plan. Based on the criteria listed in Section 10.09 E, the Development Review Committee shall:

i. approve the development plan;
ii. approve the development plan with conditions or commitments;
iii. deny the development plan request;
iv. or continue the application to a date certain for further study.

3. Plan Commission:

a. Applicability: The Plan Commission shall be responsible for reviewing development plans for:
   i. residential developments of more than one hundred (100) units;
   ii. developments in the Institutional (IN) District on more than ten (10) acres of property;
   iii. additions to commercial and industrial buildings when the addition is more than twenty-five thousand (25,000) square feet;
   iv. new commercial and industrial buildings of more than twenty-five thousand (25,000) square feet; and
   v. all major subdivisions.

b. Process: The application and review process shall be as follows:
   i. Pre-application Conference: Prior to submitting any materials required by this Ordinance, the applicant shall meet with the Executive Director to discuss the zoning classification of the site, the regulatory ordinances, the review process and the proposed use and development of the site. The Executive Director may also advise the applicant to discuss the proposed development with other officials, as appropriate, who may eventually review the application. However, no statements or representations made during the pre-application conference shall relieve the applicant of his/her responsibility to meet all applicable requirements of this Ordinance or other county, state or federal laws; nor shall any statement or representation made be construed as an endorsement of the proposed development or commitment of actions to be taken during the review process.
   ii. Application: An application form, along with a site plan containing all required information specified in Table 10.09 C.3, shall be submitted in sufficient copies as specified by the Executive Director accompanied by the application fee in an amount established by the Board of County Commissioners. If the application and accompanying plan are determined to be complete, the Executive Director shall assign a docket number, at which point the application will be considered "filed." The Executive Director shall also place the request on the agenda of the next Plan Commission meeting.
   iii. Checkpoint Agency Review: Upon determining that the application and plans are complete, the Executive Director shall forward copies of the development plan to all Checkpoint Agencies, as listed in Section 10.32 G, for review and/or consultation.
   iv. Executive Director Review: Within fifteen (15) business days, the Executive Director shall prepare a written report to the Plan Commission summarizing the plan review; comments and recommendations of individual Checkpoint Agencies, if any; and a recommendation regarding the development plan, including any conditions to be imposed.

c. Plan Commission Decision: Following the review and consideration of all materials, plans, documentation; input from the Checkpoint Agencies; public comment, if applicable; and the Executive Director's report and recommendation, the Plan Commission shall inform the applicant of any changes and/or additions to be made to the development plan. Based on the criteria listed in Section 10.09 E., the Plan Commission shall:
   i. approve the development plan;
   ii. approve the development plan with conditions or commitments;
   iii. deny the development plan request;
   iv. or continue the application to a date certain for further study.

E. Findings of Fact: The application shall be approved only upon a finding that the development plan meets the following criteria:
   1. is consistent with the Comprehensive Plan;
   2. can be adequately served by sanitary sewer, water, storm drainage systems and any other utilities deemed necessary;
   3. traffic will be managed in a manner that will not negatively impact the health, safety and welfare of the community with particular emphasis on:
      a. the design and location of proposed street and highway access points and sidewalks or paths to minimize safety hazards and congestion;
      b. the capacity of adjacent streets, highways and sidewalks to safely and efficiently handle projected traffic demands; and
      c. the coordination of entrances, streets, internal traffic circulation and pedestrian ways to minimize conflict within the site and with existing and planned development on adjacent sites.
   4. satisfies all applicable requirements of the Unified Development Ordinance;
   5. satisfies the requirements of the Porter County engineering manuals; and
   6. satisfies all other applicable county, state and federal requirements.

F. Conditions: In conjunction with the approval of a Development Plan, the reviewing body may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations and that are reasonably necessary to satisfy the development requirements specified in the Unified Development Ordinance. The following procedure shall be followed when attaching conditions to an approved development plan:
   1. Form: The Executive Director shall prepare the conditions of approval instrument in a form approved by the Plan Commission Attorney. The Executive Director or President of the Plan Commission, as applicable, shall sign the conditions of approval instrument.
   2. Recording: The Executive Director shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The Executive Director shall provide a copy of the conditions of approval instrument to the petitioner within thirty (30) days of recording.
   3. Modification or Termination: A condition of approval imposed under this Section may be modified or terminated only by a decision of the reviewing body that imposed the condition. The Executive Director shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
   4. Enforcement: The County may enforce any condition of approval that has been imposed as if the condition were a standard of the Unified Development Ordinance.

G. Commitment: In conjunction with the approval of a Development Plan, the reviewing body may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
   1. Form: The petitioner shall prepare the commitment instrument in a form approved by the Plan Commission Attorney. The petitioner and the Executive Director or President of the Plan Commission, as applicable, shall sign the commitment instrument.
   2. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Executive Director before applying for an Improvement Location Permit (ILP) or an Erosion Control Permit (ECP).

3. Modification or Termination: A commitment made under this Section may be modified or terminated only by a decision of the reviewing body that accepted or required the commitment. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
4. Enforcement: The County may enforce any commitment that has been accepted as if the commitment were a standard of the Unified Development Ordinance.

H. Public Hearing: A public hearing shall not be required for a development plan review, except in the following circumstances:
   1. the development plan is being reviewed in conjunction with a major plat; or
   2. the petitioner has filed one (1) or more Design Waiver petitions in conjunction with the Development Plan petition (see *§10.10: Design Waiver*).

I. Conformance with Approved Plan: Failure to construct in accordance with the approved development plan shall be a violation of this Unified Development Ordinance, subject to penalties provided for such violation in the Ordinance.

J. Changes or Amendments to an Approved Development Plan: Changes to an approved development plan shall be permitted only under the following circumstances:
   1. The holder of an approved development plan shall notify the Executive Director of any proposed change to the approved plan.
   2. Minor changes may be approved by the Executive Director upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
      a. Reduction in building size or increase in building size up to five (5) percent of the total approved floor area;
      b. Movement of building or other structures by no more than ten (10) feet;
      c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
      d. Changes in building materials to a comparable or higher quality;
      e. Changes in floor plans which do not alter the character of the use;
      f. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
   3. A proposed change to an approved development plan that is determined by the Executive Director to not be a minor change shall be considered an amendment to the approved development plan and shall be reviewed following the same process as the original approval.

K. Surety Requirement: The reviewing body may, at its sole discretion, require surety guarantees as provided in *Chapter 10, § Surety Standards.*

L. Construction: No construction or site grading shall begin prior to the issuance of an ILP and/or ECP, as required.

M. Time Limits:
   1. *Expiration of Approval*: An approved Development Plan shall be valid for a period of three (3) years from the date of approval. If development of the project has not begun by

the end of the two-year period or an approved extension, the approval shall expire and a new Development Plan application shall be submitted.

2. *Extension*: The Executive Director may grant one (1) extension of up to twelve (12) months for reason/cause. The applicant shall submit a written request for extension to the Executive Director prior to the expiration of the original approval period. The Executive Director shall make a written determination regarding the decision to extend or deny the extension. Both the request and the determination shall be made part of the Development Plan record.

N. Appeal: A decision of the Executive Director or the Development Review Committee may be appealed to the Plan Commission within thirty (30) days of the date of that decision.

Said amendment to the Unified Development Ordinance shall be subject to review on an annual basis by the plan commission and their sub-committee hereby referred to as the UDO Committee.

This ordinance passed and adopted this 21st day of February, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

2012-004277

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
02/22/2012 02:25PM
JON C. MILLER
RECORDER

REC FEE: $0.00
PAGES: 18

ORDINANCE NO. 12-02
PORTER COUNTY BOARD OF COMMISSIONERS

UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Unified Development Ordinance; Ordinance No. 07-05 on Tuesday, May 1, 2007; and 2008-004335

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapter 10, Subdivision, Processes, Permits and Fees Introduction; Section 10.32 (Subdivision Control; General); Section 10.33 (Subdivision Control; Administrative Subdivision); Section 10.34a (Subdivision Control; Minor Plats) and Sections 10.34b (Subdivision Control; Major Plats) of the Porter County Unified Development Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED THAT:

Chapter 10 Sections 10. 32 (Subdivision Control; General); 10.33 (Subdivision Control; Primary Plat) and 10.34 (Subdivision Control; Secondary Plat or Replat) shall be deleted in its entirety and amended with the following:

Chapter 10, Processes, Permits and Fees Introduction; Section 10.32 (Subdivision Control; General); Section 10.33 (Subdivision Control; Administrative Subdivision); Section 10.34a (Subdivision Control; Minor Plats) and Sections 10.34b (Subdivision Control; Major Plats) of the Porter County Unified Development Ordinance, shall be added as follows:

Section 10.32 Subdivision Control; General

A. Purpose: The purpose of this Subdivision Control Ordinance section is to guide the development of the County's planning jurisdiction in such a manner as to protect the health, safety, convenience and welfare of its citizens and to plan for the future development of the community in such a way that:
   1. streets and highways are carefully planned;
   2. new areas grow only with adequate street/utility, health, education and recreational facilities;
   3. the needs of public utilities and facilities are recognized in the future growth;
   4. residential areas provide healthy surroundings for family life; and
   5. the community growth is commensurate with the efficient and economical use of public funds.

B. Establishment of Control: No plat or replat of a subdivision of land or amendment, including plans or specifications and amendments thereto, or corrections to an already recorded plat (Certificate of Corrections, or Certificate of Error) located within the County's planning jurisdiction shall be recorded until it has been approved in accordance with the applicable Subdivision Control provisions of this UDO and the approval has been entered in writing on the plat as required. All corrections or amendments to an approved plat shall be cited as an addendum to and recorded on the approved plat, including the copy at the County Recorder's office.

C. Authority to Subdivide:

1. *Standard Zoning Districts*: Unless otherwise noted, as in the case of Administrative Subdivisions, the subdivision of land may occur in all zoning districts.
2. *Planned Unit Development Zoning Districts*: The subdivision of land may occur in those Planned Unit Development zoning districts for which the applicable PUD District Ordinance makes specific provision.

D. Classification of Subdivisions: All land to be subdivided shall be categorized into one of the classes of land division indicated in this Ordinance. These classes are:

1. Administrative Subdivision
2. Minor Subdivision
3. Major Subdivision

E. Agricultural Use Disclosure: All subdivisions bordered by or within 2,500 feet of an existing agricultural operation shall be required to have an Agricultural Use Disclosure recognizing that the agricultural operation may cause a nuisance to the existing or future property owner. The Agricultural Use Disclosure may also restrict the existing or future property owner from remonstrating against those agricultural practices in perpetuity. This disclosure shall be a binding covenant or deed restriction tied to each new or residual parcel. The Agricultural Use Disclosure language shall be provided by the Plan Commission Office.

F. Pre-application Conference: Prior to submitting any materials required by this Ordinance, the applicant or his representative shall meet with the Executive Director to discuss the nature of the subdivision being proposed, so the applicant may be instructed concerning the classification of the subdivision and the applicable regulations and procedures to be followed. As applicable, requirements concerning the general layout of streets and reservations of land, street improvements, drainage, sewerage, fire protection and similar matters, as well as the availability of existing services should be discussed. The Executive Director may also advise the applicant to discuss the proposed subdivision with other officials, as appropriate, who will eventually review the application. However, no statements or representations made during the pre-application conference shall relieve the applicant of his/her responsibility to meet all applicable requirements of the Subdivision Control provisions, the Unified Development Ordinance or other county, state or federal laws; nor shall any statements or representations made be construed as an endorsement of the plat or commitment of actions to be taken during the review process.

G. Checkpoint Agencies: Proposed subdivisions in unincorporated Porter County will be reviewed by the following agencies in advance of Plat Committee or Plan Commission review, as applicable, to facilitate the primary approval and ensure compliance with all applicable requirements and standards.

1. County or state highway engineer
2. County surveyor
3. County storm water engineer
4. County soil and water conservationist
5. County health department
6. County sheriff
7. E-911
8. Applicable fire department
9. Applicable school board
10. Electric utility
11. Telephone company
12. Gas company

13. Other applicable utilities

H. Condominiums: The Subdivision Control Ordinance does not apply to Condominiums regulated by IC 32-25.

10.33 Subdivision Control; Administrative Subdivisions

A. Purpose: Administrative Subdivisions are not subject to the requirements of the Subdivision Control provisions, except as specifically stated in this section.

B. Applicability: The following shall be considered Administrative Subdivisions, provided the Executive Director may, at his/her discretion, require a request to be processed as a Minor Subdivision.

1. *Large Lot Subdivision in A-1:* Any subdivision of land in the A1 Zoning District where all new or residual parcels are at least ten (10) acres in area shall be exempt from the Subdivision Control Process, as described in this Chapter and the Design Standards in Chapter 7. However, these "exempt subdivisions" shall be required to submit a land survey to the Executive Director, showing the parent tract of land and the proposed property lines creating each parcel with property line, width and area measurements.
   a. The Executive Director shall review the proposed subdivision to confirm the lots being created meet the ten (10) acre minimum and other applicable lot requirements of the A-1 zoning district, and to add reasonable restrictions and/or requirements.
   b. The Executive Director shall review the proposed subdivision and provide a letter indicating approval, denial, or approval with restrictions and/or requirements. Denials shall only be based on one or more parcels not meeting the minimum A-1 zoning requirements.
   c. Any additional divisions from the parent parcel less than ten (10) acres or any platted lot created from the parent parcel shall be processed as a major plat.
2. *Large Lot Subdivision in RR:* The creation of not more than two (2) lots of at least five (5) acres in size in the RR Zoning District shall be exempt from the Subdivision Control Process, as described in this Chapter and the Design Standards in Chapter 7. However, these "exempt subdivisions" shall be required to submit a land survey to the Executive Director, showing the parent tract of land and the proposed property lines creating each parcel with property line, width and area measurements.
   a. The Executive Director shall review the proposed subdivision to confirm the lots being created meet the following minimum and other applicable requirements of the UDO and, if appropriate, to add reasonable restrictions and/or requirements:
      i. Minimum lot area of five (5) acres for all new and residual parcels;
      ii. Minimum lot width of three hundred thirty (330) feet maintained for the full depth of the lot; and
      iii. Maximum width to depth ratio of 1:4.
   b. The Executive Director shall, within twenty-one (21) days of the date of an application provide a letter indicating approval, denial, or approval with restrictions and/or requirements. Denials shall only be based on one or more parcels not meeting the minimum requirements for an exempt subdivision in the RR District.
   c. Any additional divisions from the parent parcel or any platted lot created from the parent parcel shall be processed as a major plat.

3. *Correcting Errors*: A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional lots are created. Both the original and corrected legal descriptions shall be provided.
4. *Legal Settlement*: A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for distribution of property shall be permitted, provided a copy of the court decree and legal description(s) showing how the land is to be divided are submitted and authenticated.
5. *Right-of-Way or Easement*: In the case of acquisition or donation of land for purposes of providing a street right-of-way or easement, a plot plan shall be submitted that shows the parcel(s) and the location of the street right-of-way or easement to be granted. Maintenance agreement for easements shall be recorded with the plat.
6. *Sale or Exchange of Adjoining Property*: The sale or exchange of tracts between adjoining property owners is permitted, provided no additional lots are created and the resulting lots conform in all respects to the minimum requirements of the zoning district in which they are located. A legal description and plot plan showing the lot to be divided and the lot to be added to shall be provided.

C. Review Procedure: An application form and fee, along with a survey showing the relevant details that qualify the request for consideration as an Administrative Subdivision, shall be submitted to the Executive Director, who shall make a determination whether the subdivision meets the requirements of this section.
   1. *Determination of Minor Plat Status:* At his/her discretion, the Executive Director may determine that the plat should be considered as a minor subdivision. In such case, the Executive Director shall inform the applicant of this determination and provide the necessary information and forms for the applicant to file for a minor subdivision.
   2. *Compliance*: An Administrative Subdivision shall be reviewed by the Executive Director for conformance with the requirements of the Subdivision Control provisions and the UDO. If the division complies with the standards contained in this UDO and does not cause non-compliance or increase an existing nonconformity, the Executive Director shall approve the request and provide a Certificate of Compliance. If denied, an explanation of the reasons for the denial shall be provided to the applicant in writing. The Executive Director's decision shall be provided to the applicant, in writing, within twenty-one (21) days of the date of the application.
   3. *Conditions*: The Executive Director may:
      a. restrict driveway access for each parcel based on sight distances, proximity to intersections, alignment with other driveways and similar access management considerations.
      b. restrict portions of any new parcel from development due to drainage or ponding constraints.
      c. restrict portions of any new parcel from development due to topographical constraints.
      d. require an Agricultural Use Disclosure, in accordance with Section 10.32 E.
   4. *Recording*: Prior to issuance of any permits, each lot or parcel shall be recorded with deed restrictions incorporating the Executive Director's restrictions and/or requirements, if any. A copy of the recorded documents shall be submitted to the Plan Commission Office for filing.

D. Non-Compliance: Failure to obtain administrative approval prior to recording shall render all parcels undevelopable until the time the subdivision has been reviewed

and administratively approved. The Executive Director shall not recognize any parcel that has not been approved as a major, minor or administrative subdivision.

10.34a Subdivision Control; Minor Plats

A. Purpose: The purpose of the minor plat is to provide a simplified procedure for certain subdivisions of land. Any resubdivision or replat that meets the conditions of minor plats shall also be eligible for consideration under this procedure.

B. Applicability: A plat shall be considered a minor plat if it meets the following requirements:

1. *Number of Lots.* A maximum of four (4) lots may be created from a parent parcel of record as of March 7, 1994 and which has not been subdivided since that date, including previously approved Administrative/Exempt Subdivisions in the A-1 District. Any additional divisions from the parent parcel or any lot created from the parent parcel since March 7, 1994 shall be processed as a major plat, unless the division qualifies as an Administrative Subdivision.
2. *Access.* Access to the minor plat shall be provided in one of the following two ways:
   a. Along an existing paved public roadway, provided the following standards are met:
      i. Existing roads must be hard-surfaced, in good repair and of adequate geometry suitable for the anticipated vehicular traffic to be generated. If substantial improvements are required to the existing road, including paving a gravel surface or widening, the proposed subdivision shall be processed as a major plat.
      ii. Shared driveways, frontage roads or other means of access shall be required for any lots with frontage on and direct access to an existing public roadway and no more than one driveway shall be permitted for each two (2) lots in such a subdivision.
      iii. Minimum spacing between driveways on the same side of the road within the minor subdivision shall be at least twice the required lot width for the zoning district in which the subdivision is located, measured from centerline to centerline, and adequate sight distance shall be maintained.
   b. From an interior private roadway, meeting the following standards:
      i. A cul-de-sac turnaround with a curve radius of fifty (50) feet or a hammerhead with dimensions of sixty (60) feet by twenty-four (24) feet shall be provided at the terminus of the road.
      ii. The private road shall be constructed within a thirty (30)foot easement; provided if the road abuts or is located within fifty (50) feet of a property not included in the Minor Plat, a sixty (60) foot wide easement shall be provided.
      iii. The road shall be a minimum of sixteen (16) feet wide and constructed with a minimum of eight (8) inches of processed stone or gravel on a suitable sub-grade, as determined by the Executive Director.
      iv. If the road is intended to or capable of being extended in the future; or the potential exists for more than four (4) lots to be accessed (such as with a single-loaded road), the following requirements shall be met:
         [a] the private road shall be constructed within a sixty (60) foot easement;
         [b] the easement shall extend to the perimeter property line of the plat and the road shall be constructed to that point; and

[c] the road may be constructed in accordance with subparagraph b. iii. above until more than four (4) lots are served by the road, at which time it shall be reconstructed to county standards for a two lane paved local road.

c. Adequate ingress and egress to the remainder of the parent parcel and surrounding properties shall be provided for all minor plats.

3. *Utilities and drainage.*
   a. Sanitary sewer. All lots shall be served by public sanitary sewer. Other systems may be approved by the Indiana State Department of Health and/or the Porter County Health Department in those zoning districts that do not specifically require public sanitary sewer and if public sanitary sewer is not available within three hundred (300) feet of the nearest property line of any lot within the proposed development or subdivision . On-site waste treatment systems shall only be considered for development if:
      i. the base zoning district allows on-site waste treatment systems (i.e. septic systems), and
      ii. the cumulative cost to install public sanitary sewers to each lot or unit exceeds two hundred percent (200%) of the cumulative cost of installing the necessary on-site waste treatment systems to serve the same lot(s) or unit(s). The calculations for this determination shall be conducted by a licensed engineer. A development with five (5) or less lots shall be exempt from this requirement.
      iii. However, in any case, if the Porter County Health Department determines that an extension of public sewer is a feasible alternative to private on-site systems and desirable due to soil conditions, topography, lot sizes or other factors, the proposed subdivision shall be considered a major subdivision and processed accordingly.
   b. Water. All lots shall be served by a public water system. As an alternative, a private well system may be approved by the Indiana State Department of Health and/or the Porter County Health Department in those zoning districts that do not specifically require public water and if public water service is not available within three Hundred (300) feet of the nearest property line of any lot within the proposed development or subdivision. In such a case, individual wells for the potable water supplies on a per-lot basis shall only be permitted where it can be demonstrated that:
      i. The cost of connecting to the public water system is prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The Plan Commission shall only consider allowing private systems where the cost of the public system exceeds two hundred percent (200%) of the cost of private wells. The calculations for this determination shall be conducted by a licensed engineer.
      ii. Further, the Plan Commission shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
   c. Drainage. All lots shall be provided with adequate drainage improvements in compliance with the Porter County Storm Water Standards; Chapter 7 Section 7.28.
4. *Zoning.* All lots within the subdivision shall comply with the minimum lot area, depth and width requirements of the applicable zoning district in which they are located.

5. *Other Requirements*. For those minor subdivision lots created with frontage on and direct access to an existing public roadway (as specified in subparagraph 2.a., the following additional requirements shall apply:
   a. Sidewalks shall be constructed along the full length of those lots abutting and having direct access to an existing public roadway. The sidewalk shall be constructed of concrete, five feet wide, and meeting the construction standards of the Porter County Highway Engineering Department. Installation of the sidewalks may be deferred for minor subdivisions located within the A-1 and RR zoning districts, if no sidewalk exists within 1,320 feet of any lot within the proposed subdivision at the time of Primary Plat approval. In such case, the applicant shall agree to provide an easement to accommodate the future construction of the sidewalks.
   b. The minimum lot width at the front lot line shall be at least fifty (50) percent wider than the minimum width otherwise required for the zoning district in which the property is located.
   c. Minimum building setbacks shall be increased by fifty (50) percent over the minimum front setback otherwise required for the zoning district in which the property is located.
   d. Street trees shall be planted in accordance with the applicable requirements of the zoning district in which the property is located. If no requirements are otherwise specified, street trees shall be planted at a ratio of one tree per each forty (40) linear feet of frontage along the existing public roadway, spaced no more than forty (40) feet on-center, and at least two (2) trees shall be provided per lot.

C. Plat Committee: The Plan Commission shall appoint a Plat Committee, in accordance with IC 36-7-4-701(e), to perform reviews and approval of minor plats. The Plat Committee may grant Primary Plat or Primary Plat Amendment approval to a subdivision of land that:
   1. does not involve the opening of a new public way;
   2. does not include Design Waiver applications;
   3. complies in all other respects with Section 10.34 and all other provisions of the Subdivision Control Ordinance;
   4. complies in all other respects with the remainder of the Unified Development Ordinance; and
   5. does not create more than four (4) lots.

D. Primary Plat Review Procedure: The following procedure shall be followed for the submittal and review of Minor Plats:
   1. *Application*: The application and supporting material shall be submitted to the Executive Director, along with an application fee, as established by the Board of County Commissioners.
   2. *Application Review*:
      a. The Executive Director shall review the application, including supporting material and drawings, for completeness. If determined to be complete, the Executive Director will assign the application a docket number at which point the application will be considered "filed."
      b. Incomplete applications will be returned to the applicant with no further processing.
      c. A complete application and supporting materials will be provided to each of the applicable Checkpoint Agencies within five (5) working days of its filing date with the Executive Director. The Executive Director shall notify those agencies of a deadline for written comments to be submitted.

3. *Design Review*: Within fifteen (15) working days of the filing, the Executive Director shall have studied the proposed plat, reviewed the comments of the Checkpoint Agencies and met with the applicant to discuss pertinent aspects of the proposed subdivision and/or possible modifications that may be required or recommended. The Executive Director shall notify the Checkpoint Agencies of the meeting and invite their participation. A written record of the meeting shall be prepared and a copy provided to the applicant.
4. *Public Hearing*: A public hearing is not required before the Plat Committee.
5. *Plat Committee Review*: Following the Design Review meeting, but not more than thirty (30) days after the date of receiving the complete application, the Executive Director shall schedule the item on the agenda of the Plat Committee.
    a. Prior to the scheduled review meeting, the Executive Director shall prepare a written report to the Plat Committee. The report shall contain review comments from the Planning Department, comments and recommendations from the Checkpoint Agencies and the recommendation of the Executive Director. The report shall be provided to the applicant and Plat Committee in advance of the review meeting.
    b. The applicant is required to be present at the Plat Committee meeting to present the request and address questions of the committee. Failure to appear shall result in the application being continued to a future meeting or denied.
    c. Following the review and consideration of all materials, reports, recommendations and, if applicable, public testimony, the Plat Committee shall inform the applicant of any required changes and/or additions to be made to the plat application and shall make its decision.
6. *Primary Plat Decision*: After due consideration of the findings specified in subsection D.7., the Plat Committee shall:
    a. approve the primary plat;
    b. approve the primary plat with conditions and/or commitments;
    c. deny the primary plat;
    d. forward the application to the Plan Commission for consideration; or
    e. continue the application to a date certain.
7. *Findings of Fact*: The approving body (the Plat Committee or Plan Commission, as applicable), shall grant Primary Plat approval if it makes written findings of fact that the Primary Plat:
    a. meets the standards prescribed by *Chapter 06: Subdivision Types*;
    b. meets the standards prescribed by *Chapter 07: Subdivision, Development Plan & PUD Design Standards*;
    c. meets all other applicable standards of the Unified Development Ordinance;
    d. satisfactorily addresses the comments and recommendations of the Checkpoint Agencies, and
    e. conforms to the Comprehensive Plan.
8. *Effective Period of Approval*: Unless granted an extension by the approving body, the primary approval shall be effective for a period of two (2) years. Any plat not receiving secondary approval within that period shall become null and void and the applicant shall be required to resubmit a new application for Primary Plat review. The approving body may grant one (1) extension of the approval period for up to twelve (12) additional months; provided the applicant submits a written request prior to the original expiration date, stating the reasons for the delay. No further notice shall be required for an extension; provided the decision is made at a public meeting.

9. *Commitments*:
    a. Acceptance: In conjunction with the approval of a Primary Plat, the approving body may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
    b. Form: The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The applicant and the Chair of the approving body shall sign the commitment instrument.
    c. Recording: The applicant shall record the commitment instrument in the County Recorder's office simultaneously with the Secondary Plat and shall deliver a copy of the recorded commitment instrument to the Executive Director before Secondary Plat approval is granted.
    d. Enforcement: The County may enforce any commitment the approving body has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Primary Plat, the approving body may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations, specifying:
        i. lot size, number, and location;
        ii. the manner in which the road shall be laid out, graded, and improved;
        iii. water, sewage, and other utility services are provided;
        iv. drainage design; and
        v. other services as specified in *Chapter 07: Subdivision, Development Plan & PUD Design Standards*.
    b. Form: The Executive Director shall prepare the conditions of approval instrument in a form approved by the County Attorney. The applicant and Chair of the approving body shall sign the conditions of approval instrument.
    c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The Plan Commission Office shall provide a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.
    d. Enforcement: The County may enforce any condition of approval the approving body has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Revisions*: Following approval of the primary plat, the petitioner shall submit revised copies of the plans that address the conditions and commitments approved by the approving body. The applicant shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Executive Director.
12. *Modification or Termination*: The approving body may not modify or terminate any condition of approval or any commitment. A condition of approval or commitment imposed under this section may only be modified or terminated by a decision of the approving body made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The Plan Commission Office shall prepare and record the conditions of approval modification instrument, conditions of approval termination instrument, commitment modification instrument or commitment termination instrument in the same manner required for the original approval instrument. A modified condition

of approval or commitment shall be enforced in the same manner as any other condition of approval.

13. *Appeals*:
    a. Public Notice & Right to Appeal. Within ten (10) days after Primary Plat approval by the Plat Committee, the Executive Director shall notify interested parties of the Plat Committee's approval and of their right to appeal to the Plan Commission. The notice shall be published and provided in written form in accordance with the Plan Commission Rules of Procedure.
    b. Notice of Appeal: An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Plan Commission within ten (10) days of the publication or written notice of the right to appeal.
    c. Applicant's Right of Appeal: The applicant for minor plat approval shall also have the right of appeal to the Plan Commission for a denial of the minor plat or for any conditions imposed on the approval of the minor plat.

E. Improvements:
    1. *Submittal and Requirements*: Following approval of the primary plat, the applicant may, at his/her discretion, submit construction plans to the Executive Director prior to submitting a request for secondary plat approval. The construction plans shall include all information and details specified in Chapter 5 (Development Standards); Chapter 7 (Subdivision, Development Plan, and PUD Design Standards); and Section 10.34a.B. Applicability.
    2. *Checkpoint Agency Review*: Upon receipt of the construction plans, the Executive Director shall immediately distribute plan sets to all appropriate Checkpoint Agencies for review. Each agency shall provide its comments in writing to the Executive Director within five (5) working days, unless an extension of time is requested in writing by the agency prior to the five day period elapsing. If no comments are received within that period or agreed upon extension, it shall be assumed that the agency has no comments. Upon the expiration of the comment period, the Executive Director shall meet with the applicant to review comments and required changes, if any. Revised plans shall be submitted that address all comments, prior to Executive Director approval and issuance of an ILP, in accordance with Section 10.11.
    3. *Inspections*: All construction shall be periodically inspected by the appropriate agency(s) in accordance with the inspection schedule established by the Executive Director. An application for Secondary Plat approval may be considered prior to final completion of the improvements; provided: .
        a. the applicant provides a financial surety for all public improvements pursuant to *Chapter 10; §10.29 Surety Standards,* that:
            i. is an amount determined by the Plat Committee to be sufficient to complete the improvements and installations in compliance with the ordinance; and
            ii. provides surety satisfactory to the plat committee; or
        b. with respect to the installation or extension of water, sewer or other utility service:
            i. the applicant shows by written evidence that it has entered into a contract with the governmental entity or utility providing service; and
            ii. the Plat Committee determines, based on written evidence, that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Ordinance.

F. Secondary Plat Review Procedure:
   1. *Application*: An application for Secondary Plat shall be filed with the Executive Director on forms provided, together with the required application fee and any supporting documents to demonstrate that all conditions and commitments of Primary Plat approval have been satisfied.
   2. *Determination of Conformance*: The Executive Director will review the application in a timely manner to determine if the subdivision complies with the Primary Plat approval and all conditions and commitments, if applicable.
   3. *Changes after Primary Plat Approval*: Any changes in the approved Primary Plat must be submitted to the approving body, except changes to any approved conditions or commitments shall require Plan Commission review in accordance with subsection D.10.
   4. *Signature and Recording*: Secondary Plat approval shall be given by the Executive Director after determining that the Secondary Plat complies with the conditions of Primary Plat approval and the County has accepted any public dedications, improvements, and/or guarantees of performance.
   5. *Private Road Acknowledgement*: In the case of a minor plat served by an interior private road, a disclosure shall be included in the deed for each lot stating that the road is privately owned and specifying the individual or entity responsible ownership, maintenance and improvement of that road. This disclosure shall be a binding covenant or deed restriction tied to each new or residual parcel.
   6. *Time Limit*: Secondary Plat approval of a minor subdivision shall be valid for a period of one hundred twenty (120)days from the date of approval. If the final plat is not recorded in the County Recorder's Office prior to the expiration date it shall be null and void; and the applicant shall submit a new Secondary Plat or Replat application.
   7. *As-Built Drawings*: Digital files of the final plat and as-built surveys of all infrastructure improvements including roads, utilities and drainage, shall be submitted to the County Auditor's Office in a format compatible with the County's geographic information system software. All files contained shall be computer-aided drafting (CAD) files and must be compatible with the currently used version of Porter County's CAD software. If available, drawings should be referenced using Indiana State Plane East NAD 83 as the coordinate system. In addition to the CAD file, metadata files and descriptions of the data shall be included. Any additional data associated with the plans, e.g., survey data, GPS data, land use data, etc. may be submitted in a database table format on the same disk.

10.34b Subdivision Control; Major Plats

A. Purpose: The purpose of this section is to specify the procedure followed by Porter County for reviewing proposed major subdivisions in accordance with the Indiana Code.
B. Applicability:
   1. A major plat is considered to be any plat, other than an Administrative Subdivision or a Minor Plat, as defined herein.
   2. *Exceptions*:
      a. Right-of-way vacation: per IC 36-7-3-12, public ways are vacated by the Board of County Commissioners.
      b. Easement vacation: per IC 36-7-3-16, platted easements are vacated by the Board of County Commissioners (see *§ 10.28: Easement Vacation*).

C. Primary Plat Review Procedure:

1. *Application*: The application and supporting material shall be submitted to the Executive Director, along with an application fee, as established by the Board of County Commissioners.
2. *Application Review*:
   a. The Executive Director shall review the application, including supporting material and drawings, for completeness. If determined to be complete, the Executive Director will assign the application a docket number at which point the application will be considered "filed."
   b. Incomplete applications will be returned to the applicant with no further processing.
   c. A complete application and supporting materials will be provided to each of the applicable Checkpoint Agencies within five (5) working days of its filing date with the Executive Director. The Executive Director shall notify those agencies of a deadline for written comments to be submitted.
3. *Design Review.* Within twenty (20) working days of the filing of a complete application, the Executive Director shall have studied the proposed plat, reviewed the comments of the Checkpoint Agencies and met with the applicant to discuss pertinent aspects of the proposed subdivision and/or possible modifications that may be required or recommended. The Executive Director shall notify the Checkpoint Agencies of the meeting and invite their participation. A written record of the meeting shall be prepared and a copy provided to the applicant.
4. *Public Hearing Notice and Posting*:
   a. The applicant shall be responsible for mailing public notices pursuant to the Plan Commission Rules of Procedure. The Plan Commission office shall be responsible for publishing the notice in the newspaper and posting public notice on the property pursuant to the Plan Commission Rules of Procedure.
   b. The applicant shall be responsible for returning proof of mailed notice to the Executive Director in accordance with the Plan Commission Rules of Procedure. Failure to submit proof of notice by the established deadline prior to the review meeting may result in the request being continued to the next meeting.
5. *Plan Commission Review*. Following the Design Review meeting, but not more than thirty (30) days after the date of receiving the complete application, the Executive Director shall schedule the item on the agenda of the Plan Commission and notify the applicant of the public hearing requirements.
   a. Prior to the scheduled Plan Commission hearing, the Executive Director shall prepare a written report to the Plan Commission. The report shall contain review comments from the Planning Department, comments and recommendations from the Checkpoint Agencies and the recommendation of the Executive Director. The report shall be provided to the applicant and Plan Commission three (3) days in advance of the public hearing.
   b. The applicant is required to be present at the Plan Commission meeting to present the request and address questions. Failure to appear shall result in the application being continued to a future meeting or denied.
   c. Following the review and consideration of all materials, reports, recommendations and, if applicable, public testimony, the Plan Commission shall inform the applicant of any required changes and/or additions to be made to the plat application and shall make its decision.
6. *Primary Plat Decision*: After due consideration of the findings specified in subsection C.7., the Plan Commission shall:

a. Approve the primary plat,
b. Approve the primary plat with conditions and/or commitments,
c. Deny the primary plat, or
d. Continue the request to a date certain.

7. *Findings of Fact*: The Plan Commission shall grant primary approval of a plat, if the following findings are made:
   a. Meets the standards prescribed by *Chapter 06: Subdivision Types*; and
   b. Meets the standards prescribed by *Chapter 07: Subdivision, Development Plan & PUD Design Standards*; and
   c. Meets all other applicable standards of the *Unified Development Ordinance*; and
   d. Conforms to the Porter County Comprehensive Plan; and
   e. Satisfies the comments and recommendations of the checkpoint agencies; and
   f. Will not be detrimental to the public health, safety and welfare.
8. *Effective Period of Approval.* Unless granted an extension by the Plan Commission, the primary approval shall be effective for a period of two (2) years. Any plat not receiving secondary approval within that period shall become null and void and the applicant shall be required to resubmit a new application for Primary Plat review. The Plan Commission may grant one (1) extension of the approval period for up to twelve (12) additional months; provided the applicant submits a written request prior to the original expiration date, stating the reasons for the delay. No further notice or public hearing shall be required for an extension; provided the decision is made at a public meeting.
9. *Commitments*:
   a. Acceptance: In conjunction with the approval of a Primary Plat, the Plan Commission may permit or require the petitioner to make written commitments concerning the development of the parcel.
   b. Form: The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The applicant and the President of the Plan Commission shall sign the commitment instrument.
   c. Recording: The applicant shall record the commitment instrument in the County Recorder's office simultaneously with the Secondary Plat and shall deliver a copy of the recorded commitment instrument to the Executive Director before Secondary Plat approval is granted.
   d. Enforcement: The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval*:
    a. Requirement: In conjunction with the approval of a Primary Plat, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations, specifying:
       i. lot size, number, and location;
       ii. the manner in which the road shall be laid out, graded, and improved;
       iii. water, sewage, and other utility services are provided;
       iv. drainage design; and
       v. other services as specified in *Chapter 07: Subdivision, Development Plan & PUD Design Standards.*
    b. Form: The Plan Commission Office shall prepare the conditions of approval instrument in a form approved by the County Attorney. The applicant and

President of the Plan Commission shall sign the conditions of approval instrument.

c. Recording: The Plan Commission Office shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The Plan Commission Office shall provide a copy of the recorded conditions of approval instrument to the petitioner within thirty (30) days of recording.

d. Enforcement: The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.

D. Improvements:

1. *Submittal and Requirements*: Following approval of the primary plat, the applicant may, at his/her discretion, submit construction plans to the Executive Director prior to submitting a request for secondary plat approval. The construction plans shall include all information and details specified in Chapter 5 (Development Standards); Chapter 7 (Subdivision, Development Plan, and PUD Design Standards).

2. *Checkpoint Agency Review*: Upon receipt of the construction plans, the Executive Director shall immediately distribute plan sets to all appropriate Checkpoint Agencies for review. Each agency shall provide its comments in writing to the Executive Director within ten (10) working days, unless an extension of time is requested, in writing, prior to the ten day period elapsing. If no comments are received within that period or agreed upon extension, it shall be assumed that the agency has no comments. Upon the expiration of the comment period, the Executive Director shall meet with the applicant to review comments and required changes, if any. Revised plans shall be submitted that address all comments, prior to Executive Director approval and issuance of an ILP, in accordance with Section 10.11.

4. *Inspections*: All construction shall be periodically inspected by the appropriate agency(s) in accordance with the inspection schedule established by the Executive Director. An application for Secondary Plat approval may be considered prior to final completion of the improvements; provided:

   a. the applicant provides a financial surety for all public improvements pursuant to *Chapter 10; §10.29 Surety Standards,* that:

      i. is an amount determined by the Plat Committee to be sufficient to complete the improvements and installations in compliance with the ordinance; and

      ii. provides surety satisfactory to the plat committee; or

   b. with respect to the installation or extension of water, sewer or other utility service:

      i. the applicant shows by written evidence that it has entered into a contract with the governmental entity or utility providing service; and

      ii. the Plat Committee determines, based on written evidence, that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Ordinance.

E. Secondary Plat and Replat:

1. *Application*: An application for Secondary Plat shall be filed with the Executive Director on forms provided, along with any supporting documents to demonstrate that all conditions and commitments of Primary Plat approval have been satisfied. The Executive Director shall calculate the total of the application fee

and any other applicable fees, based on the size of the subdivision. The application shall not be processed until all applicable fees have been paid.

2. *Time Limitation*: The applicant may submit an application within the time provided for appeal under IC36-7-4-708; however, approval of a Secondary Plat shall not be granted until thirty (30) days after the approval of a Primary Plat by the Plan Commission.
3. *Determination of Conformance*: The Executive Director will review the application in a timely manner to determine if the subdivision complies with the Primary Plat approval and all conditions and commitments, if applicable.
   a. Incomplete applications will be returned to the applicant with no further processing.
   b. A complete application and supporting materials will be assigned a docket number and transmitted to each of the applicable Checkpoint Agencies within five (5) working days of its filing date with the Executive Director. The Executive Director shall notify those agencies of a deadline for written comments to be submitted.
   c. Changes after Primary Plat approval. Any changes in the approved Primary Plat, conditions or commitments must be submitted to the Plan Commission for review in accordance with Section 10.34b.C.9 *(Commitments)* and 10.34.b.C.10 (*Conditions of Approval*).
   d. Record: The Executive Director shall maintain records of all applications, plans, and permits filed for a Secondary Plat or Replat.
4. *Design Review*: Within twenty (20) working days of the filing of a complete application, the Executive Director shall have studied the proposed plat, reviewed the comments of the Checkpoint Agencies and met with the applicant to discuss pertinent aspects of the proposed subdivision and/or possible modifications that may be required or recommended. The Executive Director shall notify the Checkpoint Agencies of the meeting and invite their participation. A written record of the meeting shall be prepared and a copy provided to the applicant.
   a. Inspection: The Executive Director and the respective Checkpoint Agencies may, at any reasonable time, inspect any structure, other improvement, or site that is the subject of a Secondary Plat or Replat application.
   b. Report: The Executive Director shall prepare a written report outlining its findings with respect to the Secondary Plat or Replat, based on:
      i. The written statement and supporting material submitted by the applicant;
      ii. The Primary Plat;
      iii. The Secondary Plat;
      iv. The Replat, when applicable;
      v. Any commitments or conditions of approval attendant to prior approvals;
      vi. The testimony of the applicant;
      vii. Relevant evidence presented by other persons at the Primary Plat hearing, when applicable;
      viii. The applicable standards of the Unified Development Ordinance;
      ix. The applicable standards of the County's engineering manuals;
      x. All information presented by the members of the Development Advisory Committee;
      xi. The Plan Commission Office report; and
      xii. Such other additional information as may be required by the Plan Commission Office to evaluate the petition.
5. *Decision*:

a. Revision: The Executive Director shall, based upon the facts presented for review, notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval.
b. Approval: Secondary Plat approval shall be given by the Executive Director after determining that the Secondary Plat complies with the conditions of Primary Plat approval and the County has accepted any public dedications, improvements, and/or guarantees of performance.
c. Notification: The Executive Director shall then notify the applicant in writing of the action taken.
d. Signature and Seal. Upon approval of the Secondary Plat or Replat, the Executive Director and Plan Commission President shall sign and seal the plat at the appropriate locations.
e. Recording: The applicant shall then file the Secondary Plat or Replat for recording in the County Recorder's office, as required by law.
f. Recording Deadline: The applicant shall record an approved Secondary Plat or Replat within one hundred twenty (120) days of approval. Three (3) sets of mylar drawings shall be submitted to the County Recorder. If the plat has not been recorded within the prescribed period, the approval shall be considered null and void; and the applicant shall submit a new Secondary Plat or Replat application.
g. Digital Copy: Within thirty (30) days of recording the plat, the applicant shall provide the Executive Director with a digital copy of the recorded mylar in the format specified by the Plan Commission Rules of Procedure.

6. *As-Built Drawings*: Digital files of the final plat and as-built surveys of all infrastructure improvements including roads, utilities and drainage, shall be submitted to the County Auditor's Office in a format compatible with the County's geographic information system software. All files contained shall be computer-aided drafting (CAD) files and must be compatible with the currently used version of Porter County's CAD software. . If available, drawings should be referenced using Indiana State Plane East NAD 83as the coordinate system. In addition to the CAD file, metadata files and descriptions of the data shall be included. Any additional data associated with the plans, e.g., survey data, GPS data, land use data, etc. may be submitted in a database table format on the same disk.
7. *Surety Requirement*: In conjunction with the approval of a Secondary Plat or Replat, the applicant shall provide financial surety for all public improvements to be constructed, pursuant to *Chapter 10; §Surety Standards.*
8. *Commencement of Construction*: No construction or site grading shall begin prior to the issuance of an Improvement Location Permit (ILP) and/or Erosion Control Permit (ECP), as required.
   a. Construction Plans; Expiration of Approval: Construction Plans approved in conjunction with a Secondary Plat or Replat are valid for twenty-four (24) months from the date of approval of the Secondary Plat or Replat. If development of the project has not commenced by the end of the two-year period(or by the end of the one-year extension), the approval shall expire and new Construction Plans must be submitted for review and approval by the Executive Director in accordance with the original procedure.
   b. Extension: The Executive Director may grant one (1) one-year extension of the construction plan approval for reason/cause; provided a request for extension is submitted, in writing, to the Executive Director prior to expiration of the original approval. The Executive Director shall make a written determination regarding the decision to extend or deny an extension. Both

the request and the determination shall be made part of the Secondary Plat or Replat record.

9. *Changes or Amendments*:
   a. Secondary Plat Amendment:
      i. Applicability: A Secondary Plat Amendment shall be required when:
         [a] A street name change is proposed; or
         [b] A subdivision name change is proposed; or
         [c] A platted address change is proposed; or
         [d] The Plan Commission Office determines that the proposed change to the recorded Secondary Plat is insufficient to warrant a Replat.
      ii. Procedure: Secondary Plat Amendment applications shall be processed in the same manner as Secondary Plat applications.
   b. Replat:
      i. Applicability: A Replat shall be required when:
         [a] Lots are being joined;
         [b] Lots are being split (also requires a Primary Plat Amendment, if the number of lots is increased); or
         [c] Platted easements are being modified or vacated (see also *Chapter 10; §Easements*);
         [d] A public way has been vacated (requires Board of County Commissioners action); or
         [e] Other significant changes to the Secondary Plat are proposed.
      ii. Procedure: Replat applications shall be processed in the same manner as Secondary Plat applications.
   c. Current Standards: Changes, amendments or resubmittals shall be subject to the County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

10. *Phased Plats*:
   a. A primary plat may be divided into two (2) or more sections and secondary approval given for such phase(s). The Executive Director may impose conditions upon the filing of the phases as deemed necessary to assure the orderly development of the plat and may require that a surety bond be commensurate with the phase or phases of the plat to be filed and may defer the remaining required surety bond principal amount until the remaining phases of the plat are offered for filing.
   b. At least twenty percent (20%) of the total number of lots contained in the approved primary plat must be included within any one phase.
   c. The approval of all remaining phases not filed with the Executive Director shall automatically expire after five (5) years from the date of approval of the Primary Plat, unless the expiration date has been extended by the Executive Director.
   d. An extension of the original Primary Plat approval or any subsequent extension must be requested, in writing, prior to the expiration of the initial five (5) year period or any subsequent extension period. Extensions may be granted for up to twelve (12) months.
   e. There shall be no limit to the number of extensions granted; provided, reasonable justification is presented by the applicant regarding the necessity of the extension due to unforeseen difficulties or special circumstances being encountered.
   f. In reviewing the request for an extension, the Executive Director shall consider:

i. the written evidence submitted by the applicant;
ii. the current land use conditions in the immediate vicinity of the subdivision;
iii. the extent to which land use conditions may have changed since the Primary Plat approval or any prior time extension; and
iv. any intervening amendments to the UDO or other relevant regulations that may have an effect on the original approval.

Said amendment to the Unified Development Ordinance shall be subject to review on an annual basis by the plan commission and their sub-committee hereby referred to as the UDO Committee.

This ordinance passed and adopted this 21st day of February, 2012.

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans, President

Nancy A. Adams

Carole M. Knoblock

Attest: _____
Robert J. Wichlinski, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP
Executive Director/County Planner

Chapter 11

Enforcement and Penalties

Porter County Unified Development Ordinance

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GroundRules
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Enforcement and Penalties

11.01 Scope of Violations

It shall be a violation of the Unified Development Ordinance to:

A. Construct or place a structure in a manner that is not expressly permitted by the Unified Development Ordinance;

B. Fail to fully comply with the terms and requirements of grants of Special Exceptions, variances, rezonings, and other approvals associated with the administration of the Unified Development Ordinance and with conditions of approval or commitments associated with such;

C. Fail to fully comply with the terms and requirements of permits, subdivision approvals, Development Plans and other approvals associated with the administration of the Unified Development Ordinance and with conditions of approval or commitments associated with such;

D. Make any use of property that is not expressly permitted by the Unified Development Ordinance or by a permit or other approval granted under the Unified Development Ordinance.

11.02 Authority to Take Enforcement Action

The Plan Commission, Board of Zoning Appeals, and the Executive Director and persons to whom enforcement responsibility has been delegated by the Plan Commission, Board of Zoning Appeals or Executive Director are each empowered to enforce the provisions of the Unified Development Ordinance and of related requirements arising out of the administration of the Unified Development Ordinance.

When a section of the Unified Development Ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.

11.03 Investigation of Violations

The Executive Director or a staff member may investigate complaints made pertaining to noncompliance with the Unified Development Ordinance. The Executive Director or a staff member shall investigate any possible violation of the Unified Development Ordinance reported by the Plan Commission or Board of County Commissioners. Enforcement action may or may not be taken, depending on the findings. If enforcement action is justified, the nature of the action will be at the discretion of the Executive Director and should reflect the action that is warranted by the findings.

11.04 Inspection of Property

A. Standard Inspections: Inspections of property may be conducted by the Executive Director or a staff member under the direction of the Executive Director. Inspections shall be made at a reasonable time. If requested of the inspector by the owner or occupant before undertaking an inspection, the inspector shall present evidence of his authorization (identification, badge, or document) and describe the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

B. Denial of Access to Property: In the event that the Executive Director or staff member is denied entry to a lot or building where there is evidence of violation of this Unified Development Ordinance, the Executive Director or a County official may apply to a court that has jurisdiction to secure an administrative search warrant authorizing inspection of the lot or the interior of the building. Such application shall identify the lot or building to which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a violation of the Unified Development Ordinance exists on such lot or in such building to the best of the affiant's belief. The warrant issued pursuant to such application shall order the owner or occupant to permit entry to the Executive Director or staff member for the purposes of making an inspection.

11.05 Responsibility for Violations

The owner, contract vendee, tenant, and occupant of any property or structure, or part thereof, shall each be responsible for a violation of the Unified Development Ordinance. Architects, builders, contractors, developers, easement holders, persons making use of the property without legal right, or agents thereof may also be found responsible for the violation if evidence of their participation in the violation or negligence in allowing the violation to occur is found.

Enforcement and Penalties

11.06 Violations Justifying Issuance of a Stop Work Order

A. Authority and Procedure for Issuance of Stop Work Order: The Executive Director may issue a Stop Work Order relative to any lot or structure where a violation of the Unified Development Ordinance is occurring or is likely to occur. The Stop Work Order shall be in writing. The Stop Work Order shall describe the violation and order the immediate cessation of work or illegal activity until the matter is resolved. The Stop Work Order shall be posted in a conspicuous place on the property and a copy shall be delivered or mailed to the owner, developer, builder, contractor, property manager, tenant, or occupant. The Executive Director shall ask to meet with the party served the Stop Work Order within seven (7) days of issuance of the order. If requested by the party served, the Executive Director shall state in writing the conditions under which the Stop Work Order may be lifted. In order for a Memorandum of Agreement resolving the matter to be valid, it must be signed by the owner, developer, builder, contractor, property manager, tenant, or occupant that has caused or is responsible for the violation and by either the Executive Director or the Plan Commission President. The Stop Work Order may be appealed to the Board of Zoning Appeals.

B. Justifications for Issuance of Stop Work Order: Specific justifications for issuance of a Stop Work Order include:
   1. Engaging in activity that does not comply with development standards or other requirements of the Unified Development Ordinance;
   2. Undertaking construction without obtaining a required Improvement Location Permit;
   3. Undertaking regulated land-disturbing activity without obtaining a required Erosion Control Permit;
   4. Carrying out construction that will result in a violation of the Unified Development Ordinance;
   5. Carrying out construction that is inconsistent with conditions or commitments related to a Special Exception or variance;
   6. Carrying out construction that is inconsistent with requirements of commitments, conditions of approval, Development Plans, or covenants which are enforceable by the Plan Commission; or
   7. Undertaking construction without obtaining any other permit necessary for site/property improvement as required by the Unified Development Ordinance.

11.07 No New Permits at Location Where Violation Exists

When a violation of the Unified Development Ordinance has been identified on a property and notice of the violation has been conveyed in writing to an owner or possessor of the property, but resolution of the violation has not been achieved, no permit authorized under the Unified Development Ordinance shall be issued relative to the property. However, the Executive Director may authorize the issuance of such a permit if justified to allow an owner or possessor of property to bring the property into compliance with the Unified Development Ordinance.

11.08 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement actions set forth in IC 36-7-4-1000 *et. seq.*, and all other applicable State law, may be used to enforce the provisions of the Unified Development Ordinance.

A. Action to Bring Compliance:
   1. If a condition violating the Unified Development Ordinance exists on real property, the Plan Commission or the Executive Director may enter onto that real property and take appropriate action to bring the real property into compliance with the Unified Development Ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the real property shall be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the real property into compliance. If the Plan Commission or the Executive Director takes action to bring compliance, the expenses incurred by the County to bring compliance constitute a lien against the real property. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:
      a. Two thousand five hundred dollars ($2,500.00) for real property that:
         i. Contains one (1) or more occupied or unoccupied single- or two-family dwellings or the appurtenances or additions to those dwellings; or
         ii. Is unimproved; or
      b. Ten thousand dollars ($10,000.00) for all other real property not described in *§a*.
   2. The County may issue a bill to the owner of the real property for the costs incurred by the County in bringing the real property into compliance with the Unified Development Ordinance, including administrative costs and removal costs.
   3. If the owner of the real property fails to pay a bill issued under *§2*, the County may, after thirty (30) days, certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The County Auditor shall place the total amount certified on the tax duplicate for the real property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the County.

B. The Plan Commission or the Executive Director may bring an action in the Circuit or Superior Court of the County to invoke any legal, equitable, or special remedy for the enforcement of IC 36-7-4 or of any ordinance created under IC 36-7-4. This includes, but is not limited to, the Unified Development Ordinance.

C. The Plan Commission or the Executive Director may also bring an action in the Circuit or Superior Court of the County to enforce:
   1. Covenants made in connection with a subdivision plat, a Development Plan, or a Planned Unit Development.
   2. All commitments made in accordance with IC 36-7-4.
   3. All conditions of approval imposed in accordance with IC 36-7-4.

D. The Board of Zoning Appeals or the Executive Director may bring action in the Circuit or Superior Court of the County to restrain a person from violating IC 36-7-4 or any ordinance adopted under IC 36-7-4, which includes but is not limited to the Unified Development Ordinance.

E. The Board of Zoning Appeals may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing a person to remove a structure erected in violation of IC 36-7-4 or the Unified Development Ordinance.

F. If the Board of Zoning Appeals is successful in its action, the respondent shall bear all costs of the action.

G. An action to enforce a commitment made in accordance with IC 36-7-4 may be brought in the Circuit or Superior Court of the County by:
   1. Any person who was entitled to enforce a commitment made in accordance with IC 36-7-4 under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
   2. Any other specially affected person who was designated in the commitment.

11.09 Court-imposed Fines

In addition to any other remedies, including injunctive relief provided herein, any person or entity who or which shall violate any provision of the Unified Development Ordinance shall, upon conviction thereof, be subject to a court- imposed fine. The fine shall be in a sum not less than $50.00 or more than $2,500.00. Each day during which the violation exists constitutes a separate violation of the Unified Development Ordinance.

11.10 Civil Zoning Violations

A. List of Civil Zoning Violations: It shall be unlawful for any person or entity identified in *§11.05: Responsibility for Violations* to cause or allow any of the following civil zoning violations to occur on property subject to the jurisdiction of the Plan Commission:
   1. The location, erection, or maintenance of any sign not specifically permitted by the Unified Development Ordinance;
   2. The failure to obtain an Improvement Location Permit or any other required permit under the Unified Development Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under the Unified Development Ordinance;
   3. The failure to obtain an Erosion Control Permit when required prior to the initiation of regulated land-disturbing activity;
   4. The failure to obtain a Certificate of Zoning Compliance when required by the Unified Development Ordinance;
   5. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
   6. The outdoor storage of inoperable or unlicensed motor vehicles or motor vehicle parts in any zoning district, the provisions of which do not specifically permit such a use;
   7. The parking or storage in any zoning district of any motor vehicle not permitted by the Unified Development Ordinance;
   8. The outdoor storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such a use or in violation of zoning district development standards regulating such use;
   9. The conduct of any activity in a zoning district that is not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid Use Variance or Special Exception;
   10. The failure to comply with zoning district development standards, including, but not limited to, landscaping, paving or striping of parking areas, minimum parking space requirements, Dumpster enclosure, fencing or screening requirements;
   11. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, Special Exception, rezoning ordinance, or other approval grant; and
   12. Proceeding with work under a Stop Work Order or a violation of a Memorandum of Agreement made pursuant to a Stop Work Order.

B. Effect of Uncorrected Violation: Each day a civil zoning violation remains uncorrected constitutes a second or subsequent violation. It shall be a defense to an action to enforce a civil zoning violation that the use or activity alleged to be a civil zoning violation is a legal nonconforming use.

11.11 Civil Zoning Violations; Enforcement

The first civil zoning violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the Ordinance Violations Bureau in accordance with Title 2: Administration & Personnel; Chapter 2.048: Ordinance Violations Bureau of the Porter County Code. A person or entity cited for a violation of the Unified Development Ordinance may elect to file a Special Exception, variance, rezone or other pertinent approval application. However, neither the filing of such an application nor the granting of the application shall constitute a defense of any civil zoning violation that occurs prior to the granting of the Special Exception, variance, rezone, or other approval. Second violations and violations occurring after the second violation in the calendar year are subject to the enforcement procedures and penalties provided in *§11.08: Enforcement, Remedies and Injunctive Relief* and *§11.09: Court-imposed Fines* of this chapter.

11.12 Violation of Unified Development Ordinance a Nuisance

A structure that is erected, raised, or converted, in violation of the Unified Development Ordinance or land that is used in violation of the Unified Development Ordinance is a common nuisance and the owner or possessor of the structure or land may be held responsible for maintaining said nuisance.

Chapter
12

Definitions

Porter County
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Definitions

12.01 General

The definitions contained in *Chapter 12* shall be observed and applied in the interpretation of all chapters in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

12.02 Defined Words

The following terms shall have the following meanings:

Definitions - A

A Zone: Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

1. *Zone A*: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
2. *Zone AE and A1-A30*: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
3. *Zone AO*: Areas subject to inundation by one-percent (1%) annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
4. *Zone AH*: Areas subject to inundation by one-percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are from one (1) to three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
5. *Zone AR*: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
6. *Zone A99*: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Above-ground Utility Facility: See "*Utility Facility, Above-ground*."

Accelerated Erosion: See "*Erosion, Accelerated*."

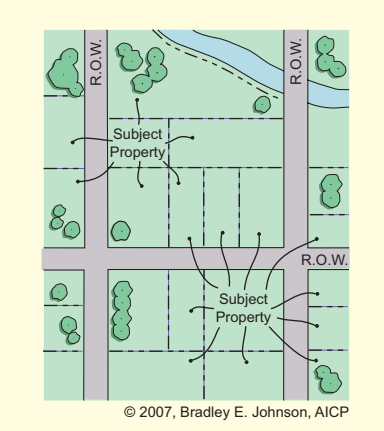
Accessory Building: See "*Structure, Accessory*."

Accessory Structure: See "*Structure, Accessory*."

ADA: The Americans with Disabilities Act.

Addition to an Existing Structure: Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent Property: Any lot abutting the subject lot, directly diagonal to the subject lot, or across a public right-of-way from the subject lot. The illustration below shows the properties that would be considered adjacent to two different subject properties.



Adult Bookstore: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Business: Any commercial activity whether conducted intermittently or full 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. The following businesses are Adult Businesses, but the list is not exclusive:

- Adult bookstores
- Adult mini-motion picture theater
- Adult motel
- Adult motion picture arcade
- Adult motion picture theater
- Cabaret
- Massage parlor
- Motel studio

Adult Entertainment: An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity of fifty (50) or fewer persons 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 of the theater.

Adult Motel: See *"Motel, Adult."*

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Adult Motion Picture Theater: A facility for audio and visual productions and performing arts specifically for adult motion pictures and adult entertainment.

Adult Retail Store: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Definitions - A

Adult Strip Club: A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Agricultural District: The A1 and A2 zoning districts.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Aircraft: Any contrivance now known, or hereafter invented, used and designed for navigation of or flight in the air.

Airport: The Porter County Municipal Airport and any other airport to which overlay protection is applied.

Airport Authority: The Porter County Municipal Airport Authority, having jurisdiction over the Porter County Municipal Airport, and empowered to exercise the executive and legislative powers conferred by IC 8-22-3.

Airport Elevation: The highest point of an airport's usable landing area measured in feet from mean sea level (MSL), and is so indicated on an approved Airport Layout Plan or any other planning document authorized by the Federal Aviation Administration (FAA), the Indiana Department of Transportation – Aeronautics Section, or the Porter County Municipal Airport Authority.

Airport Hazard: Any structure, object of natural growth, located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

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

Antenna: Any exterior system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

ANSI: The American National Standards Institute.

APO: Airport Overlay District.

Appeal, Floodplain Standards: A request for a review of the Floodplain Administrator's interpretation of any provision of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*.

Applicant: A person who owns a lot (or person who is authorized by the owner to act in relation to the lot) who makes application to the Plan Commission, Board of Zoning Appeals, or Plan Commission Office for action under the Unified Development Ordinance affecting the lot. (See also "*Petitioner*.")

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the Approach Zone height limitation slope set forth in *Chapter 03; §APO: Airport Overlay District* of the Unified Development Ordinance. In plan view, the perimeter of the approach surface coincides with the perimeter of the Approach Zone.

Approach Zone: The Approach Zones of the Airport Overlay (APO) District include the:

1. Utility Runway Visual Approach Zone;
2. Utility Runway Non-precision Instrument Approach Zone;
3. Runway Larger than Utility Visual Approach Zone;
4. Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile, Non-precision Instrument Approach Zone;
5. Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument Approach Zone; and
6. Precision Instrument Runway Approach Zone.

Approach Zone, Precision Instrument Runway: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. This approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Approach Zone, Runway Larger than Utility Visual: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. This approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Approach Zone, Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. This approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Approach Zone, Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile, Non-precision Instrument: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. This approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Approach Zone, Utility Runway Non-precision Instrument: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. This approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Approach Zone, Utility Runway Visual: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. This approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of this approach zone is the continuation of the centerline of the runway.

Area of Shallow Flooding: A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ARO: Arterial Roadway Overlay District.

ARP: Airport reference point.

Arterial Street: See "*Street, Arterial*."

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

ASTM: Formerly the American Society for Testing & Materials, now ASTM International (ASTMI).

ASTMI: ASTM International.

ATM: See "*Automated Teller Machine (ATM)*."

Attached Structure: See "*Structure, Attached*."

Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

Definitions - A

Automobile Oriented Facility: A facility where a service is rendered or a sales transaction is carried out while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Auto-oriented business facilities include, but are not limited to, drive-through restaurants, drive-in restaurants, drive-through automated teller machines (ATMs), drive-through banks, drive-in movie theaters, car washes (all types), gas stations, facilities specializing in oil changes, car repair, establishments installing car accessories, other similar auto service facilities, and stand-alone parking lots. The sale of vehicles (new or used) is not included within this definition.

Automobile Repair: The general repair of motor vehicles, including body repair, and painting.

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale to the public, of automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Automobile Storage Yard: A lot or part thereof used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. (See also "*Junk Yard*.")

B Zone: See "*Zone B, C, and X*."

Balcony: An architectural appurtenance providing usable floor area located above the first floor that is either entirely unenclosed or covered only by a roof or railing.

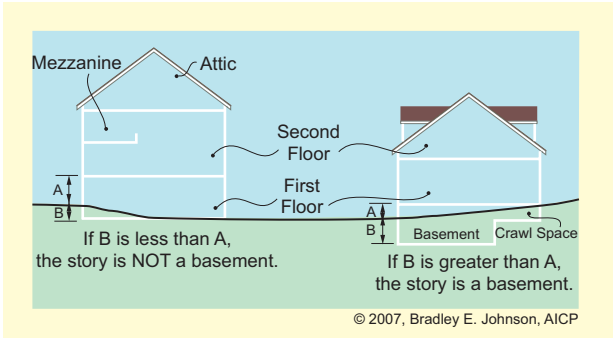
Base Flood: See "*Flood, Regulatory*."

Base Flood Elevation (BFE): See "*Elevation, Base Flood (BFE)*."

Base Zoning District: See "*Zoning District, Base*."

Basement: That portion of a building below the first or ground floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

Basement: That portion of a structure having its floor sub-grade (below ground level) on all sides.



Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

BFE: See "*Elevation, Base Flood (BFE)*."

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.

Board of Zoning Appeals (BZA): The Porter County Advisory Board of Zoning Appeals and its designees.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals provided they are reserved solely for the occupants of the boarding house for a fee. Boarding houses do not include bed and breakfasts, multiple-family dwellings, hotels or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Plan Commission wherever a bond is required by the Unified Development Ordinance.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or improving privacy or appearance.

Buffer Yard: See "*Yard, Buffer*."

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

Building, Accessory: See "*Structure, Accessory*."

Definitions - B

Building Area: The horizontal area covered by a building on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Porter County Building Code.

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

Building Envelope: The setback lines that establish the area within a lot in which building can occur.

Building Height: See "*Structure Height*."

Building, Legal Nonconforming: Any continuously occupied, lawfully established structure or building prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

Building, Nonconforming: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Building Separation: The least distance between the foundations of two (2) structures, regardless of whether they are located on the same lot or parcel.

Business: Activities including the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business/Financial Services Office: Accounting office, bank or credit union, and investment firm, and the like.

BZA: See "*Board of Zoning Appeals (BZA)*."

C Zone: See "*Zone B, C, and X*."

Cabaret: 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.

Campground: Any lot designed with facilities to allow short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Canopy Tree: See "*Tree, Canopy*."

Car Wash: A building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunication service.

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

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the County.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines. The term includes such of the above facilities established by the developer to serve a new subdivision or commercial/industrial development.

Certificate of Zoning Compliance: A certificate stating the occupancy and use of a structure complies with the provisions of the Unified Development Ordinance.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Child Care Center: Any institution operated for the care of children as defined by IC 12-3-2-3 and that is licensed pursuant to IC 12-3-2-3.1, *et seq*.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. More specifically, it is a residential structure in which at least six (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term includes Class I child care home and Class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8.

Child Care Institution:

1. A residential facility that provides child care on a 24-hour basis for more than ten (10) children; or
2. A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
3. Operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Division of Family & Children. A child care institution does not include a juvenile detention facility.

Children's Home: See "*Child Care Institution*."

Church: See "*Place of Worship*."

Clearing: Any activity that removes the vegetative surface cover; this does not include mowing or other cutting of vegetation, brush, trees, where the surface cover is not removed.

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

Club House: A building used in association with an amenity, in which may be locker rooms, administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, snack bar, banquet facilities and retail sales of products related to the use of the amenity.

CMU: Concrete masonry unit.

Collocation: A single site where commercial wireless telecommunication service equipment from more than one provider is located.

Commercial Districts: The CN, CM, and CH zoning districts.

Commercial Wireless Communications Service: A licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar devices that are marketed to the general public.

Commission: See "*Plan Commission*."

Common Area: Any parcel within a development that is neither individually owned nor dedicated for public use, but held in common through an owners association or similar organization.

Communications Tower: See "*Tower, Telecommunication*."

Community: A political entity that has the authority to adopt and enforce floodplain management regulations for the area under its jurisdiction.

Community Center: A building, together with accessory structures, used for recreational, social, educational, or cultural activities and gatherings by and for the benefit of community groups and individuals, which is accessible to the general public, and which is not operated for profit.

Community, Participating: Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Community Public Water Supply System (CPWSS): A public water supply system, any portion of which is located in Porter County, Indiana, that serves at least fifteen (15) service connections used by year-round residents or regularly serves twenty-five (25) year-round residents.

Community Rating System (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management regulations to develop extra measures to provide protection from flooding.

Comprehensive Plan: The Porter County Comprehensive Plan. The Comprehensive Plan includes goals, objectives and strategies relating to land use, growth management, transportation/thoroughfares, community facilities and services, environmental concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The Comprehensive Plan was developed by the Plan Commission and adopted by the Plan Commission and Board of County Commissioners pursuant to the IC 36-7-4-500 Series. It includes any part and/or policies separately adopted and any amendments.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to IC 32-25, *et seq*. (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding:

1. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:
   a. Animals are confined, fed, and maintained for at least forty-five (45) days during any twelve-month period; and
   b. Ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
2. The term does not include the following:
   a. A livestock market:
      i. Where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
      ii. That is under State or federal supervision.
   b. A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of 4,000 feet.

Conical Zone: The Conical Zone is established as the area that commences at the periphery of the Horizontal Zone and extends outward therefrom a horizontal distance of 4,000 feet. The Conical Zone does not include the Precision Instrument Runway Approach Zone and the Transitional Zones.

Conservation Easement: A nonpossessory interest of a holder in real property that imposes limitations or affirmative obligations with the purpose of:

1. Retaining or protecting natural, scenic, or open space values of real property;
2. Assuring availability of the real property for agricultural, forest, recreational, or open space use;
3. Protecting natural resources;
4. Maintaining or enhancing air or water quality; or
5. Preserving the historical, architectural, archeological, or cultural aspects of real property.

Conservation Easement Holder: Means:

1. A governmental body that is empowered to hold an interest in real property under the laws of Indiana or the United States; or
2. A charitable corporation, charitable association, or charitable trust, the purposes or powers of which include:
   a. Retaining or protecting the natural, scenic, or open space values of real property;
   b. Assuring the availability of real property for agricultural, forest, recreational, or open space use;
   c. Protecting natural resources;
   d. Maintaining or enhancing air or water quality; or
   e. Preserving the historical, architectural, archeological, or cultural aspects of real property.

Construction/Demolition Disposal Site: The disposal of non-biodegradable waste resulting from road-building, construction, remodeling, repair, or demolition of structures.

Construction, Existing (as related to *Chapter 05; §FP: Floodplain Standards*): Any structure for which the "start of construction" commenced before June 21, 1982.

Construction, New (as related to *Chapter 05; §FP: Floodplain Standards*): Any structure for which the "start of construction" commenced after June 21, 1982.

Construction Plan: The maps or drawings showing the specific location and design of improvements to be installed in accordance with the regulations of the Unified Development Ordinance and the Indiana Building Code as a condition of approval.

Construction, Post-FIRM: Construction or substantial improvement that started on or after April 1, 1982.

Construction, Pre-FIRM: Construction or substantial improvement, which started before April 1, 1982.

Construction, Start of: Land-disturbing activities associated with a development or building. Activities such as on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, excavation, and landscaping.

Continuous Mound: See "*Mound, Continuous.*"

Corner Lot: See "*Lot, Corner*."

County: Porter County, Indiana. The term includes County offices and County officials.

County Engineer: The Porter County highway engineer or a person appointed by the Board of County Commissioners for the limited purpose of fulfilling the responsibilities of the engineer under this title.

County Official: An elected or appointed official of Porter County including, but not limited to, a County Commissioner, a Plan Commission member, a Board of Zoning Appeals member, and the Executive Director.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety, and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

CPSC: The United States Consumer Product Safety Commission.

CPWSS: See "*Community Public Water Supply System (CPWSS).*"

Crematory: See "*Mortuary or Crematory*."

Critical Facility: See "*Facility, Critical*."

CRS: See "*Community Rating System (CRS).*"

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Damage, Substantial: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Day Care Center: See "*Child Care Center*."

dB: Decibel.

DBH: See "*Diameter at Breast Height (DBH)*."

Deck: An accessory structure which is on the ground or is elevated from ground level and is open to the sky.

Dedication: The setting apart and transferring land or an interest in land by the owner for use by the municipality or the public. Acceptance of the dedication may be by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Default Zoning District: See "*Zoning District, Default*."

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

Design/Planning Office: See "*Office, Design/Planning*."

Designed Fail Area: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

Detached Building: See "*Building, Detached*."

Detention Facility: See "*Facility, Detention*."

Developer: The person who is responsible for organizing the development of land that is proposed to be subdivided or residentially/commercially/industrially utilized.

Development Advisory Committee (DAC): The Porter County Development Advisory Committee, formally known as the Technical Advisory Committee (TAC).

Development: Any man-made change to improved or unimproved real estate including but not limited to:

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

The term does not include activities such as the maintenance of existing structures 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 structures.

Development Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to structures, circulation, grading, trees, and landscaping, sufficient for the review required in ***Chapter 10; §Development Plan*** of the Unified Development Ordinance. A Development Plan is regulated by IC 36-7-4-1400 *et seq*.

Development Standards: Height, bulk, density, environmental performance standards, and other standards for development as set forth in the Unified Development Ordinance, including landscaping, parking, and other required improvements. The term excludes those provisions which specifically regulate the use of property.

Diameter at Breast Height (DBH): The tree trunk diameter measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree spits into multiple trunks below four and one-half (4.5) feet, the trunk is measured at its most narrow point beneath the split.

Director: See "*Executive Director*."

District: See "*Zoning District*."

DNL: Day-night Level. A twenty-four-hour average noise level. The 24-hour average sound level, for a period from midnight to midnight, obtained after multiplying by a factor of ten the average A-weighted sound pressures occurring in the nighttime hours 0000 to 0700 hours and 2200 to 2400 hours.

DNR: The Indiana Department of Natural Resources.

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

Drainage Easement: See "*Easement, Drainage*."

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

DRC: The Development Review Committee.

Drive-through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Dry Floodproofing: See "*Floodproofing*."

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

Duplex: See "*Dwelling, Two-family*."

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

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 *et seq*.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds nine hundred fifty (950) square feet of occupiable space per IC 36-7-4-1106(d);
2. Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One- and Two-family Dwelling Code of the Building Code;
3. Has wheels, axles, and towing chassis removed;
4. Has a pitched roof with a minimum rise of 2:12; and
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

1. Prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
2. Subsequent to or on June 15, 1976, and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction & Safety Standards.

Dwelling, Multifamily: See "*Dwelling, Multiple-family*."

Dwelling, Multiple-family: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family Attached: A residential structure incorporating three (3) or more dwelling units, each of which occupies a separate platted lot, and in which the number of families in residence does not exceed the number of dwelling units provided.

Dwelling, Single-family Detached: A detached residential dwelling unit designed for and occupied by one (1) family. A single-family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

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

Dwelling Size: That portion of a dwelling unit's floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Portions of the dwelling that are used solely for storage purposes and not equipped for the facilities mentioned above shall not be considered when calculating the dwelling size. Dwelling size shall exclude exterior open balconies and open porches. The dwelling size of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch. The floor area of a basement that does not meet Fire Code shall not be counted toward the dwelling size.

Dwelling, Two-family: A residential building containing no more than two (2) dwelling units and designed for occupancy by not more than two (2) families.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

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

Easement, Conservation: See "*Conservation Easement*."

Easement, Drainage: A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes, and which is recorded against the property.

Easement Holder: See "*Grantee*."

Easement Holder, Conservation: See "*Conservation Easement Holder*."

ECP: See "*Erosion Control Permit (ECP)*."

Elevated Structure: See "*Structure, Elevated*."

Elevation, Base Flood (BFE): The elevation of the one-percent annual chance flood.

Elevation Certificate: A certified statement that verifies a structure's elevation information.

Elevation, Water Surface: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Emergency Program: See "*Program, Emergency*."

Encroachment (as related to *Chapter 05; §FP: Floodplain Standards*): The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineer: See "*Registered Professional Engineer*."

Environmental Features: For the purpose of identifying open space priority areas, environmental features shall be inclusive of dune, floodplain, forest area, natural lake, stream corridor, prairie, watercourse, and wetland.

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

Erosion, Accelerated: Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water or wind.

Erosion and Sediment Control Plan: A written description of pertinent information, drawings, reports and other appropriate data concerning erosion control measures designed to meet the requirements of the Unified Development Ordinance for a specific site and activity and submitted to the Plan Commission for their approval.

Erosion Control Inspector: An employee or designee of the Plan Commission who has received training to inspect and maintain erosion and sediment control measures.

Erosion Control Measures:

1. *Temporary*: Measures that prevent or minimize erosion, and enhance sediment control and stabilization during clearing, grading, and construction activities.
2. *Permanent*: Measures that will be in place at the conclusion of the project to ensure the resistance of the soil to erosion, sliding, or other movement.

Erosion Control, Perimeter: A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.

Erosion Control Permit (ECP): A document issued by the Plan Commission Office allowing a person to begin land-disturbing activities regulated by the Unified Development Ordinance.

Erosion Control Plan: Specific measures, techniques, practices, and sequencing of activities, used to control or prevent erosion and sediment runoff on a site during and after construction. The Erosion Control Plan shall include a written description of pertinent information, drawings, reports, and other appropriate data concerning erosion control measures designed to meet the requirements of the Unified Development Ordinance for a specific site and activity and submitted to the Plan Commission Office for approval.

Executive Director: The person appointed by and/or delegated the responsibility for the administration of the Unified Development Ordinance's regulations by the Plan Commission. Administrator of the Plan Commission Office for Porter County, Indiana. The term includes the Executive Director's authorized representatives and designees.

Existing Construction: See "*Construction, Existing*."

Existing Manufactured Home Park or Subdivision: See "*Manufactured Home Park or Subdivision, Existing.*"

Expansion to an Existing Manufactured Home Park or Subdivision: See "*Manufactured Home Park or Subdivision, Expansion to an Existing*."

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

FAA: The Federal Aviation Administration; a division of the United States Department of Transportation.

Facility, Critical: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations that produce, use, or store hazardous materials or hazardous waste.

Facility, Detention: The detention basin or alternative structure designed for the temporary storage of stream flow or storm runoff and gradual release of the stored water at a controlled rate. Detention facilities are a type of storm water management facility.

Facility, Functionally Dependent: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Facility, Retention: A retention basin or alternative structure designed for the temporary storage of stream flow or storm runoff above a normal water level determined by an outflow structure, which gradually releases the stored water at a controlled rate. Retention facilities are a type of storm water management facility.

Facility, Storm Water Management: See "*Storm Water Management Facility*."

Family: An individual, or two (2) or more individuals related by blood, marriage, or adoption, or a group of not more than three (3) individuals, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

FBFM: See "*Flood Boundary and Floodway Map (FBFM)*."

FCC: The Federal Communications Commission; an independent United States government agency.

FEMA: The Federal Emergency Management Agency; a division of the United States Department of Homeland Security.

Fence: A barrier enclosing or bordering a field, yard, *etc*., used to prevent entrance, confine a person, animal, or thing, or mark a boundary.

FHBM: See "*Flood Hazard Boundary Map (FHBM)*."

FIA: The Federal Insurance Administration; a division of the Federal Emergency Management Agency (FEMA). The FIA administers the National Flood Insurance Program (NFIP).

Finished Floor Area: See "*Floor Area, Finished*."

FIRM: See "*Flood Insurance Rate Map (FIRM)*."

FIS: See "*Flood Insurance Study (FIS)*."

Five Hundred-year Flood: See "*Flood, Five Hundred-year*."

Flex Space: A multipurpose, nonresidential building designed to accommodate businesses of varying sizes by providing tenants flexibility in the use of the space. Characteristics of flex space buildings include modular bays with high ceilings, load-bearing floors, loading dock facilities, and little or no common areas. Flex space buildings usually provide a configuration allowing a flexible amount of office or showroom space in combination with manufacturing, laboratory, warehouse distribution, or light assembly uses.

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.

Flood Boundary and Floodway Map (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood, Five Hundred-year: The flood that has a two-tenths of one percent (0.2%) chance of being equaled or exceeded in any year.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood, One Hundred-year: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See also "*Flood, Regulatory*."

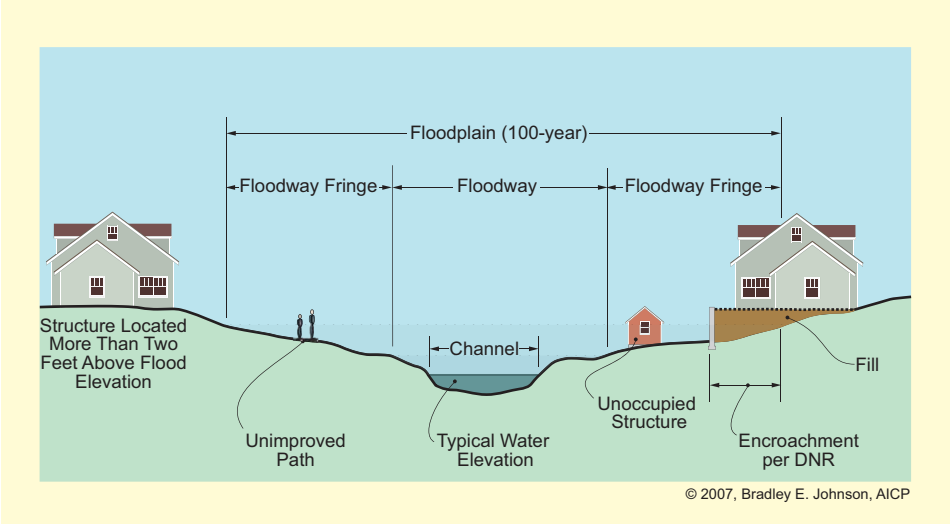
Flood, One-percent Annual Chance: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the one-percent annual chance flood. See also "*Flood, Regulatory*."

Flood Protection Grade: See "*Grade, Flood Protection.*"

Flood, Regulatory: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in ***Chapter 05; §FP-01(B)(2): Basis for Establishing Regulatory Flood Data*** of the Unified Development Ordinance. The "Regulatory Flood" is also known by the term "Base Flood," "One-Percent Annual Chance Flood", and "100-year Flood."

Flooding, Area of Shallow: See "*Area of Shallow Flooding.*"

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



Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations: *Chapter 05; §FP: Floodplain Standards, Chapter 07; §FL: Floodplain Standards*, and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power that control development in flood-prone areas. This term describes federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Standards Appeal: See *"Appeal, Floodplain Standards."*

Floodplain Standards Variance: See *"Variance, Floodplain Standards."*

Floodplain Standards Violation: See *"Violation, Floodplain Standards."*

Floodproofing: A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate: A form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. The certification must be by a Registered Professional Engineer or Architect.

Floodproofing, Dry: See *"Floodproofing."*

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

Floodway Fringe: See *"Fringe."*

Floodway, Regulatory: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

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

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

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

Floor, Lowest: The lowest of the following:

1. The top of the lowest level of the structure;
2. The top of the basement floor;
3. The top of the garage floor, if the garage is the lowest level of the structure;
4. The top of the first floor of a structure elevated on pilings or pillars;
5. The top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of *§6a*; or
6. The top of the floor level of any enclosure, other than a basement, below an elevated structure 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 net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and
    b. Such enclosed space shall be usable solely for the parking of vehicles and building access.

Forest Area: A biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared. Forests includes area that have at least one hundred (100) trees per acre with at least fifty percent (50%) of those trees having a two-inch (2") or greater diameter at four and one-half (4.5) feet above the ground, and forest areas that have been cut but not cleared.

Foundation: The supporting member of a wall or structure.

Foundation, Permanent: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

FPG: See "*Grade, Flood Protection (FPG)*."

Freeboard: A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Freeway: See "*Expressway*."

Fringe: Those portions of the floodplain lying outside the floodway.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Setback: See "*Setback*."

Front Yard: See "*Yard, Front*."

Frontage: See "*Lot Frontage*."

Frontage Road: See "*Road, Frontage*."

Functionally Dependent Facility: See "*Facility, Functionally Dependent*."

Definitions - G

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

General and Detailed Specifications: Porter County Ordinance No. 90-3, the *General and Detailed Specifications for Roads and Streets, Sidewalks, Curbs, Drainage Structures and Other Miscellaneous Items*, as amended.

General Services Office: See "*Office, General Services.*"

Geographical Reference Point: The airport reference point (ARP) established as a point having equal relationship to all existing and proposed landing and takeoff points.

Gift Shop: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

Golf Course: An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, and natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Government, Unit of Local: A:

1. County;
2. City;
3. Town; or
4. Township;

in Indiana.

Grade, Flood Protection: The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA. (See also "*Freeboard.*")

Grade, Highest Adjacent: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Grade, Lowest Adjacent: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Grading: Removal of surface vegetation, cutting and filling of the land surface to a desired slope or elevation, but not including normal cultivation associated with an agricultural operation.

Grantee: A person to whom a non-possessive interest (*i.e.* an easement) in real property is granted.

Grantor: A person who grants a non-possessive interest (*i.e.* an easement) in real property.

Greenway District: Refers to the GW zoning district.

Ground Floor Area: See "*Floor Area, Main.*"

Group Home: A facility that houses not more than ten (10) children that are either: 1) In need of service under IC 31-34-1; or 2) Children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17.4-5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Guyed Tower: See "*Tower, Guyed.*"

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Unified Development Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the regulations of the Unified Development Ordinance; any result of land division requiring variance from the development standards of the Unified Development Ordinance in order to render that site buildable.

Hardship (as related to *Chapter 10; §Floodplain Standards Variance*): The exceptional hardship that would result from a failure to grant the requested Floodplain Standards Variance. The Board of County Commissioners requires that the Floodplain Standards Variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a Floodplain Standards Variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height:

1. For the purpose of determining the height limits in all zones set forth in *Chapter 03; §APO: Airport Overlay District* and shown on the Zoning Map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.
2. See also "*Structure Height.*"

Heliport: Any airport designed and designated for the exclusive use of rotary wing and vertical takeoff and landing (VTOL) aircraft.

Heliport Primary Surface: See "*Primary Surface, Heliport.*"

High Impact Uses District: Refers to the HI zoning district.

Highest Adjacent Grade: See "*Grade, Highest Adjacent.*"

Historic Structure: See "*Structure, Historic*."

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the principal income source for the owner, operator, or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Occupation: Reasonable business practices that may be carried on in a residence that have minimal impact within residential zoning districts. These business practices do not allow the loss of the residential zoning district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in *Chapter 05; §HO: Home Occupation Standards*.

Horizontal Property Regime (HPR): See "*Condominium.*"

Horizontal Surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which, in plan view, coincides with the perimeter of the Horizontal Zone.

Horizontal Zone: The Horizontal Zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zone does not include the Approach Zones and Transitional Zones.

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

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

HPR: Horizontal Property Regime. See "*Condominium*."

IAC: Indiana Administrative Code.

IC: Indiana Code.

ICC: See "*Increased Cost of Compliance (ICC).*"

IDEM: Indiana Department of Environmental Management.

ILP: See "*Improvement Location Permit (ILP).*"

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

Impervious Surface Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement Location Permit (ILP): A permit issued under the Unified Development Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Improvement, Substantial: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. 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 shall not preclude the structures continued designation as a "historic structure."

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Incinerator: A site under one (1) ownership with one (1) or more incinerators that use thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Increased Cost of Compliance (ICC): The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local floodplain management regulations. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

INDOT: Indiana Department of Transportation.

Industrial Districts: Refers to the I1, I2 and I3 zoning districts.

Industry, Light: See "*Manufacturing, Light.*"

Industry, Heavy: See "*Manufacturing, Heavy*."

Institutional District: Refers to the IN zoning district.

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

Institution: An academic, benevolent, community service, correctional, educational, governmental, medical, penal, psychiatric, or other such facility owned and operated by a governmental entity, not-for-profit organization, or other such organization accredited or certified in accordance with State or federal standards.

Interior Lot: See "*Lot, Interior*."

Interstate: See "*Expressway*."

IPLA: The Indiana Professional Licensing Agency. An agency of the State government that provides administrative support services to Indiana's professional licensing boards and commissions in order to facilitate the delivery of consumer services by regulated professionals to the citizens of Indiana, and provides a licensing process for regulated professionals that ensures the health, safety and welfare of the citizens of Indiana.

ISBA: The Indiana State Bar Association.

IUPPS: The Indiana Underground Plant Protection Service.

Junk: An automobile, truck, other motor vehicle, watercraft, large appliance, furniture, or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or local vehicle licensing or other laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Jurisdiction: See "*Planning Jurisdiction.*"

Juvenile Detention Facility: A facility that holds minors (those under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Kennel, Commercial: A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

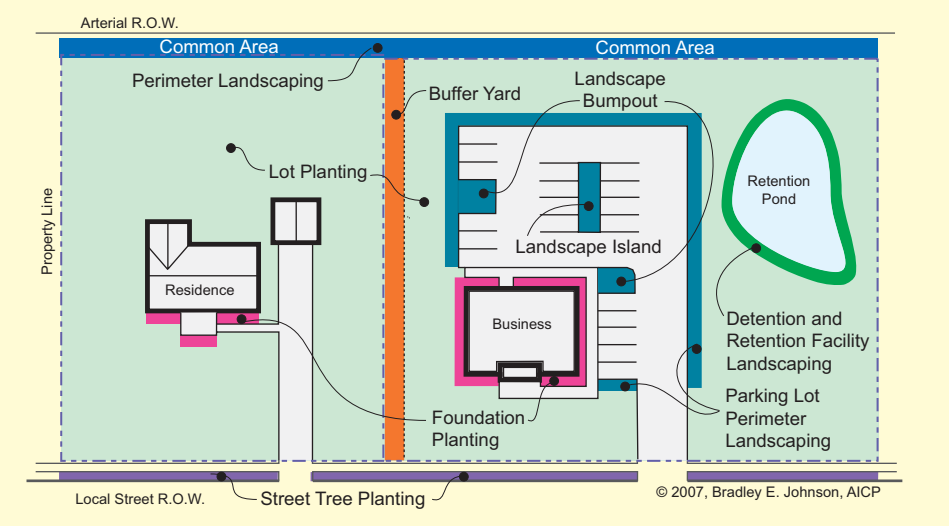
Kennel, Private: A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the principal use. Private kennels are not regulated in the Unified Development Ordinance and are permitted in all zoning districts.

Lake, Large Man-made: A permanent body of open water three (3) acres or more in size.

Lake, Small Man-made: A permanent body of open water less than three (3) acres in size.

Land-disturbing Activity: Any activity that changes the land surface. This may include grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, or substantial removal of vegetation, any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landscape Area: Any place on a lot or abutting right-of-way that is identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, buffer yard areas, perimeter planting areas, *etc*. The image below conceptually demonstrates the general location of each landscape area.



Landscape Material: Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape Structure: Decorative fences, walls, retaining walls, edging and the like.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Lattice Tower: See "*Tower, Lattice*."

Legal Nonconforming Building or Structure: See "*Building, Legal Nonconforming*."

Legal Nonconforming Lot of Record: See "*Lot of Record, Legal Nonconforming*."

Legal Nonconforming Sign: See "*Sign, Legal Nonconforming*."

Legal Nonconforming Use: See "*Use, Legal Nonconforming*."

Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. A LOMR is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F): An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Light Fixture, Fully-shielded: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminary, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

Loading Space: An off-street space for temporary parking of delivery and pickup vehicles.

Local Street: See "*Street, Local*."

LOMA: See "*Letter of Map Amendment (LOMA)*."

LOMR: See "*Letter of Map Revision (LOMR)*."

LOMR-F: See "*Letter of Map Revision Based on Fill (LOMR-F)*."

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.

Lot, Buildable: See "*Lot, Improved*."

Lot, Corner: A lot situated at the intersection of two streets or which fronts a street on two or more sides forming an interior angle of less than one hundred thirty-five degrees (135º).

Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot, Developed: A lot with buildings or structures situated thereon.

Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half the distance required for standard lots.

Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, *etc*.

Lot, Interior: A lot other than a corner lot or a through lot.

Lot Line, Front :

1. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a lake or watercourse; and
2. For a corner lot, the line marking the boundary between the lot and each of the abutting streets. (See graphic for "*Yard, Front*.")

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See graphic for "*Yard, Rear*.")

Lot Line, Side: A lot boundary line other than a front or rear lot line parallel to the front lot line. (See graphic for "*Yard, Side*.")

Lot of Record: A lot which is a part of a subdivision recorded in the County Recorder's office, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot of Record, Legal Nonconforming: Any lot legally established and recorded prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that does not meet the lot-specific development standards of the zoning district in which it is located.

Lot of Record, Nonconforming: Any lot established and recorded prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that does not conform to the lot-specific development standards of the zoning district in which it is located.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes. **[The third sentence is a development standard. LL 06/27/2005]**

Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other.

Lowest Adjacent Grade: See "*Grade, Lowest Adjacent*."

Lowest Floor: See "*Floor, Lowest.*"

Luces: The plural of "*Lux*."

Lux: Unit of illuminance in the International System of Units (SI) equal to one (1) lumen per square meter. **[Note**: For the sake of simplicity, the singular "lux" is used in place of the plural "luces" in the text of the Porter County Unified Development Ordinance. This is a common convention used to reduce confusion for the layperson.**]**

Main Floor Area: See "*Floor Area, Main.*"

Maneuvering Space: An open space in a parking area which:

1. Is immediately adjacent to a parking space;
2. Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space; but
3. Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "*Dwelling, Manufactured Home.*"

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long-term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing: 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 June 21, 1982 (the effective date of the County's first floodplain management regulations).

Manufactured Home Park or Subdivision, Expansion to an Existing: 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).

Manufactured Home Park or Subdivision, New: 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 June 21, 1982 (the effective date of the County's first floodplain management regulations).

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or Special Exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or Special Exception.

Map Amendment: A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (*i.e.*, no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number: The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Master Plan: See "*Comprehensive Plan*."

Medical Office: See "*Office, Medical*."

Mineral Extraction: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, sand, soil, earth, clay, or other solid matter, any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, sand, soil, earth, clay, or other solid matter from its original location, and/or the preparation, washing, cleaning, or other treatment of minerals, ores, sand, soil, earth, clay, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include excavation or grading when conducted solely as part of on-site farming or on-site commercial/ residential construction.

Mini Warehouse: A structure or group of structures containing individual storage units of two hundred (200) square feet or less with access to each unit only for the storage and warehousing of personal property. Mini-warehouses do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mobile Home: See "*Dwelling, Mobile Home*."

Mobile Home Park: See "*Manufactured Home Park*."

Model Studio: 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.

Monopole Tower: See "*Tower, Monopole*."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Mortuary or Crematory: Establishments where the deceased are physically prepared for final interment.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motel, Adult: A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Motor Home: See "*Vehicle, Recreational*."

Motor Vehicle: See "*Vehicle, Motor*."

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

Mound, Continuous: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

MSL: Mean sea level.

Multiple-family Residential District: Refers to the R3 and R4 zoning districts.

National Flood Insurance Program (NFIP): The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: See "*Construction, New*."

New Manufactured Home Park or Subdivision: See "*Manufactured Home Park or Subdivision, New*."

NFIP: See "*National Flood Insurance Program (NFIP)*."

NGVD: See "*National Geodetic Vertical Datum (NGVD)*."

Noise-sensitive Use: See "*Purpose, Noise-sensitive*."

Noise-sensitive Zone: These zones are established as the areas lying 1,500 feet on either side of the centerline and the extended centerline of runways for a distance of one (1) nautical mile (6,080.20 feet) from the boundary of the airport. There are no slope limitations associated with the Noise-sensitive Zone.

Nonconforming Building: See "*Building, Nonconforming*."

Nonconforming Lot of Record: See "*Lot of Record, Nonconforming*."

Nonconforming Sign: See "*Sign, Nonconforming*."

Nonconforming Telecommunication Facility: See "*Telecommunication Facility, Nonconforming*."

Nonconforming Use: See "*Use, Nonconforming*."

Non-precision Instrument Runway: See "*Runway, Non-precision Instrument*."

NRCS: The Natural Resources Conservation Service (part of the U.S. Department of Agriculture).

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Obstruction:

1. For the purposes of *Chapter 03; §APO: Airport Overlay District* means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in *Chapter 03; §APO: Airport Overlay District* of the UDO.
2. For the purposes of *Chapter 05; §FP: Floodplain Standards* and *Chapter 07; §FL: Floodplain Standards*, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Official Zoning Map: A map of Porter County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Executive Director.

Office: A place in which business, professional, and/or clerical activities are conducted. Offices shall include medical offices, government offices and office functions which serve other off-site land uses.

Office, Construction Trade: Electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices, and the like.

Office, Design/Planning: Architecture, engineering, graphic design, and urban planning services and firm offices, and the like.

Office District: Refers to the OT zoning district.

Office, General Services: Employment services, temporary employment agency, insurance office, law office, membership associations, secretarial service, publishing corporate offices, reading clinic, real estate office, service organization, title company, trade office, travel agency, and the like.

Office, Medical: Dental clinic, medical clinic, optical clinic, and veterinarian clinic, and the like.

Office, Professional: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and Realtors or insurance agents and brokers.

Official Zoning Map Copies: A map of Porter County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

One Hundred-year Flood: See "*Flood, One Hundred-year*."

One-percent Annual Chance Flood: See "*Flood, One-percent Annual Chance*."

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and floodplains; meadows or open fields containing active and/or passive recreational, bicycle paths, *etc*. Open space does not include street rights-of-way, private yards, patio areas, or land scheduled for future development.

Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Permanent: Parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership. Where a single-family residential development incorporates individual lots, the yards of such lots shall not constitute open space.

Ornamental Tree: See "*Tree, Ornamental*."

Outdoor Storage: See "*Storage, Outdoor*."

Outfall, Approved: A defined waterway, which may include a regulated drain or other such waterway, that has been approved by the Plan Commission to receive the storm water discharge from a given site.

Overlay District: Refers to the APO, ARO, SRO, WSO, and WPO districts.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See "*Lot*."

Parent Tract: A lot of record as recorded on **[INSERT the effective date of this ordinance]**. Multiple lots owned by one (1) person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business.

Park, Public: A parcel of land available to the public for passive and active recreation.

Parking Area, Public/Private: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Parking, Required: The maximum number of off-street parking spaces specified for a particular use or uses by the Unified Development Ordinance.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1½) ton capacity.

Parks and Recreation District: Refers to the P1 and P2 zoning districts.

Participating Community: See "*Community, Participating*."

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Pavement Width: The actual width of a street surface that includes only the area that is drivable by vehicles, not including curbs. (See also "*Street Width*.")

PD: See "*Planned Unit Development (PD or PUD)*."

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Executive Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Perimeter Control: See "*Erosion Control, Perimeter*."

Perimeter Erosion Control: See "*Erosion Control, Perimeter*."

Permanent Foundation: See "*Foundation, Permanent*."

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the Indiana Building Code.

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Personal Service: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as barber shops and beauty parlors.

Petition, County-sponsored: Any application or petition submitted to the Plan Commission Office, the Plan Commission, the Board of Zoning Appeals, the Board of County Commissioners, or another office, board, commission, or other body of a unit of government for which Porter County is the petitioner.

Petitioner: The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf and who thereby has the property owner's authority to make representations and decisions before County officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative: A person legally empowered in writing by the petitioner to act on the petitioner's behalf and who thereby has the petitioner's authority to make representations and decisions before County officials regarding the use and/or development of the subject real property.

Phasing: The sequential development of smaller sections of a larger project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to the erosive forces of wind and water.

Physical Map Revision (PMR): FEMA map change that results in the publication of a new panel or annotated portion.

Place of Worship: Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural and social activities.

Plan Commission: The Porter County Advisory Plan Commission and its designees. The Porter County Plan Commission is an Advisory Plan Commission.

Plan Commission Office: The department delegated the responsibility for the administration of this Unified Development Ordinance's regulations. The term includes the Executive Director and the Executive Director's designees.

Planned Unit Development (PD or PUD): A large-scale unified development meeting the requirements for zoning approval under the provisions of *Chapter 04: Planned Unit Developments* of the Unified Development Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of the Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned unit developments. The planned unit development option was discontinued **[INSERT effective date of the UDO]**; PUD applications are no longer accepted.

Planning Director: See "*Executive Director*."

Planning Jurisdiction: All land within the county limits of Porter County, Indiana, that is not under the planning jurisdiction of a city or town.

Plant Area: The property containing the area where the mineral extraction shall occur, including the operational installations, if any, for the excavating, processing, and distribution of the minerals.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Plat, Primary: The Primary Plat, pursuant to the IC 36-7-4-700 Series, is the plat and plans upon which the approval of a proposed subdivision are based. The Primary Plat and plans shall be subject to public notice and public hearing according to law and according to the Plan Commission Rules of Procedure.

Plat, Secondary: The Secondary Plat, pursuant to IC 36-7-4-700 Series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding Primary Plat. The Secondary Plat and plans are not subject to public notices and public hearings.

PMR: See "*Physical Map Revision (PMR)*."

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Post-FIRM Construction: See "*Construction, Post-FIRM*."

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of the Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Unified Development Ordinance, but would like a variance from the development standards to improve his site in a practical manner. For instance, a person may request a variance from a side setback due to a large tree which is blocking the only location that would meet the development standards for a new garage location.

Prairie: A level or slightly rolling, mostly treeless tract of land characterized by native grasses and featuring many native forbs (As examples, indicator species include, but are not limited to, Prairie Dock, Big Bluestem, Indian Grass, Switchgrass, and Blazing Star).

Precision Instrument Runway: See "*Runway, Precision Instrument*."

Precision Instrument Runway Approach Zone: See "*Approach Zone, Precision Instrument Runway*."

Pre-FIRM Construction: See "*Construction, Pre-FIRM*."

Primary Arterial: See "*Street, Primary Arterial*."

Primary Building: See "*Structure, Primary*."

Primary Plat: See "*Plat, Primary*."

Primary Structure: See "*Structure, Primary*."

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially-prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways, or when the runway has no specially-prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in *Chapter 03; §APO: Airport Overlay District* of the Unified Development Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Primary Surface, Heliport: The area of the primary surface coincides in size and shape with the designated landing and takeoff area of a heliport (runway). This surface is a horizontal plane at the elevation of the established heliport elevation.

Primary Surface, STOL: An imaginary plane three hundred (300) feet wide centered on the runway. The length extends one hundred (100) feet beyond each runway end. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline.

Primary Use: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Private Street: See "*Street, Private*."

Probation: A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Professional Office: See "*Office, Professional*."

Program, Emergency: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before **the effective date of the initial FIRM**.

Program, Regular: The phase of the community's participation in the NFIP where more comprehensive floodplain management regulations are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public Safety and Nuisance: Anything that is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Street: See "*Street, Public*."

Public Utility: See "*Utility, Public*."

Public Water Supply System (PWSS): A public water supply system for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

Public Way: Highways, streets, avenues, boulevards, roads, lanes, or alleys.

PUD: See "*Planned Unit Development (PD or PUD)*."

Purpose, Noise-sensitive: The use of a building or structure as a residence, school, place of worship, child care facility, medical facility, retirement home, or nursing home.

Rear Yard: See "*Yard, Rear*."

Recreation, Active: Open space that may be improved and set aside, dedicated, designated or reserved for recreational facilities such as play equipment for children, ball fields, court games, swimming pools, picnic tables, *etc*.

Recreation Center: A building or enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, tennis courts or swimming pools.

Recreation, Passive: Recreation that involves existing natural resources and has minimal impact.

Recreational Vehicle: See "*Vehicle, Recreational*."

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two (2) or more people, designed with facilities for short term occupancy for recreational vehicles only.

Reforestation: Replacement of tree species on the parcel to mirror conditions prior to clearing. Tree species to be planted would be determined by study of the original parcel using aerial photography supplemented by study of adjacent or nearby forested parcels.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regular Program: See "*Program, Regular*."

Regulated Drain: An open drain, a tiled drain, or a combination of the two which was established through either the Circuit Court or Commissioners Court of the County prior to January 1, 1966, or by the County Drainage Board since that time, with rights of entry, maintenance, reconstruction and construction exclusive to the County Drainage Board and its agents.

Regulatory Flood: See "*Flood, Regulatory*."

Regulatory Floodway: See "*Floodway, Regulatory*."

Repetitive Loss: Flood-related damages sustained by a structure on two (2) separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the structure at the time of each such flood event.

Replat: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Residential District: Refers to the RR, R1, R2, R3, R4, RL and MP zoning districts.

Residential District, Single-family: Refers to the RR, R1, R2, RL and MP zoning districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in IC 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in IC 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in IC 12-28-4. No Residential Facility for the Mentally Ill shall be within 3,000 feet of another in the County's planning jurisdiction as stated in Indiana Code.

Responsible Party: For purposes of issuing a Notice of Violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner; persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Resubdivision: See "*Replat*."

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also "*Drive-through Establishments.*")

Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (small), building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/ appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales (small).

Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include a: antique shop, apparel shop, art and craft supplies, auto part sales (new), auto part sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/ supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (large), construction vehicle sales, farm equipment sales, heavy equipment sales, manufactured home sales, semi tractor-trailer sales, and vehicle sales (large).

Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Retention Facility: See "*Facility, Retention.*"

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Right-of-way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Riparian Area: Wooded or vegetated areas along creeks, streams, rivers, or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream, or river at normal flow elevation, but be no less than ten (10) feet in width from the top of banks.

ROW: See "*Right-of-way.*"

Road: See "*Street.*"

Road, Frontage: A street that is parallel to and adjacent to a thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the thoroughfare, and so that the flow of traffic on the thoroughfare is not impeded by direct driveway access from a large number of abutting properties.

Root Protection Zone: Generally, eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half (½) its height or its drip line, whichever is greater.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway, Larger than Utility: A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and by jet-powered aircraft.

Runway Larger than Utility Visual Approach Zone: See "*Approach Zone, Runway Larger than Utility Visual*."

Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument Approach Zone: See "*Approach Zone, Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument*."

Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile, Non-precision Instrument Approach Zone: See "*Approach Zone, Runway Larger than Utility with a Visibility Minimum Greater than Three-fourths Mile, Non-precision Instrument*."

Runway, Non-precision Instrument:

1. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned; or
2. A runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document authorized by the Federal Aviation Administration (FAA), the Indiana Department of Transportation - Aeronautics Section, or the Porter County Municipal Airport Authority.

Runway, Precision Instrument:

1. A runway having an existing instrument approach procedure utilizing air navigation facilities with both horizontal and vertical guidance, including, but not limited to, an Instrument Landing System (ILS), a Precision Approach Radar (PAR), or a Global Positioning System (GPS); or
2. A runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document authorized by the Federal Aviation Administration (FAA), the Indiana Department of Transportation - Aeronautics Section, or the Porter County Municipal Airport Authority.

Runway, Utility: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Runway, Visual: A runway intended solely for the operation of aircraft using visual approach procedures.

Sanitary Landfill: The burial of nonhazardous, and nonmedical agricultural, residential, institutional, commercial, or industrial waste; hazardous waste shall be defined pursuant to EPA, IDEM, or other applicable government regulation.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial practice.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Secondary Plat: See "*Plat, Secondary*."

Section 1316: That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Floodplain Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body to be in violation of State or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Sediment Control: Measures that collect, divert, and/or treat sediment-laden storm water before it leaves the site.

Semitrailer: A vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle. The term does not include a trailer designed to be towed by a car, SUV, mini-van or pickup truck by means of a bumper or frame hitch.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Setback, Average: An average of a given (*i.e.* front, side, or rear) setback for existing structures on either side of the subject property that are in the same zoning district. If the subject property is a corner lot, the average of the established front setback of structures adjacent to the subject property, along with the established front setback of structures directly across the street from the subject property shall be used.

Setback, Established: A dimension extending across the full width or depth of the lot between the primary structure and any lot line, the depth of which is the least distance between the given lot line and the primary structure.

SFHA: See "*Special Flood Hazard Area (SFHA)*."

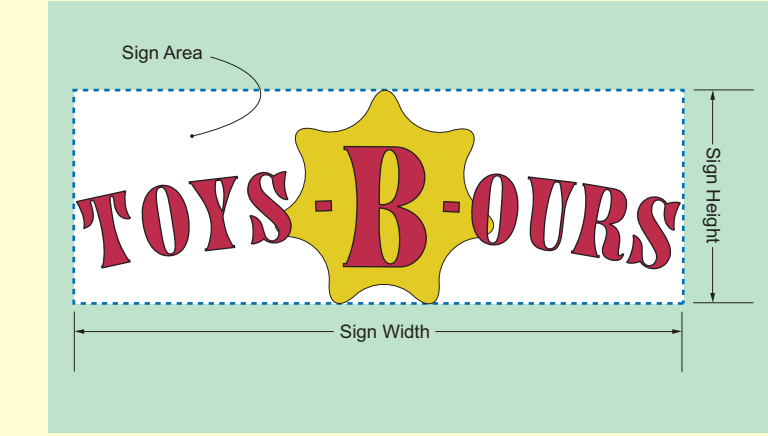
Side Lot Line: A lot boundary line other than a front or rear lot line. (See graphic under "*Yard, Side*.")

Side Yard: See "*Yard, Side*."

Sign: Any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

Sign, Accessory: A sign that is related to the principal use of the premises.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.



Sign, Commercial: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

Sign, Construction: A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, sublot number, or other identifier of the contractor, subcontractor, and/or architect.

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

Sign, Flashing: Any illuminated sign which exhibits changing light or color effects.

Sign, Ground: A sign permanently attached to the ground and whose supporting structure extends less than six feet in height from the finished grade to the bottom of the sign face.

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Legal Nonconforming: Any sign lawfully existing on **[INSERT the effective date of the UDO]**, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance and has been registered within the allotted time period as described in *Chapter 09: Nonconformance* of the Unified Development Ordinance.

Sign, Monument: A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinances. Murals without a commercial message are not regulated by the Unified Development Ordinance.

Sign, Non-accessory: A sign that is not related to the principal use of the premises.

Sign, Noncommercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Nonconforming: A sign or portion of a sign, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Sign, Off-premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Outdoor Advertising: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, Pole: A sign that is supported by one (1) or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six (6) feet from the finished grade to the bottom of the sign face.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Public Information: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, Real Estate: A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or “open house” information.

Sign, Residential: A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

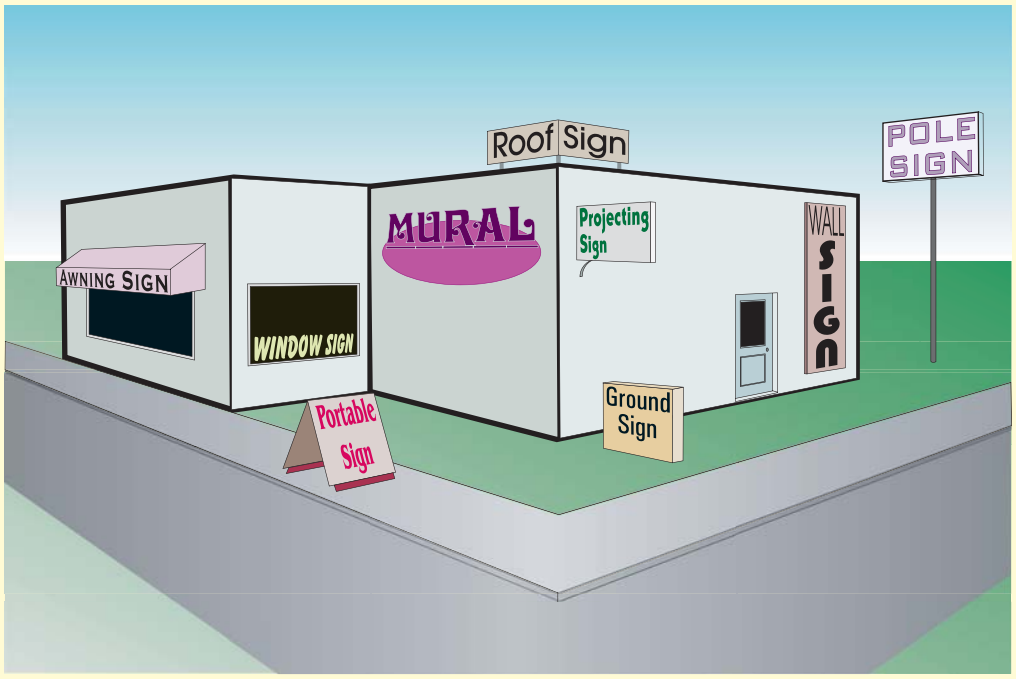
Sign, Restaurant Menu: Any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.

Sign, Sandwich Board: A portable sign for display in front of a business for the specific use of advertising that business.

Sign, Special Event: A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.



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Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface.

Single-family Residential District: See "*Residential District, Single-family*."

Site: The real property on which land-disturbing activities are taking place. The site may refer to a parcel of land proposed for subdivision development, the site of a commercial or industrial construction activity, or a lot for a single-family or two-family dwelling.

Site Plan: See "*Development Plan*."

Special Exception: The authorization of a use that is designated as such by the Unified Development Ordinance as being permitted in the zoning district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Special Flood Hazard Area (SFHA): Those lands within the jurisdiction (including extraterritorial jurisdictions) of the County subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of Porter County and Incorporated Areas dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Special Handling Retail: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

Specimen Tree: See "*Tree, Specimen*."

SRO: Scenic Roadway Overlay District.

Stabilization: The use of management practices that protect the soil from erosive forces of wind and water.

Stable, Commercial: A structure and/or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stable, Large: A stable that can accommodate more than twenty (20) horses.

Stable, Private: An accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling, but in no event for hire, boarding, or other business use.

Stable, Riding: A large structure used for exercising, training and/or riding of equines.

Stable, Small: A stable that cannot accommodate more than twenty (20) horses.

Start of Construction: See "*Construction, Start of*."

State: The State of Indiana.

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Storm Water Design Manual: A manual prepared or otherwise adopted by the Plan Commission under *Chapter 07; §SM: Storm Water Standards*, which may include additional policy, criteria, information, specifications and standards for storm water management.

Storm Water Management: The use of structural or non-structural practices that are designed to reduce storm runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

Storm Water Management Facility: The physical infrastructure (*e.g.* detention facilities, drainage swales, retention facilities, storm sewers, *etc*.) installed to control and direct storm water runoff on and from a site. The term does not include natural features such as floodplains, lakes, rivers, streams, and the like.

Storm Water Management Practices: The conventions, easements, laws, methods, ordinances, policies, regulations, requirements, rules, statutes, *etc*. at all levels of government, and the engineering best practices that determine the manner in which storm water runoff is controlled, directed, and managed.

Storm Water Management Standards: The minimum requirements for storm water management set forth in *Chapter 07; §SM: Storm Water Standards* and in the County's *Storm Water Design Manual*.

Storm Water Management System: The complete design implemented to achieve compliance with *Chapter 07; §SM: Storm Water Standards*, utilizing a suitable combination of storm water management practices and storm water management facilities.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Stream Corridor: Any river, stream, or creek, and their headwaters together with adjacent upland areas that support protective bands of vegetation that line the water's edge.

Street: Any vehicular right-of-way that is:

1. An existing State, County, or municipal roadway;
2. Shown upon a plat approved pursuant to law;
3. Approved by other official action; or
4. Shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Collector: A street carrying traffic from local streets to the major system of arterial streets and including the principal entrance to a residential development and principal streets for circulation within such a development. As designated on the on the Functional Street Classification Map within the *Porter County Land Use and Thoroughfare Plan*.

Street, Fully Improved: A street that has been engineered and constructed to meet or exceed the County's minimum standards of the street's functional classification in the Thoroughfare Plan.

Street, Highway: A multi-lane highway, whether divided or undivided that serves a high volume of traffic for both long and short trips. As designated on the on the Functional Street Classification Map within the *Porter County Land Use and Thoroughfare Plan.*

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Private: Vehicular streets and driveways, paved or unpaved, that are maintained by the adjoining property owners and that are wholly within private property except where they intersect with other streets within public rights-of-way.

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Street Width: The paved area of a street measured from back of curb to back of curb. (See also "*Pavement Width*.")

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items. See also "*Building*."

Structure:

1. For the purposes of *Chapter 03; §APO: Airport Overlay District* means an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
2. For the purposes of *Chapter 05; §FP: Floodplain Standards* and *Chapter 07; §FL: Floodplain Standards*, 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. (See also "*Building*.")

Structure, Accessory: A building or structure which:

1. Is subordinate to a primary building or structure in area, intent, and/or purpose;
2. Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or primary use;
3. Does not alter or change the character of the premises;
4. Is located on the same zoning lot as the primary building, structure, or use;
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance unless otherwise provided for;
6. May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance;
7. Is not designed for human occupancy as a dwelling or commercial use; and
8. *Telecommunication Facility*: In the case of a telecommunication tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the principal telecommunication tower, antenna, or other radio or cellular communications equipment.

Structure, Addition to an Existing: See "*Addition to an Existing Structure*."

Structure, Attached: A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Structure, Elevated: A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.

Structure, Historic: Any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological & Cultural Sites, Structures, Districts, & Objects.

Structure, Landscape: See "*Landscape Structure*."

Structure, Legal Nonconforming: See "*Building, Legal Nonconforming*."

Structure, Primary: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one (1) primary structure shall be allowed on any one (1) lot at any time, with the exception of any recorded Secondary Plat involving multiple-family residential development with more than one (1) residential structure.

Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.

Substantial Damage: See "*Damage, Substantial*."

Substantial Improvement: See "*Improvement, Substantial*."

Surveyor: See "*Registered Land Surveyor*."

Suspension: The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

TAC: See *"Development Advisory Committee (DAC)."*

Telecommunication Facility: A land based facility, consisting of towers, antennas, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunication Facility, Nonconforming: A telecommunication facility or portion a telecommunication facility, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Telecommunication Tower: See *"Tower, Telecommunication."*

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as designated on the on the Functional Street Classification Map within the *Porter County Land Use and Thoroughfare Plan*.

Tower: See *"Tower, Telecommunication."*

Tower, Guyed: Telecommunication towers anchored by cables or wires which can accommodate a variety of users and antennas.

Tower Height: The vertical distance from the ground level to the highest point of a communications tower, or attached antenna or similar device, including unattached telecommunications facilities.

Tower, Lattice: A freestanding telecommunications tower that generally has three (3) or four (4) steel support legs that can accommodate a variety of users and antennas.

Tower, Monopole: A free standing telecommunication tower which consists of a single pole, approximately three (3) feet in diameter to the base and narrowing to roughly one and one-half (1.5) feet at the top which can accommodate a variety of users and antennas.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Tower, Telecommunication: Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Townhouse: See *"Dwelling, Single-family Attached."*

Tractor: A motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind. The term does not include a farm tractor.

Transitional Surface: Surfaces extending outward at ninety-degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree (90°) angles to the extended runway centerline.

Transitional Zone: These zones are established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety-degree (90º) angles to the runway centerline. Transitional Zones, for those portions of the Precision Instrument Runway Approach Zones that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the Approach Zone and at ninety-degree (90º) angles to the extended runway centerline.

Tree, Canopy: A deciduous tree that grows to at least forty (40) feet in height and has a canopy that is round or oval in shape. Conical or tubular shaped trees are not canopy trees.

Tree, Ornamental: A deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

Tree, Specimen: Trees with a DBH of twenty-four (24) inches or greater.

Two-page Layout: Two-page Layout refers to the two-page layout accompanying each zoning district in *Chapter 02: Zoning Districts* of the Unified Development Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zoning district information.

UDO: See "*Unified Development Ordinance (UDO).*"

Unbuildable Land: The area of a site that includes:

1. Wetlands and submerged areas;
2. Slopes of fourteen percent (14%) or more; or
3. The 100-year floodplain.

Underlying Zoning District: See "*Zoning District, Base.*"

Unified Development Ordinance (UDO): The Porter County Zoning Ordinance and Subdivsion Control Ordinance.

Unit of Local Government: See "*Government, Unit of Local.*"

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Legal Nonconforming: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the zoning district where it is located.

Use, Noise-sensitive: See "*Purpose, Noise-sensitive.*"

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use Variance: See "*Variance, Use.*"

USGS: The United States Geological Survey (part of the U.S. Department of the Interior).

Utility: Every plant or equipment within the State used for:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this chapter.

Utility Facility, Above-ground: Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like.

Utility, Municipally-owned: Every utility that is owned or operated by a unit of local government.

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Utility Runway: See "*Runway, Utility.*"

Utility Runway Non-precision Instrument Approach Zone: See "*Approach Zone, Utility Runway Non-precision Instrument.*"

Utility Runway Visual Approach Zone: See "*Approach Zone, Utility Runway Visual.*"

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to deviate from the development standards (such as height, bulk, area) that the Unified Development Ordinance otherwise prescribes.

Variance, Floodplain Standards: A grant of relief from the requirements of *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards*, which permits construction in a manner otherwise prohibited by *Chapter 05; §FP: Floodplain Standards* or *Chapter 07; §FL: Floodplain Standards* where specific enforcement would result in unnecessary hardship.

Variance, Use: The approval of a use other than that prescribed by the Unified Development Ordinance, an act granted by IC 36-7-4-918.3.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See "*Vehicle, Motor*."

Vehicle, Inoperable: A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable.

Vehicle, Motor: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Vehicle, Recreational: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Vehicle, Recreational: A vehicle that 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 quarters for recreational camping, travel, or seasonal use.

Violation, Floodplain Standards: The failure of a structure or other development to be fully compliant with *Chapter 05; §FP: Floodplain Standards* and/or *Chapter 07; §FL: Floodplain Standards*. A structure or other development without the elevation, other certification, or other evidence of compliance required in *Chapter 05; §FP: Floodplain Standards* and/or *Chapter 07; §FL: Floodplain Standards* is presumed to be in violation until such time as that documentation is provided.

Visual Runway: See "*Runway, Visual*."

VTOL: Vertical takeoff and landing.

Water Surface Elevation: See "*Elevation, Water Surface*."

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. The term includes specifically designated areas in which substantial flood damage may occur.

Waterway: Any natural or man-made watercourse, creek, ditch, drain, drainage way, ravine, river, stream, wetland, or division having well-defined banks and a bottom in a definite direction in a course or intermittently flowing.

Wellhead Protection Administrator: An official appointed by the CPWSS, who is responsible for administering and implementing the wellhead protection program of the CPWSS.

Wellhead Protection Area: The surface and subsurface area, delineated by a CPWSS and approved by IDEM under 327 IAC 8-4.1-1 *et seq*., which contributes water to a CPWSS production well or wellfield and through which contaminants are likely to move through and reach the well within a specified period.

Wellhead Protection Program (WHPP): A program to sustain drinking water quality in ground water that supply public water supply wells and wellfields, as mandated by the 1986 amendments to the federal Safe Drinking Water Act, Title II, Section 205, Subsection 1428.

Wellhead Protection Overlay (WPO) District: The land area encompassing a wellhead protection area established by the Plan Commission.

Wetland: Those areas that are inundated and saturated by surface of ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WHPP: See "*Wellhead Protection Program (WHPP)*."

Wooded Lot: An area which contains trees at a rate above two hundred fifty (250) cumulative inches DBH per acre. Trees under two and one-half (2.5) inches DBH are not included in the cumulative DBH calculation per acre.

WPO: Wellhead Protection Overlay District.

WSO: Watershed Overlay District.

X Zone: The area where the flood hazard is less than that in the SFHA. Shaded X Zones shown on recent FIRMs (B Zones on older FIRMs) designate areas subject to inundation by the flood with a two-tenths of one percent (0.2%) chance of being equaled or exceeded (the 500-year flood). Unshaded X Zones (C Zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than two-tenths of one percent (0.2%).

Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by the Unified Development Ordinance.

Yard, Buffer: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Yard, Established Front: A yard extending across the full width of the lot between the primary building and the front lot line, the depth of which is the least distance between the front lot line and the building.

Yard, Front: The horizontal space between the nearest foundation of the primary building or structural appurtenance, or roof eave (whichever is closer) to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two (2) side yards.

Yard, Required: The area encompassed by a minimum setback line and the property line. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

Zone: A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A: See "*A Zone*."

Zone, Approach: See "*Approach Zone*."

Zone B, C, and X: Areas in the County identified as areas of moderate or minimal hazard from the principal source of flood in the area. However, structures in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zone X: See "*X Zone*."

Zoning District: Areas within the County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, that have been established by the Unified Development Ordinance. Zoning districts are drawn on the Official Zoning Map.

Zoning District, Base: In the case of an overlay district, the standard zoning district in which the parcel or tract is located, and the standards of which apply when the overlay district regulations are silent on any given point.

Zoning District, Default: In the case of a Planned Unit Development, the standard zoning district the standards of which apply when the PUD District Ordinance regulations are silent on any given point.

Zoning District, Standard: See "*Zoning District*."

Zoning District, Underlying: See "*Zoning District, Base*."

Zoning Map: See "*Official Zoning Map*."

Zoning Ordinance: See "*Unified Development Ordinance (UDO)*."

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PORTER COUNTY
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ORDINANCE NO. 16-32
PORTER COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE RELATING TO PLAN COMMISSION FEES AND BUILDING FEES

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Code on Tuesday, December 2, 1997 pursuant to Ordinance No. 97-38; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapters 15.20 (Plan Commission Fees and Building Fees) of the Porter County Code.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

1. Chapters 15.20 (Plan Commission Fees and Building Fees) of the Porter County Code, is deleted in its entirety and replaced with new fees to read as follows:

2. Chapters 15.20 (Plan Commission Fees and Building Fees) Sections 15.20.010 is added to the Porter County Municipal Code to read as follows:

15.20.010 Fees

The following fees apply to the permits issued by the Plan Commission and the Building Department.

Single Family Residential and Two-Family New Construction and Additions	
Fees include square footage for living area, bonus room, attached garage	
One and Two-Family Residential	Base Fee $500.00, plus $0.20 per sq. ft. Fees include square footage for living area, bonus room, attached garages, decks, porches and basements.
Open Frame Porch	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Enclosed Frame Porch	$ 250.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Open Deck	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Residential Demolition	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund

Multi-Family Residential: New Construction and Additions	
New Construction and Additions	$ 500.00 per unit, plus $ 0.15 per sq. ft

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Manufactured Home Park Districts (MP)	
Mobile Home (Residential Manufactured Home Community) includes electric)	$ 400.00 - $100.00 of the fee shall revert to the Unsafe Building Fund

Alterations, Repairs, or Remodeling to all Residential Structures	
Interior Remodel	$ 0.20 sq. ft. with a minimum of $ 100.00
Exterior Remodel (includes re-roofs)	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Accessory Buildings, Agricultural Buildings and Detached Garages, New Construction and Additions	
80 sq. ft. to 1300 sq. ft.	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
1301 sq. ft. to 2399 sq. ft.	$ 200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
2400 sq. ft and larger	$ 250.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Accessory Structure Demolition	$ 125.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Accessory Buildings – Alterations, Repairs, or Remodels to Accessory Structures and Detached Garage	
Interior	$ 125.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Exterior	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Above-ground and In-ground Pool	
In-ground Pool	$ 200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Above Ground Pool	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Fence	$ 75.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Electrical	
Permanent, Temporary, Upgrade or Generator	$ 200.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Commercial, Industrial and Non-residential Uses	
Primary structure use is non-residential. This fee structure includes structures used for Use Variances and as granted by the Board of Zoning Appeals	
New Construction and Addition	Base fee $ 550, plus $ 0.25 per sq. ft. Maximum $ 15,000 for the ground floor elevation. Plus $0.25 per sq. ft.; Maximum $10,000 for every floor above and below ground level
Alterations, Repairs and Remodels	Base fee $ 500 plus $ 0.25 per sq. ft Maximum $ 10,000
Commercial Re-roof	$200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Mini-warehouse, New Construction and Additions	Base fee $450 plus $0.20 per sq. ft.
Outdoor Advertising Structures – digital sign, includes demolition of required 4 advertising sign faces.	$ 1,200.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Outdoor Advertising Structures – static (new or modified)	$ 900.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Permanent Ground Sign	$ 500.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Permanent Wall Sign	$ 500.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Temporary Event Sign	$ 50.00 - $10.00 of the fee shall revert to the Unsafe Building Fund
Solid Waste Facility	$ 1000.00
Wind Energy Conversion Systems (large) per tower	$ 1,500.00 - $ 250.00 of the fee shall revert to the Unsafe Building Fund
Wind Energy Conversion Systems (small on-site)	$ 300.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Solar Energy Conversion Systems (large)	$1500.00 - $ 250.00 of the fee shall revert to the Unsafe Building Fund
Solar Energy Conversion Systems (small on-site)	$ 300.00 - $ 50.00 of the fee shall revert to the Unsafe Building Fund
Commercial Demolition Permit	$ 300.00 - $ 100.00 of the fee shall revert to the Unsafe Building Fund
Parking Lot Expansion (more than four (4) spaces)	$ 450.00

Telecommunication Towers and all other Towers	
New Construction (Towers and Equipment)	$ 2,000.00 Under 200 feet. $ 2,500, 200 feet and taller - $ 250.00 of the fee shall revert to the Unsafe Building Fund

Antennas, Cell, TV or Microwave	$ 600.00 each – replacement at same elevation per each antenna. $ 100.00 of the fee shall revert to the Unsafe Building Fund

Early Bird Fine	
Start construction prior to permit issuance	The amount of the permit X (times) 2 (e.g. $100 = $100 X 2 = $ 200)

Re-inspection Fee	
Erosion control measures not in place or in need of maintenance, re-inspection after Red Card is issued by Plan Commission Office and/or Building Department	$ 100.00 first offense; $ 250.00 second offense; $ 500.00 for any offense after second. Plan commission staff may revoke building permit if fee is levied.

Plan Commission	
Primary Plat, Secondary Plat, Replat and Development Plan Applications (Fee paid when application has been deemed complete. Staff will notify petitioner when application is complete)	
Primary, Secondary and Replats, Major Subdivisions (hearing before plan commission)	Base Fee $ 750.00 Plus $ 15.00 per lot. $ 50.00 sign deposit for public hearing sign.
Secondary and Replats, major subdivisions (administrative review per UDO)	Base Fee $ 500.00 Plus $ 10.00 per acre
Development Plan Applications	Base Fee $ 750.00 plus $15.00 per acre
Amendments	$ 650.00
PUD Concept Plan	$1200.00 and $ 50.00 sign deposit for public hearing sign.
PUD Detailed Plan	Base Fee $ 750.00 plus, $ 15.00 per acre. $ 50.00 sign deposit for public hearing.
PUD Final Plan	Base Fee $ 500.00 plus, $ 10.00 per acre
Vacation of Subdivision	$ 400.00
Easements (and Right-Of-Way) Modification, Termination or Vacations	$ 400.00
Appeals from the Development Review Committee/Plat Committee and Administrative Decisions	$ 300.00 and $ 50.00 sign deposit for public hearing sign.
Special Meeting	$ 1200.00
Design Waivers	$ 600.00
Design Waiver Storm Water	$ 600.00 plus storm water review fee; independent or by Storm Water staff

Development Review Committee/ Plat Committee and Administrative Review	
Minor Subdivision Primary	$ 500.00
Minor Subdivision Secondary and replat	$ 300.00
Development Plan	$ 500.00
Administrative Subdivision	$400.00
Administrative Development Plan	$400.00
Administrative PUD Secondary Plat	$500.00

Independent Storm Water Review	
Residential Subdivisions	$ 145.00 plus $ 30.00 per lot or $ 45.00 per acre (whichever is greater)
Commercial/Industrial Subdivisions Development Plan and Parking Lot Expansion	$ 145.00 plus $ 65.00 per lot or $ 65.00 per acre (whichever is greater)
Field Inspection after submission of As-built Plans (fee to be paid to release of Performance Guarantees)	$ 240.00
If substantial changes are made to a Primary Plat Application during the review process prior to the Plan Commission hearing, the independent storm water engineer may charge an hourly rate above the fee stated in this schedule. Said fee structure is shown below. Said fee covers two (2) reviews; after two (2) reviews, an hourly rate will be charged in addition to calculated fee	
Administrative Fee	$ 100.00

Independent Storm Water & Erosion Control Review	
Registered Engineer	$ 155.00 per hour
Registered Land Surveyor	$ 130.00 per hour
Non-registered Engineer	$ 100.00 per hour
Technician	$ 85.00 per hour
Clerical	$ 65.00 per hour
Mileage	Current federal rate
Administrative Processing Fee	$100.00
Fees shall be collected for the Erosion Control Review prior to the Plan Commission hearing. Failure to submit plan prior to said hearing will result in automatic continuance of case.	

Subdivision and Development Plan Infrastructure Inspection - Engineer	
Registered Engineer	$ 155.00 per hour
Registered Land Surveyor	$ 130.00 per hour
Engineering Intern	$ 100.00 per hour
Technician	$ 85.00 per hour
Topographic Survey Crew	$ 190.00 per hour
One Person GPS Crew	$ 160.00 per hour

CAD Technician	$ 80.00 per hour
Mileage	Current Federal Rate

Site Improvement/Erosion Permit	
Subdivision, PUDs, and Development Plans (permits are not required for One and Two-family residential construction permits)	$ 200.00
Early Bird Construction Fine Infrastructure construction prior to approval as per Porter County UDO	$ 50.00 per day, up to $ 2,500
Land Disturbing Activity – non-structure per Storm Water Quality and Quantity Management Ordinance (i.e. pond construction, land clearing, etc.)	$ 200.00

Temporary Use Permits	
Contractor's Trailer (includes electrical)	$ 100.00 / annual renewal
Farm Stand (includes electrical)	$ 100.00 / annual renewal
Model Home	$ 100.00 / annual renewal
Board of Zoning Appeals	
Development Standards Variances (Chapters 2 and 5 UDO)	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Use Variance	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Special Exceptions	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Special Exceptions/Use Variance: Telecommunications facilities over 150 feet requiring Special Exception or Use Varaince.	$ 700.00 and $ 50.00 sign deposit for public hearing sign.
Special Exception: Large WECS (aggregate project)	$ 700.00 and $ 50.00 sign deposit for public hearing sign.
Special Exception: Small WECS	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Annual renewal of Use Variance and Temporary Certificate of Occupancy (Mobile Home)	$ 100.00 Renewal fee must be paid prior to scheduling of hearing.
Appeals to Director and Hearing Officer's decisions	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Zoning verification letters	$ 50.00
Request letter for information, code interpretation, allowed use, etc.	$ 50.00
Mineral Extraction Permits	$ 1000.00
Special Meeting	$ 950.00

Appeals of the Building Commissioner's Decision	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Home Occupations	$ 200.00

Copy Fees	
8 ½ X 11	$ 0.10
8 ½ X 14	$ 0.10
11 X 17	$ 0.15
18 X 24	$ 2.50
24 X 36	$ 3.00
30 X 30	$ 4.00
30 X 42	$ 5.00

Return Check Fee	
Insufficient Funds	$ 30.00
Payment will only be accepted in cash, cashier's check or money order after a return check has been received	

15.20.020 Fees to Unsafe Building Fund

The fees designated for Unsafe Buildings in the table for Section 15.20.010 shall be deposited within the Unsafe Building Fund. Said fees shall only be used for the enforcement of Unsafe Building Law as within Chapter 8.36 of the Porter County Code

Plan Commission fees and Building Department fees shall be reviewed on an annual basis prior to the first day in June. The staff of the Building and Planning Divisions within the Department of Development and Storm Water Management and County Commissioners shall conduct said review.

Effective date of fee structure upon passage of this Ordinance, January 1, 2017

This Ordinance passed and adopted this 20 day of December, 2016

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans

Laura Blaney

Jeff Good

Attest: Vicki Urbanik
Vicki Urbanik, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP, Director
Development and Storm Water Management

Porter County, Indiana

Thoroughfare Plan + Trails and Greenway Plan Overlay

LEGEND

0 1/2 mi 1 mi 2 mi 3 mi 4 mi

Arterial Routes — 100' R/W, 50' setback

Collector Routes — 80' R/W, 40' setback

Local Routes — 60' R/W, setback based on district

Proposed Routes

North

PORTER COUNTY PLAN COMMISSION

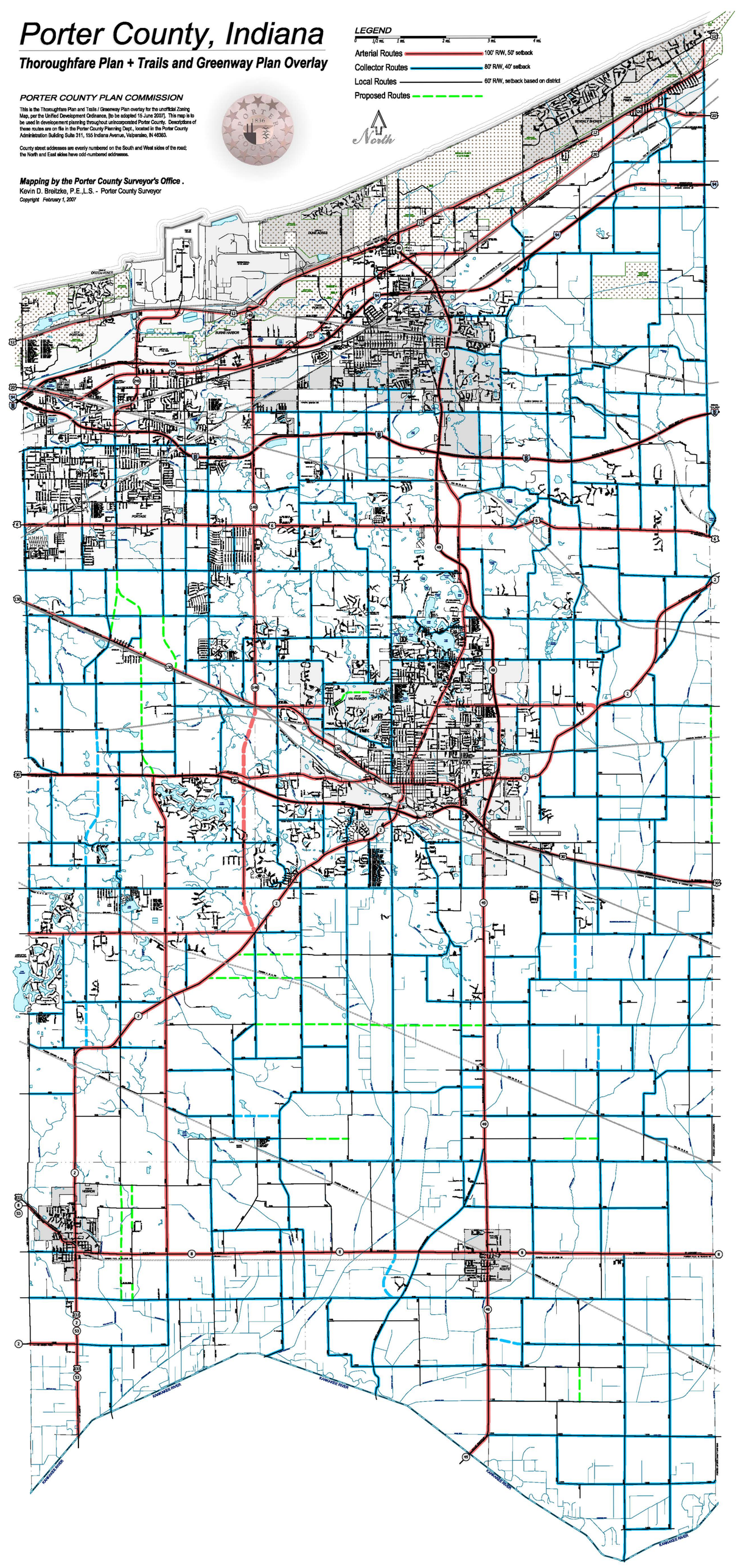
This is the Thoroughfare Plan and Trails / Greenway Plan overlay for the unofficial Zoning Map, per the Unified Development Ordinance, [to be adopted 15 June 2007]. This map is to be used in developement planning throughout unincorporated Porter County. Descriptions of these routes are on file in the Porter County Planning Dept., located in the Porter County Administration Building Suite 311, 155 Indiana Avenue, Valparaiso, IN 46383.

County street addresses are evenly numbered on the South and West sides of the road; the North and East sides have odd-numbered addresses.

Mapping by the Porter County Surveyor's Office .

Kevin D. Breitzke, P.E.,L.S. - Porter County Surveyor

Copyright February 1, 2007



Porter County, Indiana

Airport District Overlay

LEGEND

0 1/2 mi 1 mi 2 mi 3 mi 4 mi

Airport District hatched in red.

PORTER COUNTY PLAN COMMISSION

This is the Airport District overlay for the unofficial Zoning Map, per the Unified Development Ordinance, [to be adopted 15 June 2007]. This map is to be used in developement planning of land near the Porter County Airport. A description of this district is on file in the Porter County Planning Dept., located in the Porter County Administration Building Suite 311, 155 Indiana Avenue, Valparaiso, IN 46383.

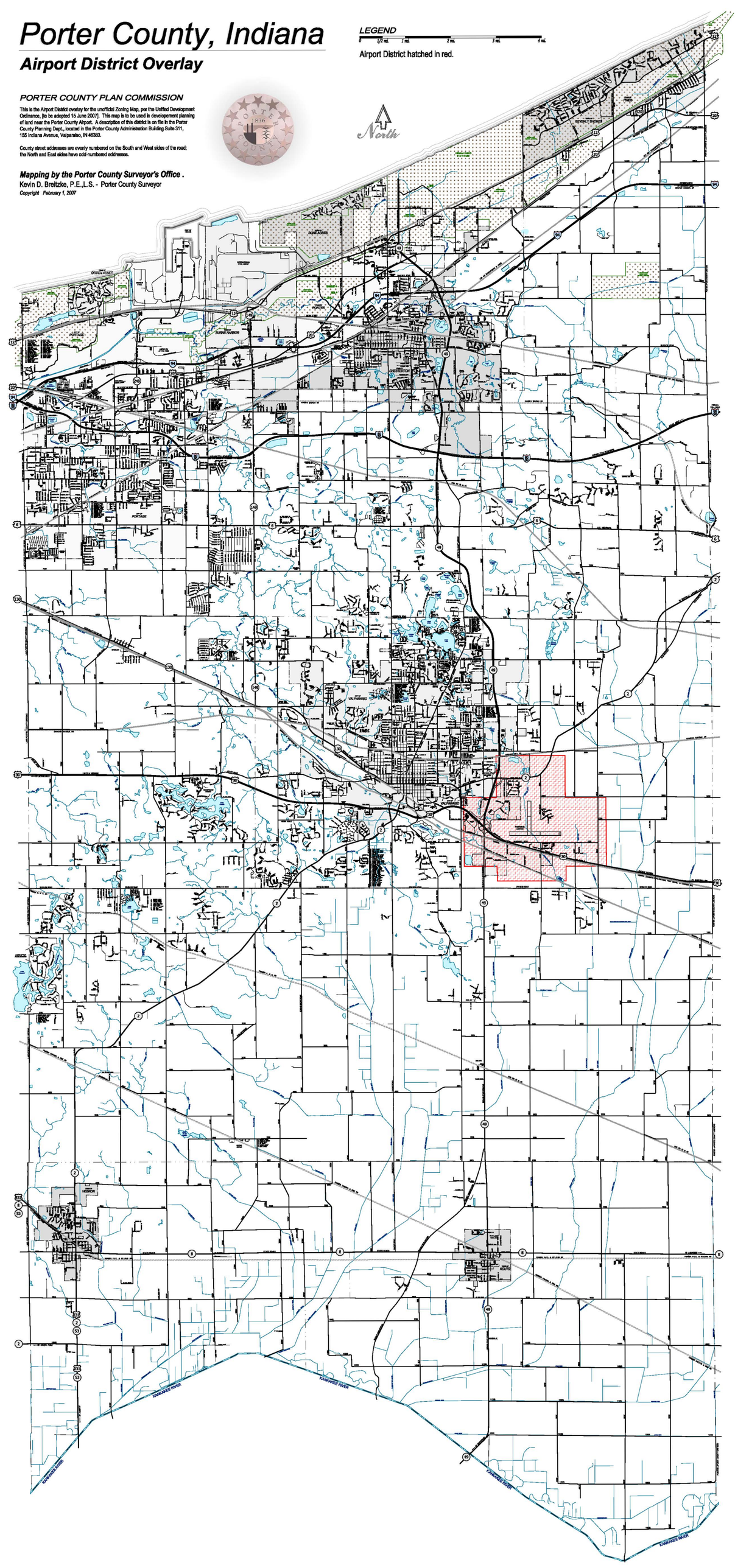
County street addresses are evenly numbered on the South and West sides of the road; the North and East sides have odd-numbered addresses.

North

Mapping by the Porter County Surveyor's Office .

Kevin D. Breitzke, P.E.,L.S. - Porter County Surveyor

Copyright February 1, 2007



Porter County, Indiana

Blueways Watershed Overlay

(Proposed February, 2007)

PORTER COUNTY PLAN COMMISSION

This is the Blueways Watershed overlay for the unofficial Zoning Map, per the Unified Development Ordinance, [to be adopted 15 June 2007]. This map is to be used in developement planning throughout unincorporated Porter County. Descriptions of these watersheds are on file in the Porter County Surveyor's Dept., located in the Porter County Administration Building Suite 310, 155 Indiana Avenue, Valparaiso, IN 46383.

County street addresses are evenly numbered on the South and West sides of the road; the North and East sides have odd-numbered addresses.

Mapping by the Porter County Surveyor's Office .
Kevin D. Breitzke, P.E.,L.S. - Porter County Surveyor
Copyright February 1, 2007

LEGEND

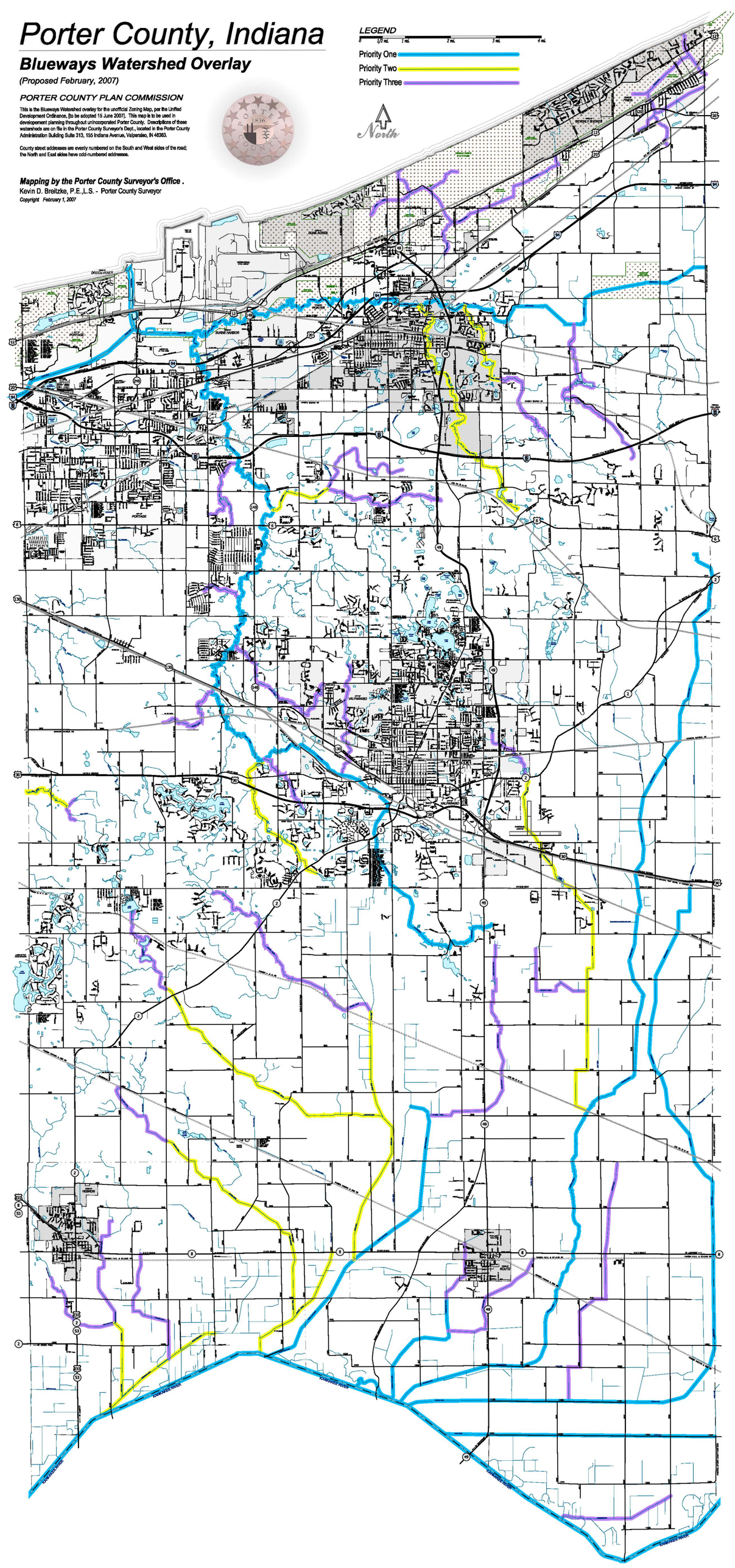
0 1/2 mi. 1 mi. 2 mi. 3 mi. 4 mi.

Priority One

Priority Two

Priority Three

North



4
NC

2016-032389
STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
12/27/2016 1:07 PM
JON MILLER, RECORDER
REC FEE: 0.00
PAGES: 8

ORDINANCE NO. 16-32
PORTER COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE RELATING TO PLAN COMMISSION FEES AND BUILDING FEES

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Code on Tuesday, December 2, 1997 pursuant to Ordinance No. 97-38; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Chapters 15.20 (Plan Commission Fees and Building Fees) of the Porter County Code.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

1. Chapters 15.20 (Plan Commission Fees and Building Fees) of the Porter County Code, is deleted in its entirety and replaced with new fees to read as follows:

2. Chapters 15.20 (Plan Commission Fees and Building Fees) Sections 15.20.010 is added to the Porter County Municipal Code to read as follows:

15.20.010 Fees

The following fees apply to the permits issued by the Plan Commission and the Building Department.

Single Family Residential and Two-Family New Construction and Additions	
Fees include square footage for living area, bonus room, attached garage	
One and Two-Family Residential	Base Fee $500.00, plus $0.20 per sq. ft. Fees include square footage for living area, bonus room, attached garages, decks, porches and basements.
Open Frame Porch	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Enclosed Frame Porch	$ 250.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Open Deck	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Residential Demolition	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund

Multi-Family Residential: New Construction and Additions	
New Construction and Additions	$ 500.00 per unit, plus $ 0.15 per sq. ft

Tx:4087553
8 2 4 5 0 1 8

Manufactured Home Park Districts (MP)	
Mobile Home (Residential Manufactured Home Community) includes electric)	$ 400.00 - $100.00 of the fee shall revert to the Unsafe Building Fund

Alterations, Repairs, or Remodeling to all Residential Structures	
Interior Remodel	$ 0.20 sq. ft. with a minimum of $ 100.00
Exterior Remodel (includes re-roofs)	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Accessory Buildings, Agricultural Buildings and Detached Garages, New Construction and Additions	
80 sq. ft. to 1300 sq. ft.	$ 150.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
1301 sq. ft. to 2399 sq. ft.	$ 200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
2400 sq. ft and larger	$ 250.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Accessory Structure Demolition	$ 125.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Accessory Buildings – Alterations, Repairs, or Remodels to Accessory Structures and Detached Garage	
Interior	$ 125.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Exterior	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Above-ground and In-ground Pool	
In-ground Pool	$ 200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Above Ground Pool	$ 100.00 - $25.00 of the fee shall revert to the Unsafe Building Fund
Fence	$ 75.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Electrical	
Permanent, Temporary, Upgrade or Generator	$ 200.00 - $25.00 of the fee shall revert to the Unsafe Building Fund

Commercial, Industrial and Non-residential Uses	
Primary structure use is non-residential. This fee structure includes structures used for Use Variances and as granted by the Board of Zoning Appeals	
New Construction and Addition	Base fee $ 550, plus $ 0.25 per sq. ft. Maximum $ 15,000 for the ground floor elevation. Plus $0.25 per sq. ft.; Maximum $10,000 for every floor above and below ground level
Alterations, Repairs and Remodels	Base fee $ 500 plus $ 0.25 per sq. ft Maximum $ 10,000
Commercial Re-roof	$200.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Mini-warehouse, New Construction and Additions	Base fee $450 plus $0.20 per sq. ft.
Outdoor Advertising Structures – digital sign, includes demolition of required 4 advertising sign faces.	$ 1,200.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Outdoor Advertising Structures – static (new or modified)	$ 900.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Permanent Ground Sign	$ 500.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Permanent Wall Sign	$ 500.00 - $100.00 of the fee shall revert to the Unsafe Building Fund
Temporary Event Sign	$ 50.00 - $10.00 of the fee shall revert to the Unsafe Building Fund
Solid Waste Facility	$ 1000.00
Wind Energy Conversion Systems (large) per tower	$ 1,500.00 - $ 250.00 of the fee shall revert to the Unsafe Building Fund
Wind Energy Conversion Systems (small on-site)	$ 300.00 - $50.00 of the fee shall revert to the Unsafe Building Fund
Solar Energy Conversion Systems (large)	$1500.00 - $ 250.00 of the fee shall revert to the Unsafe Building Fund
Solar Energy Conversion Systems (small on-site)	$ 300.00 - $ 50.00 of the fee shall revert to the Unsafe Building Fund
Commercial Demolition Permit	$ 300.00 - $ 100.00 of the fee shall revert to the Unsafe Building Fund
Parking Lot Expansion (more than four (4) spaces)	$ 450.00

Telecommunication Towers and all other Towers	
New Construction (Towers and Equipment)	$ 2,000.00 Under 200 feet. $ 2,500, 200 feet and taller - $ 250.00 of the fee shall revert to the Unsafe Building Fund

Antennas, Cell, TV or Microwave	$ 600.00 each – replacement at same elevation per each antenna. $ 100.00 of the fee shall revert to the Unsafe Building Fund

Early Bird Fine	
Start construction prior to permit issuance	The amount of the permit X (times) 2 (e.g. $100 = $100 X 2 = $ 200)

Re-inspection Fee	
Erosion control measures not in place or in need of maintenance, re-inspection after Red Card is issued by Plan Commission Office and/or Building Department	$ 100.00 first offense; $ 250.00 second offense; $ 500.00 for any offense after second. Plan commission staff may revoke building permit if fee is levied.

Plan Commission	
Primary Plat, Secondary Plat, Replat and Development Plan Applications (Fee paid when application has been deemed complete. Staff will notify petitioner when application is complete)	
Primary, Secondary and Replats, Major Subdivisions (hearing before plan commission)	Base Fee $ 750.00 Plus $ 15.00 per lot. $ 50.00 sign deposit for public hearing sign.
Secondary and Replats, major subdivisions (administrative review per UDO)	Base Fee $ 500.00 Plus $ 10.00 per acre
Development Plan Applications	Base Fee $ 750.00 plus $15.00 per acre
Amendments	$ 650.00
PUD Concept Plan	$1200.00 and $ 50.00 sign deposit for public hearing sign.
PUD Detailed Plan	Base Fee $ 750.00 plus, $ 15.00 per acre. $ 50.00 sign deposit for public hearing.
PUD Final Plan	Base Fee $ 500.00 plus, $ 10.00 per acre
Vacation of Subdivision	$ 400.00
Easements (and Right-Of-Way) Modification, Termination or Vacations	$ 400.00
Appeals from the Development Review Committee/Plat Committee and Administrative Decisions	$ 300.00 and $ 50.00 sign deposit for public hearing sign.
Special Meeting	$ 1200.00
Design Waivers	$ 600.00
Design Waiver Storm Water	$ 600.00 plus storm water review fee; independent or by Storm Water staff

Development Review Committee/ Plat Committee and Administrative Review	
Minor Subdivision Primary	$ 500.00
Minor Subdivision Secondary and replat	$ 300.00
Development Plan	$ 500.00
Administrative Subdivision	$400.00
Administrative Development Plan	$400.00
Administrative PUD Secondary Plat	$500.00

Independent Storm Water Review	
Residential Subdivisions	$ 145.00 plus $ 30.00 per lot or $ 45.00 per acre (whichever is greater)
Commercial/Industrial Subdivisions Development Plan and Parking Lot Expansion	$ 145.00 plus $ 65.00 per lot or $ 65.00 per acre (whichever is greater)
Field Inspection after submission of As-built Plans (fee to be paid to release of Performance Guarantees)	$ 240.00
If substantial changes are made to a Primary Plat Application during the review process prior to the Plan Commission hearing, the independent storm water engineer may charge an hourly rate above the fee stated in this schedule. Said fee structure is shown below. Said fee covers two (2) reviews; after two (2) reviews, an hourly rate will be charged in addition to calculated fee	
Administrative Fee	$ 100.00

Independent Storm Water & Erosion Control Review	
Registered Engineer	$ 155.00 per hour
Registered Land Surveyor	$ 130.00 per hour
Non-registered Engineer	$ 100.00 per hour
Technician	$ 85.00 per hour
Clerical	$ 65.00 per hour
Mileage	Current federal rate
Administrative Processing Fee	$100.00
Fees shall be collected for the Erosion Control Review prior to the Plan Commission hearing. Failure to submit plan prior to said hearing will result in automatic continuance of case.	

Subdivision and Development Plan Infrastructure Inspection - Engineer	
Registered Engineer	$ 155.00 per hour
Registered Land Surveyor	$ 130.00 per hour
Engineering Intern	$ 100.00 per hour
Technician	$ 85.00 per hour
Topographic Survey Crew	$ 190.00 per hour
One Person GPS Crew	$ 160.00 per hour

CAD Technician	$ 80.00 per hour
Mileage	Current Federal Rate

Site Improvement/Erosion Permit	
Subdivision, PUDs, and Development Plans (permits are not required for One and Two-family residential construction permits)	$ 200.00
Early Bird Construction Fine Infrastructure construction prior to approval as per Porter County UDO	$ 50.00 per day, up to $ 2,500
Land Disturbing Activity – non-structure per Storm Water Quality and Quantity Management Ordinance (i.e. pond construction, land clearing, etc.)	$ 200.00

Temporary Use Permits	
Contractor's Trailer (includes electrical)	$ 100.00 / annual renewal
Farm Stand (includes electrical)	$ 100.00 / annual renewal
Model Home	$ 100.00 / annual renewal
Board of Zoning Appeals	
Development Standards Variances (Chapters 2 and 5 UDO)	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Use Variance	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Special Exceptions	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Special Exceptions/Use Variance: Telecommunications facilities over 150 feet requiring Special Exception or Use Varaince.	$ 700.00 and $ 50.00 sign deposit for public hearing sign.
Special Exception: Large WECS (aggregate project)	$ 700.00 and $ 50.00 sign deposit for public hearing sign.
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Appeals to Director and Hearing Officer's decisions	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Zoning verification letters	$ 50.00
Request letter for information, code interpretation, allowed use, etc.	$ 50.00
Mineral Extraction Permits	$ 1000.00
Special Meeting	$ 950.00

Appeals of the Building Commissioner's Decision	$ 425.00 and $ 50.00 sign deposit for public hearing sign.
Home Occupations	$ 200.00

Copy Fees	
8 ½ X 11	$ 0.10
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11 X 17	$ 0.15
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Insufficient Funds	$ 30.00
Payment will only be accepted in cash, cashier's check or money order after a return check has been received	

15.20.020 Fees to Unsafe Building Fund

The fees designated for Unsafe Buildings in the table for Section 15.20.010 shall be deposited within the Unsafe Building Fund. Said fees shall only be used for the enforcement of Unsafe Building Law as within Chapter 8.36 of the Porter County Code

Plan Commission fees and Building Department fees shall be reviewed on an annual basis prior to the first day in June. The staff of the Building and Planning Divisions within the Department of Development and Storm Water Management and County Commissioners shall conduct said review.

Effective date of fee structure upon passage of this Ordinance, January 1, 2017

This Ordinance passed and adopted this 20 day of December, 2016

PORTER COUNTY BOARD OF COMMISSIONERS

John A. Evans

Laura Blaney

Jeff Good

Attest: Vicki Urbanik
Vicki Urbanik, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Robert W. Thompson, Jr., AICP, Director
Development and Storm Water Management

Porter County, Indiana

Arterial and Scenic Roadways Overlay

LEGEND

0 1/2 mi 1 mi 2 mi 3 mi 4 mi

Primary Routes

Secondary Routes

Scenic Routes

North

PORTER COUNTY PLAN COMMISSION

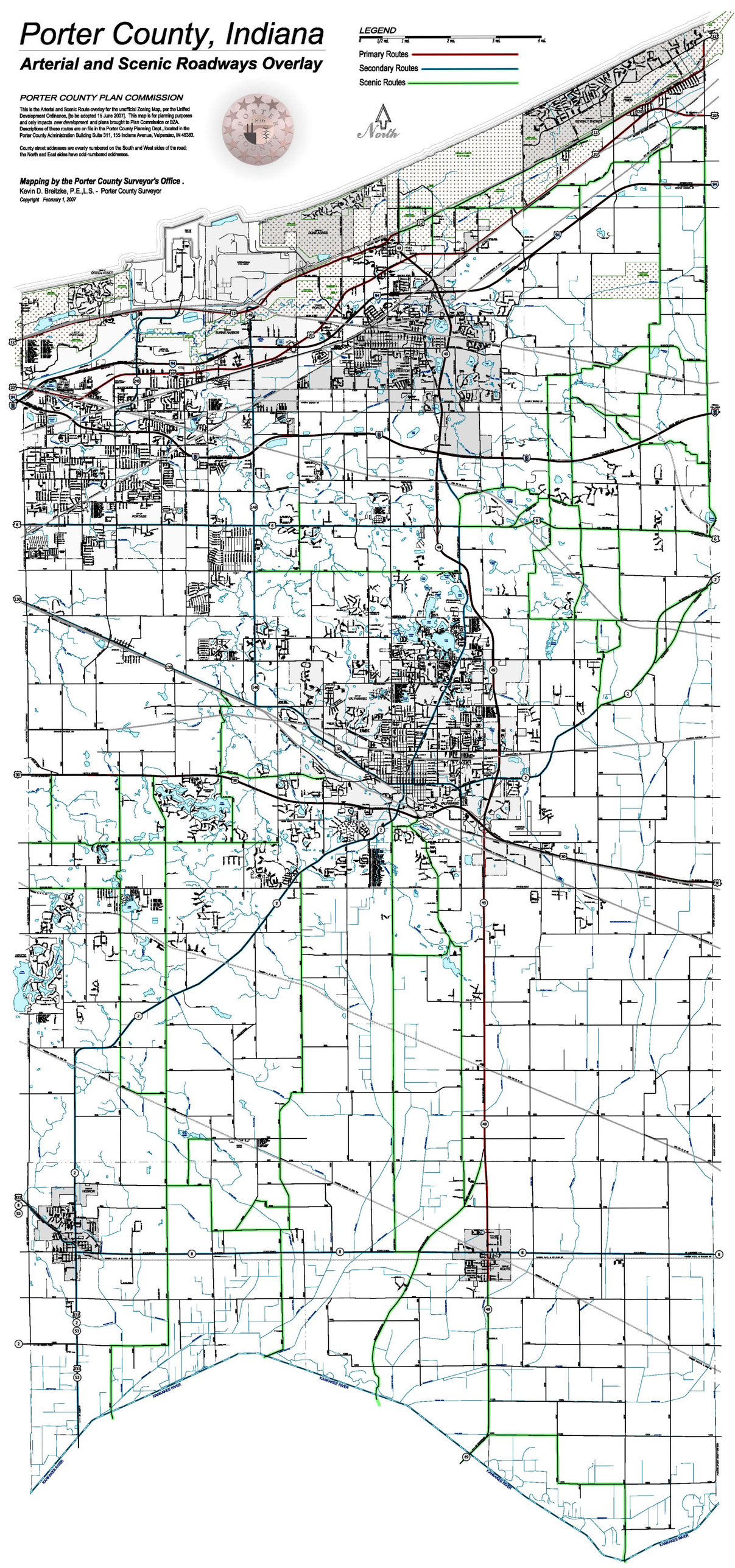
This is the Arterial and Scenic Route overlay for the unofficial Zoning Map, per the Unified Development Ordinance, [to be adopted 15 June 2007]. This map is for planning purposes and only impacts *new development* and plans brought to Plan Commission or BZA. Descriptions of these routes are on file in the Porter County Planning Dept., located in the Porter County Administration Building Suite 311, 155 Indiana Avenue, Valparaiso, IN 46383.

County street addresses are evenly numbered on the South and West sides of the road; the North and East sides have odd-numbered addresses.

Mapping by the Porter County Surveyor's Office .

Kevin D. Breitzke, P.E.,L.S. - Porter County Surveyor

Copyright February 1, 2007



Porter County, Indiana

Wellhead Protection Districts Overlay

(Proposed February, 2007)

PORTER COUNTY PLAN COMMISSION

This is the Wellhead Protection Districts overlay for the unofficial Zoning Map, per the Unified Development Ordinance, [to be adopted 15 June 2007]. This map is to be used in development planning in Porter County. Descriptions of these districts are on file in the Porter County Planning Dept., located in the Porter County Administration Building Suite 311, 155 Indiana Avenue, Valparaiso, IN 46383.

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LEGEND

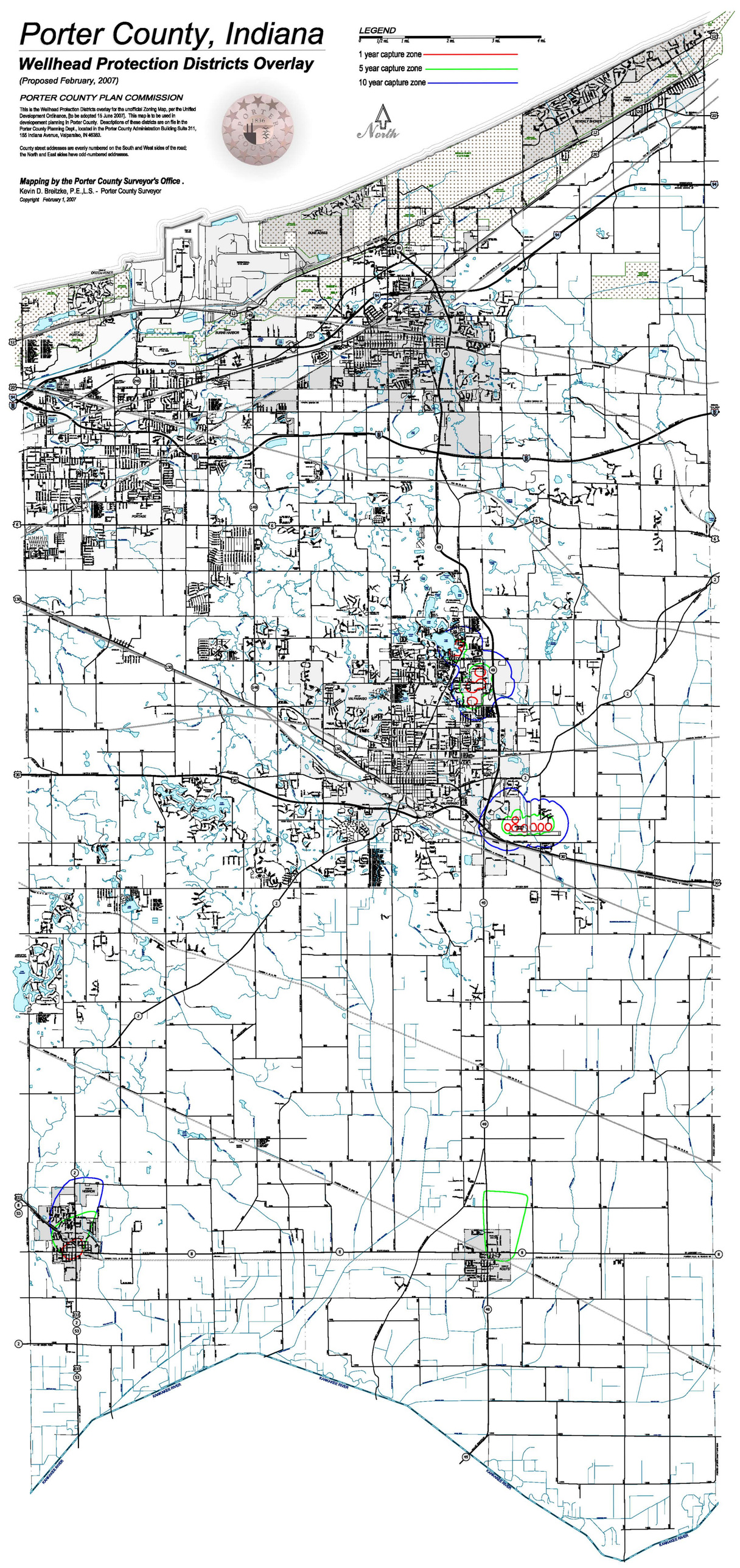
0 1/2 mi 1 mi 2 mi 3 mi 4 mi

1 year capture zone

5 year capture zone

10 year capture zone

North



Porter County, Indiana

PORTER COUNTY PLAN COMMISSION

This is an official Zoning Map, per the Unified Development Ordinance, adopted 15 June 2007, and was developed based on the Zoning Map dated June, 1983, and public hearings held in the Spring of 2007. This map is to be used as general representation of land-use throughout unincorporated Porter County. Exact descriptions and boundaries of these represented zoning districts are on file in the Porter County Planning Dept., located in the Porter County Administration Building Suite 311, 155 Indiana Avenue, Valparaiso, IN 46383.

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LEGEND

0 1/2 mi. 1 mi. 2 mi. 3 mi. 4 mi.

North

- A1 General Agriculture District
- A2 Prime Agriculture District
- IN Institutional District
- RR Rural Residential District
- R1 Low Density Single-family Residential District
- R2 Medium Density Single-family Residential District
- R3 Two-family Residential District
- R4 Multiple-family Residential District
- PUD Planned Unit Development District
- RL Residential Lake District
- MP Mobile Home Park
- GW Greenway District
- P1 Parks & Recreation District
- P2 Parks & Recreation District
- OT Office & Technology District
- CN Neighborhood Commercial District
- CM Moderate Intensity Commercial District
- CH High Intensity Commercial District
- I1 Light Industrial District
- I2 General Industrial District
- I3 Heavy Industrial District
- HI High Impact Uses District

Mapping by the Porter County Surveyor's Office.

Kevin D. Breitzke, P.E.,L.S. - Porter County Surveyor

Copyright February 1, 2007

Title 17

ZONING

Chapters:

17.04 General Provisions
17.08 Definitions
17.12 Zoning Districts Established
17.16 Authorized Uses
17.20 Residential Uses and Requirements
17.24 Planned Unit Developments
17.28 Business Uses and Requirements
17.32 Shopping Center District
17.36 Industrial Uses and Requirements
17.40 Greenbelt Buffer Zone
17.44 Airport Control Zone Regulations
17.48 Parking Spaces and Loading Berths
17.52 Signs
17.56 Residential Mobilehome District
17.60 Special Exceptions
17.64 Nonconforming Uses
17.68 Improvement Location Permits
17.72 Administration and Enforcement
17.76 Plan Commission Fees and Building Fees
17.80 Board of Zoning Appeals
17.84 Floodplain Zoning
17.88 Wireless Communications Towers
17.92 Wellhead Protection Areas
17.96 Sanitary Fills, Transfer Stations, Construction/Demolition Disposal Sites and Other Approved Solid Waste Disposal Methods

Title 17

ZONING

Chapters:

17.04 General Provisions
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Chapter 17.04

GENERAL PROVISIONS

Sections:

17.04.010 Short title.
17.04.020 Interpretation.
17.04.030 Noninterference with greater restrictions otherwise imposed.
17.04.040 General definitions.
17.04.050 Determination and interpretation of district boundaries.
17.04.060 Vacated and filled areas.
17.04.070 Authorized use requirements.
17.04.080 Height.
17.04.090 Yard, lot area and size of building.
17.04.100 Lots.
17.04.110 Parking space, loading and unloading berths.
17.04.120 Violation—Penalty.

17.04.010 Short title.

This title, and ordinances supplemental or amendatory thereto, shall be known and may be cited hereafter as the "zoning ordinance of Porter County, Indiana." (Ord. 83-12 § 1)

17.04.020 Interpretation.

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Porter County plan commission has given careful consideration to the future probable use of land in the area affected by this title, and has had prepared a comprehensive land use plan showing the future development of this area which has served as a guide in the preparation of this title. (Ord. 83-12 § 2)

17.04.030 Noninterference with greater restrictions otherwise imposed.

Where this title imposes a greater restriction upon the use of buildings or land than are currently in force by an existing legal requirement, the more restrictive requirement of this title shall control. (Ord. 83-12 § 3)

17.04.040 General definitions.

Wherever the word "county" appears in this title, it shall be deemed to refer to the county of Porter, Indiana: the word "commission" refers to the Porter County plan commission; "board" refers to the Porter County board of zoning appeals; the word "district" refers to a section of the unincorporated territory of Porter County for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established in this title; the words "zone map" refer to thirteen (13) maps entitled "Porter County Indiana Zone Map, Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13," dated 1980, and any amendments thereto; the words "master plan" refer to the complete plan, or any of its parts, for the development of the unincorporated territory within the county prepared by the commission and adopted in accordance with Chapter 174, Acts of 1947, and all acts amendatory or supplemental thereto, General Assembly of the state of Indiana. (Ord. 83-12 § 4)

17.04.050 Determination and interpretation of district boundaries.

In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given 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 unincorporated territory of the county. Where uncertainty exists as to the exact boundaries of any district as shown on the zone map, the following rules shall apply:

A. In subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the zone map.

B. Where dimensions on the zone map indicate the depth of districts in feet, such distances shall be measured from the building setback line established along the road or street by the major streets and highways, subdivision controls and public facilities ordinance.

C. In the case of further uncertainty, the board shall interpret the intent of the zone map as to the location of the boundary in question. (Ord. 83-12 § 6)

17.04.060 Vacated and filled areas.

The following procedure relates to vacated or filled areas:

A. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway or similar areas shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

B. Whenever any underwater or submerged area, not shown in the zone map as included in any district, is filled in as authorized by law, the districts adjoining such filled in area shall be extended automatically to include such filled in area and such filled in area shall then and thenceforth be subject to all appropriate regulations of the extended districts. (Ord. 83-12 § 7)

17.04.070 Authorized use requirements.

The following requirements apply to authorized uses:

A. Primary Uses. No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in the district in which such building or land is located, and for which an improvement location permit has been issued.

B. Mobilehomes.

1. Permanent Occupancy. In the residential mobilehome (RMH) district mobilehomes may be permanently occupied as residences. In a mobilehome subdivision, the following restrictions are required:

a. All requirements applicable to conventionally constructed homes are observed;

b. Wheels and axles must be removed;

c. Must be completely skirted with cement block, brick or factory-approved skirting.

2. Temporary Occupancy. Outside of mobilehome parks and mobilehome subdivisions, the board of zoning appeals, after cus-

tomary notices and public hearing, may grant a variance to permit temporary occupancy of a mobilehome for a period of not more than one year, which may be renewed by the board for one-year periods provided:

a. Such mobilehome is located on the same property with an existing residence or a residence under construction;

b. Applicable side yard and regulations of the district in which it is located are observed;

c. Occupancy of such mobilehome is restricted to the property owner or other relatives or persons employed on the premises where located.

3. Emergency Occupancy. In the event of an emergency requiring the housing of a family due to loss of regular or conventional living quarters, the executive secretary may issue an improvement location permit for the occupancy of a mobilehome for such purpose for a period not to exceed three months. In the event that more than three months will be necessary, procedures in subsection B(2) of this section will apply.

4. Nonresidential Occupancy. Mobilehomes, trailers or vans may be utilized as contractors offices, watchmen's shelters, or tool or equipment storage, only on the site and only during the period of construction of improvement projects.

C. Lowland Area. The lowland area as shown in the Flood Hazard Boundary Map for Porter County, Indiana (unincorporated areas) prepared by the U.S. Department of Housing and Urban Development, because of its present condition of frequent or periodic overflow, high ground water level, improper drainage, objectionable earth formation or topography for the uses (other than agriculture) described in this title. Such nonagricultural uses will be permitted in the lowland area only when they comply with other applicable ordinances of the county, the statutes of the state of Indiana, and applicable rules and regulations of the State Board of Health, Stream Pollution Control Board, State Department of Natural Resources and the State Fire Marshal pertaining to the public health and safety.

D. Restrictions Along Regulated Drains. No structures or improvements shall be erected or placed within the statutory easement of a regulated drain under the jurisdiction of the Porter County drainage board without written permission of said board. (Refer to Indiana Drainage Code 1965, as amended.)

E. Restrictions in Floodplain. Refer to Floodplain Ordinance No. 82-8, adopted June 21, 1982 and as amended. (Ord. 83-12 § 8)

17.04.080 Height.

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located, except as hereafter provided. Spires, church steeples, chimneys, penthouses, stacks, tanks, water towers, transmission towers, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited. (Ord. 83-12 § 9)

17.04.090 Yard, lot area and size of building.

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located. No lot area shall be so reduced, diminished and

maintained that the yards, other open space, or total lot area shall be less than specified for the use and district in which the lot is located. (Ord. 83-12 § 10)

17.04.100 Lots.

Not more than one principal building or permitted group of buildings used for residential purposes, and accessory buildings shall be permitted on one lot. (Ord. 83-12 § 11)

17.04.110 Parking space, loading and unloading berths.

Every building hereafter erected, and every use shall have provided therefor parking space for motor vehicles and loading and unloading berths as specified in this title. (Ord. 83-12 § 12)

17.04.120 Violation—Penalty.

The commission, the board, the executive secretary or any designated enforcement official may enforce the provisions of this title. Any person or entity who violates any of the provisions of or who fails to comply with any of the requirements of this title may be subjected to any one or all of the following:

A. A fine of up to one thousand dollars ($1,000.00) per day, and each and every day of such violation shall be punished as a separate offense;

B. A cease and desist order;

C. A suit for injunction filed in the Circuit or Superior Court restraining him from violating the provisions of this title and/or ordering him to remove a structure erected in violation of the provisions of this title;

D. Payment of the costs and attorneys fees to prosecute any violation of this title. (Ord. 97-23 § 4)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Definitions.

17.08.010 Definitions.

For the purpose of this title, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice versa; the word "shall" is mandatory and not directory.

"Accessory building and use" means

1. A building, structure or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy;

2. Public utility communication, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy-wires, small transformers, wire or cables, and incidental equipment, public telephone booths and towers;

3. Accessory buildings in any platted or recorded subdivision and planned residential development or planned unit development shall be no larger than eight hundred thirty (830) square feet nor more than eighteen (18) feet in height.

"Agricultural building" means a structure utilized for the conduct of farming operations, but not including a dwelling or private garage.

"Alley" means a permanent public service way providing a secondary means of access to abutting lands.

"Block" means property having frontage on one side of a street and located between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier. When intersecting or intercepting streets, railroad right-of-way, waterway or other barriers do not exist, the unit of one thousand two hundred fifty (1,250) feet shall be used and may begin at a quarter section line and terminate each one thousand two hundred fifty (1,250) feet unless intersected by a street.

"Board (BZA)" means the board of zoning appeals of Porter County, Indiana.

"Building area" means the horizontal projected area of the enclosed buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

Building, Detached. "Detached building" means a building having no structural connection with another building.

Building, Front Line of. "Front line of building" means the line of the face of the building nearest the front lot lines.

Building, Height of. "Height of building" means the vertical distance measured from the lot finished ground level to the highest point of the roof for a flat roof to the deck line of a mansard roof and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Maximum height of a single-family residence will not be more than thirty-five (35) feet measured from the ground level (first floor) to the average height of gables or mansard type roofs.

Building, Principal. "Principal building" means a building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

"Building setback line" means the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

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

"Campground" means an area of land used for short-term dwelling purposes by providing camping spaces for tents, travel trailers, vehicular units designed for or adapted for vacation-recreational housing, and accessory facilities and structures intended for use as a part of the campground.

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums when operated in conjunction with and within the boundary of such cemetery.

"Certificate of occupancy" means a certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this title.

"Clinic" or "medical health center" means an establishment where patients are admitted for special study and treatment by two or more licensed physicians, dentists and/or other medical practitioners and their professional associates.

Commercial Uses. All commercial uses must adhere to Ordinance Nos. 83-12, 85-7, 90-3 of the ordinance in effect and have technical advisory committee approval.

"Commission" means the Porter County plan commission.

"Comprehensive long range development guide" means a plan, or any portion thereof, prepared by the plan commission showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, parks, schools and transportation and other community facilities and future land use.

"Condominium" means ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular unit or portion of such building.

"Confinement feeding" means any time three hundred (300) or more cattle, six hundred (600) or more swine or sheep or thirty thousand (30,000) or more fowl are housed (or penned) and fed in a confined area. (I.C. 13-15.7-1)

"County" means county of Porter, Indiana.

"Cul-de-sac (court or dead-end street)" means a street not exceeding one thousand two hundred fifty (1,250) feet in length, measured from the street intersection to the radius point, having one end only open to traffic and being permanently terminated by a vehicle turn around.

"Developer" means any person engaged in developing or improving a lot or group of lots or structures located thereon for use or occupancy.

"Development plan" means a scale drawing showing boundaries of the site to be developed; the location and dimensions of proposed streets, entrances and exits; location and types of proposed uses, building lines, easements and open spaces; and indication of planned public and community facilities, improvements and landscape treatment if applicable; proposed drainage plans; all of which presents a unified and organized arrangement of the proposed use and improvement of the site and illustrating its functional relationship to the existing and potential use of adjacent lands. A listing of pertinent information concerning acreage by type of use, densities of use, off-street parking and similar descriptive data shall be included in or appended to the plan.

"Dwelling" means a building or portion thereof used primarily as a place of abode for one or more human beings, but not including hotels, motels, lodging or boarding houses or tourist homes.

"Dwelling unit" means a dwelling or portion of a dwelling used by one family for cooking, living and sleeping purposes.

"Easement" means a grant by the property owner of the use of a strip of land by the public, a corporation, or persons for specified purposes. If the easement is for road purposes, it should be adequate for vehicular ingress and egress.

"Family" means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, dormitory, fraternity or sorority house.

"Farm" means an area, containing five acres or more, used for agricultural operations, such as truck gardening, operation of a tree or plant nursery, the production of fruits, grains, livestock or poultry and the processing of farm products by the resident owner or tenant (but not including a slaughterhouse).

"Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

Garage, Private. "Private garage" means a garage designed to house motor vehicles for each residence or in an apartment shall be classified as a private garage.

Garage, Public. "Public garage" means any building, or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

"Grade (finished)" means the average level of the finished surface of ground adjacent to the exterior wall of the building.

"Ground floor area" means the square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages and exterior stairways.

"Home occupation" means any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with there is no commodity sold upon the premises except that which is produced thereon. In no event shall an animal hospital or other similar uses be construed as a home occupation.

"Home professional office" means a place within the residence of a professional person occupying not more than twenty (20) percent of the livable floor area thereof and in connec-

tion therewith no merchandise or commodity is offered for sale and no advertising is utilized on the premises other than one identification sign not exceeding two square feet in area. In no event shall a barber shop, beauty shop, animal hospital or other similar use be construed as a professional office.

"Hotel" or "motel" means a building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to the transient guests, in contradistinction to a boarding or lodging house.

"Improvement location permit" means a permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the master plan.

"Junk yard" means a place, usually outdoors, where waste or discarded used property, other than organic matter, is accumulated and is, or may be, salvaged for re-use or resale, including, but not limited to, one or more unlicensed or inoperable motor vehicles or machinery or equipment.

"Jurisdiction of the commission" means the unincorporated territory of the county of Porter, Indiana.

"Kennel" means any lot or premises, other than a veterinary hospital or pet shop, in which four or more dogs, or other similar small fur-bearing animals at least four months of age, are kept or for sale, breeding, boarding, training or treatment purposes.

"Loading and unloading berths" means the off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this title is held to be a twelve (12) foot by fifty (50) foot loading space with a sixteen (16) foot height clearance, paved with a suitable dust preventative or hard surface.

"Lot," for the purposes of this title, is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

1. A tract, plot or portion of a platted subdivision or other parcel of land of record intended as a unit for the purpose, whether immediate or future, or transfer of ownership for building development;

2. A parcel of land of record described by metes and bounds; provided, that in no case of divisions or combination shall any residual lot or parcel be created which does not meet the requirements of this title or the subdivision ordinance and was recorded prior to January 7, 1994, and divided by the technical advisory committee, or was in that configuration prior to June 27, 1983;

3. A portion of a subdivision, or other parcel of land of record, intended as a unit for transfer of ownership or development.

"Lot area" means the area of any lot shall be determined exclusive of street, highway, alley, road or other rights-of-way in conformance with highway thoroughfare plan in effect.

Lot, Corner. "Corner lot" means a lot at the junction of and abutting two or more intersecting or intercepting streets. (See "Lot frontage.")

"Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. Sixty (60) percent of the required lot width must front on an approved public or private

street. For the purpose of determining yard requirements on corner lots, that portion with the least amount of road frontage shall be considered the front yard. The sixty (60) percent rule does not apply to the minor subdivision.

Lot, Interior. "Interior lot" means a lot with only one frontage on a street.

Lot, Through. "Through lot" means a lot, other than a corner lot, with frontages on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line, and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

"Lot of record" means a lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel by metes and bounds (recorded prior to January 7, 1994) the description of which has been recorded or which may be contained in a contract between two or more parties which the contract has been recorded.

"Lot width" means the dimension of a lot, measured between side lot lines on the building line.

"Major subdivision" means all subdivisions not classified as a minor subdivision, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new public streets or extension of the local governmental facilities, or the creation of any public improvements.

"Manufactured home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.

"Master plan (comprehensive plan)" means the complete plan, or any of its parts, for the development of the county prepared by the commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.

"Mini-warehouse" means a building or series of buildings used for storage by the general public. No sales or other business use is permitted. A unit of a mini-warehouse may not exceed twenty (20) feet in width, twenty (20) feet in height and forty (40) feet in depth.

"Minor subdivision" means any subdivision containing not more than four lots, on an existing public street or road, or on a sixty (60) foot right-of-way, not including any new public street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the tract or adjoining property, and not in conflict with a provision of the comprehensive master plan, the subdivision control ordinance, the thoroughfare plan

or the zoning ordinance. A minor subdivision shall be permitted in all zoning districts.

"Mobilehome" means a detached single-family dwelling unit with all of the following characteristics:

1. Certified in a factory to the Indiana PL 135 pursuant to Indiana Code 9-8-1.5-1;

2. Designed to be transported after fabrication on its own wheels;

3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

"Mobilehome park" means an area of land upon which two or more mobilehomes are harbored for the purpose of being occupied either free of charge, or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobilehome park.

"Modular home" means a housing unit designed, built and certified in a factory to the Indiana Code 22-11-1-1.5 for use as a principal residence. It is constructed complete with the necessary plumbing, heating and electrical systems. It is designed to be transported by means other than its own undercarriage to a prepared site, and becomes suitable for permanent occupancy after proper installation of foundation supports and connection to utility services.

"Multifamily structure" means a single structure containing more than two dwelling units.

"Official thoroughfare plan" means the part of the master plan which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification and classification of existing and proposed streets, highways and other thoroughfares.

Parking Area, Public. "Public parking area" means an open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use whether free or for compensation, or as an accommodation for clients or customers; paved with a suitable dust preventative or hard surface.

"Parking space" means a space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and twenty (20) feet long exclusive of passageways.

"Permanent use variance" means a use variance that can have a permanent status for a single use and shall require approval of both the board of zoning appeals and the board of commissioners.

"Person (plural)" means a corporation, firm, partnership, association, organization or any other group acting as a unit.

"Pet shop" means a retail business establishment which sells small animals and accessories for animal care and grooming, but not including breeding, boarding, training or treatment of animals.

"Planned residential development (PRD)" means a tract of land which is developed as a unit under single ownership or control, which includes two or more principal structures, and may include commercial and residential uses.

"Planned unit development (PUD)" means a tract of land which is developed as a unit under single ownership or control, which includes two or more principal structures, and may include single-family or multifamily residential uses.

"Plat" means a map or chart indicating the subdivision or resubdivision of land intended to be filed for record.

"Private school" means a preprimary, primary, grade, high school, college or university which is privately owned and operated.

"Professional office" means an office of members of learned professions, such as an accountant, architect, dentist, engineer, lawyer, physician, surgeon or other professional person.

"Public school" means a preprimary, primary, grade, high school, college or university which is publicly owned and operated.

"Recreational vehicle (RV)" or "travel trailer" means a vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either with its own motor power or mounted on, or towed by another powered vehicle.

"Right-of-way" means that portion of land conveyed to Porter County and the general public by means of a warranty or quit-claim deed, metes and bounds street dedication, subdivision plat or Indiana Code for the purpose of providing streets, sidewalks, drainage, or utilities. See Chapter 12.04.

"Rooming house (boarding house, dormitory, lodging house)" means a dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

"Sectional home-modular" means a housing unit designed, built and certified in a factory to the Indiana Code 22-11-1-1.5 for use as a principal residence. It is constructed complete with the necessary plumbing, heating and electrical systems. It is designed to be transported by means other than its own undercarriage to a prepared site, and becomes suitable for permanent occupancy after proper installation of foundation supports and connection to utility services.

"Sign" means any board, device or structure, or part thereof, used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

"Street" means a right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

Street, Minor Arterial or Major Collector. "Minor arterial or major collector street" means a street planned to facilitate the collection of traffic from residential streets, and usually located on neighborhood boundaries. Secondary streets are classed as limited access streets to which entrances and exits are provided only at controlled intersections and access may be denied to abutting properties.

Street, Minor Collector or Local Road. "Minor collector street or local road" means a street designated primarily to provide access to abutting properties, usually residential. Certain minor collector streets may be marginal access streets parallel to major collector streets, which provide access to abutting property and ways for traffic to reach access points on principal arterial streets.

Street, Principal Arterial. "Principal arterial street" means a street designated for large volumes of traffic movement. Certain principal arterial streets may be classed as limited access highways to which entrances and exits are

provided only at controlled intersections and access is denied to abutting properties.

"Structure" means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or bearing partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

"Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divided land so as to constitute a subdivision as herein defined, and including any agent of the subdivider.

"Subdivision," for the purposes of this title, is either:

1. A division of any tract of land by the owner or his agent into two or more lots for the purpose of residential development (pursuant to an immediate or future sale or lease); or

2. A redivision of any lot or tract of land by the owner or his agent into additional lots for the purpose of residential development pursuant to an immediate or future sale or lease.

However, notwithstanding the foregoing, the following shall not constitute a subdivision:

1. An adjustment of lines as shown on a recorded plat or lot of record without creating any additional lots and does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements;

2. A division of land, all parts of which are ten acres or more and does not require the creation of any public or private streets or roads or the extension of any municipal facilities or the creation of any public improvements;

3. An allocation of land in the settlement of an estate of a court decree for the distribution of property;

4. The exchange of land for the purpose of straightening property boundary lines which does not result in the creation of a buildable lot; and

5. The unwilling sale of land as a result of legal condemnation as defined and allowed by the Indiana State Law.

"Technical advisory committee" means a committee established by the commission which has the authority to review site reviews, primary and secondary plats, approve minor subdivisions, as well as any other duties assigned by the Porter County plan commission and the members thereof shall be appointed annually by the Porter County plan commission.

The technical advisory committee shall consist of five members pursuant to Indiana State Statute concerning minor subdivisions and the rules of procedure adopted by the Porter County plan commission.

"Tourist home" means a building in which one, but not more than five, guest rooms are used to provide or offer overnight accommodations to transient guests for compensation. A rezoning or variance is required for tourist homes.

"Tract" means an area of land having a separate and distinct legal description which is a matter of the public record as of the effective date of the ordinance codified in this title.

"Trade or business school" means secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, chari-

table or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, singing, dancing, barbering or hair dressing, drafting or teaching industrial or technical arts or other similar uses.

"Travel trailer" or "recreational vehicle" means a vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either with its own motor power or mounted on, or towed by another powered vehicle, which:

1. Is identified on the unit by the manufacturer as a travel trailer; or
2. Is not more than eight feet in body width; or
3. Cannot be used as a temporary residence except with a temporary certificate of occupancy (TCO), from the board of zoning appeals.

"Use" means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, Nonconforming. "Nonconforming use" means an existing use of land or building which fails to comply with the requirements set forth in this title applicable to the district in which such use is located. See Section 21 of the Porter County master plan.

Use, Open. "Open use" means the use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five percent or less of the area of the lot.

"Variance" means a modification of the specific requirements of this title granted by the BZA in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

"Vision, clearance on corner lots" means a triangular space at the street corner of a lot, free from any kind of obstruction to vision between the heights of two and twelve (12) feet above established street grade determined by a diagonal line connecting two points measured twenty (20) feet equidistant from the street corner along the lot line, the street corner being the intersection of the proposed right-of-way line as shown on the current thoroughfare plan.

"Yard" means a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this title.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty (30) percent of the required rear yard area, the depth of which is the least distance between the rear lot line and the rear of such main building.

Yard, Side. "Side yard" means a yard between the main building and the side lot line, extending from the front yard line to the rear yard line. The width of the required side yard is measured horizontally at ninety (90) degrees to the side lot line from the nearest part of the main building. (Amended during 1997 codification; Ord. 95-10 § 701(A); Ord. 94-16 § 1 (a); Ord. 87-21 § 1 (part); Ord. 83-12 § 5)

Chapter 17.12

ZONING DISTRICTS ESTABLISHED

Sections:

17.12.010	**Establishment.**
17.12.020	**Zone map.**
17.12.030	**Description of districts.**
17.12.040	**Written committments.**

17.12.010 Establishment.

The unincorporated territory of the county is classified and divided into fourteen (14) districts designated as follows:

District Designation	Primarily for:
AG	Agricultural and open space
RR	Rural residential
R1	Residences (single family)
R2	Residences (two family)
R3	Residences (multifamily)
RMH	Residential mobilehome
C1	Neighborhood business
C2	Offices and institutions
C3	Shopping centers
C4	General business
Il	Light industry
I2	General industry
I3	Heavy industry
FP	Preservation floodplain

(Ord. 83-12 § 13(A))

17.12.020 Zone map.

The zone maps and flood hazard boundary maps (contained in Ordinance No. 82-8) which are incorporated by reference and are declared to be a part of this title, show the boundaries of and the area covered by the districts. Notations, references, indications and other matters shown on the zone maps and flood hazard boundary maps are as much a part of this title as if they were fully described herein. (Ord. 83-12 § 13(B))

17.12.030 Description of districts.

The districts identified in Section 17.12.010 are described as follows:

A. AG—Agricultural and Open Space. Intent: to conserve and enhance the low density and agricultural use of substantial portions of the county that do now, and for a substantial period of time, should have, such character. By conserving such character, the county and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas, and will promote the preservation of agricultural land, a vital economic resource, for future agricultural productivity. A "major subdivision," as defined in the proposed major streets and highways subdivision control and public facilities ordinance, is not authorized in an AG agricultural district.

B. RR—Rural Residential District. Intent. The rural residential zoning district is intended as a transitional zone between predominantly agricultural areas by providing for relatively large-lot residential uses within rural agricultural areas which appear to be in transition from agricultural use to residential use. It is also the intent to provide relatively large lots in this zoning district to accommodate certain agricultural uses, such as the breeding or raising of animals, which is generally incompatible with neighboring uses in a residential area. This zoning district is also intended to provide isolation of residential uses from possible

incompatible effects of neighboring agricultural land in the AG zoning district by providing a rural residential setting in the district.

C. R1—Residences, Low Density (Single-Family) District. Intent. The residential low density district is intended to establish and preserve quiet single-family home districts as desired by substantial numbers of residents which are free from other uses, except those which are both compatible with and for the convenience of the residents of such districts; to maintain the character and integrity of existing residential areas which are comprised predominantly of conventionally built single-family dwellings and to provide protection against contamination of soil and surface and ground water by effluent from septic tank sewage disposal systems by requiring adequately large lot sizes in areas not serviced by public sanitary sewer systems.

D. R2—Residences, Medium Density (Two-Family) District. Intent: to establish and preserve medium density residential districts in appropriate areas of the county, such districts to consist primarily of two-family and single-family dwellings with convenient access to transportation facilities, shopping areas, churches, schools and similar amenities; and to provide protection against contamination of soil and surface and ground water by effluent from septic tank sewage disposal systems by requiring an adequately large lot area per residential unit in areas not serviced by public sanitary sewer systems.

E. R3—Residences, Medium/High Density (Multifamily) District. Intent: to establish and preserve relatively higher density residential districts in appropriate areas of the county, such districts to consist primarily of multi-family and two-family dwellings with convenient access to transportation facilities, shopping areas, churches, schools and similar amenities; and to provide protection against contamination of soil and surface and groundwater by effluent from septic tank sewage disposal systems by requiring an adequately large lot per residential unit in areas not serviced by public sanitary sewer systems.

F. RMH—Residential Mobilehome District. Intent: to provide and maintain suitable residential areas for mobilehomes within mobilehome parks and mobilehome subdivisions both of which shall require the approval of the board of zoning appeals through the issuance of a special exception.

G. C1—Neighborhood Business District. Intent. The intent of the neighborhood business district is to be located in neighborhoods to accommodate the primary shopping and service needs of the locality. Although limited in area occupied, this district is important to the economic welfare of the community in placing "convenience" and "impulse" goods shops close to the consumer.

H. C2—Offices and Institutions District. Intent. This district has been established to allow selected commercial and professional uses having only limited and specific contact with the public and not involving large scale sale of merchandise.

I. C3—Shopping Center District. Intent. The intent of this district is to meet the needs of a regional or area-wide market for retail shopping facilities in planned shopping centers. Each shopping or business center must be established on a single, well planned site suitable in size to permit such intended use. A development plan is required for each shopping center proposal.

J. C4—General Business District. Intent. The intent of the general business district is to provide for a wide range of business activities

and service uses which may include some warehouse storage facilities as well as, in appropriate cases, limited small scale light industrial activities.

K. I1—Light Industry District. Intent. The purpose of the I1 district is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements, operate entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between heavy manufacturing uses and less intensive uses such as business or residential or warehouse storage.

L. I2—General Industry District. Intent. The purpose of the general industry district is to provide for general industrial uses which require both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes; and land and/or buildings in this district shall comply with the performance standards in this title and any health and/or safety codes which apply.

M. I3—Heavy Industry District. Intent. The purpose of the I3 district is to encourage the development of major manufacturing and industrial processing, warehousing, and major research and testing operations. These activities require extensive community facilities and reasonably good access to major thoroughfares and the interstate system. They may also have extensive open storage and service areas and may generate heavy industrial type traffic (trucks, semitrucks, etc.) but shall be prohibited if they create nuisances beyond the limitations of this title.

N. FP—Preservation Floodplain District. Intent. It is the intent of this district to promote and protect the public health, safety and general welfare and to prevent ecological and economic damage and loss by regulating and preventing certain developments and land uses within areas of Porter County along the banks of various rivers and streams which are designated as preservation floodplain areas. Further, to protect and assure free-flowing river conditions, fish and wildlife resources, water quality, scenic and aesthetic qualities and historic and recreation values; to prevent flood damages caused by interference with natural floodplain characteristics by excluding from this district structures, uses and activities which are vulnerable to flood damage during times of high water or flood, and thereby avoiding economic costs and human inconvenience and suffering; also, to protect prospective purchasers of land in this district from purchasing land unsuited for intended purposes because of flood or erosion hazard and environmental values.

1. Special Provisions for the Natural Vegetation Strip. A natural vegetation strip shall be maintained along designated rivers and streams in trees, shrubs and other vegetation commonly found in the area, subject to the following provisions:

a. Dead, diseased, unsafe or fallen trees and noxious weeds and shrubs may be removed;

b. Lawns may be maintained to the crest of the river bank;

c. Trees and shrubs may be pruned to afford a view of the river or stream.

2. Permitted Principal Uses. See Floodplain Ordinance No. 82-8 adopted June 21, 1982 and all amendments thereto. (Ord. 95-10 § 701(B); Ord. 94-16 § 1(b); Ord. 83-12 § 13 (C))

17.12.040 Written commitments.

The commission may recommend and board of commissioners may allow or require a written commitment from the owner or developer (hereinafter "petitioner") for a proposal to change the zone map filed by a petitioner when, in the opinion of the commission and/or board of commissioners, certain commitments should be made for the protection of the public health, safety and general welfare of the county. A written commitment may establish the zoning district or use or a range of uses permitted in the territory being considered by the proposal (hereinafter "subject property"). Such commitments may also stipulate general or detailed conditions, restrictions or requirements upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation or other elements of the proposed development prompting the zone map amendment proposal.

A. Time. A written commitment shall be agreed to or imposed upon a petition at the time the zone map amendment is made and the ordinance adopted by the board of commissioners. The written commitments agreed to and determined by the board of commissioners shall be final and no further action of the commission shall be required.

B. Recordation and Binding Affect. The petitioner shall prepare the ordinance amending the zone map and shall include the commitments established hereunder in written form detailed in the text of the amending ordinance and, if requested by the commission or the county commissioners, on a plat of the subject property, which amending ordinance and plat shall be in a recordable form acceptable to and recorded in the office of the recorder of Porter County. Proof of such recordation shall be provided to the commission and the Porter County commissioners.

C. Amendment of the Commitment. A written commitment may be modified or terminated only upon the action of the commission and the board of commissioners, after first conducting a public hearing and following the same procedure as in zone map amendments.

D. Enforcement. A written commitment shall be enforced by the county of Porter or by any authority named in the zoning ordinance. Any violation of a commitment shall be deemed a violation of the zoning ordinance and the person or corporation who violates any provision of a written commitment shall be subject to all penalties and fines set forth in the zoning ordinance. In addition, the written commitments may authorize and grant standing to certain specially affected persons, corporations, property owners, or classes of specially affected persons, corporations or property owners to seek civil injunctive relief from any court of competent jurisdiction to enforce any or all commitments. Furthermore, no building or occupancy permit shall be issued for land within the subject property while a violation of the written commitment exists.

E. Automatic Termination. A commitment made under this section shall automatically terminate if after the adoption of the proposal: (1) the zone map applicable to the parcel is changed; or (2) the parcel is designated as a planned unit development.

F. No Affect on Private Rights. No written commitment shall affect the validity of any covenant, easement, equitable servitude, or other land use restriction in accordance with law.

G. Fees. All costs for preparing and recording the amending ordinance (including

any required plat) shall be paid by the petitioner. No building or occupancy permits shall be issued for the subject property while the aforementioned fees and costs are unpaid. (Ord. 97-24 § 1)

Chapter 17.16

AUTHORIZED USES

Sections:

17.16.010 Authorized uses designated.
17.16.020 Temporary uses allowed when.
17.16.030 Use variances.
17.16.040 Table 1—Official schedule of district regulations.

17.16.010 Authorized uses designated.

Authorized uses in the districts established by or under Chapter 17.12 are categorically listed in Table 1 set out in Section 17.16.040. Where the district designations (AG, RR, R1, R2, RMH, C1, C2, C3, I1, I2, I3 and FP) are affixed with an asterisk, the use is permitted in that district only if a special exception has been granted under Chapter 17.60. (Ord. 83-12 § 13.5 (part))

17.16.020 Temporary uses allowed when.

The board may grant a temporary use permit for a period not to exceed one year, unless another time limit is specified by this chapter and the board may impose other conditions, for seasonal or transitory uses, if it finds that the intended site is appropriate, that adequate operational safeguards will be maintained, and that adjoining established uses will not be adversely affected. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow:

A. Christmas Tree Sales. In any district, a temporary use permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not more than forty-five (45) days.

B. Seasonal Sale of Farm Products. In any AG, RR, R1, R2 district, a temporary use permit may be issued for the sale of farm produce grown only on the premises. Such sales space shall be of portable or seasonal construction. Such stands shall be removed so as to observe the setback line for permanent structures when not in use. Such permit shall be valid for not more than four months per year, but may be issued for a five-year period.

C. Contractor's Office and Equipment Sheds. In any district, a temporary use permit may be issued for contractor's temporary structure incidental to a construction project. Such structure shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one year, but may be renewed a maximum of two one-year extensions. Moreover, such structures shall be removed upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.

D. Model Homes. In any district where residences are permitted, the board may authorize the temporary use of a model home or apartment for display, sale or rental purposes, including and pertaining thereto, a lighted or unlighted sign not exceeding one hundred (100) square feet in area. Such permit shall be valid for not more than a three-year period, and must be renewed annually after the initial three-year period. (Ord. 83-12 § 13.5(A))

17.16.030 Use variances.

A. The board may, in the appropriate case after notice and hearing and subject to appropriate conditions and safeguards imposed by

the board for the health, safety, morals and general welfare, determine and vary the applications of the use district regulations upon a showing that:

1. Owing to special conditions, a literal enforcement of the use restrictions would result in unnecessary hardship;

2. The variance sought would not be contrary to the public interest and would be for a specified use;

3. The spirit of the ordinance would be observed;

4. Such variance, if granted, would be nontransferable and for a specific period of time not to exceed five years, renewable at the discretion of the board for two additional specific periods of time, neither of which will exceed five years, and that no new construction shall take place during such periods of time.

B. The deliberations and determinations of the board shall be made with reasonable consideration, among other things, as to:

1. The character of the district;

2. Its peculiar suitability for the proposed variation of use;

3. The conservation of property values;

4. Encouraging the most appropriate use of land throughout the county;

5. The direction of building development;

6. That the unnecessary hardship is created by the zoning ordinance and not by the act of the applicant;

7. That such hardship is not common to others in the neighborhood or district.

C. However, no variance shall be made unless the board finds that such variance will not:

1. Impair an adequate supply of light and air to adjacent property;

2. Increase the hazard from fire or other dangers to adjacent property;

3. Diminish the value of adjacent land and buildings;

4. Increase the congestion or hazard in the public streets or highways.

D. The plan commission shall have submitted to the board a report concerning what impact, if any, the proposed use variance shall have on the master plan.

E. The board may impose specific requirements and conditions as the facts of the case may require not inconsistent with the spirit, purpose and intent of this title.

F. The action of the board in granting a variance for use shall contain or be accompanied by a written finding of fact specifying the reasons for making such variance and shall have the concurring vote of three of the five members of the board.

G. If the board deems necessary, after consultation with the plan commission, the board may recommend a permanent use variance which may be transferable and for an unlimited period of time and may allow construction of new buildings on the premises. Such permanent use variance would be restricted to the use approved at the time the variance is granted. Action by the board of zoning appeals would be advisory. If the board of zoning appeals determines that the petition for a permanent use variance is recommended, the board of zoning appeals shall submit its entire record of the matter, or copies thereof to the clerk of the legislative body and include its favorable recommendation that the permanent use variance be granted. The legislative body shall then proceed to hear the matter pursuant to its normal procedure on amendments to the zoning ordinance as it applies to changes in zone maps. (Ord. 90-22 § 1; Ord. 83-12 § 13.6)

17.16.040 Table 1—Official schedule of district regulations.

TABLE 1

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

* Denotes permitted use when approved as a special exception. (See Chapters 17.24 and 17.60 for planned residential developments)

** Denotes use permitted in the district only if it has been approved by the commission as necessary to the convenience of employees and the effective operation of an industrial use.

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Residential Uses														
Boarding or lodging houses							C1	C2		C4				
Condominium					R3		C1	C2		C4				
Dwelling, single-family	AG	RR	R1	R2	R3		C1	C2		C4	I1			
Dwelling, two-family				R2	R3		C1	C2		C4	I1			
Dwelling, multifamily					R3		C1	C2		C4	I1			
Mobilehome					R3	RMH								
Farm seasonal worker housing, tenant	AG													
Fraternity, sorority or student dormitory		RR*	R1*	R2*	R3									
Home for the aged		RR*	R1*		R3									
Nursing home, orphanage		RR*	R1*		R3									
Planned residential development		RR*	R1*	R2*	R3*									
Private swimming pool	AG	RR	R1	R2	R3	RMH	C1	C2	C3	C4	I1			
Children's day care	AG*	RR*	R1*	R2*	R3		C1	C2						
Residential subdivisions		RR	R1	R2	R3									

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Agricultural Uses														
Commercial greenhouse							C1	C2	C3	C4	I1	I2	I3	
Greenhouse (not exceeding 1,000 sq. ft.)	AG	RR	R1											
Plant nursery	AG	RR	R1	R2	R3		C1	C2	C3	C4	I1	I2	I3	
Farm	AG	RR	R1	R2	R3		C1	C2	C3	C4	I1	I2	I3	FP
Confinement feeding lot	AG													
Industrial Uses														
Environmental and atmosphere monitoring tower	AG*										I1*	I2*	I3*	FP*
Bottled gas storage and distribution	AG*											I2*	I3*	
Contractor's storage yard										C4*	I1*	I2	I3	
Industrial park (1)										C4*	I1	I2	I3	
Industry, heavy													I3	
Industry, general												I2	I3	
Industry, light										C4*	I1	I2	I3	
Junk yard											I1*	I2*	I3*	
Liquid fertilizer storage and distribution (commercial)	AG*										I1*	I2*	I3	
Manufacturing and storage of explosives											I1*	I2*	I3*	

(1) When located on a tract not less than twenty (20) acres in size.

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Material storage (open)										C4*	I1*	I2	I3	
Mineral extraction, borrow pit, topsoil removal and storage areas	AG*											I2*	I3*	
Petroleum tank farm (commercial)												I2*	I3	
Radio or television tower (commercial)	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2*	C3*	C4*	I1*	I2*	I3	
Slaughterhouse	AG*											I2	I3	
Truck freight terminal										C4	I1	I2	I3	
Warehouse, storage (indoors)										C4	I1	I2	I3	
Warehouse, storage (outdoors)												I2	I3	
Building material sales yard										C4*	I1*	I2	I3	
Public Facilities														
Airport or heliport	AG									C4*	I1*	I2*	I3*	
Assembly halls for use by not for profit organizations	AG*			R2*	R3*				C3*	C4	I1			
Charitable institutions	AG*	RR*	R1*	R2*	R3*			C2	C3	C4				
Church or temple	AG	RR	R1	R2	R3	RMH	C1	C2		C4	I1	I2		
Kindergarten or day nursery	AG*	RR*	R1*	R2*	R3*		C1	C2		C4				
Municipal or government building	AG	RR	R1	R2	R3		C1	C2	C3	C4	I1	I2	I3	
Penal or correctional institution	AG*									C4*	I1*	I2*	I3*	

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Police station or fire station	AG	RR	R1	R2	R3	RMH	C1	C2	C3	C4	I1	I2	I3	
Public library or museum	AG	RR	R1	R2	R3		C1	C2	C3	C4				
Public park or recreational facility	AG	RR	R1	R2	R3	RMH	C1	C2	C3	C4	I1	I2	I3	
Public or commercial sanitary fill, refuse dump, or garbage disposal plant	AG*									C4*	I1*	I2*	I3*	
Sewage disposal plant (primary use)	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2*	C3*	C4*	I1*	I2*	I3*	
Public or employee parking area	AG*	RR*	R1*	R2*	R3*	RMH*	C1	C2	C3	C4	I1	I2	I3	
Public water wells, water stations, filtration plants, reservoirs and water storage tanks	AG*	RR*	R1*	R2*	R3*	RMH*	C1	C2	C3	C4	I1	I2	I3	
Railroad right-of-way and necessary uses	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2*	C3*	C4*	I1	I2	I3	
School, public or parochial	AG	RR	R1	R2	R3	RMH	C1	C2	C3	C4	I1			
Telephone exchange or public utility substation	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2*	C3	C4	I1	I2	I3	
Trade or business school									C3	C4	I1	I2		
University or college building	AG*	RR*	R1*	R2*	R3*		C1*	C2*		C4*				
Business Uses: Appliances														
Electric appliance service and sales							C1	C2	C3	C4	I1	I2		
Radio-TV service and sales							C1	C2	C3	C4	I1	I2		
Other similar uses							C1	C2	C3	C4	I1	I2		

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Business Uses: Automobile Services														
Automobile sales room									C3	C4	I1	I2		
Automobile, mobilehome or trailer sales area, open (2)										C4	I1	I2		
Automobile repair (all repair indoors)								C2	C3	C4	I1	I2		
Filling or service station (3)							C1	C2	C3	C4	I1	I2		
Public garage								C2	C3	C4	I1	I2		
Public parking area	AG*	RR*	R1*	R2*	R3*	RMH*	C1	C2	C3	C4	I1	I2	I3	
Truck service center										C4	I1	I2	I3	
Business Uses: Clothing Services														
Dressmaking shop							C1	C2	C3	C4	I1			
Drycleaning establishment (4)							C1	C2	C3	C4	I1			
Laundry agency							C1	C2	C3	C4	I1			
Millinery shop							C1	C2	C3	C4				
Self-service laundry							C1	C2	C3	C4	I1			
Shoe repair shop							C1	C2	C3	C4				
Tailor and pressing shop							C1	C2	C3	C4				

(2) Mobilehome sales only will be permitted in the RMH district
(3) Subject to approval - see Chapter 17.28
(4) Using cleaning fluid which is non-explosive and non-inflammable, and using not more than three cleaning units of not more than forty (40) pounds capacity.

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Business Uses: Food Sales and Services														
Bakery, retail							C1	C2	C3	C4				
Dairy, retail							C1	C2	C3	C4				
Delicatessen							C1	C2	C3	C4				
Grocery							C1	C2	C3	C4				
Locker, cold storage, for individual use							C1	C2	C3	C4	I1			
Meat market							C1	C2	C3	C4	I1			
Restaurant							C1	C2	C3	C4	I1	I2**		
Roadside food sales stand	AG						C1	C2	C3	C4	I1			
Supermarket							C1	C2	C3	C4				
Wholesale produce terminal											I1*	I2		
Business Uses: General Business														
Bank							C1	C2	C3	C4	I1	I2		
Business or professional offices								C2	C3	C4	I1	I2		
Radio or television station or studio									C3	C4	I1			
Telegraph office							C1	C2	C3	C4	I1	I2		
Business Uses: Personal Services														
Barber shop							C1	C2	C3	C4				
Beauty shop							C1	C2	C3	C4				
Reducing salon							C1	C2	C3	C4				

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Business Uses: Recreation														
Bait sales	AG						C1	C2		C4				
Billiard room									C3	C4	I1**			
Bowling alley									C3	C4	I1**			
Country club or golf course	AG	RR*	R1*	R2*	R3*	RMH*	C1	C2	C3	C4	I1	I2	I3	FP
Dancing academy								C2	C3	C4				
Lodge or private club								C2	C3	C4	I1			
Night club									C3	C4				
Outdoor commercial recreational enterprise	AG*								C3*	C4	I1	I2	I3	
Private recreational development	AG*	RR*	R1*	R2*	R3*	RMH*				C4	I1	I2	I3	FP
Campground	AG*	RR*								C4	I1			FP
Race track											I1*	I2*	I3*	
Riding stable	AG*	RR*								C4*	I1*	I2*		
Seasonal hunting or fishing lodge	AG*	RR*	R1*	R2*						C4*	I1*			
Shooting range, outdoor	AG									C4*	I1*	I2*	I3*	FP
Stadium, coliseum										C4*	I1*	I2*	I3*	
Athletic field	AG	RR	R1	R2	R3	RMH				C4				
Tavern									C3	C4	I1	I2	I3	
Theater, indoor									C3	C4	I1			
Theater, outdoor	AG*									C4*	I1*	I2*	I3*	

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Business Uses: Retail Sales														
Apparel shop							C1	C2	C3	C4	I1			
Department store									C3	C4	I1			
Drugstore							C1	C2	C3	C4	I1			
Flower shop (5)							C1	C2	C3	C4	I1			
Garden shop	AG						C1	C2	C3	C4	I1			
Gift or antique shop							C1	C2	C3	C4	I1			
Hardware store							C1	C2	C3	C4	I1			
Jewelry store							C1	C2	C3	C4	I1			
Newsdealer - bookstore							C1	C2	C3	C4	I1			
Publisher										C4	I1	I2	I3	
Record shop							C1	C2	C3	C4	I1			
Variety store							C1	C2	C3	C4	I1			
Business Uses: Miscellaneous														
Advertising sign or billboard	AG(6)						C1	C2	C3	C4	I1	I2		
Auction sales yard (except auto sales)	AG*									C4*	I1*	I2	I3	
Boat sales, service and storage										C4	I1	I2		
Cemetery or crematory	AG*	RR*	R1*	R2*						C4*	I1*			

(5) Including greenhouse not larger than one thousand (1,000) square feet in area
(6) Not over forty-eight (48) square feet

TABLE 1 (continued)

	District in Which Permitted													
PRIMARY USE:	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**	**I2**	**I3**	**FP**
Clinic	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2	C3	C4	I1			
Commercial facility for breeding and raising non-farm fowl and animals	AG*									C4*	I1*	I2*		
Farm equipment, sales and service	AG*									C4	I1	I2		
Home occupation	AG*	RR*	R1*	R2*	R3*	RMH*	C1*	C2*	C3*	C4*	I1*	I2*	I3*	
Home professional office	AG	RR	R1	R2	R3	RMH	C1	C2		C4	I1			
Hospital			R1	R2	R3			C2	C3	C4	I1			
Hotel or motel										C4	I1			
Kennel	AG*									C4	I1	I2		
Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable material	AG*								C3	C4	I1	I2		
Mobilehome park or mobilehome subdivision						RMH*								
Mortuary								C2		C4	I1			
Pet shop							C1		C3	C4				
Photography studio							C1	C2	C3	C4	I1			
Railway station or bus station										C4	I1	I2	I3	
Sales barn for livestock	AG*										I1*			
Planned shopping center									C3					

TABLE 1 (continued)

PRIMARY USE:	District in Which Permitted													
	AG	RR	R1	R2	R3	RMH	C1	C2	C3	C4	I1	I2	I3	FP
Studio business (art, interior decorating, music, etc.) (7)	AG*	RR*	R1*	R2*	R3*		C1	C2	C3	C4	I1			
Tourist home							C1*	C2*	C3	C4	I1			
Veterinary hospital for small animals	AG*							C2	C3	C4	I1	I2		
Warehouse (grain storage facilities)	AG									C4	I1	I2	I3	
Wholesale business									C3	C4	I1	I2		
Contractor's office and storage (in-doors)										C4	I1	I2		
Printing plant (small job shop)							C1	C2	C3	C4	I1	I2	I3	
Mini-warehouse					R3*	RMH*	C1	C2	C3	C4				

(7) When located in an existing residential structure, the exterior and character of which shall not be changed.

(Ord. 97-23 § 1; Ord. 87-21 § 1 (part); Ord. 83-12 (part))

Chapter 17.20

RESIDENTIAL USES AND REQUIREMENTS

Sections:

17.20.010 Permitted residential uses.
17.20.020 Manufactured homes.
17.20.030 Residential requirements.
17.20.040 Residential uses—Additional provisions.
17.20.050 Uses requiring special exceptions.
17.20.060 Table 2—Lot area by district.

17.20.010 Permitted residential uses.

The residential uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Table 1 (Section 17.16.040), when complying with the requirements of Table 2 (Section 17.20.060) subject also to the requirements of Chapter 17.48 and the provisions of Sections 17.20.020 and 17.20.030:

A. A single-family dwelling is a detached building designed for or occupied by one family exclusively, meeting the requirements of the one- and two-family dwelling code, promulgated by the Administrative Building Council of Indiana.

B. A two-family dwelling is a detached building designed for or occupied by two families, meeting the requirements of the one- and two-family dwelling code, promulgated by the Administrative Building Council of Indiana.

C. A multifamily dwelling is a building designed for or occupied by three or more families, meeting the requirements of the Administrative Building Council of Indiana. (An improvement location permit will not be issued without the Administrative Building Council approval.) (Ord. 83-12 § 14(A))

17.20.020 Manufactured homes.

Manufactured homes are permitted outside mobilehome parks and mobilehome subdivisions when they meet the following standards:

A. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site;

B. Bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standard Code or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council;

C. With at least nine hundred sixty (960) square feet of occupied space in a double section or larger multi-section unit;

D. Attached onto a permanent underfloor foundation in accordance with approved specifications for a manufactured home support system;

E. With the home set above ground level onto an approved excavated, concrete, masonry or other approved non-load bearing permanent perimeter retaining wall;

F. With the pitched roof and siding constructed of materials customarily used for site-constructed dwellings;

G. Being at least twenty-three (23) feet wide and having a roof pitch of at least three feet in twelve (12) feet. (Ord. 83-12 § 14 (part))

17.20.030 Residential requirements.

A. Minimum Lot Size. A lot on which a dwelling is erected may not be smaller in area,

in square feet per dwelling unit, than that prescribed for it in the following directions.

B. Minimum Lot Width. A lot on which a dwelling is erected may not be smaller in width in linear feet than one hundred (100) feet, except when a sanitary sewer system and an approved public or community water supply system are installed and utilized by the dwelling, the minimum lot width may be reduced to eighty (80) feet. In the RR and AG districts, the minimum lot width shall be one hundred sixty (160) feet except when a sanitary sewer system is installed and utilized by the dwelling, the minimum lot width may be reduced to one hundred thirty (130) feet. (At the building line, all lots shall meet the minimum width prescribed for that district.)

C. Height of Structures. Except as otherwise provided in this title, no residential structure shall exceed the height limit listed below:

Kind of dwelling	**AG**	**RR**	**R1**	**R2**	**R3**	**RMH**	**C1**	**C2**	**C3**	**C4**	**I1**
Single-family	25	25	25	25	25	NP	25	25	NP	25	25
Two-family	NP	NP	NP	35	35	NP	35	35	NP	35	35
Multifamily	NP	NP	NP	NP	35	NP	45	35	NP	45	45
(NP - not permitted in that district)											

D. Minimum Yard Size. The following are minimum yard sizes, except as otherwise provided in this title:

1. Front Yard. The minimum depth of the front yard for a lot abutting a primary or secondary street is sixty (60) feet. The minimum depth of front yard for a lot abutting a collector street is forty (40) feet. The minimum depth of a front yard for a lot abutting a local or a frontage street is forty (40) feet in the RR district and twenty-five (25) feet in all other districts.

2. Rear Yard. The minimum depth of the rear yard for single-family dwellings is twenty (20) feet. The minimum depth of the rear yard for two-family and multifamily dwellings is fifteen (15) feet.

3. Side Yard. The minimum width of each side yard is ten percent of the lot width. In no instance shall the width of each yard be less than eight feet nor need not be more than twenty-five (25) feet.

E. Ground Floor Area. No dwelling may be established or erected so that its ground floor area, in square feet, is less than that prescribed for the district as follows:

FLOOR AREA OF LIVING SPACE IN SQUARE FEET PER DWELLING UNIT

Kind of dwelling	AG	RR	R1	R2	R3	RMH*	C1	C2	C4	I1
One-story dwellings:										
Single-family	960	960	960	960	960		960	960	960	960
Two-family	NP	NP	NP	720	720		720	720	720	720
Multifamily	(Same as two-family for first two dwelling units plus four hundred square feet per additional dwelling unit.)									
More than one story:										
Single-family	960	960	960	960	960		960	960	960	960
Two-family	NP	NP	NP	720	720		720	720	720	720
Multifamily	(Same as two-family for first two dwelling units plus four hundred square feet per additional dwelling unit on the ground flood level.)									

* For mobilehome requirements see Chapter 17.56.

F. Maximum Lot Coverage. The residential buildings on a lot may not exceed in coverage the following percentages of total lot area.

Kind of dwelling	AG	RR	R1	R2	R3	C1	C2	C4	I1
Single-family	35	20	35	35	35	35	35	35	35
Two-family	NP	NP	NP	35	35	35	35	35	35
Multifamily	NP	NP	NP	NP	35	50	50	50	50

G. Setbacks. Vision clearance at intersections; at the intersection of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are fifteen (15) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of three and twelve (12) feet above the established grade. (Ord. 91-19 § 1; Ord. 83-12 § 14(B))

17.20.040 Residential uses—Additional provisions.

Other provisions for residential uses are as follows:

A. Area and Width. A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the county recorder at the time of passage of the ordinance codified in this title even though the lot does not have the minimum lot width or the minimum lot area specified for the district.

B. Rear Yard. One-half of an alley abutting the rear lot may be included in the required rear yard.

C. Accessory Structures and Buildings. Accessory structures or buildings which are customarily accessory to specified principal uses for the zoning district in which they are located shall be permitted subject to the following regulations:

1. Accessory structures or buildings which are attached to a principal use building shall be considered a part of the principal building and shall be subject to all applicable requirements of the district in which located.

2. Accessory structures or buildings which are not attached to a principal use building or structure shall not be placed in any front yard space. Such structures or buildings may be placed in side yard or rear yard spaces, provided they are located no closer than three feet from side and rear lot lines (this includes satellite dishes and supporting structures). In addition, accessory structures and buildings shall not be placed in front of front wall or in the front yard of any single-family residential uses in the RR and AG districts.

3. Accessory structures or buildings may not be erected prior to the principal building.

D. Accessory Uses. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, lattice-work screens, hedges or walls may be located in a required side or rear yard when they do not exceed seven feet in height and in a required front yard when they do not exceed four feet in height; provided, however, that nothing contained in this title shall be deemed to prohibit the construction or maintenance of a fence of any height in connection with an agricultural use. Trees, shrubs, flowers or plants are permitted in any required front, side or rear yard, subject to vision clearance requirements.

E. Front Yard.

1. Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, however, if there are no other buildings within three hundred thirty (330) feet of the proposed building in either direction, then the standard setback for the district shall apply.

2. Front yard or building setback lines established in recorded subdivisions establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive as provided in Section 17.04.030.

3. On through and corner lots, a front yard is required on each street.

4. The front yards of all lakefront lots shall be determined by the distance from the legally established high water mark, if it has been established, or from water's edge to the nearest surface or point of the building or structure to be erected upon the lot. On all lakefront lots, no building or structure, except a boathouse, shall be constructed or erected

with a water side setback less than the front yard requirement of the district in which the lot is located or the average setback of existing similar buildings or structures within two hundred (200) feet on each side of the property; provided, however, in no event shall any building or structure be constructed or erected so as to obstruct the waterfront view of the occupants of adjacent existing dwellings facing the waterfront.

F. Projections Into Yards.

1. Architectural features (cornice, eave, sill, canopy or similar feature) may extend or project into a required side yard not more than two feet and may extend or project into a required front yard or rear yard not more than thirty-six (36) inches. Chimneys may project into any required yard not more than two feet, provided that the width of any side yard is not reduced to less than three feet thereby.

2. An open platform or landing which does not extend above the level of the first floor of the building may extend or project into any required front or side yard not more than four feet or into any required rear yard not more than twenty-five (25) percent of the required rear yard depth.

G. Tapered Yard. Where a reversed interior lot abuts a corner lot, or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear line toward the front line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case, closer than five feet.

H. Height. In the districts limiting height to twenty-five (25) feet, a multifamily dwelling may be increased in height not to exceed thirty-five (35) feet, provided the required side yards are increased an additional two feet for each foot such structure exceeds twenty-five (25) feet in height. (Ord. 83-12 § 14(C))

17.20.050 Uses requiring special exceptions.

The uses listed in Table 1 (Section 17.16.040) are subject to the standard setbacks for residential uses in the various districts unless otherwise specified in Table 19 (Section 17.60.060). (Ord. 85-5 § 1; Ord. 83-12 § 14(C))

17.20.060 Table 2—Lot area by district.

TABLE 2

LOT AREA IN SQUARE FEET PER DWELLING UNIT BY DISTRICT

Kind of Dwelling	Lot Area in Square Feet by Dwelling													
	AG	RR	R1	R2	R3	RMH*	C1	C2	C3	C4	I1	I2	I3	FP
Single-family dwelling where no utility systems are installed	43,560	43,560	20,000	20,000	20,000	N/A*	20,000	20,000	N/A	20,000	20,000	N/A	N/A	N/A
Single-family dwelling where a sanitary system is installed and utilized	43,560	43,560	14,000	14,000	14,000	---	12,000	12,000	---	12,000	12,000	---	---	---
Single-family dwelling where an approved public water supply is installed and utilized	43,560	43,560	14,000	14,000	14,000	---	14,000	14,000	---	14,000	14,000	---	---	---
Single-family dwelling where both sanitary and water systems are installed and utilized	43,560	43,560	12,000	12,000	12,000	---	12,000	12,000	---	12,000	12,000	---	---	---
When a storm sewer is installed deduct square feet from above as follows	---	---	1,000	1,000	---	---	1,000	1,000	---	1,000	1,000	---	---	---
Two-family dwelling where no utility systems are installed	---	---	---	15,000	15,000	---	15,000	15,000	---	15,000	15,000	---	---	---

* For RMH requirements see Chapter 17.56.VV

TABLE 2 (continued)

LOT AREA IN SQUARE FEET PER DWELLING UNIT BY DISTRICT

Kind of Dwelling	Lot Area in Square Feet by Dwelling													
	AG	RR	R1	R2	R3	RMH*	C1	C2	C3	C4	I1	I2	I3	FP
Two-family dwelling where a sanitary system is installed and utilized	---	---	---	12,000	12,000	---	12,000	12,000	---	12,000	12,000	---	---	---
Two-family dwelling where an approved public water supply is installed and utilized	---	---	---	13,500	13,500	---	13,500	13,500	--	13,500	13,500	---	---	---
Two-family dwelling where both sanitary and water systems are installed and utilized	---	---	---	10,500	10,500	---	10,500	10,500	---	10,500	10,500	N/A	N/A	N/A
When a storm sewer is installed deduct square feet from above as follows	---	---	---	1,000	1,000	---	1,000	1,000	---	1,000	1,000	---	---	---
Multifamily dwelling where no utility systems are installed	---	---	---	13,500	13,500	---	13,500	13,500	---	13,500	13,500	---	---	---
Multifamily dwelling where a sanitary system is installed and utilized	---	---	---	11,000	11,000	---	11,000	11,000	---	11,000	11,000	---	---	---

TABLE 2 (continued)

LOT AREA IN SQUARE FEET PER DWELLING UNIT BY DISTRICT

Kind of Dwelling	Lot Area in Square Feet by Dwelling													
	AG	RR	R1	R2	R3	RMH*	C1	C2	C3	C4	I1	I2	I3	FP
Multifamily dwelling where an approved public water supply is installed and utilized	---	---	---	12,000	12,000	---	12,000	12,000	---	12,000	12,000	---	---	---
Multifamily dwelling where both sanitary and water systems are installed and utilized*	---	---	---	9,000	9,000	---	9,000	9,000	---	9,000	9,000	---	---	---
When a storm sewer is installed deduct square feet from above as follows	---	---	---	1,000	1,000	---	1,000	1,000	---	1,000	1,000	---	---	---

* For a multifamily development to be located on a lot containing not less than 25,000 square feet in an R3 district, the minimum lot size in square feet per dwelling unit shall be 3,500 when served with storm and sanitary sewer and a community water supply system.

(Ord. 83-12 (part))

Chapter 17.24

PLANNED UNIT DEVELOPMENTS

Sections:

17.24.010	Definitions.
17.24.020	Applicability.
17.24.030	Development standards.
17.24.040	Application procedures—Materials.
17.24.050	Application—Public hearing—Notice.
17.24.060	Application review by technical advisory committee.
17.24.070	Public hearing.
17.24.080	Legislative consideration of PUD district.
17.24.090	Application to be in compliance with statutory requirements.
17.24.100	Evaluation.
17.24.110	Conditions and commitments.
17.24.120	Amendment procedures.
17.24.130	Form of PUD district ordinance.
17.24.140	Compliance with other provisions.

17.24.010 Definitions.

For purposes of this chapter, the following terms shall have the meanings specified:

"Applicant" means the person(s) or entity(ies) who file(s) an application for rezoning of a parcel of real property as a PUD district pursuant to this chapter, who must be the record owner(s) of the subject parcel of real property. The holder(s) of a written option to purchase such real property or the buyer(s) under a legally enforceable written purchase contract for such real property shall be deemed to be the owner(s) thereof.

"Development requirements" means the standards and requirements applicable to the development of a parcel of real property in a PUD district as set forth in this chapter and the PUD district ordinance.

"Interested parties" means the owners of real property that is contiguous to the parcel(s) of real property for which an application for rezoning as a PUD district has been filed. However, notwithstanding the foregoing, if the parcel(s) of real property for which the PUD application has been filed abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, are interested parties who must receive notice.

"Planned unit development (PUD)" means the development of an area of land as a single development scheme which combines a mixture of uses, including residential, business, professional and/or light industrial, and which may not correspond to the developmental standards otherwise required for such uses by other provisions of the Porter County zoning ordinances, such as lot size, bulk, building or dwelling type, density, lot acreage or open space requirements.

"PUD district" means a zoning district classification established for real property pursuant to a PUD district ordinance adopted as set forth in this chapter.

"PUD district ordinance" means an ordinance which effectuates a change in the zoning map of Porter County in order to designate a parcel of real property as a PUD district and which:

1. Specifies the uses or range of uses permitted in that PUD district;

2. Specifies the development requirements applicable in that PUD district;

3. Specifies the plan documentation and supporting information that may be required before an improvement location permit may be issued for that PUD district;

4. Specifies any limitations applicable to that PUD district; and

5. Is adopted in accordance with the requirements of I.C. Section 36-7-4-1500 series and this chapter.

"Site improvement plan" means a development plan indicating the schematic design of the entire PUD and which delineates the information specified in Section 17.24.040.

All other terms not defined above shall have the meanings set forth in the Porter County zoning ordinance, unless this chapter expressly indicates otherwise. (Ord. 96-50 § 1)

17.24.020 Applicability.

A. Exclusive Means. The adoption of a PUD district ordinance in compliance with I.C. Section 36-7-4-1500 series and this chapter is the exclusive means for establishing and developing a planned unit development in Porter County.

B. Existing Planned Unit Developments or Planned Residential Developments. A planned unit development or planned residential development (as previously defined in Ordinance 95-10, Master Plan of Subdivision Control, Public Facilities and Enforcement of Porter County, Indiana, adopted June 5, 1995 ("subdivision control ordinance")), established and approved under former Section 308 of the subdivision control ordinance or a predecessor ordinance and existing as of the effective date of the ordinance codified in this chapter, or for which all required approvals under former Section 308 of the subdivision control ordinance shall have been received prior to the effective date of said ordinance, shall be deemed a permitted nonconforming use. Any expansion of such development involving the enlargement of the buildings, structures and/or land area devoted to such use shall be subject to the procedures set forth in this chapter. (Ord. 96-50 § 2)

17.24.030 Development standards.

A. Permitted PUD Districts. A PUD district may only be established for parcels of real property whose original zoning classification is AG, RR, R1, R2 or R3 at the time that the application for establishment of a PUD district is filed.

B. Permitted Uses. The uses permitted in a PUD district are as follows: any residential use otherwise permitted in RR, R1, R2 or R3 districts; any business or professional use otherwise permitted in C1, C2 or C3 districts; and any light industrial use permitted in I1 districts. A PUD may include any number of the foregoing permitted uses in any combination, as approved in the PUD district ordinance.

C. Minimum Residential Uses Developmental Standards. All residential uses in a PUD district shall, at a minimum, meet the developmental standards applicable in the R3 district for: lot area; lot coverage; floor area; front, rear and side yard setbacks and other yard size requirements; lot size; lot width; building height; accessory buildings; accessory uses; and parking.

D. Minimum Business Uses Developmental Standards. All business uses in a PUD district

shall, at a minimum, meet the developmental standards applicable in the C1 district for: lot area; lot coverage; floor area; front, rear and side yard setbacks and other yard size requirements; lot size; lot width; building height; parking; vision clearance; loading and unloading berths; screening; and waste discharge.

E. Minimum Industrial Uses Developmental Standards. All industrial uses in a PUD district shall, at a minimum, meet the developmental standards applicable in the I1 district for: lot area; lot coverage; floor area; front, rear and side yard setbacks and other yard size requirements; lot size; lot width; building height; parking; vision clearance; loading and unloading berths; screening; waste discharge; and noise, smoke and odor emissions.

F. Other Developmental Standards. All uses in a PUD district, whether residential, commercial or industrial, shall, at a minimum, be subject to the advertising and miscellaneous sign requirements applicable to R3 districts as set forth in Chapter 17.52, as amended. In addition, all uses in a PUD district shall, as applicable, be subject to the following requirements: lowlands provisions, as set forth in Section 17.04.070(C), as amended; regulated drains provisions, as set forth in Section 17.04.070(D), as amended; and floodplains provisions, as set forth in Section 17.04.070 (E), as amended.

G. Covenants. Any covenants or restrictions applicable to a PUD shall, at a minimum, contain adequate provision for some type of organization (e.g., homeowners' association) with direct responsibility to and control by the property owners in the PUD to provide for the operation and maintenance of any and all private common facilities jointly owned and/or shared by such property owners.

H. Private Streets. For any private streets established in the PUD, the following procedure shall be followed:

1. Construction Standards. All private street right-of-way and pavement shall be constructed in conformance with the minimum street specifications pursuant to Chapter 12.04, as amended, or its then-current successor ordinance.

2. Posting. At or near the entrance of each intersection of a private street with a dedicated public street, there shall be erected and maintained by the applicant or organization a sign post to which is attached a sign having an area of at least fifteen (15) inches by twenty-one (21) inches upon which is clearly printed and legible in at least two-inch letters the name of the private street and the words "PRIVATE STREET." The words, letters and figures of the sign shall be arranged in substantially the following manner:

(NAME OF STREET)
PRIVATE STREET

3. Maintenance. All private streets shall be maintained by the owners of property contiguous or adjacent thereto or by a private organization (e.g., homeowners' association) with direct responsibility to and control by the property owners in the PUD, established by recorded covenants applicable to the PUD, in such a manner that adequate access by vehicular traffic is provided at all times so that fire, police, health and sanitation vehicles and public utility vehicles can serve the properties contiguous or adjacent thereto and so that said vehicles will have adequate turning area.

I. Public Streets. Where public streets are required by the comprehensive master plan, the thoroughfare plan ordinance, or as other-

wise required by the PUD district ordinance, they shall be dedicated and constructed in conformance with the minimum street specifications prescribed by the thoroughfare plan ordinance.

J. Variances from Developmental Requirements. In establishing a particular PUD district, the county legislative body shall have the authority to grant variances from any of the development requirements set forth in this chapter as the legislative body shall deem appropriate upon considering the health, safety, convenience, welfare and harmonious development of the proposed PUD and the surrounding community; provided, that any such variances shall be specifically set forth in the PUD district ordinance establishing that particular PUD district. In making its written certification to the legislative body under Section 17.24.070, the plan commission may recommend to the legislative body the approval of variances as deemed appropriate by the plan commission. (Ord. 96-50 § 3)

17.24.040 Application procedures—Materials.

The applicant proposing to develop a parcel of real property as a PUD shall submit an application with the executive secretary of the plan commission. The applicant shall be required to submit four copies of a site improvement plan, as well as supporting documents, demonstrating compliance with the development requirements of this chapter and/or any requested variances therefrom. The site improvement plan shall contain the information and data specified for the submittal of a primary plat as set forth in the subdivision control ordinance. (Ord. 96-50 § 4.1)

17.24.050 Application—Public hearing—Notice.

Upon receipt of an application, the executive secretary of the plan commission shall establish a date and time for a public hearing on the proposal, which shall be at a meeting of the plan commission not less than twenty (20) days nor more than sixty (60) days after the date on which the application is filed. The executive secretary shall publish notice of the date, time and place of the public hearing by publication under I.C. Section 5-3-1. The notice must:

A. State the time and place of the hearing;

B. Describe the geographic area that is the subject of the proposed zone map change to the PUD district (a metes and bounds identification of real property is not required);

C. State the current zoning district classification(s) of the described geographic area and that the application seeks to have the described geographic area rezoned to a PUD district classification;

D. Identify the place where a copy of the PUD application proposal is on file for examination before the hearing;

E. Contain a statement that written objections to the PUD application proposal that are filed with the executive secretary before the hearing will be considered;

F. Contain a statement that oral comments concerning the proposal will be heard at the public hearing; and

G. Contain a statement that the hearing may be continued from time to time as may be necessary.

The applicant shall also be required to provide written notice of the public hearing to all interested parties by registered or certified mail not less than ten days prior to the date set

for the public hearing. The applicant shall be required to provide proof of delivery of such written notice by filing appropriate return receipts with the executive secretary at or before the time the public hearing is held. (Ord. 96-50 § 4.2)

17.24.060 Application review by technical advisory committee.

Upon setting the date for the public hearing, the executive secretary shall refer the application materials to the technical advisory committee ("TAC") for consideration at its next meeting, prior to the public hearing. The executive secretary shall notify the applicant of the date and time for the meeting of the TAC. The TAC shall review the application materials in light of the requirements of this chapter and shall make a report to the plan commission for its consideration during the public hearing. (Ord. 96-50 § 4.3)

17.24.070 Public hearing.

At the public hearing, the plan commission shall consider the criteria set forth in Section 17.24.100(A). At the conclusion of the public hearing, the plan commission shall make a recommendation to the legislative body as to whether the proposed PUD district rezoning proposal should be approved. The plan commission may issue a favorable recommendation, an unfavorable recommendation, or no recommendation, and shall certify such recommendation in writing to the legislative body within ten days after it makes its determination. (Ord. 96-50 § 4.4)

17.24.080 Legislative consideration of PUD district.

At its first regular meeting after receiving the written recommendation from the plan commission as set forth in Section 17.24.070 (or at any subsequent meeting within ninety (90) days after receipt of the written recommendation), the legislative body shall consider whether to adopt the PUD district ordinance. The legislative body shall give notice under I.C. Section 5-14-1.5-5 of its intention to consider the PUD district rezoning proposal. If the legislative body adopts the proposal as certified, then the legislative body shall certify its adoption of the PUD district ordinance in writing to the plan commission, and the PUD district ordinance becomes effective as set forth in the PUD district ordinance. If the legislative body rejects the proposal, the proposal is defeated. If the legislative body fails to adopt or reject the proposal within ninety (90) days after receiving the plan commission's written recommendation, then:

A. If the plan commission certified a favorable recommendation, the legislative body shall notify the plan commission in writing of the adoption of the PUD district ordinance hereunder, and the PUD district ordinance proposal becomes effective on the one hundredth day after the date on which the plan commission delivered its certified recommendation to the legislative body; or

B. If the plan commission certified an unfavorable recommendation or no recommendation, the proposal is defeated.

The vote of the legislative body in considering a PUD district rezoning proposal hereunder shall be effective as set forth in I.C. Section 36-7-4-609. (Ord. 96-50 § 4.5)

17.24.090 Application to be in compliance with statutory requirements.

The application procedures set forth in Sections 17.24.040 through 17.24.080 are intended to be in compliance with I.C. Section 36-7-4-1505(c), as amended. In the event of any conflict between the procedures set forth in said sections and the provisions of I.C. Section 36-7-4-1505(c), as amended, the provisions of I.C. Section 36-7-4-1505(c), as amended, shall be controlling and shall be deemed to supersede the provisions of this chapter to the extent of such conflict. (Ord. 96-50 § 4.6)

17.24.100 Evaluation.

A. Evaluation Criteria. In considering a PUD district rezoning proposal, the plan commission, in conducting the public hearing set forth in Section 17.24.070, and the legislative body under Section 17.24.080, shall consider:

1. The compatibility of the proposed PUD with surrounding land uses, including without limitation:

a. The existing and potential uses of adjoining lands for the uses permitted in the district, and

b. The current trends of development of lands in the vicinity;

2. The effect of the proposed PUD on the natural features of the site to be utilized and the adjoining lands;

3. The availability and coordination of water, sanitary sewers, stormwater drainage and other utilities;

4. Management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community, so as to ensure that:

a. The design and location of existing and proposed street and highway access points minimize safety hazards and congestion,

b. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the proposed PUD,

c. The entrances, streets and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments;

5. Building setback lines;

6. Building coverage;

7. Building separation;

8. Vehicle and pedestrian circulation;

9. Parking;

10. Landscaping;

11. Height, scale, materials and style of improvements;

12. Signage;

13. Recreation space, including publicly and/or privately dedicated parks and open spaces;

14. Outdoor lighting; and

15. Publicly dedicated spaces or uses.

B. Written Recommendations by Plan Commission. In certifying a written recommendation to the legislative body following a public hearing under Section 17.24.070, the plan commission shall specify its recommendations concerning the development requirements that should be applicable to the proposed PUD district in light of the development standards set forth in Section 17.24.030 and the plan commission's consideration of the criteria set forth in subsection A of this section.

C. Development Requirements in PUD District Ordinance. In adopting a PUD district ordinance under Section 17.24.080, the legislative body shall specify in detail in the PUD

district ordinance the development requirements that will be applicable in such PUD district, in light of the development standards set forth in Section 17.24.030 and the legislative body's consideration of the criteria set forth in subsection A of this section. (Ord. 96-50 § 5)

17.24.110 Conditions and commitments.

A. Powers of Legislative Body. When adopting or amending a PUD district ordinance, the legislative body may:

1. Impose reasonable conditions on the proposed planned unit development;

2. Condition issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement in or serving a planned unit development; or

3. Allow or require an applicant to make a written commitment in the manner authorized under I.C. Section 36-7-4-615, as amended.

B. Powers of Plan Commission. When recommending the adoption of a PUD district ordinance to the legislative body, the plan commission may:

1. Impose reasonable conditions on the proposed planned unit development;

2. Condition issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement in or serving a planned unit development; or

3. Allow or require an applicant to make a written commitment in the manner authorized under I.C. Section 36-7-4-615, as amended. (Ord. 96-50 § 6)

17.24.120 Amendment procedures.

Any amendments to a PUD district ordinance shall be subject to the same application and approval procedures that apply to initial PUD submissions as contained in Sections 17.24.040 through 17.24.090. The approval of the amendment by the legislative body under Section 17.24.080 shall be final, and the amended PUD district ordinance shall be effective upon the approval of the legislative body except as may otherwise be set forth in the amended PUD district ordinance. (Ord. 96-50 § 7)

17.24.130 Form of PUD district ordinance.

A. Incorporation of Site Improvement Plan. The PUD district ordinance shall incorporate by reference the site improvement plan and/or plat applicable to the PUD.

B. Written Text. The PUD district ordinance shall specify in writing the development requirements applicable to the PUD, which development requirements include, without limitation: any plan documentation or supporting information that must be supplied before an improvement location permit may be issued for development of real property in the PUD district; any applicable modifications to the site improvement plan incorporated by reference into the PUD district ordinance; any required conditions which must be met before an improvement location permit can be issued; and whether a written commitment from the applicant is required, and if so, the terms of such written commitment. (Ord. 96-50 § 8)

17.24.140 Compliance with other provisions.

A. Applicability of Other Ordinances. Nothing in this chapter is intended to relieve any applicant or exempt any PUD or PUD district from compliance with any and all other applicable ordinances of Porter County, as they may be amended from time to time.

B. Applicability of Subdivision Control Ordinance. The adoption of a PUD district ordinance as specified herein establishes only a PUD district zoning classification and the authority to construct a PUD in compliance with the PUD district ordinance. The procedure for platting for subdivision any parcel of real property that has been zoned as a PUD district hereunder remains at all times subject to the provisions of the subdivision control ordinance. (Ord. 96-50 § 9)

Chapter 17.28

BUSINESS USES AND REQUIREMENTS

Sections:

17.28.010 Permitted uses.
17.28.020 Table 3—Business use requirements.

17.28.010 Permitted uses.

A. The business uses specified in Table 1 (Section 17.16.040) are permitted in the districts shown in said Table 1, when complying with the requirements specified in Table 3 (Section 17.28.020), subject also to the provisions of this chapter,

B. Other provisions and requirements for business uses are as follows:

1. Plans for the erection or structural alteration of a gas station and public parking area shall be approved by the commission. The commission may require such changes therein with respect to yards, locations of driveways, pumps and buildings as it may deem best suited to insure safety, minimize traffic hazards and safeguard adjacent properties.

2. Parking spaces as set forth in Chapter 17.48, shall be provided on the lot, or within three hundred (300) feet thereof, on a site approved by the board. Parking is permitted in the required front yard in a C1, C2, C3, C4 or I1 district.

3. Groups or uses requiring parking space may join in establishing group public parking area.

4. Gas station driveways and similar use areas subject to vehicular traffic shall be paved with a dustproof or hard surface.

5. One-half of an alley abutting the rear of a lot may be included for loading and unloading berths.

6. Loading and unloading berths as set forth in Chapter 17.48, shall not be required for business uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.

7. Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block. If there are no buildings within three hundred thirty (330) feet of the proposed building in either direction on the same side of the road, the standard setback for the district shall apply.

8. All nonresidential uses are subject to the following screening and fencing regulations when abutting a residential district:

a. Commercial.

i. Retail: wire mesh (or solid) fence six feet high, two feet wide planted screen, except with a solid fence; screen must be located on the inside of fence.

ii. Height of the screen planting at the time of planting shall be half the size of the fence. This requirement applies to all fencing (commercial and industrial).

iii. Wholesale: four feet high wire mesh or solid fence and four feet high, two feet wide planted screens; screen must be located on the inside of fence.

iv. Manufacturing: six feet high wire mesh or solid fence with six feet high, three feet wide planted screen; screen must be located on the inside of fence.

v. Service: six feet high, three feet wide planted screen.

b. Industrial.

i. Light industry: six feet high, three feet wide planted screen must be located on the inside of the fence.

ii. General industry: six feet wire mesh or solid fence; six feet high, three feet wide planted screen; planted screen must be located on the inside of fence.

iii. Heavy industry: six feet wire mesh or solid fence; six feet high, four feet wide planted screen; planted screen must be located on the inside of fence.

c. Utilities. Substations: six feet high wire mesh fence.

d. Sanitary landfill: six feet solid painted fence. All fencing and screening required herein shall be maintained at all times.

8. The maximum building height requirement in Table 3 (Section 17.28.020) may be increased if buildings are set back from front and rear property lines one foot for each two feet of additional height above the maximum building height requirement.

9. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

10. No business operation or activity shall discharge or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the proper regulatory agency, of the state of Indiana, or the regulations promulgated thereunder. Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be submitted to and approval obtained from, the state of Indiana.

11. Any division of land zoned for commercial or industrial use, whereunder the owner continues to own contiguous land and retains a leasehold interest in the divided land together with a right to reacquire legal title, shall not constitute a subdivision provided all of the contiguous parcels in which the owner holds an interest are used for other development and performance requirements of the master plan, the entire parcel in which the owner holds an interest shall be treated as one parcel. (Amended during 1997 codification; Ord. 95-10 § 309; Ord. 83-23 § 1 (part); Ord. 83-12 § 15)

17.28.020 Table 3—Business use requirements.

TABLE 3

BUSINESS USE REQUIREMENTS

DISTRICT	C1	C2	C3	C4
* Minimum front yard in feet:				
Abutting arterial/secondary street	60	60	60	60
Abutting feeder street	40	40	40	40
Abutting residential street	25	25	25	25
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a residential district	5	5	5	5
Minimum lot size in feet	5,000	10,000	6 acres	10,000
Minimum side yard in feet where a commercial district adjoins a residential district within a block	10	10	10	10
Minimum side yard in blocks not including a residential district	0	0	0	0
Maximum building height in feet	35	35	35	35
Minimum lot width in feet	60	80	330	80
Minimum rear yard in feet	15	15	15	15
Maximum lot coverage in percent of lot	75	75	75	75
Vision clearance on corner lots required	Yes	Yes	Yes	Yes
	(see definition of Vision Clearance, Section 5)			

* Parking is permitted in the front yard in C1, C2, C3 and C4 districts. See Table 19 (Section 17.60.060) for the requirements for the C3 shopping center district.

(Ord. 83-12 (part))

Chapter 17.32

SHOPPING CENTER DISTRICT

Sections:

17.32.010 Requirements and procedures.

17.32.010 Requirements and procedures.

The business uses listed in Table 1 (Section 17.16.040) are permitted in the C3 shopping center district subject to compliance with the following requirements and procedures:

A. The tract of land involved shall be of an area of not less than six acres.

B. The owner or owners of such tract of land shall have obtained approval of the commission in accordance with the requirement standards specified in Table 19 (Section 17.60.060).

C. Any person receiving approval for a shopping center pursuant to Chapter 17.72 who fails to commence construction within twenty-four (24) months after such approval is given, or who fails to carry to completion thirty (30) percent of the total development plan thereof within three years after such approval is given, or within one year after such construction has begun, whichever is later, or who fails to conform to the provisions of the development plan and supporting data finally approved by the commission, may be required by the commission upon its own motion or upon the written petition of any aggrieved person, to show cause why such approval should not be withdrawn; provided, however, that no such order to show cause shall be issued for failure to commence construction within twenty-four (24) months after such construction has in fact commenced even though commenced after the expiration of such twenty-four (24) month period.

1. Upon the determination by the commission or petition by such person to require the holder of such approval to show cause pursuant to the provisions of this subsection, the commission shall set the same for public hearing and cause written notice thereof to be sent by registered mail to the holder of such approval and to be published according to law. Such notice shall name a day not less than ten days after the date such notice is mailed and after the publication of notice of the date when such hearing will be held.

2. If, after such hearing, upon evidence publicly presented to the commission by members of the public or officers or employees of the county, including members of the commission, present in person at such hearing, the commission shall find that the holder of such approval in question has failed to commence construction of the shopping center within twenty-four (24) months from the date the approval was given, has failed to carry to completion thirty (30) percent of the total development plan within three years after said date, or has failed materially to conform to the provisions approved by the commission and upon the basis of which such approval was given, the commission shall withdraw its approval of such development plan; provided, however, that the commission may, if it deems such failure correctable within a period of six months, extend the time within which the holder of such approval may purge himself of such failure for not longer than such period, during which period such hearing shall be continued to a day certain at the end thereof.

D. In the event the commission shall revoke the approval under the authority of sub-

section C of this section, it may thereafter grant approval for another shopping center development in the same C3 district subject to all of the provisions of requirements of this title.

E. The holder of such approval for a shopping center may apply to the commission at any time for an alteration, change, amendment or extension of the development plan upon which such approval is based.

1. Upon receipt of such application, the commission shall proceed as in the case of original applications for an approval.

2. In the event the commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the executive secretary who shall issue an amended improvement location permit accordingly. (Ord. 83-12 § 16)

Chapter 17.36

INDUSTRIAL USES AND REQUIREMENTS

Sections:

17.36.010	Definitions.
17.36.020	Uses and requirements generally.
17.36.030	Table 4—Industrial uses and requirements.
17.36.040	Light industry.
17.36.050	General industry.
17.36.060	Heavy industrial.
17.36.070	Parking requirements.
17.36.080	Loading and unloading berths.
17.36.090	Additional provisions.

17.36.010 Definitions.

For the purpose of this chapter, certain terms and words shall be interpreted and defined as follows:

"Decibel" means a unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

"Flash point" means the lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the close cup method.

"Footcandle" means a unit of illumination. It is the equivalent to the illumination at all points which are one foot distant from a uniform point source of one candlepower.

"Free burning" means a rate of combustion described by a material which burns actively and easily supports combustion.

"Intense burning" means a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

"Moderate burning" means a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

"Octave band" means all of the frequencies from one given frequency to a second. In sound octave bands, the second frequency is usually twice the first one.

"Octave band filter" means an electrical device which separates the sounds in each octave band and presents them to the sound level meter.

"Particulate matter" means finely divided liquid or solid material which is discharged and carried along in the air.

"Residence district" means a district designated primarily for residential use in this title or in a zoning ordinance in effect in any incorporated city or town in the county.

"Resultant displacement" means the maximum amount of motion in any direction and shall be determined by means of any three component (simultaneous) measuring system approved by the commission.

"Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of grey for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann No. 0.

"Slow burning" or "incombustible" means materials which do not in themselves constitute an active fuel for the spread of combus-

tion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of one thousand two hundred (1,200) degrees Fahrenheit.

"Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.

"Smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

"Three component measuring system" means instrumentation which can measure earthborne vibrations in three directions, that is, vibration occurring in a horizontal as well as a vertical plane.

"Vibration" means oscillatory motion transmitted through the ground. (Ord. 83-12 § 17(D))

17.36.020 Uses and requirements generally.

The industrial uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Table 1 (Section 17.16.040), in accordance with the specifications of Table 4 (Section 17.36.030) and the requirements of this chapter.

A. No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically licensed by the board of county commissioners of Porter County, and then only in the I2 and I3 districts. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal and the State Administrative Building Council. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellents and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives, pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonidas; percholorates, chlorates and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

B. The restrictions of this chapter shall not apply to: (1) the activities of the site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (2) the operation of motor vehicles or other facilities for the transportation of personnel, material or products; (3) conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (4) safety or emergency warning signals or alarms necessary for the protection of life,

limb or property; or (5) processes for which there are no known means of control shall be exempted from these provisions. Research shall be promptly conducted to discover methods of control leading to installation of corrective equipment.

Any division of land zoned for commercial or industrial use, whereunder the owner continues to own contiguous land and retains a leasehold interest in the divided land together with a right to reacquire legal title, shall not constitute a subdivision provided all of the contiguous parcels in which the owner holds an interest are used for a single purpose. In applying the area, bulk, height, setback and other development and performance requirements of the master plan, the entire parcel in which the owner holds an interest shall be treated as one parcel.

C. The performance standards applicable to the district in which an operation or facility is located shall be used in determining the compliance or noncompliance of the operation or facility with such standards. (Ord. 83-23 § 1 (part); Ord. 83-12 § 17(A)—(C))

17.36.030 Table 4—Industrial uses and requirements.

TABLE 4

INDUSTRIAL USES AND REQUIREMENTS

	TYPES OF USES		
REQUIREMENTS	I1—LIGHT INDUSTRIAL	I2—GENERAL INDUSTRIAL	I3—HEAVY INDUSTRIAL
Minimum front yard in feet[1]	Abutting: Arterial street.....60 Feeder street.....40 Residential street.....25	Same as light industrial	Same as light industrial
Minimum lot size in square feet	20,000	1 acre	1 acre
Minimum lot width in feet	100	160	160
Minimum side yard required in feet where the industrial use adjoins a residential district	30	30	30
Minimum side yard in feet	6	6	6
Minimum rear yard in feet	15	15	15
Maximum building height[2] in feet	C4.....35 I1.....75	75	225
Maximum lot coverage in percent of lot	75	75	75
Vision clearance on corner lot required	Yes	Yes	Yes

[1] Parking permitted in front yard in District I1 only

[2] See Section 17.36.060(D) for exceptions

(Ord. 83-12 (part))

17.36.040 Light industry.

A light industrial use is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading facilities; and such use conforms to the following performance standards:

A. Smoke. The emission of more than ten smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any twenty-four (24) hour period for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten smoke units, during which time snake up to and including Ringelmann No. 3 is permitted.

B. Particulate Matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per hour per acre, of which no more than ten percent by weight of particles larger than forty-four (44) microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area—thus obtaining a gross hourly emission in pounds per hour per acre of each source;

2. Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 5 and 6, set out at the end of this section, thus obtaining the net rate of emission in pounds per hour per acre of each source;

3. Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or other acceptable means.

C. Odor. No activity or operation shall permit odors to be released which shall be detectable at the lot line.

D. Toxic and Noxious Materials. The emission of toxic and noxious materials shall not exceed the quantities determined by the following formula:

$$Q = 36\ C \times 2$$

where "Q" is the maximum permitted quantity of toxic material emitted in the four-hour period having the greatest average concentration (cubic feet); "C" is the threshold limit value for toxic materials in industry (parts per million by volume) as set forth in Threshold Limit Values for Toxic Materials in Industry, 1955, issued by the Indiana State Board of Health, Division of Industrial Hygiene; "x" is the nearest distance in thousands of feet of the stack, vent, flue or other discharge point to a residence or business district boundary line

$$\frac{\text{(ft.)}}{1000}$$

When C is given as milligrams per cubic meter, multiply this figure by 0.061, place it in the above formula and obtain Q in pounds

permitted in four hours. If the material is emitted from open piles, ponds, tanks, areas, etc., the maximum permitted concentration measure at a residence district boundary line shall be ten percent of the threshold limit value C.

E. Glare and Heat. No industrial operation, activity or structure shall cause intense heat in such a manner as to be a public nuisance or hazard across lot lines. No industrial operation, activity or structure shall cause illumination at or beyond any residence district boundary in excess of 0.1 footcandle.

F. Vibration. Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earthborne vibrations in excess of the limits set forth in Column I below are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residence district boundary line, earthborne vibrations in excess of the limits set forth in Column II are prohibited. Vibration shall be expressed as resultant displacement in inches.

Frequency (Cycles per Second)	I Displacement (Inches)	II Displacement (Inches)
Below 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001

The above tabulation is for steady vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is discrete pulses which do not exceed one hundred (100) impulses per minute, shall not produce in excess of two times the displacement stipulated above.

G. Noise. At no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this title, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.

Octave Band Frequency (Cycles per Second)	I Maximum Permitted Sound Level (in Decibels) Along Residence District Boundaries	II Maximum Permitted Sound Level (in Decibels) Along Business District Boundaries
20 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
above 4800	32	39

The prescribed limits of Column I are applicable between the hours of eight a.m. and six p.m. At other times the allowable levels shall be reduced by six decibels in every octave band.

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American Standards Association. When sounds are of such short duration as to be measured accurately

with the sound-level meter, the impact noise analyzer as manufactured under standards of the American Standards Association shall be used to determine the peak value of the impact. Impacts shall meet the noise performance standards.

H. Fire Hazards. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:

The materials under this subsection shall be stored and contained by dikes, utilized or manufactured in a manner approved by the State Fire Marshal and the State Administrative Building Council.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table 7, set out at the end of this section (exclusive of storage of finished products in original sealed containers).

I. Water Pollution. No industrial operation or activity shall discharge or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the state of Indiana (Chapter 214, Acts of 1943 as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the state of Indiana.

TABLE 5

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400 and above	0.50

TABLE 6

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity Up (Feet per Second)	Correction (Pounds per Hour per Acre)
0	0
20	0.03
40	0.09
60	0.16
80	0.24
100 and above	0.50

* Note: Special Provisions: Industrial Restrictions.

The following provisions are supplemental to Section 17.36.020(B)(2).

Industrial Restrictions; Particulate Matter.

(a) No industrial operation or activity shall discharge or cause to be discharged, any contaminants unless in conformance with the provisions of the Indiana Air Pollution Control Law (Chapter 171, Acts of 1961, as amended) and the regulations promulgated thereunder,

and any applicable acts of the Federal Government.

(b) Specifically those regulations which apply to Porter County and are currently in effect are APC Regulations 1, 2, 3, 4, 5, 7 and 8.

TABLE 7

TOTAL CAPACITY OF FLAMMABLE LIQUIDS PERMITTED, GALLONS* PER TANK

Industries Engaged in Storage and Distribution of Such Materials	**Above Ground**	**Under Ground**
All NFPA** Classes	Prohibited	100,000
Industries and Farms Engaged in Utilization and Manufacture of Such Materials		
NFPA** Class 1A and 1B (Flash point less than 73°F)	5,000	50,000
NFPA** Class 1C and 2 (Flash point 73°F to 139°F)	20,000	100,000
NFPA** Class 3A and 3B (Flash point 140°F and above)	50,000	200,000

* When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed above.

** NFPA - National Fire Protection Association

Class 1A liquids include those having flash points below 73°F and a boiling point below 100°F.
Class 1B liquids include those having flash points below 73°F and a boiling point above 100°F.
Class 1C liquids include those having flash points at or above 73°F and below 100°F.
Class 2 liquids include those having flash points at or above 100°F and below 140°F.
Class 3A liquids include those having flash points at or above 140°F and below 200°F.
Class 3B liquids include those having flash points at or above 200°F.

(Ord. 83-12 § 17(E))

17.36.050 General industry.

A general industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, and land and/or buildings in this district shall be used so as to comply to the following performance standards.

A. Smoke. The emission of more than thirty (30) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any six-hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.

B. Particulate Matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per hour per acre, of which no more than ten percent by weight of particles larger than forty-four 44 microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area—thus obtaining a gross hourly emission rate per acre;

2. Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 8 and 9, set out at the end of this section, thus obtaining the net rate of emission in pounds per hour per acre of each source.

3. Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or other acceptable means.

C. Odor. No activity or operation shall permit odors to be released which shall be detectable at the lot line.

D. Toxic and Noxious Materials. The emission of toxic and noxious materials shall not exceed the quantities determined by the following formula:

$$Q = 36\ C \times 2$$

where "Q" is the maximum permitted quantity of toxic material emitted in the four-hour period having the greatest average concentration (cubic feet); "C" is the threshold limit value for toxic materials in industry (parts per million by volume) as set forth in Threshold Limit Values for Toxic Materials in Industry, 1955, issued by the Indiana State Board of Health, Division of Industrial Hygiene; "x" is the nearest distance in thousands of feet of the stack, vent, flue or other discharge point to a residence or business district boundary line

$$\frac{\text{(ft.)}}{1000}$$

When "C" is given as milligrams per cubic meter, multiply this figure by 0.061, place it in the above formula and obtain Q in pounds permitted in four hours. If the material is emitted from open piles, ponds, tanks, areas,

etc., the maximum permitted concentration measured at a residence district boundary line shall be ten percent of the threshold limit value C.

E. Glare and Heat. No industrial operation, activity or structure shall cause intense heat in such a manner as to be a public nuisance or hazard across lot lines. No industrial operation, activity or structure shall cause illumination at or beyond any residence district boundary in excess of 0.1 footcandle.

F. Vibration. Any industrial operation or activity which shall cause at any time and at any point along an I1 or business district boundary, earthborne vibrations in excess of the limits set forth in Column I below is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residence district boundary line, earthborne vibrations in excess of the limits set forth in Column II is prohibited.

Vibration shall be expressed as resultant displacement in inches.

Frequency (Cycles per Second)	I Displacement (Inches)	II Displacement (Inches)
Below 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

The above tabulation is for steady state vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed one hundred (100) impulses per minute, shall not produce in excess of two times the displacement stipulated above.

G. Noise. At no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this title, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (Cycles per Second)	I Maximum Permitted Sound Level (in Decibels) Along Residence District Boundaries	II Maximum Permitted Sound Level (in Decibels) Along Business and II District Boundaries
20 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
above 4800	32	39

The prescribed limits of Column I are applicable between the hours of eight a.m. and six p.m. At other times the allowable levels shall be reduced by six decibels in every octave band.

Sound levels shall be measured in the manner prescribed for this standard for a light industrial use.

H. Fire Hazards. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials ranging from

free or active burning to intense burning is permitted.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with Table 10, set out at the end of this section (exclusive of storage of finished products in original sealed containers).

The materials under this subsection shall be stored and contained by dikes, utilized or manufactured in a manner approved by the State Fire Marshal and the State Administrative Building Council.

I. Water Pollution. The standards governing water pollution for a light industrial use shall apply to a general industrial use.

TABLE 8

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)
50	0.02
100	0.12
150	0.20
200	0.32
300	0.60
400	1.00
500 and above	1.50

TABLE 9

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity Up (Feet per Second)	Correction (Pounds per Hour per Acre)
0	0
20	0.06
40	0.18
60	0.32
80	0.48
100 and above	1.00

* Interpolate for intermediate values.

TABLE 10

TOTAL CAPACITY OF FLAMMABLE LIQUIDS PERMITTED, GALLONS* PER TANK

	Above Ground	Below Ground
NFPA Class 1A and 1B (Flash point less than 73°F)	50,000	100,000
NFPA Class 1C and 2 (Flash point 73°F to 139°F)	150,000	300,000
NFPA Class 3A and 3B (Flash point 140°F and above)	300,000	600,000

* When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed above.

(Ord. 85-6 § 1; Ord. 83-12 § 17(F))

17.36.060 Heavy industrial.

A heavy industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes and one which will comply with the following performance standards.

A. Smoke. The average emission of more than ninety (90) smoke units per hour per stack, for all smoke stacks on the lot, and emission of smoke in excess of Ringelmann No. 3 are prohibited. However, this restriction shall not apply to fire building, soot blowing, process purging and fire cleaning which will be permitted once during any six-hour period, except that where there are more than ten smoke stacks on a lot, this provision will apply to not more than twenty (20) percent of such stacks at any one time.

B. Particulate Matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of six pounds per hour per acre, of which no more than sixty (60) percent by weight of particles larger than forty-four (44) microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made as follows:

1. Determine the emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area—thus obtaining a gross hourly emission rate per acre;

2. Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 11 and 12, set out at the end of this

section, thus obtaining the net rate of emission in pounds per hour per acre of each source;

3. Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot.

Dust and other types of air pollution, borne by wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited.

C. Odor. No activity or operation shall permit odors to be released which shall create a nuisance at a residence district boundary.

D. Toxic and Noxious Materials. The emission of toxic and noxious materials shall not produce concentrations exceeding thirty (30) percent of the threshold limit value for toxic materials in industry (parts per million by volume) as set forth in Threshold Limit Values of Toxic Materials in Industry, 1955, issued by the Indiana State Board of Health, Division of Industrial Hygiene, at a residence or business district boundary.

E. Heat and Glare. No industrial operation, activity or structure shall cause intense heat or glare in such a manner as to be a public nuisance or hazard at a residence or business district boundary.

F. Noise. At no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this title) exceed the decibel limits in the octave bands designated below.

Octave Band Frequency (Cycles per Second)	I Permitted Sound Level (in Decibels) Along Residence District Boundaries	II Permitted Sound Level (in Decibels) Along Residence District Boundaries
20 to 75	74	81
75 to 150	69	76
150 to 300	65	72
300 to 600	60	67
600 to 1200	56	63
1200 to 2400	50	57
2400 to 4800	44	51
above 4800	42	49

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

G. Fire Hazards. The storage, utilization or manufacture of solid materials ranging from incombustible to intense burning is permitted,

subject to the rules of the State Fire Marshal and the State Administrative Building Council. There shall be no quantity limitations in the I3 district of flammable liquids or gas; however, within three hundred (300) feet of an I3 district boundary, storage above ground shall not be in excess of fifty thousand (50,000) gallons* per linear one hundred (100) feet running along the district boundary line.

* When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities listed above.

H. Water Pollution. The standards governing water pollution for a light industrial use shall apply to heavy industrial uses.

TABLE 11

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)
50	0.03
100	0.18
150	0.30
200	0.48
300	0.90
400	1.50
500 and above	2.25

TABLE 12

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity Up (Feet per Second)	Correction (Pounds per Hour per Acre)
0	0
20	0.09
40	0.27
60	0.48
80	0.72
100 and above	1.50

* Interpolate for intermediate values.

(Ord. 83-12 § 17(G))

17.36.070 Parking requirements.

Each industrial use shall provide parking space as specified in Table 3 (Section 17.48.010), located on the same lot as the use, or within three hundred (300) feet on a site approved by the board. (Ord. 83-12 § 17(H))

17.36.080 Loading and unloading berths.

Each industrial use shall provide loading berths located on the same lot as the use, as specified in Table 18 (Section 17.48.030). (Ord. 83-12 § 17(I))

17.36.090 Additional provisions.

Other provisions and requirements for industrial uses are as follows:

A. Groups of uses requiring parking may join in establishing group or employee parking areas with capacity aggregating that required for each participating use.

B. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

C. The building height requirement in Table 4 (Section 17.36.030) may be increased if the buildings are set back, from the front and rear property lines, one foot for each two feet of additional height above the maximum building height requirements.

D. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

E. In the industrial districts it is permissible to erect more than one principal building on a lot. (Ord. 83-12 § 17(J))

Chapter 17.40

GREENBELT BUFFER ZONE

Sections:

17.40.010 Greenbelt required.
17.40.020 Permitted uses.
17.40.030 Screen planting.
17.40.040 Other requirements.

17.40.010 Greenbelt required.

The greenbelt, a permanent buffer zone between the I3 district and any other adjoining residence district is to be provided prior to beginning any heavy industrial use in the I3 district. (Ord. 83-12 § 18(part))

17.40.020 Permitted uses.

The following uses are permitted in the greenbelt:

A. Driveways and parking area for passenger automobiles;

B. Caretaker's residence and accessory buildings and uses;

C. Entrance gate, fence and similar installations;

D. Planting of grass, flowers, trees and shrubs. (Ord. 83-12 § 18(A))

17.40.030 Screen planting.

Where the GB adjoins a residence district, and prior to the establishment of an industrial use in the adjacent I3 district, an area with a width of at least fifty (50) feet shall be provided along and for the full length of such boundary for a planting screen, planted with trees and shrubs designed to provide a tight screen effective at all seasons of the year. (Ord. 83-12 § 18(B))

17.40.040 Other requirements.

The GB shall have a width of five hundred (500) feet unless otherwise indicated in the zone map, or when a lesser width is established by the board upon a finding that:

A. The GB occupies more than twenty-five (25) percent of the affected dimension of the lands classified in the I3 district; or

B. The zoning classification of adjacent lands in an incorporated area is industrial or commercial; or

C. The installation of a highway, waterway, or railroad will effectively provide a part of the buffer. (Ord. 83-12 § 18(C))

Chapter 17.44

AIRPORT CONTROL ZONE REGULATIONS

Sections:

17.44.010	**Definitions.**
17.44.020	**Airport zones and height limitations.**
17.44.030	**Zone height and noise sensitive zone limitations.**
17.44.040	**Use restrictions.**
17.44.050	**Future uses permitted.**
17.44.060	**Existing uses.**
17.44.070	**Nonconforming uses abandoned or destroyed.**
17.44.080	**Variances.**
17.44.090	**Hazard marking and lighting.**
17.44.100	**Enforcement.**
17.44.110	**Conflicting regulations.**

17.44.010 Definitions.

As used in this chapter, unless the context otherwise requires:

"Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

"Airport" means the Porter County municipal airport.

"Airport elevation" means the highest point of an airport's useable landing area measured in feet from mean sea level, and established to be seven hundred sixty-eight (768) feet above mean sea level (MSL).

"Airport hazard" means any structure, object of natural growth, located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or take-off at such airport or is otherwise hazardous to such landing or take-off of aircraft.

"Geographical reference point" means the airport reference point (ARP) established as a point having equal relationship to all existing and proposed landing and take-off points, as 41° 27′ 08″ N and Longitude 87° 00′ 21″ W.

Height. For the the purpose of determining the height limits in all zones set forth and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise stated.

"Heliport" means any airport designed and designated for the exclusive use of rotary wing and vertical take-off and landing (VTOL) aircraft.

Heliport primary surface. The area of the primary surface coincides in size and shape with the designated landing and take-off area of a heliport (runway). This surface is a horizontal plane at the elevation of the established heliport elevation.

"Nonconforming use" means any pre-existing building, object or natural growth, or use of land which is inconsistent with the provisions of this title or an amendment thereto.

"Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee or similar representative thereof.

"Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part

77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

"Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.

Runway, Non-Precision Instrument. "Non-precision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service military airport planning document.

Runway, Precision Instrument. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on a FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's airport planning document.

Runway, Utility. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Runway, Visual. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

"STOL primary surface" is an imaginary plane, three hundred (300) feet wide, centered on the runway. Its length extends one hundred (100) feet beyond each runway end. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline.

"Structures" means objects constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

"Trees" means any object of natural growth.

Zones. The zones established in this chapter are imaginary horizontal or inclined surfaces, in compliance with FAR Part 77, I.C. 8-21-7 as amended, and the Porter County Municipal Airport Layout Plan dated March 20, 1979. (Ord. 83-12 § 18.5(A))

17.44.020 Airport zones and height limitations.

In order to carry out the provisions of this chapter, there are created and established certain zones which include all of the land lying within the approach zones, conical zones, horizontal zone, boundary zone, noise sensitive zones, navigation zone, and transitional zones as they apply to the airport. Such zones are shown on the Porter County Municipal Airport Layout Plan consisting of seven sheets, and dated March 20, 1979, which is a part of this chapter. The various zones are defined as follows:

A. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Utility Runway Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

C. Runway Larger Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

D. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Fourths Mile, Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is a continuation of the centerline of the runway.

E. Runway Larger than Utility With a Visibility Minimum as Low as Three-Fourths Mile, Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

F. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

G. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical zone does not include the precision instrument approach zone and the transitional zones.

H. Horizontal Zone. The horizontal zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

I. Noise Sensitive Zone. These zones are established as the areas lying one thousand

five hundred (1,500) feet on either side of the extended centerline of runways for a distance of one nautical mile from the boundary of the airport. There are no slope limitations.

J. Transitional Zones. These zones are established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety (90) degree angles to the runway centerline. Transitional zones, for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zone and at ninety (90) degree angles to the extended runway centerline. (Ord. 83-12 § 18.5(B))

17.44.030 Zone height and noise sensitive zone limitations.

Except as otherwise provided in this title, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone.

An area located in more than one of the zones is considered to be only in the zone with the more restrictive height or land use limitation. The applicable zone height limitations are hereby established and described as follows:

A. Utility Runway Visual Approach Zone. Slope upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

B. Utility Runway Non-Precision Instrument Approach Zone. Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

C. Runway Larger Than Utility Visual Approach Zone. Slopes upward twenty (20) feet horizontally for each foot vertically beginning at the end and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

D. Runway Larger Than Utility With a Visibility Minimum Greater Than Three-Fourths Mile, Non-Precision Instrument Approach Zone. Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

E. Runway Larger Than Utility With a Visibility Minimum as Low as Three-Fourths Mile, Non-Precision Instrument Approach Zone. Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

F. Precision Instrument Runway Approach Zone. Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence slopes upward forty (40) feet to an additional horizontal dis-

tance of forty thousand (40,000) feet along the extended runway centerline.

G. Conical Zone. Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery or the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

H. Horizontal Zone. One hundred fifty (150) feet above the airport elevation or a height of nine hundred eighteen (918) feet above mean sea level.

I. Transitional Zones. Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty (150) feet above the airport elevation which is nine hundred eighteen (918) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

J. Excepted Height Limitations. Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a maximum height up to fifty (50) feet above the surface of the land; provided, however, that such maximum height does not conflict with any of the approach, boundary, and transitional zone limitations of this chapter.

K. Noise Sensitive Areas. Section 3b I.C. 8-21-7-3: Until a permit has been issued by the Aeronautics Commission of Indiana, no person may erect a residential building or other building designed for noise sensitive uses within an area lying one thousand five hundred (1,500) feet on either side of the extended centerline of a runway for a distance of one nautical mile from the boundaries of any public use airport. (Ord. 83-12 § 18.5(C))

17.44.040 Use restrictions.

Notwithstanding any other provisions of this title, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

A. Nonconforming Uses—Regulations Not Retroactive. The regulations prescribed by this chapter shall be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction,

alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of said ordinance, and is diligently prosecuted.

B. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Porter County municipal airport to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Porter County municipal airport. (Ord. 83-12 § 18.5(D))

17.44.050 Future uses permitted.

A. Except as specifically provided below, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

B. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground, except when because of terrain, the land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.

C. In the areas lying within the limits of the instrument and non-instrument approach zones, but at a horizontal distance of not less than one mile from each end of the runways, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

D. In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than fifty (50) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional zones.

E. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth in this chapter. (Ord. 83-12 § 18.5(E))

17.44.060 Existing uses.

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the ordinance codified in this chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted. (Ord. 83-12 § 18.5(F))

17.44.070 Nonconforming uses abandoned or destroyed.

Whenever the Porter County municipal airport determines that a nonconforming structure or tree has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (Ord. 83-12 § 18.5(G))

17.44.080 Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of his property, not in accordance with the regulations prescribed in this chapter, may apply to the board of zoning appeals for a variance from such regulations.

Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter. (Ord. 83-12 § 18.5(H))

17.44.090 Hazard marking and lighting.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the Porter County municipal airport at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard. (Ord. 83-12 § 18.5(I))

17.44.100 Enforcement.

It shall be the duty of the Porter County plan commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the executive secretary upon a form furnished by him. Applications required by this chapter to be submitted to the executive secretary shall be promptly considered and granted or denied by him. Application for action by the board of zoning appeals shall be forthwith transmitted by the executive secretary. (Ord. 83-12 § 18.5(J))

17.44.110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 83-12 § 18.5(K))

Chapter 17.48

PARKING SPACES AND LOADING BERTHS

Sections:

17.48.010 Parking space requirements.
17.48.020 Parking area locations.
17.48.030 Loading berths.
17.48.040 Off-street parking lot layout, construction and maintenance.
17.48.050 Provisions for handicapped.

17.48.010 Parking space requirements.

Parking spaces shall be provided as indicated in Table 13.

TABLE 13

PRIMARY USE	PARKING SPACE REQUIREMENTS
Residential Uses	
Boarding or lodging house	1 for each 3 occupants plus 1 for visitors plus 1 for service vehicles
Dwelling, single-family	2 per dwelling unit
Dwelling, two-family	2 per dwelling unit plus 1 for visitors
Dwelling, multifamily	1 1/2 per dwelling unit plus 3 for service vehicles
Farm seasonal worker housing	1 for each 3 occupants
Fraternity, sorority or student cooperative	1 for each 3 occupants
Home for the aged	1 for each 2 employees plus 1 for each 5 occupants plus 3 for visitors and service vehicles
Nursing home	
Planned residential development	2 per dwelling unit
Agricultural Uses	
Commercial greenhouse	1 per 3 employees plus 1 per 125 square feet of sales area
Greenhouse (not exceeding 1,000 square feet)	1 per 3 employees
Plant nursery	1 per 3 employees plus 1 per 125 square feet of sales area
Industrial Uses	
Bottled gas storage and distribution	1 per 2 employees
Industrial park	1 per each 1 1/2 plant employees, plus
Industrial, general (heavy)	1 per each managerial personnel
Industry, light	plus 1 per each 10 managerial personnel
Junk yard	1 per 2 employees

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Liquid fertilizer storage and distribution	2 per 3 employees
Manufacturing, storage or use of explosives	
Material storage, open	
Mineral extraction, borrow pit, topsoil removal, and storage areas	
Petroleum tank farm	2 per 3 employees
Radio or television tower	1 per employee per shift
Slaughterhouse	1 per 2 employees
Truck freight terminal	1 per employee plus 4 for customers
Public Facilities	
Airport or heliport	1 per 2 employees plus 1 per 4 seats in waiting room
Assembly halls	1 for each 3 seats
Charitable institutions	1 for each 2 employees plus 1 for each occupant plus 3 for visitors and service vehicles
Church or temple*	1 per 3 seats in main auditorium
Kindergarten or day nursery	1 per 2 employees plus 1 per 5 children to be accommodated
Municipal or government building	1 for each 125 square feet ground floor area of building(s)
Penal or correctional institution	1 per 3 employees plus 1 per 10 inmates at estimated capacity
Police station or fire station	2 per 3 employees per shift
Public library or museum	1 for each 125 square feet ground floor area of building(s)
Public park or recreational facility	As determined by board

* A church or temple requiring public parking area at times when nearby uses do not need their facilities may, by agreement approved by the board, utilize such facilities in lieu of providing their own parking facilities.

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Public or commercial sanitary fill, refuse dump, or garbage disposal plant	1 per employee per shift
Sewage disposal plant	
Railroad right-of-way and necessary uses	1 per 2 employees where headquartered
School, public or parochial	1 for each 3 members of staff plus 1 for each 6 seats in auditorium
Telephone exchange or public utility substation	2 per 3 employees
Trade or business school	1 for each 500 square feet of floor area
University or college building	1 per 3 employees plus 1 per 6 students
Building Uses: Appliances	
Electric appliance service and sales	1 per each 125 square feet of floor area
Radio-TV service and sales	
Other similar uses	
Business Uses: Automotive Services	
Automobile sales room	1 for each 1,000 square feet of the premises used for retail purposes
Automobile or trailer sales area, open	
Automobile repair (all indoors)	1 for each 200 square feet of floor area
Filling or service station	1 per employee
Other similar uses	As determined by the board
Business Uses: Clothing Services	
Dressmaking shop	1 for each 125 square feet of floor area
Drycleaning establishment	
Laundry agency	
Millinery shop	
Self-service laundry	

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Shoe repair shop	1 for each 125 square feet of floor area
Tailor and pressing shop	
Other similar uses	
Business Uses: Food Sales and Services	
Bakery, retail	1 for each 125 square feet of floor area
Dairy, retail	
Delicatessen	
Grocery	
Locker, cold storage, for individual use	
Meat market	
Restaurant	
Roadside food sales stand	
Supermarket	
Wholesale produce terminal	
Other similar uses	
Business Uses: General Business	
Bank	1 for each five hundred square feet of floor area
Business or professional office	
Postal station	
Telegraph office	
Other similar uses	
Radio or television station	1 for each employee
Business Uses: Personal Service	
Barber shop	1 for each 125 square feet of floor area
Beauty shop	

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Reducing salon	1 for each 125 square feet of floor area
Other similar uses	
Business Uses: Recreation	
Bait sales	1 for each 125 square feet of floor area
Billiard room	
Bowling alley	3 for each lane plus 1 for each 6 spectator seats
Country club or golf course	1 per 2 customers or members
Dancing academy	1 for each 200 square feet of floor area
Lodge or private club	Space to accommodate 50 percent of the active membership at 1 space per each 3 members
Nightclub	1 per 2 customers or members
Outdoor commercial recreational enterprise	1 per 3 employees plus 1 per 500 square feet of use area
Private recreational development	1 per 2 customers or members
Campground	1 per camp site and 1 per cabin
Race track	1 per 3 employees plus 1 per 500 square feet of use area
Riding stable	1 per 5,000 square feet
Seasonal hunting or fishing lodge	1 per 3 guests
Shooting range	1 per employee plus 1 per 500 square feet of use area
Stadium or coliseum	3 per 4 employees plus 1 per 4 seats
Tavern	1 for each 125 square feet of floor area
Theater, indoor	1 for each 6 seats
Theater, outdoor	1 per 2 employees
Other similar uses	As determined by the board

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Business Uses: Retail Sales	
Apparel shop	1 for each 125 square feet of floor area
Drugstore	
Flower shop	
Garden shop	
Gift shop	
Hardware store	
Jewelry store	
Newsdealer	
Pet shop	
Record shop	
Retail showroom	
Stationery	
Variety store	
Department store	1 for each 200 square feet of floor area
Other similar uses	As determined by the board
Business Uses: Miscellaneous	
Auction sales yard	As determined by the board
Boat sales, service and storage	1 per 2 employees plus 4 for customers
Cemetery or crematory	1 per 2 employees plus 1 per 4 auditorium seats
Clinic	1 per 2 employees plus 3 per doctor
Commercial facility for breeding and raising non-farm fowl and animals	1 per 3 employees plus 1 per 125 square feet of sales area
Farm equipment, sales and service	1 per 2 employees plus 4 for customers
Home occupation	1 additional

TABLE 13 (continued)

PRIMARY USE	PARKING SPACE REQUIREMENTS
Home professional office	2 additional
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel	1 per each 3 employees plus 1 for each sleeping room
Motel	1 per employee plus 1 per sleeping accommodation
Kennel	1 per each 2 employees plus 1 space per each 3 animals to be confined in temporary or permanent pens
Veterinary hospital for small animals	
Laboratories	1 for each 1 1/2 general employees plus 1 for each 8 managerial personnel
Warehouse (grain storage facilities)	1 per 2 employees
Mobilehome park (resident)	2 per mobilehome stand and 1 for each four (4) lots
Mortuary	1 per 6 seats in main auditorium
Railway station or motor bus station	1 per each 3 employees plus 1 per each 10 seats in waiting room. Other retail uses in connection therewith shall provide 1 space for each 2 employees
Photographic studio	1 for each 5 seats in main auditorium
Sales barn for livestock resale	As determined by the board
Tourist home	1 per employee plus 1 per sleeping accommodation
Travel trailer park (transient)	1 per 2 employee plus 1 per trailer
Retail business not otherwise covered	As determined by the board
Studio business	1 per 2 employees, plus 4 for customers
Shopping center	1 per 60 square feet of sales area

(Ord. 01-04 § 1; Ord. 83-12 § 19(A))

17.48.020 Parking area locations.

A parking area for the following uses may not be located closer to a residential use than the distance, in feet, listed opposite it in Table 14.

TABLE 14

DISTANCE FROM RESIDENTIAL USE

	Feet
Airport or heliport	25
Clinic or medical health center	10
College building	25
Country club or golf course	10
Fire station or police station	10
General industry	25
Hospital	25
Industrial park	25
Junk yard	200
Light industry	25
Mobilehome park, travel trailer park	25
Motel	25
Outdoor commercial recreational enterprise	25
Penal or correctional institution	200
Private recreational development	25
Produce terminal	100
Campground	25
Raising and breeding of non-farm fowl and animals, commercially except kennel	25
Shopping center	50
Slaughter house	50
Stadium or coliseum	25
Truck freight terminal	100
Sales barn for livestock resale	100
Warehouse (grain storage facilities)	100
Wholesale produce terminal	100

(Ord. 83-12 § 19(B))

17.48.030 Loading berths.

A. Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths (which, if open, shall be paved with a hard or dustproof surface), as shown in Table 15.

TABLE 15

NUMBER OF PARKING BERTHS

Use	Gross Floor Area (square feet)	Berths
Retail stores, department stores, wholesale establishments, storage uses and other business uses	3,000 or more but not more than 15,000	1
	Each 25,000, or fraction thereof, more than 15,000	1 additional
Office buildings	100,000 or less	1
	More than 100,000 but not more than 336,000	2
	Each 200,000, or fraction thereof, more than 335,000	1 additional

TABLE 16

DISTANCE OF LOADING BERTHS FROM RESIDENTIAL USES

Use	Berths	Distance from Nearest Residential Use (feet)
Commercial facilities for raising and breeding non-farm fowl and animals	1	100
Commercial greenhouse	15,000 square feet or less 1 Over 15,000 square feet 2	50
Hospital	200 beds or less 1	
	More than 200 but not more than 500 2	
	More than 500 beds 3	
Industrial park	Same as subsection D	100
Junk yard	2	300
Riding stable	1	-
Shopping center	Per development plan	50
Studio business	1	-
Stadium or coliseum	2	50
Sales livestock resale	1	100

B. Each of the uses for which special exceptions are provided by Chapter 17.60, and shopping centers, shall be provided with loading berths, as shown in Table 16. Loading berths so provided must not face on the bordering highway and must be at least as far from the nearest residential use as the number of feet shown.

C. For the uses, loading berth, if any, must be at least as far from the nearest residential use as the number of feet respectively shown in Table 17.

TABLE 17

Use	Distance from Nearest Residential Use (Feet)
Airport or heliport	100
Mineral extraction, borrow pit, topsoil removal, and their storage areas	300
Outdoor commercial recreational enterprise	50
Penal or correctional institution	200
Sales barn for livestock resale	100
Truck freight terminal	100

D. Industrial uses shall be provided with loading berths, as shown in Table 18.

TABLE 18

Gross Floor Area of Industrial Use (square feet)	Berths
15,000 or less	1
More than 15,000 but not more than 40,000	2
More than 40,000 but not more than 100,000	3
Each 40,000 or fraction thereof, more than 100,000	1 additional

E. Each loading berth prescribed by this section must provide at least a twelve (12) foot by fifty (50) foot loading space, with a sixteen (16) foot height clearance.

F. As used in this section, the term "loading berth" means an off-street, off-alley area designed or used to load goods on, or unload from, vehicles. (Ord. 83-12 § 19(C))

17.48.040 Off-street parking lot layout, construction and maintenance.

Wherever a parking lot is built as required off-street parking, such parking lot shall be laid out, constructed and maintained in accordance with the following requirements:

A. Adequate ingress and egress shall be provided for vehicles to the parking lot by means of clearly limited and defined drives.

B. Parking spaces in nonresidential districts will be set back from abutting residential districts as follows:

1. Ten feet from such side lot line;

2. A front lot line setback equal to the adjoining residential required setback, or if no adjoining residential district exists, the setback will be equal to the setback requirements of the district in which the lot is located;

3. Ten feet from such rear lot line.

C. The land between the setback line and the lot line in a parking lot is for the purpose of this chapter called a buffer strip. There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall be used only for the purpose of plant materials or sidewalks.

D. Where buffer strips are not required, bumper stops or wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

E. Where the parking lot boundary adjoins property zoned for residential use, a suitable chain link wire fence shall be provided, but shall not extend into the required front open space of the abutting residential lot.

F. The parking lot shall be drained to eliminate the accumulation of surface water.

G. The surface of the parking lot, including drives and aisles, except for buffer strips, shall be constructed of asphalt or concrete.

H. Parking structures may be built to satisfy off-street parking regulations when located in other than residential districts, subject to the area, height, bulk, and placement regulations of such district in which located.

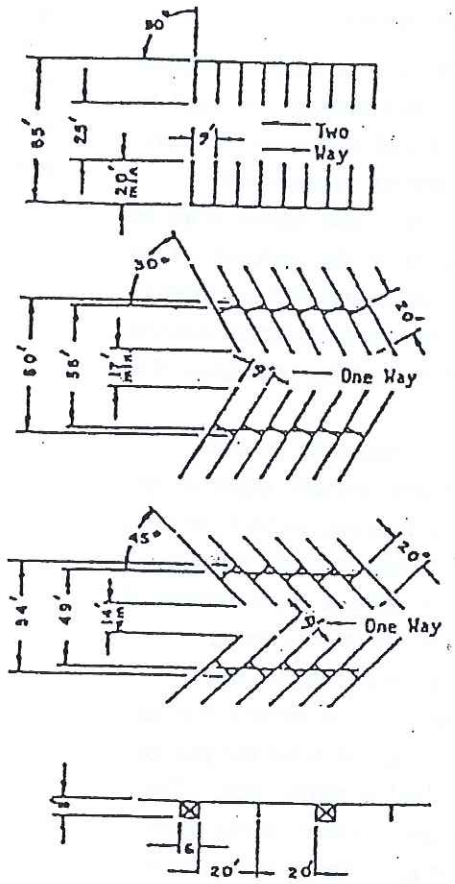
PARKING LOT LAYOUT

90 degree

60 degree

45 degree

parallel



I. A plan for all new off-street parking lots shall be required, specifying the landscaping to be installed in the buffer strip including the placement and specifications of landscape materials and shall be subject to approval by the executive secretary. If seasonal weather conditions present practical difficulties in the installation or completion of the buffer strips, the completion of the buffer strips may be deferred for not more than six months. In reviewing and approving plans for the landscaping and improvement of required buffer strips, the executive secretary shall be guided by the following criteria:

1. The buffer strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.

2. The owner of the premises upon which the buffer strip is located shall maintain such landscaping in good condition so as to present a neat, and orderly appearance free from refuse and debris. All diseased and dead materials shall be replaced within one year or the next appropriate planting period, whichever comes first. (Ord. 83-12 § 19(D))

17.48.050 Provisions for handicapped.

In each tier of parking served by elevators, not less than two parking spaces shall be provided in the immediate vicinity of the elevator which are not less than two feet wider than normal, and shall be designated as reserved for handicapped persons. In parking structures not served by elevators, equivalent provisions for handicapped persons shall be made affording ease of access both to the parking space and to the vehicle in such space. (Ord. 83-12 § 19(E))

Chapter 17.52

SIGNS

Sections:

Article 1. Advertising Signs

17.52.010 RR, R1, R2, R3 and AG districts—Signs near highways.
17.52.020 Outdoor advertising structures—Specific requirements.
17.52.030 Identification sign for business site.
17.52.040 Removal of advertising structures to precede residential development.
17.52.050 Nonconforming uses.
17.52.060 Applicability.
17.52.070 Location of signs and structures—Recording authority.
17.52.080 Violations—Penalties.

Article 2. Miscellaneous Signs

17.52.090 Signs permitted in any district.
17.52.100 Real estate subdivision signs.
17.52.110 Directional signs—Board approval required.

Article 1. Advertising Signs

17.52.010 RR, R1, R2, R3 and AG districts—Signs near highways.

In addition to other provisions of this title, advertising signs or structures for supporting such signs may be permitted by the board not more than five hundred (500) feet from the right-of-way of a state or federal highway, provided that no such sign shall be permitted:

A. Anywhere within fifty (50) feet of the existing right-of-way of any road or street;

B. Within two hundred (200) feet of the existing right-of-way line of any road or street as set forth in the official thoroughfare plan of Porter County where such line intersects with a state or federal numbered highway;

C. Within three hundred (300) feet of any dwelling or land platted or of record for residential use, school, church, place of public assembly or park;

D. Within one thousand (1,000) feet of another advertising sign on the same side of the highway. (Ord. 83-12 § 19.5(A))

17.52.020 Outdoor advertising structures—Specific requirements.

Where permitted, an outdoor advertising structure shall:

A. Contain not more than one poster panel or the equivalent per facing and the maximum area of such panel shall be three hundred (300) square feet;

B. Conform with all height and yard (front, side and rear) requirements applicable to the district;

C. When freestanding, be located not less than six hundred (600) feet from another advertising structure on the same side of the road, street or highway. (Ord. 83-12 § 19.5(B)(1)—(3))

17.52.030 Identification sign for business site.

One identification sign, not to exceed one hundred (100) square feet in size will be per-

mitted for each business site, and said sign shall not create a hazard or nuisance. (Ord. 83-12 § 19.5(B)(4))

17.52.040 Removal of advertising structures to precede residential development.

Every permit for an advertising sign structure shall require the removal of the structure and sign within sixty (60) days upon notice by the executive secretary that the land upon which the structure or sign is located has been platted for residential use, or lies within three hundred (300) feet of lands platted for residential use, or within three hundred (300) feet of a dwelling house for which an improvement location permit for a residence has been issued. (Ord. 83-12 § 19.5(C))

17.52.050 Nonconforming uses.

For purposes of definition, all existing advertising signs and structures or structures supporting such signs not conforming to the terms or conditions of the zoning ordinance, and not qualifying as nonconforming uses must be removed immediately. All advertising signs and structures or structures supporting such signs not erected under the provisions of this article are declared to be nonconforming open uses of land and must abate on or before the date of adoption of the ordinance codified in this title. (Ord. 83-12 § 19.5(D))

17.52.060 Applicability.

This article shall apply to all signs hereafter erected and to existing signs which shall be given approval by the board. All advertising signs or structures hereinafter erected shall conform to the requirements set out in this article. (Ord. 83-12 § 19.5(E))

17.52.070 Location of signs and structures—Recording authority.

The executive secretary shall record the location of all advertising signs and structures hereinafter erected under the terms of this article and identify same with the appropriate mark or tag. (Ord. 83-12 § 19.5(F))

17.52.080 Violations—Penalties.

Any person violating any of the provisions of this article shall be subject to the penalties and provisions as contained in this title. Owners of real estate that permit the erection of advertising signs or structures in violation of this article on their premises shall also be subject to the penalty provisions of this title. (Ord. 83-12 § 19.5(G))

Article 2. Miscellaneous Signs

17.52.090 Signs permitted in any district.

The signs described below shall be permitted in any district and may be erected without securing an improvement location permit:

A. Each permitted or required parking area that has a capacity of more than five cars shall be permitted one sign not more than two square feet in area, designating each entrance or exit from such parking area; and one sign, not more than nine square feet in area, identifying or designating the conditions of use of such parking area for each twenty-five (25) spaces;

B. One "For Sale" or "For Rent" sign not more than twelve (12) square feet in area for each dwelling unit, garage or other quarters where appropriate;

C. One sign, not more than twelve (12) square feet in area, for construction and development, giving the name of the contractors, engineers or architects, shall be permitted but only during the time that construction or development is actively underway;

D. For an event of short duration and public interest such as a county fair, civic affair or church event, information signs not over twenty-four (24) square feet in area shall be permitted. Such signs shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such events. Also permitted are directional signs, not more than three square feet in area, showing only a directional arrow and the name of the event of public interest. Such signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event;

E. For a primary or general election conducted under the rules and regulations of the State Election Board, political candidate, party and informational signs shall be permitted. Such signs shall not be erected more than sixty (60) days prior to the election day and shall be removed within ten days thereafter;

F. Directional and informational signs, not exceeding six square feet in area, may be erected and maintained in any district by civic organizations, churches, schools and eleemosynary institutions when so placed as not to constitute a traffic hazard;

G. Within the AG district not more than one sign pertaining to the sale of agricultural products produced on the premises; such signs shall not exceed forty-eight (48) square feet in area. (Ord. 83-12 § 19.6(A))

17.52.100 Real estate subdivision signs.

For each real estate subdivision, one sign, not over three hundred (300) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Also permitted are off-site directional signs, not more than six square feet in area, showing a directional arrow and the name of the subdivision. Such sign may be illuminated, but no flashing, intermittent or animated illumination is permitted. Such signs may be maintained only during the time that some portion of the land advertised for sale remains unsold. (Ord. 83-12 § 19.6(B))

17.52.110 Directional signs—Board approval required.

Notwithstanding other provisions of this article the board may authorize directional signs of not more than twelve (12) square feet in area when, in the opinion of the board, the sign shall be compatible with the zoning district and it will be so placed as not to constitute a traffic hazard. No public hearing or notice shall be required for such approval, but application therefor must be made in writing not less than five days before the board meeting at which the application is to be heard. (Ord. 83-12 § 19.6(C))

Chapter 17.56

RESIDENTIAL MOBILEHOME DISTRICT

Sections:

17.56.010 Intent.
17.56.020 Minimum lot area, frontage width, yard dimensions and maximum building height.
17.56.030 Permitted principal uses.
17.56.040 Permitted accessory uses.
17.56.050 Special exception uses.
17.56.060 Commission procedure.

17.56.010 Intent.

The intent of these provisions is to provide and maintain suitable residential areas for the mobilehomes within mobilehome parks and mobilehome subdivisions both of which shall require the approval of the board of zoning appeals through the issuance of a special exception permit. (Ord. 83-12 § 20.5(A))

17.56.020 Minimum lot area, frontage width, yard dimensions and maximum building height.

For mobilehome parks, and mobilehome subdivisions, see the following chart:

Schedule of Area, Bulk and Placement Regulations

	Mobilehome Park	Mobilehome Subdivision
Minimum lot size in square feet	4,000	6,000 20,000*[1]
Minimum lot width in feet	40	60
Maximum building height in feet	15	15
Minimum front yard in feet	15	15 30*
Minimum side yard in feet	20-entry 5	26-entry 10
Minimum rear yard in feet	15	15 25*
Minimum floor area in feet	N/A	N/A
Maximum lot coverage	25%	25%

* Mobilehome subdivision without sanitary sewer

[1] See Porter County department of health regulations

See provisions under Section 17.56.050(B)(6), Special Exception Uses, for further details. (Ord. 83-12 § 20.5(B))

17.56.030 Permitted principal uses.

See Table 1, official schedule of district regulations (Section 17.16.040). (Ord. 83-12 § 20.5(C))

17.56.040 Permitted accessory uses.

Porches, patios, car ports, storage sheds, and other similar uses customarily incidental to the use of a mobilehome are permitted accessory uses. (Ord. 83-12 § 20.5(D))

17.56.050 Special exception uses.

A. Mobilehome subdivisions developed in compliance with the Porter County subdivision ordinance for the exclusive expressed purpose of selling lots for residential mobilehome use;

B. Mobilehome parks developed in compliance with all applicable state and local provisions and in addition all of the following requirements which are intended to be minimum regulations which may be made more stringent by the board of zoning appeals as conditions of the special exception permit in situations where the public health, safety and welfare would be better served thereby:

1. Utilities. All mobilehome sites shall be connected to a public sanitary sewer system where such system is available and accessible. Electrical and telephone distribution lines shall be placed underground. Where the location so warrants perimeter landscaping may be specified as a requirement by the board of zoning appeals.

2. Travel Lanes. All streets in every mobilehome park shall be paved. All such streets shall have a minimum right-of-way of twenty (20) feet for one-way streets, and a minimum right-of-way of thirty (30) feet for two-way streets. The minimum pavement width for any travel lane is thirteen (13) feet. The above minimum street widths and pavement widths do not include any portion thereof utilized for or allowed to be utilized by off-street parking. Any bays or areas of street or right-of-way allowing off-street parking or sidewalks shall be in addition to the above specified widths. All streets shall have curb and gutter and enclosed storm drainage as per Porter County highway standards and specifications. All dead-end streets shall have a turn-around that conforms to Porter County highway standards and specifications.

3. Park Land Area. A mobilehome park shall be constructed on a parcel of land no less than ten acres in area.

4. Density. The developer shall be required to submit, as a part of the proposal, a construction schedule as a part of the development program for occupancy and completion. Open space and recreation land shall be provided so as to be accessible throughout the site, such as by arranging mobilehome sites in clusters of not more than twenty-five (25) spaces per cluster, with clusters separated by land at least one hundred (100) feet wide along the road and the full depth of the cluster. Such intervening land between clusters may be used toward satisfying the recreational land requirements set forth below, but may not be occupied by trailers, mobilehomes or building improvements, other than incidental improvements for recreational use.

5. Open Space. There shall be provided with a mobilehome park an area not less than three hundred (300) square feet for each mobilehome site in the park for recreational purposes. This area shall be shaped to be no

longer than two times the width except in cases involving lake frontage, in which case the length along the shoreline of the lake frontage may be two to four times the width. Such land area shall be generally central and accessible to units intended thereby to be served and shall be well drained, unusable and maintained for recreational purposes.

6. Lot Size. Each mobilehome site shall provide a depth of not less than one hundred (100) feet from the front of the space to the rear of the space and appurtenances and utilities, such as sewer, water and electricity hookups, shall be placed on the space so that the mobilehome when located on the space shall not occupy the rear fifteen (15) feet of the lot. The rear fifteen (15) feet of the lot shall be unobstructed or unencumbered by any buildings or any accessories. Sidewalks and private roads shall not be counted as part of the required one hundred (100) feet. The width of each mobilehome site in mobilehome parks shall not be less than forty (40) feet. The width of each mobilehome site in mobilehome subdivisions shall not be less than sixty (60) feet.

7. Setback. No mobilehome shall be located closer than fifty (50) feet to the right-of-way line of a main public highway or twenty (20) feet to the mobilehome park property line, or ten feet to the front line of the mobilehome site.

8. Side Yard. For mobilehome parks, the non-entry side of the mobilehome site shall be not less than eight feet in width and the entry side shall not be less than twenty (20) feet in width. For mobilehome subdivisions the non-entry side of the mobilehome site shall be not less than ten feet in width and the entry side shall be not less than twenty-six (26) feet in width.

9. Off-Street Parking.

a. Off-street parking shall be provided at the rate of two car spaces for each mobilehome site. Of this requirement, at least one-half space per mobilehome site shall be provided in clearly marked and designed group parking lots.

b. All group off-street parking facilities shall be adequately lighted during hours of darkness.

c. No unlicensed motor vehicle of any type shall be parked within this district at any time except that they may be stored within a covered building.

10. Fencing. A fence of not less than four feet nor more than six feet in height, constructed of woven wire or open metal or wood pickets or boards, shall be constructed around the perimeter of the mobilehome park abutting private property. (Ord. 83-12 § 20.5(E))

17.56.060 Commission procedure.

Upon receipt of an application for an improvement location permit for a special exception for a mobilehome park, the executive secretary of the commission shall refer such application to the commission for investigation and report to the board its findings as to whether or not the proposed location and character of the special exception for the mobilehome park will adversely affect the master plan. The commission report shall include the following:

A. The fitness of the proposed use as related to:

1. The potential use of adjoining lands for the uses permitted in the district, and

2. Current trends of development of lands in the vicinity; and

B. The effect of the proposed use on the natural features of the site to be utilized and adjoining lands; and

C. The quality and capacity of access roads (existing or to be provided by the applicant) to accommodate traffic generated by the proposed use; and

D. A statement indicating that the commission has reviewed a preliminary plan for the mobilehome park and finds that the plan conforms to the development standards and provides for the installation of the improvements, both as required by Section 17.56.020.

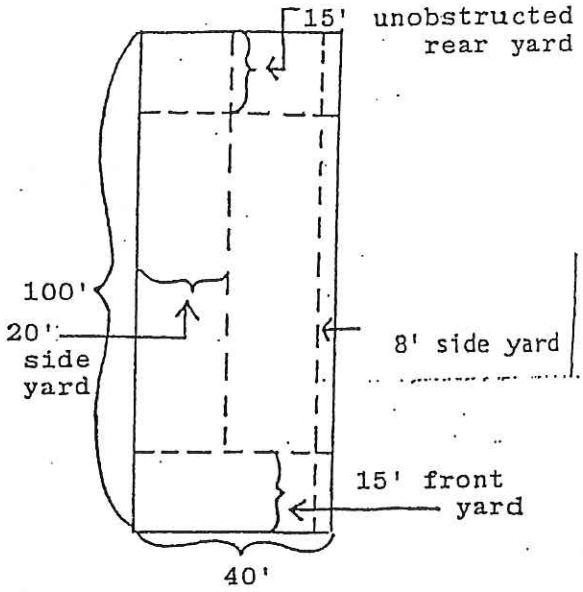
The commission shall have a period of not less than fifteen (15) days for the purpose of making its investigation and shall report the results of its study to the board within forty-five (45) days following receipt of the application. If no such report has been filed with the board within this time period, the board may proceed to process the application. (Ord. 83-12 § 20.5(F))

Figure 1: Mobilehome Minimum Requirements

Mobilehome Park

Minimum:
lot size: 4,000 sq. ft.
lot width: 40 ft.
front yard: 15 ft.
side yard: 20 ft. entry
5 ft.
rear yard: 15 ft.
lot depth: 100 ft.
(from lot line, excluding sidewalks)

R.O.W. - 20' one-way
30' two-way

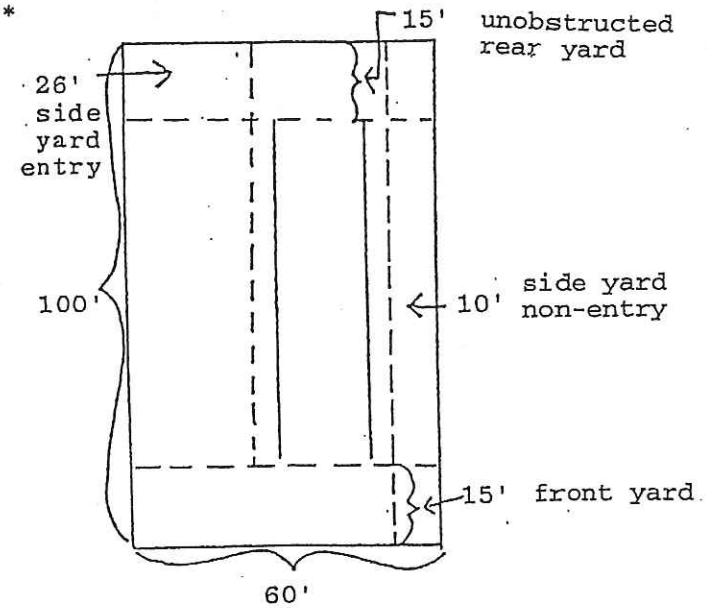


Travel lane pavement width: 13 ft. (excluding off-street parking and/or sidewalks)

Mobilehome Subdivision

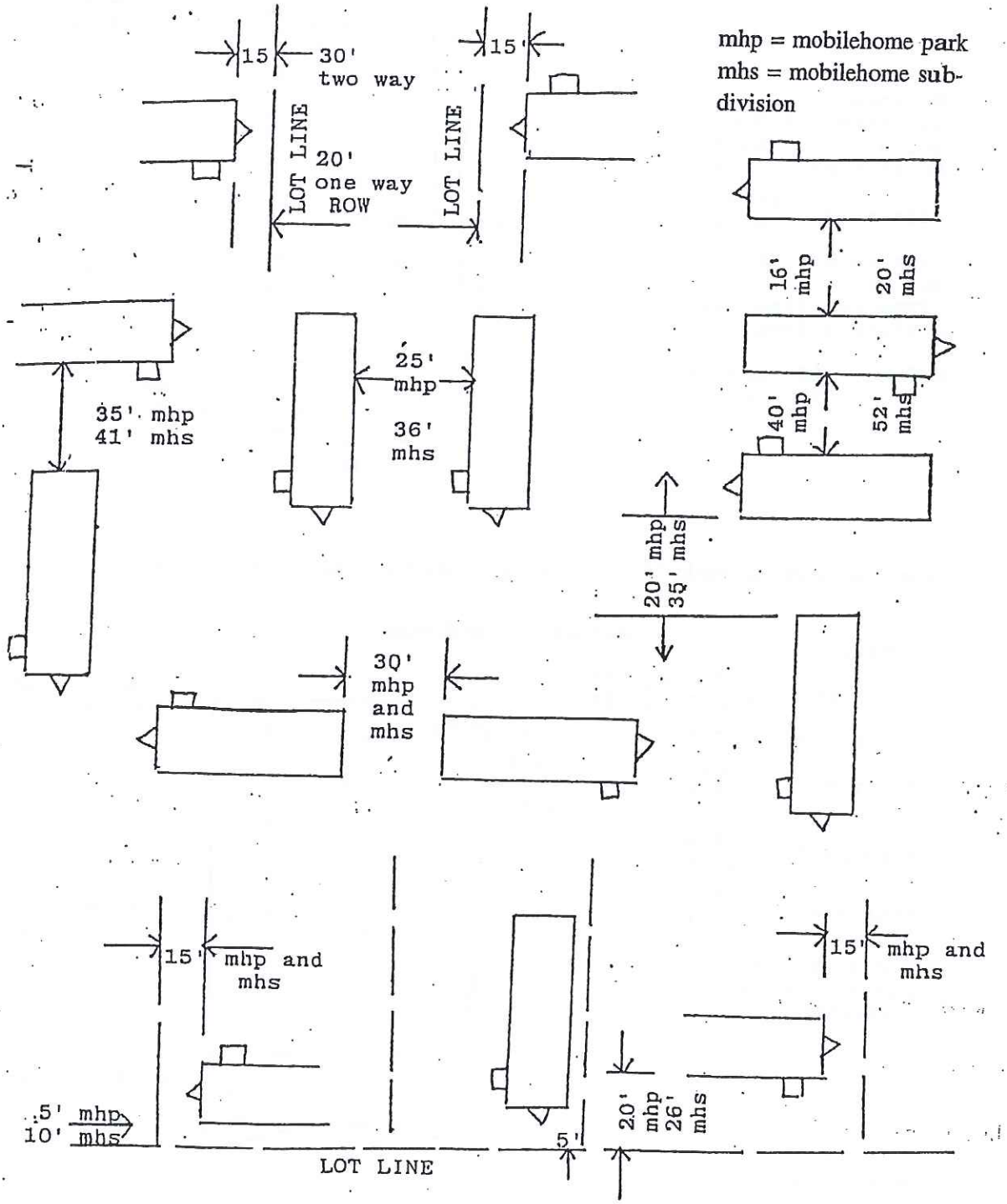
Minimum:
lot size: 15,000 sq. ft.*
6,000 sq. ft.
lot width: 60 ft.
front yard: 30*
15 ft.
side yard: 26 entry
10 ft.
rear yard: 25*
15 ft.

R.O.W. and travel lanes: same as mobilehome park



* without sewer

Figure 2: Minimum Distance Between Mobilehomes in Typical Layouts



Chapter 17.60

SPECIAL EXCEPTIONS

Sections:

17.60.010 Permitted uses and requirements.
17.60.020 Improvement location permit application—Commission report.
17.60.030 Improvement location permit application—Hearing—Board findings.
17.60.040 Existing uses.
17.60.050 Time limitation.
17.60.055 Regulations for mineral extractions.
17.60.060 Table 19—Special exceptions.

17.60.010 Permitted uses and requirements.

The special exceptions listed in Table 19 (Section 17.60.060) and their accessory buildings and uses may be permitted by the board in the districts indicated in Table 1 (Section 17.16.040), in accordance with the procedure set forth in this chapter and the requirements listed in Table 19 (Section 17.60.060). In the case of special exceptions which may be approved in the AG district and the requirement "Minimum Yards" in Table 19 is indicated as being the required yards applying generally to the district, the requirements of the R1 district shall apply to such special exceptions. (Ord. 83-12 § 20(A))

17.60.020 Improvement location permit application—Commission report.

Upon receipt of an application for an improvement location permit for a special exception, the executive secretary of the commission shall refer such application to the commission for investigation and report to the board its finding as to whether or not the proposed location and character of the special exception will adversely affect the master plan. The commission report shall include the following:

A. The fitness of the proposed use as related to:

1. The potential use of adjoining lands for the uses permitted in the district, and

2. Current trends of development of lands in the vicinity; and

B. The effect of the proposed use on the natural features of the site to be utilized and adjoining lands; and

C. The quality and capacity of access roads (existing or to be provided by the applicant) to accommodate traffic generated by the proposed use.

The commission shall have a period of not less than ten days for the purpose of making its investigation and shall report the results of its study to the board within forty-five (45) days following receipt of the application. If no such report has been filed with the board within this time period, the board may proceed to process the application. (Ord. 83-12 § 20(B))

17.60.030 Improvement location permit application—Hearing—Board findings.

The board shall proceed with a hearing on

the application in the manner prescribed in Section 17.80.050(B). Following the hearing:

A. Upon an affirmative finding by the board that:

1. The proposed special exception is to be located in a district wherein such use may be permitted, and

2. The requirements set forth in Table 19 (Section 17.60.060) for such special exception will be met, and

3. The special exception is consistent with the spirit, purpose and intent of this title, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare, the board shall order the executive secretary to issue an improvement location permit for the special exception.

B. Upon a finding by the board that the special exception with additional special requirements concerning the use and development features will be consistent with the spirit, purpose and intent of the title, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare, the board shall order the executive secretary to issue an improvement location permit for the special exception, providing the applicant agrees in writing to such additional special requirements.

C. Upon a finding by the board that the special exception is not consistent with the spirit, purpose or intent of this title, may substantially or permanently injure the appropriate use of neighboring property, or will not serve the public convenience or welfare, the board shall disapprove the special exception.

D. Upon a finding by the board that additional information is required for a determination, it may table the application for a special exception and refer it to the commission with a request for further information, review and recommendations. (Ord. 83-12 § 20(C))

17.60.040 Existing uses.

An existing use listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a conforming use. Any expansion of such special exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this chapter. (Ord. 83-12 § 20(D))

17.60.050 Time limitation.

In the event that the applicant has failed to commence construction within twenty-four (24) months after such approval has been awarded, or has failed to proceed with construction, once commenced, in accordance with construction time tables commonly prevailing in the construction industry, subject to the board's discretion as to the reasonableness of construction delays, or fails to conform to the provisions of the department plan and supporting data finally approved by the board and upon the basis of which such approval for special exception was awarded, the board may upon its own motion or upon the written petition of any aggrieved person at public hearing require the applicant to show cause why the board's order should not be withdrawn and the approval for special exception revoked. (Ord. 83-12 § 20(E))

17.60.055 Regulations for mineral extractions.

A. Declaration of Policy.

1. Any conflict between the provisions in this section and other provisions of this title are to be resolved in favor of the more restrictive section. All zoning standards in applicable zoning districts shall apply.

2. Nothing in this section shall prevent the use and alienation of mineral resources by the owner. However, any such use shall be subject to the following standards.

B. Definitions.

1. "Applicant" means the owner of the property upon which the extraction is to take place. The term "owner" includes any person having the right to extract or who performs the extraction and/or hauling of materials from the property.

2. "Engineer" means the Porter County highway engineer or a person appointed by the board of commissioners of Porter County for the limited purpose of fulfilling the responsibilities of the engineer under this title.

3. "Mineral extraction" means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, sand, soil, earth, clay or other solid matter, any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, sand, soil, earth, clay and other solid matter from its original location, and/or the preparation, washing, cleaning, or other treatment of minerals, ores, sand, soil, earth, clay or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include excavation or grading when conducted solely as part of on-site farming or on-site commercial/residential construction.

4. "Plant area" means the property containing the area where the mineral extraction shall occur including the operational installations, if any, for the excavating, processing and distribution of the minerals.

C. Administration. No mineral extraction shall be undertaken nor shall any permit for the same be issued until the board grants a special exception. This subsection shall be enforced by the engineer or any other official/entity authorized to enforce this title.

D. Plan Commission ("Commission") Review. All persons requesting a special exception for mineral extraction shall submit an application therefor to the commission upon such form as it may from time to time prescribe, and the commission or its designee shall then review all pertinent information regarding the proposed activity and forward, within forty-five (45) days following receipt of the application, a report to the board. If no report has been filed with the board within the time period, the board may proceed to process the application and hold a public hearing pursuant to its rules and procedure. Each application shall be signed under oath, dated, and shall recite under penalties for perjury that the applicant has read the relevant sections of the applicable ordinances and accepts the obligations hereby imposed. Each application shall be accompanied by a nonrefundable fee that the commission may set from time to time. The application shall contain at least the following information:

1. The street address of the extraction site;

2. The legal description of the extraction site;

3. The full name, street address, and post office address of the applicant and the owner of record if different than the applicant;

4. The purpose for which the proposed extraction is to be undertaken;

5. The traffic routes which will be used for the hauling of extracted materials from the excavation site;

6. Scaled drawings from a licensed engineer or surveyor showing boundaries of the property proposed to be included in the plant area and the land within two hundred (200) feet in all directions. The drawing shall show the existing conditions on the mapped lands including:

a. Existing contours (with a contour interval appropriate to the site which accurately reflects the topographic condition) including contour lines at two foot intervals on the property to be excavated and the elevations of adjoining properties,

b. Water bodies and drainage courses—depth of water table below existing terrain,

c. Estimate of depth and extent of mineral deposit,

d. The present use of adjoining properties (residential, commercial, industrial, institutional, recreation, agricultural, etc.),

e. The present zoning classification of subject and adjoining properties and setback requirements,

f. All publicly owned lands,

g. Public rights-of-way and road types,

h. Easements and railroad lines, and

i. Soil boring information;

7. A Plan of Operational Areas showing:

a. Area proposed for excavation,

b. Area proposed for settling ponds and wash water outlets,

c. Area proposed for processing facilities and storage,

d. Drainage calculations documenting that flowage will not adversely affect adjoining properties,

e. Area proposed for production facilities (if any) for resource-related industry, and

f. Area proposed for plant entrance, office, dispatcher headquarters, off-street parking and equipment storage;

8. A plan of excavation showing:

a. Estimated dates for the rehabilitation of the tract should be given,

b. Methods to be used to minimize the effect of erosion by wind and water on the entire tract, such as the planting of ground cover vegetation,

c. Potential methods of screening the area of operations from view, such as planting screens or the use of earth mounds;

9. A conceptual plan of development for the rehabilitation and re-use of the entire plant area following extraction showing:

a. Proposed final topographical plan at two foot contour intervals,

b. Proposed plan for landscape rehabilitation including grading, drainage, planting, and similar appropriate installations, and

c. The proposed water area (if any) resulting from excavation.

E. Board of Zoning Appeals Procedure. The board shall review the report from the commission and investigate the area to be developed, as well as the surrounding area, in order to determine the conditions to be prescribed so as to protect surrounding property. In their review, the board shall, in addition to the standards for special exceptions previously outlined, determine that the following standards are met, but may, where deemed necessary, make reasonable exceptions if applicable.

1. Mineral extraction shall not occur within seventy-five (75) feet from all property lines, and no excavation shall be permitted which creates a maximum slope steeper than one foot horizontal to one foot vertical (1:1);

2. Use permitted not closer than two hundred (200) feet to a residentially zoned district;

3. Hours of Operation. Extraction and material processing activities permitted in the plan area shall be limited to the hours of six a.m. to nine p.m., except in the following situations:

a. Where required by public authorities;

b. Where necessary due to public emergencies; and

c. Where any necessary and reasonable repairs to equipment are required.

4. Ingress, Egress and Traffic Safety. There must be an acceptable relationship with public roads, and the affected roads must be adequate to carry the types of additional traffic engendered by the use. Access roads to any plant area shall be limited to one, or at most two points, and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty (80) feet. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of state and local highway authorities. Vehicles carrying materials from the site shall be loaded in such a manner as to prevent spilling rock, gravel or sand or other materials of a similar nature while in transit upon roads and highways.

5. Off-Street Parking. Off-street parking shall be provided for all equipment and for cars of employees.

6. Drainage. Sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.

7. There must be rehabilitation of the plant area in conformance with the plan of development submitted with the application.

8. A favorable recommendation from the commission or its designee, subject to subsection D of this section.

F. Issuance of Mineral Excavation Permit. Upon obtaining a special exception from the board, an applicant may then seek a mineral extraction permit from the commission. No person shall undertake any mineral extraction in the unincorporated areas of Porter County, Indiana, without first having secured a mineral extraction permit issued by the commission, or its designated representative and having paid the fee for the same as is set from time to time by the commission. Prior to obtaining a mineral extraction permit the applicant shall be required to:

1. Provide proof of liability insurance by which Porter County, Indiana, its agents, employee, elected and appointed officials are named as additional insurers, in an amount not less than three hundred thousand dollars ($300,000.00) per incident, and one million dollars ($1,000,000.00) aggregate, which liability insurance insures against all forms of loss arising from the excavation, hauling of extracted materials, and any related activities of the applicant(s);

2. Post a surety performance bond, indemnity bond or other form of bond or indemnity as required by Porter County, issued by an insurance company in good standing with the Commissioner of Insurance of the state of Indiana, in an amount established by the board of commissioners of Porter County or its designee and sufficient to provide for the cost of restoration to that condition specified in the special exception and to repair and/or replace any streets or highways within Porter County

which may be damaged by the hauling of excavated materials, to construct adequate safety barriers, where appropriate, to abate any public nuisance which may be caused by the excavation, to pay the attorneys' fees incurred in enforcing the provisions of this section, and to protect against any other specified and foreseeable loss or damage which the board of commissioners of Porter County or the plan commission of Porter County may find; provided, that no such bond shall be required of a governmental agency or body.

G. Expiration and Renewal of Excavation Permit.

1. Any mineral extraction permit issued pursuant to this section shall expire and be of no further force and effect two years after date of issuance; provided, however, that any permit may be renewed upon the: (a) payment of the applicable fee; (b) a determination being made by the commission or its designee that the terms and conditions of the preceding permit are still applicable, and the bonding requirements as outlined herein are met; and (c) a determination that the preceding permit has not expired or lapsed.

2. Renewal permits must be applied for prior to expiration of the existing permit, in order to avoid a lapse between permits.

H. Grandfather Clause. The provisions of this section shall apply to new permits and renewal permits applied for from and after the effective date of the ordinance codified in this section. Mineral extraction operations conducted pursuant to previous permitting procedures in effect or which were in effect at any time within one hundred eighty (180) days of the effective date of the ordinance codified in this section may be issued permits pursuant to the renewal provisions outlined in subsection G of this section, notwithstanding any lapse of such permit within such one hundred eighty (180) day period. (Ord. 97-23 § 3)

17.60.060 Table 19—Special exceptions.

TABLE 19
SPECIAL EXCEPTIONS AND REQUIREMENTS

Note: Use of "#" symbol in this figure indicates that the requirements of the district apply to the special exception where located.

If the nature of the special exception involves more than one of those listed, the applicant may apply for an improvement location permit for the special exception which most closely relates to the primary use; provided, that the requirements of all the related uses will be met.

REQUIREMENT DESIGNATION

a. CLASSIFICATION OF USE PERMITTED
1. Light industrial
2. Local business

b. MINIMUM LOT AREA
1. #
2. 1,500 square feet
3. 110 square feet per child
4. 25,000 square feet
5. 20,000 square feet plus 5,000 square feet per horse over 4 horses
6. One acre
7. 5 acres
8. 3 acres including 1,200 square feet per camping space
9. 6 acres
10. 20 acres
11. 40 acres
12. 80 acres
13. 320 acres
14. 2 times requirement for single-family dwelling
15. 2 acres or more
16. 3 acres or more
17. 15 acres
18. As required for Indiana State Board of Health Approval

c. MINIMUM YARDS (Feet)

	Front	Side (each)	Rear
1.	#	#	#
2.	#	50	50
3.	#	10	30
4.	#	40	40
5.	#	-	-
6.	100	40	40
7.	100	Abutting residential	75
		Abutting other use	35
8.	#	20	#
9.	150	150	150
10.	100	100	100
11.	200	200	200

TABLE 19 (continued)

d. BUILDING SETBACK FROM CENTER LINE OR INTERIOR ROAD (Feet)
1. 40
2. 50
3. 85

e. USE PERMITTED NOT CLOSER THAN 200 FEET TO A RESIDENTIAL DISTRICT

f. MINIMUM GROSS FLOOR AREA OF PRINCIPAL BUILDING(s) (Square Feet)
1. #
2. Over 1,000
3. Determined by number of children to be accommodated
4. 400
5. 2 times single-family dwelling

g. PLAN OF LANDSCAPE DEVELOPMENT TO BE SUBMITTED WITH APPLICATION

h. MAXIMUM HEIGHT OF STRUCTURE (Feet)
1. #
2. As required by appropriate state or federal agency
3. Same as light industrial
4. 45
5. 70
6. 200

i. FENCE
1. 6-foot wire mesh where accessible to the public
2. 6-foot wire mesh when located at ground level
3. 4-foot wire mesh around play area
4. Solid wall or solid painted fence 8 feet high
5. 4-foot wire mesh in residence area
6. Painted board fence 8 feet high
7. Adequate to protect abutting use
8. 6-foot wire mesh
9. 6-foot solid painted for refuse dump and slaughterhouse
10. 4-foot wire mesh

j. SCREEN PLANTING WHERE ABUTTING RESIDENTIAL USE (Tight screen, effective at all times)
1. 6-foot height by 6-foot width
2. 25 feet abutting residential district or use

TABLE 19 (continued)

3. 8-foot height by 6-foot width
4. Adequate to screen power substation from street view
5. 6 feet height along streets for refuse dump

k. PLAN SHOWING:
Type of installation proposed, alignment, relationship to existing transmission lines and significant elements of the county master plan in the vicinity.

o. PLAT APPROVED BY THE COMMISSION TO BE SUBMITTED WITH APPLICATION

p. DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION

q. COVENANT BY OWNERS TO:
1. Perpetuate maintenance and approve future improvements;
2. Provide appropriate governmental agencies upon request and without cost, all data secured from the use of the installation.

r. MAXIMUM NUMBER OF PRINCIPAL ENTRANCES FROM MAJOR THOROUGHFARE

2. 2

s. ACCEPTABLE RELATIONSHIP TO MAJOR THOROUGHFARE

t. THOROUGHFARES MUST BE ADEQUATE TO CARRY ADDITIONAL TRAFFIC ENGENDERED BY USE

u. OTHER AUTHORITY APPROVAL REQUIRED
1. State Board of Health
2. Aeronautics Commission of Indiana
3. Planning Act - Section 58 1/2
4. State Department of Natural Resources

v. OUTDOOR ADVERTISING SIGNS AND OUTDOOR ARTIFICIAL LIGHTING SHALL BE APPROVED BY THE COMMISSION

w. DISPOSAL OF LIQUID AND OTHER WASTES SHALL MEET THE APPROVAL OF THE STATE BOARD OF HEALTH

x. NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT

y. NO PARKING IN THE FRONT YARD, EXCEPT AS PROVIDED IN CHAPTER 17.60

z. EXCEPT FOR APPROVED EXITS AND ENTRANCES, A MASONRY WALL 4 FEET IN HEIGHT AND 6 INCHES THICK ERECTED AT REQUIRED FRONT LINE OF BUILDING AND MAY BE REQUIRED ALONG BOUNDARIES OF PARKING AREA AS DETERMINED BY THE COMMISSION FOR THE PROTECTION OF RESIDENTIALLY ZONED OR USED PROPERTY

TABLE 19 (continued)

SPECIAL EXCEPTION	REQUIREMENT DESIGNATION
Airport or heliport	b6 (heliport), b12 (airport), g, h2, i1 (airport), i1 (heliport), j1, p, r1, s, t, u2, v, w, y
Artificial lake of 3 or more acres	c1, i1, j1, p, r1, u1, u4, v, w, y
Auction sales yard	b7, c1, h1, i7, v, y
Building material storage yard	c1, e, i7, p, r1, s, v
Bulk oil and bottled as storage above ground and petroleum tank farm*	c11, h1
Campground	b8, c6, d1, g, h1, i10, j1, p, r1, s, u1, v, w, x, y
Cemetery or crematory	b11, c2, i1, p, q, r1, v, w, y
Clinic or medical center	b1, c3, h4, j1, r1, v, w, y
College building	b1, c6, d3, g, h4, p, t, v, y
Contractor's equipment and storage yard	c1, e, p, r1, v1, x
Conversion of single-family dwelling to two-family dwelling	b14, c1, f5, h1, p, y
Country club or golf course	c1, d3, j1, p, r1, v, w, y
Farm equipment, sales and service	a2, b6, c1, h1, r2, v, y
Filling or service station	a2
Fire station or police station	b1, c1, h1, j1, s, y
Fraternity, sorority or student cooperative	b1, c1, f1, h1, p, t, v, y
Grain elevator	b16, c11, j1, r1
Greenhouse, commercial	b4, c6, f2, h1, r1, v, w, y
Home for the aged	b1, c3, f1, h1, r1, u1, v, w, y
Home occupation	b1, c1, f1, h1, v, y

* Requirement standards applicable to industrial uses as set out in Chapter 17.36 shall apply also.

TABLE 19 (continued)

SPECIAL EXCEPTION	REQUIREMENT DESIGNATION
Hospital	b7, c6, g, h5, j1, p, s, t, v, y
Hotel or motel	b15, c4, g, p, r2, s, t, v, w
Industrial park	a1, b10, c7, d3, g, h3, j2, o, p, q, r1, s, t, v, w, y
Junk yard	c1, e, h1, i4, r1, v, w, y
Kennel, animal	b15, c9, h1, j1, r1, v, w, y
Kindergarten or day nursery children day care	b3, c8, f3, h1, i3, p, r1, v, y
Light industry	c1, p, r2, s, w, x, y
Liquid fertilizer storage and distribution, commercial	c11
Manufacturing, storage or use of explosives	e
Material storage, open	c1, e, p, r1, v, x
Mobilehome park	See Chapter 17.56
Motel, may include restaurant in connection therewith	b4, c8, f1, g, h1, j1, p, r2, s, u1, v, w
Nursing home, home for the aged, orphanage	b1, c3, f1, h1, r1, u1, v, w, y
Outdoor theater	c6, i6, p, r1, s, t, v, w, y
Sewage disposal plant	b18, c1, r1, u1, v, s, y
Shopping center	a2, b9, c2, g, j1, o, p, s, t, u1, v, y
Shooting range	c4, g, h1, j3, r1, v, w, y
Slaughterhouse	b7, c11, i9, j1, r1
Stadium, coliseum or athletic field	b7, c1, j1, p, r2, s, t, v, y
Studio business	b1, c1, f1, h1, v, y

TABLE 19 (continued)

SPECIAL EXCEPTION	REQUIREMENT DESIGNATION
Telephone exchange or public utility station	p, y
Tourist home	b1, c1, f1, h1, r1, v, y
Tower, environmental and atmospheric monitoring	b6, c2, d2, e, h2, i7, k, q2
Transmission line - gas, oil electric or other	k
Trade or business school	b1, c1, g, h4, p, t, v, y
Truck freight terminal	c1, e, j1, p, r1, s, t, v, w, y
Truck stop	b1, c1, e, h1, p, r2, v, y
Veterinary hospital for small animals	b1, c1, e, h1, i4, p, r1, v, y
Wholesale produce terminal	b17, c7, i8, j1, v, y
Outdoor commercial recreational enterprise	c4, d1, h1, i1, j3, p, r2, s, t, v, w, y
Penal or correctional institution	b13, c10, e, g, p, r1, y
Petroleum tank farm (commercial)	c11, h1
Planned residential development	See Chapter 17.24
Practice golf-driving range	c6, i7, j3, r1, v, y
Private recreational development	c4, g, h1, j3, r1, v, w, y
Produce terminal, wholesale	b10, c7, d3, e, h1, i8, j1, p, r1, s, t, v, w, y
Public or employee parking areas	b2, p, r1, s, t, v, x, y, z
Public or commercial garbage disposal plant	b15, c11, e, r1, u1, v, w, y
Public or commercial sanitary fill or refuse dump	b11, c11, e, i9, j5, r1, u1, v, w, y
Race track	c4, g, h1, j3, r1, v, w, y
Radio or television station	c1, p, r1, v, y
Radio or television tower	r1, y

TABLE 19 (continued)

SPECIAL EXCEPTION	REQUIREMENT DESIGNATION
Railroad right-of-way and uses essential to railroad operation	h1, r1, v
Raising and breeding of non-farm fowl and animals, commercially, except kennel	b4, c10, h1, j1, r1, v, w, y
Riding stable	b5, c10, h1, j1, r1, v, w, y
Sales barn for livestock resale	c11
Seasonal hunting or fishing lodge	b1, c1, f4, v, w, y
Assembly halls and charitable institutions	b1, c6, d3, g, p, t, v, y
Outdoor theater	b17, c6, d3, g, i10, o, t
Mini-warehouses	b1, c2, d3, g, i8, j1, r1, t, v, x

(Ord. 97-23 § 2; Ord. 87-21 § 1 (part); Ord. 83-12 (part))

Chapter 17.64

NONCONFORMING USES

Sections:

17.64.010 Nonconforming use specifications.

17.64.010 Nonconforming use specifications.

The lawful use of a building or premises, existing at the time of passage of the ordinance codified in this title, may be continued although such use does not conform to all the provisions of said ordinance, except as hereinafter provided:

A. A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

B. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.

C. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this title.

D. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit, and which entire building shall be completed according to such plans filed within three years from the date of passage of the ordinance codified in this title.

E. In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

F. Any nonconforming open use of land shall be discontinued within five years from the date of passage of said ordinance. (Ord. 83-12 § 21)

Chapter 17.68

IMPROVEMENT LOCATION PERMITS

Sections:

17.68.010	Jurisdiction over improvement location permits.
17.68.020	Issuance.
17.68.030	Site plan requirements.
17.68.040	Failure to commence construction.
17.68.050	Appeals.
17.68.060	Further appeals.
17.68.070	Violations—Penalties.

17.68.010 Jurisdiction over improvement location permits.

A. Within the jurisdiction of the Porter County plan commission no structure, improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the master plan and ordinances of Porter County, and an improvement location permit for such structure, improvement or use has been issued.

B. When application for an improvement location permit is filed, the executive secretary shall notify the county highway department of the proposed improvement. The certificate of occupancy shall not be issued without the Porter County highway engineering department approving the driveway entrance where culverts are required. (§ 101 of Ord. dated 6-27-83)

17.68.020 Issuance.

A. The executive secretary of the commission shall issue an improvement location permit upon written application when the proposed structure, improvement or use and its location conform in all respects to the master plan and ordinances of Porter County.

B. If the improvement location permit application lies in an area identified as a floodplain, the executive secretary shall forward the application along with all pertinent plans and specifications to the Indiana Department of Natural Resources for review and comment. After receiving the proper permit or letter or recommendation from the Indiana Department of Natural Resources, Natural Resources Commission, the executive secretary may require such modifications to the design and materials as deemed appropriate to prevent floatation, collapse or lateral movement of the structure and minimize potential future flood damage. If the executive secretary receives no reply from the Indiana Department of Natural Resources within forty-five (45) days of notification, the improvement location permit application may be considered approved by the Indiana Department of Natural Resources. The executive secretary may then issue the improvement location permit. In addition, the executive secretary shall review all applications to make sure all necessary state, federal and local permits have been issued. (§ 102 of Ord. dated 6-27-83)

17.68.030 Site plan requirements.

A. General Site Plan Requirements. Each application for an improvement location permit shall be accompanied by a site plan showing the location of the structure, improvements or use to be altered, changed, placed, erected

or located; the dimensions of the lot to be approved; the size of yards and open spaces; existing and proposed streets, alleys and access drives adjoining or within the lot; the septic permit number, if applicable; and the manner in which the site is to be improved.

If access to the site is proposed from a designated state highway, the application shall also be accompanied by an approved driveway entrance and approach permit from the State Highway Commission (State Form M-174-B, Application for a Permit to Construct a Driveway Entrance and Approach, or any subsequent amendment thereto).

B. Additional Commercial and Industrial Site Plan Requirements.

1. Site plan prepared by Indiana Registered Land Surveyor or Professional Engineer showing:

a. Existing ground elevations at lot corners and lot lines at fifty (50) foot intervals or one-foot contour intervals if general slope of parcel is less than two percent; existing elevation along existing water courses within subject parcel and within four hundred (400) feet of property lines unless deemed unnecessary by highway engineer and county surveyor,

b. Location of existing driveway accesses within two hundred (200) feet of property lines,

c. Location and elevation of existing sanitary and storm structures and sewers within subject parcel,

d. Proposed finished elevations at property corners, property lines at fifty (50) foot intervals, finished floor of building, ground at building corners; all sanitary and storm structures and sewers, and at fifty (50) feet grid on subject parcel,

e. Proposed horizontal location of building with respect to property lines,

f. Proposed location of driveway and culverts,

g. Dedication of proposed master plan right-of-way for roads,

h. Locations of all proposed improvements,

i. Drainage computations prepared by registered engineer or surveyor showing increase in stormwater runoff, size of detention or retention pond and pond outlet. Note: The rate of runoff discharge after construction shall not be greater than the pre-construction discharge. A pond shall be provided to handle the increase. Pond shall be designed for a fifty (50) year storm.

Note: It is suggested that the applicant request a meeting with the county highway engineer, the county surveyor and the plan commission executive secretary before formal application is made, in the interest of not delaying final approval of permit application;

2. As-built survey prepared by registered engineer or land surveyor shall be submitted by applicant showing above requirements complied with prior to the issuance of a certificate of occupancy.

Any multifamily outside of a subdivision or planned residential development requiring state approval must conform to this chapter. (Amended during 1997 codification: Ord. 85-7 § 1; § 103 of Ord. dated 6-27-83)

17.68.040 Failure to commence construction.

In the event that the applicant has failed to commence* construction within twelve (12) months after such permit has been issued, or has failed to proceed with construction once commenced, in accordance with time tables commonly prevailing in the construction

industry, subject to the executive secretary's discretion as to the reasonableness of construction delays, or fails to conform to the provisions of the development plan and supporting data upon the basis of which such improvement location permit was issued, the permit shall automatically become void and all activity connected with such improvement location permit shall immediately cease. Those permits issued prior to the adoption of the ordinance codified in this chapter for which construction has not commenced shall expire within twelve (12) months from the date of adoption of said ordinance. Any new permits applied for as a result of the application of this section shall be subject to all rules and regulations in effect at the time of the application for such new permit. (§ 104 of Ord. dated 6-27-83)

* "Commence" is defined as that stage of construction at which the first inspection is required.

17.68.050 Appeals.

Any decision of the executive secretary of the plan commission concerning the issuance of an improvement location permit may be appealed to the Porter County board of zoning appeals when the decision in question involves the requirements of the zoning ordinance or to the Porter County plan commission when the decision in question involves the requirements or other parts of the master plan, by any person claiming to be adversely affected by such decision. (§ 105 of Ord. dated 6-27-83)

17.68.060 Further appeals.

A decision of the Porter County plan commission based upon an appeal from a decision of the executive secretary may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the board of zoning appeals. (§ 106 of Ord. dated 6-27-83)

17.68.070 Violations—Penalties.

Action on the violations of any provision of this chapter and the right of injunction against such violation shall be as provided by Chapter 174, Acts of 1947, as amended, of the Indiana General Assembly, and all acts amendatory thereto. (§ 107 of Ord. dated 6-27-83)

Chapter 17.72

ADMINISTRATION AND ENFORCEMENT

Sections:

17.72.010 Administration—Executive secretary's authority.
17.72.020 Amendments to title.

17.72.010 Administration—Executive secretary's authority.

The executive secretary of the commission is designated and authorized to enforce this title.

A. Any person making application for an improvement location permit shall furnish the executive secretary with a site plan or development plan of the real estate upon which the application for an improvement location permit is made. The site plan or development plan shall be drawn to show the following items:

1. Legal or site description of the real estate involved;

2. Location and size of all buildings and structures;

3. Width and length of all entrances and exits to and from the real estate;

4. All adjacent and adjoining roads and highways;

5. Septic tank permit number (if required by the county board of health);

6. When located on a state or federal highway, shall have driveway approval of State Highway Department.

B. Site plans so furnished to the executive secretary shall be filed by the executive secretary and shall become a permanent record.

C. The executive secretary may require the relocation of any proposed building or structure or exit or entrance shown on the site plan and/or the location of new exits or entrances not shown on the site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of this title.

D. An application for an improvement location permit for any use subject to the provisions of Chapter 17.36 shall be accompanied by a certificate of compliance subscribed by a registered professional engineer of the state of Indiana, certifying that the use intended will satisfy the performance standards of the district in which it is to be located. The executive secretary may take ten days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten-day period, the executive secretary has not required any additional information or stated any objections in writing, the executive secretary shall issue the improvement location permit.

E. The executive secretary shall issue an improvement location permit for a special exception only following the receipt of notice from the board that the application therefore has been approved by the board.

F. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the executive secretary stating that the building and use comply with all of the provisions of this title applicable to the building or premises or the use in the district in which it is to be located.

G. Upon completion of the improvement covered by the improvement location permit,

the executive secretary shall have the premises inspected, and, if the inspection reveals that the improvement has been completed in substantial conformity with the site plan, and certificate of compliance when required, submitted pursuant to subsections A and D of this section, and any approved amendments thereto, he shall issue a certificate of occupancy.

H. Pending the issuance of such a certificate, a temporary certificate of occupancy, except for residential uses, may be issued by the executive secretary for a period of not more than one hundred eighty (180) days during the construction of a building or of alterations which are required under the terms of any law or ordinance. The temporary certificate may be given one renewal for a period not to exceed ninety (90) days by the board when the evidence available to it clearly demonstrates that the construction or alteration shows reasonable progress and that at least twenty-five (25) percent of the work, as measured in relation to the bulk of the structure being constructed or altered, for which the original application was made, has been completed. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the applicant or of the county relating to the use or occupancy of the land or building under this title, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

I. No change shall be made in the use of land (except agricultural) or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the executive secretary, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this title.

J. A certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.

K. A record of all certificates of occupancy shall be kept on file in the office of the executive secretary and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

L. No improvement location permit shall be issued for excavation for or the erection, reconstruction or structural alteration, of any building, before application has been made for a certificate of occupancy.

M. The executive secretary shall be the custodian of the "Existing Land Use Map, Porter County, Indiana."

N. Upon application, the executive secretary shall issue an improvement location permit for an addition to an existing structure nonconforming as to front yards or side yards or both provided that such addition will be conforming as to use and does not encroach upon the front yard or side yards beyond the limits of any part of the existing structure. (Ord. 83-12 § 22)

17.72.020 Amendments to title.

All amendments to this title shall be in conformance with Sections 64, 65, and 37 through 40 inclusive of Chapter 174 of the Acts of the Indiana General Assembly of 1947, and all acts amendatory and supplemental thereto. (Ord. 83-12 § 24)

Chapter 17.76

PLAN COMMISSION FEES AND BUILDING FEES

Sections:

17.76.010 Fees.

17.76.010 Fees.

The following fees apply to the permits issued by the plan commission and the building department.

Single-family Homes

(Fees exclude attached garage on new home construction only, when constructed with the residence.)

1. The first 960 sq. ft. to 2,500 sq. ft.	$0.15 per sq. ft. ($375.00 max.)
2. From 2,500 sq. ft. to 5,000 sq. ft.	$0.20 per sq. ft. ($875.00 max. includes 1st 2,500 sq. ft.)
3. Over 5,000 sq. ft.	$0.25 per sq. ft.

Multifamily Units. Same as single-family home fees on total square footage, plus fifty dollars ($50.00) per unit for all units over one.

TCO- trailer permit fee	$20.00
Alterations, repairs, or additions to all buildings or structures (residential or accessory.)	$0.15 per sq. ft. ($25.00 min.)
Commercial $10.00 per thousand dollars construction cost	($10,000.00 max.)
Electrical Upgrades	(Min. $10.00)
1. Up to 200 amps increase	$0.20 an amp
2. 201 amps and over	$0.40 an amp
3. Change box on existing service, no upgrade	$10.00

Accessory Buildings and Detached Garages

80 sq. ft. to 500 sq. ft.	$ 25.00
501 sq. ft. to 999 sq. ft.	$ 50.00
1,000 sq. ft. to 1,999 sq. ft.	$ 75.00
2,000 sq. ft. to 2,999 sq. ft.	$100.00
3,000 sq. ft. to 3,999 sq. ft.	$150.00
4,000 sq. ft. and over	$200.00
Open deck	$20.00
Enclosed deck or porch	$0.10 per sq. ft. ($25.00 min.)
Above ground pool	$20.00
In-ground pool	$25.00
Fence	$10.00
Master plan book	$20.00
mailing fee	$ 3.00

TECHNICAL ADVISORY COMMITTEE

Primary plat review or PUD primary plat	$100.00 plus $2.00 per lot
Commercial or industrial site review	$100.00
Secondary plat or PUD secondary plat	$100.00 plus $2.00 per lot

Minor subdivision	$100.00 plus $2.00 per lot plus $2.50 per land owner notified

Churches or Religious Organizations
$50.00 to cover inspections
No fees for permit or TAC review

Governmental Agencies
No fees for permit or TAC review

Change of Use
From personal use to commercial use is $100.00 (TAC site review fee.)

PETITIONS FOR THE PLAN COMMISSION AND BOARD OF ZONING APPEALS

Amendments	$100.00
Variances (Including temporary certificates of occupancy)	$ 50.00
Use variances	$100.00
Permanent use variances	$100.00
Special exceptions	$ 50.00
Home occupations	$ 50.00
Planned unit development	$100.00 plus $2.00 per lot
Mineral extraction	
New mining sites	$1,000.00
Renewal for existing mine sites	$500.00
Appeal the decision of the executive secretary or the technical advisory committee	$ 50.00
Vacations of subdivisions	$100.00 plus $2.00 per lot
Primary plat or replat—	
Single-family	$100.00 plus $2.00 per lot
Multifamily	$100.00 plus $2.00
Appeal of minor subdivision	$50.00

MAILING FEES

Agendas for plan commission and board of zoning appeals	$15.00
Minutes for plan commission and board of zoning appeals	$25.00
All applications	$1.00
Improvement location permits	$2.50

(Ord. 98-9 (part): amended during 1997 codification; Ord. 97-13 (part))

Chapter 17.80

BOARD OF ZONING APPEALS

Sections:

17.80.010 Established—Composition—Meetings.
17.80.020 Appeals to board.
17.80.030 Powers and duties.
17.80.040 Board decisions subject to review.
17.80.050 Variances allowed by board when.

17.80.010 Established—Composition—Meetings.

A board of zoning appeals is established with membership and appointment provided in accordance with Sections 66 to 69 inclusive of Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

A. At the first meeting of each year, the board shall elect a chairman and a vice-chairman from among its members. It may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

B. The board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this title.

C. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, keep records of all examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the board and shall be of public record. (Ord. 83-12 § 23(A)—(C))

17.80.020 Appeals to board.

Any decision of the executive secretary in the enforcement of this title may be appealed to the board by any person claiming to be adversely affected by such decision.

Such an appeal is initiated by filing a written notice of appeal with the executive secretary within thirty (30) days after the decision. Upon receipt of a notice of appeal, the executive secretary shall place the matter on the agenda of the next regular meeting of the board of zoning appeals. The matter shall be heard as pending business. Failure to follow this procedure shall preclude any person claiming to be adversely affected by such decision from any further administrative or judicial review. (Ord. 87-20 § 1; Ord. 83-12 § 23(D))

17.80.030 Powers and duties.

The board shall have the following powers and it shall be its duty to:

A. Hear and determine appeals from and review any order, requirement, decision or determination made by the executive secretary in the enforcement of this title.

B. Hear and decide on permits for special exceptions or other uses upon which the board is required to act under this title.

C. Authorize upon appeal in specific cases such variances from the terms of this title as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this title will result in unnecessary hardship and so

that the spirit of this title shall be observed and substantial justice done.

In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the executive secretary from whom the appeal is taken. (Ord. 83-12 § 23(E) and (F))

17.80.040 Board decisions subject to review.

Every decision of the board shall be subject to review by certiorari. (Ord. 83-12 § 23(G))

17.80.050 Variances allowed by board when.

A. No variance in the application of the provisions of this title shall be made by the board relating to buildings, land or premises new existing or to be constructed, unless after a public hearing, the board shall find:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district;

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question;

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located;

4. That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets.

B. Prior to the determination of an appeal or decision on a permit for a special exception, the board shall fix a reasonable time for the hearing. Public notice shall be given at least ten days prior to the date set for the hearing by publishing a notice thereof in a newspaper of general circulation in the county setting forth the time and place of the hearing and by giving due notice to the interested parties in accordance with the rules of the board.

C. The board shall require the party taking the appeal to assume the cost of public notice and due notice to the interested parties.

D. If within two years interested persons have failed to commence the use under the variance or have commenced the use in a manner which is contrary to the provisions of the development plan and supporting data finally approved by the board and upon the basis of which such variance was granted, the board may upon its own motion or upon the written petition of any aggrieved person require such interested persons upon proper written notice, to appear and show cause why such variance should not be declared null and void. (Ord. 83-12 § 23(H)—(L))

Chapter 17.84

FLOODPLAIN ZONING

Sections:

17.84.010 Short title.
17.84.020 Definitions.
17.84.030 Conflicting provisions of the zoning ordinance.
17.84.040 Basis for establishing floodplain districts.
17.84.050 Floodway (FW) district.
17.84.060 Floodway fringe (FF) district.
17.84.070 Floodplain (FP) district.
17.84.080 Reliance on chapter provisions—Disclaimer.
17.84.090 Permitted uses—By right.
17.84.100 Permitted uses—By special exception.
17.84.110 Nonconforming uses.
17.84.120 Variances and exceptions.
17.84.130 Plan commission rules of procedure.
17.84.140 Application to subdivision.
17.84.150 Application for improvement location permits.
17.84.160 Permit issuance—Miscellaneous provisions.

17.84.010 Short title.

This chapter shall be known as the floodplain zoning ordinance of Porter County, Indiana, and the maps herein referred to which are identified by the titles "Flood Boundary and Floodway Map" and "Federal Insurance Rate Map" and which are dated April 1, 1982 shall be known as the "Floodway" and "FIRM" Maps of Porter County, Indiana, and all explanatory matters thereon are adopted and made a part of this chapter. (Ord. 82-8 Art. I)

17.84.020 Definitions.

"Development" means any manmade change to improved or unimproved real estate including, but not limited to, building and other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Federal Insurance Administration" means, for purposes of this chapter, the Federal Agency charged with the administration of the National Flood Insurance Program.

"Flood" or "floodwater" means the water of any lake or water course which is above the banks and/or outside the channel and banks of such water course.

"Flood hazard area" means any floodplain, floodway, fringe district or any combination thereof.

"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" applies to the water surface elevation for which the building is protected.

"Floodplain" means any floodplain, floodway or floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway Map as prepared by the Federal Insurance Administration.

"Floodproofed building" means a commercial or industrial building designed to exclude flood waters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, veloci-

ties, impact and uplift forces and other factors associated with a regulatory flood.

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

"Natural resources" means the Indiana Natural Resources Commission.

"Regulatory flood" means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) 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 percent in any given year.

"Regulatory flood profile" means a longitudinal profile along the thread of a stream showing the maximum water surface elevation obtained by the regulatory flood.

"Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobilehomes and other similar items.

"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 codes specifications; or (2) any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects. (Ord. 82-8 Art. II)

17.84.030 Conflicting provisions of the zoning ordinance.

Within a designated floodway or floodway fringe, the provisions of this chapter relative to land use and control and other measures designed to minimize or eliminate existing or potential flood hazards shall take precedence over any conflicting provisions of the zoning ordinance. (Ord. 82-8 Art. III)

17.84.040 Basis for establishing floodplain districts.

The floodplain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Porter County" dated April 1, 1982, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the office of the clerk-treasurer. (Ord. 82-8 Art. IV (part))

17.84.050 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 may be made by reference to the Floodway Boundary and Floodway Map prepared for the Federal Insurance Administration in connection with the National Flood Insurance Program; provided, however all such identification shall be made in compliance with the current rules, procedures and policies of Natural Resources. Natural Resources exercises primary jurisdiction in the floodway (FW) district under the provisions of I.C. 1971, 13-2-22-1, et seq., however, the Porter County plan commission may impose terms and conditions on any permit it issues in this district which are more restrictive than those imposed by Natural Resources. The floodway (FW) district may stand by itself or be combined with any other district. (Ord. 82-8 Art. IV (part))

17.84.060 Floodway fringe (FF) district.

The purpose of the floodway fringe (FF) district is to guide development in areas subject to potential flood damage, but outside an identified floodway (FW) district. The identification of these areas may be made by reference to the Floodway Boundary and Floodway Map prepared for the Federal Insurance Administration in connection with the National Flood Insurance Program. The floodway fringe (FF) district may stand by itself or be combined with any other district. The principal requirement to this district is that the flood protection grade of all buildings shall be at least two feet above the regulatory flood profile. (Ord. 82-8 Art. IV(part))

17.84.070 Floodplain (FP) district.

The purpose of the floodplain (FP) district is to guide development in areas where a potential for damage from floodwaters exists, but for which no detailed flood data has been developed by the Federal Insurance Administration. These areas are identified as approximate one hundred (100) year flood boundaries on the Flood Boundary and Floodway Maps for the Federal Insurance Administration as part of the National Flood Insurance Program. The floodplain (FP) district may stand by itself or be combined with any other districts. (Ord. 82-8 Art. IV (part))

17.84.080 Reliance on chapter provisions—Disclaimer.

In the FW and FF districts established in this chapter, the degree of flood protection established in this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific consideration, Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice or debris jams. This chapter does not imply that areas outside flood hazard districts, as defined herein, will be free of flooding or flood damage. This chapter does not create any liability on the part of Porter County, Indiana, the board of commissioners of Porter County, the Porter County drainage board, plan commission, board of zoning appeals, the building commissioner of Porter County, Natural Resources, the state of Indiana, or any elected or appointed official or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 82-8 Art. IV (part))

17.84.090 Permitted uses—By right.

A. Floodway (FW) District and Floodplain (FP) District. The following usage shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the depositing 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:

1. All facilities, structures, uses and buildings consistent with other provisions of this chapter such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, mobilehomes, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in this district; provided, that the flood protection grade for all buildings shall be at least two feet above the regulatory flood profile. Further, mobilehomes 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 Mobilehome Tie Downs—Schedule A. In addition, adequate drainage and access for a hauler shall be provided. Floodproofed nonresidential 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, onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood. (Ord. 82-8 Art. V)

17.84.100 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 feet above regulatory flood profile:

1. Water management and use of facilities, such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities;

2. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, 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 facility sites;

4. Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmissions 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,

radios, or TV towers, parking lots and mineral extractions.

Floodproofing of nonresidential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in this ordinance and must be so certified by a professional engineer or a registered architect licensed to practice in the state of Indiana.

The structure or structures, if permitted in the floodway, shall be constructed on the building sites so as to minimize obstruction to the flow of floodwaters.

B. Floodplain (FP) District. The following special exception uses may be permitted in the floodplain (FP) district only after a proper permit or letter of recommendations for same 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 feet above the regulatory flood profile:

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

2. Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroad 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 facility sites;

4. Water-related urban uses; 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 extractions;

6. Mobilehomes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobilehome Tie Downs—Schedule A. In addition, adequate drainage and access for a hauler shall be provided;

7. Residential Structures. The structure or structures, if permitted in a floodplain (FP) district, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Floodproofing of nonresidential structures, if proposed, must be in accordance with the definition of a floodproofed building as set forth in this chapter and must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

Onsite waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood. (Ord. 82-8 Art. VI)

17.84.110 Nonconforming uses.

Any building, structure or other use in a floodplain (FP), floodway (FW) or floodway fringe (FF) district which is not in conformance with this chapter constitutes a nonconforming use.

A. In a floodway (FW) district, no nonconforming use may be expanded or enlarged nor can a building undergo substantial modifi-

cation without a permit for construction in a floodway from Natural Resources.

B. In a floodway fringe (FF) district a building which constitutes a nonconforming use may undergo substantial modification, provided such modification is on a one-time-only basis; and further provided, that 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. A nonconforming use in a floodplain (FP) district may be altered, enlarged or extended, on a one-time-only basis, provided the procedures set forth in this chapter with respect to new construction in a floodplain (FP) district are followed and further provided such alterations, enlargements or extensions do not increase the value of the building structure, or other use (excluding the value of land) by more than forty (40) percent of its pre-improvement market value, unless such building, structure or use is permanently changed to a conforming use.

D. Any nonconforming use in the FP, 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 pre-damage value. (Ord. 82-8 Art. VII)

17.84.120 Variances and exceptions.

A. The board of zoning appeals may consider issuing a variance to the terms and provisions of the floodway (FW), floodway fringe (FF) or floodplain (FP) 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 chapter 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), floodway fringe (FF) or floodplain (FP) 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 acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation.

4. Any variance or exception granted in a floodplain (FP) district will require a permit or letter of recommendations from Natural Resources. If a letter of recommendations is received from Natural Resources, the board of zoning appeals may apply the standards pertaining to a floodway fringe (FF) district contained in subsection B(3) of this section.

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

6. 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

7. 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. (Ord. 82-8 Art. VIII)

17.84.130 Plan commission rules of procedure.

A. The plan commission shall keep and maintain all records, including all lowest floor elevations, certificates, plans and other materials associated with any permit or variance issued in a floodway (FW), floodway fringe (FF) or floodplain (FP) district.

B. The plan commission shall not issue any permit, license or variance for the location or occupancy of any mobilehome in a floodway (FW), floodway fringe (FF), or floodplain (FP), until such time as proper notice written on lease, deed or purchase contract is given to the mobilehome owner that such mobilehome is in a flood hazard area.

C. The plan commission shall notify the Federal Insurance Administration of all permits issued in the floodway district concerning watercourse alteration. In addition to forwarding a copy of all such permits to FIA, they shall require that maintenance is provided within the altered or relocated portion of the watercourse, so that the flood-carrying capacity is not diminished. (Ord. 82-8 Art. IX)

17.84.140 Application to subdivision.

A. The plan commission, building commissioner 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 onsite waste disposal systems, 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 ordinance as flood prone areas shall have the elevation of the one hundred (100) year flood listed thereon. (Ord. 82-8 Art. X)

17.84.150 Application for improvement location permits.

The building commissioner of the county shall review all applications for improvement location permits for new construction, addi-

tions to existing construction or other development to ascertain whether the proposed construction, addition or development lies in an identified floodway or floodplain. If the building commissioner determines that the proposed construction, addition or development lays in an identified floodway or floodplain, then the applicant shall forward the application along with all pertinent plans and specifications to Natural Resources and apply for a permit for construction in a floodway from Natural Resources. If the permit application lies in a floodway fringe (FF) district then the building commissioner may issue a local building permit only upon the condition that the applicant provide the building commissioner with a certificate of a professional engineer or land surveyor licensed to practice in the state of Indiana which certifies that the lowest floor, including basement of the structure(s), is at least two feet above the one hundred (100) year frequency flood elevation. If the proposed construction or addition is found to lie in a floodway (FW) or floodway fringe (FF) district, the building commissioner may require such modifications to the design and materials as the building commissioner may deem appropriate to prevent flotation, collapse or lateral movement of the structure and minimize potential future flood damages. (Ord. 82-8 Art. XI)

17.84.160 Permit issuance—Miscellaneous provisions.

A. Prior to the issuance of an improvement location permit the building commissioner may require the applicant for the permit to submit proof of issuance of all other applicable state or federal permits required in any of the districts defined in this chapter for construction of any improvement enumerated in this chapter.

B. In the absence of FIA base flood elevation data or in the event of error in such data the building commissioner shall consider other available data approved by Natural Resources as a basis for issuing a permit, elevating residential structures to or above base flood level and flood proofing or elevating nonresidential structures to or above flood base level. (Ord. 82-8 Art. XII)

Chapter 17.88

WIRELESS COMMUNICATIONS TOWERS

Sections:

17.88.010	Applicability.
17.88.020	Definitions.
17.88.030	Special exception required.
17.88.040	Improvement location permit.
17.88.050	Design standards.
17.88.060	Fees.
17.88.070	Enforcement.
17.88.080	Nonconforming communications facilities.
17.88.110	Violation—Penalty.

17.88.010 Applicability.

The ordinance codified in this chapter shall apply to the construction, placement and modification of all communication facilities, as hereinafter defined, within unincorporated Porter County. No such communications facility shall be constructed, erected, placed, modified or altered within unincorporated Porter County unless: a special exception and a building permit have first been obtained as required in this chapter; and such communications facility otherwise complies with the terms and provisions of this chapter. (Ord. 99-28 § A)

17.88.020 Definitions.

The following definitions shall apply throughout this chapter:

"Antenna" means a device used in communications which transmits or receives radio or television signals, or any other spectrum-based transmissions/receptions; but expressly excluding an antenna for the receipt of television signals which does not exceed thirty-five (35) feet in height, inclusive of the height of the building or structure to which it is attached. Antenna types include, but are not limited to, omnidirectional "whip" antenna, directional "panel" antenna and ancillary antenna.

"Co-location" means a single site where commercial wireless communications service equipment from more than one provider is located.

"Commercial wireless communications service" means Federal Communications Commission (FCC) licensed commercial wireless communications services that are marketed to the general public, including cellular telephone, personal communications services (PCS), specialized mobilized radio (ESMR) paging and similar services.

"Communications facility" means a land use facility, including without limitation any building, structure, communications tower, or accessory buildings and structures, which support antennae or other devices intended for use in connections with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

"Communications tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. The term includes radio and television transmission towers, microwave towers, cellular telephone and commercial wireless communications service towers, alternative tower structures and the like. Tower types include, but are not limited to, guyed towers, wooden poles, lattice towers and monopoles.

"Designed fail area" means the area surrounding a communications tower in which

the tower could fall, should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the base of the communications tower to the perimeter of the designed fail area. The designed fail area shall be certified by an Indiana licensed structural engineer.

"Guyed towers" means a communications tower anchored by cables or wires typically ranging in height from one hundred (100) to four hundred (400) feet, which can accommodate a variety of users and antennae.

"Lattice towers" means a free standing communications tower typically ranging in height from sixty (60) to four hundred (400) feet which can accommodate a variety of users. These towers generally have three or four support steel "legs" and hold a variety of antennae.

"Monopole towers" means a freestanding communications tower typically ranging in height from twenty-five (25) to two hundred (200) feet, which can accommodate multiple users. These towers consist of a single pole, approximately three feet in diameter to the base and narrowing to roughly one and one half feet at the top and hold a variety of antennae.

"Subdivision" means a division of a tract of land into two or more lots for the purpose of residential development. The plat of subdivision must be recorded in the office of the Porter County recorder.

"Tower height" means the vertical distance from the ground level to the highest point of a communications tower, or attached antenna or similar device, including attached communications facilities.

"Tower setback" means the horizontal distance from the base of a communications tower to an abutting property line and/or proposed right-of-way. (Ord. 99-28 § B)

17.88.030 Special exception required.

No communications facility may be located in any zoning district in Porter County unless a special exception has been granted in accordance with the provisions of Chapter 17.60 of the Porter County Code, as amended, and in accordance with the provisions of this chapter. In addition to any criteria set forth in Chapter 17.60 of the Porter County Code, as amended, any application for a special exception for a communications facility shall be subject to the following requirements:

A. Location of Communications Facilities. A communications facility may be located in any zoning district upon receipt of a special exception as set forth herein, provided, however, that: no communications facility may be located in a residential mobile home ("RMH") district; and no communications facility may be located within the boundaries of any recorded residential subdivision.

B. Application. An application for a special exception for a communications facility may be made by the property owner, the owner of the communications facility, or a duly authorized agent of the property owner or the owner of the communications facility. All applications shall be initially filed with the county planner. Each application shall include the following information and/or materials:

1. Name, address and telephone number of the applicant;

2. Name, address and telephone number of the property owner or owner of the communications facility, as applicable, if not the applicant;

3. Name(s), address(es) and telephone number(s) of the intended lessee(s) or user(s) of the communications facility, if different from the owner of the communications facility;

4. Name, address and telephone number of the contractor who will erect, alter, construct or relocate the communications facility, if not the applicant;

5. A report from an Indiana licensed professional engineer, which:

a. Describes the height of the communications facility or tower height and the structural design of the communications facility and all footings or anchors. Cross-sections and elevations of communications towers shall be shown on a scaled drawing,

b. Describes the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae,

c. Describes the communications facility's capacity, including the number and type of antennae that it can accommodate and their effective range,

d. Includes a copy of the stress sheets and calculations showing the structure's deadload and wind pressure capacities,

e. Includes a detailed site plan of the parcel or lot, showing the position of the communications tower and/or communications facility in relation to existing building(s) or structures, easements, rights-of-way and applicable setback lines. Detailed site plans should include adjoining parcels and lots, if located within a distance equal to one hundred twenty percent (120%) of the tower height, and

f. Includes a description of any right-of-way cuts and/or utility service to be installed;

6. Written consent or other proof of authorization of the owner of the building, structure or land to which or on which the communications facility is to be erected;

7. Written documentation or other proof that the communications facility will be in service within one month of completion of construction;

8. Copies of any necessary easements;

9. A written commitment by the applicant to notify the county not less than sixty (60) days prior to any changes in ownership of the communications facility or ownership of the property in question;

10. Written proof of adequate liability insurance covering the communications facility owner and operator, together with a written commitment to file proof of such adequate liability insurance with the county on an annual basis;

11. For all communications towers for commercial wireless communications service, a letter of intent committing the communications tower owner and his or her successors to allow the shared use of the tower, if an additional user agrees in writing to meet reasonable terms and conditions for shared use;

12. A plan delineating any existing and proposed and/or anticipated communications facilities within Porter County, for the purpose of promoting long-range planning to minimize the number of communications facilities and their potential adverse impacts on unincorporated Porter County.

C. Review by Technical Advisory Committee. Upon receipt of an application for a special exception for a communications facility, the county planner shall forward the application to the technical advisory committee (TAC) for its review. The TAC shall review the application for compliance with the provisions of this chapter and shall make recommendations to the Plan Commission within

thirty (30) days after filing of the application with the county planner. TAC review hereunder shall be a prerequisite to review by the plan commission pursuant to Section 17.60.020 of the Porter County Code, as amended, and for purposes of such Section 17.60.020, the plan commission shall be deemed to have received the application upon receipt of TAC's recommendations or expiration of the thirty (30) day period hereunder for TAC review, whichever occurs first.

D. Criteria for Approval of Special Exception. In addition to any criteria set forth in Section 17.60.030 of the Porter County Code, as amended, the board of zoning appeals may not grant approval of a special exception for a communications facility unless they following criteria have been satisfied:

1. No new communications tower for a commercial wireless communications service may be approved unless the board of zoning appeals finds that the telecommunication equipment planned for the proposed communications tower cannot be accommodated on an existing or approved communications tower or building within a two mile search radius of the proposed communications tower due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved communications tower or building, as documented by a qualified and licensed professional engineer within the state of Indiana, and the existing or approved communications tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost,

b. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the communications tower or building, as documented by a qualified and licensed professional engineer in the state of Indiana, and the interference cannot be prevented at a reasonable cost,

c. Existing or approved communications towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer within the state of Indiana,

d. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved communications tower or building;

2. The applicant has submitted all required application materials as set forth in subsection B of this section, including without limitation the plan of existing and proposed communications facilities and the written commitment to notify the county of changes in ownership of the communications facility and/or land;

3. The proposed communications facility meets the design criteria specified in Section 17.88.050;

4. The applicant has furnished evidence of appropriate licensure and approval by the Federal Communications Commission (FCC) for the construction and operation of the communications facility, and communications tower approval by the Federal Aviation Administration (FAA), as applicable; and

5. As a condition of the grant of the special exception, the applicant shall be required to send written notice, by certified mail, to all commercial wireless communications service providers then licensed by the FCC to provide service within Porter County, of the availability of the applicant's communications facility for co-location of future equipment or services. The applicant shall furnish proof of such notification prior to issuance of an improve-

ment location permit, in accordance with Section 17.88.040 (E). (Ord. 99-28 § C)

17.88.040 Improvement location permit.

No communications facility may be constructed, erected, altered or modified in any zoning district in Porter County unless an Improvement location permit has been issued authorizing the same in accordance with the provisions of Chapter 17.68 of the Porter County Code, as amended, and in accordance with the provisions of this chapter. In addition to any requirements set forth in Chapter 17.68 of the Porter County Code, as amended, no improvement location permit may be issued for the construction, erection, alteration or modification of any communications facility unless the requirements of this section have been satisfied.

A. Application. An application for an improvement location permit for a communications facility shall include the information required for the special exception application, as specified in Section 17.88.030 (B).

B. Permit Fees. All applicable improvement location permit fees shall have been paid prior to issuance.

C. Evidence of Special Exception. The applicant shall file evidence demonstrating that a special exception has been duly granted pursuant to the provisions of Section 17.88.030, or demonstrating the communication facility's compliance with the provisions of Section 17.88.080(A).

D. FCC and FAA Approval. The applicant shall furnish evidence of appropriate licensure and approval by the Federal Communications Commission (FCC) for the construction and tower approval by the Federal Aviation Administration (FAA), as applicable.

E. Notification of Other Providers. The applicant for an improvement location permit for the construction or erection of a new communications facility shall file proof of delivery of the written notice required in Section 17.88.030(D)(5).

F. Compliance with Design Standards. The proposed communications facility shall meet the design criteria specified in Section 17.88.050.

G. Site Plan Review. Applications for an improvement location permit for alteration or modification of an existing communications facility shall be submitted to the plan commission for site plan approval prior to issuance of an improvement location permit. Upon receipt of an application for an improvement location permit for alteration or modification of an existing communications facility, the county planner shall submit the application to the TAC. The TAC shall review the application for compliance with provisions of this chapter, and shall make its recommendation to the plan commission within thirty (30) days after filing of the application with the county planner. The plan commission shall then review the application and site plan for compliance with the provisions of this chapter and shall either approve or deny the site plan within thirty (30) days after receipt of the TAC recommendations. No improvement location permit for alteration or modification of an existing communications facility may be issued without plan commission approval of the application and site plan hereunder.

H. Antennae Mounted on Roofs and Walls. Notwithstanding the provisions of Section 17.88.030 or subsection G of this section, the installation of antennae for commercial wire-

less communications service on existing roofs and walls may be approved by the building commissioner and county planner, provided that:

1. The requirements of subsections A through F of this section are satisfied; and

2. The applicant submits a report prepared by a qualified Indiana licensed professional engineer, indicating the suitability of the antenna(e), and specifying the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Except as otherwise stated in subsection G of this section, an improvement location permit shall be issued within thirty (30) days of the filing of the completed application and satisfaction of the criteria specified in this section. (Ord. 99-28 § D)

17.88.050 Design standards.

Any communications facility constructed, erected, altered or modified in any zoning district in Porter County shall comply with the following design standards:

A. Accommodation of Multiple Users. Any proposed communications tower for commercial wireless communications service shall be designed structurally, electrically and in all respects, to accommodate both the applicant's antennae and comparable antennae for at least one additional user, if the communications tower is over sixty (60) feet in height but less than one hundred (100) feet in height, or for at least two additional users if the communications tower is over one hundred (100) feet in height.

B. Tower and Antenna Design Requirements. Proposed or modified communications towers and antennae shall meet the following design requirements:

1. Communications towers and antennae shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal and state authorities, such as the FAA.

2. Communications towers for commercial wireless communications service shall be of a monopole design, unless the board of zoning appeals determines that an alternative design would better blend in with the surrounding environment.

C. Minimum Tower Setbacks. The minimum tower setback requirements for communications facilities shall be as follows:

1. All communications facilities shall, at minimum, meet the setback requirements of the underlying zoning districts, provided, however, that communications towers erected or constructed in industrial zoning districts may encroach up to ten feet into the rear setback area, if the adjoining parcel is also zoned industrial.

2. Communications towers shall be set back from any planned right-of-way, according to the Porter County thoroughfare plan, a minimum distance equal to one half the tower height, including all antennae and attachments.

3. Guyed towers and lattice towers shall be setback on all sides a minimum distance equal to the designed fail area, plus ten percent of the tower height.

4. Monopole towers shall be setback on all sides a minimum distance equal to the designed fail area plus ten percent of the tower height.

5. Communications towers shall not be located between a principal structure and a public street.

6. Communications facilities shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to the tower height plus ten percent of the tower height.

7. A communications tower's setback may be reduced or its location in relation to a public street varied at the sole discretion of the board of zoning appeals, to allow for the integration of the communications tower into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.

D. Accessory Utility Buildings. All utility buildings and structures accessory to a communications tower or other communications facility shall be architecturally designed to blend in with the surrounding environment, and shall meet the minimum setback requirements of the underlying zoning district.

E. Screening. Ground mounted equipment shall be screened from view by suitable vegetation and/or by nearby buildings except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

F. Security Fence. Communications towers or other communications facilities and all ancillary buildings shall be protected by a seven foot security fence within the visually screened area.

G. Maximum Tower Height. Communications towers shall not exceed two hundred (200) feet in height in the following zoning districts: RR, R-1, R-2, R-3, C-1, C-2, C-3, C-4 and I-1. Towers may exceed two hundred (200) feet in the following zoning districts, as long as adjoining properties are zoned the same: AG, I-2 and I-3. Roof mounted antennae may exceed the maximum building height in the applicable zoning district by no more than twenty (20) feet. Antennae located on utility poles or other structures not covered above may not exceed one hundred ten percent (110%) of the existing pole height.

H. Lighting. Communications towers and other communications facilities shall not be illuminated by artificial means and shall not display strobe lights, except for such lighting as is specifically required by the FAA or other federal or state authority for a particular communications tower.

I. Signs and Advertising. The use of any portion of a communications tower for the posting of any signs or advertisements of any kind, other than warning or advertisements of any kind, other than warning or equipment information signs, is prohibited. (Ord. 99-28 § E)

17.88.060 Fees.

The applicable fee(s) for applications for a special exception, an improvement location permit, and/or TAC review under this chapter shall be as specified in Section 17.76.010 of the Porter County Code for commercial uses and site review. (Ord. 99-28 § F)

17.88.070 Enforcement.

In addition to any applicable enforcement rights or remedies available under the Porter County Code, or applicable federal or state law, the following shall apply:

A. Inspections. All communications facilities which an improvement location permit is required are subject to inspection by the building commissioner or his designee. If an easement is required for location of a communica-

tions facility on the property, the easement shall be staked by an Indiana licensed and registered land surveyor so as to provide proof that the communications facility has been constructed within the easement. Footing inspections may be required by the building commissioner for all communications facilities having footings. All communications facilities containing electrical wiring will be subject to the provisions of the National Electric Code.

B. Right of Entry. In order to determine if any communications facility is unlawfully constructed, erected, altered, or modified in compliance with the provisions of this chapter and applicable building codes and ordinances of Porter County, the building commissioner, the county planner or their respective designees may enter onto the property to investigate the matter, and may order that appropriate action be taken to bring such communications facility into compliance.

C. Removal. The building commissioner shall have the authority to order the correction or removal of any communications facility that is constructed, erected, altered or modified in violation of this chapter and/or applicable building codes or ordinances of Porter County, or that constitutes an unlawful nonconforming use under this chapter. (Ord. 99-28 § G)

17.88.080 Nonconforming communications facilities.

Communications facilities in existence on the date of adoption of the ordinance codified in this chapter which do not conform or comply with the provisions of this chapter are subject to the following:

A. Legal Nonconforming Communications Facility. Any communications facility located within the unincorporated areas of Porter County on the date of adoption of the ordinance codified in this chapter, which does not conform to the provisions of this chapter shall be deemed a legal nonconforming use, provided that the following requirements are satisfied:

1. The communications facility:

a. Was constructed pursuant to a validly issued improvement location permit building permit if one was required under applicable law at the time of construction, and

b. Was constructed under, or, as of the date of the adoption of the ordinance codified in this chapter, existed pursuant to, a validly issued variance or special exception; or

2. As of the date of the adoption of the ordinance codified in this chapter, the communications facility had legal, nonconforming use status.

B. Unlawful Communications Facility. A communications facility as specified in subsections (B)(1) or (2) of this section, is an unlawful communications facility.

1. Any nonconforming communications facility which does not meet the criteria for a legal nonconforming use as specified in subsection A of this section is an unlawful communications facility.

2. A communications facility meeting the criteria for a legal nonconforming use under subsection A of this section shall immediately lose its legal nonconforming use status if:

a. The communications facility, because of improper installation or maintenance, becomes or constitutes a threat to public health or safety, if the condition is not remedied within sixty (60) days after written notice from the building commissioner or county planner, or their respective designees, as applicable;

b. The communications facility is demolished or damaged (e.g., because of fire, weath-

er conditions, etc.) to the extent of fifty percent (50%) or more of its value;

c. The permit, variance or special exception under which the communications facility was permitted expires or lapses, or any condition of such permit, variance or special exception expires, lapses or ceases to exist; or

d. The communications facility is structurally altered so as to prolong its expected life, unless such alteration is made in compliance with the provisions of this chapter.

C. Obligation of Owners. Nothing in this chapter shall relieve the owner or user of a communications facility that is a legal nonconforming use, or the owner of the property on which the legal nonconforming communications facility is located, from any obligation to maintain the communications facility in a safe condition and in good repair. (Ord. 99-28 § H)

17.88.110 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be fined in an amount no less than fifty dollars ($50.00) nor no more than two hundred fifty dollars ($250.00). (Ord. 99-28 § K)

Chapter 17.92

WELLHEAD PROTECTION AREAS

Sections:

17.92.010	Applicability.
17.92.020	Definitions.
17.92.030	Establishment of wellhead protection zones.
17.92.040	Filing of plans.
17.92.050	Notice of proceedings.
17.92.060	Participation in proceedings before the technical advisory committee.
17.92.090	Violation—Penalty.

17.92.010 Applicability.

The ordinance codified in this chapter shall apply to any subdivision, development, or construction of or on any parcel of land in unincorporated Porter County, any portion of which is located within a wellhead protection area, as defined herein, pursuant to the following procedures:

A. The subdivision control procedures under Title 16 of the Porter County Code, as amended;

B. The planned unit development procedures under Title 17, Chapter 17.24 of the Porter County Code, as amended;

C. The special exception procedures under Title 17, Chapter 17.60 of the Porter County Code, as amended;

D. The improvement location permit procedures under Title 17, Chapter 17.68 of the Porter County Code, as amended;

E. The variance procedures under Title 17, Section 17.80.050 of the Porter County Code, as amended, and I.C. Sections 36-7-4-918.4 or 36-7-4-918.5; and/or

F. The rezoning procedures under I.C. Section 36-7-4-600 et seq. (Ord. 00-1 § A)

17.92.020 Definitions:

The following definitions shall apply throughout this chapter:

"Applicant" means any person or entity applying for:

1. Approval of a primary subdivision plat or of a minor subdivision under Title 16, Chapters 16.16 or 16.28 of the Porter County Code, as amended;

2. Approval of a planned unit development under Title 17, Chapter 17.24 of the Porter County Code, as amended;

3. Approval of a special exception under Title 17, Chapter 17.60 of the Porter County Code, as amended;

4. Issuance of an improvement location permit under Title 17, Chapter 17.68 of the Porter County Code, as amended;

5. Approval of a variance under Title 17, Section 17.80.050 of the Porter County Code, as amended, and I.C. Sections 36-7-4-918.4 or 36-7-4-918.5; and/or

6. Application for a rezoning under I.C. Section 36-7-4-600 et seq. (when the resulting zoning classification will be a commercial or industrial designation);

when all or any portion of the affected land lies within a wellhead protection zone as defined herein.

"Community public water supply system (CPWSS)" means a public water supply system, any portion of which is located in Porter County, Indiana, that serves at least fifteen (15) service connections used by year-round

residents or regularly serves twenty-five (25) year-round residents.

"IDEM" means the Indiana Department of Environmental Management created under I.C. 13-13-2.

"Public water supply system (PWSS)" means a public water supply system for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Wellhead protection administrator" means an official appointed by the CPWSS, who is responsible for administering and implementing the wellhead protection program of the CPWSS.

"Wellhead protection area (WHPA)" means the surface and subsurface area, delineated by a CPWSS and approved by IDEM under 327 IAC 8-4.1-1 et seq., which contributes water to a CPWSS production well or wellfield and through which contaminants are likely to move through and reach the well within a specified period.

"Wellhead protection program (WHPP)" means a program to sustain drinking water quality in ground waters that supply public water supply wells and wellfields, as mandated by the 1986 amendments to the federal Safe Drinking Water Act, Title II, Section 205, Subsection 1428.

"Wellhead protection zone" means the land area encompassing a wellhead protection area established by the Porter County plan commission as set forth in Section 17.92.030.

"Plan Commission" means the Porter County plan commission. (Ord. 00-1 § B)

17.92.030 Establishment of wellhead protection zones.

A CPWSS which has designated one or more wellhead protection areas located within Porter County in accordance with 327 IAC 8-4.1-1 et seq. shall, upon approval of phase I of its WHPP by IDEM, file with the Porter County plan commission, in the office of the county planner, a copy of all map(s) approved by IDEM as part of such phase I approval which delineate the wellhead protection area(s). In addition, the CPWSS shall prepare and file with the plan commission a plat prepared by an Indiana registered engineer or surveyor which delineates and legally describes the land area(s) encompassing the approved wellhead protection area(s) proposed to be the wellhead protection zone(s). Upon approval of such plat by the plan commission, the wellhead protection zone(s) described thereon shall be established. Provided, further, any map and/or plat filed or approved under this chapter shall not be considered as a zoning map and shall not affect the uses or developmental standards applicable to any land located within an area designated as a wellhead protection zone. In the event of any subsequent modifications to or amendment of the wellhead protection area(s) approved by IDEM, the CPWSS must file and the plan commission must approve a revised plat designating the wellhead protection zone(s) as modified. Any CPWSS shall not be entitled to notice of proceedings as set forth in Section 17.92.050 with respect to any wellhead protection area unless a plat is filed and a wellhead protection zone is established as set forth herein. (Ord. 00-1 § C)

17.92.040 Filing of plans.

At the time of filing his/her/its application for a subdivision, minor subdivision, planned unit development, special exception, improvement location permit, variance or rezoning pertaining to land all or a portion of which lies in a wellhead protection zone, an applicant shall file a copy of the proposed plat and/or plans with the applicable wellhead protection Administrator. (Ord. 00-1 § D)

17.92.050 Notice of proceedings.

In addition to any other notice an applicant is required to give, an applicant shall give notice to the wellhead protection administrator of the affected CPWSS of the following:

A. The public hearing on the applicant's application for primary subdivision approval under Title 16, Chapter 16.16 of the Porter County Code, as amended;

B. The public hearing on the applicant's application for planned unit development approval under Title 17, Section 17.24.070 of the Porter County Code, as amended;

C. The public hearing on the applicant's application for a special exception under Title 17, Section 17.60.030 of the Porter County Code, as amended;

D. The public hearing on the applicant's request for a variance under Title 17, Section 17.80.050 and I.C. Sections 36-7-4-918.4 or 36-7-4-918.5; and/or

E. The public hearing on the applicant's request for a rezoning under I.C. Section 36-7-4-608(b);

pertaining to land all or any portion of which lies in a wellhead protection zone. For purposes of this chapter, the wellhead protection administrator of the affected CPWSS shall be deemed (an) interested party (ies) entitled to notice and an opportunity to be heard with respect to such application. A CPWSS affected by any application of an applicant for approval of a subdivision, planned unit development, special exception, improvement location permit, variance or rezoning, may submit written or oral comments to the administrative body of Porter County having jurisdiction over the matter, and may attend and participate in any public hearing(s), in the same manner and to the same extent as all other interested parties and/or citizens. (Ord. 00-1 § E)

17.92.060 Participation in proceedings before the technical advisory committee.

Upon request by the affected CPWSS, in the sole discretion of the plan commission's technical advisory committee (TAC), and with respect to any proceedings before the TAC regarding any application of any applicant pertaining to land all or any portion of which lies in a wellhead protection zone, the TAC: may receive and consider written or oral communications from the CPWSS concerning the effect of the proposed application on the wellhead protection area(s) established under 327 IAC 8-4.1-1 et seq.; and may invite a representative of the CPWSS to attend TAC proceedings for the purpose of providing such communications. Nothing herein shall be construed as requiring the TAC to invite the participation of, and/or receive comments from, a CPWSS in any manner not afforded to the general public. (Ord. 00-1 § F)

17.92.090 Violation—Penalty.

Any persons violating any of the provisions of this chapter shall be fined in an amount no

less than fifty dollars ($50.00) nor no more than two hundred fifty dollars ($250.00). (Ord. 00-1 § I)

Chapter 17.96

SANITARY FILLS, TRANSFER STATIONS, CONSTRUCTION/DEMOLITION DISPOSAL SITES AND OTHER APPROVED SOLID WASTE DISPOSAL METHODS

Sections:

17.96.010	**Applicability.**
17.96.020	**Definitions.**
17.96.030	**Special exception required.**
17.96.040	**Criteria for approval of special exception.**
17.96.050	**Improvement location permit.**
17.96.060	**Fees.**
17.96.070	**Enforcement.**
17.96.080	**Non-conforming solid waste facilities.**
17.96.090	**Conflicting provisions.**
17.96.100	**Severability.**
17.96.110	**Violation—Penalty.**
17.96.120	**Effective date.**

17.96.010 Applicability.

This chapter shall apply to the construction placement and modification of sanitary fills, transfer stations, construction/demolition sites and other approved solid waste disposal methods, as hereinafter defined, within unincorporated Porter County. No such solid waste facility shall be constructed, erected, placed, modified or altered within unincorporated Porter County unless: a special exception and an improvement location permit has first been obtained as required in this chapter; and such solid waste facility otherwise complies with the terms and provisions of this chapter. (Ord. 02-09 § A)

17.96.020 Definitions.

"Construction/demolition disposal site" means the disposal of non-biodegradable waste resulting from road building, construction, remodeling, repair or demolition of structures.

"Incinerator" means a site under one ownership with one or more incinerators that use thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

"Sanitary landfill" means the burial of non-hazardous and non-medical farm, residential, institutional, commercial or industrial waste; hazardous waste shall be defined pursuant to EPA, IDEM or other applicable government regulation.

"Solid waste" means any garbage, refuse, rubbish or other discarded materials that may be in solid, liquid, semi-solid, or gaseous form.

"Solid waste facility" means establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing under any circumstance; and

"Transfer station" means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site. This does not include an incinerator facility. (Ord. 02-09 § B)

17.96.030 Special exception required.

Solid waste facilities may only be located in I-2, general industry and I-3, heavy industrial district. No solid waste facility may be located in the I-2, general industry or I-3, heavy industrial district unless a special exception has been granted in accordance with the provisions of Chapter 17.60 of the Porter

County Code, as amended, an application for a special exception for a solid waste facility shall be subject to the following requirements:

A. The owner and proposed operator of the facility shall file an application for a special exception with the plan commission office in accordance to the rules and procedures of the Porter County board of zoning appeals;

B. A copy of the deed or other document establishing the right, title and interest of the owner and proposed operator in the proposed site of the solid waste facility;

C. A description of the type of solid waste and the source of generation of the solid waste involved in the solid waste activity to be conducted on the site together with a description of the technology and the procedures the owner and proposed operator proposes to utilize in its solid waste management activities at the site;

D. A complete history of the owner and proposed operator's prior experience in the ownership and/or operation of any and all solid waste facilities, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of solid waste facilities;

E. The application for special exception shall identify the following persons and entities and provide the compliance information required by this subsection for each person or entity so identified:

1. The owner and proposed operator applying for special exception;

2. If owner and proposed operator is a proprietorship, each proprietor and their interest;

3. If owner and proposed operator is a partnership, each of the partners and their respective interest, and any corporation, joint venture, partnership in which any of the partners of the applicant owner and proposed operator hold ten (10) percent or greater interest in any of the partners comprising the applicant;

4. If the owner and proposed operator is a corporation, a detailed listing of the officers, directors and any stockholders holding ten (10) percent or more in stock in the corporation; any corporation in which the applicant owner and proposed operator is a subsidiary or which holds a ten (10) percent or greater interest in the applicant; any corporations which are either subsidiaries of the applicant or in which the applicant holds a ten (10) percent or greater interest; and any proprietorship, partnership, or joint venture in which the applicant holds a ten (10) percent or greater interest;

F. The total land area of a new solid waste facility shall be at least fifty (50) acres;

G. Proposed solid waste facility must have access to a major thoroughfare, which shall not exceed one entrance. The board may consider access other than a major thoroughfare if the entrance is within an acceptable relationship to a major thoroughfare. The number of entrances shall not exceed one. A traffic study shall be prepared by an Indiana licensed professional engineer. A traffic study shall show all existing and proposed edge of pavements, culvert or bridge structures, driveways, signs, roadside drainage swales, road centerlines, section lines and utilities. In addition the existing and future levels of service shall be calculated for all intersections and road segments adjacent to or impacted by the proposed solid waste facility;

H. Any lateral expansion of an existing solid waste facility shall be considered as a new facility;

I. Solid waste facilities are subject to the following setback requirements:

1. Two hundred (200) feet of the property lines of the solid waste facility;

2. One thousand three hundred twenty (1320) feet of a dwelling;

3. One thousand three hundred twenty (1320) feet of a residential district;

4. Five thousand two hundred eighty (5280) feet from a Public/institutional water supply, park, or open space designated for the public;

5. Two hundred (200) feet of a continuously flowing river or stream;

6. Six hundred (600) feet of any commercial or industrial structure; and

7. Applicable FAA requirements;

J. Archeological Assessment. A letter of review (records check) regarding all affected parcels should be obtained from the Department of Natural Resources;

K. Buffering Plan. Drawings and documents which detail the type of buffer and specifications of said buffer, which will be erected to separate and screen views, noise, and objectionable lighting, etc., of the proposed solid waste facility from existing land uses;

L. Economic Impact Assessment. The costs of a new solid waste facility should be weighed against the benefits of the development in terms of community compensation, impact on existing or proposed infrastructure; impact on existing and proposed land uses, and impact on community character. The plan shall include cost of development, impact of infrastructure, funding sources, and the value of the development to the community;

M. Environmental Impact Assessment. A detailed description of the effect which the proposed development will have upon the immediate and surrounding environment including but not limited to vegetative destruction, soils contamination, surface and subsurface water contamination, air pollution, noise, lighting, rodent and scavenger control, etc.;

N. Emergency Management Plan. Detailed description of procedure for dealing with extraordinary events. These events include, but are not limited to fire, tornado, flood, release of noxious gases, release of hazardous substances, evacuation routes, etc;

O. Grading and Drainage Plan. Drawings and documents showing the existing and proposed surface elevations, off site and on site watersheds, the direction of surface runoff, retention/detention facilities, all flood plains, wetlands, location of the site storm water outlet and condition of off site drainage facilities affected by the proposed solid waste facility. The drainage plan shall be prepared by a licensed Indiana professional engineer and reviewed by the Porter County plan commission's technical advisory committee prior to the application;

P. Landscape Plan. Drawings and documents showing the existing and proposed vegetation and plantings. This plan is to include both the aesthetic aspect of landscaping and the functional aspect of buffering and screening. It shall include location, name spacing, size at time of planting and ultimate size of vegetation and spacing;

Q. Maintenance Plan. Plans detailing the manner in which the grounds and publicly visible portions of the facility will be maintained. This plan will include short-term routine maintenance as well as long-term;

R. Noise Impact Assessment. A detailed description of any continuous or periodic noises caused by the operation or presence of the proposed facility. A plan describing and diagramming the effect, volume, direction, and proposed buffering to limit noise from

escaping the site shall be provided. Volume in decibels shall be provided;

S. Noxious Fume Assessment. Description of gases, fumes or odors, which may be released as a result of the daily operation or presence of the proposed facility or which may be released as a byproduct of an unforeseen act such as fire, tornado, or vandalism. The noxious fume assessment must be verified with local, state and federal requirements;

T. Site Location Map. A map or drawing which shows the location of the proposed property relative to commonly known landmarks such as state routes, major businesses or city/corporate limits. To reduce the number of pages submitted, the site location map may include other required information such as surrounding land uses, distance to nearest structure, distance to emergency services, access and circulation routes, and any other offsite requirements of the project;

U. Site Safety Plan. A plan or program listing procedures that would detail how potentially unsafe conditions or situations are to be handled in order to ensure the safety of employees, visitors, neighbors and nearby community;

V. Site Security Plan. An outline of the proposed procedure that will be implemented to restrict free access into and out of identified restricted facilities. The plan must detail the distance to and size of neighboring land uses, the identification of all hazards. (Ord. 02-09 § C)

17.96.040 Criteria for approval of special exception.

In addition to any criteria set forth in Section 17.60.030 of the Porter County Code, as amended, the board of zoning appeals may not grant approval of a special exception for a solid waste facility unless the following criteria have been satisfied:

A. The owner and proposed operator's prior experience and history in solid waste management activities must indicate a satisfactory record of compliance with applicable federal, state and local laws, ordinances and resolutions.

B. The owner and proposed operator have sufficient financial resources to: complete and construction of the proposed solid waste facility; maintain and operate the facility in compliance with all applicable federal, state and local laws; respond immediately in the event of emergency by accident or upset at the site;

C. The applicant has submitted all required application materials as set forth in 17.96.030 above at the time of application as set forth within the rules and procedures of the board of zoning appeals. (Ord. 02-09 § D)

17.96.050 Improvement location permit.

No solid waste facility may be constructed, altered or modified in any zoning district in Porter County unless an improvement location permit has been issued authorizing the same in accordance with the provisions of Chapter 17.68 of the Porter County Code, as amended, and in accordance with the provisions of this chapter. In addition to any requirements set forth in Chapter 17.68 of the Porter County Code, as amended, no improvement location permit may be issued for the construction or modification of any Solid Waste Facility unless the requirements of this section have been satisfied.

A. An application for an improvement location permit for a solid waste facility shall include the information required for the Special Exception application, as specified in 17.96.030 of this chapter.

B. All applicable improvement location permit fees shall have been paid prior to issuance.

C. The applicant shall file evidence demonstrating that a special exception has been duly granted pursuant to the provisions of 17.96.040 of this chapter.

D. The applicant shall furnish evidence of all appropriate approvals from the Indiana Department of Environmental Management, for the construction of the solid waste facility.

E. For a commercial sanitary fill the applicant shall submit to the Porter County board of commissioners a financial guarantee for the construction, maintenance and closure of said sanitary fill.

F. If approved by the board of zoning appeals for an access onto a county highway a financial maintenance guarantee shall be reviewed by the county highway engineer and the county highway supervisor with final approval by the board of county commissioners for all solid waste facilities.

G. If improvements to the county highway are required as part of the special exception approval the applicant shall schedule all proposed work with the county highway engineer and shall submit a performance bond or a letter of credit with the board of commissioners for the cost of proposed construction.

H. The executive director of the plan commission shall forward the application for an improvement location permit to the technical advisory committee (TAC) for review. TAC shall review compliance for all information listed within this section prior to the issuance of an improvement location permit.

I. If at any time during the operation of the solid waste facility a required permit is revoked or suspended, the executive director of the plan commission may revoke the improvement location permit and take any other enforcement action permitted under this chapter. (Ord. 02-09 § E)

17.96.060 Fees.

The applicable fee(s) for a special exception and/or technical advisory committee review under this chapter shall be as specified in Section 17.76.010 of the Porter County Code for industrial uses and site review. An improvement location permit fee is one thousand dollars ($1,000.00) and will only be issued after all approvals for the solid waste facility have been granted. (Ord. 02-09 § F)

17.96.070 Enforcement.

In addition to an applicable enforcement rights or remedies available under the Porter County Code, or applicable state or federal law, the following shall apply:

A. Inspections. All solid waste facilities for which an improvement location permit is required shall be subject to inspections by the county planner or his/her designees and/or by the building commissioner or his/her designees. All structures and/or fill areas shall be staked for the proposed construction by an Indiana licensed and registered land surveyor.

B. Right of entry. In order to determine if any solid waste facility is constructed, erected, altered or modified in compliance with the provisions of this chapter and applicable building codes and ordinances of Porter County, the county planner, the building commissioner or their respective designees may enter onto the property to investigate the matter, and may order that appropriate action be taken to bring such solid waste facility into compliance. (Ord. 02-09 § G)

17.96.080 Non-conforming solid waste facilities.

Solid waste facilities in existence on May 21, 2002 which do not conform or comply with the provisions of this chapter are subject to the following:

A. Legal Non-Conforming Solid Waste Facility. Any solid waste facility located within the unincorporated areas of Porter County on May 21, 2002 shall be deemed a legal non-conforming use, provided that the following requirements are satisfied:

1. The solid waste facility:

a. was constructed pursuant to a validly issued improvement location permit and/or building permit if one was required under applicable law at the time of construction, and

b. was constructed under, or as May 21, 2002 existed pursuant to, a validly issued variance or special exception;

2. As of May 21, 2002, the solid waste facility had legal, non-conforming use status.

B. Unlawful Solid Waste Facilities. A solid waste facility as specified in subsections (1) or (2) below, is an unlawful solid waste facility:

1. Any non-conforming solid waste facility which does not meet the criteria for a legal non-conforming use as specified in subsection (A) of this section is an unlawful solid waste facility;

2. A solid waste facility meeting the criteria for a legal non-conforming use under subsection (A) of this section shall immediately lose its legal non-conforming use status if:

a. The solid waste facility, because of improper installation or maintenance, becomes or constitutes a threat to public health or safety, as determined by the standards of the Indiana Department of Environmental Management. If the condition is not remedied within sixty (60) days after written notice from the county planner or building commissioner, or their respective designees, as applicable;

b. The permit, variance, or special exception under which the solid waste facility was permitted expires or lapses, or any condition of such permit, variance or special exception expires, lapses or ceases to exist.

C. Obligation of owners. Nothing in this chapter shall relieve the owner or user of a solid waste facility that is a legal non-conforming use, or the owner of the property on which the legal non-conforming solid waste facility is located, from any obligation to maintain the solid waste facility in a safe condition and in good operating condition. (Ord. 02-09 § H)

17.96.090 Conflicting provisions.

Any ordinance of Porter County in conflict with the provisions of this chapter is hereby superseded by this chapter. (Ord. 02-09 § I)

17.96.100 Severability.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter, which can be given effect without such invalid part or parts. (Ord. 02-09 § J)

17.96.110 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be fined in an amount no less than two hundred fifty dollars ($250.00) nor no more than one thousand dollars ($1,000.00) per day per incident. (Ord. 02-09 § K)

17.96.120 Effective date.

The ordinance codified in this chapter shall be in full force and effect as of May 21, 2002. (Ord. 02-09 § L)