

Schererville, Indiana

Zoning Ordinance



"The Crossroads of the Nation"

Ordinance No. 2004

Date of Adoption: April 10, 2024

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SECTION 1: Purpose

The zoning regulations and districts as herein set forth, under the authority of Indiana Code § 36-7-1 et seq., as amended from time to time, are made in accordance with a Comprehensive Master Plan, in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the incorporated Town of Schererville.

SECTION 2: Title

This Zoning Ordinance shall be known and may be cited as “THE ZONING ORDINANCE OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA” or the “Ordinance.”

SECTION 3: Interpretation

- A. In their interpretation and application, the provisions of this Ordinance, as amended from time to time, shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare.
- B. Where the conditions imposed by any provision of this Ordinance, upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation, of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.
- C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.
- D. Any building, structure, or use which was not lawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

- E. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.
- F. The provisions in this Ordinance are cumulative and additional limitations upon all other laws and ordinances, as amended from time to time, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

SECTION 4: Severability Clause

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

SECTION 5: Scope of Regulations

- A. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alterations, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such building, structure, uses, or land shall be located.
- B. Where a Building/Zoning Permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the Building/Zoning Permit has been issued; and further, may, upon completion, be occupied under a Certificate of Occupancy by the use for which originally designated—subject thereafter, if applicable, to the provisions herein for non-conforming buildings, structures, and uses.
- C. Where a Building Official has issued a Building/Zoning Permit for a permitted use or special use, such Permit shall become null and void unless work thereon is completed within six (6) months of the date of the issuance of such permit, or within the period of time beyond six (6) months granted by the Plan Commission.

SECTION 6:**Overlap or Conflict with Other Codes, Laws, and Regulations**

- A. The provisions of this Ordinance shall be considered to be minimum requirements for the promotion of public health, safety, and general welfare. When provisions of this Ordinance, along with provisions of other codes, regulations, private covenants, private contracts, state laws, federal laws, or other applies to a use, operation, or activity, the greater restriction (which applies higher standards or requirements) shall apply.
- B. Nothing in this Ordinance shall be interpreted as excluding any provision of this Ordinance or other codes, laws, and regulations. Should there be a conflict with any other provision of this Ordinance, or other codes, laws, and regulations, the most restrictive provision shall apply.
- C. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations or preventing their enforcement by the appropriate authority.

SECTION 7:**Provision for Official Zoning Map**

- A. Official Zoning Map
 - (1) The Town is hereby divided into zoning districts, as shown on the Official Zoning Map, as amended from time to time, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
 - (2) If, in accordance with the provisions of this Ordinance, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council.
 - (3) No changes of any nature shall be made in the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this Ordinance.
 - (4) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of all property within the corporate limits of the Town.

- (5) Two copies of the Official Zoning Map shall be on file in the office of the Town's Clerk-Treasurer for public inspection as required pursuant to I.C. 36-1-5-4, as amended from time to time.
- (6) The Clerk-Treasurer shall keep additional copies of the Official Zoning Map for the purpose of sale or distribution to the public pursuant to Indiana Code § 36-7-4-610(2), as amended from time to time.
- (7) The Clerk-Treasurer may also keep electronic copies of the Zoning Map for distribution or for posting on the Town's official website. However, electronic formats of the Zoning Map shall not be considered the Official Zoning Map of the Town of Schererville.

B. Replacement of Official Zoning Map

- (1) In the event that the Official Zoning Map becomes difficult to interpret because of the nature or number of changes and additions, the Town Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.
- (2) Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

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SECTION 1: Application and Interpretation

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted and defined as set forth in this Article unless defined otherwise in the Title of this Ordinance in which they appear.
- B. All general provisions, terms, phrases, and expressions contained in this Ordinance shall be liberally construed in order that the true intent and meaning may be fully carried out.
- C. In the construction of this Ordinance, the rules and definitions set out in this Article shall be observed, unless such construction would be inconsistent with the manifest intent of the Ordinance. The rules of construction and definitions set out herein shall not be applied to any title or section of this Ordinance which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.
- D. Whenever any words and phrases used herein are not defined herein, they shall be defined as follows:
 - (1) Words and/or phrases that are defined in the State of Indiana statutory provisions regulating the creation and function of various planning agencies shall be deemed to apply to such words and phrases used herein, except when defined otherwise or the context in which the words and phrases are used requires otherwise.
 - (2) All other words and/or phrases not specifically defined herein shall refer to their generally accepted meaning.
- E. In the interpretation and application of any provisions, rules, and definitions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of the Ordinance imposes greater restrictions upon the subject matter than a more general provision imposed by the Ordinance, the provision imposing the greater restriction or regulation shall be deemed as controlling.
- F. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - (1) The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity recognized under the laws of the United States and the State of Indiana.

- (2) A masculine reference also includes the feminine reference.
- (3) The present tense includes the past and future tense, and a singular number includes the plural.
- (4) The word or term “shall” is a mandatory requirement.
- (5) The word “may” is a permissive requirement.
- (6) The word and term “should” is a preferred requirement.
- (7) The words “used” or “occupied” shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- (8) The word “lot” includes the words “plot,” “parcel,” “plat,” and “tract.”

SECTION 2: Definitions

ANSI American National Standards Institute

ASTM American Society for Testing and Materials

Abut Abut shall mean having a common property line or district line.

Accessory Building or Structure A subordinate building or structure, including garages, or a part thereof, or a portion of a principal building, the use of which is in keeping with, and incidental to that of the principal building. An accessory building shall clearly be located on the lot of the principal building and shall not be used for habitation. An accessory building or structure includes:

- A. Domestic or agricultural structures used for storage such as a barn, shed, tool room, or similar building or other structure; and
- B. Accessory radio, television, or antenna towers; and
- C. Accessory satellite dish.

When “accessory” is used herein, it shall have the same meaning as “accessory use.”

Accessory Use A use which:

- A. Is conducted on the same zoning lot as the principal use to which it is related, whether located within the principal or accessory building or other structure, or as an accessory use of land, except where specifically provided in the applicable district regulations, accessory off-street parking or loading need not be located on the same zoning lot; and
- B. Is a use which is clearly incidental to, and customarily found in connection with, such principal use; and
- C. Is either in the same ownership as such principal use or is operated and maintained on the zoning lot substantially for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.

Acupuncture The treatment of pain, disease, or other therapeutic purpose by inserting and manipulating needles at specific points on the skin.

Acupuncturist An individual, licensed or certified as required by the State of Indiana, performing acupuncture.

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

Adjacent Property Owners Record owners of any property situated within three hundred feet (300') from each property line of the property that is the subject of any petition before the BZA, the Plan Commission, or the Town Council.

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

Adult Day Care A non-residential facility that provides a coordinated program of services for elderly and/or functionally impaired persons, including, but not limited to, recreational and social activities, transportation services, meals, personal care, and therapeutic activities.

Adult Entertainment A business or enterprise that offers or presents performances or activities, or reproductions of male and female persons and/or persons of the same sex when one or more of the person is nude or seminude. Seminude is a state of dress in which clothing covers no more than the genitals, pubic region, cleft of the buttocks and the areola of the female breast such that it is less than completely covered and/or opaquely covered.

Advertising Structures Any notice or advertisement, pictorial or otherwise, and all structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structures.

Agriculture The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activity; and
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one thousand feet (1,000') of any residential zoning district; and
- C. Agriculture does not include the operation or maintenance of a commercial stockyard or feedlot.

Alley A permanent service right-of-way providing secondary means of access to abutting lands.

Alteration A change in size, shape, occupancy or use of a building or structure.

Animal Shelter A facility which is used to board, house, or contain dogs or cats, or both; and which is owned, operated, or maintained by a government, an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, adoption, protection, and humane treatment of such animals.

Animal Hospital A lot, building, structure, enclosure or premises whereon or wherein three (3) or more dogs, cats, and other domestic animals are kept or maintained, and which is operated by, or the treatment therein is under the direct supervision of, a veterinarian licensed to practice by the State of Indiana.

Antenna Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Apartment A room or group of rooms in a multiple family dwelling intended to be and designed for use as a residence by a single family.

Apartment House A building designed for and occupied exclusively for three (3) or more families, living independent of one another.

Area Needing Redevelopment An area in which normal development and occupancy are undesirable or impossible because of any of the following:

- A. Lack of development;



- B. Cessation of growth;
- C. Deteriorated or deteriorating improvements;
- D. Environmental contamination;
- E. Character of occupancy
- F. Age;
- G. Obsolescence;
- H. Substandard buildings; and
- I. Other factors that impair values or prevent a normal use or development of property.

Automobile Repair Station A place where the following services are carried out:

- A. General repair;
- B. Engine rebuilding;
- C. Rebuilding or reconditioning of motor vehicles;
- D. Collision service, such as body, frame or fender straightening and repair, painting and undercoating of automobiles; and
- E. Accessory service, such as oil/lubrication, transmission repair, muffler service, cleaning, detailing and the like.

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

Automobile Recharge Station A place where the electrical charging of electric and hybrid automobiles is provided as an accessory use.

Automobile Service Station A place where gasoline, diesel fuel, or any other automobile engine fuel, kerosene or motor oil, and lubricants or grease for the operation of automobiles are retailed directly to the public on the premises as the predominant activity of the business, including the sale of minor accessories and services for automobiles. Public parking is not permitted in an automobile service station. Open lot sales are not permitted in an automobile service station. Equipment of the automobile service station including pumps,

light stands, air towers, water outlets or similar installations, may be placed within the required front yard, but no closer to the curb line than fifteen feet (15'). Services for semi-trucks are not included in this definition.

Automotive Center An establishment in which the retail sale of accessories (including aftermarket accessories), tools, and parts for automobiles are provided as the primary use, including the customary space and facilities for the installation of such accessories, tools, or parts on or in such vehicles, but not including the space for facilities for major storage, repair, dumping, painting, refinishing and gas pumps. Public parking is not permitted in an automotive center. Open lot sales are not permitted in an automotive center. Service for semi-trucks is not included in this definition.

Awning A structure made of fabric, vinyl, or other material attached to a building which is so erected and may be raised or retracted to a position against the building when not in use.

Banquet Hall A room, or collection of rooms in a building, used for the hosting of parties, banquets, receptions, or other large social events.

Base Flood Elevation The computed elevation to which floodwater is anticipated to rise during a one hundred (100) year flood event, as shown on a Flood Insurance Rate Map (FIRM).

Basement A portion of a building having at least one-half (1/2) of its floor to clear ceiling height below grade. When a basement is used for storage, garages for use of occupants of the building, or other facilities common for the rest of the building, it shall not be counted as a story.

Berm An earthen mound, generally constructed at a three-to-one (3:1) slope, with landscaping to provide visual interest, obscure and screen undesirable views, decrease noise, and/or decrease direct water runoff when designed for stormwater or flood control events.

Best Management Practice (BMP) A design or practice employed with the primary objective to minimize adverse water quality impacts, preserve beneficial environmental features on-site, avoid downstream erosion and habitat/ecosystem loss, maintain natural base flows and groundwater recharge, prevent increases to downstream flooding, provide multiple uses of drainage and storm water drainage facilities, and/or provide for the economical, safe and aesthetically pleasing drainage system for development. Samples of BMP methods are published in the *Indiana Storm Water Quality Manual* by the Indiana Department of Environmental Management (IDEM).

Bio swale A gently sloped and vegetated (including landscaping and riprap) linear drainage course that is designed to partially remove silt, pollutants, and other runoff materials gathered from impervious surfaces from surface runoff water.

Block A block is a tract of land bounded by:

- A. Streets;
- B. Public parks;
- C. Railroad right-of-way, when located at or above ground level, but not including sidings or spurs in the same ownership as the zoning lot;
- D. Waterways and shorelines; or
- E. Corporate boundary lines of the Town of Schererville.

Blueway A linear open space that is adjacent to a permanent body of water and designed for the promotion and usage of water-based traffic, that links different parts of the Town together, including parks, schools, and various activity centers.

Board of Zoning Appeals The Board of Zoning Appeals (BZA) of the Town of Schererville, Lake County, Indiana.

Boarding House A residential and/or commercial business, often operated for profit, that provides one (1) or more rooms for one (1) or more nights to those needing temporary housing, including stays of days, weeks, months, or years.

Body Piercer Any person who performs body piercing on an individual, following all applicable regulations set forth by the State of Indiana.

Body Piercing Any penetration in or through any skin or mucous membrane on the human body with or by a needle, pin, or other sharp object.

Body Piercing Establishment Any room or space where a body piercer performs any body piercing acts on an individual or where body-piercing activities take place.

Buffer A physical space or vertical element, such as a strip of land, plants, berms, fences, or walls, the purpose of which is to separate, obscure, or screen undesirable views and/or decrease noise.

Buffer Strip (See: Green Strip in this section.)

Building A structure designed or intended for shelter, business, support or enclosure of persons, animals, or property of any kind that is affixed to the land, including the entire foundation and any major structural attachments.

Building, Accessory (See: Accessory Building in this section.)

Building, Attached A building that is joined to or by two (2) or more party walls/shared walls with an adjacent building, and is not a free-standing/detached building.

Building, Completely Enclosed A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

Building, Detached A building that has no structural connection with another building.

Building, Height of The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Line A line parallel to the right-of-way line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. (Also, see Building Setback Line in this section).

Building, Lowest Elevation of Entrance The lowest elevation of any access to the structure that will admit flowing water. By way of illustration and not limitation, the following are examples: Door thresholds, windowsills, garage floor at entrance, walkout basement door entrance thresholds, and windowsills of basement windows.

Building, Non-conforming A legally existing building which fails to comply with the provisions set forth in this Ordinance applicable to the zoning district in which the same is located. Any building legally existing at the time of the passage of this Ordinance shall not be a non-conforming building by reason of having a setback line of less than the building setback line herein provided for.

Building, Principal A non-accessory building in which the principal use of the lot is conducted.

Building Semi-detached A building which has only one (1) party wall/shared wall in common with another building.

Building, Setback Line The line beyond which a building, as defined in this Ordinance, shall not extend unless a variance is approved according to procedures established by this Ordinance. The line is also called a “building line.”

Building, Temporary Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or fixed.

Business Establishments with Entertainment (See Entertainment.)

Business/Retail Complex A multi-tenant building or development, operating under single ownership or unified control, which is operated principally for retail or commercial uses.

BZA The Board of Zoning Appeals (BZA) of the Town of Schererville, Lake County, Indiana.

Caliper A measure of the width of a tree trunk, measured between six inches (6") and twelve inches (12") above the ground.

Campground Any area or tract of land used or designed to accommodate recreational vehicles and tents, and camping parties.

Candela The luminous intensity, in a given direction, of a source that emits monochromatic radiation of frequency 540×10^{12} hertz and that has a radiant intensity in that direction of $\frac{1}{683}$ watt per steradian.

Canopy A structure consisting of a roof or hood of permanent construction supported separately from the primary building on a lot, for the purpose of providing shelter and protection from the elements.

Canopy Tree A self-supporting woody plant having at least one (1) well-defined stem or trunk and normally attaining a mature height and spread of at least thirty feet (30'), and having a trunk that may at maturity, be kept clear of leaves and branches at least eight feet (8') above grade.

Capacity in Persons The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, with reasonable comfort and safety.

Carport A partially, opened shelter or structure for housing vehicles. Such structure shall comply with all yard requirements applicable to the principal building.

Cat Any member of the species Felis Catus.

Dog Any member of the species Canis Familiaris.

Cemetery Land used or intended to be used for the burial of the human or animal dead, and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

Certificate of Occupancy A permit issued by the Town Staff to certify that a property and its use comply with provisions of this Ordinance.

Certified List of Adjacent Property Owners A listing of all record owners of any property situated within Three Hundred Feet (300') from each property line of the property that is the subject of any petition before the BZA, Plan Commission, or Town Council, which list must be certified by Lake County Assessor's Office, Township Assessor's Office, or a Title Company and must expressly reference the relevant property lines.

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

Characteristics of Use The use which is characteristic of the principal use of an area of land, a building or structure.

Church A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

Cigar Lounge Shall mean any premises predominantly dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of cigars, cigar products, or cigar paraphernalia.

Clinic A facility used for the care, diagnosis, and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical, dental and surgical attention, but which facility does not provide board, room or regular hospital care and services.

Closed Cup Flash Point The lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

Club A building or portion thereof, or premises operated for social, literary, political, educational, or recreational purpose, primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

Club or Lodge, Private An association of persons, who are bona fide members, paying dues, which owns or leases a building, the use of which shall be restricted to members and their guests.

Commercial Wireless Telecommunication Service Facility A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Commercial Wireless Telecommunication Services Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Commission The Plan Commission of the Town of Schererville, Lake County, Indiana.

Common Open Space An area within any development designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

Community Center A public building including one or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities, and family day care centers, all for the common use of residents.

Comprehensive Plan A development plan, or any portion thereof, recommended by the Plan Commission, and adopted by the Board of Trustees of the Town of Schererville, Lake County, Indiana.

Computation of Time Computation of time for all deadlines and required notice periods contained in this Ordinance is determined as follows: The day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is a Saturday; a Sunday; a legal holiday under an Indiana statute; or a day that the office in which the act is to be done is closed during regular business hours. A period runs until the end of the next day after a day described above. If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, legal holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

Conditional Use A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to a number, area, location, or relation to the neighborhood, would promote the public health, safety, peace, morals, comfort, convenience and general welfare.

Conditional Use Permit A permit issued by the duly designated Town Official, upon approval by the Board of Zoning Appeals, to allow a use other than a principally permitted use to be established within the zoning district.

Condominium Real estate lawfully subjected to the terms and provisions of the State of Indiana statutory Horizontal Property Law, as amended from time to time. Real estate is not a condominium under the State of Indiana Horizontal Property Law unless the undivided interests in the common areas and facilities are vested in the condominium unit owners.

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

Conforming Building or Structure A building or structure which:

- A. Complies with all of the regulations of this Ordinance or of any amendment thereto governing bulk of the district in which said building or structure is located; or
- B. Is designed or intended for a permitted or special use as allowed in the zoning district in which it is located.

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

Contiguous Abutting or adjoining properties.

Convalescent Home (See: Nursing Home in this section.)

Corner Lot (See: Lot, Corner in this section.)

County Lake County, Indiana.

Court/Courtyard An open, unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings. The width of any court is its least horizontal dimension measured between opposite walls. The length of any court is its greatest horizontal dimension measured at right angles to its width.

Cul-de-sac (See: Street, Cul-de-sac in this section.)

Curb Cut Lowering the grade level to allow motorized vehicle ingress to and egress from property.

Curb Elevation The highest elevation of a street curb on a given lot.

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

Cut-off Light Fixture A type of exterior light with no light emitted, dispersed, or focused to shine above a ninety-degree (90°) horizontal plane from the base of the fixture.

Day Care Center A facility, which is used by a person licensed by a department of state or local government to provide for the care and maintenance of individuals during a portion of the day.

Day Spa Any use or facility that provides any number of professionally administered massage, facial, hair, beauty, and similar personal care treatments.

Decibel A unit of measurement of the intensity (loudness) of sound and abbreviated “dB.” Sound level meters, which are employed to measure the intensity of sound, are calibrated in “decibels.”

Deciduous Plant A plant with foliage that is shed annually.

Density A unit of measurement; the number of dwelling units per acre of land.

Density Bonus An award that allows a builder or developer to construct a building with a larger total floor area than the current underlying Building/Zoning Permits in exchange for other concessions required by this Ordinance and/or commitments made to the Town provided such concessions and/or commitments are compatible with the Comprehensive Plan and the Town Code.

Depth of Lot (See: Lot, Depth in this section.)

Depth of Yard (See: Yard, Depth in this section.)

Design Guidelines/Standards A set of standards that aims to maintain a certain level of quality and architectural or historical character, addressing features such as building façades, public spaces, and landscaping.

Determination Written findings concerning a decision to approve or disapprove a development plan, permit, or other petition under this Ordinance.

Development The construction of new buildings or other structures on zoning lots, the relocation of existing buildings on another zoning lot, or the use of open land for a new use.

Development Plan A specific plan for the development of real property that:

- A. Requires approval by a plan commission under the 1400 series of IC 36-7-4;
- B. Includes a site plan;



- C. Satisfies the development requirements specified in the Ordinance regulating the development;
- D. Contains the plan documentation and supporting information required by the Ordinance; and
- E. Is consistent with the Towns Comprehensive Plan.

District A section of the Town of Schererville 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 herein by this ordinance.

Domestic Crafts Any handmade goods or wares prepared for use by a single person, family, or household.

Donation Drop Box Any container or receptacle of not more than two (2) cubic yards, placed on a lot solely for people to drop off materials and goods for non-profit and for-profit entities, and to store such articles until carted away.

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

Drive-In Restaurant A restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carryout.

Drive-Thru Lane A commercial feature that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their vehicle.

Driveway A private road which provides access to a lot or to a use located on such lot, from a public way.

Dumpster A bulk container or receptacle with a capacity exceeding one (1) cubic yard, the purpose of which is the temporary storage and disposal of garbage, trash, and any form of waste materials, not including hazardous or infectious wastes.

Dwelling A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile homes, or other trailers or lodging rooms in hotels, motels, or lodging houses.

Dwelling, Attached A dwelling joined to two (2) other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

Dwelling, Semi-detached A dwelling joined to one (1) other dwelling in a party wall or vertical cavity wall, and above-ground physically unifying horizontal structural elements.

Dwelling, Town House, or Row House A dwelling which is part of a row of three (3) or more dwellings, joined together with a party wall or vertical cavity wall, separated by property lines, and constructed above ground with physically unifying horizontal structural elements, with each dwelling unit having front and rear yards and separate entrances.

Dwelling Unit One (1) or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which include all of the requirements pursuant to law for occupancy thereof.

Dwelling Unit, Multiple Family A building on a lot designed and used exclusively as a residence for a maximum of four (4) families living independently of one another.

Dwelling Unit, Single Family A building on a lot designed and occupied exclusively as a residence for one (1) family.

Dwelling Unit, Two-Family A building on a lot designed and occupied exclusively as a residence for two (2) families.

Dump Land, or a part thereof, used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Duplex A building designed and used exclusively for residential purposes and containing two (2) dwelling units separated by a common party wall, floor, or otherwise structurally attached.

Easement A right for one (1) person or persons to use the land owned by another person for a special purpose by grant or necessary implication.

Electrical Cigarette/Vapor Product Shops Any premises predominantly dedicated to display, sale, distribution, delivery, offering, furnishing, or marketing of electronic cigarettes, or vapor products, or paraphernalia.

Educational Institution Pre-primary, primary, or grade, public, parochial, or private school, high school, preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools, preparation of admission to a college, or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this section.

Electronic Billboard A programmable sign, using Light Emitting Diode (LED) or similar displays, capable of displaying a large amount of text and imagery.

Electronic Cigarette / Vapor Product Shops Any premises predominantly dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic cigarettes or vapor products, electronic cigarettes products, or paraphernalia.

Employee A person who works or provides a service for and/or through a business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

Employee (Sexually Oriented Business) A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

Engineer The person duly appointed and designated as the Engineer of the Town of Schererville, Lake County, Indiana.

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

Entertainment A broad range of activities performed in places where people gather for socialization, celebrate events, or observe special occasions, while listening to music, dancing, or watching live or mechanical presentation of such activities including performances by musicians or actors, presentations by artists, or other similar events or celebrations, but excluding any form of adult entertainment.

Entertainment, Adult (See: Adult Entertainment in this section.)

Essential Services The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Establishment of a Sexually Oriented Business means and includes any of the following:

- A. The opening or commencement of any such sexually oriented business as a new business;
- B. The conversion of an existing business, regardless of whether it currently exists as a sexually oriented business, to any of the sexually oriented businesses defined in this Title;
- C. The addition of any of the sexually oriented businesses defined in this Title to any other existing sexually oriented business; or
- D. The relocation of any such sexually oriented business.

Evergreen A plant with foliage that persists and remains green year-round.

Excavation Any breaking of ground, except common household gardening and ground care.

Exhaustion of Remedies When a person has sought and exhausted all administrative remedies available to them. A person may file a petition for judicial review of their grievance only after exhausting all administrative remedies available to them.

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

FBFM Flood Boundary and Floodway Map.

FEMA Federal Emergency Management Agency.

FHBM Flood Hazard Boundary Map.

FIRM Flood Insurance Rate Map.

Face of a Building The primary façade or front elevation of a structure.

Family Any individual or two (2) or more persons related by blood, legal guardianship or by marriage, living together in a dwelling unit, or a group of not more than ten (10) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Farm Any tract of land used for the raising of agricultural products, forest products, livestock, or poultry, and including facilities for the sale of such products from the premises where produced.

Feeder Street (See: Street, Feeder in this section.)

Fence A structure that partially or completely surrounds a part of or the whole area of a zoning lot which is intended to prevent intrusion from outside and straying from within the area controlled, but not including a hedge, natural growth, split-rail, and decorative fencing that do not create a barrier to entry.

Filling Station (See: Automobile Service Station in this section.)

Final Development Plan A drawing, map or a plat prepared to a measurable scale for the secondary approval of a planned unit development (PUD) prepared in conformance to an approved subdivision plan or development plan, which is intended and appropriate for recording in the Office of the Lake County Recorder.

Fireworks Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

Fireworks Retailer A person who purchases fireworks for resale to consumers and who has obtained necessary permits from the state fire marshal and has otherwise complied with all local and state laws, including but not limited to IC §22-11-14 and any amendments thereto, for the sale of fireworks.

Flag A piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as the symbol of any nation, state, city, or any fraternal, religious, or civic organization.

Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland water.

Floodway The channel of a river or stream in those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the peak flood flow of any river or stream, and as defined by the Federal Emergency Management Agency (FEMA).

Floodway Fringe That portion of the flood hazard area outside the limits of the floodway, so designed by the Federal Insurance Administration and as designated by the Federal Emergency Management Agency (FEMA).

Flood Plain Land subject in inundation by the maximum flood of reasonable regional expectancy (one hundred (100) year flood), as determined by the Department of Natural Resources, Division of Water of the State of Indiana, or any and all other applicable State and Federal Regulatory Agencies, as defined by the Federal Emergency Management Agency (FEMA).

Flood Protection Grade or the "FPG" The elevation of the regulatory flood plus two feet (2') at any given location in the Special Flood Hazard Area (SFHA).

Floor Area The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the centerlines of walls separating two buildings. The floor area shall also include the horizontal areas on each floor devoted to:

- A. Elevator shafts and stairwells;
- B. Mechanical equipment, except if located on the roof, when either open or enclosed, (i.e., bulkheads, water tanks, cooling towers, etc.);
- C. Habitable attic space as permitted by the Building Code of the Town of Schererville, Lake County, Indiana;
- D. Interior balconies and mezzanines;
- E. Enclosed porches; and
- F. Accessory uses.

The floor area of structures used for bulk storage of materials, such as grain elevators and petroleum tanks shall also be included in the floor area and such floor area shall be determined on the basis of the height of such structures with one floor for each ten (10') feet of structure height, and if such five (5') feet over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a basement floor shall not be included in the floor area.

Floor Area, Net The floor area of the specified use, excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, etc., in a non-residential building. The net area is used in calculating parking requirements.

Food Processing The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, etc.

Foot-Lambert A unit of brightness, usually of a reflecting surface. A diffusion surface of a uniform brightness reflecting or emitting an equivalent of the light from one (1) candle at one-foot (1') distant over one (1) square foot has a brightness of one (1) foot-lambert.

Foot-Candle A unit of illumination, equivalent to the illumination of all points which are one foot (1') distant from a uniform point source of one (1) candle power.

Franchise Architecture Building and/or façade design that is trademarked or identified with a particular business, chain brand, or corporation and is generic in style, design, or look.

Freeburning A rate of combustion described by a material which burns actively, and easily supports combustion.

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

Frequency The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Front Lot Line (See: Lot Line, Front in this section.)

Front Yard (See: Yard, Front in this section.)

Frontage The contact of abutting property with a street along the front lot line of the property.

Garage, Private A building accessory to a single family or two-family dwelling for storage of motor vehicles owned and used by the owner, occupant, or tenant, of the lot on which it is erected.

Garage, Public A building used for the storage of more than four (4) motor vehicles. Repairing and servicing of vehicles may be carried on in conjunction with the primary function of vehicular storage.

Garage Sale (See: Sales, Rummage in this section.)

Garage, Storage (See: Garage, Public in this section.)

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

Gasoline Service Station (See: Automobile Service Station in this section.)

Geothermal Devices Any device that produces heat and/or energy derived from the natural heat and water resources in the interior of the Earth.

Golf Course An organized area parcel of property containing greens, fairways, and holes for playing golf as developed in general conformance with Professional Golf Association (PGA) standards.

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

Greenbelt A strip of land with a definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenway A linear open space, designed for the promotion and usage of non-motorized traffic that links different parts of the Town together, including parks, schools, and various activity centers.

Green Strip A solid planting strip composed of grass and evergreen shrubs.

Ground Floor Area The square foot area of a residential building within its largest outside dimensions computed on one (1) horizontal plane above the ground level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

Group Home A facility licensed by the State of Indiana that provides residential services for up to eight (8) mentally ill or developmentally disabled individuals located within a residential zoning district.

Hearing, Public (See: Public Hearing in this section.)

Height The vertical distance from the lot ground level to the highest point of an object, building or structure; however, when height is described for architectural purposes or in relation to specific design standards or zoned district standards for buildings or structures under this Ordinance, height is defined as "Building, Height" in this section.

High Water Level The elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. For watercourses, the High Water Level shall be the recorded or observed elevation of water level as determined by the Town Staff or the top of the channel.

Home Occupation Any gainful business, occupation or profession conducted within a dwelling unit by a member of the family residing in the dwelling unit which is incidental and secondary to the use of the dwelling unit for dwelling purposes.

Hookah A single or multi-stemmed instrument with long flexible tubes for smoking tobacco in which the smoke is cooled and filtered by passing through water.

Hookah Lounge Premises predominantly dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of hookah products, or hookah paraphernalia.

Hospice A medical care institution aimed primarily for the care of terminally ill patients.

Hospital A facility in which patients are rendered medical and/or surgical care with the standard provision of continuous twenty-four (24) hour acute medical care on an inpatient basis.

Hospital, Animal (See: Animal Hospital in this section.)

Hotel A building with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

House Trailer (See: Mobile Home in this section.)

IAC Indiana Administrative Code, as maintained by the Legislative Services Agency for the Indiana General Assembly.

IC Indiana Code, as maintained by the Legislative Services Agency for the Indiana General Assembly.

IDEM Indiana Department of Environmental Management.

IDNR Indiana Department of Natural Resources.

INDOT Indiana Department of Transportation.

Illegal Use Any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this Ordinance has been committed or allowed to exist.

Improvement (See: Construction in this section.)

Improvement Permit (See: Permit, Building/Zoning in this section.)

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

Industrial Waste or Reclamation Facility Any facility used for the storage, transportation, reclamation, or disposal of any substance classified as "hazardous material" by IC 13-11-2-96 or "toxic material" by IC 13-11-2-233.

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

Institutional Use Any governmental, semi-public, or private use providing education, health, social, civic, religious, recreation, and other services. Institutional uses shall include those where occupancy is limited to individuals with special needs (physical or mental) and individuals sixty (60) years or older.

Interior Lot (See: Lot, Interior in this section.)

Intense Burning A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

Invasive Plant A non-native plant or species of plant whose introduction does, or is likely to, cause economic or environmental harm or displace native habitat and disrupt the ecology of natural ecosystem.

Irrevocable Letter of Credit A letter of credit in which the specified payment is guaranteed by the bank if all terms and conditions are met by the drawee.

Judicial Review of Zoning Decision Upon filing of a petition for review in the appropriate court, a petitioner or adverse party affected by the decision may seek judicial review of that decision made by the Board of Zoning Appeals, Plan Commission, Town Council, or other Boards of Commissions, as created from time to time, granted the authority to make a final zoning decision.

Junk Any worn-out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Junk Yard Any lot, building, structure, enclosure, premises, or parts thereof, used for the storage, keeping or abandonment of any worn-out, cast off, or discarded or abandoned article, material, vehicle, automobile, machinery or parts thereof, which is ready for destruction, or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage or other waste or discarded materials, articles, vehicles, automobiles that are inoperable or incapable of movement by their own locomotion or power, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile and to the occupant, owner, purchaser, lessor, lessee, or tentative any lot, building, or structure therein or thereon situated.

Kenel Any premise or portion thereof on which more than two (2) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LEED Leadership in Energy and Environmental Design.

Lambert The SI unit of brightness equal to the brightness of a perfectly diffusing surface that radiates or reflects one (1) lumen per square centimeter.

Landscaped Area An area which consists of living landscape material.

Laundromat A business that provides coin-operated, self-service type washing, drying, dry-cleaning, and ironing facilities, providing that not more than four (4) persons, including owners, are employed on the premises, and that no pick-up or delivery service is maintained.

Legislative Act An action whereby the Board of Zoning Appeals, Plan Commission, Town Council, or other Boards of Commissions, as created from time to time, granted the authority to make a final zoning decision, approves, adopts, amends, or rejects a Comprehensive Plan, an Impact Fee Ordinance, a Planned Unit Development (PUD) District Ordinance; a Flood Plain District or Zoning Ordinance, or designates a zoning district where a development plan is required.

Legislative Body Means the Town of Schererville Town Council (See also: Town Council in this section.)

Letter of Map Amendment (LOMA) An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Lewd Matter Any matter which:

- A. The average person finds, when applying contemporary community standards and when considered as a whole, appeals to the prurient interest; and
- B. Depicts or describes patently offensive representations simulated; or
 - (1) Ultimate sexual acts, normal, perverted, or actual; or
 - (2) Masturbation, excretory functions, or the exhibition of the genitals or genital area.

Nothing herein is intended to include or proscribe any matter which, when considered as a whole and in the context in which it is used, possesses serious literary, artistic, or political scientific value.

Limited Access Street (See: Street, Limited Access in this section.)

Living Landscape Low growing woody or herbaceous ground cover, turf, shrubs, and trees.

Loading Space An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local Street (See: Street, Local in this section.)

Lodging House (See: Boarding, or Rooming House in this section.)

Lot A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or cross walk may be included. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of a single lot of record or a portion of a lot of record.

Lot Area The total horizontal area within the lot lines of the lot.

Lot, Building That part of a lot which is suitable for building purposes or for use as a yard area. The area of the building lot must meet the minimum lot size requirements listed for each zone or use before a Building/Zoning Permit may be issued.

Lot, Corner A lot at the junction of two (2) or more streets.

Lot Coverage The percentage of the lot area that is represented by the building area, including accessory buildings and impervious surfaces.

Lot Depth The distance between the front and rear lot lines measured along the median between the side lot lines.

Lot, Double Frontage A lot, the generally opposite ends of which both abut on streets; also referred to as a “through lot.”

Lot, Interior A lot other than a corner lot or a through lot.

Lot Line, Front The boundary of a lot which abuts a street. On a corner lot, the lot line having the shortest length abutting a street line shall be the front lot line, unless otherwise determined by the appropriate authority of the Town.

Lot Line, Rear The lot line that is opposite the front lot line and farthest from it, except that in the case of an irregularly shaped lot, it means the lot line greater than ten feet (10') in length, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

Lot, Street-Alley A lot that has the front lot line abutting a street and the rear lot line abutting a dedicated alley.

Lot, Through A lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Undersized A lot that was approved for a subdivision prior to the adoption of most current Zoning Ordinance that does not comply with the minimum size requirements set forth in the most current Zoning Ordinance.

Lot Width The distance between the side lot lines as measured on the building line.

Lot, Zoning A tract of land located within a single block, which at the time of filing for a Building/Zoning Permit, or if no Building/Zoning Permit is required, at the time of filing for a Certificate of Occupancy, is designated by its owner or developer as a tract, all of which is to be used, developed, or built upon as a unit.

Lot of Record An area of land designated and dimensioned as a lot on a plat of subdivision registered or recorded in the Office of the County Recorder of Lake County, and which actually exists as described in the registered or recorded document.

Low Water Level The lowest level reached by a body of water at low tide, or during a drought or dry season.

Lowest Floor Means the lowest of the following:

- A. The finished grade of the basement floor;
- B. The finished grade of the garage floor, if the garage is the lowest level of the building;
- C. The finished grade of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings;
- D. The lowest point of the interior grade of any crawl space if at or above the Base Flood Elevation (BFE); or
- E. The finished grade of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (1) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square inch for every one (1) square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot (1') above grade.
 - (2) Such enclosed space shall be usable for the parking of vehicles and building access.

Lumen The SI derived unit used to measure the amount of light passing through a given area per second. One (1) lumen is equal to the luminous flux passing per unit solid angle from a light source with strength of one (1) candela.

Luminaire A complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the power supply. May also be referred to as a "light fixture."

Maintenance and Storage Facilities Land, buildings and structures devoted primarily to the maintenance and storage of equipment and material.

Major Recreational Vehicle Large vehicles used primarily for recreational purposes, including boats and boat trailers, travel trailers, motorized dwellings, tent trailers, and the like, as well as cases or boxes used for transporting recreational equipment. A major recreational vehicle may also be designed to be self-propelled or permanently towable by a vehicle; and designed and

primarily used as temporary living quarters for recreational camping, travel, or seasonal use, but not as a permanent dwelling.

Manufacturing Any use in which the major activity is the treatment, processing, rebuilding, or repairing or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises; as distinguished from a retail use, where the treatment, processing, repairing, or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Manufacturing, Light Manufacturing or other industrial uses which are usually controlled operations, and relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust, with operating and storing within the enclosed structures, and which generates little industrial traffic or nuisances.

Manufacturing, Heavy Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, and require large sites, open storage and service areas, extensive services and facilities, with ready access to regional transportation. Such operations normally generate some nuisances, such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Manufactured Home A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed and intended for permanent use as a dwelling with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Housing Any housing unit or units, factory assembled in whole or in part, designed to be transported to a construction site, and intended primarily for permanent occupancy as a residence.

Marquee A roof-like structure of permanent construction projecting from the wall of the building, but not supported by the ground or the sidewalk, serving a purpose of providing shelter and protection from the weather.

Masonry Conventional masonry materials such as brick, natural and cut stone units laid with mortar, grout, or other methods of joining and also including traditional cementitious stucco that is applied over a concrete masonry base. Masonry does not include fiber reinforced cement board, which is a type of siding. Masonry also does not include synthetic stucco or any synthetic exterior insulation and finish systems (EIFS).

Massage Studio A business establishment that offers therapeutic massages and/or bodywork of a non-sexual nature, operating in compliance with all requirements and regulations set forth in IC § 25-21.8, and the National Certification Board for Therapeutic Massage and

Bodywork or other recognized national group and whose owner and employee(s) consist entirely of certified massage therapists.

Massage Therapist An individual who practices massage therapy, and is certified by the Indiana State Board of Massage Therapy, fulfilling all requirements and regulations set forth in IC § 25-21.8

Massage Therapy The application of massage techniques on the human body, including, but not limited to:

- A. The use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and
- B. The external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and
- C. The above activities only being performed as a part of a use providing health, fitness, or spa services.

Massage therapy shall not include spinal manipulation or other similar medical techniques.

Master Plan The Comprehensive Land Use Plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Town of Schererville, Lake County, Indiana, and including any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be recommended by the Plan Commission and/or adopted by the Town Council.

Matter A motion picture film or a publication, or both.

Mean Water Level The average surface level of a body of water.

Meeting A meeting that is open to the public but does not require participants to publish notice in accordance with Ind. Code §5-3-1.

Micron A unit of length, equal to one-thousandth part of one millimeter (.001 mm).

Minor An individual who is less than eighteen (18) years of age.

Mixed-Use Building A building that is used for one (1) or more principal uses (generally commercial) and one (1) or more lawful uses (generally office or residential), subject to the provisions of the Zoning Ordinance, and whose principal use is in conformance with the underlying zoning in which the building is located.

Mixed-Use Development A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal and lawful uses, planned and constructed as a unified development, and where certain regulations of this Ordinance for the district where it is located are modified.

Mobile Home Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or not self-propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof, as a dwelling for one or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports.

Modular Home (See: Manufactured Housing in this section.)

Moderate Burning A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Motel A building, or group of buildings, whether attached or in connected units, used as individual lodging units designed primarily for transient automobile travelers and providing for adjacent accessory off-street parking facilities for each unit. No kitchen or cooking facilities shall be included in the units.

Motion Picture Film Any medium to reproduce, project, or exhibit images on a screen, display, panel, or other similar device.

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

Motor Vehicle Sales Lot Any premises where five (5) or more titled motor vehicles are offered for sale or sold at any given time during any calendar year.

Motor Vehicle Wrecking Yard Any place where two (2) or more motor vehicles not in running condition or otherwise legally operable on public ways, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, including farm machinery stored in the open, and not being in or restored to operating condition.

Municipality The Town of Schererville, Lake County, Indiana.

Naturalized Landscape Ecologically sensitive landscaping that uses regionally native plant species to create, improve, or restore specialized and self-sustaining plant communities (prairie, woodland, riparian, etc.).

Night Club A commercial business, operating primarily or exclusively after dark, that includes the presentation of music, dancing, and/or live entertainment as its primary use. May also be referred to as "Discotheque" or "Disco."

Non-Conforming A lawful building, use or lot, existing at the time of this Ordinance, or amendments thereto, which by reason of design, size or use does not conform with the requirement of the zoning district or districts, in which it is located, as designated by this Ordinance.

Non-Conforming Building A building, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of this Ordinance for the district in which it is located.

Non-Conforming Lot A lot of record lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the lot area or lot width regulations of this Ordinance.

Non-Conforming Use A use which lawfully occupied a building, or lot, at the effective date of this Ordinance, or amendments thereto, that does not conform to the regulations of the district, or districts, in which it is located, as designated by this Ordinance.

Noxious Matter or Material A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Nudity or State of Nudity Any of the following:

- A. The appearance of bare human buttocks, anus, male or female genitals, or the areola or nipple of the female breast; or
- B. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nuisance Any man-made object or material, or action that is detrimental to, or endangers, the public health, safety, comfort, or welfare of, or causes injury or damage to persons, property, or business.

Nursery, Child-Care or School An establishment for the part-time care of five (5) or more children of pre-elementary school age.

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

Nursing Home A facility that provides nursing care for individuals with physical or mental disabilities. May also be referred to as "Convalescent Home", "Independent Living Facility", or "Assisted Living Facility."

Octave Band A method of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Odorous Matter or Material A material which is capable of emitting a distinctive and unpleasant odor, to the extent where its use causes detrimental effects on the physical or economic well-being of individuals.

Off-Street Parking (See: Parking, Off-Street in this section.)

Off-Street Parking Areas (See: Parking, Off-Street Parking Areas in this section.)

Off-Street Parking Lot (See: Parking, Off-Street Parking Lot in this section.)

One Hundred Year Flood The highest level of flood that on the average is likely to occur once every one hundred (100) years [i.e. that has a one percent (1%) chance of occurring each year].

Open Space A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be designated for community recreation, preserved as green space, or used as temporary or permanent storage of storm water.

Open Sales Lot Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale.

Open Storage Yard An outdoor area primarily used for the storage or staging of heavy equipment, piping, structural members, or machinery storage, and including salvage yards, junk yards, scrap yards, and towing yards.

Operator The owner, permit holder, custodian, manager, operator, or other such person in charge of any premises.

Outdoor Advertising Structure A structure specifically designed and used for the display of advertising copy in public places, such as alongside highways or on the sides of buildings. May also be referred to as "Billboard."

Outdoor Recreation A public or private facility that provides passive or active outdoor recreation and entertainment including, but not limited to, sports activities, trails, water parks, go-cart tracks, miniature golf, batting cages, mechanical rides and games and related accessory uses such as club building and parking lot etc.

Overlay District A special zoning district with legally established boundaries and supplementary regulations which is superimposed upon the underlying zoning classification.

Outlot A subdivided lot in a larger development.

Parking, Off-Site Any off-street parking located more than three hundred feet (300') from the primary use or lot that it serves.

Parking, On-Site Parking areas located on the same lot or parcel as, or within 300 feet of, the primary use served thereby, which are designated for and used by employees, customers, patrons, and residents of that lot or parcel in furtherance of and consistent with that primary use.

Parking, Off-Street A parcel of land with a durable surface area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one (1) standard automobile. Such open, unoccupied space shall be other than a street or alley, and the principal use of such parcel of the land, durably surfaced, enclosed or unenclosed, shall be for the purpose of parking vehicles off the thoroughfares, within the corporate limits of the Town.

Parking, Off-Street Parking Areas Permanent, all-weather surfaced areas of land containing vehicular parking spaces along with adequate drives and aisles for maneuvering and including access drives to and from streets or alleys.

Parking, Off-Street Parking Lot A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Parking, On-Street A parking space that is located within a right-of-way of a street.

Parking Area An open off-street land area, including parking spaces and access and egress drives or aisles used or required by this Ordinance for the parking of automotive passenger vehicles of the occupants, patrons, employees, visitors of specified types of buildings or land uses, which is accessible from streets, alleys or private driveways leading to a street and in which automotive accessories, fuels, and oils are not sold, automotive vehicles are not equipped, repaired, hired or sold, and on which no other business is conducted.

Parking Area, Public An open area, other than a street, used for the temporary parking of four (4) or more automobiles, and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking Space A clearly defined area not less than nine feet (9') wide and twenty feet (20') long, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively for a temporary storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

Parkway A strip of land between the curb line, shoulder line, traveled portion of the roadway or alley and the private property line.

Particulate Matter A complex mixture of extremely small particles and liquid droplets, which may comprise a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles, as defined by the United States Environmental Protection Agency (U.S. EPA).

Party Wall A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another and is in joint use by each building.

Pet Mill A large-scale, commercial breeding facility where the health and welfare of animals are not adequately provided for, commonly also referred to as a "puppy mill" or "kitten mill." Such an establishment is not permitted in the Town of Schererville and is prohibited.

Pet Shop An establishment where animals are bought and /or sold, and which animal(s) are intended to be pet(s) of the purchaser.

Permit, Building/Zoning Written authorization allowing construction on or use of a parcel of property in conformance with the provisions of this Ordinance, and all other ordinances of the Town of Schererville.

Permit, Zoning (See: Permit, Building/Zoning in this section.)

Permitted or Licensed Premises Any premises that requires a license and/or permit for operation.

Permitted Use (See: Use, Permitted in this section.)

Permittee A person in whose name a permit and/or license to operate a business, including a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license. May also be referred to as "Licensee."

Person An individual, corporation, firm, partnership, association, organization, or other group that acts as a unit.

Personal Services Any enterprise conducted for gain which primarily offers service to the general public, such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

Place Shall include, but is not limited to, any building, structure or place, or any separate part or portion thereof, whether permanent or not, on the ground itself.

Planned Signage District A special Planned Unit Development (P.U.D.), approved by the Plan Commission, comprising a new or collection of existing developments with a unique signage need.

Planned Development A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings, and one (1) or more principal uses, planned and constructed as a unified development, and where certain regulations of this Ordinance for the district where it is located are modified.

Planned Unit Development The development of an area of land as a single entity for a number of uses, according to a plan which does not correspond in lot size, bulk or type of building, density, lot coverage, or required open space to the regulations otherwise required by this Ordinance.

Planning Commission (See: Commission in this section.)

Plat A map or chart indicating the division of land, subdivision, or re-subdivision of land, intended to be filed for recording with the Recorder of Lake County, Indiana.

Plaza An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement, public arts, and other features. Plants are typically optional.

Portable Storage Unit A movable storage unit or container, other than an accessory building, that is located outside of a dwelling or other enclosed building used for the temporary storage of household goods and other non-hazardous and non-perishable materials.

Preliminary Plan A drawing, map, or a plat prepared to a measurable scale, for a development application, including all required supplementary data, calculations or standards, used as a basis for consideration by the Planning Commission prior to the preparation of a Final Development Plan.

Primary Façade The façade of the building that faces the street listed as the official address of the building, and includes the main entrance to said building, except where such building is located on a corner lot, in which case, façades facing both streets are considered primary façades.

Principal Building (See: Building, Principal in this section.)

Principal Use (See: Use, Principal in this section.)

Private Property All property other than public property.

Private School (See: School, Private in this section.)

Property Line The line between any lot and contiguous lots.

Prohibited Uses (See: Use, Prohibited in this section.)

Professional Activities The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

Professional Office Any non-residential building or portion of a non-residential building used or intended to be used as an office for lawyers, architects, engineers, land surveyors, optometrists, physicians, dentists, accountants, and other similarly licensed professions.

Psychic A person who professes an ability to perceive information hidden from normal senses through extrasensory perception.

Public Art Works of art or objects that are designed, constructed, or produced for a specific site and may include sculpture, monument, mural, fountains, fresco, relief, painting, drawing, etching, original print and collage, mosaic, ceramic, weaving, carving, stained glass, wood, metal, plastic, textile, earthworks, digital art, or electronic art but not to include normal landscaping, paving, architectural ornamentation, mass produced art objects or signage, except where these elements are designed by the artist and are an integral part of the fine art works by the artist.

Public Building Any building owned, leased or held by the United States, the State of Indiana, the County of Lake, the Town of Schererville, any special district, school district, or any other agency or political subdivision of the State of Indiana or the United States, which building is used for governmental purposes.

Public Hearing A proceeding that requires petitioners to cause the publication of notice in accordance with Ind. Code § 5-3-1 as well as any other applicable notice requirements, including but not limited to Title XXIV(2) of this Ordinance for the BZA and Title XXIV(3) for the Plan Commission.

Public Park or Recreation Area Public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space,

wilderness areas, or other similar uses within the Town which is under the control, operation, or management of the Town park and recreation authorities.

Public Place Any area owned by the state or a political subdivision.

Public Property Property that is owned by the government of the United States, this state, an agency of this state, or a political subdivision of this state.

Public Service Facility The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility or railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water, and sewerage services.

Public Street (See: Street, Public in this section.)

Public Uses (See: Use, Public in this section.)

Public Utility Any entity that furnishes telephone service, heat, light, water, power, water, or sewage disposal service to the general public.

Publication Any books, magazine, article, pamphlet, writing, painting, illustration, picture, sound recording, or motion picture film which is offered for sale or exhibition.

Pumping Station A facility with pumps and equipment for pumping fluids, such as water, wastewater, and sewage, from one location to another.

Public Way Highway, street, avenue, boulevard road, lane, or alley that has been dedicated for public use.

Rain Garden A depressed and vegetated area designed for the temporary detention of surface runoff water.

Rear Lot Line (See: Lot Line, Rear in this section.)

Rear Yard (See: Yard, Rear in this section.)

Recreational Vehicle (RV) Are all terrain vehicles (ATV), personal watercraft, motorcycles, motor bikes, snowmobiles, and also includes motor-homes, campers, and vehicle tents used primarily as temporary living quarters while camping, traveling, or visiting a specific location for a temporary amount of time.

Recycling Box A bulk container or receptacle with a total capacity exceeding one (1) cubic yard, the purpose of which is the temporary storage and disposal of any number of recyclable materials, divided by material type.

Regularly (Sexually Oriented Business) The featuring of a continuous presentation of sexual material including, but not limited to, films, movies, videos, and the like, depicting specified sexual activities or displaying specified anatomical areas as one (1) of the very objectives of the commercial enterprise.

Regulatory Flood The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 7E of TITLE XVI. The “Regulatory Flood” is also known by the term “Base Flood.”

Religious Institution Any church, synagogue, mosque, temple, or other building, which is used primarily for religious worship and related religious activities.

Research Activities Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing, and development shall be carried on entirely within an enclosed building, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

Research Laboratory A building or group of buildings in which facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products are located.

Reservoir Standing Spaces Off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

Residential Districts Refers to R-1, R-2, and R-3 Zoning Districts.

Residential Use A use permitted under TITLES IV-VI of this Ordinance.

Restaurant A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, dinner theatres, drive-ins and any fast-food establishment permitting consumption on the premises.

Restaurant, Drive-In Any restaurant so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor

vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out.

Retail Goods, services, and merchandise that are sold directly to the consumer for personal or household use by a consumer.

Return receipt requested Any form of mailing that enables tracking of delivery to the addressee by the United States Postal Service and/or public means by which written acknowledgment or receipt may be requested and obtained.

Right-of-Way An easement in the land of property owners, obtained by lawful means, for public use, such as a public street.

Right-of-Way Line The dividing line between a lot and a public street, legally open or officially platted by the Town, County or State or over which the owners or tenants of two (2) lots held in a single or separate ownership have the right-of-way.

Ringelmann Chart The Chart described in the U.S. Bureau of Mines Information Circular 8333, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke or smoke density.

Road, Frontage Being a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

Road, Service Being a local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

Roadside Stand A permitted temporary structure designed or used for the display or sale of agricultural and related products, or novelties and other items of interest to the motoring public.

Rooming House (See: Boarding House in this section.)

Sanitary Landfill A method of disposing of refuse or garbage by spreading and covering such refuse or garbage with earth.

Sale A passing of title or right of possession from a seller to a buyer for valuable consideration and shall include, but is not limited to, any lease, rental arrangement, or other transaction wherein and whereby any valuable consideration is received for the use of, or transfer of possession of, any object, or personal or real property.

Sales, Rummage—Private Temporary sales of used clothing and/or household items conducted only by the immediate members of one (1) or two (2) families in a residence, private garage, porch, or yard.

Sales, Rummage—Public Temporary sales, conducted by a non-profit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

Salon A place of business where practice of cutting and dressing hair, polishing nails, tanning, or other cosmetology activities are carried out by licensed employees.

Satellite Dish A parabolic antenna designed to receive data transmissions or broadcasts from communications satellites.

School Any public or private educational facility including, but not limited to, child day-care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuing education schools, special education schools, junior colleges, colleges, and universities. The term “school” includes the school grounds but does not include facilities used primarily for another purpose which are only incidentally used for educational purposes.

School, Public An institution wholly financed with tax funds, conducting regular academic instruction.

School, Private An institution not wholly financed with tax funds, conducting regular academic instruction.

School, Trade A secondary educational institution that provides training for any number of job-specific skills. May also be referred to as "Vocational School."

Secondary Street (See: Street, Secondary in this section.)

Screen A fence, wall, hedge or other plant materials, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Self-Storage Facility A secured and controlled access building or development consisting of several individual, self-contained units that are leased for the purpose of temporary storage of household goods and other non-hazardous and non-perishable materials.

Semi-Nude or Semi-Nudity A state of dress in which clothing covers no more than the genitals, anus, public region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback The distance, as measured from the foundation of a structure, required to obtain the minimum front, side, or rear yard open space provisions of this Ordinance.

Setback Line A line established by this Ordinance, generally parallel with and measured from the lot line defining the limits of a yard in which no buildings, other than accessory buildings or structures, may be located above ground, except as may be provided in this Ordinance.

Sexually Oriented Business An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, escort agency or nude model studio, each of which are more particularly defined as follows:

- A. Adult Arcade shall mean an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- B. Adult Bookstore, Adult Novelty Shop or Adult Video Store shall mean a commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising to the sale, rental or viewing, for any form of consideration, of any one (1) or more the following:
 - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - (3) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas,” and still be categorized as an adult bookstore, adult novelty shop or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty shop or adult video store, so long as one (1) of its principal business purposes is the offering for sale, rental or viewing, for any form of consideration, the specified materials which depict or describe “specified anatomical areas” or “specified sexual activities.”



- C. Adult Cabaret shall mean a nightclub, bar, restaurant “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
- (1) Persons who appear nude or in a state of nudity or semi-nudity;
 - (2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or
 - (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- D. Adult Motel shall mean a motel, hotel, or similar commercial establishment which:
- (1) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio or television; and
 - (2) Offers a sleeping room for rent for a period of time less than ten (10) hours or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- E. Adult Motion Picture Theater shall mean a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.
- F. Adult Theater shall mean a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude, in a state of nudity or semi-nudity, or live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities.”
- G. Escort shall mean a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

- H. Escort Agency shall mean a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. Massage Parlor shall mean any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of, or in connection with, “specified sexual activities,” or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.” The definition of sexually oriented businesses shall not include the practice of massage in or by any licensed hospital, licensed physician, surgeon, chiropractor, osteopath, or any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program, or by any person so licensed to perform such activities.
- J. Nude Model Studio shall mean any place where a person who regularly appears in a state of nudity or displays “specified anatomical areas” for money or any form of consideration and is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- K. Sexual Encounter Establishment shall mean a business or commercial establishment that, as one (1) of its primary business purposes offers, for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of engaging in “specified sexual activities” or the exposure of “specified anatomical areas,” or activities when one (1) or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- L. Specified Anatomical Areas shall mean any of the following:
- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- M. Specified Sexual Activities shall mean any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sexual act, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- E. Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (A) through (D) of this subsection.

SFHA or Special Flood Hazard Area Those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHA's of the Town are generally identified as such on the most current version of the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency. The SFHA's of those parts of unincorporated Lake County that are within the extra-territorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map (FIRM) prepared for Lake County by the most current version of the Federal Emergency Management Agency (FEMA).

Shopping Center An integral planned commercial development with a single ownership or management, or under unified control, and developed and operated principally for retail merchandising. A group of commercial establishments planned and developed, owned, or managed as a unit, with off-street parking and loading provided on the premises and related in its location, size, and type of stores, to the trade area which it serves.

Shopping Center, Community A moderate scale shopping center designed for the sale of convenience goods and personal services in a neighborhood trade area.

Shopping Center, Regional A large-scale shopping center designed to provide general merchandising and opportunities to the consumer for comparison-shopping in a regional trade area.

Short-term rental as set forth by IC 36-1-24, the rental of:
(1) A single-family home;
(2) A dwelling unit in a single-family home;
(3) A dwelling unit in a two-family or multifamily dwelling; or
(4) A dwelling unit in a condominium, cooperative, or time share;
for terms of less than 30 days at a time through a short-term rental platform, The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.



- A. Owner - as set forth by IC 36-1-24 - a person that has an interest in title or a present possessory interest in property that is offered to the public as a short-term rental.
- B. Owner occupied short-term rental property - as set forth by IC 36-1-24 - property that is the owner's primary residence and is offered to the public as a short-term rental.
- C. Permit - as set forth by IC 36-1-24 - a short-term rental permit issued by the Town.
- D. Permitted property - as set forth by IC 36-1-24 - a property that is subject to a valid, unexpired, unrevoked permit issued under this chapter. A permitted property may contain one (1) or more dwelling units offered as short-term rentals.

Short-term rental platform means as set forth by IC 36-1-24, an entity that:

- (1) Provides a platform through which unaffiliated parties offer to rent a short-term rental to an occupant; and
- (2) Collects consideration for the rental from the occupant.

SI The International System of Units

Side Yard (See: Yard, Side in this section.)

Sidewalk The portion of a street or crosswalk intended for pedestrian use only.

Sign A sign is any object, device, or display or structure, or part thereof, or device attached thereto, including painted wall signs, visible from any public place or located on private property and exposed to the public or to public view, which by means of itself, or any letters, graphics, illustration, insignia, designs, images, colors, or any other symbols used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, or location of an event. The definition does not include signs not exceeding one (1) square foot in area and bearing only property numbers, post box number, names of occupants of premises, or other identification of premises not having commercial connotations, flags, and insignia of any government except when displayed in connection with commercial promotion or legal notices, identification, information for directional signs erected or required by governmental bodies.

Sign, Abandoned A sign, including all poles, frames, supports, and other structural, electrical, mechanical elements, that is unused for a period of six (6) months or greater.

Sign, Animated A sign with any part being electrically or mechanically activated.

Sign, Arcade A sign suspended from the ceiling of a covered walkway and oriented perpendicular to the building.

Sign, Bench A sign attached to or painted upon a bench or seat which is located outside a building or structure.

Sign, Changeable Copy A sign whereon any combination of letters, characters, or images are combined to create a static image for display, and where such display can be changed manually, mechanically, electronically, or by remote control.

Sign, Coordinated A sign principally advertising all occupants of a business/retail complex that is operated under a single ownership or management, or under unified control.

Sign, Development A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier, or sponsor of the development and designating the future occupancy or use of the development.

Sign, Directional and Official A sign which is posted by any governmental agency of the United States, the State of Indiana, or any of its political subdivisions, and which regulates the flow of traffic, gives information or directions, or contains legal notices.

Sign, Development Plan Any on-premises or off-premises sign that is submitted to and approved by the Plan Commission as part of the process for approval of a primary plat or development plan.

Sign, Double-Faced A structure with two (2) parallel sign faces located no more than one foot (1') apart. A double-faced sign shall constitute one (1) sign. Such a sign may also be referred to as "Back-To-Back Sign."

Sign, Election A sign urging voter support for or against a particular political issue, political party, or candidate for public office in advance of a specific primary, general or special election.

Sign, Fin Two-sided projecting sign intended to be viewed from the side on a public right-of-way.

Sign, Flashing A sign in which the illumination intermittently flashes off and on, in whole or in part.

Sign, Free-Standing A sign completely or principally self-supported by posts or other supports independent of any building or other structure and anchored in or upon the ground, including a ground mounted sign and pole sign. This definition applies to on-premises signs and does not apply to, and specifically excludes, outdoor advertising structures.

Sign, Gross Surface Area The maximum projected area enclosed within two (2) connected rectangles completely enclosing, as a single unit, the shape of the sign face including both copy, background, and any frame or boxed display. Where a sign has two or more display faces of unequal dimensions, the area of the largest face shall determine the gross surface area of the sign. The supporting structure located below a horizontal line bordering the lowest projection of a free-standing sign, if its cross-sectional area has a reasonable need for structural support only, need not be enclosed within the rectangles and shall not be considered as part of the gross sign area.

Sign, Identification A sign which displays only the name and/or address of the occupant.

Sign, Illuminated – External A sign illuminated by an external source which is cast upon the surface of the sign.

Sign, Illuminated– Internal A sign, illuminated by light sources not directly visible, or any part of which is made of incandescent, neon, or other types of lamps; or a sign with painted, flush, or raised letters lighted by an electric lamp or lamps attached thereto; or a sign having a border of incandescent or fluorescent lamps.

Sign, Menu A window sign that provides the current list of food and drink items offered at a dining establishment.

Sign, Monument A freestanding, low-profile ground sign that uses masonry elements and may also feature wood, stone, stucco, brick, or metal.

Sign, Net Surface Area The maximum projected area enclosed within two (2) connected rectangles completely enclosing, as a single unit, all letters, graphics, illustrations, insignias, figures, designs, images, colors, or other symbols used as described above under “sign.”

Sign, Obscene A sign or other advertising structure that displays any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Sign, Off-Premise A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located, manufactured or sold on the premises on which the sign is located, installed and maintained, or that directs persons to a location other than the premises where the sign is located, installed and maintained. The term also includes a sign that does not refer exclusively to the name, location, persons, accommodations, sale, lease, construction, or activities of or on the premises where it is erected.

Sign, On-Premise A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located, manufactured or sold on the premises on which the sign is located.

Sign, Permanent A sign which is securely affixed to a building or permanently anchored to the ground, as approved by the Town.

Sign, Political A sign identifying the property owner's support for or against a particular political issue, political party, or candidate for public office.

Sign, Portable A sign which is of temporary nature and is not permanently affixed to the ground or other permanent structure.

Sign, Programmable Message An animated sign, or structure, also called "changeable electronic variable message sign (CEVMS)" made up of a field of individual electronic elements, including a light emitting diode (LED), or mechanical grids that, when programmed and activated, create still or moving images or words. The elements may be illuminated internally or by reflected light and vary in color or intensity. The sign may be framed by permanent, nonmoving signage. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Sign, Projecting A sign supported by a building or other structure which projects over any street, sidewalk, alley, public way or easement, or which projects from the face of the building, structure, or supporting wall, including an overhanging sign.

Sign, Promotional A temporary sign or signage used to commemorate or advertise a grand opening, grand re-opening, or other special event, and may include, but are not limited to, banners, streamers, balloons, inflatable objects, and pennants.

Sign, Public A sign, either permanent or temporary, which is authorized and erected by public agencies for public information purposes, including traffic signs, other municipal signs, railroad crossing signs, danger, informational signs, and other non-advertising signs.

Sign, Roof A sign erected, constructed, or maintained in whole or in part upon or over the roof, eave, cornice, or parapet of a building or structure.

Sign, Sandwich Board A free-standing sign located at grade level constructed in such a manner as to form an "A" by separating two (2) opposing sign faces by supporting structural members.

Sign, Skyline A flat-mounted sign at the top floor of a building which does not project above the cornice or parapet of the building.

Sign, Square Footage of The size of signs shall be computed by determining the area of all facets on rectangular signs. For all non-rectangular, irregular, or three-dimensional signs, square footage shall be determined on the basis of the smallest rectangle which would enclose all letters, figures or symbols composing the sign structure.

Sign, Supergraphics Vinyl signs with images that are larger than billboards typically put on sides of buildings and can be easily replaced or relocated.

Sign, Temporary A sign which does not fall within the definitions of permanent signs, portable signs, or special events signs and which does not exceed nine (9) square feet, is located on premises advertising the sale or rental at the premises or advertising a garage sale, auction, or moving sale.

Sign, Time/Temperature A sign that displays only the current time and temperature of the location where the sign is installed. Such information may be displayed simultaneously or in alternating fashion.

Sign, Tri-movement A sign that displays three (3) separate images sequentially by rotating triangular sign panels on cylinders within an outdoor display structure, regardless of size and shape, where the display can be changed on a periodic basis to display different advertising.

Sign, Vehicle-mounted A sign or signs that are permanently affixed to a vehicle, where the sole or primary purpose of the vehicle is for advertisement. Also, may be referred to as "Mobile Billboard."

Sign, Visual Triangle Area which is determined by projecting a twenty-foot (20') setback from two (2) intersecting right-of-way lines, existing or proposed, on the right-of-way line, and connecting these projected points by a straight line.

Sign, Wall-Mounted A sign affixed to any exterior surface of a building.

Sign, Wayfinding A sign, or collection of signs with a unified design or theme, used for the purpose of directing vehicular and pedestrian traffic to points of interest in the Town or large developments, including, but not limited to, business districts, shopping centers, parks and recreational facilities, or other points of interest.

Slow Burning or Incombustible Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during exposure for five (5) minutes to a temperature of twelve hundred degrees Fahrenheit (1200° F) shall be designated incombustible.

Smoke The visible discharge from a chimney, stack, vent, exhaust, or combustion process which is made up of particulate matter.

Smoke Unit The number obtained when the smoke density number on the Ringelmann Chart 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, and each reading is then multiplied by the time in minutes during which it is observed, and the various products are then added together to give the total number of smoke units observed during the entire observation period.

Solar Energy Generating System A system that generates electrical energy from sunlight.

Solar Panel / Solar Shingle A module or panel capable of converting sunlight into electrical current.

Sound Level The intensity of sound of an operation or use as measured in decibels.

Sound Level Meter An instrument designed to measure noise level and manufactured to meet ANSI Standard S1.4-1971 (R1976) or S1.4-1983.

Special Exception A use that must be applied for through the Board of Zoning Appeals. If granted, the use is permitted within a zoning district that is subject to certain specific conditions imposed by the Town.

Standing Is a person or entity that qualifies and may obtain judicial review of a final zoning decision.

State The State of Indiana.

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. The floor of a story may have split levels, provided that there is not more than four feet (4') difference in elevation between the different levels of the floor. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

Street A public way for purposes of vehicular traffic, including the entire area within the right-of-way. The term "street" also includes the terms highway, parkway, road, roadway, thoroughfare, avenue, boulevard, lane, court, place, and other such terms.

Street, Alley A street intended to provide access to the rear or side of lots or to buildings in urban areas, and not intended for the purpose of through vehicular traffic.

Street, Arterial A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The arterial system is stratified into principal and minor categories.

Street, Principal Arterial A system of streets and roads which serve corridor traffic movements having trip length and travel density characteristics indicative of substantial state-wide or interstate travel, or connect major population centers in rural areas, or serve major centers of activity and the highest traffic volume corridors with the longest trip desires in urban areas.

Street, Minor Arterial A system of streets and roads which link other cities, large towns and traffic generators, and provides a substantial amount of intra-state and intra-county service in rural areas, or interconnects and augments with the principal arterials to provide service to trips of moderate length for intra-community continuity in urban areas.

Street, Collector A system of streets and roads which serve travel of primarily intra-area and intra-county importance with approximately equal emphasis to traffic circulation and land access service. The collector system is generally further stratified into major and minor categories. The system collects and distributes traffic between the arterial and local systems.

Street, Cul-de-sac A local street open at one end only and with a special provision for vehicles turning around.

Street, Dead-end A local street open at one end only, and without a special provision for vehicles turning around, not to exceed one (1) lot in depth.

Street, Feeder A local street which facilitates the collection of traffic from local streets, and which provides circulation within neighborhood areas.

Street, Frontage A local street or road auxiliary to and located on the side of an arterial for service to abutting property and adjacent areas, and for control of access.

Street, Highway A term applied to streets and roads that are under the jurisdiction of INDOT or the Lake County Highway Department.

Street, Limited Access A street with a controlled number of points providing access to adjoining property.

Street, Local A system of streets and roads which primarily provides land access service and access to higher order systems.

Street, Loop A local street with both terminal points on the same street of origin.

Street, Partial A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

Street, Perimeter Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.

Street, Private A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

Street, Public A street under the control of and kept by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land and accepted by the proper authorities and for the maintenance of which they are responsible.

Street, Secondary Street designed to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries.

Strip Center A building of lineal design that has been subdivided into any number of self-contained units that are leased for commercial and/or professional uses. Strip centers generally are located along arterial streets, and generally do not feature an anchor tenant or feature.

Structure Any facility constructed or erected with a fixed location on the ground or attached to something having a fixed location on or below the ground. The term includes a storage facility, billboards and similar signs, a manufactured home, communication towers, or a prefabricated building, as well as all appurtenances thereof. The term also includes recreational vehicles, trailers, etc., to be installed on a site for more than one hundred eighty (180) days.

Subdivision The division of a parcel of land into lots, parcels, tracts, units, or interests, in the manner defined and prescribed by the Town Subdivision Control Ordinance.

Substantial Completion The installation of all infrastructure, such as sewer, water, streets, lighting, storm water management controls, etc., as well as naturalized landscaped materials, protection netting, and verification of critical grades identified on the approved plan.

Substantial Enlargement of a Sexually Oriented Business An increase in the floor areas occupied by a sexually oriented business by more than fifteen percent (15%), as the floor areas exist on November 20, 2007, the date that Town Ordinance #1719 was adopted.

Substantial Improvement 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 which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will continue the "historic structure" designation.

Supply Yard A commercial establishment storing and offering for sale building supplies, steel, coal, heavy equipment, feed and grain, and similar goods.

Surety An agreement by a subdivider or developer with the Town pledging a dollar amount equal to the estimated construction cost to guarantee the completion of physical improvements according to the plans and specifications, within the time prescribed by the agreement.

Swimming Pool An outdoor structure designed as a receptacle for water, or an artificial pool of water, having a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment and other accessory structures such as hot tubs, spas, etc., whether such structure is built "in-ground," "above-ground," or a combination thereof.

Tattoo Any indelible design, letter, scroll, figure, symbol, or other marks placed with the aid of needles or other instruments, or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

Tattoo Artist Any person who provides a tattoo to an individual, following all applicable regulations set forth by the State of Indiana.

Tattoo Establishment Any room or space where a tattoo artist provides tattoos to individuals or where the tattooing activities take place.

Tavern A public establishment where food may be sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises. May also be referred to as Bar, Pub, or Saloon.

Thoroughfare A public way or public place that is included in the thoroughfare plan of the Town, including 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.

Tobacco Shop Any premise predominantly dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia.

Topographic Map Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Toxic Matter or Material Those materials which are capable of causing injury to living organisms, as defined in IC 13-11-2-233, and as amended from time to time.

Tower Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, flagpole, or similar apparatus above grade.

Tower, Multi-User A tower to which is attached the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

Tower, Single-User A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as permitted by this Ordinance.

Town The Town of Schererville, Lake County, Indiana.

Town Board/Town Council (See: Town Council in this section.)

Town Council The legislative body of the Town of Schererville, Lake County, Indiana.

Town Staff A duly appointed Town administrative representative or building official, whether appointed or employed, who is assigned the duties and responsibility of the review, inspection and enforcement of planning, zoning, and building activities with the Town.

Townhouse (See: Dwelling, Town House, or Row House.)

Traffic Directional Sign A sign which guides traffic on a property and is not used to identify the business located on that property.

Trailer Any vehicle or portable structure constructed so as to permit temporary occupancy thereof for use as an accessory building or structure in the conduct of business, trade or occupation.

Transfer of Ownership or Control of a Sexually Oriented Business shall mean any of the following:

- A. The sale, lease or sublease of the business;
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift, or other similar legal devise, which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

Transition Yard That portion of yard that separates two incompatible uses.

Truck Stop A commercial establishment that provides food, drink, fuel, service and repair, parking, and other related services primarily to heavy-load tractor trailer trucks and their drivers.

Truck Terminal Any business establishment where trucks are stored and/or dispatched.

Unbuildable Land The land or portion of an area that is wetland or generally saturated with water, has a slope of twenty-five percent (25%) or more, or is within the 100-year floodplain.

Understory Tree A self-supporting woody plant having at least one well-defined stem or trunk and normally attaining a mature height and spread of less than thirty feet (30') with branching less than eight feet (8') above grade.

Use The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory A use which is incidental to the principal use of the premises.

Use, Lawful The use of any building, structure, or land that conforms with all of the regulations of this Ordinance or any amendment hereto, and which conforms with all of the codes, ordinances, and all other legal requirements, as existing at the time of the enactment of this Ordinance, or any amendment thereto, for the structure or land that is being examined.

Use, Non-Conforming (See: Non-Conforming Use in this section.)

Use, Principal The primary or dominant use to which the premises are devoted, and the main purpose for which the premises exist.

Use, Special A use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular zoning district or districts.

Use, Permitted Any use which is or may be lawfully established in a particular zoning district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this Ordinance for the zoning district in which such use is located.

Use, Prohibited Any use marked as non-applicable in a particular zoning district or districts.

Use, Public Public parks, schools, administrative and cultural buildings and structures, and similar uses, as permitted by this Ordinance.

Use, Variance of A request to allow a land use that is not permitted in the underlying Zoning District, as listed in this Ordinance, and granted only by approval of the Board of Zoning Appeals and Town Council.

Variance A variance is a deviation from the strict and specific requirements of this Ordinance and is granted only by approval of the Board of Zoning Appeals.

Vehicular Use Areas All areas subject to vehicular traffic including, but not limited to, access ways, driveways, loading areas, service areas, and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures or underground parking lots.

Veterinary Animal Hospital or Clinic (See: Animal Hospital in this section.)

Vibration The periodic displacement, measured in inches, of earth at designated frequency of cycles per second.

Visual Triangle or Vision Clearance An open triangular space at the street corner of a corner lot, or the intersection of a street and an alley, defined by a line connecting two points established on the street lines by measurement from the corner, between which line and the intersecting street lines or intersecting street and alley lines, no structures, shrubbery, or other obstacles to vision may be placed temporarily or permanently.

Wastewater Treatment Plant A facility that is designed and utilized for the process of removing contaminants from wastewater and household sewage, both runoff and domestic contaminate.

Wastewater Pumping Station A facility including pumps and equipment for pumping wastewater and runoff from one location to a wastewater treatment plant, where it will be treated.

Wetlands Areas as defined by the appropriate State and federal agencies.

Wind Energy Conversion System (WECS), Commercial Any system, with a capacity of greater than ten kilowatts (10 kW), that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wind farm collection system, or other component used in the system.

Wind Energy Conversion System (WECS), Horizontal A wind energy conversion system where the rotor blades turn on a horizontal axis, or parallel to the ground. May also be referred to as "Horizontal Axis Wind Turbine."

Wind Energy Conversion System (WECS), Non-Commercial Any system, with a capacity not exceeding ten kilowatts (10 kW), that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wire, or other component used in the system.

Wind Energy Conversion System (WECS), Vertical A wind energy conversion system where the rotor blades turn on a vertical axis, or perpendicular to the ground. May also be referred to as "Vertical Axis Wind Turbine."

Yards The area around the inner periphery of each lot in which no building or structure shall be erected. The size of each area is determined by the distance from the property lines and right-of-way lines set forth in the various zoning districts to the main building on the lot, exclusive of steps, overhanging eaves, gutters, or cornices.

Yard, Depth The mean horizontal distance between the building line and the lot line.

Yard, Front A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and other similar structures, the depth of which is the least distance between the front lot line and the front building line.

Yard, Rear An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the building line.

Yard, Side The minimum required open space extending the full depth of the lot and extending from the side lot line to the nearest point of the building line.

Zone An area within which certain uses of land and buildings are permitted, and within which others are prohibited, yards and other green spaces are required, lot areas, building coverage limits and other requirements are established, all of the foregoing being identical for the zone in which they apply.

Zoning The division of an area into districts and the public regulation of the character and intensity of the use of the land, and of the buildings and structures which may be located thereon, in accordance with a comprehensive plan.

Zoning Administrator The designated administrator and enforcement official of the Ordinance of the Town of Schererville. This may be an individual or individuals, such as Town Staff, the Board of Zoning Appeals, Plan Commission, another Board or Commission granted authority to make a final zoning decision. (See also: Town Staff.)

Zoning Clearance A review from the Zoning Administrator indicating compliance of a use, operation, or activity with the provisions of Zoning Ordinance or that all necessary permits or prior approvals have been obtained from other government agencies where required for a development or permit application.

Zoning Districts The districts into which the Town of Schererville, Lake County, Indiana, has been divided for zoning regulations and requirements as set forth on the Official Zoning Map.

Zoning Map The official map showing the location and boundaries established by this Ordinance. The Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference, and is a part of this Ordinance.

Zoning Lot (See: Lot, Zoning in this section.)

Zoning Permit (See: Certification of Zoning Compliance.)

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SECTION 2: Use Regulations 3-1
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SECTION 4: Area, Width and Yard Regulations..... 3-2
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SECTION 6: Utility Requirements 3-3
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SECTION 1: Intended Purposes

The purpose of this Zoning District is to provide for the preservation of vacant land for orderly development and protection of natural and sensitive areas for farming, open space, or conservation. All incorporated property within the Town of Schererville that has not been assigned to any particular Zoning District is deemed to be assigned to the Open Land (O.L.) District.

SECTION 2: Use Regulations

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes upon compliance with the related provisions:

- A. Single-family detached dwelling and dwellings for tenants primarily employed on the farm;
- B. Farms and farm buildings, provided that:
 - (1) No building in which livestock is housed shall be located within five hundred feet (500') of any property with an existing residence or existing residential subdivisions;
 - (2) No farm building shall be constructed closer to the front lot line than the rear-most face of the primary building.
- C. Greenhouses and nurseries (plant materials);
- D. Riding academies or stables, provided that no building in which livestock is housed shall be located within five hundred feet (500') of any property with an existing adjacent residence or existing residential subdivisions;
- E. Signs as set forth in TITLE XIX; and
- F. Supplementary District Regulations as set forth in TITLE XVII.

SECTION 3: Height Regulations

- A. The maximum height of any building shall be two and one-half (2 ½) stories, not to exceed thirty-five feet (35').
- B. No fence shall exceed eight feet (8') in height.

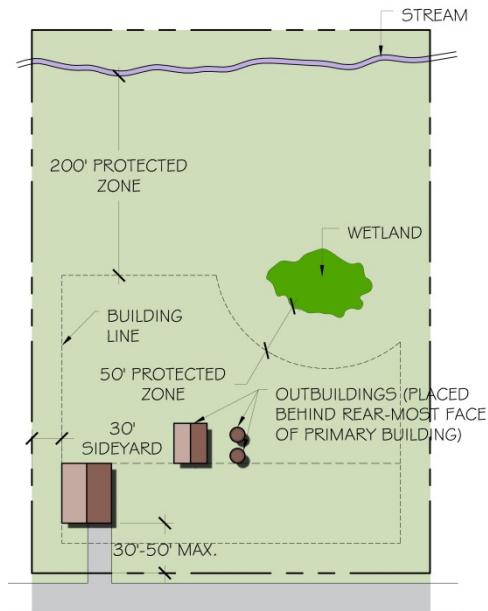


Exhibit 1 - Open Land District Concept

- A. Minimum Lot Area and Width – Every lot shall have a minimum width at the building line of one hundred twenty feet (120') and a minimum area of five (5) acres.
- B. Front Yard – Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. The minimum required front yard shall be thirty feet (30'), but not to exceed fifty feet (50').
- C. Side Yard – Each lot, except as otherwise specified, shall have two (2) side yards, each having a width of not less than thirty feet (30') and the aggregate width of both side yards on any lot shall be not less than thirty percent (30%) of the width of the lot.
- D. Rear Yard – There shall be a rear yard of not less than twenty-five (25%) percent of the depth of the lot.
- E. Sensitive Areas – Where a designated wetland, waterway, or other environmentally sensitive area is located within a lot, the following additional setbacks shall be provided:

- (1) Streams, natural channels, ponds, and other natural, permanent water bodies: minimum two hundred feet (200') from water's edge at the mean water level.
- (2) Wetlands and other environmentally sensitive areas: minimum fifty feet (50') from the boundary of the area.

F. Lot Coverage

- (1) Not more than twenty percent (20%) of the area of a lot may be covered by the combination of buildings, drives, sidewalks, and parking area.
- (2) Not more than twenty-five (25%) percent of the area of a lot may be used by any combination of detention, retention facilities, or utility easements.

SECTION 5: Building Size

- A. Principal Building – No building shall be erected for residential purposes having a ground floor area of less than one thousand two hundred (1,200) square feet, exclusive of unenclosed porches, terraces, and garages.
- B. Non-Residential Buildings – No building, except for greenhouses, farm buildings, and related buildings, shall have a ground floor area of more than one percent (1%) of the total lot area.

SECTION 6: Utility Requirements

Every lot in Open Land Zoning Districts, and each district hereafter described, shall be provided with public water and public sewers, if available. When either or both of these public utilities are not available, regulations of the State of Indiana and County of Lake shall be applicable.

SECTION 7: Off-Street Parking

- A. There shall be at least two (2) parking spaces for each single-family dwelling in this Zoning District. All other off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in TITLE XX of this Ordinance.

Parking for farm machinery, implements, and equipment shall be provided behind the rear-most face of the primary building.

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SECTION 1: Intended Purposes

The general character of this Residential Zoning District is to consist of single-family detached dwellings, set on large building lots. Non-residential uses would be restricted to those institutional facilities which:

- A. May appropriately be located in residential areas to provide educational, recreational, religious, health and other essential services for residents; or
- B. Can perform the intended activities more effectively in a residential environment; and
- C. Do not create significant objectionable influences in residential areas.

SECTION 2: Use Regulations

In the Residential Zoning District (R-1), a building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes upon compliance with the related provisions:

- A. Single-Family Detached Dwelling Units;
- B. Group homes, provided such use is fully compliant with the regulations in I.C. 12-11-1.1, as amended from time to time;
- C. Public utility and public service uses, including electric substations, only when necessary for a new development;
- D. Supplementary District Regulations as set forth in TITLE XVII; and
- E. Signs as set forth in TITLE XIX.

SECTION 3: Height Regulations

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, thirty-five feet (35'), not exceeding two and one-half (2 ½) stories;
- B. For any building accessory to any dwelling use, fourteen feet (14'), not exceeding one (1) story.
- C. No fence shall exceed six feet (6') in height in any residential district.

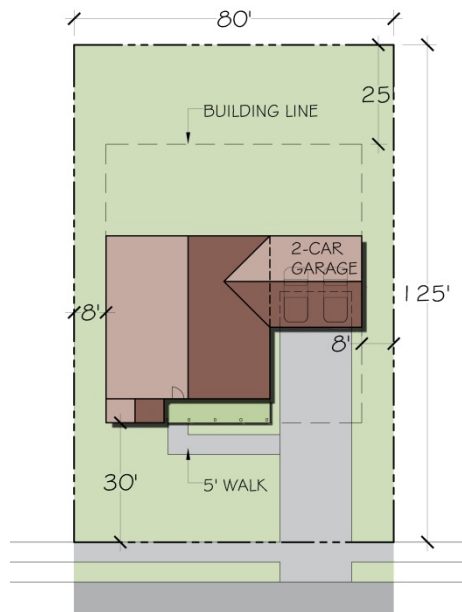


Exhibit 2 - R-1 District Concept

- A. Minimum Lot Area and Width – A lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than eighty feet (80’) at the building line and a minimum lot depth of one hundred twenty-five feet (125’) shall be provided for every building or other structure erected or used for any use permitted in this Zoning District.
- B. Minimum Lot Area, Corner Lot – Every corner lot containing a building shall have a lot width of not less than one hundred feet (100’) at the building line.
- C. Front Yard – Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. The minimum required front yard shall be thirty feet (30’), but not to exceed fifty feet (50’).
- D. Side Yards
 - (1) On each interior lot, there shall be two (2) side yards with a minimum aggregate width of twenty percent (20%) of the lot width, but with no single side yard being less than eight feet (8’) in width.
 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than thirty feet (30’), and the side yard not abutting the street having a width of not less than eight feet (8’).

- (3) On any lot, in any side yard not abutting the street, a detached garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet (5’).

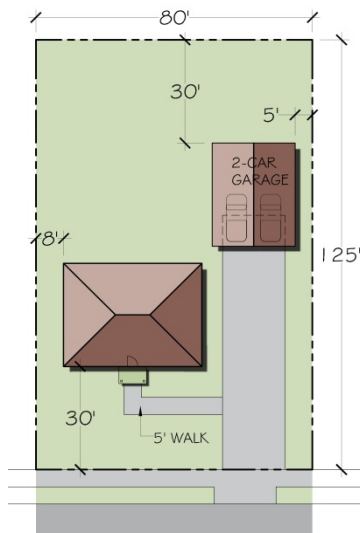


Exhibit 3 - R-1 District Concept with Detached Garage

- E. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet (30’).
- F. Lot Coverage
 - (1) Not more than thirty percent (30%) of the area of any lot shall be occupied by buildings.
 - (2) There shall be a minimum two-foot (2’) wide green strip along the rear lot line and side lot lines, as measured from the building line, in all lots in this Zoning District.
- G. Landscape Plan – All individual single-family dwelling units shall provide landscaping that complies with the regulations of TITLE XVIII. For all other uses, a Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII.

SECTION 5: Building Size

- A. Principal Building – No building shall be erected for residential purposes having a foundation floor area of less than twelve hundred (1,200) square feet if a single story dwelling, or a foundation floor area of less than eight hundred (800) square feet if more than one (1) story, exclusive of basements, unenclosed porches, terraces, and garages.

- B. Accessory Buildings – All accessory buildings as defined in Section 2 of this Ordinance, shall not exceed a floor area of one hundred sixty-eight (168) square feet, and only two (2) accessory buildings as outlined shall be permitted per dwelling unit in this Zoning District. No identical accessory buildings are allowed.

SECTION 6: Off-Street Parking

There shall be at least two (2) parking spaces for each single-family dwelling, but not more than four (4) parking spaces for each single-family dwelling in this Zoning District. All other off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in TITLE XX of this Ordinance.

SECTION 7: Garages

- A. Any garage constructed in this Zoning District shall be limited to a maximum of one thousand (1,000) square feet.
- B. Any garage constructed in this Zoning District shall be limited to a maximum nine-foot (9') door height and a maximum of eighteen-foot (18') door width.
- C. Wherever a residential lot abuts an alley along the rear lot line, a detached garage may be built in the rear yard of that lot, provided that the garage setback is no further than twenty feet (20') from the rear lot line, and vehicular access to the garage is provided from the alley only.

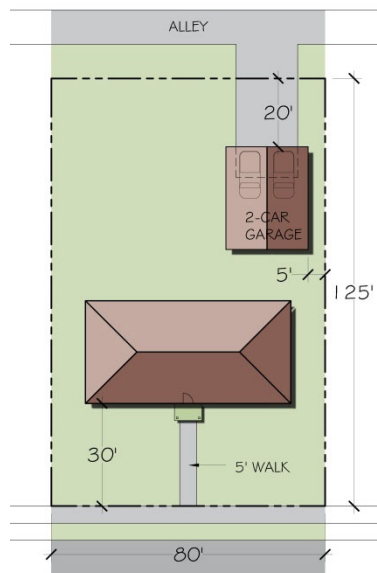


Exhibit 4 - R-1 District Concept with Alley-access Garage

- D. The aggregate total garage door width in the front-most façade of a building shall be limited to a maximum aggregate garage door width of thirty feet (30').

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SECTION 4: Area, Width and Yard Regulations..... 5-1
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SECTION 6: Off-Street Parking 5-3
SECTION 7: Garages 5-3

SECTION 1: Intended Purposes

The general character of this Residential Zoning District is to consist of single-family and two (2) family dwellings, set on medium sized building lots. Non-residential uses would be of similar character as those in the Residential Zoning District (R-1).

SECTION 2: Use Regulations

In the Residential Zoning District (R-2), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:

- A. Any use permitted in the Residential Zoning District (R-1);
- B. Two (2) unit townhouses and duplexes;
- C. Supplementary District Regulations as set forth in TITLE XVII; and
- D. Signs as set forth in TITLE XIX.

SECTION 3: Height Regulations

The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be:

- A. For any dwelling, thirty-five feet (35'), not exceeding two and one-half (2 ½) stories.
- B. For any building accessory to any dwelling use, fourteen feet (14'), not exceeding one (1) story.
- C. No fence shall exceed six feet (6') in height in any residential district.

SECTION 4: Area, Width, and Yard Regulations

- A. Minimum Lot Area and Width – A lot area of not less than eight thousand seven hundred fifty (8,750) square feet, with a lot width of not less than seventy feet (70') at the building line for a single-family dwelling, or a lot area of not less than twelve thousand five hundred (12,500) square feet and a lot width of not less than one hundred feet (100') at the building line shall be provided for every other building or structure erected or used for any use permitted in this Zoning District. All lots in this Zoning District shall have a minimum lot depth of one hundred twenty-five feet (125').

- B. Front Yard – Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. The minimum required front yard shall be thirty feet (30’), but not to exceed fifty feet (50’).

- C. Side Yards
 - (1) On each interior lot, there shall be two (2) side yards with a minimum aggregate width of twenty percent (20%) of the lot width, but with no single side yard being less than seven feet (7’) in width.
 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty feet (20’), and the side yard not abutting the street having a width of not less than seven feet (7’).
 - (3) On any lot, in any side yard not abutting a street, a detached garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet (5’).

- D. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than twenty-five feet (25’).

- E. Lot Coverage
 - (1) Not more than thirty percent (30%) of the area of any lot shall be occupied by buildings.
 - (2) There shall be a minimum two-foot (2’) wide green strip along the rear lot line and side lot lines, as measured from the building line, in all lots in this Zoning District.

- E. Landscape Plan – All duplex and single-family dwelling units shall provide landscaping that complies with the regulations of TITLE XVIII. For all other uses, a Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII.

SECTION 5: Building Size

- A. Principal Building – No building shall be erected for residential purposes having a foundation floor area of less than one thousand (1,000) square feet for a single-family dwelling, or a foundation floor area less than seven hundred (700) square feet if more than one (1) story, or less than a total foundation floor area of one

thousand six hundred (1,600) square feet for a duplex or townhouse, exclusive of basements, unenclosed porches, terraces, and garages.

- B. Accessory Buildings – All accessory buildings as defined in Section 2 in this Ordinance shall not exceed a floor area of one hundred sixty-eight (168) square feet, and only (1) structure as outlined shall be permitted per dwelling unit in this Zoning District. Such structure shall not exceed twelve feet (12’) in width.

SECTION 6: Off-Street Parking

There shall be at least two (2) parking spaces for each dwelling unit, but not more than four (4) parking spaces for each residential building, in this Zoning District. All other off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in TITLE XX of this Ordinance.

SECTION 7: Garages

- A. Any attached garage constructed in this Zoning District shall be limited to a maximum of six hundred eighty (680) square feet per dwelling unit.
- B. In all garages constructed in this Zoning District, no more than two (2) automobile bays shall be located and accessed on the primary façade of the building.
- C. Any garage constructed in this Zoning District shall be limited to a maximum nine-foot (9’) door height.
- D. Wherever a residential lot abuts an alley along the rear lot line, a detached garage may be built in the rear yard of that lot, provided that the garage setback is no further than twenty feet (20’) from the rear lot line, and vehicular access to the garage is provided from the alley only.
- E. Notwithstanding the foregoing regulations in this Section 7, garages constructed for single-family residences in this Zoning District may use garage standards that apply in the R-1 Zoning District.

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SECTION 5: Building Size 6-3
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SECTION 1: Intended Purposes

The general character of this Residential Zoning District is to consist of multiple-family dwellings set in a medium density living environment not to exceed a maximum of four (4) families living independently of one another. Non-residential uses would be of similar character as those permitted in the Residential Zoning District (R-2).

SECTION 2: Use Regulations

In the Residential Zoning District (R-3), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:

- A. Any use permitted in the Residential Zoning District (R-2);
- B. Multiple-Family Dwellings;
- C. Supplementary District Regulations, as set forth in TITLE XVII; and
- D. Signs as set forth in TITLE XIX.

SECTION 3: Height Regulations

- A. The maximum height of buildings and other structures erected or enlarged in this Zoning District shall not exceed forty feet (40') or two and one-half (2 ½) stories.
- B. No fence shall exceed six feet (6') in height in any residential district.

SECTION 4: Area, Width and Yard Regulations

- A. Minimum Lot Area and Width – A lot area of not less than eight thousand, seven hundred fifty (8,750) square feet, with a lot width of not less than seventy feet (70') at the building line for a single-family dwelling, or a lot area of not less than twelve thousand five hundred (12,500) square feet and a lot width of not less than one hundred feet (100') at the building line shall be provided for every other building or structure erected or used for any use permitted in this Zoning District. All lots in this Zoning District shall have a minimum lot depth of one hundred twenty-five feet (125').

- B. Front Yards – Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. The minimum required front yard shall be thirty feet (30'), but not to exceed fifty feet (50').

- C. Side Yards
 - (1) On each interior lot, there shall be two (2) side yards, with a minimum aggregate width of twenty percent (20%) of the lot width, but with no single side yard being less than seven feet (7') in width.

 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than twenty feet (20'), and the side yard not abutting the street having a width of not less than seven feet (7').

 - (3) On any lot, in any side yard not abutting a street, a detached garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five feet (5').

- D. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than twenty-five feet (25').

- E. Lot Coverage
 - (1) The maximum percentage of area of each lot which may be occupied by buildings shall be thirty percent (30%), and the maximum areas covered by impervious surfaces, including driveways, parking, and accessory structures shall be seventy-five percent (75%) of the total lot area.

 - (2) There shall be a minimum two-foot (2') wide green strip along the rear lot line and side lot lines, as measured from the building line, in all lots in this Zoning District.

- F. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII.

SECTION 5: Building Size

- A. Principal Building – No building shall be erected for residential purposes having a foundation floor area of less than one thousand (1,000) square feet for a single-family dwelling, or a foundation floor area less than seven hundred (700) square feet if more than one (1) story, or less than a foundation floor area of sixteen hundred (1,600) square feet in a multi-family building, with a minimum of eight hundred (800) square feet per dwelling unit, exclusive of basements, porches, terraces, and garages.

- B. Accessory Buildings
 - (1) For multi-family buildings in this Zoning District, shall not exceed a floor area of one hundred (100) square feet per dwelling unit, or four hundred (400) square feet for each zoning lot. Such storage shall be housed in a single accessory structure that serves the entire residential building.

 - (2) For all other residential uses in this Zoning District, shall not exceed a floor area of one hundred sixty-eight (168) square feet, and only (1) structure as outlined shall be permitted per dwelling unit in this Zoning District. Such structure shall not exceed twelve feet (12') in width.

SECTION 6: Off-Street Parking

There shall be at least two (2) parking spaces for each dwelling unit in this Zoning District. No open parking lots shall be located in the front yard of the lot. All other off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.

SECTION 7: Garages

- A. Any attached garage constructed in this Zoning District shall be limited to a maximum of five hundred twenty (520) square feet per dwelling unit.

- B. In all garages constructed in this Zoning District, no more than two (2) automobile bays shall be located and accessed on the primary façade of the building.

- C. Any garage constructed in this Zoning District shall be limited to a maximum nine-foot (9') door height.

- D. Notwithstanding the foregoing regulations in this Section 7, garages constructed for single-family residences in this Zoning District may use garage standards that apply in the R-1 Zoning District.

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SECTION 5: Off-Street Parking 7-4
SECTION 6: General Design Standards 7-4

SECTION 1: Intended Purposes

The Institutional Zoning District (IN) is intended to provide locations for public facilities, educational facilities, religious centers, utilities, and quasi-public institutions and facilities. The Zoning District aims to ensure that such uses are appropriately integrated into the community to reduce land use conflicts and negative impact. This Zoning District is further intended to provide a set of design standards that are responsive to the unique character of such uses, complement and enhance the community aesthetics, and promote sustainability.

SECTION 2: Use Regulations

A building may be erected, altered, or used, and a lot may be occupied or used, for any of the following purposes upon compliance with the related provisions:

Institutional Uses - Public

- A. Churches, rectories, parish houses, convents, monasteries, and other places of worship;
- B. Day care, adult day care, childcare, nurseries, and pre-schools;
- C. Funeral homes and crematoriums;
- D. Government buildings;
- E. Governmental facility (non-office);
- F. Hospitals and out-patient surgery centers;
- G. Libraries;
- H. Museums, public and private;
- I. Nursing homes, convalescent homes, assisted living facilities, and hospices, including senior and independent living facilities;
- J. Police stations, fire stations, and public safety buildings;
- K. Post Office;
- L. Public utility and public service uses, including electric substations, only when necessary for a new development;

- M. Recreational trails;
- N. Schools (K-12), colleges, and universities (Public and Private);
- O. Telecommunication towers, including cell towers, only on municipal facilities and subject to the provisions of TITLE XVII; and
- P. Public transportation terminals and stations.

Institutional Uses - Parks, Open Space, and Recreation

- Q. Cemeteries;
- R. Community and recreational centers, including those for seniors;
- S. Fraternal clubs, lodges and civic assembly, public and private;
- T. Golf courses, regulation, par-three, and executive, including country clubs;
- U. Golf driving range, miniature golf courses;
- V. Outdoor amusement establishments, kiddie parks, and other similar amusement centers and places of amusement;
- W. Parks and playgrounds (public); and
- X. Sports/athletic complexes and recreation facilities (private), including racetracks and stadiums.

SECTION 3: Height Regulations

- A. The maximum height of buildings and other structures erected or enlarged in this Zoning District shall not exceed sixty feet (60') or four (4) stories.
- B. No fence shall exceed eight feet (8') in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations

- A. Minimum Lot Area and Width
 - (1) For Public uses listed in Section 2, a lot area of not less than twenty-four thousand (24,000) square feet and a width at the building line of not less than one hundred sixty feet (160').

- (2) For Parks, Open Space, and Recreation facilities listed in Section 2, a lot area of not less than one (1) acre and a width at the building line of not less than two hundred feet (200').

- B. Front Yard – Each front yard in this Zoning District shall extend across the full width of the zoning lot and lying between the lot line which fronts on a street and the nearest line of the principal building on which the main entrance to said building exists. The minimum required front yard for Institutional Uses/Public shall be as follows:
 - (1) For Public facilities listed in Section 2:
 - i. For developments fronting local or collector streets, a ten-foot (10') front yard shall be provided, but not to exceed fifty feet (50') when parking is provided in the front yard. Where off-street parking is provided in the front yard, a minimum ten-foot (10') landscaped buffer along the front right-of-way shall also be provided.
 - ii. For developments fronting minor arterial streets, a fifteen-foot (15') front yard shall be provided, but not to exceed fifty-five feet (55'). Where off-street parking is provided in the front yard, a minimum fifteen foot (15') landscaped buffer along the front right-of-way shall also be provided.
 - iii. For developments fronting major arterial streets and highways, a minimum sixty foot (60') front yard shall be provided, but not to exceed ninety-five feet (95'). Included in this front yard shall be a minimum twenty foot (20') landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.
 - (2) For Parks, Open Space, and Recreation facilities listed in Section 2: sixty feet (60'), with a minimum twenty foot (20') wide landscaped strip along the front lot line.

- C. Side Yards
 - (1) On each interior lot, there shall be two (2) side yards, each with a width of not less than fifteen feet (15').
 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of equal to the greater of fifteen feet (15') or the distance of the front setback, and the side yard not abutting the street having a width of not less than fifteen feet (15').

- D. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet (30’).
- E. Lot Coverage – Not more than forty percent (40%) of the area of any lot shall be occupied by buildings, and not more than eighty percent (80%) of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks, and parking area, except where green roofs, solar panels, or front plaza(s) are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII [Landscaping Regulations].
- F. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII [Landscaping Regulations].

SECTION 5: Off-Street Parking

Off-street parking requirements for this Zoning District shall be in accordance with the provisions set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.

SECTION 6: General Design Standards

- A. A minimum of eighty percent (80%) of all building façades in this Zoning District shall be covered with masonry, including one hundred percent (100%) on all sides that face a public street.
- B. Windows shall be provided on all buildings in this Zoning District, with a minimum of twenty-five percent (25%) of the front elevation to feature window openings.
- C. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, and the like.
- D. Loading areas shall be located on the rear yard and away from the public view as detailed in the Off-Street Parking and Off-Street Loading Requirements in Title XX.
- E. Building Frontage Standards
 - (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed fifty feet (50’). Building areas that are not visible from any street, shall have complementary façades in terms of material and character.

- (2) All buildings in this Zoning District shall include at least one (1) pedestrian entrance on the front façade for every eighty feet (80') of building width. The pedestrian entry shall contain at least three (3) of the following architectural details:
 - i. Buttress and arched entry;
 - ii. Pilasters or façade modules;
 - iii. Public art display;
 - iv. Prominent building name or decorative architectural lighting; and
 - v. Raised corniced entryway parapet.
- (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from the public right-of-way.

F. Curb Cut Standards

- (1) The number of curb cuts for all developments in this Zoning District shall be limited to one (1) for every one hundred feet (100') of lot frontage, but not to exceed two (2) curb cuts on any lot.
- (2) No curb cut shall be located within seventy-five feet (75') of any intersection.
- (3) Where practical, shared curb cuts should be established among adjoining properties.

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SECTION 2: Use Regulations 8-1
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SECTION 4: Area, Width and Yard Regulations..... 8-2
SECTION 5: Off-Street Parking 8-4
SECTION 6: General Design Standards 8-4

SECTION 1: Intended Purposes

The general character of this Professional Office Zoning District (P.O.) is to provide an attractive and desirable location for those uses of an administrative or professional nature, which are necessary to the normal conduct of a community's or region's activities; The Zoning District may support limited commercial and residential uses when they are complimentary to the professional nature of the Zoning District.

SECTION 2: Use Regulations

In the Professional Office Zoning District (P.O.), a building may be erected, altered, or used for any of the following purposes upon compliance with the related provisions:

- A. Offices of a professional nature, including, but not limited to, architects, engineers, lawyers, planners, surveyors and similar professions;
- B. Offices of an administrative nature, including but not limited to banking, financial, savings and loan or other financial institutions, accounting, real estate, insurance, government, other institutional uses, educational, training and similar professional activities;
- C. Physician, health care, medical and dental clinics and related uses, including out-patient surgery centers, physical and massage therapy facilities, chiropractor, acupuncture, and holistic medicine;
- D. Offices of a technology character, including software development, computer and internet-based firms, research-and-development businesses, small business incubators, and similar activities;
- E. Attached-residential apartments and/or condominium units, in accordance with the provisions of TITLE XVI [Overlay Districts];
- F. Retail uses, provided that:
 - (1) Uses shall be limited to those permitted in the Community Commercial Zoning District (C-2), excluding: garden supply and seed stores, hardware stores, and laundromats;
 - (2) Retail uses are located on the first two (2) stories only;
 - (3) No more than fifty percent (50%) of the gross building area is used for retail uses.

- G. Merchandising firms, including related galleries and showrooms;
- H. Public utility and public service uses, including electric substations, only when necessary for a new development;
- I. Telecommunication towers, including cell towers, subject to the provisions of TITLE XVII;
- J. Supplementary District Regulations, as set forth in TITLE XVII; and
- K. Signs, as set forth in TITLE XIX.

SECTION 3: Height Regulations

- A. The maximum height of any building shall be eighty feet (80'), but not to exceed six (6) stories.
- B. No fence shall exceed eight feet (8') in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations

- A. Minimum Lot Area and Width, Interior Lot – Every interior lot containing a building shall have a lot width of not less than seventy feet (70') at the building line and a lot area of not less than eight thousand seven hundred fifty (8,750) square feet.
- B. Minimum Lot Area and Width, Corner Lot – Every corner lot containing a building shall have a lot width of not less than one hundred feet (100') at the building line, and a lot area of not less than twelve thousand five hundred (12,500) square feet.
- C. Front Yard – Front yards shall be provided as follows:
 - (1) For developments fronting local, or collector streets, a ten-foot (10') front yard shall be provided, but not to exceed fifty feet (50') when parking is provided in the front yard. Where off-street parking is provided in the front yard, a minimum ten-foot (10') landscaped buffer along the front right-of-way shall also be provided.
 - (2) For developments fronting minor arterial streets, a fifteen-foot (15') front yard shall be provided, but not to exceed fifty-five feet (55'). Where off-street parking is provided in the front yard, a minimum fifteen-foot (15') landscaped buffer along the front right-of-way shall also be provided.

- (3) For developments fronting primary arterial streets and highways, a minimum sixty-foot (60') front yard shall be provided, but not to exceed ninety-five feet (95'). Included in this front yard shall be a minimum twenty foot (20') landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.

D. Side Yard – Side yards shall be provided as follows:

- (1) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
- (2) All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party walls are used or adjoining uses are similar in character and use. In such case, no side yard shall be required.
- (3) On each corner lot, if a public entrance is provided from the side lot line, then the minimum required side yard shall be ten feet (10); otherwise, the minimum required side yard shall be twenty feet (20').
- (4) Where any side lot line in this Zoning District abuts any Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with TITLE XVIII of this Ordinance.

E. Rear Yard

- (1) There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet (30') from the rear property line.
- (2) When the rear of the lot abuts any Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be in addition an effective screening from the abutting lot along the rear lot line in accordance with TITLE XVIII of this Ordinance.

F. Buildings Abutting Residential – Where a building in this Zoning District is taller than forty-five (45') in height, and abuts any Residential Zoning District on any side, an additional setback of one foot (1') for every foot of building height above forty-five feet (45') shall be provided on any side that abuts any Residential District.

- G. Landscape Plan – A Landscape Plan shall be prepared, submitted and approved in accordance with the provisions set forth in TITLE XVIII.

SECTION 5: Off-Street Parking

- A. Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.
- B. Where two (2) or more office developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one (1) for every two hundred linear feet (200') along the front or side lot line.
- C. For all corner lots in this Zoning District, curb cuts shall only be permitted from the side lot line, and in no case less than seventy-five feet (75') from the street intersection.

SECTION 6: General Design Standards

- A. The building façades in this Zoning District shall be covered with masonry. The façade treatment in different areas shall be as follows:
 - (1) Major Arterial Street or Highway: First three (3) stories, or seventy five percent (75%) of the aggregate façade area;
 - (2) Minor Arterial: First two (2) stories, or seventy five percent (75%) of the aggregate façade area;
 - (3) All other streets: First floor, or seventy five percent (75%) of the aggregate façade area.
- B. Windows shall be provided on all buildings in this Zoning District, with a minimum of twenty-five percent (25%) of the front elevation to feature window openings.
- C. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, and the like.
- D. Loading areas shall be located on the rear yard and away from the public view.

E. Building Frontage Standards

- (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed fifty feet (50'). Building areas that are not visible from the street, shall have complementary façades in terms of material and character.
- (2) All buildings in this Zoning District shall include at least one (1) public entrance on the front façade for every one hundred feet (100') of building width.
- (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from the public right-of-way.

F. Curb Cut Standards

- (1) Where access to a lot in this Zoning District is readily available from an alley or service drive, proposed or existing, no more than one (1) curb cut along the front right-of-way shall be permitted.
- (2) Where practical, shared curb cuts shall be established among adjoining properties.

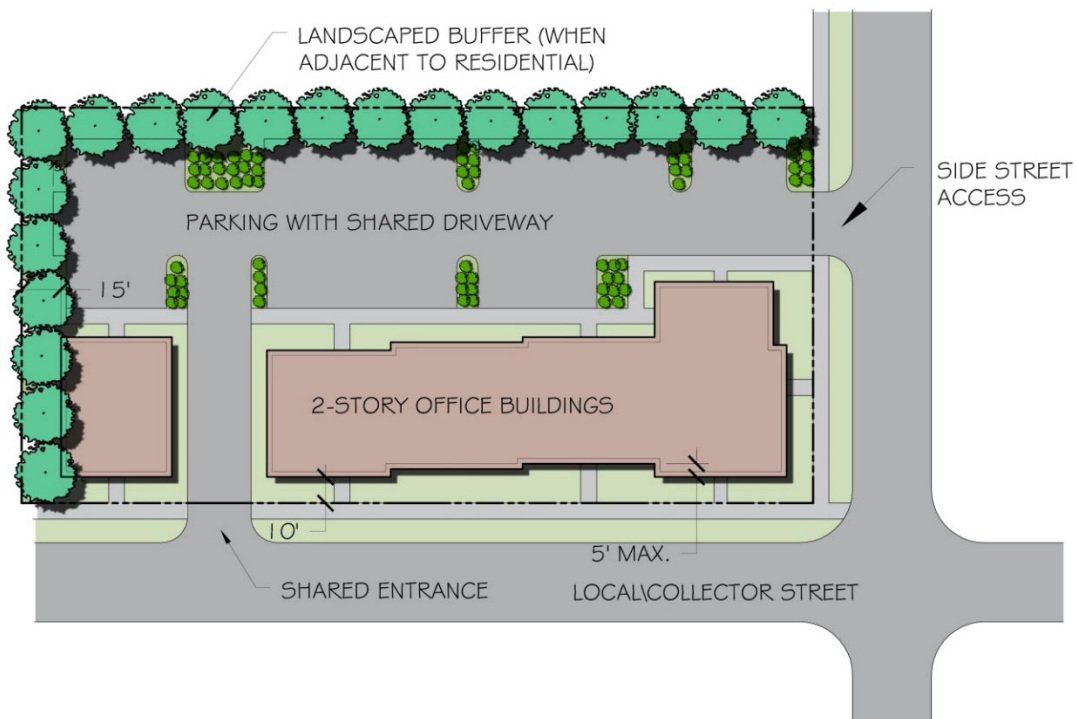


Exhibit 6 - Professional Office District Concept showing shared parking and curb cuts, pedestrian entrances, and building articulations

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SECTION 2: Use Regulations 9-1
SECTION 3: Height Regulations 9-2
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SECTION 6: General Design Standards 9-5

SECTION 1: Intended Purpose

The Neighborhood Commercial Zoning District (C-1) provides for those uses of a commercial, retail, and service nature which support and serve the daily needs of a neighborhood. The Zoning District is intended for smaller businesses and mixed-uses (including office and residential) that are easily accessible and responsive to the overall scale and character of the service area, provided that such uses:

- A. Are totally conducted in an enclosed building, including service, storage, and maintenance;
- B. Are restricted to a total floor area of no more than five thousand (5,000) square feet;
- C. Shall not have a deleterious impact on the neighborhood, by minimizing noise, air, and water pollution.

SECTION 2: Use Regulations

- A. In the Neighborhood Commercial Zoning District (C-1), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:
 - (1) Art galleries;
 - (2) Bakeries and pastry shops;
 - (3) Barber shops;
 - (4) Beauty salons;
 - (5) Blueprinting and photocopying establishments;
 - (6) Candy and ice cream stores;
 - (7) Coffee shops and cafes;
 - (8) Drug stores;
 - (9) Food stores, including grocery stores, meat markets, bakeries, and delicatessens—retail sales only;
 - (10) Gift shops, flower shops, and accessory shops;

- (11) Gyms, fitness studios, and other health related support services, provided the gross area is less than two thousand (2,000) square feet;
 - (12) Laundromats and dry cleaners;
 - (13) Physical therapy facilities, chiropractor, acupuncture, and holistic medicine centers;
 - (14) Physician, health care, eye care, medical and dental clinics, and related uses, including out-patient surgery centers.
 - (15) Restaurants, where no entertainment or dancing is provided;
 - (16) Shoe and hat repair stores;
 - (17) Telecommunication towers, including cell towers, subject to the provisions of TITLE XVII [Supplementary District Regulations];
 - (18) Public utility and public service uses, including electric substations, only when necessary for a new development;
 - (19) Professional and administrative office uses, as defined in TITLE VIII [Professional Office];
 - (20) Dwelling units, when located above the first floor of a building; and
 - (21) Signs, as set forth in TITLE XIX [Sign Regulations].
- B. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.

SECTION 3: Height Regulations

- A. The maximum height of any building or other structure shall be three (3) stories, or not more than forty-five feet (45').
- B. No fence shall exceed eight feet (8') in height in this Zoning District.

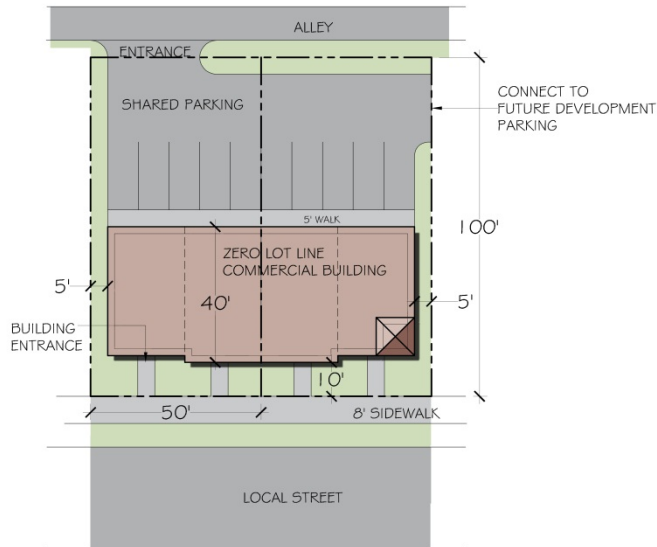


Exhibit 7 - C-1 District Concept

- A. Minimum Lot Area and Width, Interior Lot - Every interior lot containing a building shall have a lot width of not less than fifty feet (50') at the building line, and a lot area of not less than five thousand (5,000) square feet.
- B. Minimum Lot Area and Width, Corner Lot - Every corner lot containing a building shall have a lot width of not less than sixty feet (60') at the building line, and a lot area of not less than six thousand (6,000) square feet.
- C. Front Yard – There shall be a front yard on each lot, the depth of which shall be not less than ten feet (10') from the right-of-way line.
- D. Side Yard – Side yards shall be provided as follows:
 - (1) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
 - (2) All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party walls are used, or adjoining uses are similar in character and use. In such case, no side yard shall be required.

- (3) Where any side lot line in this district abuts a residential zone, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with TITLE XVIII of this Ordinance.
- (4) On corner lots, if a public entrance is provided from the side lot line, then the minimum required side yard shall be ten feet (10'); otherwise, the minimum required side yard shall be twenty feet (20').

E. Rear Yard

- (1) There shall be a rear yard on each lot, the depth of which shall be not less than thirty feet (30') from the rear lot line.
- (2) Where any rear lot line in this Zoning District abuts a Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with TITLE XVIII of this Ordinance. Lots that abut an alley shall be exempt from this requirement.

F. Lot Coverage - Not more than seventy-five percent (75%) of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks, and parking area, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII.

G. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII.

SECTION 5: Off-Street Parking & Loading

- A. Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.
- B. Where two (2) or more developments abut each other on the side lots, said developments shall be required to house a share and/or access a common driveway and parking lot, with curb cuts limited to one (1) for every one hundred linear feet (100') along the front or side lot line.
- C. For all corner lots in this district, curb cuts shall only be permitted from the side lot line, and in no case less than seventy-five feet (75') from the street intersection.

SECTION 6: General Design Standards

- A. The building façades in this Zoning District shall be covered with masonry. The façade treatment in different areas shall be as follows:
 - (1) Major Arterial Street or Highway: All stories, and seventy five percent (75%) of all façades;
 - (2) Minor Arterial: First two (2) stories, and seventy five percent (75%) of all façades; and
 - (3) All other streets: First floor, or fifty percent (50%) of the aggregate façade area, including one hundred percent (100%) on all sides that face a public street.

- B. A minimum of fifty percent (50%) of the front façade shall be composed of storefront windows between two feet (2') and eight feet (8') above the sidewalk on the first floor. Upper floors windows shall be vertically oriented and spaced regularly to allow visibility onto the street from these floors.

- C. Blank walls along any façade of more than twenty linear feet (20') long are prohibited.

- D. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, seating, and the like.

- E. Loading areas shall be located on the rear yard and away from the public view.

- F. Building Frontage Standards
 - (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed fifty feet (50'). Building areas that are not visible from the street, shall have complementary façades in terms of material and character.
 - (2) All buildings in this Zoning District shall include at least one (1) public entrance on the front façade for every fifty feet (50') of building width.
 - (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from the public right-of-way.

G. Curb Cut Standards

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

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SECTION 4: Area, Width and Yard Regulations..... 10-5
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SECTION 6: General Design Standards 10-7

SECTION 1: Intended Purpose

The Community Commercial Zoning District (C-2) provides for those uses of a commercial, retail, and service nature which support and serve the needs of the community. The Zoning District is primarily intended to blend a mix of uses including commercial, office, and residential, to create places that encourages walkability, and promotes articulation in building design and street level social interaction. To promote this, the uses in this Zoning District are restricted to those uses that:

- A. Are totally conducted in an enclosed building, including service, storage, and maintenance; and
- B. Shall not have a deleterious impact on the neighborhood, by minimizing noise, air, and water pollution.

SECTION 2: Use Regulations

- A. In the Community Commercial Zoning District (C-2), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:
 - (1) The uses permitted in the Neighborhood Commercial Zoning District (C-1);
 - (2) Animal hospitals and veterinarians, excluding kennels and boarding houses;
 - (3) Antique shops and auction houses;
 - (4) Apparel shops;
 - (5) Art and school supply stores;
 - (6) Bicycle stores, sales, rental and repair;
 - (7) Book, used book and stationery stores;
 - (8) Camera and photographic supply stores;
 - (9) Carpet and rug stores;
 - (10) Catalog service stores;
 - (11) China and glassware stores;

- (12) Cigar lounge;
- (13) Coin and philatelic stores;
- (14) Computer, cellular phone, and electronics sales and service establishments;
- (15) Custom clothes and clothes making (bridal and tailor);
- (16) Dance studios;
- (17) Day spas;
- (18) Department stores;
- (19) Dry goods stores;
- (20) Electrical and household appliance stores, including radio, television, DVD, stereo, washer and dryer sales and service, and computer sales and service;
- (21) Furniture stores, including upholstery when conducted as part of the retail operation;
- (22) Furrier shops, including the incidental storage and conditioning of furs;
- (23) Garden supply and seed stores, excluding open lot sales;
- (24) Hardware stores;
- (25) Gyms, fitness studios, and other health related support services, provided the gross area is less than four thousand (4,000) square feet;
- (26) Health food stores (retail);
- (27) Hobby shops, for retailing of items to be assembled or used away from the premises;
- (28) Housewares and kitchenware sales and services;
- (29) Interior decorating shops, including upholstery and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operations;

- (30) Jazz clubs and similar performing spaces, provided no sound is perceptible outside of the building;
- (31) Jewelry stores, including watch repair;
- (32) Leather goods and luggage stores;
- (33) Liquor stores, retail sales;
- (34) Locksmith shops;
- (35) Martial arts studios;
- (36) Musical shops, including assorted instrument repair;
- (37) Newspaper offices, but not including printing;
- (38) Office supply stores;
- (39) Paint and wallpaper stores;
- (40) Personnel services;
- (41) Photograph studios, including developing and printing of photographs when conducted on the premises as a part of the retail business;
- (42) Photograph printing shops;
- (43) Picture framing, when conducted on the premises for retail sale;
- (44) Recording studios, provided no sound is perceptible outside of the building;
- (45) Schools, commercial or trade, including those teaching music, dance, business, commercial, or technical subjects, provided such use does not create noise, vibration, or other objectionable influences;
- (46) Second-hand store (re-sale shops), consignment shops, and rummage shops;
- (47) Sewing machine sales and services;
- (48) Shoe stores;

- (49) Sporting goods stores;
 - (50) Tailor shops;
 - (51) Tanning salons;
 - (52) Taverns, where live entertainment is not provided;
 - (53) Toy shops, including board games and electronic games;
 - (54) Travel agencies and transportation ticket offices;
 - (55) Video rental sales/services stores;
 - (56) Videography and similar establishments, provided no sound is perceptible outside of the building and the material being videotaped is not of an adult or lewd nature; and
 - (57) Signs, as set forth in TITLE XIX [Sign Regulations].
- B. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.

SECTION 3: Height Regulations

- A. The maximum height of any building or other structure shall be three (3) stories, or not more than forty-five feet (45').
- B. No fence shall exceed eight feet (8') in height in this Zoning District.

SECTION 4:

Area, Width and Yard Regulations

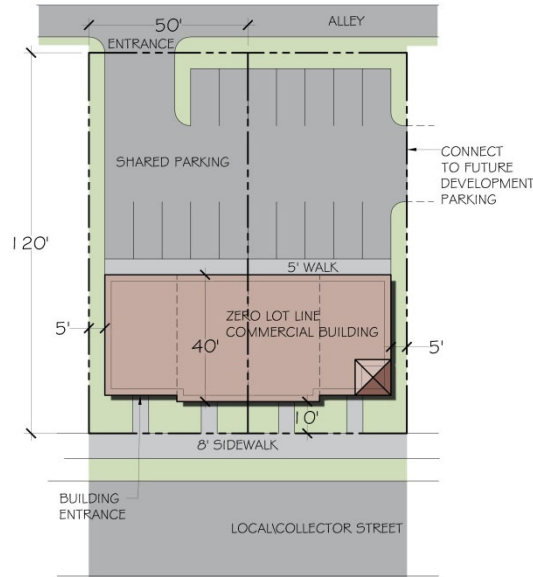


Exhibit 8 - C-2 District Concept

- A. Minimum Lot Area and Width, Interior Lot – Every interior lot containing a building shall have a lot width of not less than fifty feet (50') at the building line, and a lot area of not less than six thousand (6,000) square feet.
- B. Minimum Lot Area and Width, Corner Lot – Every corner lot containing a building shall have a lot width of not less than seventy-five feet (75') at the building line, and a lot area of not less than nine thousand (9,000) square feet.
- C. Front Yard – Front yards shall be provided as follows:
 - (1) For developments fronting local, or collector streets, a ten-foot (10') front yard shall be provided, but not to exceed fifty feet (50') when parking is provided in the front yard. Where off-street parking is provided in the front yard, a minimum ten-foot (10') landscaped buffer along the front right-of-way shall also be provided.

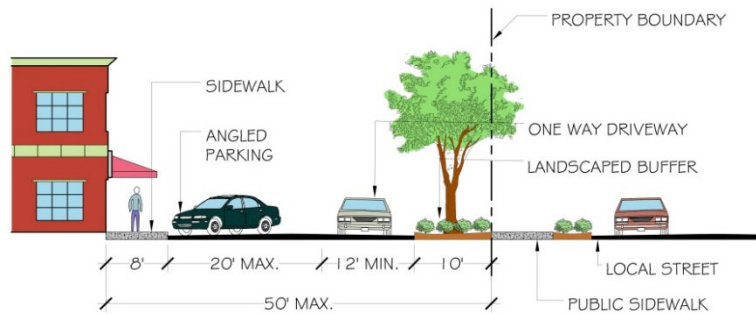


Exhibit 9 - C-2 Front Parking Concept on a Local and Collector Street

- (2) For developments fronting minor arterial streets, a fifteen-foot (15') front yard shall be provided, but not to exceed fifty-five feet (55'). Where off-street parking is provided in the front yard, a minimum fifteen-foot (15') landscaped buffer along the front right-of-way shall also be provided.
- (3) For developments fronting primary arterial streets and highways, a minimum sixty-foot (60') front yard shall be provided, but not to exceed ninety-five feet (95'). Included in this front yard shall be a minimum twenty foot (20') landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.

D. Side Yard – Side yards shall be provided as follows:

- (1) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
- (2) All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party walls are used, or adjoining uses are similar in character and use. In such case, no side yard shall be required.
- (3) Where any side lot line in this district abuts a residential zone, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with TITLE XVIII of this Ordinance.
- (4) On corner lots, if a public entrance is provided from the side lot line, then the minimum required side yard shall be ten feet (10'); otherwise, the minimum required side yard shall be twenty feet (20').

E. Rear Yard

- (1) There shall be a rear yard on each lot, the depth of which shall not be less than thirty feet (30') from the rear lot line.
- (1) Where any rear lot line in this Zoning District abuts a Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with TITLE XVIII of this Ordinance. Lots that abut an alley shall be exempt from this requirement.

- F. Lot Coverage - Not more than ninety percent (90%) of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks, and parking area, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII.
- G. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII [Landscape Regulations].

SECTION 5: Off-Street Parking & Loading

- A. Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.
- B. Where two (2) or more developments abut each other on the side lots, said developments shall be required to share and/or access a common driveway and parking lot, with curb cuts limited to one (1) for every two hundred linear feet (200') along the front or side lot line.
- C. For all corner lots in this Zoning District, curb cuts shall only be permitted from the side lot line, and in no case less than seventy-five feet (75') from the street intersection.

SECTION 6: General Design Standards

- A. A minimum of seventy five percent (75%) of all building façades in this Zoning District shall be covered with masonry, including one hundred percent (100%) on all sides that face a public street.
- B. A minimum of fifty percent (50%) of the front façade shall be composed of storefront windows between two feet (2') and eight feet (8') above the sidewalk on the first floor. Upper floors windows shall be vertically oriented and spaced regularly to allow visibility onto the street from these floors.
- C. Blank walls along any façade of more than twenty linear feet (20') long are prohibited.
- D. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, seating, and the like.
- E. Loading areas shall be located on the rear yard and away from the public view.
- F. Building Frontage Standards

- (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed thirty feet (30'). Building areas that are not visible from the street, shall have complementary façades in terms of material and character.
- (2) All buildings in this Zoning District shall include at least one (1) public entrance on the front façade for every thirty feet (30') of building width.
- (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from the public right-of-way.

G. Curb Cut Standards

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

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SECTION 1: Intended Purpose

The Highway Commercial Zoning District (C-3) provides for those uses of a commercial, retail, service, and mixed-use (including residential and office) nature which support and serve local and regional needs. This Zoning District is intended to provide a location for a variety of commercial land uses that serve the regional market and require convenient access to major transportation routes. To promote this, the uses in this Zoning District are restricted to those uses that:

- A. Are totally conducted in an enclosed building, including service, storage, and maintenance; and
- B. Shall not have a deleterious impact on the neighborhood, by minimizing noise, air, and water pollution.

SECTION 2: Use Regulations

- A. In the Highway Commercial Zoning District (C-3), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:
 - (1) The uses permitted in the Community Commercial Zoning Districts (C-2), except for second-hand stores, resale shops, and rummage shops;
 - (2) Amusement establishments—bowling alleys, pool halls, gymnasiums, swimming pools and skating rinks and other similar uses;
 - (3) Animal Shelter, subject to approval and grant of a variance of use by the Town consistent with this Ordinance and State Statute as identified in I.C. § 36-7-4-918.4;
 - (4) Appliance sales and service establishments;
 - (5) Automotive centers and service stations;
 - (6) Automobile, recreational vehicles (snowmobiles, motorcycles, boats, etc.), and equipment sales, including used car sales when in conjunction with a new car dealership when located on or adjacent to the same lot;
 - (7) Banquet halls and facilities, provided no entertainment related sound is perceptible outside of the building;
 - (8) Building materials sales, with accessory enclosed (fenced) storage;

- (9) Caskets and casket supplies;
- (10) Catering establishments;
- (11) Contractors' and construction offices, excluding storage of construction equipment;
- (12) Drive-in restaurants;
- (13) Extermination shops and pest control;
- (14) Frozen food shops, including locker rental in conjunction therewith;
- (15) Garages, public;
- (16) Garden supply centers with open lot sales;
- (17) Gyms, fitness studios, and other health related support services, provided the gross area is greater than four thousand (4,000) square feet;
- (18) Hotels and motels, excluding extended stay and single-room occupancy establishments;
- (19) Meat markets, including the processing and sale of meat and meat products when conducted as a part of the retail business of the premises;
- (20) Monument sales;
- (21) Movie theater or house, excluding those that exhibit adult material as defined in TITLE XXIII;
- (22) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles;
- (23) Payday loan establishments and currency exchange;
- (24) Pet Shops, provided that cats and dogs shall not be boarded or bred in such shops; nor shall dogs and cats that originate from a Pet Mill be offered for sale in such shops. However, this Section shall not prohibit a Pet Shop from offering space to an Animal Shelter, as defined in Title II, Section 2, to display dogs and cats for adoption;
- (25) Plumbing showrooms and shops;

(26) Satellite dish sales establishments; and

(27) Signs, as set forth in TITLE XIX [Sign Regulations].

B. Goods sold shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for specified uses.

SECTION 3: Height Regulations

The maximum height of any building or other structure shall be set as follows:

- A. For single-use developments: four (4) stories, or not more than sixty feet (60’).
- B. For mixed-use developments: six (6) stories, or not more than ninety feet (90’).
- C. No fence shall exceed eight feet (8’) in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations

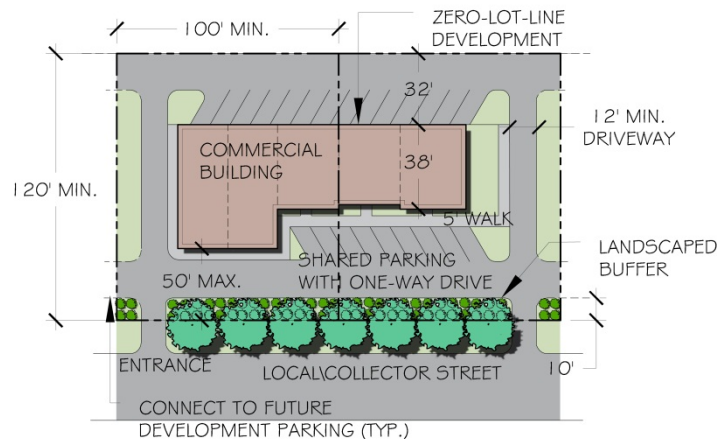


Exhibit 10 - C-3 District Concept

- A. **Minimum Lot Area, Interior Lot** – Every interior lot containing a building shall have a lot width of not less than one hundred feet (100’) at the building line, and a lot area of not less than twelve thousand (12,000) square feet.
- B. **Minimum Lot Area, Corner Lot** – Every corner lot containing a building shall have a lot width of not less than one hundred twenty-five feet (125’) at the building line, and a lot area of not less than fifteen thousand (15,000) square feet.

C. Front Yard – Front yards shall be provided as follows:

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

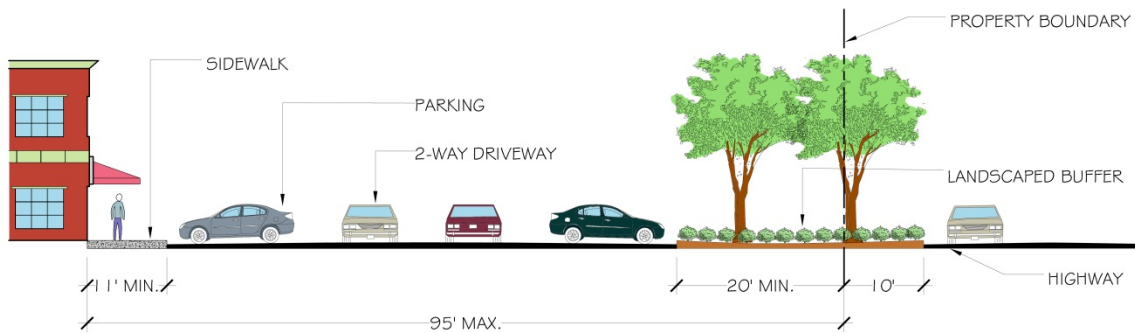


Exhibit 11 - C-3 Front Parking Concept on a Primary Arterial Street and Highway

D. Side Yards – Side yards shall be provided as follows:

- (1) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.
- (2) All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party walls are used, or adjoining uses are similar in character and use. In such case, no side yard shall be required.

- (3) Where any side lot line in this district abuts a residential zone, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with TITLE XVIII [Landscape Regulations] of this Ordinance.
- (4) On corner lots, if a public entrance is provided from the side lot line, then the minimum required side yard shall be ten feet (10'); otherwise, the minimum required side yard shall be twenty feet (20').
- (5) Side yards on abutting lots and properties may be joined to create a unified buffer or to share parking spaces.

E. Rear Yard

- (1) There shall be a rear yard on each lot, the depth of which shall not be less than thirty feet (30') from the rear lot line.
- (2) Where any rear lot line in this Zoning District abuts a Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with TITLE XVIII [Landscape Regulations] of this Ordinance.

F. Buildings Abutting Residential – Where a building in this Zoning District is taller than forty-five (45') in height, and abuts any Residential Zoning District on any side, an additional setback of one foot (1') for every foot of building height above forty-five feet (45') shall be provided on any side that abuts any Residential District.

G. Lot Coverage - Not more than eighty percent (80%) of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks, and parking area, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII [Landscape Regulations].

H. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII [Landscape Regulations].

SECTION 5: Off-Street Parking & Loading

Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.

SECTION 6: General Design Standards

- A. The building façades in this Zoning District shall be covered with masonry materials on all sides. The façade treatment in different areas shall be as follows:
 - (1) Major Arterial Street or Highway: First three (3) stories, or seventy five percent (75%) of the aggregate façade area;
 - (2) Minor Arterial: First two (2) stories, or seventy five percent (75%) of the aggregate façade area;
 - (3) All other streets: First floor, or seventy five percent (75%) of the aggregate façade area.

- B. A minimum of forty percent (40%) of the front façade shall be composed of storefront windows between two feet (2') and eight feet (8') above the sidewalk on the first floor. Upper floors windows shall be vertically oriented and spaced regularly to allow visibility onto the street from these floors.

- C. Blank walls along any façade of more than twenty linear feet (20') long are prohibited.

- D. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, seating, and the like.

- E. Loading areas shall be located on the rear yard and away from the public view.

- F. Building Frontage Standards
 - (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed fifty feet (50'). Building areas that are not visible from the street or interior drives shall have complementary façades in terms of material and character.

 - (2) All buildings in this Zoning District shall include at least one (1) public entrance on the front façade for every one hundred feet (100') of building width.

 - (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from either the public right-of-way or connected to adjoining properties for a continuous walk.

G. Curb Cut Standards

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

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SECTION 6: General Design Standards 12-4

SECTION 1: Intended Purpose

The Commercial Entertainment Zoning District (C-4) provides locations for large-scale commercial, and entertainment developments with single or multiple principal uses that provide goods and services at the community or regional levels. This Zoning District is further intended to reduce conflict among land uses and ensure that developments are appropriate and compatible with its surrounding areas and to minimize the negative impacts caused by uses that may have negative impact on the community. Proposed uses in this Zoning District are further required to have the following characters:

- A. Are totally conducted in an enclosed building, including service, storage, and maintenance; and
- B. Shall not have a deleterious impact on the neighborhood, by minimizing noise, air, and water pollution.

SECTION 2: Use Regulations

In the Commercial Entertainment District (C-4), a building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes upon compliance with the related provisions:

- A. Business establishments with entertainment;
- B. Restaurants, and night clubs, where dancing and entertainment are provided;
- C. Entertainment establishments, including dancing, singing or club facilities, that are part of a larger multi-use development, provided such establishments are less than ten percent (10%) of total development floor area, but not less than five thousand (5,000) square feet;
- D. Signs, as set forth in TITLE XIX [Sign Regulations]; and
- E. Establishments which contain activities characterized by the performance, depiction, or description of an adult activity as established by TITLE XXIII [Sexually Oriented Business Regulations] of this Ordinance.

SECTION 3: Height Regulations

- A. The maximum height of any building or other structure shall be six (6) stories, or not more than ninety feet (90’).
- B. No fence shall exceed eight feet (8’) in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations

- A. Minimum Lot Area, Interior Lot – Every interior lot containing a building shall have a lot width of not less than one hundred feet (100’) at the building line, and a lot area of not less than twelve thousand (12,000) square feet.
- B. Minimum Lot Area, Corner Lot – Every corner lot containing a building shall have a lot width of not less than one hundred twenty-five feet (125’) at the building line, and a lot area of not less than fifteen thousand (15,000) square feet.
- C. Front Yard – Front yards shall be provided as follows:
 - (1) For developments fronting local, or collector streets, a ten-foot (10') front yard shall be provided, but not to exceed fifty feet (50') when parking is provided in the front yard. Where off-street parking is provided in the front yard, a minimum ten-foot (10') landscaped buffer along the front right-of-way shall also be provided.
 - (2) For developments fronting minor arterial streets, a fifteen-foot (15') front yard shall be provided, but not to exceed fifty-five feet (55'). Where off-street parking is provided in the front yard, a minimum fifteen-foot (15') landscaped buffer along the front right-of-way shall also be provided.
 - (3) For developments fronting primary arterial streets and highways, a minimum sixty-foot (60') front yard shall be provided, but not to exceed ninety-five feet (95'). Included in this front yard shall be a minimum twenty foot (20') landscaped strip along the front right-of-way that spans the entire length of the front right-of-way.
- D. Side Yards – Side yards shall be provided as follows:
 - (1) Where abutting lots have buildings or other structures, employing a common party wall, no side yard is required.

- (2) All interior lots shall have two (2) side yards, each having a width of not less than five feet (5'), except where party walls are used, or adjoining uses are similar in character and use. In such case, no side yard shall be required.
- (3) Where any side lot line in this district abuts a residential zone, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot extending from the front building line to the rear lot line. This screening shall include landscaping that complies with TITLE XVIII [Landscape Regulations] of this Ordinance.
- (4) On corner lots, if a public entrance is provided from the side lot line, then the minimum required side yard shall be ten feet (10'); otherwise, the minimum required side yard shall be twenty feet (20').
- (5) Side yards on abutting lots and properties may be joined to create a unified buffer or to share parking spaces.

E. Rear Yard

- (1) There shall be a rear yard on each lot, the depth of which shall not be less than thirty feet (30') from the rear lot line.
- (2) Where any rear lot line in this Zoning District abuts a Residential Zoning District, a minimum fifteen-foot (15') buffer shall be provided. In addition, there shall be an effective screening of the abutting lot along the rear lot line in accordance with TITLE XVIII [Landscape Regulations] of this Ordinance.

F. Buildings Abutting Residential – Where a building in this Zoning District is taller than forty-five feet (45') in height, and abuts any Residential Zoning District on any side, an additional setback of one foot (1') for every foot of building height above forty-five feet (45') shall be provided on any side that abuts any Residential District.

G. Lot Coverage - Not more than eighty percent (80%) of the area of any lot shall be occupied by the combination of buildings, drives, sidewalks, and parking area, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII [Landscape Regulations].

- H. Landscape Plan – A Landscape Plan shall be prepared, submitted, and approved in accordance with the provisions set forth in TITLE XVIII [Landscape Regulations].

SECTION 5: Off-Street Parking & Loading

Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.

SECTION 6: General Design Standards

- A. The building façades in this Zoning District shall be covered with masonry materials on all sides. The façade treatment in different areas shall be as follows:
 - (1) Major Arterial Street or Highway: First three (3) stories, or seventy five percent (75%) of the aggregate façade area;
 - (2) Minor Arterial: First two (2) stories, or seventy five percent (75%) of the aggregate façade area;
 - (3) All other streets: First floor, or seventy five percent (75%) of the aggregate façade area.
- B. A minimum of forty percent (40%) of the front façade shall be composed of storefront windows between two feet (2') and eight feet (8') above the sidewalk on the first floor. Upper floors windows shall be vertically oriented and spaced regularly to allow visibility onto the street from these floors.
- C. Blank walls along any façade of more than twenty linear feet (20') long are prohibited.
- D. Buildings located on corner lots may be permitted to develop attractive and appropriate pedestrian amenities, such as plazas, gardens, seating, and the like.
- E. Loading areas shall be located on the rear yard and away from the public view.
- F. Lighting for buildings shall meet the standards established in TITLE XVII for uses in this Zoning District.

G. Building Frontage Standards

- (1) The building façades visible from any streets shall be articulated with different materials, recession or projection of the wall, or other architectural variation or elements in intervals not to exceed fifty feet (50'). Building areas that are not visible from the street or interior drives shall have complementary façades in terms of material and character.
- (2) All buildings in this Zoning District shall include at least one (1) public entrance on the front façade for every one hundred feet (100') of building width.
- (3) All buildings in this Zoning District shall provide pedestrian sidewalks or walkways that are directly accessible from either the public right-of-way or connected to adjoining properties for a continuous walk.

H. Curb Cut Standards

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

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SECTION 3: Height Regulations 13-3
SECTION 4: Area, Width and Yard Regulations..... 13-3
SECTION 5: Off-Street Parking 13-5
SECTION 6: General Design Standards 13-5

SECTION 1: Intended Purpose

The general character of this Business Park (B.P.) Zoning District is to provide for businesses that supply goods and services to local and regional users. The businesses in this District shall represent those high-performing manufacturing, distribution uses, and services that are operated in a completely enclosed building, and without deleterious impact on adjoining properties.

SECTION 2: Use Regulations

- A. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes upon compliance with the related provisions:
 - (1) Adhesives;
 - (2) Animal Shelter, subject to approval and grant of a variance of use by the Town consistent with this Ordinance and State Statute as identified in I.C. § 36-7-4-918.4;
 - (3) Apparel;
 - (4) Appliance and household service and repair shop;
 - (5) Automotive repair shop;
 - (6) Beverages, distribution and production;
 - (7) Business machines, production, manufacturing, and distribution;
 - (8) Chemicals, compounding or packaging;
 - (9) Commercial and industrial equipment sales, including service, repair or reconditioning;
 - (10) Computer and electronics manufacturing;
 - (11) Concrete products;
 - (12) Construction company office;
 - (13) Cosmetics;
 - (14) Data processing and storage centers;

- (15) Food products, packaging, processing and distribution;
- (16) High technology-based manufacturing;
- (17) Laboratories, industrial;
- (18) Metal finishing, stamping, and processing;
- (19) Musical instruments;
- (20) Optical equipment, clocks, instruments;
- (21) Orthopedic and medical appliances;
- (22) Paper products;
- (23) Pharmaceutical products;
- (24) Plastic and rubber (natural or synthetic) products;
- (25) Printing, press and shop;
- (26) Public utility and public service uses, including electric substations;
- (27) Research and development businesses;
- (28) Robotics and precision tools;
- (29) Self-storage facility;
- (30) Sporting, athletic, and fitness equipment;
- (31) Sporting or fitness facilities;
- (32) Telecommunications facilities and towers;
- (33) Telephone exchanges, and telephone transmission equipment buildings;
- (34) Tools and hardware products and distribution;
- (35) Toys and novelty products;
- (36) Upholstering;

- (37) Warehousing, distribution and logistics;
- (38) Wood and wood laminate finished products; and
- (39) Signs, as set forth in TITLE XIX.

SECTION 3: Height Regulations

- A. The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be sixty-five feet (65’).
- B. No fence shall exceed eight feet (8’) in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations

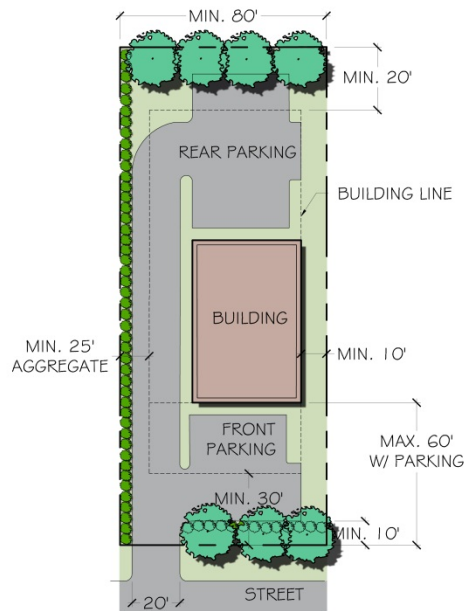


Exhibit 12 - Business Park District Concept

- A. Minimum Lot Area and Width, Interior Lot – Every interior lot containing a building shall have a lot width of not less than eighty feet (80’) at the building line, and a lot area of not less than ten thousand (10,000) square feet.
- B. Minimum Lot Area and Width, Corner Lot – Every interior lot containing a building shall have a lot width of not less than one hundred feet (100’) at the building line, and a lot area of not less than twelve thousand five hundred (12,500) square feet.

- C. Front Yards – Front yards shall be required as follows:
- (1) For developments fronting local or collector streets, a minimum thirty-foot (30') front yard shall be provided, but not to exceed sixty feet (60') when parking is provided in the front yard. Included in the front yard shall be a minimum ten foot (10') landscaped buffer along the front right-of-way.
 - (2) For developments fronting minor arterial streets, a minimum thirty-five foot (35') front yard shall be provided, but not to exceed sixty-five feet (65') when parking is provided in the front yard. Included in the front yard shall be a minimum fifteen foot (15') landscaped buffer along the front right-of-way.
 - (3) For developments fronting primary arterial streets and highways, a minimum forty-foot (40') front yard shall be provided, but not to exceed seventy feet (70') when parking is provided in the front yard. Included in the front yard shall be a minimum twenty foot (20') landscaped buffer along the front right-of-way.
- D. Side Yards
- (1) On each interior lot, there shall be two (2) side yards having a total width of not less than twenty-five feet (25'), neither side yard having a width of less than ten feet (10'), except as hereinafter provided in Sub-section G of this Section 4.
 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than thirty feet (30'), and the side yard not abutting the street having a width of not less than ten feet (10'), except as hereinafter provided in Sub-section G of this Section 4.
- E. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than twenty (20') feet, except as hereinafter provided in Sub-section F of this Section 4.
- F. Lot Coverage – Not more than seventy-five percent (75%) of the area of any lot shall be occupied by building, parking, or any other hard surface, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII.

- G. Lots Abutting Commercial or Residential Districts – A building in this District may be erected up to twenty feet (20') from a Commercial or Residential Zoning District, provided that a landscaped buffer is located and maintained between the differing uses. Such buffer shall be a minimum of fifteen feet (15') in width, comply with the regulations in TITLE XVIII.

SECTION 5: Off-Street Parking

Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance.

SECTION 6: General Design Standards

- A. The building façades in this Zoning District shall be covered with masonry materials on all sides that face a public street, with a minimum of sixty percent (60%) of those façades to feature such materials.
- B. Storage areas shall be enclosed and located on the rear yard.
- C. Building Frontage Standards
 - (1) Parking lots located in the front yard of any development in this Zoning District shall be limited to a single bay of parking, and shall be reserved for patrons of the business.
 - (2) Loading docks and bays shall not be permitted in the front yard of any development in this Zoning District.
- D. Curb Cut Standards
 - (1) The number of curb cuts for all developments in this Zoning District shall be limited to one (1) for every one hundred feet (100') of lot frontage, but not to exceed three (3) curb cuts on any lot.
 - (2) No curb cut shall be located within seventy-five feet (75') of any intersection.
 - (3) Where practical, shared curb cuts should be established among adjoining properties.

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SECTION 1: Intended Purposes

The General Industrial (G.I.) Zoning District is intended to provide locations for manufacturing, production, assembly, warehousing, and similar land uses. This District is intended to accommodate general industrial uses. The District further provides for a variety of industrial uses under conditions that minimize land use conflicts. This Zoning classification should be used to support industrial businesses where no negative environmental impact is expected on adjoining land uses, or the aesthetic quality of the community.

SECTION 2: Use Regulations

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes upon compliance with the related provisions:

- A. Any use permitted in the Business Park (B.P.) Zoning District
- B. Manufacturing Establishments
 - (1) Aircraft;
 - (2) Brick, tile, glass, clay, or similar building products;
 - (3) Cement;
 - (4) Concrete batch plant;
 - (5) Contractor’s storage yard;
 - (6) Gun Clubs, Skeet or Target Ranges;
 - (7) Household products, such as furniture and furnishings, carpets, fixtures, and similar products;
 - (8) Jute and hemp products;
 - (9) Machinery, heavy and electrical;
 - (10) Meat, poultry, or fish products, processing and packaging;
 - (11) Metal casting or foundry products;
 - (12) Mining or Excavations (Sand, Clay, etc.);

- (13) Monument works;
- (14) Open Storage Yards, provided that required fencing and screening is included, according to the regulations of Section 13 of TITLE XVII [Supplementary District Regulations];
- (15) Paint, varnishes, turpentine, and similar household items;
- (16) Petroleum or petroleum products processing;
- (17) Plastic, raw and laminate products;
- (18) Renewable energy plants (windmill farms, solar power plants, etc.);
- (19) Soaps or detergents, including packaging;
- (20) Steel fabrication;
- (21) Steel, structural products;
- (22) Stone processing or stone products;
- (23) Tobacco products;
- (24) Transient Amusement Enterprises;
- (25) Truck terminals;
- (26) Wood or lumber processing; and
- (27) Signs, as set forth in TITLE XIX.

C. Bulk Storage Uses

- (1) Coal or gas storage;
- (2) Grain storage;
- (3) Peat, topsoil, sand, and rock storage;
- (4) Scrap metal, paper, or rags storage; and
- (5) Any storage of a similar nature and character to the storage uses described herein provided it is in an enclosed structure.

- (6) Any use established in Business Park (B.P.) Zoning District shall be so operated as to comply with TITLE XVII Performance Standards in Industrial Zoning Districts and all other standards established by federal, state, county or local ordinance, law, or regulation.

D. Railroad Right-of-Ways

SECTION 3: Height Regulations

The maximum height of buildings and other structures erected or enlarged in this Zoning District shall be as follows:

- A. For a primary building, sixty-five feet (65’);
- B. For all accessory structures, including smokestacks and other similar structures attached to a primary building, sixty-five feet (65’).
- C. No fence shall exceed eight feet (8’) in height in this Zoning District.

SECTION 4: Area, Width and Yard Regulations



Exhibit 13 - General Industrial District Concept

- A. Minimum Lot Area and Width – A lot area of not less than twenty thousand (20,000) square feet, and lot width of not less than one hundred twenty-five feet (125’) at the building line shall be provided for every building or other structure erected or used for any use permitted in this Zoning District.

- B. Front Yards – The minimum required front yard in this Zoning District shall be a minimum of sixty feet (60’), but not to exceed one hundred feet (100’) when parking is provided in the front yard. Included in the front yard shall be a minimum forty foot (40’) landscaped buffer along the front right-of-way.

- C. Side Yards
 - (1) On each interior lot, there shall be two (2) side yards having a total of not less than forty feet (40’), neither side yard having a width of less than fifteen feet (15’), except as hereinafter provided in Sub-section F of this Section 4.

 - (2) On each corner lot, there shall be two (2) side yards, the side yard abutting the street having a width of not less than forty feet (40’), and the side yard not abutting the street having a width of not less than fifteen feet (15’), except as hereinafter provided in Sub-section F of this Section 4.

- D. Rear Yard – There shall be a rear yard on each lot, the depth of which shall be not less than sixty feet (60’), except as hereinafter provided in Sub-section F of this Section 4.

- E. Building Coverage – Not more than seventy-five percent (75%) of the area of any lot shall be occupied by building, parking, storage, or any other hard surface, except where green roofs or solar panels are provided. In such case, the allowable lot coverage may be proportionally increased according to TITLE XVIII [Landscape Regulations].

- F. Lots Abutting Commercial or Residential Districts – A building in this District may be erected up to sixty feet (60’) from a Commercial or Residential District, provided that a landscaped buffer is located and maintained between the differing uses. Such buffer shall be a minimum of thirty feet (30’) in width and comply with the regulations in TITLE XVIII [Landscape Regulations].

SECTION 5: Off-Street Parking

Off-street parking shall be in accordance with the regulations set forth in TITLE XX [Off-Street Parking & Off-Street Loading] of this Ordinance.

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SECTION 1: Intended Purpose

The purpose of the Planned Unit Development (PUD) Zoning District is to permit establishment of areas in which diverse uses may be brought together as a compatible and unified plan of development which shall be in the best interests of the general welfare of the public. The standards provided herein provide for the rezoning of land to residential, commercial, and other development zones in conformance with the provisions and standards which ensure the following:

- A. Compatibility among all land uses;
- B. Innovation and creativity in the design and layout of developments;
- C. Conservation of special features of the property, such as valuable natural and sensitive areas;
- D. Encouraging sound development in the interests of safety and the general welfare of the public; and
- E. Provisions for a comprehensive review and approval process aimed at furthering the intent of the Schererville Comprehensive Plan.

SECTION 2: Authority

The Town Council upon recommendation from the Plan Commission shall have the authority to establish, approve, modify, or amend a Planned Unit Development (PUD) Zoning District that varies from the provisions of this Ordinance or of the Subdivision Control Ordinance provided such variation:

- A. Generally supports the purposes for which Planned Unit Development may be approved pursuant to the requirements of this Title;
- B. Conforms to the general purposes, goals, and objectives of this Ordinance and the Schererville Comprehensive Plan;
- C. Does not unduly burden adjacent roadways; and
- D. Shall result in providing additional amenities to the Town.

SECTION 3: Permitted Uses

In Planned Unit Development (PUD) Zoning Districts, the following uses may be permitted:

- A. Residential planned developments;
 - (1) Uses consisting of detached, attached, and multi-family residential uses, or any combination thereof; and
 - (2) Non-residential uses of a recreational, institutional, or commercial character, which are primarily for the purpose of service and convenience of the anticipated residential population.
- B. Commercial planned developments, including retail, office or a combination thereof and associated accessory uses including parking and public space;
- C. Mixed-use planned development consisting of commercial and residential uses, and associated accessory uses such as parking and open space;
- D. Business Park and General Industrial developments as permitted by the provisions of this Ordinance;
- E. Planned Signage District, as provided in Section 5 of this Title; and
- F. Other compatible uses as recommended by the Plan Commission and approved by the Town Council.

SECTION 4: Development Plan Required

A Development Plan shall be required for any development proposed as a PUD. A proposed Development Plan may be combined with other required plans and may include any graphics, text or other support information that will explain the scope of the development, its features, and character in detail. The Development Plan shall be approved by the Plan Commission and prepared in a way that includes the following:

- A. Plan Elements – The submitted plan for review shall include the following elements:
 - (1) Compatibility of the development with surrounding land uses.
 - (2) Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.

- (3) Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.
- (4) Building setback lines.
- (5) Building coverage.
- (6) Building separation.
- (7) Vehicle and pedestrian circulation.
- (8) Parking.
- (9) Landscaping.
- (10) Height, scale, materials, and style of improvements.
- (11) Signage.
- (12) Recreation and public space.
- (13) Outdoor lighting.
- (14) Other requirements considered appropriate or reasonable by the Plan Commission.

B. Plan Contents – The Development Plan shall include the following:

- (1) Proposed Development: A detail description of the proposed development, its major features and anticipated character including:
 - i. The name, mailing address, e-mail address, and telephone number of the applicant.
 - ii. The name, mailing address, e-mail address, and telephone number of all design professionals: Engineer(s), Architect(s), Landscape Architect(s), and Planner(s) responsible for the plan preparation.
 - iii. The proposed name of development (if applicable).
 - iv. Development schedule, including all phases of development and construction, if any.

- (2) An overall site plan for the entire parcel showing the following:
 - i. The entire parcel of land proposed as PUD drawn to scale, including a legal description.
 - ii. General uses and densities.
 - iii. Public and open spaces.
 - iv. Number of structures, parcel sizes, lot area and coverage.
- (3) Site Description – A description of the property including existing natural and manmade features, such as streams, flood plains and wooded areas and streets, structures, utilities, and lighting.
- (4) Tabulation of gross densities and intensity of use for each category (e.g., residential, commercial, etc.).
- (5) Detailed Engineering plans for all infrastructures including street improvements, lighting, storm water management, drainage, and other utilities.
- (6) A descriptive statement about the building type, character and exterior finishes.
- (7) A descriptive statement about the long-term use and restriction including:
 - i. A general statement about the proposed restrictive covenants, if any.
 - ii. The maintenance if required for the common areas, public and open spaces.
 - iii. Preservation of any unique environmental areas or conservation of natural resources.
- (8) Landscape Plan, prepared by a registered and licensed Landscape Architect.
- (9) Descriptive statements regarding the number and placement of:
 - i. Driveways, streets, alleys, sidewalks, and easements, if any.

- ii. Location and quantity of site amenities including lighting, signage, and other proposed site amenities.
 - iii. Placement of the buildings, accessory uses, and other structures.
- (10) Written Commitments – A description of any written commitments that are being proposed as part of the development.
- (11) Supplemental Information – Any other information requested by the Plan Commission to assist in the review of the Development Plan. This may include, but is not limited to, information about traffic, utilities, and/or architectural design standards.

SECTION 5: Minimum Development Area

Planned Unit Development (PUD) Zoning Districts may be established when the area of the property to be developed is greater than the standards set below.

- A. District Area Minimum
 - (1) C-1 & C-2: two (2) acres.
 - (2) All other Zoning Districts: five (5) acres.
 - (3) Planned Signage District: five (5) acres.
- B. District Width Minimum – Two hundred feet (200').

SECTION 6: Development Standards

- A. The development standards for Planned Unit Development (PUD) Zoning Districts are intended to provide the Town Council and the Plan Commission with a means to evaluate applications for establishment of such districts. Development requirements and any variations from provisions of this Ordinance, for all proposed Planned Unit Developments shall be created and proposed by the applicant as part of the Primary Plan submittals. All proposed development requirements are subject to the review and approval of the Plan Commission and the Town Council.
- B. The Planned Unit Development shall provide standards for the development that replace or supplement the lot or yard standards established by the underlying zoning districts, other topics regulated by TITLE I [General Provisions] and TITLE

XIX [Sign Regulations], and any standards replacing those established by the Subdivision Control Ordinance.

- C. Prior to the approval of any Primary Plan, the Plan Commission may recommend, and the Town Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation and other elements of the Planned Unit Development, as deemed necessary for the protection of the public interest, including, but not limited to, bonding requirements, improvement of the development, protection of the adjacent area in order to secure compliance with the standards in this Section.
- D. Proposed development standards shall be reflected both in text form and noted on the approved Primary Plan and Secondary Development Plan and made part of the Planned Unit Development District Ordinance. In review of the Planned Unit Development Plan, the following consideration shall also apply.

(1) Open Space

- i. No Planned Unit Development District shall be approved unless such district provides for protection and preservation of the natural and sensitive areas within the proposed district. Such space may take the form of a preserved green space, nature or pedestrian walks, and natural areas or public space. Land dedicated for any preservation or public purpose may be credited for the purpose of calculation of the overall development density for the PUD at the discretion of the Plan Commission.
- ii. Where a Planned Unit Development is to be developed in phases, dedication of open space land may also be phased based on an approved Development Plan by the Plan Commission.
- iii. Maintenance of the dedicated open space shall be provided for in the Planned Unit Development’s restrictive covenants, recorded in the Office of the Lake County Recorder, as part of the project.

(2) Creativity in Design – To promote creative and innovative urban design and streetscapes, each Planned Unit Development District shall institute within its covenants a monotony provision for all developments. Such monotony provision shall set forth the standards for variation in building design and façades including building colors, setbacks, and sizes, so that a mix of building styles is realized.

- (3) Density Requirements – The overall density of the development in a Planned Unit Development District, either in terms of residential units per acre aggregate, gross floor area of business, industrial or manufacturing uses, or other units of measure contained elsewhere in this Ordinance, shall be those specified in the applicant’s Planned Unit Development District Ordinance establishing such District and as approved by the Plan Commission and Town Council.
- (4) Water and Sewer Availability
- i. Provision of suitable public or private water facilities and sanitary sewer shall be required for all planned development established pursuant to the provisions of this Title.
 - ii. It shall be required that all Planned Unit Developments provide necessary easement or set aside land for future right-of-way for abutting properties or future extension of all utilities to such properties regardless of the ownership of such properties for future developments.
 - iii. All utilities, water and sewer facilities within the Planned Unit Development shall conform to the Town’s design and construction standards, as set forth in the Schererville Subdivision Control Ordinance or as it may be established by the Town or other public agencies.
- (5) Building Setback Requirements – All setback requirements of the underlying Zoning District shall be applied unless specifically approved by the Plan Commission in the approved Secondary Development Plan.
- (6) Height Requirements – No structure shall exceed the maximum height established in the underlying Zoning District unless specifically approved by the Plan Commission.
- (7) Parking – All Planned Unit Development Districts shall meet the parking requirements of TITLE XX [Off-Street Parking and Off-Street Loading] and the underlying Zoning District unless specifically approved by the Plan Commission.

(8) Signage

i. Planned Signage District

- a. Properties of five (5) acres or more may have signage needs planned and coordinated by election as a Planned Signage District, a special type of PUD comprising a new or collection of existing developments with special, unique, unusual, or fully coordinated signage needs, where the existing ordinance does not provide the necessary flexibility.
- b. Existing businesses may petition to create a Planned Signage District. The boundary of a Planned Signage District for existing businesses shall be approved by the Plan Commission and the Town Council, consistent with the provisions of this Ordinance, and provided that:
 - 1. The proposed district is no less than five (5) acres;
 - 2. The majority of property or business owners affected agree to become part of the district;
 - 3. No fewer than five (5) businesses are part of the district; and
 - 4. The unique character of the proposed district justifies its existence.
- c. The Plan Commission may establish the location, area, and dimension requirements of signs in a Planned Sign District at its discretion.
- d. The Property Owner(s) shall file an application for a proposed Planned Signage District and stating the reasons for the request. Information to be provided shall include, but is not limited to, location, size, and design and construction material of the proposed signage.
- e. The Plan Commission will then take official action on the petition at its regular meeting. If the plan is not approved, the Plan Commission shall state the reasons for the denial

and the Owner may remedy the plan and return it to the Plan Commission for reconsideration and approval.

- f. Should the application be denied, the Owner(s) would then be restricted to the signage allowed by the applicable sections of TITLE XIX [Sign Regulations].
- ii. Internal Wayfinding Signs
 - a. Internal wayfinding sign(s), as a part of a unified sign design, shall be exempt from the sign permit process, provided the signs are in compliance with the related provisions of TITLE XIX [Sign Regulations] and TITLE XVI [Overlay Districts] if applicable. The area of such signs shall not count against the maximum amount of signage permitted for the subject development.

(9) Transitional Yards – All Planned Unit Development (PUD) Zoning Districts shall meet the yard and setback requirements of the underlying ordinance, except that where any development abuts any natural area, flood plain, stream bank, or wetland area, a setback shall be required as set forth in TITLE III [Open Land (O.L.) District]. Similarly, no building shall be constructed closer than thirty feet (30') from an existing trail or designated pedestrian path.

(10) Public Streets

- i. Each Planned Unit Development District approved pursuant to this Title shall have frontage on a public street and gain access from said street. All streets, roads or public access roads within the Planned Unit Development shall conform to the Town's design and construction standards, as set forth in the Schererville Subdivision Control Ordinance or as it may be established by the Plan Commission, the Town, or other public agencies.
- ii. It shall be required that all Planned Unit Developments provide necessary easement or set aside land for future public right-of-way for abutting properties or future extension to such properties regardless of the ownership of such properties.
- iii. Where public streets are required by the Comprehensive Plan or the Plan Commission, as deemed necessary, they shall be dedicated and constructed in conformance with the minimum street specifications prescribed by the Comprehensive Plan,

Thoroughfare Plan, Subdivision Control Ordinance, and other Town standard, as they may be applicable.

- iv. The road system of a Planned Unit Development shall be designed to coordinate with existing, proposed, and planned streets, pedestrian facilities, existing and proposed trails, and access to adjoining subdivisions and neighborhoods.
- v. Whenever a proposed Planned Unit Development abuts undeveloped land or a future development phase of the same development, street stubs shall be provided as deemed appropriate by the Town Staff to provide continuation of the road system and future access to abutting properties.

(11) Private Streets

- i. Private street right-of-way and pavements in a Planned Unit Development (PUD) Zoning District shall be constructed in conformance with the minimum street specifications prescribed by the Subdivision Control Ordinance, except as described in the Secondary Development Plan approved by the Plan Commission.
- ii. At or near the entrance of each private street from a dedicated public street, the applicant of the private organization shall maintain a signpost carrying a sign, having an area of at least fifteen inches by twenty-one inches (15" x 21"), on which is printed and clearly legible in at least two inch (2") letters, the name of the private street and the words "PRIVATE STREET" and, in at least one inch (1") letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC." The material on the sign shall be arranged substantially as follows:

(NAME OF STREET)
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC

- iii. Private streets shall be maintained by the owners so that fire, police, health, school, and public utility vehicles have adequate access. Adequate access includes providing an adequate turning area.

- iv. A private street may subsequently be accepted for dedication in the discretion of the Plan Commission, but may not be accepted for dedication as a public street or right-of-way unless it (a) conforms to the Town’s design and construction standards and minimum street specifications prescribed by the Comprehensive Plan, Thoroughfare Plan, Subdivision Control Ordinance, and other Town standards, as they may be applicable; and (b) are designed to coordinate with existing, proposed, and planned streets, pedestrian facilities, existing and proposed trails, and access to adjoining subdivisions and neighborhoods.
- (12) Utilities – Underground utilities, including telephone, cable, and electrical systems, are required within the limits of the Planned Unit Development (PUD) Zoning District.
- (13) Development Incentives
- i. Where a Planned Unit Development incorporates mixed-uses or contains a net building area of no less than two hundred thousand (200,000) square feet, the minimum required parking for the entire site may be reduced by ten percent (10%).
 - ii. Bonus Density – The overall density of a Planned Unit Development may be increased from the permitted amount in the underlying Zoning District by incorporating a variety of public amenities or pedestrian facilities within the subject property. Such bonus density incentives shall be regulated by the following:
 - a. Residential Planned Unit Developments
 - 1. Improved public open space – One (1) square foot of lot area per one (1) square foot of approved public open space, provided the public open space is not less than one (1) acre in area;
 - 2. Pedestrian trail – Two (2) square feet of lot area for every one (1) square foot of pedestrian trail corridor connecting to an existing or proposed park, or a regional trail. This bonus may only be credited when following provisions are met:
 - a. The provided trail corridor is a minimum fifty feet (50') in width;

- b. The pedestrian trail has a minimum of ten feet (10') wide pavement; and
 - c. Where natural areas for preservation are incorporated into the trail corridor, a maximum fifty-foot (50') width may be claimed as part of the pedestrian trail credit, with the remainder being credited as a preserved natural area.
 - 3. Preservation of natural areas – One (1) square foot of lot area for every one (1) square foot of natural area preserved, provided that a minimum of seventy-five percent (75%) of the preserved natural area is undisturbed;
 - 4. Cluster Development – In certain special areas, the preservation of natural, historic, or cultural resources may be highly desirable. In such cases, and in conjunction with the incentives listed above, a cluster development may be permitted. In cluster developments, a reduction of up to fifteen percent (15%) of the minimum lot size or required yards of the underlying Zoning District may be permitted in conjunction with the preservation of on-site natural, historical, or cultural resources.
- b. Non-Residential Planned Unit Developments
- 1. Improved public open space – One (1) square foot of floor area per one (1) square foot of approved public and pedestrian space above the minimum required open space area, provided that such public spaces are easily accessible;

2. Pedestrian trail and transit – Up to ten percent (10%) of the floor area, but not to exceed one thousand (1,000) square feet, for every building located within a half mile (½ mi.) of a pedestrian trail or transit station. The bonus for pedestrian trails may only be credited when the provided pedestrian facility connects or provides a link to an existing or proposed park, trail, or transit station, and the paved width is not less than ten feet (10');
3. Preservation of natural areas – One (1) square foot of floor area for every ten (10) square feet of natural area preserved, provided that such area is no less than one (1) acre and no less than seventy-five percent (75%) of the preserved natural area is undisturbed;
4. LEED Buildings – The overall net floor area may be increased by a maximum of five percent (5%) of the net floor area of all buildings certified as LEED Silver or higher.

SECTION 7: Plan Approval

- A. The approval process for a Planned Unit Development (PUD) Zoning District consists of four different steps. These steps are:
 - (1) Pre-Application Conference by the Town Staff and Study Session by the Plan Commission;
 - (2) Primary Development Plan review by the Plan Commission;
 - (3) Primary Development Plan review by the Town Council and Zoning Map Amendment;
 - (4) Secondary Review of the Final Development Plan by the Plan Commission.
- B. Approval of a Planned Unit Development Plan does not constitute plat approval. Platting procedures for Planned Unit Developments are defined in TITLE XXIV [Administration and Enforcement].

C. **STEP 1: Pre-Application Conference and Study Session**

- (1) An applicant, owner and/or developer, desiring approval of a proposed PUD application shall first meet with the Town Staff, at a Pre-application Conference, to discuss the general proposal.
- (2) The owner and/or developer of the land shall apply in writing to the Town Staff and shall submit two (2) copies of a Primary Development Plan as described below in Subsection 2 of this Section.
- (3) The Town Staff shall review the application for completeness, conceptual and technical compliance with the provisions described below in Subsection D of this Section. If required, the Town Staff may schedule a conference with the applicant within thirty (30) days of the date of submittal.
- (4) The Town Staff shall review the plan and discuss with the applicant the conformity of the proposed plan in a conference. In the event of deficiencies, the applicant shall correct all such deficiencies within forty-five (45) days after receipt of such comments. Failure to submit corrections within such time period shall be deemed a withdrawal of the application, unless extended for good cause by the Plan Commission.
- (5) The applicant or its representative, shall then appear before Plan Commission at a Study Session to discuss the proposal before filing an application for the Planned Unit Development. No fee or formal application is required for this meeting. However, the owner and/or developer shall be responsible for providing all information and documentation deemed appropriate and required by the Town Staff and the Plan Commission for the Study Session.
- (6) Limitation of Staff Review – Review of the application by the Town Staff, or comments made for a Proposed Plan, shall not be considered approval or denial concerning the Proposed Plan.

D. **STEP 2: Primary Development Plan Review by the Plan Commission**

- (1) The owner and/or developer shall submit a Primary Plan to the Plan Commission for review together, along with the application for a change of zone district classification, if applicable. The application shall express the development requirements for the proposed PUD. The Plan shall be prepared by an architect, landscape architect, engineer, land surveyor or planning consultant, in accordance with State Statutes, as amended from time to time, and shall at a minimum include the following information:

- i. Cover page and index.
- ii. A vicinity map showing the land use and zoning of all properties within six hundred feet (600') of the subject property.
- iii. Site Description: A general description of the property including existing natural and manmade features, such as streams, flood plains, wooded areas and streets, structures, utilities, and lighting and other prominent features.
- iv. A map showing the existing site conditions, which shall include existing buildings, streets, easements and utilities, topography and natural features, trees over four inches (4") in caliper, historic features, soil conditions, and other significant site features that may influence the development of the subject property.
- v. Common Holdings Map – A map of any property adjacent to the subject property that is owned or otherwise controlled by any or all the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Primary Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage pattern and designs.
- vi. Proposed site plan, showing and describing lot and building locations and land use areas, including connections of the same to neighboring properties.
- vii. Proposed traffic circulation, parking areas, and pedestrian walks and paths.
- viii. Preliminary landscape plan including natural areas, public spaces, and overall planting plan.
- ix. Preliminary engineering plans, including street improvements, lighting, drainage system and public utility extensions.
- x. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Plan Commission.

- xi. Proposed development phases and construction sequence for public improvements, buildings, street lighting, parking spaces, landscaped areas and maintenance schedules for all common areas, open spaces, and drainage systems.
 - xii. A general statement about the long-term use and restriction including:
 - a. Proposed restrictive covenants, if any;
 - b. The maintenance if required for the public and open spaces;
 - c. Preservation of any unique environmental areas and concerns or conservation of natural resources; and
 - d. Development incentives or credits, if any.
 - xiii. Written Commitments: A description of any written commitments that are being proposed as part of the development.
- (2) The Plan Commission shall discuss the proposed application and shall review the Primary Plan with the owner and/or developer. The Plan Commission shall prepare recommendations with regard to the Primary Plan and if applicable, the proposed change in the Zoning District.
- (3) Public Hearing Notification: The Plan Commission shall issue public notice for the development consistent with the Plan Commission Rules and Procedures and in accordance with Indiana Code § 5-3-1.
- (4) Public Hearing: The Plan Commission shall, in a public hearing, scheduled consistent with its adopted calendar, review the application and supportive information. The applicant or its representative must be present at the public hearing to explain the development and answer any questions concerning the proposal by the Plan Commission.
- (5) The Plan Commission, after determining that all of the requirements of the Zoning Ordinance dealing with Planned Unit Development (PUD) Zoning Districts have been met, shall recommend to the Town Council approval, approval with modifications or disapproval of the Primary Plan. The Plan Commission shall enter its reasons for such action in its records.
- (6) Finding of Fact: The Plan Commission may recommend approval of establishment of a Planned Unit Development (PUD) Zoning District, provided it finds that:

- i. The uses proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under any other zoning district.
 - ii. Any amendment to the requirements of this Zoning District is warranted by the design and amenities incorporated in the Primary Plan.
 - iii. Land surrounding the proposed development either can be planned in coordination with the proposed development or will be compatible in use.
 - iv. The proposed change to a Planned Unit Development (PUD) Zoning District is consistent with the general intent of the Comprehensive Plan.
 - v. The proposed Primary Development Plan is generally consistent with the Development Standards outlined in Section 5 above.
 - vi. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district, and within the vicinity of the proposed district.
 - vii. Existing and proposed utility services are adequate for the proposed development.
 - viii. Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscape, and utility areas necessary for creating and sustaining a desirable and stable environment.
 - ix. The proposed Planned Unit Development (PUD) Zoning District, and all proposed buildings, parking spaces, landscape, drainage, and utility areas, can be completely developed within five (5) years of the establishment of the Zoning District.
- (7) The Plan Commission shall send a copy of its recommendation(s) to the owner and/or developer indicating its approval in principle, or its disapproval. If the Primary Plan is approved in principle, the Commission shall state any specific changes it will require.

E. **STEP 3: Primary Development Plan Review by the Town Council and Zoning Map Amendment**

- (1) After issuance of the Commission’s recommendation, the Town Council shall give public notice and hold a public hearing on the proposed change of Zoning District and/or the Primary Plan, as provided by law in the case of an amendment to this Ordinance and Map.
- (2) After a public hearing, this Ordinance and Map may be amended so as to define the boundaries of the Planned Unit Development (PUD) Zoning District, but such action shall have the effect only of granting permission for development of the specific proposal in accordance with the Primary Development Plan submitted.
- (3) In granting an approval for a Zone Map Amendment, the Town Council may impose reasonable conditions for a proposed Planned Unit Development District consistent with the provisions of this Ordinance and the Comprehensive Plan.

F. **STEP 4: Secondary Review of Secondary Development Plan**

- (1) After approval of the Primary Plan and PUD zoning change by the Town Council, the owner and/or developer shall submit a detailed Secondary Development Plan for review by the Plan Commission. The owner and/or developer may submit such Plan within one (1) year after approval of the PUD zoning change.
- (2) The Secondary Development Plan shall include all elements required for PUD outlined in Section 4 of this Title and be in general conformance with the approved Primary Development Plan. A detailed text documenting all development requirements and conditions that will apply to development such as lot sizes, building set back, parking, and other standards shall also be required.
- (3) A determination by the Plan Commission on whether or not to approve a Secondary Development Plan shall be made at a meeting of the Plan Commission, notice of which shall be given consistent with the Plan Commission Rules and Procedures.
- (4) Development Phasing: In the event of a phased development, the Secondary Development Plan approval shall be made in accordance with the approved development schedule and construction sequence. Such phases of construction, however, shall not span more than two (2) years for each subsequent phase.

- (5) In cases where multiple Secondary Development Plans are approved, the Plan Commission shall require such evidence and guarantees deemed appropriate to assure that the stipulated conditions for such approved Plan are complied with for the improvement of the development, protection of the adjacent area and to secure compliance with the standards specified.

- G. Concurrent Filing of a Secondary Plan – A Primary Plan and Secondary Development Plan may be submitted concurrently provided such plans contain all the requirements for a Secondary review. The owner and/or developer may also request approval of the Secondary Development Plan by the Plan Commission. However, approval of a Secondary Development Plan by the Plan Commission shall be conditioned upon the Town Council approving the Primary Plan and adopting the Zone Map Amendment for the Planned Unit Development (PUD) Zoning District.

- H. Modifications to an Approved Plan
 - (1) Major Modification – Any proposed change or modification to an approved Development Plan involving changes in land use and scope of development and including but not limited to:
 - i. Development density;
 - ii. Height of the buildings;
 - iii. Architectural style, material, and landscape treatment;
 - iv. Infrastructure, circulation patterns or street standards;
 - v. Open and public space;
 - vi. Changes in Covenant and written Commitment;
 - vii. The approved Maps in the Planned Unit Development (PUD) Zoning District Ordinance; or
 - viii. Any other significant change that infringes upon the overall intent and purpose of the development as determined by the Plan Commission.

 - (2) Major modifications shall be approved by the Plan Commission and require a public hearing prior to such approval.

 - (3) Minor Modification – Any other proposed change or modification to an approved Secondary Development Plan shall be considered a minor change. Minor changes shall require approval by the Plan Commission but shall not require a public hearing.

A. Expiration

- (1) A Development Plan and the corresponding Primary Plat approval shall expire one (1) year from the date of adoption of the Planned Unit Development (PUD) Zoning District by the Town Council if, in the opinion of the Town Staff, no construction activity has begun. Similarly, any Primary Approval regarding the development plan which was approved by the Plan Commission shall expire after one (1) year if no Secondary Plan has been submitted by the applicant.
- (2) In the event of phased development, approval for each development phase shall be valid for a period of two (2) years, at which time, unless the proposed development for that phase has received a Building/Zoning Permit, and construction has begun, or the approval extended, the Development Plan approval shall expire.
- (3) Any Primary Plat approved by the Plan Commission shall expire after one (1) year if no Secondary Plat, or request for extension, has been submitted by the applicant.

B. Abandonment – The Planned Unit Development shall be considered abandoned if, in the opinion of the Town Staff, the development is incomplete and no, or minimal, construction activity has occurred for a period of two (2) consecutive years.

C. Extensions – One (1) extension, for accomplishing any processes required by this Title, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the applicant. The extension length shall not exceed one (1) year for a new development or six (6) months for a development phase of a continuing project. All requests for extensions must be submitted at least sixty (60) days prior to expiration time of the application.

D. Plan Commission Rezoning – The Plan Commission may initiate a rezoning for any property included in a Planned Unit Development that has been abandoned or for which the Development Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by TITLE XXVI [Amendment of the Zoning Ordinance and Zone Map] of this Ordinance.

SECTION 9: Financial Surety

The applicant for Planned Unit Development (PUD) Zoning District shall provide a surety for the satisfactory installation of all public improvements and facilities as provided in Section 4 of the Schererville Subdivision Control Ordinance.

SECTION 10: Contract

- A. When a Planned Unit Development (PUD) Zoning District is recommended by the Plan Commission, the owner and developer shall enter into a contract with the Town to guarantee the implementation of the development, according to the terms of the conditions established as part of the Development Plan. Any subsequent modification, change or addition to an approved plan shall require approval by the Plan Commission.
- B. Written Commitments shall be considered binding on the owner and developer of the subject development, any subsequent owner of the property, and any person or entity that acquires an interest on any portion of the development.
- C. Failure to comply with the provisions of this Ordinance and conditions, commitments, or restrictions as specifically made applicable to a development shall be cause for termination of the approval of the Secondary Development Plan for said project. At least ten (10) days notice shall be given to the owner and developer to appear before the Plan Commission and answer any such charge of non-compliance. In the event the Plan Commission finds the charges substantiated, the Plan Commission may recommend termination of the project approval unless corrections are made within a specified time period, as determined by the Plan Commission.

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SECTION 1:

Intended Purpose

- A. The purpose of this Title is to establish consistent procedures and standards for certain areas in the Town of Schererville that are unique or require additional consideration due to their character or importance to the Town’s economic well-being. The overlay districts will assist Schererville to promote and protect the public health, safety, comfort, convenience and general welfare in these special areas while meeting the goals established in the Comprehensive Plan.

- B. The overlay districts will further serve as a means to implement the development policies and guidelines set forth in the Comprehensive Plan. As such, the purpose of the overlay district in the Town of Schererville is:
 - (1) To foster development conditions which promote aesthetic enhancement of designated areas and encourage sound planning.
 - (2) To preserve the integrity of the certain transportation corridors in the Town through access management planning and other improvements; and
 - (3) To expand opportunities to create high-level development through sound land use practices.

SECTION 2:

General Provisions

- A. Applicability
 - (1) The Overlay District is created as a special area to be superimposed on the base districts by approval of the Town Council as appropriate.
 - (2) Boundaries of the overlay district(s) are shown on the Zoning Map but may be modified from time to time by the Town of Schererville.
 - (3) Development standards provided herein are intended to supplement those permitted in the underlying zoning classification and in most cases may be more restrictive than those of the underlying zoning district.
 - (4) The development of properties which are located in one (1) or more Overlay District shall be subject to the requirements of both overlay districts and the underlying district in which they are located.
 - (5) When the requirements of the underlying zoning district and the overlay district appear to be in conflict, the more restrictive requirement shall apply.

- (6) Wherever a conflict exists between the requirements of the underlying zoning and those of the Overlay District, the requirements for the Overlay District shall prevail.
- B. District Boundaries, Zoning Map – The Plan Commission shall recommend the boundaries of the Overlay Districts as part of their establishment. Such boundaries shall be delineated on the Zoning Map, with the identifying name(s).
 - C. The following Overlay Zoning Districts shall apply to properties in the Town of Schererville as specified in the description of each district in this Title.
 - (1) US 30 Commercial Corridor Overlay District
 - (2) US 41 Commercial Corridor Overlay District
 - (3) Joliet Street Corridor Overlay District
 - (4) Flood Hazard Area Overlay District
 - D. Permitted Uses – All uses that are permitted, non-permitted or conditioned in any underlying Zoning District to which an Overlay District is applied shall remain as a permitted, non-permitted or conditioned use unless otherwise specified by the applicable Overlay District(s).
 - E. Lot, Yard, & Development Standards – Any lot, yard, or development standards established by an Overlay District shall apply as follows:
 - (1) All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate standards are provided by the Overlay District(s).
 - (2) Properties located in any Overlay District(s) shall be subject to any additional lot, yard, and development standards established by the Overlay District(s).
 - (3) If a parcel of land or subdivision lot was recorded prior to the “Effective Date” of this Ordinance and said parcel or lot does not contain the minimum area required by the standards of the Overlay District, said undersized lot may be used for any use permitted in the Overlay District, provided that:

- i. At the time of recordation of the undersized lot or on the Effective Date, the undersized lot met the requirements for minimum lot size then in effect for a lot in the underlying zoning district(s);
 - ii. The owner of the undersized lot must include any adjoining vacant land (not separated by a street or public way) owned or owned by an affiliate on or before the Effective Date or at the time of application which, if combined with the undersized lot would create a parcel which conforms, or more closely conforms, to the requirements of this Title; and,
 - iii. All other requirements applicable to the Overlay District can be met.
- (4) If a lot is located both inside and outside of an Overlay District, a Development Plan shall be submitted to the Town for the entire lot.
- (5) The requirements of this Subsection do not preclude the sale or other transfer of any lot within a parcel after the approval of a Development Plan for the entire parcel. However, the development of the lot shall conform to the Development Plan for the entire parcel as approved or amended by the Plan Commission and all other applicable requirements of this Ordinance.
- F. Planned Unit Development District – Planned Unit Developments shall not be subject to the requirements of any Overlay District unless they are specifically located in a designated district. All Planned Unit Developments within Overlay Districts shall be consistent with the requirements of this Title.
- G. Performance Standards – In no instance shall any Overlay District provisions be interpreted as modifying any performance standards established for the underlying zoning districts in this Ordinance.

SECTION 3: Plan Commission Approval

- A. Any owner of property in the Overlay District shall submit a Development Plan for review and approval by the Plan Commission. Prior to the commencement of construction on any Development Plan in the Overlay District, the Plan Commission shall review such Plan for compliance with the provisions of this Ordinance. The Commission’s review shall include, but not be limited to, the following items:
- (1) Existing site features, including topography and natural areas;

- (2) Zoning of the property;
- (3) Surrounding zoning and existing land use;
- (4) Access to public streets;
- (5) Streets, curbs and gutters, sidewalks, and bicycle paths;
- (6) Driveway and curb cut locations in relation to other sites;
- (7) General vehicular and pedestrian traffic;
- (8) Vehicle and bicycle parking facilities and internal site circulation;
- (9) Special and general easements for public or private use and future linkage;
- (10) On-site and off-site surface and subsurface storm water drainage including drainage calculations;
- (11) On-site and off-site utilities;
- (12) Dedication of streets and right-of-way, or reservation of land for future development of streets and right-of-way or public access;
- (13) Proposed setbacks, site landscaping and screening, and building placement;
- (14) Exterior architectural features, site amenities and landscaping including public spaces and design features;
- (15) Efficiency in use of land and development of mix of uses;
- (16) Project signage and lighting;
- (17) Protective restrictions and/or covenants;
- (18) Compatibility of proposed development with existing developments in the District.
- (19) Consistency with the policies for the Overlay District which are set forth in the Comprehensive Plan, including the Thoroughfare Plan and Subarea Plans.

- B. Findings for Approval by the Plan Commission – For existing “Lots of Record,” the Commission shall approve or disapprove a Development Plan at a meeting of the Commission, with written findings to support such decision. The Commission may approve a Development Plan upon finding that:
 - (1) The Development Plan complies with applicable standards of the underlying district in which the lot is located;
 - (2) The Development Plan complies with applicable provisions of the appropriate Subdivision Control Ordinance;
 - (3) The Development Plan complies with all applicable provisions of the Overlay District including those specified in Architectural Design Standards provisions for each respective Overlay District;
 - (4) The proposed development is appropriate to the site and its surroundings; and
 - (5) The proposed development is consistent with the intent and purpose of this Ordinance and the Schererville Comprehensive Plan.

- C. Remodel Expansion or Improvement of Existing Structure or Parcels – If a lot is improved or an existing structure is expanded or remodeled within the Overlay District, then that lot or structure shall be subject to the regulations contained in this Ordinance, except as provided in Subsection D (3).

- D. Exempt Waiver
 - (1) The Plan Commission may grant a waiver of certain development requirements or standards of this Ordinance, as described herein. Any approval to permit such a waiver shall be made at a meeting of the Plan Commission, subject to the following criteria:
 - i. The Development Plan shall be in concert with the general purposes, land-use and architectural standards provided in this Title.
 - ii. The approval shall enhance the overall Development Plan, the adjoining streetscapes and neighborhoods, signage, and the overall district.
 - iii. The waiver shall not adversely affect emergency vehicle access or deprive adjoining properties of adequate light and air.

- iv. The approved waiver shall not produce a site configuration or street/circulation system that would be impractical or detract from the appearance of the Development Plan and the Overlay District.
- v. The proposal employs extraordinary site design enhancements or amenities, including, but not limited to:
 - 1. Enhanced landscape treatments;
 - 2. Installation of public art or other aesthetic and artistic expressions opportunities;
 - 3. Provisions for bicycles, pedestrian and/or mass transit;
 - 4. Creation of public plazas, open space and other socialization features;
 - 5. Removal, relocation, or improvement of undesirable or non-conforming signage;
 - 6. Reduced surface parking in conjunction with provisions for above or below grade parking facilities; and
 - 7. Preservation of sensitive natural resources.

(2) In granting a waiver, the Plan Commission may impose such conditions that will, in its judgment, secure the purposes of this Title. This paragraph, however, does not affect the right of an applicant under Indiana law to petition the Board of Zoning Appeals for a variance from development standards, as provided in IC 36-7-4-918.5 and this Ordinance.

(3) No Development Plan approval is required for the renovation, addition or expansion of existing structures provided such renovation, addition or expansion:

- i. Is attached to the existing structure;
- ii. Continues the architectural design of the existing structure, including exterior color and materials; doors and windows, other detailing;
- iii. Meets the requirements of the underlying Zoning District;
- iv. Does not exceed ten percent (10%) of the original gross floor area of the existing structure; and
- v. Has received a prior Development Plan approval from the Plan Commission.

E. Validity of Approval of the Application by the Plan Commission – An approved Development Plan petition shall be valid for one (1) year from the date of approval. If construction of the building(s) has not started at the end of the one (1) year period, the Development Plan request shall be resubmitted to the Plan Commission for consideration and disposition.

- F. Extensions – One (1) extension, for accomplishing any processes required by this Title, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the owner. The extension length shall not exceed one (1) year for a new development or six (6) months for a new development phase of a continuing project. All requests for extensions must occur at a minimum of sixty (60) days prior to the applicable expiration time of the application.

- G. Removal of a District – Nothing in this Ordinance shall be deemed to deny the Plan Commission the power to remove an overlay designation from one (1) or more parcels by the rezoning process described in this Ordinance. Such removal may be done by rezoning the property to the underlying district classification without the overlay district designation.

- H. Reimbursement of Fees and Costs – In addition to the application fee, every applicant for Development Plan approval shall pay for professional fees incurred by the Town of Schererville for engineering and legal services, not including any engineering or legal fees charged by engineers or the lawyers to attend regularly scheduled meetings. These fees for engineering and legal services shall be paid to the Clerk-Treasurer of the Town of Schererville prior to approval of the Development Plan, who shall notify the Planning and Zoning administrator within five (5) days of such payment.

SECTION 4: US 30 Commercial Corridor Overlay District

- A. Intent – It is the purpose of this Overlay District to promote development in a coordinated manner in the US 30 Corridor as a premier office and commercial corridor whose viability, quality and character is important to the Town. It is further the intent of this Overlay District to improve the aesthetic qualities of the existing and future developments by:
 - (1) Promoting a coordinated development in the US 30 Corridor;
 - (2) Establishment of design and architectural standards for building, landscaping, and other improvements which permit innovation in design while promoting efficient use of land;
 - (3) Promoting flexibility to encourage quality, scale, and character of development consistent with the Corridor’s existing or planned uses, and those set forth in the US 30 Subarea Plan, as outlined in the Schererville Comprehensive Plan.

- B. District Boundaries – The boundary of the Overlay District shall be established as follows, and as delineated on the Town of Schererville Zoning Map:

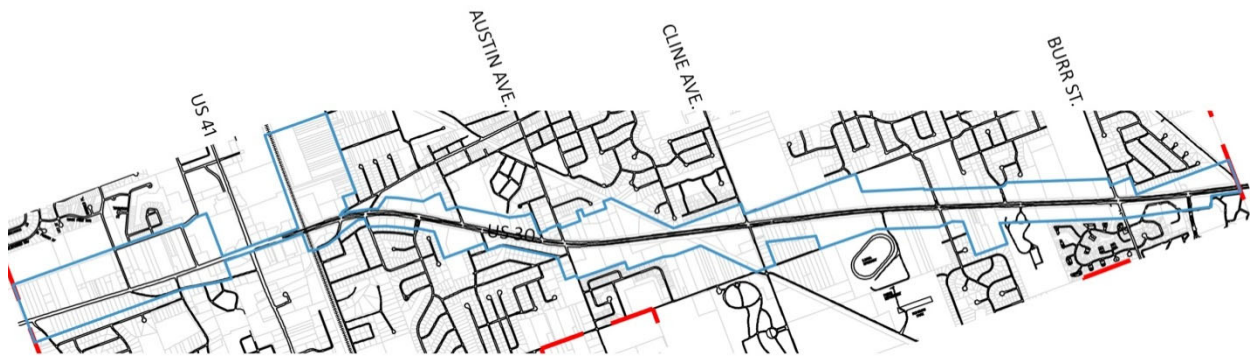


Exhibit 14 - Map of US 30 Overlay District

A parcel of land lying in Sections 8, 9, 13, 14, 15, 16, 17, 23 and 24, Township 35 North, Range 9 West of the Second Principal Meridian.

Commencing at the Northwest corner of Section 17, being the point of beginning. Thence North a distance of ± 66 feet. Thence East and along the North Right-of-Way line of Caroline Ave., a distance of ±4,023 feet. Thence south to the Northwest corner of Fountain Park P.U.D. Thence along the North and East and following the boundaries of Fountain Park P.U.D. to the North Right-of-Way line of US 30. Thence East along the North Right-of-Way line of US 30 to the West Right-of-Way line of the Norfolk Southern R.R. Thence North along the West Right-of-Way line of the Norfolk Southern R.R. a distance of ± 2,227 feet. Thence East to the centerline of Kennedy Ave. Thence South along the center line of Kennedy Ave. a distance of ± 1,890 feet. Thence West a distance of ± 318 feet. Thence South a distance of ± 278 feet to the North Right-of-Way line of Joliet St. Thence Southwesterly along the North Right-of-Way line of Joliet St. a distance of ± 219 feet North Right-of-Way line of US 30. Thence Easterly along the North Right-of-Way line of US 30 a distance of ± 867 feet to the West corner of Lincoln Ridge Subdivision. Thence Northeasterly a distance ± 316 feet to the Northern property line of Lincoln Ridge Subdivision. Thence Southeasterly along the Northern property line of Lincoln Ridge Subdivision to the North corner of the East line of Lincoln Ridge Subdivision Thence Easterly a distance of ± 420 feet to the Northwest corner of Helpen Addition. Thence South along the West line of Helpen Addition a distance ± 408 feet. Thence East along the North line of Lot 5, Helpen Addition to the West Right-of-Way line of Anna St. Thence Southeasterly and 300 feet offset North and parallel to the North Right-of-Way line of US 30 to the East line of St. Michael's Church Addition. Thence continuing along the same alignment, a distance of ± 280 feet. Thence Easterly a distance of ± 497 feet to the West Right-of-Way line of Hilltop Dr. Thence South a distance of ± 478 feet along the West Right-of-Way line of Hilltop Dr. Thence Easterly a distance of ± 505 feet to the East

Right-of-Way line of Austin Ave. Thence South a distance of ± 87 feet. Thence East a distance of ± 472 feet. Thence North a distance of ± 227 feet. Thence East a distance of ± 107 feet. Thence South a distance of ± 160 feet. Thence East a distance of ± 527 feet to the West property line of Gallas 6th Addition. Thence North a distance of ± 165 feet along the West property line of Gallas 6th Addition to the Northwest Corner of Gallas 6th Addition. Thence East along the North property line of Gallas 6th Addition to the Northeast Right-of-Way line of the former Chicago and Great Eastern R.R. Thence Southeast along the Northeast Right-of-Way line of the former Chicago and Great Eastern R.R. to a point on the North Right-of-Way line of US 30. Thence East to a point on the East Right-of-Way line of Cline Ave. Thence South to the South Right-of-Way line of 75th Ave. Thence East a distance of ± 2,633 feet along the South Right-of-Way line of 75th Ave. Thence South a distance of ± 423 feet. Thence Southeast to the West line of Autumn Creek Block 5. Thence South a distance of ± 32 feet along the West line of Autumn Creek Block 5. Thence Southeasterly and ± 300 feet offset North and parallel to the North Right-of-Way line of US 30 to the East Right-of-Way line of Hamlin St. Thence Northeast a distance of ± 161 feet. Thence Southeasterly and ± 395 feet offset North and parallel to the North Right-of-Way line of US 30 to the West Right-of-Way line of Burr Street. Thence South along the West Right-of-Way line of Burr Street a distance of ± 153 feet. Thence East a distance of ± 476 feet. Thence South to a point on the North Right-of-Way line of US 30. Thence East to the East line of Section 24 also being the Town of Schererville Corporate Boundary line. Thence South to the South Right-of-Way line of US 30 along the East line of Section 24 also being the Town of Schererville Corporate Boundary line. Thence Northwesterly along the South Right-of-Way line of US 30 a distance of ± 665 feet. Thence Southwesterly to the Northern Right-of-Way line of Pine Island Dr. a distance of ± 250 feet. Thence Northwesterly along the North Right-of-Way line of Pine Island Dr. and continuing at the same bearing to the West Right-of-Way line of Burr Street. Thence Northwest and ± 300 feet offset South and parallel to the South Right-of-Way line of US 30 a distance of ± 2,782 feet. Thence south a distance of ± 497 feet. Thence West a distance of ± 455 feet to the Southeast Corner of Harvest Manor Unit 1 Section 1. Thence North along the East Line of Harvest Manor Unit 1 Section 1 a distance of ± 800 feet. Thence Northwest a distance of ± 239 feet to the Southeast Corner of Lot 2 of Harvest Manor Unit 1 Section 1. Thence West a distance of ± 338 feet to the Southwest corner of Lot 1 of Harvest Manor Unit 1 Section 1. Thence Northwesterly and ± 348 feet offset South and parallel to the South Right-of-Way line of US 30 to the North section line of Section 23. Thence West along the North section line of Section 23 a distance of ± 1,329 feet. Thence North a distance of ± 303 feet. Thence Northwesterly and ± 340 feet offset South and parallel to the South Right-of-Way line of US 30 a distance of ± 1,117 feet. Thence South a distance of ± 556 feet to the centerline of 77th Ave. Thence West along the extended centerline of 77th Ave. a distance of ± 454 feet to the Southwest Right-of-Way line of the former Chicago and Great Eastern R.R. Thence Northwest along the Southwest Right-of-Way line of the former Chicago and Great Eastern

R.R. a distance of ± 1546 feet. Thence West a distance of ± 639 feet. Thence Northwest a distance of ± 229 feet. Thence West a distance of ± 850 feet. Thence North a distance of ± 175 feet. Thence West to the West Right-of-Way line of Cline Ave a distance of ± 1,130 feet. Thence North a distance of ± 70 feet. Thence West a distance of ± 253 feet. Thence North a distance of ± 525 feet. Thence Northwest along the South Right-of-Way line of Lincoln Dr. a distance of ± 1,280 feet. Thence West along the South Right-of-Way line of Lincoln Dr. a distance of ± 358 feet. Thence North along the West Right-of-Way line of Trenta Ct. a distance of ± 165 feet. Thence West a distance of ± 960 feet to the Northwest corner of the Peace Lutheran Church. Thence North a distance of ± 635 feet. Thence Northwesterly a distance of ± 1500 feet to the West Right-of-Way line of Kennedy Ave. Thence North to the South Right-of-Way line of US 30. Thence West along the South Right-of-Way line of US 30 a distance of ± 145 feet. Thence Southwest to the South Right-of-Way line of Old Lincoln Highway. Thence Southwest along the South Right-of-Way line of Old Lincoln Highway to the centerline of the Norfolk Southern R.R. Thence North along the centerline of the Norfolk Southern R.R. a distance of ± 25 feet. Thence West a distance of ± 75 feet. Thence North to the South Right-of-Way line of US 30. Thence West along the South Right-of-Way line of US 30. a distance of ± 1,845 feet. Thence South a distance of ± 435 feet to the South Right-of-Way line of Old Lincoln Highway. Thence Westerly along the South Right-of-Way line of Old Lincoln Highway a distance of ± 1,065 feet. Thence West a distance of ± 3,580 to the West section line of Section 17 also being the Town of Schererville Corporate Boundary line. Thence North along the West section line of Section 17 also being the Town of Schererville Corporate Boundary line to the Northwest Corner of Section 17 also being the point of beginning.

C. Permitted Uses

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

- (2) Excluded Uses: The following uses are not permitted in the US 30 Commercial Corridor Overlay District:
 - i. Amusement park/go-cart track;
 - ii. Auto parts and tire centers;
 - iii. Auto repair centers;
 - iv. Automotive centers and service stations;
 - v. Truck filling stations, truck service stations, and truck stops;

- vi. Auction house/lot;
- vii. Car and truck washes as a principal use;
- viii. Contractors' and construction businesses, excluding business offices;
- ix. Drive-in establishments, or any use that includes a drive-thru lane, including standalone automated teller machines (ATMs) and the like, unless they are part of a larger development but are not placed on US 30 frontage;
- x. Boarding House;
- xi. Outdoor theater;
- xii. Single family and duplex residential;
- xiii. Long-term surface parking;
- xiv. Outdoor sales;
- xv. Outdoor product storage;
- xvi. Race track;
- xvii. Self-storage facilities and junk yards
- xviii. Commercial truck/equipment sales; and
- xix. Used vehicle sales

D. Accessory Buildings and Uses

- (1) All Accessory Buildings and uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any Accessory Building shall have on all sides the same building proportions, architectural features, construction materials, and in general be architecturally compatible with the Principal Building(s) with which it is associated.
- (2) Accessory building and uses, except for parking lots, shall not exceed more than one percent (1%) of the total lot area, or four hundred (400) square feet, whichever is less.

E. Lot, Yard, and Development Standards

- (1) The minimum area required for development in the US 30 Overlay Zone shall be 43,560 square feet (1 acre). However, undersized lots shall be permitted development or redevelopment provided they meet the provisions of TITLE XXI [Non-Conforming Buildings, Uses, and Lots] and Section 2 of this Title.
- (2) To assure a uniform development of building wall along US 30, all buildings fronting US 30 shall be aligned along the edges of a parcel, towards the US

30 Corridor. Buildings on corner lots shall be similarly aligned towards all streets that border the lot.



Figure 1 - Examples of corner lot buildings

- (3) All lots shall provide a thirty-foot (30') front yard but shall not exceed seventy-five feet (75') when parking is placed on the front yard.

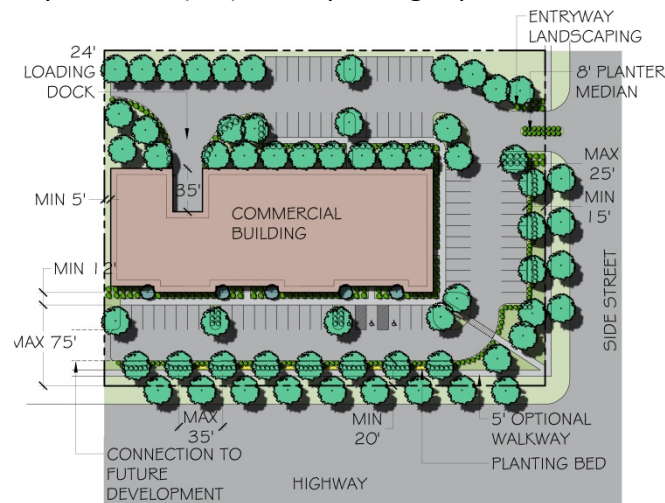


Exhibit 15 - Prototype for front yard parking

- (4) Where parking lots are provided on the front yard, there shall be a minimum fifteen-foot (15') setback between the parking lot edge and any building wall. Included in this setback shall be a minimum eight-foot (8') wide pedestrian sidewalk.
- (5) The minimum Side and Rear Yards shall be as provided in the underlying primary Zoning District, except where authorized by the Plan Commission in an approved Development Plan.
- (6) Building Heights shall be as provided in the underlying primary Zoning District except as established herein:

- i. Maximum Building Heights:
 1. All uses fronting US 30 between Joliet Street/Old Lincoln Highway on the east and Janice Drive on the west shall have a maximum height of one hundred twenty feet (120') or eight (8) occupiable floors.
 2. All other uses fronting US 30 shall have a maximum height of ninety feet (90') or six (6) occupiable floors.
 3. All uses in the interior parkways, adjacent to the outlots, or abutting parcels fronting the US 30 lots, shall have a maximum height of forty-five (45') feet and three (3) occupiable floors, except the maximum height may not exceed fifty percent (50%) of the distance from any single-family residential district.
- (7) The Minimum Lot Width shall be as provided in the underlying primary zoning district or as it may have been subdivided by an approved Development Plan.
- (8) Gross Floor Area – All buildings shall have a minimum gross floor area of four thousand (4,000) square feet, excluding any basement area or any accessory building(s). The floor area shall be distributed uniformly among floors to assure a mix of uses and availability of activities among different floors, particularly those on the first floor.
- (9) The Maximum Lot Coverage shall be eighty-five percent (85%).
- F. Architectural Design Standards – The intent of this section is to promote diversity, variation and maintain corridor character. The goal is not to dictate a particular design, but rather to encourage innovation in building design, siting as well as orientation. In reviewing the architectural design of building(s) and site(s) proposed in the US 30 Overlay District, the Schererville Plan Commission shall consider the following provisions:
 - (1) Context – All buildings shall be designed to meet the general character of the US 30 Corridor as defined by the US 30 Subarea Plan, and particularly with due consideration to buildings located on lots that abut US 30. Development of buildings and sites with modern style architecture design and energy conservation is encouraged.



Figure 2 - Energy conservation details, such as green roofs, are encouraged

(2) Scale and Proportion

- i. All building façades, including doors, windows, column spacing, and signage shall be designed to promote human scale and be in proportion.
- ii. A single, large, dominant structure mass shall be avoided in new buildings and, to the extent reasonably feasible, in redevelopment projects involving changes to the mass of existing structure.
- iii. Horizontal masses shall maintain a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
- iv. Wall elevations greater than fifty feet (50') in length shall incorporate regular interruptions in the wall plane by projections or recesses having a depth of not less than two percent (2%) of the length of the wall. Such projection or recession shall extend for at least twenty percent (20%) of the length of the wall.



Figure 3 – Examples of façade variations and pedestrian scale

- (3) All buildings shall be designed with a minimum of six (6) external corners, in order to eliminate the impact of the box-looking design for the buildings.

- (4) Detailing – New construction shall carefully consider the character of the US 30 Corridor to establish an appropriate level of detail for façades, rooflines, windows, doors, entry points, sidewalks, and public or green spaces.
- (5) Building Materials
- i. Principal Building exteriors shall exhibit variation in design and view of the structure. A minimum of three (3) materials shall be used for building exteriors. The materials shall include stone, brick, architectural pre-cast (panels or detailing), architectural metal panels, glass, and ornamental metal.
 - ii. Large expanses of glass are permitted, except for the ground floor, where the maximum glass area shall not exceed seventy-five percent (75%) of the façade area.
 - iii. The building may not be constructed entirely of a metal and glass curtain wall. Concrete block is not permitted as an exterior finish material on any side of the structures.
 - iv. Accessory structures will utilize the same materials, detail, and proportional scale as the principal buildings.
- (6) Roofs
- i. The roof shall be a key architectural element of the building, designed to express the building and to promote the overall scale and character of the Zone.
 - ii. The roof form of new construction shall have a recognizable “top” and vary with modern expressions of parapets, gables, overhanging eaves, chimneys, brackets, and cornices.
 - iii. Sloped roofs shall not exceed one hundred feet (100') without a change in roof plane, or gable or dormer. Sloped roofs shall be either standing seam metal or dimensional shingles.
- (7) Windows
- i. Window placement shall be composed within a façade to create a balanced and well-proportioned elevation that provides visual interest along the US 30 Corridor.

- ii. Curtain glass walls, reflective materials and large expanses of glass are permitted except for ground floor, where storefronts shall have a minimum of seventy-five percent (75%) glass openings.
- (8) Entryways – Entryways shall use creative entry treatments and focal points such as canopies, awnings, cornice treatments or atriums.



Figure 4 – Entryway example

(9) Site Design and Building Placement

- i. In placement of the buildings, efforts shall be made to reduce the negative impact of the building on the site and adjoining properties, particularly those of residential areas.
- ii. Development sites and building placement shall establish or enhance the environment and public spaces by incorporating at least two (2) of the following elements:
 - 1. Pedestrian plaza with seating areas and outdoor features such as planters;
 - 2. Water feature;
 - 3. Clock towers, monuments or other similar features;
 - 4. Public arts; and
 - 5. Other deliberately shaped area or focal feature that enhances the environment, public spaces, or aesthetic quality.



Figure 5 - Examples of public spaces

- iii. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.
- iv. Placement of storm water retention and detention ponds shall not be permitted on front yards or areas fronting the US 30 corridor.

(10) Minimum Open Space

- i. All new construction, redevelopment, or other lot improvements regardless of the size of the lot, shall provide for fifteen percent (15%) open space on the lot. The required green space in the underlying zoning district can be counted towards the open space requirements of the Overlay District.
- ii. An open space plan shall be submitted along with the development plan in accordance with the appropriate requirements of this Ordinance. Such plan can be combined with the landscape plan or the site plan, if practical or required.
- iii. Open Space Standards
 - 1. To the extent practical, all open space shall be accessible by way of road, bikeway, sidewalk, or footpath. Such access shall not be through private property or by way of an easement over private property.
 - 2. Areas dedicated as open space shall be a minimum of twenty feet (20') wide in their smallest dimension.

3. To the extent practical, dedicated open space shall contribute or enhance the development or linkage to trails, pathways, and greenways or public spaces.
 4. Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as patio/seating areas, pools, gazebos, pedestrian plazas, decks, public arts, bridges, and paths.
 5. Bodies of water may be counted at a rate of fifty percent (50%) as open space provided, they are accessible and designed as natural or built spaces with ample landscaping which provide recreational or socialization opportunities to the public. Unimproved storm water detention or retentions ponds shall not be counted as open space.
- iv. Ownership and Maintenance of Open Space – Unless otherwise agreed to by the Town, the maintenance responsibility and cost of dedicated land as open space shall be the solely borne by the property owner.

G. Landscaping

- (1) A landscape plan shall be submitted along with the development plan in accordance with the provision of the TITLE XVIII and other requirements of this Ordinance. Such plan shall be prepared by a registered and licensed landscape architect. The landscape plan may be combined with the open space plan, site plan, or other plans if practical or required.
- (2) Landscape Standards
 - i. Green Strip – A twenty-foot (20') green strip shall be required for all property fronting the US 30 corridor. The purpose of the green strip in front yards is to lower visual impact of parking and loading areas, and soften the overall appearance of the Corridor

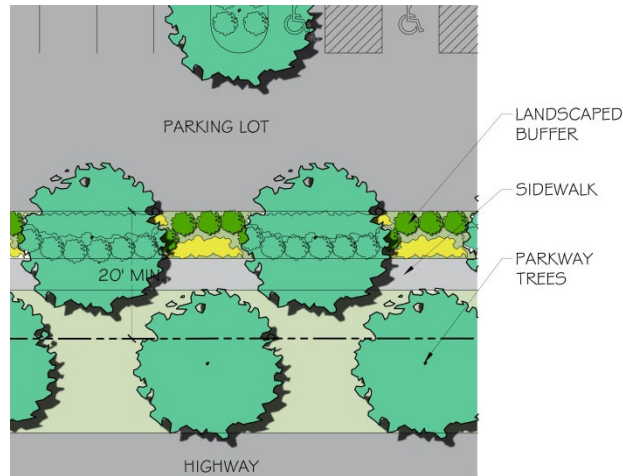


Exhibit 16 - Green Strip Concept

- ii. The green strip shall be landscaped according to the requirements of TITLE XVIII [Landscape Regulations] of this Ordinance to create the desired aesthetic and screening effect. In addition, the green strip shall comply with the following:
 - 1. Pedestrian walkways and bikeways, at a minimum width of eight feet (8'), shall be incorporated into the design where such facilities are otherwise not provided and where it is practical.
 - 2. If berms are incorporated into the design, such berms shall have gently rolling ridgelines. This ridgeline should not be flat and to the extent practical shall be undulating. The berm shall be a minimum of three feet (3') and maximum of three feet, six inches (3'-6") in height.
 - 3. Plant material shall be grouped in six (6) or more plants to assure naturalistic patterns and permit view and variation. Planting in rows or along the ridge of a berm is undesirable.
 - 4. Side slope on all berms should not exceed 3:1.
 - 5. The ridge of all berms should have a minimum two foot (2') wide rounded top (i.e., neither flat nor meeting at a peak).
- iii. No parking, through roads, buildings, accessory structures, etc. shall be established within this green space.

- iv. Foundation: To the extent practical, foundation plantings shall be required along the front and any side of buildings that is visible from the US 30 Corridor or has primary pedestrian access.
 - 1. The minimum foundation planting shall be five feet (5').
 - 2. The foundation planting shall create a seventy-five percent (75%) coverage of the wall within two (2) years of planting.
 - 3. Where appropriate, the establishment of green walls may be used as a substitute for foundation plantings.



Figure 6 - Foundation planting

- v. Where landscaping does not meet the standards of this Title, existing developments shall be required to provide such landscaping in conjunction with all renovations, expansions, and new construction whenever such work exceeds twenty-five percent (25%) of the value of the building(s) or property.
- vi. Where landscaping does not meet the standards of this Title, landscaping shall be brought into compliance with the same whenever a minimum of twenty-five percent (25%) of the front yard area is renovated or improved. Any modifications to existing parking lots, including, but not limited to, parking space configuration, repaving, or lot expansion, shall be included in this requirement.

H. Public Art

- (1) Public art that is included as part of a Development Plan shall be displayed in a location that is visually accessible to the public and visible from either US 30, other crossing streets or a public plaza.

- (2) Public arts shall not be required; however, a credit may be awarded for such installations by the Plan Commission equal to the total cost of public art in lieu of landscaping, but not to exceed more than five percent (5%) of the total landscaping cost.



Figure 7 - Example of public art

I. Parking

- (1) Parking in the US 30 Overlay District shall be in accordance with provision of TITLE XX of this Ordinance, except that the total number of parking shall not exceed the required number.
- (2) Access and Siting
 - i. Parking lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the Overlay District.
 - ii. New access points onto the corridor shall be coordinated with existing access points to the extent possible and in accordance with the provisions of Subsection J in this section.
 - iii. Access roads to contiguous lots, abutting lots, or larger tracts shall be coordinated and aligned so as to form one (1) main auxiliary service road serving adjoining developments.
 - iv. Parking areas shall be located away from direct view of the public and the Corridor to the extent possible and practical.

- v. Access to parking areas shall be provided from the crossing street, service drives, an internal parkway or shared with adjoining parking lots to the maximum extent possible.
- vi. New entry access roads shall have landscaped medians and parkways, minimum eight feet (8') wide, with trees, shrubs, and other plant materials.
- vii. Entry curb cuts from US 30 shall not be permitted unless a traffic study has determined that other options are not available. Such curb cuts, if approved shall be only for right turning only and not exceed twelve feet (12') in width for each ingress or egress point.
- viii. The property owner shall submit a circulation plan for all development plans containing seventy-five (75) parking spaces or more. Such circulation plan shall show linkages to other parking areas, if any, pedestrian access, and linkage to public right-of-ways.

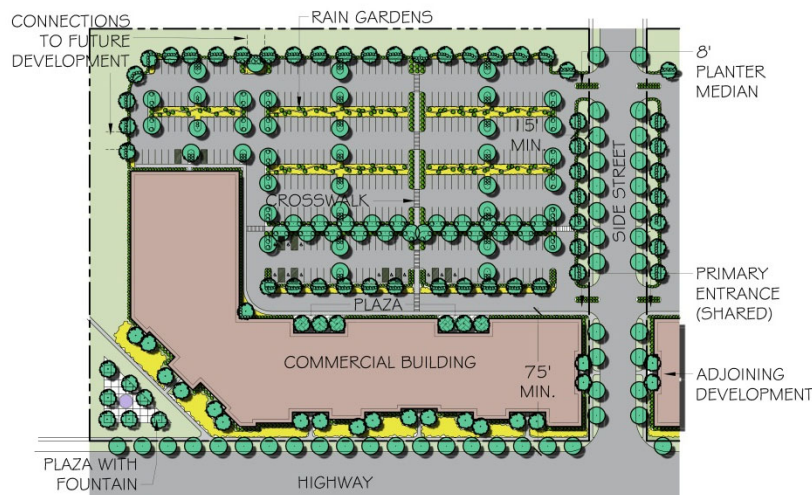


Exhibit 17 - Prototype for large parking lot circulation plan, showing access points and pedestrian connections

- (3) All parking areas and drives shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking area design. Cast-in-place concrete curbs shall be provided.
- (4) Pedestrian and bicycle access shall be coordinated with vehicular access, front yard design and parking layout. Such pedestrian and bicycle access consideration shall include development and linkage with facilities in adjacent properties to the extent practical and the following provisions:

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

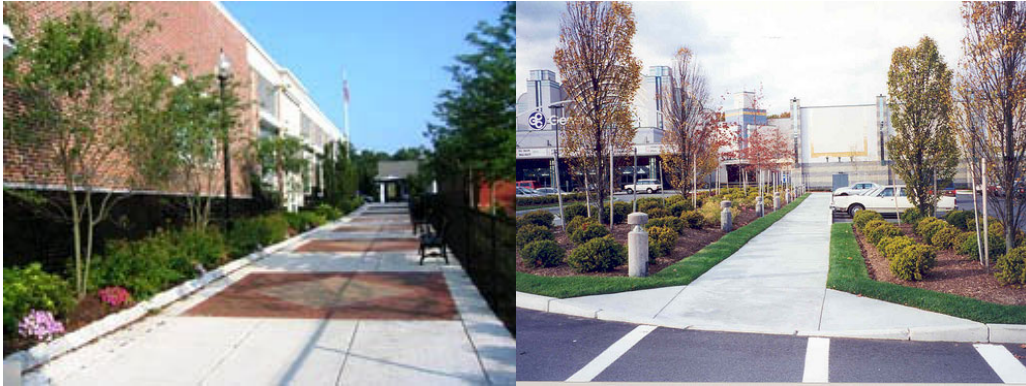


Figure 8 - Example of pedestrian linkages among buildings & parking

- ii. Sidewalks shall be linked with adjoining streets, pedestrian trails, and transit facilities to the extent practical.
 - iii. Sidewalks shall connect to contiguous lots and abutting lots and shall be coordinated and aligned to form a continuous pedestrian walkway network that serves adjoining developments.
 - iv. Where sidewalks are not available, existing developments shall be required to provide sidewalks in conjunction with all renovations, expansions, and new construction whenever such work exceeds twenty-five percent (25%) of the value of renovated building(s) or property.
 - v. Where sidewalks are not available, sidewalks shall be provided in the front yard, in accordance with the provisions in subsection G (2) of this Title, whenever a minimum of twenty-five percent (25%) of the front yard area is renovated or improved. Any modifications to existing parking lots, including, but not limited to, parking space reorganization, repaving, or lot expansion, shall be included in this requirement.
- (5) Parking structures shall be designed as an integral part of the building(s). Above grade structures shall be visually encapsulated by ground level uses to the extent practical. Below-grade parking floors shall have no more than the upper three feet (3') of the parking level exposed above grade, with such parking screened from public view and architecturally integrated within the overall building through the use of ornamental screens and other architectural elements.



Figure 9 - Example of integrated parking structure: vehicular access is located at the rear of the building, with the garage façade and architecture matching that of the primary use

J. Access to Individual Lots

- (1) US 30 is a principal arterial highway. As such, access to individual lots may not be clearly defined or even existing in some cases. Further, access to some lots may be difficult due to topography of the land. In some cases, access road, service and reliever road, or shared access may be required.
- (2) In order to protect the functional integrity of US 30, create ease of movement and reduce disruption, and to preserve the economic viability of the Corridor, access to development sites shall be coordinated to the extent possible. To assure ease of access, the following provisions shall apply:
 - i. Access points, access roads to developments and parking areas, contiguous lots, and abutting properties or larger tracts shall be coordinated to create a uniform traffic flow and formation of auxiliary service roads serving adjoining lots.
 - ii. The access roads and service roads shall be designed so as to direct traffic onto major arterial roads intersecting the US 30 and not into residential neighborhoods in accordance with the Town of Schererville Thoroughfare Plan for the Corridor.
 - iii. The design of the access roads, points, turning lanes and other roadway improvements shall comply with the provision of the Subdivision Control Regulations, other local or state traffic requirements or as proposed by the Thoroughfare Plan.
 - iv. Direct access to US 30 shall only be considered where physical limitation or traffic study exhibit lack of other alternatives.

- v. New access or service roads shall align with the existing or planned roads;
- vi. New access points, if approved, shall be “right turn only” and, to the extent possible, such points shall be developed only from a newly constructed local traffic lane and separated from the public right-of-way.
- vii. Common entrances, shared entry point, and cross easements, where possible, shall be required at the discretion of the Schererville Plan Commission.

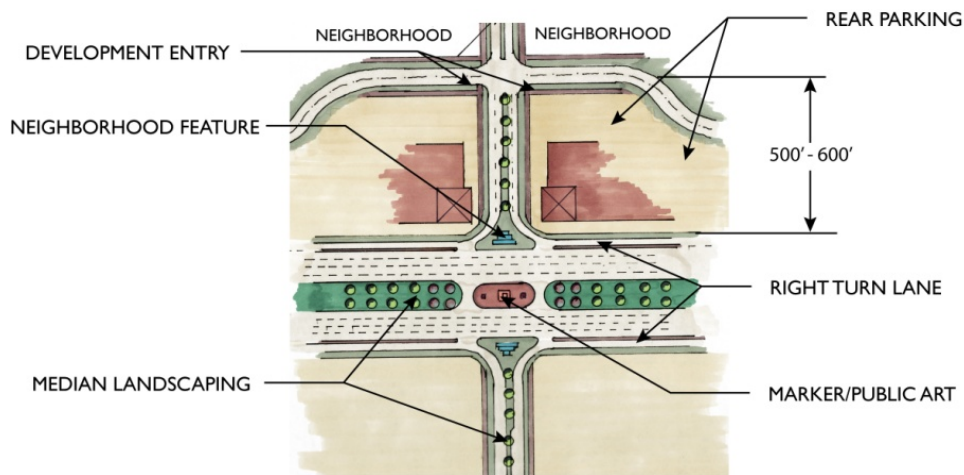


Figure 10 - Example of entrance points, including dedicated right turn lanes and aligned access roads behind the commercial development

- (3) Traffic Study – A Traffic Impact Study shall be required for new developments within the Overlay District that are expected to generate a minimum of fifty (50) peak trips to or from the site or have a minimum of seventy-five (75) car parking capacity. The need and decision for specific traffic impact analysis requirements for new developments shall be established by the Town Staff.
- K. Signage – Development signs shall conform to the provisions of TITLE XIX [Sign Regulations]. In addition, the following provisions shall apply for the US 30 Overlay District.
 - (1) It is the intent of these regulations that signage in the US 30 Overlay District shall be attractive and non-intrusive to motorists and pedestrians. Signage shall complement the overall look of the Overlay District.
 - (2) Signage shall be provided as an integral element of the architectural and site design.

- (3) The colors, materials, and style of signage shall be architecturally compatible and enhance the buildings and other amenities or features on the site.
- (4) All signage shall provide the address number for the development or building that is clearly legible from the highway.
- (5) Awning and canopy signs shall be limited to name and/or logos only.
- (6) Multi-tenant or multi-business developments shall submit a signage plan for total development. This plan shall coordinate all signage on the site in a uniform manner. Sharing of signs to identify multiple businesses is required for multi business developments in the Overlay District. For such developments, one (1) sign shall be permitted unless specifically provided in this Ordinance.
- (7) Wayfinding Signs – Wayfinding signs shall be provided to direct traffic to destinations within the US 30 Overlay District. Wayfinding signs shall meet the following standards:
 - i. Signs shall be free standing, uniform in design and placed on interior drives, parkways, and intersections of such drives.
 - ii. Signs shall be limited in size to eight feet (8') in height and five feet (5') in width.

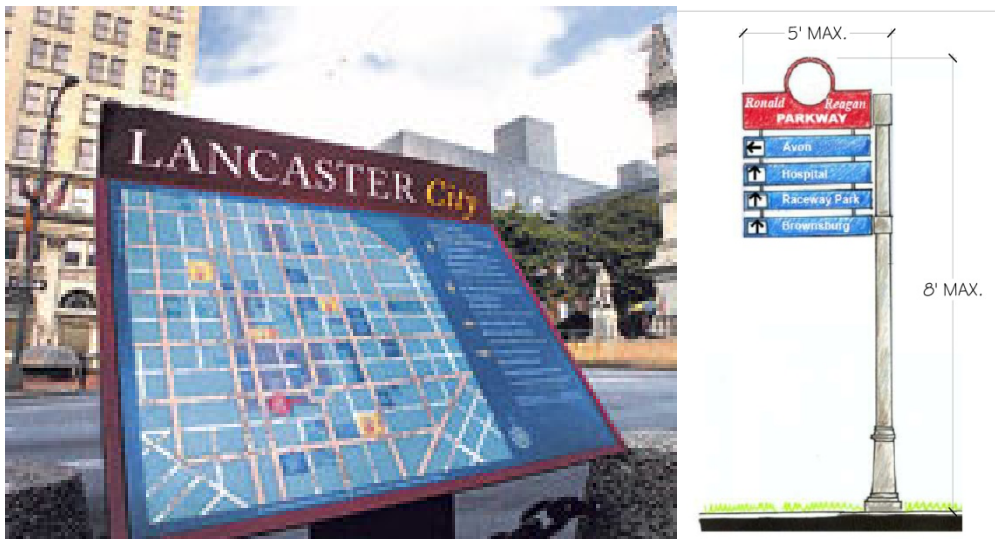


Figure 11 - Examples of wayfinding signs

(8)

Sign Relocation and Removal – It is the intent of this Ordinance to limit and in due course remove the deleterious impact of the off-premise and non-conforming signs in the Overlay Districts. To this end, the Plan Commission may permit alteration, relocation, reconstruction, or waive certain standards for non-conforming signs, provided:

- i. The approval will result in a path to eventual full compliance with the provisions of this Ordinance.
- ii. The approval of a permit will result in the net reduction in the number of off-premise signs at a four to one ratio (4:1).
- iii. The approval will result in the net reduction of the size of the non-conforming sign.
- iv. The relocation of the sign will result in improvement of the site use or aesthetic quality of the Overlay District.
- v. If the permit is for an outdoor advertising structure, such sign shall have a maximum area of four hundred (400) square feet, with a maximum twenty-eight-foot (28') width and fourteen-foot (14') height. A ten percent (10%) allowance for copy extensions is permitted. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a “cut-out” or “drop-out.” For all other sign types, the size shall comply with the requirement of TITLE XIX [Sign Regulations] of this Ordinance.
- vi. If the permit is for an outdoor advertising structure, the off-premise sign shall maintain a distance of at least three thousand, nine hundred sixty linear feet (3,960') from an existing billboard, and two thousand six hundred forty linear feet (2,640') from any Town boundary.
- vii. The off-premise sign shall be installed at a height not exceeding the maximum allowable building height on the underlying zone, or forty-five feet (45') above the elevation of the crown of the road, whichever is less.
- viii. The sign size and character, including image pixilation, pitch, or LED intensity of the sign, if any, shall remain constant as approved.

- L. Lighting – Lighting shall conform to the provisions of Section 14 in TITLE XVII [Supplementary Regulations]. In addition, the following provisions shall apply for the US 30 Overlay District.
 - (1) A lighting plan shall be provided as a part of the development plan. Such plan shall identify all outdoor lighting, including those for the pedestrian, security, building identification and signage.
 - (2) Lighting Standards
 - i. Lighting shall be provided as an integral element of the architectural and site design.
 - ii. Parking lots, interior streets and drives, and buildings shall have uniform lighting and fixtures.
 - iii. All outdoor and architectural fixtures, except security lighting, shall be full cutoff and shielded.



Figure 12 - Example of Lighting as integral part of architecture

- M. Other Requirements
 - (1) Outside storage
 - i. Open storage of materials, refuse, or equipment shall not be permitted in the Overlay District. Display of merchandise or goods for sale or exhibit, shall not be permitted on any property.
 - ii. All refuse collection containers shall be enclosed on three (3) sides and shall be architecturally compatible with the primary building.

- iii. Refuse collection, recycling areas, and related uses shall be placed only in the rear side of the lot with limited view from the US 30 Corridor. Such uses shall be fully screened on all sides in accordance with applicable screening requirements of this Ordinance.
- (2) Loading areas shall be fully integrated into the building design and screened with landscaping in accordance with applicable screening requirements of this Ordinance.
- N. Reservation of Land for Future Improvements – It is often required to plan for extension of utilities or provide for future access to other parcels through a proposed new development site. As such and in order to assure an orderly development or redevelopment process, new development shall provide for reservation of land for future improvements, if any, in accordance with the provisions of Subdivision Control Ordinance, the Comprehensive Plan, the Thoroughfare Plan, the US 30 Subarea Plan, or other local and state plans.

SECTION 5: US 41 Commercial Corridor Overlay District

- A. Intent – It is the purpose of this Overlay District to promote development in a coordinated manner in the US 41 Corridor as a premier retail and commercial corridor whose viability, quality and character is important to the Town. It is further the intent of this Overlay District to improve the aesthetic qualities of the existing and future developments by:
 - (1) Promoting a coordinated process in development of US 41 Corridor;
 - (2) Establishment of design and architectural standards for building, site, and other improvements which permit innovation in design while promoting efficient use of land and pedestrian areas;
 - (3) Promoting flexibility to encourage quality, scale, and character of development consistent with the Corridor’s existing or planned uses and those set forth in the US 41 Subarea Plan, as outlined in the Schererville Comprehensive Plan.
- B. District Boundaries
 - (1) The boundary of the overlay district shall be established as follows, and as delineated on the Town of Schererville Zoning Map:



Exhibit 18 - Map of US 41 Overlay District

A parcel of land lying in Sections 4, 5, 8, 9, 16, 17, 20, 21 Township 35 North, Range 9 West of the Second Principal Meridian.

Beginning at the Northeast corner of Section 17. Thence West along the North section line of Section 17 a distance of \pm 660 feet to the point of beginning. Point also being on the East line of Fountain Park P.U.D. Thence North along the East line of Fountain Park P.U.D., a distance of \pm 110 feet, to the Northeast corner of the Fountain Park P.U.D. Thence West along the Right-of-Way line of Fountain Park P.U.D. a distance of \pm 190 feet. Thence North and along the West Right-of-Way line of Eagle Ridge Rd. to the Northwestern Right-of-Way line E.J. & E. R.R. Thence Northwest along the Northwestern Right-of-Way line of E.J. & E. R.R. a distance of \pm 688 feet to the Southwestern Right-of-Way line of the former Penn Central R.R. Thence Northwest along the Southwestern Right-of-Way line of the former Penn Central R.R. a distance of \pm 2968 feet. Thence East a distance of \pm 1686 feet to the Southwest corner of Lot 5 of the Village Crossroads Subdivision. Thence North along the West line of Lot 5 of the Village Crossroads Subdivision a distance of \pm 1188 feet to the South Right-of-Way line of Woodhollow Dr. Thence North to the intersection of East Right-of-Way line of Holly Ln. and the North Right-of-Way line of Woodhollow Dr. Thence North along the East Right-of-Way line of Holly Ln. a distance of \pm 338 feet. Thence Northeast a distance of \pm 217 feet. Thence North a distance of \pm 1447 feet to the Centerline of Main St. also being the Northern Corporate Boundary of the Town of Schererville. Thence East along the North Boundary line of the Town of Schererville a distance of \pm 1660 feet to the Western Right-of-Way line of Norfolk Southern R.R. Thence South along the Western Right-of-Way line of Norfolk Southern R.R. a distance of \pm 18914 feet to the Town of Schererville Southern Corporate Boundary. Thence West and North following the Town of Schererville Corporate Boundary, a distance of \pm 3227 to the Southwest corner of the American Savings FSB Lot 1. Thence North along the East line of the American

Savings FSB Lot 1 to the Northwest corner of the American Savings FSB Lot 1, a distance of ±172 feet. Thence Northeast to the intersection of the West Right-of-Way line of Ontario St. and the North Right-of-Way line of 78th Ct., a distance of ± 172 feet. Thence North along the West Right-of-Way line of Ontario St. a distance of ± 1050 feet to the South Right-of-Way line of 77th Ave. Thence Northwest a distance of ± 88 feet. Thence North a distance of ± 530 feet. Thence West a distance of ± 200 feet. Thence Northwest a distance of ± 113 feet. Thence North a distance of ± 275 feet. Thence East a distance of ± 300 feet. Thence North a distance of ± 435 feet. Thence East a distance of ± 152 feet. Thence North a distance of ± 806 feet. Thence West a distance of ± 330 feet. Thence North a distance of ± 3144 feet to a point on the East line of Fountain Park P.U.D. said point being the Point of Beginning.

- (2) Any portion of this district that is between Deer Creek Drive on the north and Old Lincoln Highway on the south shall follow the regulations set forth in Section 4 of this Title.
- (3) Existing single-family residential uses that lie within the US 41 Overlay District shall be exempt from the requirements of this Section.

C. Permitted Uses

- (1) In addition to all uses permitted in the underlying primary Zoning District(s), the following uses are permitted.
 - i. Commercial mixed uses consisting of office and retail uses.
 - ii. Residential mixed uses with approved variance of use provided residential uses are located on the second floor or higher, have a minimum floor area of twelve hundred (1,200) square feet per dwelling unit, and features internal access to each unit.
- (2) Commercial Outlots: Commercial outlots shall be permitted if they are part of multi-business retail commercial development and provided that:
 - i. The minimum size of an outlot shall be twenty thousand (20,000) square feet;
 - ii. The outlot is an integrated part of the multi-business development with an approved Development Plan.

- (3) Excluded Uses: Excluded uses in the US 30 Overlay District shall also be excluded in the US 41 Overlay District. In addition, the following uses shall also be prohibited:
 - i. Construction and heavy equipment stores;
 - ii. Garden supply centers with open lot storage; and
 - iii. Monument Sales.

- D. Accessory Buildings and Uses – The standards for accessory buildings and uses in the US 41 Overlay District shall be the same as provided in Section 4 of this Title.

- E. Lot, Yard, and Development Standards
 - (1) The minimum area required for development in the US 41 Overlay District must be 43,560 square feet (1 acre). However, undersized lots shall be permitted development or redevelopment provided they meet the provisions of TITLE XXI, and Section 2 of this Title.

 - (2) To assure a uniform development of building wall along US 41, all buildings fronting US 41 shall be aligned along the edges of a parcel, towards the US 41 Corridor. Buildings on corner lots shall be similarly aligned towards all streets that border the lot.

 - (3) All lots shall provide a thirty-foot (30') front yard but shall not exceed seventy-five feet (75') when parking in the front yard is provided.

 - (4) Where parking lots are provided on the front yard, there shall be a minimum fifteen-foot (15') setback between the parking lot edge and any building wall. Included in this setback shall be a minimum eight-foot (8') wide pedestrian sidewalk.

 - (5) The minimum side and rear yards shall be as provided in the underlying primary Zoning District, except where approved by the Plan Commission in an approved Development Plan.

 - (6) Building Heights shall be as provided in the underlying primary Zoning District except as established herein:
 - i. Maximum Building Heights:
 - 1. All uses along US 41 between Deer Creek Drive on the north and Old Lincoln Highway on the south shall have a maximum height of one hundred twenty feet (120') or eight (8) occupiable floors.

2. All uses in the area bounded by Main Street to the north, US 41 to the east, and Cedar Parkway to the south shall have a maximum height of thirty-five feet (35') or two (2) occupiable floors.
 3. All other uses along US 41 shall have a maximum height of ninety feet (90') or six (6) occupiable floors.
- (7) The Minimum Lot Width shall be as provided in the underlying primary zoning district or as it may have been subdivided by an approved Development Plan.
- (8) The Maximum Lot Coverage shall be eighty percent (80%) except when parking garages are provided. In such case, the maximum lot coverage shall be eight-five-percent (85%).
- F. Architectural Design Standards – The architectural design standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
- G. Landscaping
- (1) A landscape plan shall be submitted along with the development plan in accordance with the provision of the TITLE XVIII [Landscape Regulations] and other requirements of this Ordinance. Such plan shall be prepared by a registered and licensed landscape architect. The landscape plan may be combined with the Open Space plan, site plan, or other plans if practical or required.
 - (2) Landscape Standards – The landscape standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title, with the following exceptions and additions:
 - i. A minimum of five percent (5%) of all landscaping shall be devoted to public amenities as an integral part of the overall site design. Such amenities may include seating areas, playgrounds, gardens, ice rinks, multi-purpose plazas, etc.
 - ii. Adjoining properties shall be encouraged to develop shared public spaces and landscaping to create a single, unified public area to the extent practical.



Figure 13 - Example of required public amenities: a fountain, plaza, and seating is used to satisfy the public amenity requirement

- H. Public Art – The public art standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
- I. Parking
 - (1) The parking standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title, except as modified herein.
- J. Access To Individual Lots – The provisions for lot access in the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
- K. Signage
 - (1) The signage standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
 - (2) Sign Relocation and Removal – Provisions for sign relocation and removal for the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
- L. Lighting – The lighting standards for the US 41 Overlay District shall be the same as provided in Section 4 of this Title.
- M. Other Requirements – The provisions given in Subsection M of Section 4 of this Title shall also apply to the US 41 Overlay District.

- N. Reservation of Land for Future Improvements – It is often required to plan for extension of utilities or provide for future access to other parcels through a proposed new development site. As such and in order to assure an orderly development process, new development shall provide for reservation of land for future improvements, if any, in accordance with the provisions of Subdivision Control Ordinance, the Comprehensive Plan, the Thoroughfare Plan, the US 41 Subarea Plan, or other local and state plans.

SECTION 6: Joliet Street Overlay District

- A. Intent – It is the purpose of this Overlay District to ensure that buildings relate appropriately to surrounding developments and streets and create a cohesive visual identity and attractive street scene for Joliet Street as a premier mixed-use district whose viability, quality and character is important to the Town. It is further the intent of this Overlay District to preserve the architectural and aesthetic qualities of the bordering properties by:
 - (1) Providing appropriate standards to ensure a high-quality appearance for the Overlay District and promote pedestrian-friendly design while permitting individuality, creativity, and artistic expression;
 - (2) Encouraging development and redevelopment that contains a compatible mix of residential and nonresidential uses within close proximity to each other, rather than separating uses, particularly in the Downtown Core.
 - (3) Promoting flexibility to encourage quality, scale, and character of development consistent with the Corridor’s existing or planned uses and those set forth in the Joliet Street Subarea Plan, as outlined in the Schererville Comprehensive Plan.
- B. District Boundaries
 - (1) The boundary of the Overlay District shall be established as follows, and as delineated on the Town of Schererville Zoning Map:

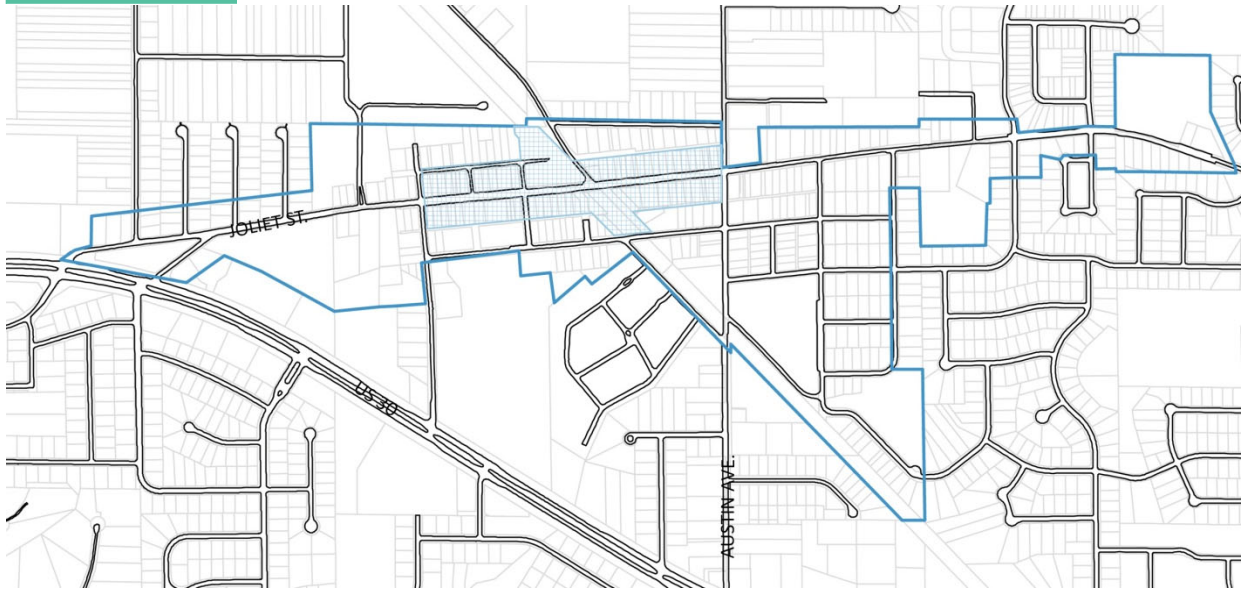


Exhibit 19 - Map of Joliet Street Overlay District

A parcel of land lying in Sections 10, 15, 16 Township 35 North, Range 9 West of the Second Principal Meridian.

Commencing at the Southwest corner of Section 10 also being the point of beginning. Thence North along the West line of Section 10 a distance of \pm 50 feet. Thence East to and continuing along the North Right-of-Way line of Redar Dr. to the West Right-of-Way line of Austin Ave. Thence South to the North Right-of-Way line of Joliet St. Thence Northeast along the North Right-of-Way line of Joliet St. a distance of \pm 265 feet. Thence North a distance of \pm 240 feet. Thence East a distance of \pm 1,085 feet. Thence North a distance of \pm 50 feet. Thence East to the East Right-of-Way line of Scherwood Greens Dr. Thence South along the East Right-of-Way line of Scherwood Greens Dr. to the North Right-of-Way line of Joliet St. Thence East along the North Right-of-Way line of Joliet St. a distance of \pm 655 feet. Thence North a distance of \pm 485 feet. Thence East a distance of \pm 645 feet. Thence South a distance of \pm 383 feet. Thence Southeast to the South Right-of-Way line of Joliet Street. Thence West a distance of \pm 1,010 feet to the East Right-of-Way line of Britton Dr. Thence North along the East Right-of-Way line of Britton Dr. a distance of \pm 95 feet. Thence West a distance of \pm 372 feet. Thence South a distance of \pm 150 feet. Thence West a distance of \pm 346 feet. Thence South a distance of \pm 169 feet. Thence West a distance of \pm 23 feet. Thence South a distance of \pm 280 feet. Thence West a distance of \pm 438 feet. Thence North a distance of \pm 395 feet. Thence West a distance of \pm 201 feet to the West Right-of-Way line of Schafer Dr. Thence South along the West Right-of-Way line of Schafer Dr. a distance of \pm 1200 feet to the Southeastern Right-of-Way line of Lake St. Thence East a distance of \pm 208 feet to the Northeast corner of Biedron

Park. Thence South to the center of Section 15. Thence West to the Southwest Right-of-Way line of the former Chicago and Great Eastern R.R. Thence Northwest along the Southwest Right-of-Way line of the former Chicago and Great Eastern R.R. to the East Right-of-Way line of Austin Ave. Thence South along the East Right-of-Way line of Austin Ave. a distance of ± 58 feet. Thence Northwest along the Southwest Right-of-Way line of Reiplinger Rd. a distance of ± 945 feet. Thence Southwest a distance of ± 350 feet. Thence Northwest a distance of ± 70 feet. Thence Southwest to the East property line of Lot 1 of St. Michael's Church Second Addition. Thence along the East and North boundaries of Lot 1 of St. Michael's Church Second Addition to the West Right-of-Way line of Anna St. Thence South along the West Right-of-Way line of Anna St. a distance of ± 275 feet. Thence Westerly along the North line of Lot 1 of Helfen Addition to the Northeast corner of Lincoln Ridge Subdivision. Thence Northwesterly along the Northeast property line of Lincoln Ridge Subdivision, a distance of ± 836 feet. Thence Southwesterly a distance of ± 263 feet to the North Right-of-Way line of US 30. Thence Westerly along the North Right-of-Way line of US 30 a distance of ± 792 feet. Thence Northeast along the North Right-of-Way line of Joliet St. a distance of ± 239 feet. Thence North a distance of ± 200 feet. Thence Northeasterly and ± 135 feet offset and parallel to the North Right-of-Way line of Joliet Street a distance of ± 1,502 feet. Thence North a distance of ± 455 feet along the East line of Schererville Terrace First Addition to the North line of Section 16. Thence East along the North line of Section 16, a distance of ± 1,470 feet to the Northwest corner of Section 15 also being the Southwest corner of Section 10 also being the point of beginning.

- (2) The Downtown Core is a special subdistrict within the Joliet Street Overlay District. The Downtown Core shall follow the same regulations as the Joliet Street Overlay District, except where modified below. The Downtown Core shall be defined as all parcels fronting Joliet Street between Anna Street to the west and Austin Avenue to the east, described legally as follows:

Beginning at Northwest corner of Section 15 also being the Southwest corner of Section 10. Thence East a distance of ± 83 feet to the West Right-of-Way line of Junction Ave. Thence Southeast a distance of ± 325 feet along the West Right-of-Way line of Junction Ave. Thence Northeast a distance of ± 1018 feet to the West Right-of-Way line of Austin Ave. Thence South along the West Right-of-Way line of Austin Ave. a distance of ± 383 feet. Thence Southwesterly a distance of ± 607 feet. Thence Southeast a distance of ± 189 feet to the North Right-of-Way line of Wilhelm St. Thence West along the North Right-of-Way line of Wilhelm St. a distance of ± 245 feet. Thence Northwest a distance of ± 212 feet. Thence Westerly along

the Centerline of an alley a distance of ± 1,122 feet to the East Right-of-Way line of Anna St. Thence Northerly along the East Right-of-Way line of Anna St. a distance of ± 406 feet to the North Right-of-Way line of Risch Dr. Thence Easterly along the North Right-of-Way line of Risch Dr. a distance of ± 675 feet. Thence Northerly a distance of ± 229 feet to the North Line of Section 16. Thence East to the Northwest corner of Section 15 also being the Southwest corner of Section 10 also being the Northeast corner of Section 16 also being the Point of Beginning.

C. Permitted Uses

(1) In addition to all uses permitted in the underlying primary Zoning District(s), the following uses are permitted.

- i. Residential mixed uses.
- ii. Commercial mixed uses consisting of office and retail uses provided residential uses are located on second floor or higher.

(2) Excluded Uses: The following uses are not permitted in the Joliet Street Overlay District:

- i. Single family detached residential housing in the Downtown Core area;
- ii. Retail uses, except grocery stores larger than five thousand (5,000) square feet, unless part of a mixed-use development;
- iii. Cell towers and other wireless communication facilities;
- iv. Equipment sales and service;
- v. Salvage yards and self-storage facilities;
- vi. Towing services and vehicle storage yards;
- vii. Strip-centers;
- viii. Building contractors;
- ix. Lodge or Private Club;
- x. Drive-in theaters;
- xi. Drive-in establishments, or any use that includes a drive-thru lane, including standalone automated teller machines (ATMs) and the like;
- xii. Off-site parking lots; and
- xiii. Other similar uses where heavy reliance on cars is required.

D. Accessory Buildings and Uses – All Accessory Buildings and uses which are permitted in the underlying primary Zoning District(s) shall be permitted, except that any Accessory Building shall have on all sides the same building and architectural features, construction materials, and in general be compatible with the Principal Building(s) with which it is associated.

E. Lot, Yard, and Development Standards

- (1) Except as provided herein, the minimum area required for development in the Joliet Street Overlay District shall be three thousand, one hundred twenty-five (3,125) square feet.
- (2) New buildings shall have a minimum front yard setback of ten feet (10') and a maximum setback of fifteen feet (15') from the front property line. A setback may be increased to twenty feet (20') from the front property line if a courtyard, porch, stoop, plaza, or seating area is incorporated into the development adjacent to the public street.
- (3) Side and Rear Yards
 - i. The required side and rear yards shall be zero feet (0') for all lots fronting Joliet Street in the Downtown Core. In all other areas, the underlying primary zoning requirements shall apply.
 - ii. Where appropriate and practical, alleys between buildings shall be required for the provision of public connections between buildings, access to parking, open space and streets.
 - iii. The maximum side yard shall not exceed five feet (5') except where such yard is used for access to parking or to a rear yard. In such case, the side yard shall not exceed twelve feet (12').
- (4) Building Heights shall be as provided in the underlying primary Zoning District except as established herein:

Maximum Building Heights:

 1. Maximum height of sixty feet (60') or four (4) occupiable floors;
 2. No portion of a building located within fifty feet (50') of an existing single-family or duplex family dwelling in a Residential Zoning District outside this Overlay District shall exceed three (3) stories or forty-five feet (45').
- (5) The Minimum Lot Width shall be twenty-five feet (25') for all lots fronting Joliet Street in the Downtown Core. In all other areas, the underlying primary zoning requirements shall apply.

- (6) New developments shall have a minimum of two thousand five hundred (2,500) square feet of gross floor area, excluding the area of any basement or accessory building(s). The first-floor area may be assigned a larger portion of the total floor area if it is used for commercial purposes.
- (7) The Maximum Lot Coverage shall be ninety percent (90%) for all lots fronting Joliet Street and in the Downtown Core area. The lot coverage may be increased to one hundred percent (100%) for mixed-use buildings when parking garages are provided or for a renovated historic structure. In all other areas, the standards of the underlying zoning district shall apply.

F. Architectural Design Standards – The intent of this section is to preserve the small town, unique character of Joliet Street, complement the existing historic architecture, enhance the pedestrian orientation and encourage streetscape design that is inviting and on a human scale. It is further intended to communicate the community's vision for the Downtown area. The goal is not to dictate a particular design, but rather to encourage innovation in building design, placement as well as orientation. In reviewing the architectural design of building(s) and sites proposed in the Joliet Street Overlay District, the Plan Commission shall consider the following provisions:

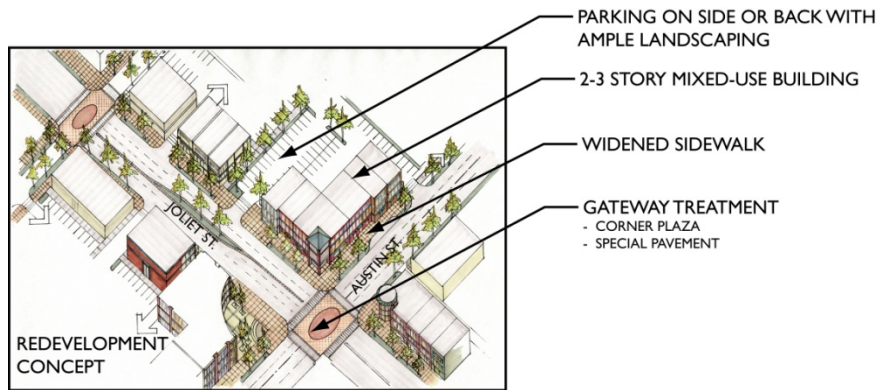


Figure 14 - Redevelopment Concept Prototype

- (1) Context
 - i. All buildings shall be designed to meet the historical and traditional character of the Joliet Street Corridor as defined by the Joliet Street Subarea Plan and particularly with due consideration to buildings located on lots that abut the Joliet Street right-of-way. In addition, new buildings constructed in the Overlay District shall be consistent with or complementary to one (1) of the following styles:

1. Prairie;
2. Colonial Revival;
3. Italianate;
4. Greek Revival and ethnic revival; or
5. Modern interpretation of the above styles maintaining the core design features, themes, characteristics, scale, and massing.



Figure 15 - Examples of acceptable architectural styles

- ii. Franchise architecture shall not be permitted unless the franchise keeps a portfolio of custom and unique designs for buildings with traditional styles compatible with the traditional Joliet Street Corridor.
- (2) Scale and Proportion
- i. All building façades, including doors, windows, column spacing, and signage shall be designed to promote human scale and proportions.
 - ii. A single, unbroken structure mass and façade shall be avoided in new construction.
 - iii. New buildings shall be articulated with such means as expressed structure, window bays, piers and columns, and varied building setbacks.
 - iv. Horizontal masses shall maintain the traditional architecture without substantial variation in massing that includes a change in height and projecting or recessed elements.
 - v. Wall elevations greater than twenty-five feet (25') in length, shall incorporate regular interruptions in the wall plane by changes in building materials, articulations, architectural styles or ornamentation and color.

- vi. Corner buildings in the Downtown Core shall cover one hundred percent (100%) of the permitted Joliet Street frontage.



Figure 16 - Example of varied building articulation

(3) Detailing

- i. New building and renovation shall carefully consider the style and character of the existing buildings to establish an appropriate level of detail for façades, rooflines, windows, doors, porches, and railings. New buildings can be modern in design but must reflect the same richness in detailing and character found in the existing older buildings of the Overlay District.
- ii. Any appearance of "blankness" resulting from building design shall be relieved using architectural details to establish an appropriate level of articulation for façades, rooflines, windows, doors, entry points, sidewalks, and outdoor spaces.



Figure 17 - Example of building detailing

(4) Building Materials

- i. Structures taller than two (2) stories shall have a façade primarily consisting of masonry. Other material for accenting is encouraged. Concrete block is not permitted as an exterior finish material on any side of the structures.
- ii. Wood clapboard siding shall be permitted for structures two (2) stories or less when such structures are adjacent to similar structures.
- iii. Large expanses of glass are not permitted, except for the ground floor, where the minimum glass area shall be seventy-five percent (75%) of the façade area for all non-residential uses.

(5) Roofs

- i. The roof form shall be designed to express the building and to promote the overall scale and character of the District. The roof form shall have a recognizable “top” and vary with the expression of parapets, gables, overhanging eaves, chimneys, brackets, and cornices. Parapets shall be embellished with brick detailing and stepped or sloped to achieve a visually interesting, yet harmonious sequence along the building façade.
- ii. Sloped and mansard roofs shall be used on top of multi-story buildings to help reduce the overall height of the façade and define the residential character of the upper floors.
- iii. Sloped roofs shall not extend more than twenty-five feet (25') without a change in roof plane, or gable or dormer.
- iv. Roofing materials shall be selected to be compatible with the historic character of the Overlay District to the extent practical. Acceptable materials for sloped roofs include standing seam metal, dimensional shingles, or slate.

(6) Windows

- i. Window placement shall be composed within a façade to create a balanced and well-proportioned façade that provides visual interest along all public right-of-ways.

- ii. Wood windows and true divided lights shall be employed where consistent with the building style and design.
- iii. Window placement shall be designed to foster window-shopping and promote commercial uses of the building. Ground floor buildings with office or commercial uses shall have a minimum of seventy-five (75%) glass openings.
- iv. On upper floors, the windows shall be vertically oriented. Arched tops, columns framing the windows, and decorative lintels are encouraged. A minimum of thirty percent (30%) transparency in the upper floor façade shall be required.
- v. The use of opaque or reflective glass in windows is prohibited.

(7) Entryways

- i. Buildings shall have a primary entrance door facing a public sidewalk.
- ii. On corner lots, the primary entrance of the building shall be located on Joliet Street or toward the intersection. Secondary public entrances shall be provided on the crossing side street or at the rear of the building.
- iii. The maximum distance for the primary entrance to a building from the front right-of-way shall be forty feet (40').
- iv. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- v. Creative entry treatments such as canopies, awnings, cornice treatments or atriums shall be incorporated in the building design to the extent practical.
- vi. The rear elevation of the building, facing associated parking or rear yard, shall be treated as a second front with glazed façade and signage similar to the building front to the extent practical.

(8) Site Design and Building Placement

- i. All buildings shall be aligned along the edges of a lot towards Joliet Street or crossing streets. Articulation of the façade and set back to create front yard plaza is permitted.
- ii. Building Setback: For the Downtown Core, the building line shall be set at ten feet (10') from the property line. This setback area may be used as public space area.
- iii. Public sidewalks shall be located along both sides of the Joliet Street corridor. Sidewalks shall be no less than twelve feet (12') in width, unless otherwise approved as part of the Development Plan review process. (See Exhibit 20.) The twelve-foot (12') minimum requirement shall apply regardless of the available right-of-way. Where required, the sidewalk shall extend onto private property to fulfill the twelve-foot (12') minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of two (2) zones: a furniture zone and a clear zone. The following standards shall apply for these zones:
 - 1. Clear Zone: The clear zone shall have a minimum width of five feet (5'), be comprised of hardscape. The clear zone shall comply with the Americans with Disabilities Act (ADA) and other accessibility standards and shall be unobstructed for a minimum width of five feet (5') and a minimum height of eight feet (8').

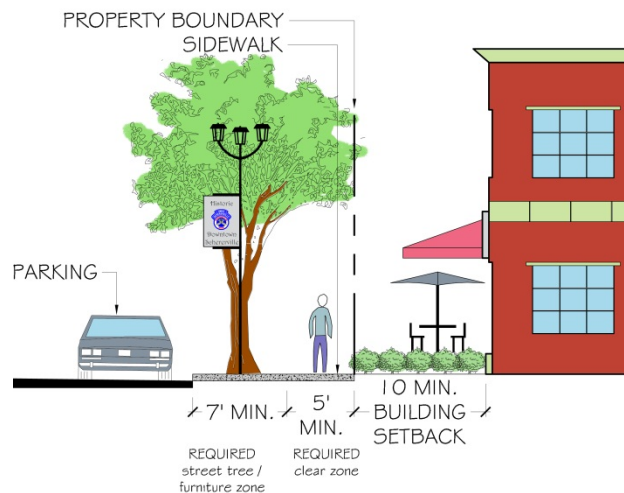


Exhibit 20 - Joliet Street Overlay District Sidewalk Standards

- iv. Outdoor Seating: In the Downtown Core where uses include opportunities for outdoor gathering on the public sidewalk (cafes, restaurants, dining establishments, etc.), there shall be a minimum of five feet (5') of continuous and linear clearance for safe passage by pedestrians.



Figure 18 - Example of pedestrian clearance from outdoor seating

- v. For residential developments, buildings shall be aligned with adjacent structures to the extent practical to form a visually continuous front lawn and a consistent street edge.
- vi. Development sites and building placement shall establish or enhance the traditional architecture by incorporation of at least one (1) of the following elements for every twenty-five feet (25') of frontage:
 - 1. Pedestrian plaza with seating areas and outdoor features such as planters;
 - 2. Water feature;
 - 3. Clock towers, monuments or other similar features;
 - 4. Public art; and
 - 5. Other deliberately shaped area or focal feature that enhances or create public spaces.
- vii. Any such areas shall have direct access to the public sidewalk and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.

(9) Open Space

- i. All new construction, redevelopment, or other lot improvements regardless of the size of the lot, shall provide for ten percent (10%) open space on the lot, except as provided in this Title. The hardscape area or required green space in the underlying Zoning District may be counted towards the open space requirements.
- ii. Areas dedicated as open space shall be a minimum of five feet (5') wide in their smallest dimension.
- iii. To the extent practical, dedicated open space shall contribute or enhance the development or linkage to pathways, and pedestrian ways.
- iv. Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as seating areas, plaza, sculptures, or public arts.
- v. Ownership and Maintenance of Open Space – Unless otherwise agreed to by the Town, the maintenance responsibility and cost of dedicated land as open space shall be solely borne by the property owner.

G. Landscaping – Landscaping treatments shall be used to enhance the pedestrian experience, complement architectural features and/or screen unattractive elements such as utility features. Use of flower boxes, planters and hanging flower baskets is encouraged. In addition to the requirements of TITLE XVIII [Landscaping Regulations], the following provisions shall apply:

(1) Streetscape

- i. When making improvements to public or private property, including the addition of benches, trash receptacles, fencing, or bike racks, owners shall match the Town’s approved standards for these elements.
- ii. The streetscape shall be uniform in design and support the architectural style so that it acts to provide continuity throughout the Corridor.

- iii. Where a parkway area is paved, it shall follow the Town’s public improvement guidelines or be based on a Development Plan approved by the Plan Commission.

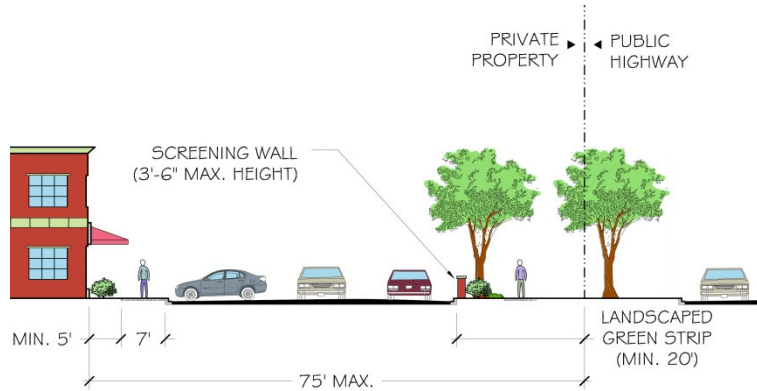


Exhibit 21 - Prototype for parking lot screening

- (2) Landscape Standards – In addition to the provisions of the TITLE XVIII, the following landscape standards shall apply in the Joliet Street Overlay District:

- i. Street trees shall have a minimum of two-and-a-half-inch (2.5”) caliper, and where the street parkway is paved, trees shall be planted in engineered soil and have a five-foot (5') square cast iron tree grate.
- ii. Front yards may be landscaped for plazas with hard surface or other public uses, provided a plan is provided and approved by the Plan Commission.
- iii. Foundation planting shall not be required for commercial developments. However, the use of planters and flower boxes is encouraged and shall be counted as a part of the required landscaping.

H. Public Art

- (1) Public art that is included as part of a Development Plan shall be displayed in a location that is visually accessible to the public or visible from either Joliet Street, other crossing streets or a public plaza.

- (2) Public arts shall not be required; however, a credit may be awarded for such installations by the Plan Commission equal to the total cost of public art in lieu of landscaping but not to exceed more than ten percent (10%) of the total landscaping cost.

I. Parking & Loading

- (1) Required Number – Parking in this Overlay District shall be in accordance with provision of TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance, except that the total number of parking may be reduced based on an approved Development Plan. In approval of such plan, the following standards shall apply:

- i. Residential uses: A minimum of one (1) parking space shall be required per residential unit, plus one (1) guest space for each five (5) units. A maximum of two (2) spaces per unit may be provided if the additional parking spaces are structured.

- ii. Non-residential uses:

- 1. The number of off-street parking spaces required shall be a minimum of fifty percent (50%) to a maximum of eighty-five percent (85%) of the required number as provided by TITLE XX. The maximum may be exceeded if the additional parking spaces are structured (in a ramp, deck, underground, or within a building).

- 2. Non-residential uses in the Downtown Core shall be exempt from the off-street parking requirement.

- iii. Mixed-use buildings shall use shared parking to meet the requirements of this subsection.

- iv. On-street parking within fifty feet (50') of the entrance to the building shall be counted toward the required number of parking.

- v. Bicycle racks shall be provided on any development at a ratio of one (1) space for every five (5) parking spaces or portion thereof.

- (2) Access and Siting

- i. Off-street parking shall be located to the rear of the principal building, within the rear yard area of the lot, or in an interior side yard.

- ii. Off-street parking shall be located away from direct view of the public and the Corridor to the maximum extent possible and practical.
 - iii. Access to parking areas shall be provided from the rear alley, side street, service drives, or shared with adjoining parking lots to the maximum extent possible.
 - iv. No free-standing garages are permitted to face Joliet Street unless the garage is located a minimum of fifty feet (50') from the front property line and positioned behind or beside the primary street-oriented structure.
 - v. For residential structures located on Joliet Street, where a continuous rear alley does not exist, front driveway access may be permitted to access garages located toward the rear of the property.
- (3) Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
 - (4) Parking structures shall be designed as an integral part of the building(s). Above grade structures shall be visually encapsulated by ground level uses to the extent possible.
- J. Signage – Development signs shall conform to the provisions of TITLE XIX [Sign Regulations]. In addition, the following provisions shall apply for the Joliet Street Overlay District:
- (1) Signage shall be provided as an integral element of the architectural and site design. All signs to the development shall be complimentary in their use of color, shape, and material.
 - (2) To the extent practical, all signs shall be constructed of natural materials such as metal or wood.
 - (3) Signage shall have the capability to be lit in the evening, provided the source of light is not visible to motorists and pedestrians.
 - (4) No signs shall extend higher than the height of the ground story.
 - (5) Signs shall not block or obliterate design details, windows, or cornices of the building upon which they are placed.

- (6) Permanently painted window signs are encouraged, provided they are compatible with the architecture of the building and do not consume more than thirty-three percent (33%) of the glazing area of the window.
 - (7) Temporary window signage shall be limited to thirty-three percent (33%) of the window surface area.
 - (8) Multi-tenant or multi-business development shall submit a signage plan for total development. This plan shall coordinate all signage on the site in a uniform manner. Sharing of signs to identify multiple businesses is required for multi-business developments in the Overlay District. For such developments, one (1) sign shall be permitted unless specifically provided in this Ordinance.
 - (9) Off-premise signs shall be prohibited in the Joliet Street Overlay District.
 - (10) Permitted Signs – In addition to permitted signs in the underlying district, the following signs are also permitted in this Overlay District:
 - i. Symbolic and historic three-dimensional signs such as projected sign, fin sign, and barber shop poles. Projected signs shall not be greater than six (6) square feet, extend more than three feet (3') from the building face, or have a clearance of less than ten feet (10').
 - ii. Every restaurant use is permitted one (1) menu sign to be placed on the building adjacent to the main entry, provided the menu sign does not exceed three (3) square feet in area.
 - (11) Wayfinding Signs – The wayfinding sign standards for the Joliet Street Overlay District shall be the same as provided in Section 5 of this Title.
- K. Lighting – Lighting shall conform to the provisions of TITLE XVII [Supplementary District Regulations]. In addition, the following provisions shall apply for the Joliet Street Overlay District.
- (1) Lighting in the Overlay District shall serve to illuminate façades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings lighting shall be provided as an integral element of the architectural and site design.
 - (2) Parking lots, entry points, rear entrances, and buildings shall have uniform lighting.

- (3) All fixtures, except security lighting, shall be full cutoff and shielded.
- (4) Building and signage lighting shall be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, use of traditional fixtures, such as shaded gooseneck lamps, are encouraged.
- L. Other Requirements – The provisions given in Subsection M of Section 4 this Title shall also apply to the Joliet Street Overlay District.
- O. Reservation of Land for Future Improvements – It is often required to plan for extension of utilities or provide for future access to other parcels through a proposed new development site. As such and in order to assure an orderly development process, new development shall provide for reservation of land for future improvements, if any, in accordance with the provisions of Subdivision Control Ordinance, the Comprehensive Plan, the Thoroughfare Plan, the Joliet Street Subarea Plan, or other local and state plans.

SECTION 7: Reserved for Future Use

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SECTION 1: Intended Purpose

The regulations contained in this Title aim to provide a uniform criterion for the placement of different structures, installations, and accessory uses and to ensure that all such uses are performed in a manner that limits endangerment of life and property on the site and on surrounding properties and maintain the aesthetic quality of the community.

SECTION 2: Minimum Lot Sizes and Widths with Respect to Sewage Disposal

The following regulations shall apply, notwithstanding the district area and width regulations of this Ordinance:

- A. In all sections of the Town which are not served by sanitary sewers and/or with public water supply, lots shall have a minimum area of one (1) acre, and a minimum width at the building line of one hundred twenty feet (120').
- B. Smaller lot sizes and widths than specified above, but not less than prescribed, in the Zoning District regulations, may be permitted, when authorized as a variance by the Board of Zoning Appeals. Evidence shall be required that smaller lot area or width will provide safe and effective sanitary sewage disposal and may include, but not be limited to, a specific recommendation from the official representative of the Lake County Board of Health having jurisdiction.

SECTION 3: Modification of Front Yard Requirements

- A. Where an unimproved lot is situated between two (2) maintained improved lots, each with a side yard not exceeding twenty-five feet (25') on the abutting side, and a front yard less than is required by this Ordinance, the unimproved lot shall be permitted to have a front yard equal to the average of the front yards of both improved lots.
- B. Where a side lot line of an unimproved lot is located within twenty-five feet (25') of a side lot line of a maintained improved lot with a front yard less than is required by this Ordinance, the unimproved lot shall be permitted to have a front yard equal to the average of the required front yard and the front yard of the improved lot.

SECTION 4: Projections into Required Yards

- A. No primary building or principal building shall be erected within or shall project into any required yard in any Zoning District.

- B. Patios and decks shall require building permits and may be constructed in the rear yard of a Residential Zoning District, so long as twenty-five percent (25%) of the required rear yard depth in that Zoning District is preserved with no building or structure thereon.

SECTION 5: Accessory Buildings, Structures, and Uses

- A. Unless otherwise provided for in this Ordinance, no accessory building shall be erected in any required yard in any Zoning District, and no separate accessory building shall be erected within five feet (5') of any other building and/or property line.
- B. The combined area of all accessory structures on a lot shall not exceed fifty percent (50%) of the area of the primary building.
- C. Off-street parking lots and parking structures shall be considered accessory uses and shall be further regulated according to the provisions of TITLE XX [Off-Street Parking & Off-Street Loading].
- D. No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure.

SECTION 6: Improvements within Easements.

No building, structure, or improvement of any kind shall be erected or maintained upon any utility or drainage easement or other public easement or right-of-way. Any fences, trees, shrubs, flowers, grass, or other vegetation planted, grown or maintained within such areas shall be placed at the risk of the property owner and subject to removal at the owner's expense in the event of any interference with the use of the easement or right-of-way or upon request of the Town for any other reason.

SECTION 7: Principal Structure/Use Limitations

There shall not be more than one (1) principal structure permitted on a single lot in any Zoning District. There shall not be more than one (1) permissible principal use per single lot in any Zoning District unless specifically provided in this Ordinance.

SECTION 8: Home Occupations

- A. The intent of home occupation standards is to establish minimum criteria for home-based businesses and ensure protection of the residential character of Schererville's neighborhoods. The regulation is further intended to preserve property values, prevent land use conflicts while ensuring that the Home Occupation remains a subordinate to the residential use.

- B. A home occupation may be permitted when the occupation conducted in the home is incidental to the principal use of the premises as a residence. Licensed home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Permitted home occupations shall not include any occupation that involves the manufacture, repair, or rebuilding of any type of machinery and shall be limited to domestic crafts and professional services, as listed below:
 - (1) Accounting and insurance;
 - (2) Animal grooming;
 - (3) Architecture, interior design, and related professional services;
 - (4) Barber, beautician, nails, and other personal care;
 - (5) Computer Programming;
 - (6) Consultancy;
 - (7) Counseling and social work;
 - (8) Day care, provided such business is properly licensed;
 - (9) Direct In-Home Sales (Pampered Chef, Mary Kay, Avon, etc.);
 - (10) Domestic crafts;
 - (11) Dressmaking, sewing, weaving, tailoring, and ironing;
 - (12) Editing and proofreading;
 - (13) Graphic Arts;
 - (14) Home-based office;

- (15) Internet commerce;
 - (16) Law;
 - (17) Manufacturer's Agent;
 - (18) Millinery;
 - (19) Musician; Music Instruction, Music Writing, Composition, and Composing;
 - (20) Notary Public;
 - (21) Photography and videography;
 - (22) Real Estate;
 - (23) Stock and commodity trading;
 - (24) Therapist, including physical, occupational, and massage therapy, provided that no more than two (2) clients are on-premise at any time, and that the owner and any employees are properly licensed or certified by the State of Indiana, whichever is applicable; and
 - (25) Tutoring;
 - (26) Writing and Composition.
- C. The primary use of dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
 - D. All home occupations shall be limited to three (3) employees, of which at least one (1) must be an owner of the home where the business is located.
 - E. Structural changes, enlargements, additional entrances, or any other exterior alterations that change the residential appearance of the dwelling unit shall not be permitted.
 - F. The total area of the home used for any home occupation shall be limited to twenty percent (20%) of the floor area of the home.
 - G. Outside storage of machinery, equipment or materials shall not be permitted.

- H. Home occupations shall be limited to two (2) off-street parking spaces beyond the requirements of the zoning district, provided that such parking spaces are limited to the driveway area. No parking lots or other parking facilities, including driveway expansion, shall be permitted.
- I. The display of goods or any other external evidence of the home occupation shall not be permitted, except for signs in accordance with TITLE XIX [Sign Regulations] of this Ordinance.
- J. No stock in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- K. Electrical, digital, or mechanical equipment used in the operation of the home occupation shall not interfere with local radio communications, television and telephone reception, or cause fluctuation in line voltage off the premises.
- L. No more than two (2) clients per hour, with a maximum of ten (10) clients per business day, may be hosted by a home occupation. All visits shall be restricted to the hours between 8:00 AM and 6:00 PM.
- M. All deliveries of bulk material to any home occupation shall be limited to one (1) per business day between the hours of 8:00 AM and 6:00 PM. No vehicle with three (3) or more axles shall be allowed for bulk material delivery.
- N. The home occupation permit will be automatically discontinued if the property is sold, leased, rented or transferred to another party or entity.

SECTION 9: Structures to Have Access

- A. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- B. When a Street-Alley lot in all Zoning Districts (including Joliet Street Overlay District) adjoins an improved alley, vehicle access to parking may be provided from the alley.
- C. All developments shall provide safe and accessible walkways along primary buildings, as well as pedestrian connections to parking areas, site amenities, public perimeter sidewalks and transit stops, if any.

SECTION 10: Visibility at Intersections

- A. There shall be an unobstructed area on all properties (the "sight visibility triangle") at every intersection of a crossing street with other streets and entrance drives. The sight visibility triangle shall remain free of structures, vegetation, signs (other than street signs), and other opaque or partially opaque objects between a height of two and a half feet (2 ½') and twelve feet (12') as measured from the nearest top-of-curb (or edge of pavement at the corner where curbs are not present).
- B. The sight visibility shall be established according to Table 1, or as approved by the Town Staff.

TABLE 1 - Minimum Sight Visibility Standards

Street Type	Distance From Intersection
Arterial and Highway	35'
Collector	30'
Local	25'
Private Entrance	10'

SECTION 11: Residential Mailbox Requirements

Mailboxes installed in a public right-of-way of a Residential Zoning District shall comply with the following:

- A. The number of permitted mailboxes shall be as follows:
 - (1) For a single-family home, one (1) mailbox and pole structure, with no text other than the house address;
 - (2) For a duplex or townhouse, one (1) pole structure with a maximum of two (2) mailboxes placed side by side, with no text other than the house address;
 - (3) For multi-family units, a maximum of two (2) pole structures with a maximum of two (2) mailboxes placed side by side, with a minimum spacing of forty feet (40') between structures, and no text other than the house address.
- B. All mailboxes shall be located between three inches (3") and six inches (6") away from the street curb. In no case shall a mailbox overhang a sidewalk or driveway. The bottom of the mailbox shall be between forty-two inches (42") and forty-five inches (45") above the curb elevation.

- C. All mailboxes, including the post structure, shall be maintained in good condition. Posts shall be constructed from wood, steel, or masonry materials that complement the building architecture. Post structures shall not exceed thirty inches (30") in length or width, and five feet (5') in height. Any required footings or foundations for the post structure shall have a minimum depth of twelve inches (12"), but not to exceed twenty-four inches (24").
- D. All mailboxes shall have a door to protect the mail from theft and weather. No open mailboxes shall be permitted. The door of the mailbox shall be oriented to face a street.

SECTION 12: Parking, Storage, or Use of Major Recreational Equipment

- A. Major recreational equipment may be permanently stored on a residential lot, provided it meets one of the following provisions:
 - (1) An enclosed structure that meets the requirements of the Zoning District where it is located; or
 - (2) In a rear yard that does not abut a public street, provided the vehicle is no more than eight feet, six inches (8'-6") in height, twenty feet (20') in length, and is setback a minimum of ten feet (10') from the rear property line.
- B. All open parking areas for major recreational vehicles shall include an effective fencing and/or screening around the parking area. Fences shall not exceed six feet (6') in height.
- C. All open parking areas shall comply with the provisions of Section 2D in TITLE XX [Off-Street Parking & Off-Street Loading].
- D. The temporary parking of major recreational equipment on a driveway shall be permitted for a period of less than one (1) week at one time, but not to exceed two (2) such times per calendar year.
- E. Major recreational equipment may be parked on a public right-of-way or driveway for loading and unloading purposes only. In such case, parking time shall not exceed forty-eight (48) consecutive hours in any one (1) week period.

SECTION 13: Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property, other than in completely enclosed buildings.

SECTION 14: Fences, Walls, and Screening

- A. Unless otherwise provided by this Ordinance, fences and walls may be permitted in any required side or rear yards or along the edge of any required side or rear yards up to the front of the structure. No fence shall exceed six feet (6') in height in residential districts nor eight feet (8') in any other district.

- B. In the case of a front yard, a wall will not be permitted except for the following:
 - (1) Walls for raised landscaped beds, in accordance with TITLE XVIII;
 - (2) Decorative walls or piers on a lot corner or along the pedestrian entry path, provided that:
 - i. The piers are no wider than one foot, eight inches (1'-8") and no longer than four feet, six inches (4'-6");
 - ii. No more than two (2) wall piers are used in the yard;
 - iii. The wall is of brick or masonry construction that is compatible with the architecture of the structure.

- C. Concrete or masonry walls, where needed for structural and retaining purposes shall not exceed six feet (6') in height. In the event that a wall of greater height is required, the wall(s) shall be terraced as follows:
 - (1) No individual wall portion shall exceed six (6') in height;
 - (2) There shall be a minimum five foot (5') setback between wall portions;
 - (3) Landscaping shall be provided at the base of each wall portion;
 - (4) Concrete masonry units (CMUs) shall not be permitted for such construction;
 - (5) Railings shall be provided for all walls greater than two feet (2') in height.

- D. The open storage of goods or materials shall only be permitted in the General Industrial (G.I.) Zoning District upon compliance with the following provisions:
 - (1) Open storage areas shall be confined to the area behind the primary building, away from public view, and no closer than twenty feet (20') to any property line;

- (2) The storage area shall be entirely enclosed within a solid or opaque fence at eight feet (8') high;
 - (3) Where a lot abuts a Commercial, Residential, or Institutional Zoning District, a landscaped buffer around the open storage area shall be provided on all abutting sides. Such buffer shall be a minimum thirty feet (30') in width, and shall comply with the regulations in TITLE XVIII [Landscape Regulations].
- E. Screens used as sound barriers in Business Park (B.P.) and General Industrial (G.I.) Zoning Districts shall be constructed from wood, or other solid materials. Sound barriers shall not exceed twelve feet (12') in height.
- F. All off-street loading spaces which abut a Residential Zoning District or intervening alley, separating a Residential Zoning District from a Commercial Zoning or Industrial Zoning District, shall be completely screened with building walls, or a uniformly painted wall or door of not less than eight feet (8') in height. Such screening shall additionally be softened with landscaping that complies with TITLE XVIII [Landscape Regulations].

SECTION 15: General Lighting Regulations

- A. Intended Purpose – This section provides regulations to permit reasonable uses of outdoor lighting for public safety, utility, security, and enjoyment while preserving the overall ambience of the Town by minimizing glare and obtrusive light. These regulations also are intended to help conserve energy and resources to the greatest extent possible, and help protect the natural environment from the damaging effects of excessive lighting.
- B. General Standards
- (1) Building entrances in any Zoning Districts shall feature exterior lighting.
 - (2) Outdoor lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.
 - (3) All luminaires of 1800 or more lumens shall be full cutoff as installed. For luminaires under 1800 lumens, the bulb must be frosted glass or installed behind a translucent cover.
 - (4) Lighting at places of business or public venues, except for security, shall be turned off no later than one hour after closing. Such lights should be confined to that needed for basic security.

- (5) The lights of vacant parking lots shall not remain lighted except for illuminating entryways by the fixtures closest to building entrances.
 - (6) Neon lights shall not be permitted, unless they are a part of an approved sign.
 - (7) Light fixtures with flashing lights, strobe lights, beacon lights, or lights that otherwise alter or change in light intensity or color, shall not be permitted. Searchlights, as used by civil authorities for public safety, are exempt from this restriction.
 - (8) Lighting on communication towers, windmill towers, and other similar structures which are considered a Wind Energy Conversion System (WECS), shall be permitted only when required by the Federal Aviation Administration (F.A.A.) and only when such tower is located within an established flight path.
 - (9) Any and all lighting that causes visual discomfort, impairment of visual performance, or in any other ways constitute a safety hazard or interferes with the reasonable use and enjoyment of a property shall be prohibited in all Zoning Districts.
- C. Residential Standards – Light fixtures on residential properties shall comply with the following:
- (1) Light fixtures shall be shielded, or cut-off fixtures designed in a manner that limits visible lighting onto neighboring properties;
 - (2) Free-standing fixtures shall not exceed twelve feet (12') in height;
 - (3) Luminaries shall not produce more than one thousand five hundred (1,500) lumens of light;
- D. Outdoor Recreational Facility Standards – Light fixtures used for outdoor recreational purposes shall comply with the following:
- (1) Light fixtures shall be “cut-off” fixtures that limit visible lighting from adjoining properties;
 - (2) Free-standing fixtures shall not exceed eighty feet (80') in height for public park facilities, or forty-five feet (45') for private recreational facilities;

- (3) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half (1/2) foot-candle, measured vertically, and one-half (1/2) foot-candle, measured horizontally, on adjacent properties;
- (4) A landscaped buffer may be used to reduce light trespass onto adjacent property, if required.

E. Commercial District Standards – Light fixtures shall comply with the following:

- (1) Free-standing fixtures shall not exceed twenty-five feet (25') in height, or twelve feet (12') when a fixture is located within twelve feet (12') of a Residential District;
- (2) Light fixtures shall be shielded or cut-off fixtures that limit trespass to adjoining properties;
- (3) Free-standing light fixtures shall be fabricated from aluminum, steel, or other metals. No wood poles shall be permitted;
- (4) Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths (3/10) foot-candle, measured vertically, and three-tenths (3/10) foot-candle, measured horizontally, on adjacent properties;
- (5) The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed twelve to one (12:1);
- (6) Private pedestrian walkways within a development shall be illuminated during the normal operation and for security; and
- (7) Canopy lights, where used, shall be recessed so that the lens cover is flush with the bottom surface of the canopy. No lighting shall be permitted on the outside of any canopy.

F. Parking Lots – Parking lots shall provide lighting as specified in TITLE XX [Off-Street Parking and Off-Street Loading].

G. Security Lighting – Security lighting shall be permitted to the entry point, walks and other areas of potential risk. Such lighting could remain on all night. Security lighting shall also comply with the following:

- (1) Security lighting shall be cut-off type and do not create glare or light trespass onto residential areas.
- (2) All security lighting fixtures shall be shielded and aimed to limit glare and light trespass.
- (3) All lighting shall be directed below the horizontal plane of the top of the lighting fixture and the fixture shall include shields that prevent the light source or the lens to be visible from adjacent properties or roadway.
- (4) Security lights intended to illuminate a perimeter, i.e., fence line, shall include a motion sensor and be designed to be off unless triggered by an intrusion within five feet (5') of the perimeter.
- (5) Floodlights shall only be permitted if they are aimed no higher than forty-five degrees (45°) below horizontal line but in no case shall trespass adjoining property line.

H. Sign Lighting Standards – In addition to the standards set forth in TITLE XIX [Sign Regulations], lighting for signage shall also comply with the following:

- (1) Externally illuminated signs shall be located, aimed, and shielded so that light is directly located only onto the display area(s). Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.
- (2) Light fixtures illuminating signs shall be of a type that the light source or bulb is not directly visible from adjacent streets, roads, or properties.

SECTION 16: General Noise and Nuisance Regulations

A. Noise levels among adjoining properties shall not exceed the limits provided in Table 2:

TABLE 2 - Maximum Noise Levels

Adjoining use/District	Max dBA (9 AM – 11 PM)	Max dBA (11 PM – 9 AM)
Open Lands and Residential	55	45
Commercial and Professional Office	65	55
Business Park and General Industrial	75	65

- B. Where different uses adjoin the subject property, the most restrictive noise standard shall apply.
- C. The intentional and regular emission of odors or other noxious materials is prohibited without a permit. Temporary smoke emission, such as grilling smoke, outdoor fireplace, etc. on a residential lot, shall be exempt from this requirement.
- D. All school functions and Town-sponsored events held in an Institutional Zoning District (IN) shall be exempt from the regulations of this Section.

SECTION 17: Dumpster/Recycling Box Regulations

- A. In residential zones, a dumpster and/or recycling box shall be located only at multi-family buildings or complexes with four (4) or more dwelling units (but only for use by building or complex residents), and on approved institutional properties.
- B. Dumpsters and recycling boxes shall always be placed on a paved surface and shall be screened from view as outlined in TITLE XVIII [Landscape Regulations].
- C. Dumpsters and recycling boxes shall be limited to thirty feet (30') in length; either individually or when placed side-by-side.
- D. All dumpsters and recycling boxes shall have tight-fitting lids or closures that prevent odors from escaping the container and deter rodent and insect infestation.
- E. Dumpsters and recycling boxes shall be set back no less than one hundred feet (100') from any front lot line, or behind the rear-most face of the primary building. In no case shall dumpsters and recycling boxes be located within any required easement or other buffer, except when located and accessed from an alley.
- F. Dumpsters and recycling boxes shall not occupy any parking spaces required for other uses on the site.
- G. No storage shall be allowed outside the containers.

- H. All dumpsters and recycling boxes in Commercial, Industrial, Institutional or Multi-family developments shall be screened from view from a street and/or the first floor of adjacent residential property. In all cases, screen walls shall be a minimum of six feet (6') in height, or one foot (1') higher than the dumpster, whichever is greater. Constructed screens shall consist of built materials, such as walls or solid fences compatible with the architecture of the primary building. Included in the screening shall be an opaque vehicular or pedestrian access gate, which shall be securely locked when the dumpster is not in use.

SECTION 18: Portable Storage Unit Regulations

- A. A portable storage unit may be located on a residential lot provided that:
 - (1) Portable storage units shall be placed only in a driveway or, if alley access exists at the rear of the lot, in the rear yard. In no case shall a portable storage unit be located less than two feet (2') from any property line or building wall.
 - (2) Portable storage units shall be limited in size to eight feet (8') width, sixteen feet (16') length, and eight and one-half feet (8 ½') height.
 - (3) In any R-1 or R-2 district, no more than two (2) portable storage units may be placed on a residential lot at one time.
 - (4) In any R-3 district, each dwelling unit shall be allowed to have no more than two (2) portable storage units, but at no time shall the total number of portable storage units in any development at any one time exceed one (1) per dwelling unit.
 - (5) Length of Usage
 - i. When used in conjunction with an approved construction permit, portable storage units may be allowed for a period not exceeding one hundred eighty (180) days in duration from time of delivery to time of removal.
 - ii. For all other uses, portable storage units shall be allowed for a period not exceeding seven (7) days in duration from time of delivery to time of removal. Such units may not be located on any specific residential lot for a period of fourteen (14) total days in any 365-day-calendar period.
 - iii. Exceptions for longer storage may be made in the event of casualty, catastrophe, or natural disaster by approval of the Town Staff.

- B. A portable storage unit may be located in a commercial area provided:
 - (1) In the parking area of a commercial use provided any single portable storage unit may not be on any specific lot more than one-hundred-eighty (180) days per calendar year;
 - (2) No more than five (5) portable storage unit per single business or tenant shall be allowed on a commercial lot at any one time, and not more than one-hundred-eighty (180) days in a calendar year.
 - (3) Semi-trailers, with or without wheels, other containers, or portable storage units, shall not be parked or stored at any establishments in commercial areas, unless they are attached to semi-tractors, except when located at a loading berth. Such trailers in a Highway Commercial Zoning District (C-3) are exempt from this requirement when mandated by a regulatory agency.
 - (4) Exceptions for longer storage (over 180 days) and more units in conjunction with an approved construction permit in a commercial area may be made by approval of the Town Staff.

SECTION 19: Swimming Pool Regulations

- A. Private outdoor swimming pools shall be permitted as an accessory use in all Residential and Institutional (IN) Zoning Districts, subject to compliance with the relevant provisions in this Ordinance and the Town Code. Existing outdoor swimming pools not in compliance with these provisions shall be considered non-conforming uses.
- B. No portion of an outdoor swimming pool shall be located at a distance of less than ten feet (10') from any side or rear property line, or building line, or at any other location where a "structure" is prohibited under the terms of the Schererville Zoning Ordinances. Pumps, filters and other equipment installations shall be similarly restricted to the requirements of this paragraph.
- C. Outdoor swimming pools shall be completely enclosed by a fence. Such fence may either be used to enclose only the swimming pool itself, or may be a fence which provides a continuous barrier to the portion of the yard where the swimming pool is located. The structural sides of an above-ground swimming pool may be used in satisfying a portion of the fence height requirement.
- D. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases, or by manufacturer's specifications.

- E. All fence openings or points of entry into the swimming pool area enclosures shall be equipped with gates. Retractable stairs which are self-latching are acceptable substitutes for closing gates. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

- F. All swimming pool construction, including associated fencing, means of access, and decking, shall conform to the regulations set forth in Indiana Administration Code Title 675, Article 20: Swimming Pool Code (675 IAC 20-4) and all other relevant State Statutes, as amended from time to time.

SECTION 20: Satellite Dish Regulations

- A. The minimum distance between the satellite dish and any property line shall be equal to the height of the satellite dish or five feet (5'), whichever is greater.

- B. Satellite dishes three feet (3') or less in diameter shall be permitted in all Zoning Districts, provided that they are mounted directly to a side or rear yard-facing wall, or on the roof of a building.

- C. Satellite dishes larger than three feet (3') in diameter shall require a Building/Zoning Permit. These satellite dishes shall also be subject to the following:
 - (1) Satellite dishes shall be installed in the ground, on a permanent foundation, or on a properly engineered roof structure.
 - (2) No advertising or aboveground cables shall be allowed. The satellite dish shall be kept in good maintenance, with the landowner being responsible for its upkeep.
 - (3) The operation or use of the satellite dish shall be in compliance with all local, State and Federal regulations, as amended from time to time.
 - (4) Any electromagnetic interference caused by the satellite dish shall not interfere with broadcasting reception on neighboring properties.

- D. In Business Park (B.P.) and General Industrial (G.I.) Zoning Districts, all satellite dishes larger than three feet (3') in diameter shall be no taller than the maximum building height of the Zoning District where it is located.

- E. Unused or abandoned satellite dishes shall be removed from any site within one hundred eighty (180) days from the discontinuation of use.

SECTION 21: Telecommunication Towers

- A. Intended Purpose – This section provides regulations to accommodate the communication needs of residents and businesses while facilitating the provision of wireless telecommunication services to the residents and businesses of the Town. Such services shall:
 - (1) Minimize adverse visual effects of towers through careful design and siting standards;
 - (2) Avoid potential damage to adjacent properties from tower failure through structural standards and set back requirements; and
 - (3) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- B. All telecommunications towers shall be considered accessory uses. As such, a permit shall be required for all new antennas to be erected, including those to be placed on an existing tower.
- C. The height of a tower shall be determined by measuring the vertical distance from the tower’s point of contact with the ground or rooftop structure to the highest point of the tower, including all antennas or other attachments.
- D. Towers in Residential Zoning Districts shall be limited to those supporting amateur radio antennas and conforming to all applicable provisions of the Zoning Ordinance. Towers, including all antennas and other attachments, shall not exceed thirty-five feet (35’) in height, and shall only be placed in the rear yard.
- E. In all other Zoning Districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one hundred twenty feet (120’) in height from the ground.
- F. The placement of wireless telecommunication antennas on roofs, walls, and existing towers shall be permitted, provided the antennas meet the requirements set forth in this Ordinance, including applicable height requirements of the underlying Zoning District. Antennas and towers on roofs shall be further governed by the following:

G. Design Standards

- (1) Any proposed commercial wireless telecommunication service tower shall be of a monopole/unipole design. The tower must be designed structurally, mechanically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for up to two (2) additional uses if the tower is over one hundred feet (100') in height or up to one (1) additional user if the tower is over sixty feet (60') in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying elevations and directions.
- (2) All towers shall be structurally designed to withstand wind shear and other natural forces and soil conditions. Applicants shall be required to submit plans drawn by a registered engineer depicting the location, height, and other considerations to assure public safety.
- (3) All towers, masts and booms shall be made of non-combustible material, and all hardware, such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion, need to be protected either by galvanizing or sherardizing after forming.
- (4) New commercial wireless telecommunication towers in excess of one-hundred feet (100') in height shall not be approved unless the Owner provides sufficient evidence to the Town Staff that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius from the point of the proposed tower. A report of such findings by an engineer registered in the State of Indiana shall be filed along with the permit.
- (5) New towers, antennas, and attached equipment generating or receiving signals shall not interfere with previously installed communications equipment in the Town.
- (6) All towers shall have a setback equal to the height of the tower, but in no case shall they be installed closer than one thousand three hundred twenty feet (1,320') to any Residential Zoning District.
- (7) All guy wires, earth anchors, and any other supporting wire or tensioned apparatus shall have a setback of twenty feet (20'). Such distance shall be measured from the point where the guy wires enter the ground for underground anchors or to exposed parts of above-ground anchors.

- (8) All telecommunication towers and telecommunications tower support facilities shall be reasonably protected against unauthorized access.
- (9) Backup generators shall be operated only during power outages and for testing and maintenance purposes. Where possibly, generators will be screened from view from public right-of-way.
- (10) A sign giving warning of the danger from electrical equipment and unauthorized climbing of the tower and identifying the owner of the tower and telephone number for contact in case of an emergency shall be installed adjacent to the telecommunications tower and to any support facilities for the tower.
- (11) There shall be no commercial advertising signs located on telecommunications towers or telecommunication tower support facilities. Only signs for warning or equipment information are allowed.
- (12) The applicant is permitted to allow the Town access to the tower to enhance communications for its police, fire, emergency services and street department; provided that any attached communication equipment does not interfere with applicant's equipment.
- (13) If an abandoned or unused tower is left vacant for a period of one hundred eighty (180) continuous days or more, then said tower shall be subject to removal within seven (7) days from receipt of notice by the affected permittee, and property owner, by the Town Staff.
- (14) The replacement of portions of a tower previously removed requires the issuance of a new Building/Zoning Permit.
- (15) The adjustment or replacement of the elements of an antenna already affixed to a tower is exempt from these requirements, provided that plans are provided to the Town Staff for review to ensure safety and compliance with the provision of this Ordinance.
- (16) No advertising shall be allowed. The tower and antenna shall be kept in good maintenance, with the landowner being responsible for its upkeep.
- (17) The operation or use of the tower and antenna shall be in compliance with all local, State and Federal regulations, as amended from time to time.

- (18) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by local, State and Federal regulations, as amended from time to time. When incorporated into the design of the tower, light fixtures, such as streetlights, may be permitted.
- (19) Any electromagnetic interference caused by the tower and/or antenna shall not interfere with broadcasting reception on neighboring properties.
- (20) All ground-mounted equipment and accessory structures related to the operation of any telecommunication tower shall be screened and landscaped according to the provisions of TITLE XVIII [Landscape Regulations].

SECTION 22: Wind Energy Conversion Systems (WECS)

- A. Intended Purpose – This section provides regulations for Wind Energy Conversion Systems (WECS) as an alternative energy-providing source. These regulations shall guide the safe and effective use and installation of WECS throughout the Town.
- B. All lots in all Zoning Districts shall be permitted to install WECS, provided they are in compliance with the applicable requirements set forth in this Ordinance. A maximum of one (1) non-commercial WECS may be permitted on each lot after site plan review and approval of the Town Staff, including the proposed location of the WECS.
- C. Roof mounted non-commercial WECS shall be permitted in all non-Residential Zoning Districts, provided they do not exceed fifteen feet (15') in height and only service the building or lot on which it is located.
- D. All WECS towers shall require a Building/Zoning Permit. The permit application shall include the design of the tower and its components, as well as the safety mechanisms to prevent uncontrolled rotation, over speeding, and excessive pressure of the structure. Towers shall also be subject to the following provisions:
 - (1) The minimum required setback distance between each non-commercial tower and all surrounding property lines, overhead utility lines, any dwellings or other buildings for occupancy, and any other towers, shall be no less than one and one-half (1.5) times the proposed structure height plus the rotor radius. Horizontal WECS shall be allowed a minimum setback equal to five (5) rotor diameters, or the height of the tower, whichever is greater.

- (2) The minimum required setback distance between each commercial tower and all surrounding property lines, overhead utility lines, any dwellings or other buildings shall be one thousand feet (1000’).
- (3) The maximum height of a WECS tower, measured from the ground to the highest point of the structures, shall be as follows:
 - i. Residential, Open Land, Professional Office, and Commercial Zoning Districts: forty-five feet (45’) when ground mounted, or fifteen feet (15’) above the highest point of the building when roof mounted on an approved building;
 - ii. Business Park and General Industrial Zoning Districts: eighty feet (80’).
- (4) No towers shall be placed as to interfere with or obstruct any transmission of communication equipment or reception.
- (5) All local, State, and Federal regulations shall be followed in the use, installation, and operation of such WECS.
- (6) No towers shall be placed as to substantially interfere with any view, be directly visible from any public right-of-way, or placed on the front yard.
- (7) The minimum vertical clearance from the ground to the rotor blades shall be thirty feet (30’) for a horizontal WECS and fifteen feet (15’) for a WECS.
- (8) A minimum six-foot (6’) height security fence shall be required at the base of all towers unless the climbing apparatus for the tower is more than twelve feet (12’) from the ground or completely enclosed inside the apparatus.
- (9) All power lines and other related wiring shall be underground.
- E. The noise level for all wind turbines shall not exceed fifty-five decibels (55 dB) when measured at the property line.
- F. Non-commercial wind turbines must have been approved under small wind certification program recognized by the American Wind Energy Association and the Small Wind Certification Council (SWCC)
- G. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer’s default color option or a color that compliments the building architecture.

- H. Wind energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless F.A.A. standards required otherwise. The Town Staff may require a photo of WECS of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
- I. Building/Zoning Permit applications for all WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required. An equipment package shall be considered certified for interconnection operation if it has been tested and listed by a nationally recognized testing and certification laboratory in compliance with the State provisions.
- J. Building/Zoning Permit applications for all WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the Town's Electrical Code.
- K. No WECS shall be installed until evidence has been provided to the Town that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and an interconnection agreement between the utility and the customer have been executed. Interconnection must comply with Underwriters Laboratory (UL) standard 1741, as amended from time to time.
- L. The Owner shall install, operate, and maintain the wind turbine in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the utility's system.
- M. WECS shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
- N. Unused or abandoned WECS shall be removed from any site within one hundred eighty (180) days from the discontinuation of use.

SECTION 23: Solar Energy Generating Systems

- A. Intended Purpose – This section provides regulations for Solar Energy Generating Systems as an alternative energy-providing source. These regulations shall guide the safe and effective use and installation of solar energy generating systems throughout the Town.
- B. All buildings shall be allowed to incorporate solar energy systems in their design, provided they are in compliance with the applicable requirements set forth in this Ordinance, including all lot and setback requirements. A Building/Zoning Permit shall be required for all such systems.
- C. Solar energy generating systems shall comply with the following:
 - (1) Solar panels shall be roof-mounted facing the rear yard only and shall not project from the surface of the roof more than eight (8”) inches.
 - (2) The total area of solar collectors on a residential lot shall not exceed four hundred (400) square feet per dwelling unit.
 - (3) The total area of solar collectors in any other zoning classification shall not exceed four hundred (400) square feet per building.
- D. Unused or abandoned solar energy generating structures shall be removed from any site within one hundred eighty (180) days from the discontinuation of use.
- E. Building/Zoning Permit applications for all solar energy generating structures shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the Town’s Electrical Code.

SECTION 24: Mining, Excavation, and Extraction

- A. Excavations of and removal of topsoil from any property in the Town of Schererville shall be prohibited, except if such excavations and removal of top soil is incidental to the erection and maintenance of structures or appurtenances thereto or of the use of property permitted by this and other Ordinances of the Town of Schererville.
- B. A permit shall be required for any activity requiring the removal, excavation, or mining of more than ten (10) cubic yards of any ground materials.

- C. No grading, or other manipulation of existing topography, shall be allowed unless it is related to, and required for, an approved activity.

SECTION 25: Mobile Home Park and Mobile Home Subdivision Development Regulations

- A. All proposals for a Mobile Home Park or Mobile Home Subdivision shall contain a minimum area of ten (10) acres.
- B. Water supply shall be from the municipal water supply of the Town of Schererville.
- C. Sewage treatment and sewage disposal shall be from the municipal sewerage disposal system of the Town of Schererville.
- D. Waste and garbage disposal shall be from the municipal service of the Town of Schererville.
- E. All homes shall have, or cause to have, its undercarriage enclosed with material conducive to the home of a non-flammable and non-combustible material.
- F. There shall be provided for every home, storage facilities, either on-site or in a common area, for occupants of every home, in the amount specified by the State Board of Health.
- G. Every street shall be constructed in compliance with the standards of the Town of Schererville. All proposals for a mobile home park or mobile home subdivision shall provide for adequate pedestrian sidewalks and landscaping, including, but not limited to, green areas, individual lot landscaping and general landscaping plans.
- H. All parking spaces shall be nine feet (9') wide and twenty feet (20') long, and all parking shall be provided off-street, and:
 - 1) Where those lots are offered for sale or transfer, there shall be provided two (2) off-street parking spaces per lot.
 - 2) Where lots and improvements will remain in ownership of the developer or his assigns:
 - a) Two (2) off-street parking spaces per lot, on lot, or

b) 2.4 parking spaces per home shall be provided in a common parking facility provided that no home shall be further than three hundred feet (300') from any common parking facility.

I. There shall be provided open space in the amount of twenty-five percent (25%) of the gross land area, or one acre for each one hundred (100) people, assuming that there are 4.0 people per family.

J. All servicing utilities to the home, including television, shall be underground. Upon approval of the project, it shall be assumed that one centrally located television tower is a permitted use.

K. Lot Area

1) Those lots offered for sale or transfer shall contain an area of four thousand (4,000) square feet and a minimum width at the imposed building line or setback line of forty-four feet (44').

2) Those developments where lots are not offered for sale or transfer may employ the open space, planned unit development concept. This provides that the Board may waive lot area, density, or setback requirements in order to accomplish a more harmonious overall plan.

In either case, the density of development shall not exceed ten (10) units to the acre.

L. Side Yards

1) In method K (1) above, there shall be on all interior lots, two (2) side yards of ten feet (10') each. In addition, all corner lots, there shall be two (2) side yards; the side yard abutting the street shall be not less than fifteen feet (15').

2) In method K (2) above, there shall be provided a minimum of fifteen feet (15') between each home.

In either case, no streets and improvements shall be accepted into the maintenance system of the Town of Schererville unless all side yard requirements of this Ordinance are complied with.

M. There shall be a rear yard on each lot, the depth of which shall be not less than fifteen feet (15'). Except that, when lots are not offered for sale or transfer, the rear yard may be ten feet (10').

- N. Lot Coverage – Not more than forty-five percent (45%) of the area of any lot shall be occupied by buildings or other structures.

- O. Building Size – No home shall be placed in any mobile home park or subdivision having a ground floor area of less than six hundred (600) square feet.

- P. Height – Only one (1) story, single-family homes shall be placed in any mobile home park or subdivision.

- Q. A planting strip of five feet (5') wide, and a tree planted no less than every thirty feet (30'), shall completely encompass the proposed park or subdivision.

- R. General Provisions
 - 1) No mobile home or lot shall be rented for less than twelve (12) months.
 - 2) Mobile homes shall not be permitted in any park or subdivision until proof of payment of taxes has been verified by the Clerk-Treasurer of the Town of Schererville.
 - 3) Mobile home shall not be permitted to leave any park or subdivision until proof of payment of taxes has been verified by the Clerk-Treasurer of the Town of Schererville.

- S. Individual Lot Improvements – Each lot provided for mobile homes shall have the following improvements prior to the placement of any home:
 - 1) Twelve by fifty-five-foot (12' x 55') concrete home stand, three inches (3") thick;
 - 2) If on-site parking is provided, there shall be two inches (2") of compacted base material and two inches (2") of bound aggregate.
 - 3) Eyelet, located at each corner of the concrete home stand, for anchoring the home.
 - 4) Each lot shall be maintained in an attractive and desirable condition, grassed, etc.

- T. For every lot, there shall be a site plan submitted to the Building Inspector, showing setbacks, side yards, lot dimensions, and location of all proposed structures. Along with the site plan, shall be submitted the verification by the Clerk-Treasurer that all taxes have been paid. Only then shall a permit be issued.

- U. The above listed performance standards shall be interpreted in the minimum requirements.
- V. No mobile home shall be used as a dwelling unit on any lot, plot, or tract of land, other than one approved as a mobile home park by special exception granted by the Schererville Board of Zoning Appeals. No mobile home park shall be used as a dwelling unit on any lot, plot, or tract of land without full approval and licensing by the Indiana State Board of Health.

SECTION 26: Flag Poles

- A. All flags shall be displayed on flagpoles, which may be vertical or mat-arm flagpoles.
- B. In non-residential districts, vertical flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 54 feet, whichever is less.
- C. In residential district, vertical flagpoles shall not exceed 25 feet in height, or the height of the primary structure on the parcel, whichever is less.
- D. The hoist side of the flag shall not exceed twenty percent (20%) of the height of the vertical flagpole or the length of a mat-arm flagpole. Mat-arm flagpoles shall not exceed 25 feet in length and therefore would have a maximum hoist of 5 feet.
- E. Vertical flagpoles are subject to the following limitations:

Vertical Pole Height	Maximum Flag Size (Total Square Feet)
15 to 24 feet	20 square feet
25 to 34 feet	50 square feet
35 to 44 feet	100 square feet
45 to 54 feet	160 square feet

- F. Each parcel shall be allowed a maximum of three flagpoles unless a variance is obtained.
- G. A maximum of two flags shall be allowed per flagpole.
- H. Flags displaying a logo, message, statement, or expression relating to commercial interests and banners not meeting the definition of a flag contained herein shall conform to all applicable ordinances pertaining to signs.

- I. A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.
- J. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags that are torn or frayed shall not be displayed.
- K. On officially designated county, state, or federal holidays, there shall be no maximum flag size, number, or other limitations on display.
- L. This section shall not be construed to restrict the right to display eligible flags as banners or signage as provided elsewhere in this ordinance.

SECTION 27: Floodplain Development Regulations

- A. Reference Floodplain Development Regulations Ordinance

SECTION 28: Short Term Rentals

- A. Permits required - An owner must obtain a permit for each property utilized as a short-term rental in the Town, however, only one permit is required for each single family home, two-family or multifamily dwelling, condominium, cooperative, or time share that an owner rents in whole or in part. A permit covers all:
 - (1) Dwelling units; and
 - (2) Detached accessory structures; located on the permitted property that the owner offers to the public as a short-term rental.

All owners utilizing a property as a short-term rental at the time of adoption of the Ordinance from which this article is derived, shall obtain the necessary permit(s) required by this article.

- B. Permit application(s) - An owner must submit a permit application for each property for which a permit is sought to the Town Planning and Building Department. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner. The permit application shall require the owner to provide only the following information for each property:
 - (1) The owner's name, street address, mailing address, electronic mail address, and telephone number. If the owner is a corporation or partnership, the application must require the:
 - a. Owner's state of incorporation or organization; and
 - b. Names, residence addresses, and telephone numbers of the owner's principal officers or partners.

(2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address, and telephone number.

(3) A short description of how each of the owner's short-term rentals on the property are marketed or advertised, including the following:

- a. The advertised occupancy limits of each short-term rental,
 - b. Whether the short-term rental is:
 1. A single-family home.
 2. A dwelling unit in a single-family home;
 3. A dwelling unit in a two-family or multifamily dwelling; or
 4. A dwelling unit in a condominium, cooperative, or time share.
 - c. Permit fee and expiration of permit,
 1. A permit expires one year after the date the permit is issued.
 2. The fee for an initial permit (and reissuance if the permit is revoked) is established as set forth in subsection 50-167(a). The permit must be renewed annually with updated information with no fee for renewal.
 - d. Issuance of permit. Subject to subsection (e) below, if an owner submits a permit application under this article that meets the requirements set forth in this article, the Town Planning and Building Department shall issue a permit to the owner within 30 days of receipt of the application.
 - e. Re-application for permit previously revoked. An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked by the unit. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to use of the short-term rental.
 - f. Duty of owner to update application information. If any information provided by an owner to the Town in the permit application changes, the owner shall provide updated information to the Planning and Building Department in writing within 30 business days after the change.
 - g. Non-transferrable - If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit and pay the initial permit fee.
- C. Ordinance violations - If three or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the Town Planning and Building Department may revoke the permit for that permitted property for a period of not more than one year after the date the permit is revoked.
- D. Notice and hearing -
1. **Written notice** - Whenever the Town Planning and Building Department determines that there are reasonable grounds to believe that a permit should be revoked, the department shall give notice of the alleged violation and of the revocation to the owner. The notice shall be in writing, including the

statement of the reason(s) why it is being issued and be served upon the owner. The notice shall be deemed to be properly served upon the owner if a copy thereof is sent by registered or certified mail to the owner at the address of the owner as listed on the permit application.

2. **Hearing** – Within ten (10) days of the written notice of permit revocation, the owner may request a hearing on the issue of permit revocation, before the Town Court. The owner shall file in the office of the Clerk of Town Court a written petition requesting the hearing and setting forth a brief statement of the grounds therefore. Upon receipt of the petition, the Town Court shall set a date and time for the hearing before the Town Judge and shall give the owner written notice thereof. At the hearing, the owner shall be given an opportunity to be heard and to show why the notice of permit revocation should be denied. The burden of proof shall be borne by the Town Code Enforcement, or other Town official(s) who issued the citation, by a preponderance of the evidence standard. The hearing shall be open to the public.

3. **Decision and order** - After the hearing, the Town Judge shall either sustain or deny the revocation. The Town Judge’s decision shall be deemed an order of the Court and final. Any notice served pursuant to this section shall automatically become an order of the Court if a written petition for a hearing is not filed in the office of the Town Court Clerk within ten days after the notice is served. The Town representative who issued the citation(s) for ordinance violations shall be allowed to be present, present evidence, cross examine witnesses, and be cross examined by the petitioner. The Town Court shall make case summaries relative to a decision under this section.

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SECTION 1: Intended Purpose

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

SECTION 2: General Provisions

- A. With the exception of residential uses as noted below, all development applications involving buildings, parking, drainage, riparian work, or areas with substantial environmental values, must include landscape plans.
- B. The following uses are required to meet the landscaping standards of this Ordinance but are not required to submit landscape plans:
 - (1) Single-family dwellings and duplexes;
 - (2) Accessory buildings and structures;
 - (3) Changes internal to an existing structure;
 - (4) Building additions involving less than five hundred (500) square feet;
 - (5) Reconstruction, repair, or replacement of any damaged structure involving less than fifty percent (50%) of the value of the original structure.
- C. All other uses are required to submit a landscape plan in conjunction with other plans as required by this Ordinance. The plan must be prepared professionally.
- D. Except as provided herein, the establishment of any use or change in use shall require the submission of a landscape plan.
- E. Landscape plans for planned developments or other uses requiring site plan review approval shall be concurrently reviewed and approved by the applicable administrative agencies as meeting the requirements of this Ordinance and Title.
- F. Such landscape plans shall contain, or have attached thereto, the following information:

- (1) North arrow and graphic scale;
- (2) The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, free-standing utility meters and equipment, playgrounds and other recreational facilities, irrigation systems, and other free-standing structural features;
- (3) The location of existing and proposed natural habitat and greenway areas, and their relationship to adjacent areas;
- (4) The location, quantity, size, planting condition (balled and burlapped, bare root, etc.) and name, both botanical and common, of all proposed plant materials;
- (5) The location of existing buildings, structures, and plant materials on adjacent property within fifty feet (50') of the site;
- (6) Existing and proposed grading of the site, including proposed berms, indicating contours, at one-foot (1') intervals;
- (7) A reasonably comprehensive description of the location, quantity, size, and name of existing woody and non-woody plants. Trees and significant vegetation, designated for preservation, shall be identified by both the common and botanical names. The plan shall indicate existing screening materials;
- (8) Elevations views and details of all fences proposed for location on the site;
- (9) Location of buried utilities and delineation of easements;
- (10) Show clearance for installation and servicing of ground mounted mechanical (HVAC) and utility (pedestals and transformers) equipment;
- (11) Elevations, cross-sections, and other details of proposed improvements necessary by the Zoning Administrator, or appointed designee;
- (12) Location of all existing and proposed watercourses and federally regulated wetlands on, or within, fifty feet (50') of the property;
- (13) Planting specifications, including installation, soil, and guying specifications;

- (14) Symbols representing proposed plant material shall be drawn to scale showing two thirds of full mature size and labeled as to quantity and type;
 - (15) Location of underground irrigation system, if any; and
 - (16) Planting schedule.
- G. Once a landscape plan has been approved and a Building/Zoning Permit issued, the applicant may request a modification. Such modification shall be approved by the Town Staff, provided:
- (1) The modification does not diminish the benefits of the approved landscape plan;
 - (2) The modification involves only minor grade changes or substitution of materials;
 - (3) The modification does not involve more than fifteen percent (15%) of the total plant materials.
- H. A revision shall be considered minor where there is no reduction in the quantity and quality of plant material, no significant change in size or location of plant material, and new plants are of the same general category (canopy, ornamental, evergreen etc.) and have the same general design characteristics (mature size, spread, density) as the materials being substituted. Burden for proof of equivalency is on the petitioner using published standards such as Plant Guides or Plant Fact Sheets in the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) Plants database.
- I. Failure to implement a permitted landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this Section.
- J. Occupancy of a development that required improvement or permit approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:
- (1) Occupancy is requested between December 1 and April 1 or other extended date, in the discretion of Town Staff, if necessitated by intemperate or extreme weather.

- (2) A security is provided to the Town equal to one hundred ten percent (110%) of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor or the landscape architect. Security may consist of a performance bond payable to the Town of Schererville, certified check, certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Town Staff.
 - (3) The applicant and the Town agree to a specified installation completion date.
 - (4) To verify that the landscaping and/or irrigation have been installed per the approved plan, an inspection shall be made prior to any security being released.
- K. Vegetation and plant material that exists on a site prior to development may be used to satisfy the landscaping requirements in this Ordinance, provided that the size, variety, and location of the plant material meet the minimum requirements of this Ordinance.
- L. Trees proposed for preservation shall meet the following additional requirements:
- (1) Preserved trees shall be healthy and free of mechanical injury, and may not be damaged by skinning, barking, bumping, or similar induced wounds;
 - (2) There shall be no evidence of active disease or insect infestation;
 - (3) A protection area of ten feet (10') outside the entire area of the tree drip line shall be naturally preserved or provided with pervious landscape material, with no soil compaction or storage of fill, paint, chemicals and other foreign substances, or heavy machinery permitted in the protection area; and
 - (4) No grade changes or removal of soil shall be permitted within ten feet (10') of the trunk of any preserved tree.
- M. When natural areas, groves, tree rows or specimen trees are designated to be conserved or has been included in a preservation commitment, the following measures shall be taken:
- (1) Install highly visible (orange) construction fencing at least three feet (3') outside the drip line of the trees in the protected area;

- (2) Avoid injuring roots when installing anchoring posts for fencing; and
 - (3) Signs should be posted clearly identifying the plant protection zone.
- N. It shall be the continuing obligation of the property owner to maintain required landscaped areas, including those in easements and right-of-way in an attractive manner free of weeds and noxious vegetation.
- O. Where a common area or a public area is designated on a plat of subdivision or development plan of a commercial or residential project where multiple ownership of the site is expected, a Property or Homeowner's Association shall be formed and shall be required to provide necessary maintenance to said common areas.
- P. Where two (2) or more differing landscaping provisions (such as buffering, screening, transition yards, etc.) overlap, they can be incorporated into a single landscaping area, provided that the requirements for each landscaping provision is fulfilled within the combined landscaping treatment area.
- Q. A "No Plant Zone" shall be established within ten feet (10') of any fire hydrant and five feet (5') of all other utility easements. Landscaping, except for turf-grasses, shall not be permitted in any No Plant Zone. The Owner shall be responsible for the full cost of removal of any plants located within a No Plant Zone.
- R. All landscaping in easements shall provide adequate clearance to assure no impairment of access, or damage to the infrastructure from such landscaping. The clearance shall be at minimum five feet (5').
- S. All vegetative screens shall be required to achieve a minimum opacity of seventy-five percent (75%) within two (2) years of planting.
- T. Plant Material Standards
- (1) Plant material shall be living species. Dead or artificial plants shall not be accepted as contributing to the required landscaping.
 - (2) Species listed in Appendix J – "Unacceptable Trees and Shrubs", or invasive species listed in Appendix K – "Invasive Species" or, invasive species listed by the Indiana Department of Natural Resources as updated periodically, are unacceptable for use as landscape materials.
 - (3) Plant material used in conformance with the provisions of this Section shall be selected to provide:

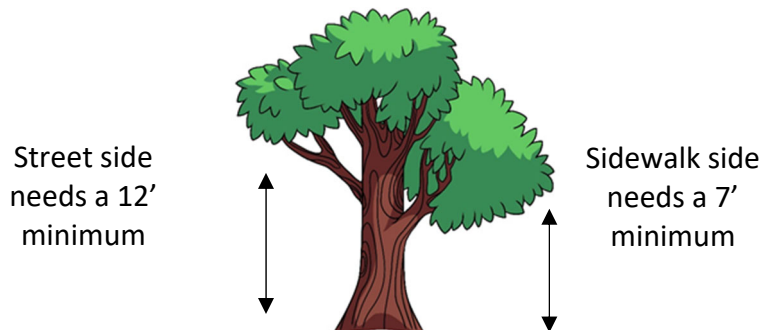
- i. Climate hardiness of plant material
 - ii. High disease resistance and stress tolerance
 - iii. Adaptability of proposed plant material to the particular microclimate (sun, shade, dry or wet soils, alkalinity, etc.) in which it is to be located
 - iv. Inclusion of native plant material where appropriate
 - v. Select plants for drought tolerance
 - vi. Overall year-round ornamental effect
 - vii. Conformance with Best Management Practices (BMPs)
- (4) Plant material shall be healthy, free of insects and diseases, physical damage (bark bruises, cracked branches, scrapes, etc.), and exhibit a straight central leader when applicable.
- (5) Landscaping projects requiring more than twenty-five (25) or more new trees shall maximize diversity by providing a variety of trees, shrubs, and ground covers. Single species planting shall not be permitted.
- (6) The minimum sizes of all plant materials required by this Section shall be according to the following provisions:
- i. Street trees, as listed in Appendix D, shall be at minimum one and one-half inch (1-1/2") caliper for single-family residential uses, and two and a half-inch (2 ½") caliper for all other uses, with the bottom-most six feet (6') clear of branches in all locations.
 - ii. Deciduous "Large Canopy Trees" in Appendix A or "Medium Canopy Trees" in Appendix B shall be at minimum one and one half-inch (1 ½") caliper for single-family residential uses, and two-inch (2") caliper for all other uses, with the bottom-most six feet (6') clear of branches in all locations.
 - iii. "Large Evergreen Trees" in Appendix E and "Small Evergreen Trees" in Appendix F shall be at least six feet (6') tall for single-family residential uses, and eight feet (8') tall for all other uses.

- iv. “Ornamental and Understory Trees” in Appendix C shall be one and one-half inch (1 ½”) caliper or six feet (6') high.
 - v. “Shrubs” in Appendix G shall be three (3) gallon container size or two feet (2') tall from the ground after planting.
 - vi. Perennial plants and ornamental grasses shall have one (1) full season growth with a minimum size of one-half (1/2) gallon.
 - vii. Ground Cover: Grass and other vegetative ground cover shall be used for all pervious areas excluding planting beds, with sufficient space to achieve full cover in the second year after planting.
- U. Lot Coverage Credit – Lots that incorporate green roofs, solar panels, and/or geothermal wells in the development of a building or lot shall be eligible to increase their allowable lot coverage. An increase of one percent (1%) of allowable lot coverage shall be permitted for every ten percent (10%) of lot area that employs such systems.
- V. Selection
- (1) Planting materials used in conformance with the provisions of this Title shall be of good quality, of a species normally grown in Northwestern Indiana (typically Zone 5), capable of withstanding the extremes of individual site microclimates, and shall conform to the standards most recent edition the American Standard for Nursery Stock ANSI (<http://www.anla.org>). Size and density of plant material, both at the time of planting and at maturity, are additional criteria which must be avoided. Not more than fifty percent (50%) of any planting area shall be of one (1) species or plant type.
 - (2) Secondary published sources that may be consulted are:
 - i. *Urban Trees*, LC-992, distributed by Purdue University Cooperative Extension Service, Lake County Office.
 - ii. *Standard Specifications*, Section 914 – Roadside Development Materials, published by the Indiana Department of Transportation.
 - (3) The use of stone, rock, or gravel as a ground cover is not acceptable unless used as a decorative accent or as part of an appropriate landscape concept.
 - (4) Recommended plant species are listed by category in Appendices A through F.

- (5) Species identified in Appendix J – "Unacceptable Trees & Shrubs" and Appendix K – "Invasive Species" are unacceptable for use as landscape material.

W. Landscape Management

- (1) The owner of the premises shall be responsible for the management, repair, and replacement of all landscaping materials, plants, screens, and buffers as required by the provisions of this Ordinance.
- (2) All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. All dead plant material shall be replaced with the same at the next available planting season.
- (3) *Urban Tree Care*, LC-1193, distributed by the Lake County office of the Purdue University Cooperative Extension Service, may be consulted as a guide.
- (4) Fences, walls, curbing, and other barriers shall be maintained in good repair.
- (5) The owner of trees overhanging public streets or right-of-way shall prune the branches so that such branches do not obstruct the light from any streetlamp, the view of any street intersection, or traffic control device. Such pruning shall allow normal passage, without obstruction of vehicles and equipment such as snowplows and garbage trucks. Provide a clear space of seven feet (7') above the surface of the sidewalk and twelve feet (12') above the pavement surface from back of curb. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.



(6) The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light or interferes with the visibility of any traffic control device or sign. The property owner shall be charged the cost of such service that the Town initiates for public safety.

(7) Owner Responsibilities

- i. The responsibility for pruning and maintenance of landscaping that overhangs or crosses over property lines and creates a nuisance, discomfort, or otherwise impedes the enjoyment of the abutting property owners shall be that of the plant owner.
- ii. In the event of refusal of the plant owner, the adjoining property owner may prune such overgrown and encroaching plants up to the property line.

X. Dead or diseased tree removal:

(1) The Town shall have the right to cause the removal of any dead, damaged or diseased trees on private property within the Town, when such trees constitute a life and property safety hazard, or harbor insects or diseases which constitute a potential threat to other trees within the Town. The owner(s) of such trees shall remove them upon written notification. Removal shall be done by said owners at their own expense within sixty days (60) after the date of the service of notice. In the event the owner fails to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the property owner.

(2) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs, within the right-of-way of all streets, alleys, avenues, lanes, squares, and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Town may remove any tree or part thereof, which is in an unsafe condition or by reason of its own nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.

Y. A security bond may be provided to cover the expected monitoring and management activities following substantial completion of the installation of an approved landscape improvement plan. The above letter of credit will be released, and the security bond will be held until the landscape is accepted by the Town.

SECTION 3: Landscape Design Standards

A. General Requirements

- (1) Required landscape areas are exclusive of utility easement requirements and in addition to right-of-way landscaping.
- (2) Credit may be allowed for existing plant material that is protected in place or salvaged and transplanted on the site, providing that all other requirements of this Title are met. Maximum credit allowed is one to one for each plant based on requirements for plant material of similar type and size.
- (3) Credit may be allowed for free-standing site features other than greenscape that provide community gathering or public space uses. Maximum credit allowed is one to one based on area and proposed type of use. Credit examples are:
 - i. A dry bottom detention facility that is maintained as lawn with perimeter planting will be credited at one-quarter to one for its single use, provided the facility is designed as a natural green with varying topography, organically shaped banks, and pedestrian walkways. Dry bottom detention facilities not meeting this standard shall not be eligible for an open space credit.
 - ii. A water feature built into a wet bottom detention facility will be credited at one-half to one for dual use, provided the facility is designed as a natural green with varying topography, organically shaped banks, and pedestrian walkways. Wet bottom detention facilities not meeting this standard shall not be eligible for an open space credit.
 - iii. A naturalized detention facility will be credited at one to one for creation of new naturalized habitat, provided the facility is designed as a natural green with varying topography, organically shaped banks, and pedestrian walkways. Naturalized detention facilities not meeting this standard shall not be eligible for an open space credit.
 - iv. A public amenity placed in front of a building, such as a public plaza, transit station, and clock or bell tower, will be credited at one to one for its public use.

- (4) If a berm or undulating mound is used in a landscape, a maximum height of six feet (6') and maximum slope of 3:1 shall be maintained.
- (5) Where a lot is occupied by a two (2) or more land uses, landscape standards consistent with the requirement of the most intense use shall apply.

B. Monument Signs – The base of all monument signs shall be landscaped with a mixture of perennials or annuals, ornamental grasses, small shrubs, and ornamental trees, at a width of at least six feet (6') from the front and back of the sign.

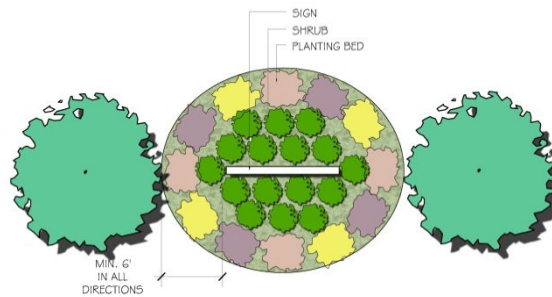


Exhibit 22 - Prototype for Monument Sign Landscaping

C. Right-of-Way Landscaping and Buffering

- (1) All uses, except single-family residential uses, fronting an existing right-of-way shall provide a landscape buffer adjacent to the right-of-way. This buffer area shall serve as a landscaped easement and shall not be obstructed or interrupted with other materials except for approved improvements and access drives.
- (2) On local residential streets, a landscaped area of at least ten feet (10') wide shall be required. The landscape buffer area shall be landscaped for every one hundred feet (100') of frontage with:
 - i. Minimum of one hundred (100) square feet of perennial and/or annual beds.
 - ii. A combination of the following of:
 - a. Two (2) canopy trees, provided there is sufficient clearance from underground utilities, streetlights, and traffic control devices; or

- b. One (1) understory, ornamental, or evergreen tree, plus one (1) large or two (2) small shrubs; or
 - c. Two (2) large and three (3) small shrubs, or ornamental grasses.
- (3) On collector residential streets, a landscaped area of at least fifteen feet (15') wide shall be required. The landscape buffer area shall be landscaped for every one hundred feet (100') of frontage with:
 - i. Minimum of one hundred (100) square feet of perennial and/or annual beds.
 - ii. A combination of the following of:
 - a. Two (2) canopy trees, provided there is sufficient clearance from underground utilities, streetlights, and traffic control devices; or
 - b. One (1) canopy tree, at least eight feet (8') in height if there is sufficient clearance from underground utilities, streetlights, and traffic control devices, plus two (2) ornamental trees or three (3) evergreen trees; or
 - c. Two (2) ornamental trees or three (3) evergreen trees, plus nine (9) large or twelve (12) small shrubs, or ornamental grasses.
- (4) On Arterial streets and highways, a landscaped area of at least twenty feet (20') wide shall be required. The landscape buffer area shall be landscaped for every one hundred feet (100') of frontage with:
 - i. Minimum of one hundred (100) square feet of perennial and/or annual beds.
 - ii. A combination of the following of:
 - a. Two (2) canopy trees, provided there is sufficient clearance from underground utilities, streetlights, and traffic control devices, plus three (3) ornamental or nine (9) evergreen trees, plus six (6) large or eighteen (18) small shrubs; or
 - b. Three (3) ornamental trees, plus three (3) evergreen trees, plus twelve (12) large or eighteen (18) small shrubs; or
 - c. Five (5) ornamental trees or nine (9) evergreen trees, plus twelve (12) large or eighteen (18) small shrubs, or ornamental grasses.

- (5) Frontage roads, service roads and reliever streets parallel to major arterials, if any, shall provide a seven-foot (7') wide planting strip, but street trees are not required on both sides of a frontage road. Street trees shall only be required on the side of the street where primary structures are located.
- (6) Landscaping shall be provided on each corner and double frontage lot, along the frontage which does not have access to the public right-of-way. The landscaping shall provide a buffer to the traffic and noise associated with the right-of-way. The landscaping shall be located parallel to the lot line and shall extend along the entire frontage of the lot immediately adjacent to the property line. The required landscaping shall be comprised of plant material in accordance with the above schedule depending on the classification of the adjacent right-of-way.

D. Parkway Trees

- (1) Except where prohibited by local, state, or federal authorities, one (1) street tree, as defined in Appendix B – "Understory Trees", less than twenty-five feet (25') or as defined in Appendix C – "Street Trees", on the parkway for each thirty-five feet (35') of frontage is permitted if all other requirements are met. Planting in parkway narrower than six feet (6') is not acceptable. Trees planted under power lines must have a maximum height at maturity of less than 25'.
- (2) **It is the property owner's responsibility to make sure that they and/or their landscaper call to locate all utilities and sewers at the digging site at least two full working days before they dig. Contact www.811NOW.com or call 811 to schedule a locate of the digging site. If utilities or sewers are located in the parkway, we would advise against planting at that site.**
- (3) Where a parkway does not exist, ornamental/understory or street trees shall not be permitted unless approved by the Town Staff and provided such trees are located only within the outer ten feet (10') of the right-of-way. If space does not exist within the outer ten feet (10') of right-of-way, then the trees shall be planted on the abutting property within ten feet (10') of the right-of-way and all such planting shall be credited toward applicable perimeter or front yard planting requirements.

E. Front Yard Landscaping

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

- (2) Residential Uses
 - i. All front yards (exclusive of driveways and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued according to the provisions of this Ordinance.

 - ii. In all residential districts, the minimum landscaping acceptable per one thousand (1,000) square feet of the front yard areas is as follows:
 - a. One (1) canopy tree, ornamental/understory, or street tree.
 - b. Four (4) shrubs or accent plants on the front elevation.
 - c. The remaining area treated with attractive ground cover(s) (e.g. lawn, perennials, and shrubs) with a deep root system that holds soil and prevents erosion.
 - d. Corner lots shall install six (6) shrubs and one (1) tree per side facing a street.

 - iii. Walls that do not exceed two feet (2') in height may be permitted only when shown as an integral part of a landscape plan. Walls shall be constructed of masonry materials that complement the architecture of the primary building.

 - iv. An approved landscape plan, meeting the requirements in Sections 2 and 5 of this Title, may be used in lieu of the above standards.

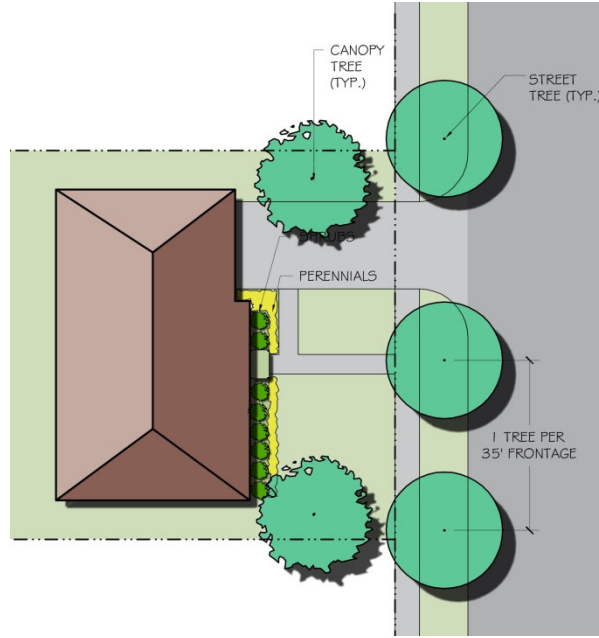


Exhibit 23 - Prototype for front yard landscaping in residential districts

(3) Commercial, Office and Institutional Uses

- i. All required yards adjacent to a street (exclusive of driveway and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit.
- ii. In all commercial areas, the minimum landscaping required per one thousand (1,000) square feet of the front yard area is as follows:
 - a. One (1) canopy tree.
 - b. Five (5) large shrubs or eight (8) small shrubs, trees, ornamental grasses, or accent plants.
 - c. Corner lots shall install six (6) shrubs and one (1) tree per side facing a street.
 - d. The remaining area treated with suitable living ground cover, lawn, perennials, or other attractive plant materials.
- iii. Walls are not permitted in front yards unless they are used to screen off-street parking lots. Walls shall be constructed of masonry materials that complement the architecture of the primary building.

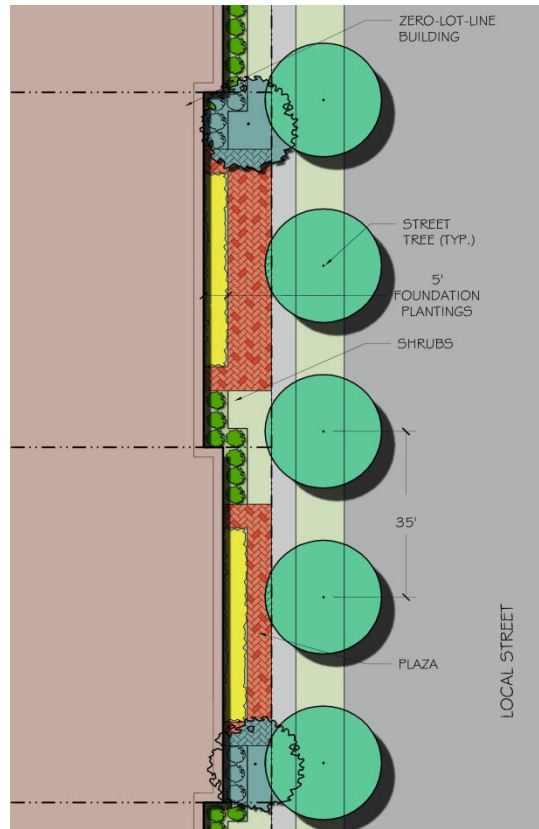


Exhibit 24 - Prototype for front yard landscaping in commercial districts

(4) Business Park and Industrial

- i. All required yards adjacent to a street (exclusive of driveway and other permitted hard surfaces) are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one (1) year may be issued according to the provisions of this Ordinance.
- ii. In all Industrial areas, the minimum landscaping acceptable per one thousand (1,000) square feet of required yard area is as follows:
 - a. One (1) canopy tree.
 - b. Five (5) large shrubs or eight (8) small shrubs, trees, or accent plants.
 - c. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
 - d. Where the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially zoned property, only fifty percent (50%) of this standard shall apply.

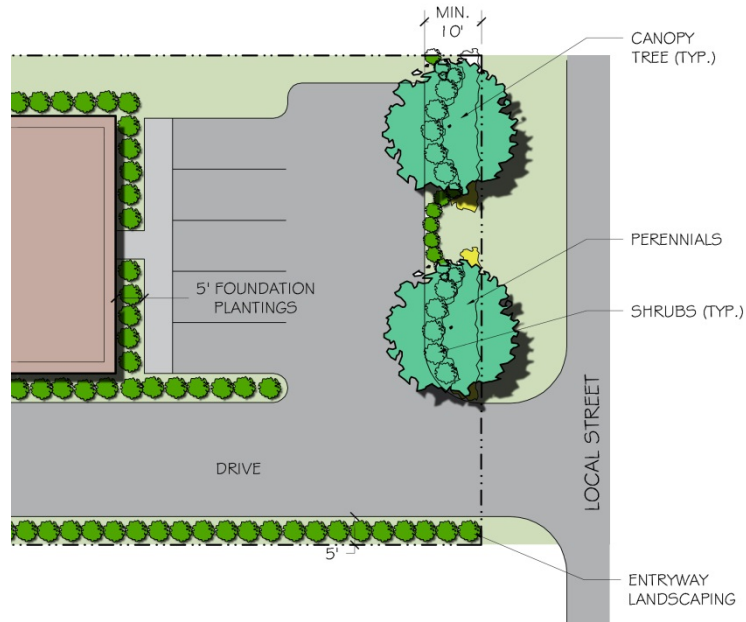


Exhibit 25 - Prototype for front yard landscaping in business park districts

F. Transition Yard Planting

- (1) Side and rear yards of commercial and institutional lots adjacent to residential zoned property shall provide adequate screening to maintain a seventy-five percent (75%) opacity in two (2) years. The planting shall include at least the following for every one hundred feet (100') of lot length:
 - i. Three (3) canopy trees, if sufficient clearance from overhead and underground utilities exists;
 - ii. Six (6) large evergreen trees, plus twelve (12) large or twenty (20) small shrubs; or
 - iii. Four (4) understory or ornamental trees, twelve (12) evergreen trees, plus twelve (12) large or twenty-four (24) small shrubs; or
 - iv. Other combination of plantings as prepared by a landscape architecture provided such planting plan meets seventy-five percent (75%) opacity.
 - v. The remaining area treated with suitable living ground cover, lawn, perennials, or other attractive plant materials.

- (2) Side and rear yards of industrial lots adjacent to residential zoned property shall provide adequate screening to maintain a seventy-five percent (75%) opacity in two (2) years. The planting shall include a continuous landscaped berm at least three feet (3') high. The planting shall include at least the following for every one hundred feet (100') of lot length:
 - i. Four (4) canopy trees, if sufficient clearance from overhead and underground utilities and light standards exists;
 - ii. Eight (8) large evergreens, twelve (12) small evergreen trees, plus twenty-four (24) large and thirty-six (36) small shrubs; or
 - iii. Twelve (12) understory or ornamental trees, sixteen (16) evergreen trees, plus twenty-four (24) large and eighteen (18) shrubs.
 - iv. Other combinations of plantings as prepared by a landscape architecture provided such planting plan meets seventy-five percent (75%) opacity and the desired aesthetic and screening effects.
 - v. The remaining area treated with suitable living ground cover, lawn, perennials, or other attractive plant materials.

- (3) Open Storage Yards
 - i. Open storage yards shall be screened on all sides by solid walls or fences (including solid doors or gates) not more than eight feet (8') high, but in no case lower in height than the materials to be stored.
 - ii. The wall or fencing shall be landscaped on all sides if it adjoins uses other than industrial or abuts a public right-of-way.
 - iii. When a storage yard fronts a public right-of-way, a setback of sixty feet (60') shall be required. A continuous berm with minimum three feet (3') height shall be provided, and the area shall be landscaped in accordance with the provisions of Paragraph 2 above in this Subsection.
 - iv. When a storage yard with fencing abuts uses other than industrial, an outsider perimeter landscaping shall be required in accordance with the provisions of Paragraph 2 above in this Subsection.

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

- (1) Vacant property owners may maintain native grasses to a maximum height of six inches (6"), however, these properties shall not maintain rocks, gravel, bark, or other similar materials within the public right-of way.
- (2) Turf shall be permitted in all parkways and is recommended on slope grades up to fifty percent (50%) (1:1 slope). Turf is not recommended on slopes greater than fifty percent (50%).
- (3) Canopy trees, planted at specified distances, is permitted, if sufficient clearance from overhead and underground utilities and light standards exist.
- (4) Driveways and walkways shall be permitted in all parkways.
- (5) Prohibited Materials: Materials prohibited in parkways include brick-pavers, gravel, asphalt, ground cover and shrubs exceeding eighteen inches (18") in height at maturity, and concrete except in conjunction with driveways and walkways.

H. Building Foundations – In addition to the general design criteria prescribed in this Title, the following requirements shall also apply to foundation landscaping:

- (1) All non-residential and multiple family developments shall provide perimeter landscaping as provided herein.
- (2) A landscaping area not less than five feet (5') in width shall be located around the perimeter of all buildings, except where impractical, i.e. loading dock areas, entryways, etc.
- (3) Required foundation landscaping areas shall remain open and free of all paving except where walks to buildings and other similar paving are required.
- (4) Foundation landscaping consists of shade and ornamental trees, evergreens, shrubbery, hedges, and/or other living plant materials. Particular attention shall be paid toward screening mechanical equipment and loading docks; softening large expanses of building walls; and accenting entrances and architectural features of the building(s).

I. Parking Lot Landscaping

- (1) Landscaping for parking areas shall consist of a minimum of seven percent (7%) of the total parking area, plus a ratio of one (1) tree per eight (8)

parking spaces for large parking lots [seventy-five (75) spaces or more] and one (1) tree per ten (10) parking spaces for small parking lots. All parking spaces, travel aisles, sidewalks, and abutting landscape areas shall be included as part of the parking area.

- (2) All parking lots located adjacent to an existing public right(s) of way shall establish roadside landscape buffer of not less than eight feet (8') in width. Such buffer shall complement the existing road parkway where practical or District’s yard setback requirements as provided in TITLE XVI.
- (3) Entryway Landscaping – Entryways into parking lots shall be bordered by a minimum five feet (5') wide landscape planting strip with canopy trees of not less than thirty-five feet (35') on center, except that no sight obscuring trees or shrubs are permitted.
- (4) Parking Space Buffers – Parking areas shall be separated from the exterior wall of a structure by pedestrian walks or loading areas or by a five feet (5') strip of landscaping materials.
- (5) A parking lot shall be broken up with physical reliefs by providing one or more of the following:
 - i. Landscape strips between parallel parking rows that are a minimum five feet (5') in width. When incorporating pedestrian walkways, such strips shall be a minimum of twelve feet (12') wide for all such applications except for double-sided sidewalks, which shall require a minimum seventeen-foot (17') wide strip.

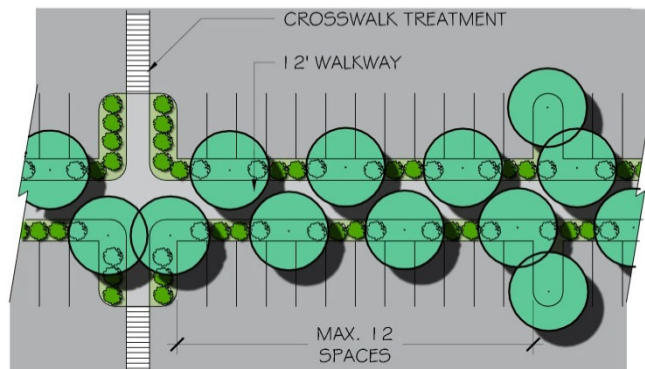


Exhibit 26 - Example of parallel parking row with pedestrian walkway

- ii. Landscape island, with minimum six feet (6') width and eighteen feet (18') long.

- iii. Rain gardens and bio swales, and other stormwater retention structures may be incorporated into landscaping strips.

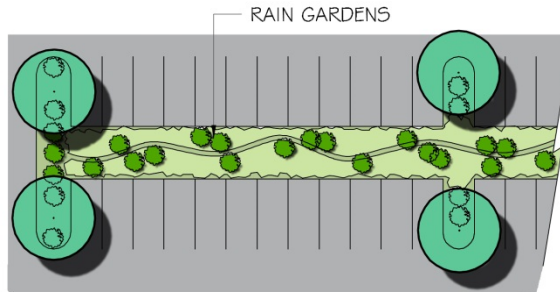


Exhibit 27 - Example of landscaping strip that incorporates a rain garden

- (6) Perimeter Landscaping – Parking lots with eight (8) or more spaces shall have the following perimeter improvements:
 - i. Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds.
 - ii. The screen may be broken into segments to allow for pedestrian movement, diversity, and variety.
 - iii. Shrubs shall be planted at a minimum ratio of one (1) shrub per four (4) lineal feet around the perimeter or create a seventy-five percent (75%) level of opacity in two (2) years and be maintained at a height of at least three feet (3') tall, but not exceeding eight feet (8') in height. Shrubs shall be planted within five feet (5') of the parking lot edge.
 - iv. A wall or mound may be installed in lieu of the planting screen. Walls, if used, shall be a minimum of thirty-six inches (36") and maximum of forty-two inches (42") in height.
 - v. One (1) deciduous tree per thirty-five feet (35') of parking lot perimeter shall be planted within ten feet (10') of the parking lot edge.
- (7) Interior Landscaping – Parking lots with eight (8) or more parking spaces are required to have the following:

- i. Landscape Island: Parking areas shall be divided into bays of not more than twelve (12) parking spaces. Between or at the end of each parking bay, there shall be curbed island of at least six feet six inches (6'6") in width. Each island shall contain one (1) canopy tree and decorative ground cover containing at least ten (10) shrubs for every one hundred (100) square feet of landscape area.
 - ii. Landscape Walk: Where a sidewalk abuts a parking lot, a five-foot (5') wide landscape strip shall be provided between the walk and the parking lot.
 - iii. Each landscape island shall be bordered by a four-inch (4") or higher curb above the surface of the parking lot, except when such island is used as a rain garden or for bioswales where it could be broken as required.
 - iv. Parking lot landscape areas shall not be filled with gravel or impervious surface. They must be free of litter and be maintained with plant materials and mulch.
 - v. Institutional uses with parking lot used primarily for bus circulation and staging are not required to install landscape islands for that portion of the parking area.
 - vi. Parking lots that incorporate pervious paving in their design shall be exempt from provided landscaped islands but shall still provide all other required landscaping.
- (8) Buffer Yards – A buffer yard shall be required along the property lines (side and rear property lines included) where parking lots abut other conflicting zones. The following standards shall apply where the two (2) conflicting zoning districts meet:
- i. The property which is zoned for higher intensity uses is responsible for installing the buffer yard.
 - ii. A natural or irregular row and spacing of trees is preferred. However, trees, shrubs and other living landscape materials shall be planted in such a manner to achieve a seventy-five percent (75%) opacity level within two (2) years of the planting. All Plant materials shall be installed within five to fifteen feet (5-15') from the property line in the required setback or side yards.

- iii. Rolling mounds or berms or opaque fencing may be installed for the total length of conflicting property. Undulating mounds shall not exceed a slope of 3:1, nor exceed six feet (6') in height.

J. Outdoor storage, loading, utility and trash collection areas

- (1) Areas for outdoor storage, truck parking, loading, trash compaction, or other such uses shall not be visible from public or private right-of-way and shall be enclosed on all sides by an enclosure of comparable materials to that of the primary structure or surrounded by an earth berm with landscape plantings of not less than six feet (6') in height. No areas for outdoor storage, truck parking, loading, trash compaction, or other such uses shall be located within twenty feet (20') of any public or private street, and public sidewalk.
- (2) Utility meters, pedestals and transformers, HVAC equipment, and other service functions shall be incorporated into the overall design of the building and the landscaping plan so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- (3) Dumpsters, recycling containers, and utility or equipment areas must be completely enclosed within an opaque enclosure consisting of materials architecturally compatible with the primary structure. All enclosures must include a gate, consisting of similar design and opaque materials such as solid wood or vinyl. Evergreen landscaping, with a minimum height of eight feet (8'), shall be provided around the enclosure. Chain link or post and rail fences and gates with similar materials shall be prohibited.
- (4) All ground mounted utility equipment, including accessory buildings and structures for telecommunication towers, shall be screened with evergreen landscaping at a minimum height of eight feet (8'). Satellite dish and solar panels are exempted from these requirements.

K. Stormwater Detention/Retention Facilities

- (1) Perimeter planting area shall be installed to a minimum width of twenty feet (20') wide measured perpendicular from the top of bank, or if greater than twenty feet (20'), a width equivalent to the distance from top of bank to the toe of the landward embankment. The area shall be planted in conformance to the schedule in subsection F(1) above.

- (2) In no case shall any stormwater facility be located within the front yard of any lot. Access to any stormwater facility shall be located only within the lot interior.
- (3) The use of rain gardens, bioswales, filtering ponds, and other similar natural stormwater management systems shall be permitted, either in whole or in part, as acceptable stormwater management facilities, provided they meet the provisions of this Ordinance and all other applicable provisions of the Town Code. An approved landscape plan shall be required for such use.
- (4) Where practical, stormwater facilities shall be linked among neighboring properties to create a single stormwater system.
- (5) A naturalized planting area shall conform to Section 4 below.

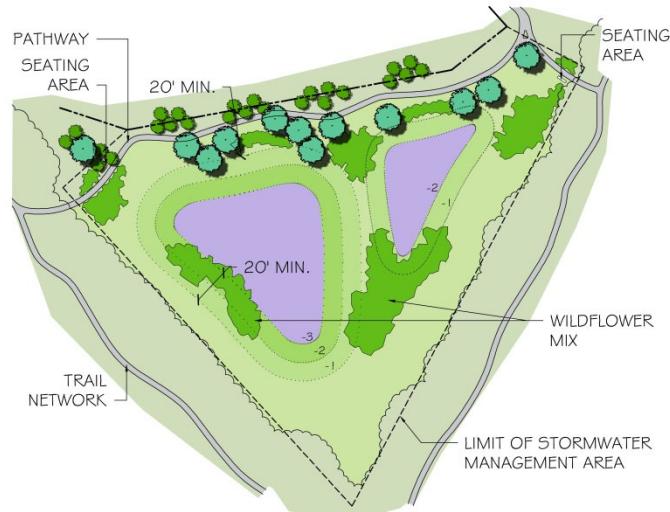


Exhibit 28 - Stormwater Management Pond Concept

SECTION 4: Stormwater Detention/Retention Facilities

- A. Where naturalized landscape areas are installed around stormwater detention / retention facilities, the areas must remain as naturalistic as possible, resemble natural water features, provide habitat and stormwater management benefits, and improve water quality.

- B. A naturalized landscape plan for all stormwater detention / retention facilities must be prepared by a registered and licensed landscape architect, and clearly demonstrate the ability of the proposed plant material to survive expected periods of inundation, based upon hydrologic studies. The plan shall include the following elements in addition to those required in Section 2 of this Title:
- (1) Topographic information and proposed grades, slopes, and gradients for the facility
 - (2) Location of existing and/or proposed inlets and outlets
 - (3) Identification of all plant zones by elevation range (i.e., 721-723.5, HWL – 719, etc.)
 - (4) Identification of all seed mixes and planting rates per plant zone (i.e., Prairie, Wet Prairie, Emergent Wetland, Riparian Woods, Forested Wetland, Turf Grass, etc.)
 - (5) Hydrograph data for the 2- and 100-year rainfall events on a time vs. stage graph. Data for 5- and 10-year events may also be required if determined necessary by the Town Staff.
 - (6) Herbivory protection netting for emergent planting zones based on plant selection.
 - (7) Maintenance and monitoring plans described in Subsection C-F below
- C. Long Term Operation and Maintenance Plan including the following:
- (1) Names, addresses, and telephone numbers of the property owner(s) of the stormwater facility.
 - (2) Names, addresses, and telephone numbers of the party or parties legally responsible for operations and management of the stormwater facility.
 - (3) Written documentation of acceptance by public agencies, as applicable; including associated capital expenses.
 - (4) A copy of the terms demonstrating that the long-term management agreement is recorded against all lots in the project.
 - (5) Location map identifying all permanent access (public and private), boundaries between traditional turf grass areas and the naturalized areas covered by the plan, overland flow paths, and control structures.

- (6) Educational pamphlet to be distributed at closing for all lots in the development that the stormwater retention / detention facility serves.
 - (7) Schedule of expected long-term management activities.
 - (8) Cost estimate for routine and non-routine expenses and dedicated source(s) of funding for continued inspection, operation, and maintenance.
- D. Naturalized landscapes are to be installed and managed by individuals / companies with qualifications and/or experience with such landscapes. Qualifications are to be provided to the Town through submittal of references, photographs, resumes, and/or other means that demonstrate the ability to install and/or manage naturalized landscapes.
- E. Near-term reporting requirements
- (1) The developer is to notify the Town at least forty-eight (48) hours prior to the start of plant installation.
 - (2) Following substantial completion, the developer is to submit documentation that natural area landscape installation or re-vegetation has been completed. Nursery packing lists indicating the species and quantities of materials installed are to accompany this notice.
 - (3) The developer (or a designated representative) is to submit an annual monitoring of the naturalized landscape toward design goals. The report shall include the following:
 - i. A location map;
 - ii. A summary of annual monitoring observations; including five (5) to ten (10) photographs representative of at least ten percent (10%) of each vegetative community to identify the following:
 1. The limits of all vegetation areas by general community type and dominant species within each planting zone (e.g., wetland and prairie zones),
 2. All plant species (native and non-native) in each planting zone,
 3. The five (5) most dominant species within each planting zone,
 4. The percent survival of planted species,
 5. The approximate percent ground cover by native species within each planting zone,

6. The percent ground cover by non-native or invasive species in each planting zone,
 7. Erosion and sedimentation problems,
 8. Water level or drainage problems,
 9. Areas of bare soil larger than three (3) square feet, and
 10. Observations on specific management strategies necessary to achieve acceptance requirements.
- iii. Description of management performed during the year;
 - iv. Tabular summary of annual progress relative to acceptance standards;
 - v. List of recommendations for management during the upcoming year;
 - vi. Quarterly observations/inspections of earthen berms, dams, embankments, control structures, and spillways.
- F. Long-Term Reporting – Every five (5) years following Town acceptance of the naturalized landscape plantings, the owner of the property shall submit a report to the Town on the condition of naturalized landscapes, recommended management actions to correct deficiencies, and a proposed schedule for implementing the recommended actions. Following implementation of corrective actions, documentation is to be provided to the Town demonstrating that deficiencies have been corrected.
- G. Safety Standards
- (1) Special consideration for safety shall be made during the design of storm water facilities including fencing, slope benching, access roads, and flattened side slopes. Fencing is not desirable but may be incorporated in the design of the storm water facility if other more desirable safety measures are not feasible.
 - (2) Fencing may be required when a water depth of over two feet (2') for over twenty-four (24) hours after any design storm event, and safety benching or side slopes of 8:1 (12%) or flatter cannot be provided. Where provided, fencing shall be in accordance with TITLE XVII [Supplementary District Regulations].
- H. Naturalized Landscape Acceptance – Satisfactory landscape development associated with naturalized vegetation in stormwater facilities or other naturalized areas will be based on the following:

- (1) Within three months of seed installation (or three months after the start of the growing season following dormant seeding), at least ninety percent (90%) of the seeded area, as measured by aerial cover, will be vegetated, or otherwise stabilized against erosion.
- (2) Naturalized landscapes shall not have single areas of more than three (3) square feet devoid of vegetation, as measured by aerial coverage.
- (3) Seeded areas shall have no rills or gullies and basin shorelines shall be adequately protected against erosion.
- (4) Areas seeded to turf grass or low-maintenance turf shall have ninety-five percent (95%) ground cover.
- (5) Emergent areas shall have minimum of thirty-five percent (35%) ground cover [avg. fifty percent (50%)] and other wetland and prairie areas shall have a minimum of thirty-five percent (35%) ground cover [avg. sixty percent (60%)] by species in the approved plant list and/or native species with native coefficient of conservation (C-) values = 2 (per Swink and Wilhelm 1994 or more current version).
- (6) Naturalized landscapes shall have a minimum of thirty percent (30%) presence by species seeded or planted for the permanent matrix and/or native species with C-value = 2 (per Swink and Wilhelm 1994 or more current version).
- (7) Installed woody materials shall be alive, in healthy condition, and representative of the species.
- (8) No specific plant community, individual or collective, shall have more than twenty-five percent (25%) cover of non-native or weedy species.
- (9) None of the three-most dominant species may be non-native or weedy vegetation, as provided herein in Appendix J – "Unacceptable Trees and Shrubs" and Appendix K – "Invasive Species."
- (10) Cattails (*Typha* spp.) do not count towards the twenty-five percent (25%) non-native criterion provided they represent no more than ten percent (10%) cover.

- I. Prohibited Activities – The following activities are prohibited within areas of naturalized landscaping except as needed to achieve and maintain a naturalized landscape consistent with an approved plan and as directed by a Town approved landscape restoration specialist:

- (1) Dumping of yard waste, fill material or debris
- (2) Replacement of approved vegetation with non-approved materials
- (3) Construction or placement of structures, except for pedestrian walks or trails
- (4) Application of pesticides, fertilizer, or herbicides
- (5) Mowing
- (6) Commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to signs, billboards, other advertising material, or other structures
- (7) Removal or destruction of trees or plants, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals, or other material
- (8) Operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles, or any other types of motorized vehicles.

SECTION 5: Alternative Compliance

- A. Alternative methods of compliance within the provisions of this Title may be used when one (1) or more of the following conditions exist:
 - (1) The existing topography, soil, or other site constraints are such that full compliance with the regulations in this Title are impossible or impractical;
 - (2) Improved environmental quality and aesthetics would result from the alternative compliance;
 - (3) Safety considerations make alternative compliance necessary.
- B. All approved alternative compliance landscape plans shall demonstrate an equal or higher level of compliance of material quality, visual effect, and effectiveness of meeting the purpose of this Title as compared to a traditional landscape plan.

- C. Application Procedure – A request for alternative compliance shall be submitted to the Town Staff at the time the landscape plan is submitted. Included with the submission shall be the proposed alternative landscape plan, showing in sufficient detail and justification (written, graphic, or both) for the alternative compliance request. The Town Staff shall make the final determination on whether alternative compliance is warranted for the site.

SECTION 6: APPENDICES

APPENDIX A: CANOPY TREES

RECOMMENDED PLANT MATERIALS FOR CANOPY TREES*

Mature heights over 50 feet, plant at least 30 feet from structures or power lines

<i>Botanical Name</i>	<i>Common Name</i>
-Acer nigrum var.	Black Maple
-Acer rubrum var.	Red Maple
-Acer saccharum var.	Sugar Maple
-Corylus colurna	Turkish Filbert
Ginko biloba (male only)	Maidenhair Tree
-Gleditsia triancanthos inermis var.	Thornless Honeylocust
-Gymnocladus dioicus	Kentucky Coffeetree
Liridenron tulipfera	Tuliptree
Metasequoia gyptostroboides	Dawn Redwood
Ostrya virginiana	Ironwood
-Quercus alba	White Oak
-Quercus bicolor	Swamp White Oak
-Quercus coccinea	Scarlet Oak
-Quercus mbricaria	Shingle Oak
-Quercus macrocarpa	Bur Oak
-Quercus rubra	Red Oak
Taxodium distichum	Bald Cypress
Tilia americana	American Linden
Tilia cordata var.	Littleleaf Linden
Tilia vulgaris	Common Linden
Tilia tomentosa	Sterling Silver Linden
Ulmus var.	Elm (newer hybrids)

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

-Messy fruits, plant parts such as acorns, seed pods, etc.

APPENDIX B: MEDIUM CANOPY TREES

RECOMMENDED PLANT MATERIAL FOR MEDIUM CANOPY TREES*

Mature heights up to 50 feet, plant at least 30 feet from structures or power lines

<i>Botanical Name</i>	<i>Common Name</i>
-Acer rubrum var. +	Red Maple
Betula nigra var. +	River Birch
Carpinus carolina +	American Hornbeam
Cercis canadensis +	Eastern Redbud
-Corylus cornuta	Hazelnut (single stem only)
Ginkgo biloba var. +	Ginkgo (Male cultivars only)
-Gleditsia triancanthus inermis var +	Thornless Honeylocust
Magnolia lilliiiflora var. +	Lily Magnolia
Magnolia soulangeana var. +	Saucer Magnolia
Magnolia stellate var. +	Star Magnolia
Malus var.	Flowering Crabapple
Ostrya virginiana	Ironwood
-Quercus imbricaria	Shingle Oak
-Quercus muehlenbergii	Chinquapin Oak
Syringa reticulate var.	Japanese Tree Lilac
Taxodium distichum	Baldcypress
Tilia cordata var.	Littleleaf Linden

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

-Messy fruit parts such as acorns, seed pods, etc.

+ Check selected cultivar for height at maturity

APPENDIX C: ORNAMENTAL AND UNDERSTORY TREES

RECOMMENDED PLANT MATERIALS FOR ORNAMENTAL AND UNDERSTORY TREES*

Mature heights up to 25 feet, plant at least 20 feet from structures or power lines

Botanical Name

Acer griseum
 -Amelanchier sp.
 Carpinus caroliniana +
 Cercis canadensis +
 -Corylus colurna
 Crataegus crus-galli inermis var.
 Magnolia liliflora var. +
 Magnolia soulangeana var. +
 Magnolia stellate var. +
 Malus var.
 Syringa reticulate var.

Common Name

Paperbark Maple
 Serviceberry
 American Hornbeam
 Eastern Redbud
 Hazelnut
 Thornless Cockspur Hawthorn
 Lily Magnolia (single stem only)
 Saucer Magnolia (single stem only)
 Star Magnolia (single stem only)
 Flowering Crabapple
 Japanese Tree Lilac

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

+ Check selected cultivar for height at maturity

APPENDIX D: STREET TREES

RECOMMENDED PLANT MATERIALS FOR STREET TREES

Mature heights over 30 feet, plant at least 30 feet from structures or power lines and in parkways at least 6 feet wide from curb to sidewalk. On the streetside, any tree must be kept trimmed to a height no less than 12' above the street and, on the sidewalk side, at least 7' above the walkway. Cultivars are available for most species and narrow crowns are preferred.

Botanical Name

-Amelanchier sp.
 Carpinus caroliniana
 -Carya ovata
 Celtis occidentalis
 -Cladrastis kentukea
 Ginkgo biloba
 -Glenditsia triancanthos inermis var.
 -Gymnocladus dioicus
 Larix decidua
 Larix kaempferi
 Nyssa sylvatica
 Ostrya virginiana
 -Quercus alba
 -Quercus bicolor
 -Quercus coccinea
 -Quercus macrocarpa
 -Quercus rubrum
 Syringa reticulata
 Tilia Americana
 Tilia euchlora
 Tilia tomentosa
 Ulmus davidiana

Common Name

Serviceberry
 American Hornbeam
 Shagbark Hickory
 Hackberry
 Yellowwood
 Ginkgo (male cultivars only)
 Thornless Honeylocust
 Kentucky Coffeetree
 European Larch
 Japanese Larch
 Sour gum, Black gum or Tupelo
 Ironwood
 White Oak
 Swamp White Oak
 Scarlet Oak
 Burr Oak
 Red Oak
 Japanese Tree Lilac
 American Linden
 Crimean Linden
 Sterling Silver Linden
 Elm – Dutch Elm Disease resistant

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

Cultivars available in varied sizes, shapes, and/or bloom color

-Messy fruit parts such as acorns, seed pods, etc.

APPENDIX E: LARGE EVERGREEN TREES

RECOMMENDED PLANT MATERIALS FOR EVERGREEN TREES*

Mature heights over 30 feet, plant at least 30 feet from structures or power lines

<i>Botanical Name</i>	<i>Common Name</i>
Abies concolor	White Fir
Juniperus virginiana	Eastern Red Cedar
Picea abies	Norway Spruce
Picea glauca	White Spruce
Picea omorika	Serbian Spruce
Picea pungens	Colorado Green Spruce
Picea p. 'Gluaca'	Colorado Blue Spruce
Pinus flexilis	Limber Pine
Pinus ponderosa	Ponderosa Pine
Pinus strobus	Eastern White Pine
Pseudotsuga menziesii	Douglas Fir
Tsuga canadensis	Canadian Hemlock

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

APPENDIX F: SMALL EVERGREEN TREES

RECOMMENDED PLANT MATERIALS FOR EVERGREEN TREES*

Mature heights less than 30 feet, plant at least 10 feet from structures or power lines

<i>Botanical Name</i>	<i>Common Name</i>
Abies concolor	White Fir
Chamaecyparis lawsoniana	False Cypress
Chamarcyparis pisifera	False Cypress
Ilex glabra	Inkberry
Ilex x meserveae	Holly
Ilex opaca	American Holly
Juniperus chinensis	Chinese Juniper
Picea pungens	Blue Spruce
Pinus virginiana	Virginia Pine

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

Cultivars available in varied sizes, shapes, and/or bloom color

**APPENDIX G: SHRUBS
RECOMMENDED PLANT MATERIALS FOR SHRUBS***

<i>Botanical Name</i>	<i>Common Name</i>
Buxus spp. +	Boxwood
Chamemomeles speciose+	Flowering Quince
Forsythia spp. +	Forsythia
Fothergilla var.	Fothergilla
Hamamelis virginiana +	Witch hazel
Hydrangea arborescens+	Smooth hydrangea
Hydrangea paniculata+	Panicked Hydrangea
Hydrangea quercifolia+	Oak leaf Hydrangea
Ilex meserveae +	Holly
Ilex glabra +	Inkberry
Itea virginica+	Virginia Sweetspire
Juniperus var. +	Juniper
Myrica pensylvanica	Bayberry
Philadelphus	Mockorange
Picies abies var. +	Norway Spruce
Rhus aromatic +	Dwarf fragrant sumac
Rhus glabra +	Smooth Sumac
Rosa var.+	Roses
Spirea var. +	Spirea
Syringa spp. +	Lilac
Taxus spp. +	Yew
Thuja spp. +	Arborvitae
Viburnums spp. +	Viburnums
Weigela spp. +	Weigela

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

+ Cultivars available in varied sizes, shapes, and/or bloom color

**APPENDIX H: PRESERVATION TREES
RECOMMENDED PLANT MATERIALS FOR PRESERVATION TREES***

<i>Botanical Name</i>	<i>Common Name</i>
Aesculus species	Buckeye / Horse Chestnut
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Carpinus caroliniana	Blue Beech
Carya var.	Hickory
Celtis occidentalis	Hackberry
Gymnocladus dioicus	Kentucky Coffeetree
Juglansnigra	Walnut
Ostrya virginiana	Ironwood
Platanus occidentalis	Sycamore
Quercus (all except palustris)	Oaks (all except Pin Oak)
Taxodium distichum	Bald Cypress
Tilia americana	American Linden

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

**APPENDIX I: STORMWATER DETENTION / RETENTION TREES
RECOMMENDED PLANT MATERIALS FOR DETENTION PONDS ***

<i>Botanical Name</i>	<i>Common Name</i>
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Amelanchier arborea	Downy Serviceberry
Alnus glutinosa	European Alder
Alnus rugosa	Speckled Alder (native)
Betula nigra	River Birch
Carpinus caroliniana	Blue Beech
Carya ovata	Shagbark Hickory
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Crataegus crus-galli inermis	Thornless Hawthorne
Juglans nigra	Black Walnut
Liquidambar styraciflua	American Sweetgum
Magnolia virginiana	Magnolia
Nyssa sylvatica	Black Tupelo
Platanus occidentalis	Sycamore
Quercus bicolor	Swamp White Oak
Quercus lyrata	Overcup Oak
Quercus rubra	Red Oak
Taxodium distichum	Bald Cypress

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

**APPENDIX J: UNACCEPTABLE TREES & SHRUBS
PLANT MATERIAL LIST FOR UNACCEPTABLE TREES & SHRUBS***

<i>Botanical Name</i>	<i>Common Name</i>
Acer negundo	Box Elder
Acer plantanoides	Norway Maple
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree-of-Heaven
Betula papyrifera	White Paper Birch
Cercidiphyllum japonicum	Katsura
Crataegus phaenopyrum	Washington Hawthorn
Elaeagnus angustifolia	Russian Olive
Euonymus alata	Burning Bush
Euonymus fortuneii	Wintercreeper
Frangula alnus	Glossy Buckthorn
Fraxinus spp.	Ash
Ginkgo biloba (female)	Female Ginkgo
Koelreuteria bipinnata	Golden rain tree
Lonicera spp.	Honeysuckle
Maclura pomifera	Osage Orange, Hedge Apple
Morus spp.	Mulberry
Pinus nigra	Austrian Pine
Phellodendron amurense	Corktree
Populus spp.	Poplars, Cottonwoods
Prunus spp.	Cherries, Plums
Pyrus calleryana	Flowering Pear Tree
Quercus acutissima	Sawtooth Oak
Quercus palustris	Pin Oak
Robinia pseudoacacia	Black Locust
Rhamnus spp.	Buckthorn
Salix spp.	Willows
Sorbis spp.	Mountain Ash
Ulmus spp.	Elms (unless otherwise noted)
Zelkova serrata	Japanese Zelkova

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

**APPENDIX K: INVASIVE SPECIES
PLANT MATERIAL LIST FOR INVASIVE SPECIES***

<i>Botanical Name</i>	<i>Common Name</i>
Acer platanoides	Norway Maple
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree-of-Heaven
Alliaria petiolata	Garlic Mustard
Alnus glutinosa	Black Alder
Berberis thunbergii	Barberry
Bromus inermis	Smooth Brome
Cirsium arvense	Canada Thistle
Euonymus alatus	Winged Burning Bush
Euonymus fortunei	Purple Winter Creeper
Festuca elatior	Tall Fescue
Glechoma hederacea	Creeping Charlie
Hesperis matronalis	Dame's Rocket
Humulus japonicus	Japanese Hops
Lespedeza bicolor	Bicolor Lespedeza
Lespedeza cuneata	Sericea Lespedeza
Ligustrum vulgare	Common Privet
Lysimachia nummularia	Creeping Jenny
Lythrum salicaria L.	Purple loosestrife
Melilotus alba & M. officinalis	Sweet Clover
Microstegium vimineum	Japanese Stilt Grass
Miscanthus sinensis	Maiden Grass
Morus alba	White Mulberry
Ornithogalum umbellatum	Star of Bethlehem
Phalaris arundinacea	Reed Canary Grass
Phragmites australis	Common Reed Grass
Polygonum cuspidatum	Japanese Knotweed
Privet	Common Privet
Pueraria lobata	Kudzu
Robinia pseudoacacia	Black Locust
Rosa multiflora	Multiflora Rose
Viburnum opulus v. opulus	Highbush Cranberry
Vinca minor	Periwinkle
Wisteria sinesis	Wisteria

***Certain species may not be recommended from time to time due to current biological threats or other recognized industry practices.**

SECTION 7: 50/50 RESIDENTIAL PARKWAY TREE REPLACEMENT PROGRAM

50/50 Residential Parkway Tree Replacement Program

Thank you for your interest in the 50/50 Tree Replacement program. This application applies only to replacement of parkway trees which were removed by the Town of Schererville Public Works and must be approved prior to planting **any** replacement. After the replacement trees have been planted, maintenance of the trees is the responsibility of the property owner. These responsibilities include watering, mulching, fertilization, pruning to a height of 12 feet on the street side and 7 feet on the sidewalk side, and any other needs that may arise.

Only parkways with a width of at least 6 feet between the sidewalk and the curb or edge of pavement will be considered for parkway replacement. Parkway trees must be centered between the curb and the sidewalk. To prevent infrastructure damage, no planting of trees is allowed when sanitary sewers in the parkway are less than 10 feet deep. See attached Appendix D for list of approved parkway trees.

In the case of parkways less than 6 feet wide, or if the affected homeowner prefers, the option of having the replacement tree planted in the front yard will be considered. Front yard trees must be planted at least 6 feet from the sidewalk. All of the homeowner's responsibilities for maintenance of the tree(s), as described above still apply. See attached Appendix A, B, and C for approved trees.

Each parkway can present different planting situations, so please consider your parkway carefully before making your selection. The property owner must place stakes at desired location and call 811 for utility locates prior to submitting the application. Trees planted under overhead utility wires shall not exceed 25 feet in height at maturity. No applications will be approved for the planting of any trees on the unacceptable tree list. No shrubs, bushes, or other plantings shall be allowed. Tree species and cultivars must be approved. See attached J and K for unacceptable and invasive trees.

After the above is completed and an application is submitted and approved, the applicant should then visit a nursery to purchase the required 1 ½ inch caliper tree(s) or larger as specified on the application. In addition to your tree purchase, all parkway plantings require the homeowner to install 20 linear feet per tree of DeepRoot Tree Root Barrier along the sidewalk to help prevent damage. Information on the DeepRoot Tree Root Barrier is enclosed. The applicant must also obtain a guarantee from the nursery, in writing, for 100% replacement of the tree for one year from the date of purchase. To ensure proper planting, the Town of Schererville prefers the nursery installs the tree(s). If the resident plants the tree, the guarantee may be voided and therefore invalidate your application. Please discuss the guarantee with your nursery. Once the selection is made, the resident pays the full amount of the invoice.

After tree(s) are planted and root barrier is installed, but prior to backfilling root barrier, the homeowner must notify Schererville Public Works to do a final inspection. After final approval and detailed receipts for tree(s) and installation are submitted, the property owner will receive a

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check for 50% of the cost of the tree(s) up to a maximum \$200.00 per tree with a 2-tree maximum of \$400.00 in the mail in approximately 5-7 weeks. Please note credit card receipts are not acceptable. The 50/50 tree program has an annual maximum allowance of \$6,000.00. Once the limit is reached, any affected residents will be notified, and their requests will be put on a priority list for the following year. Please utilize the following pages to assist with the process.

**Town of Schererville
50/50 Residential Parkway Tree Replacement Application**

Date _____
 Name _____
 Address _____
 City+ Zip _____
 Phone _____
 Email _____

Person or Company Installing Tree(s):
 Name _____
 Address _____
 City+ Zip _____
 Phone _____
 Email _____

Variety of tree	Quantity	Size (Min. 1-1/2")

Is this parkway planting requiring root barrier? (Yes) (No)
 Are tree location stakes in place? (Yes) (No)
 Are Utilities Marked? (Yes) (No) **Call 811 72 hours before you dig**

If application is approved, I hereby agree that any and all work will be performed in accordance with the tree planting standards of the Town of Schererville, Indiana.

Property Owner's Signature _____ Date _____

After completing this form, please return to the attention of the Public Works Department by mail: 10 East Joliet St. Schererville, IN 46375. Or by email: publicworks@schererville.org

---The following section is to be used by Town of Schererville personnel to review the application---

Application to plant tree(s) on said public property has been Granted Denied
 If application has been denied state reason: _____

 Public Works Inspector Date

The following section is to be used by Town of Schererville personnel to finalize the application
 Receipt showing minimum one year guarantee has been submitted? (Yes) Amount _____ (No)
 Receipt showing purchase of root barrier product is attached? (Yes) Amount _____ (No)
 Planting verified in accordance with the Tree Planting Standards of the Town of Schererville

 Public Works Inspector Date

Submitted for payment of \$ _____ to _____ on (Date) _____

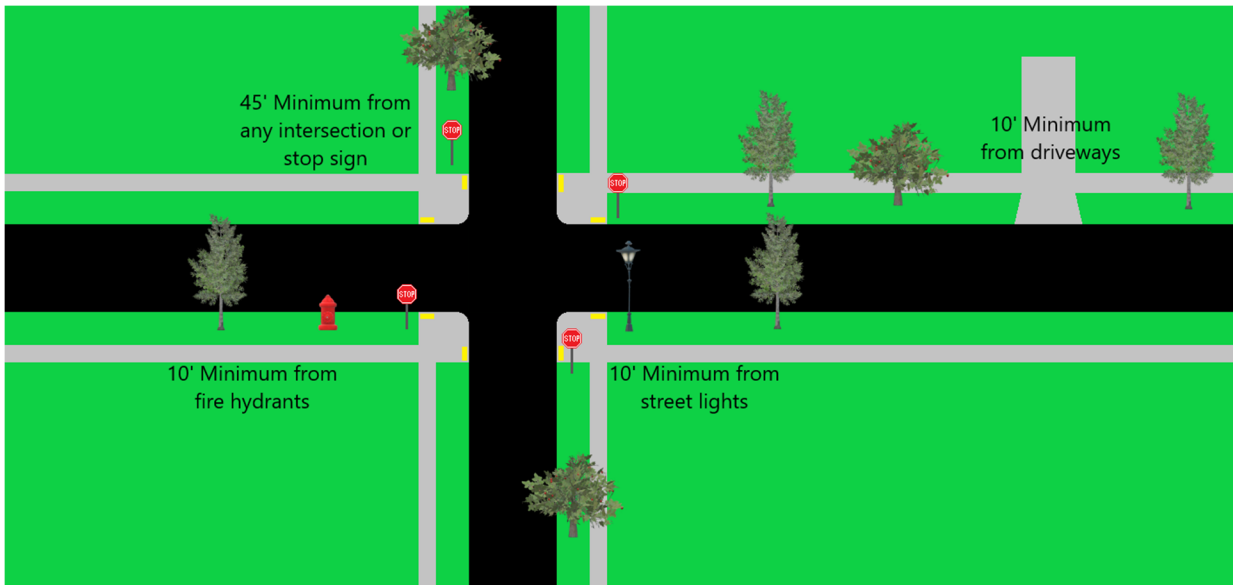
Town of Schererville Procedures and Guidelines for Parkway Tree Planting

Procedures:

- Review Packet to determine if you meet eligibility.
- Place location stake(s) at desired location(s).
- Notify 811 of your intent to plant a tree(s).
- Choose desired tree(s) from attached appendixes and fill out application.
- Send in completed application
- Schererville will do a pre inspection to determine eligibility.
- After receiving approval from Schererville, purchase tree(s).
- Plant tree(s) and root barrier, if necessary
- Call for final inspection.
- After final approval, send in detailed receipts.
- A check will be sent by mail within 5-7 weeks.

Guidelines:

We require the property owner to place stake(s) in the desired tree location(s) in the parkway. The location stake(s) should indicate the variety of tree to be planted. The property owner will contact 811 prior to our Town inspector's arrival so we can verify that utilities are not in conflict with desired tree locations. Please refer to the following diagram when placing your location stake(s):



- Trees shall be planted no closer than 30 feet to 40 feet apart or from existing parkway trees.
- Trees shall not be planted closer than 10 feet from fire hydrants, utility poles, water valves, or gas service lines. Trees shall not be closer than 10 feet from driveways.
- On corner lots, trees must not be planted in the parkway within 45' of the intersection. This is to avoid sight distance problems.

DeepRoot Tree Barriers

DeepRoot Tree Root Barriers are patented mechanical guides that redirect tree roots down and away from hardscapes, preventing costly root damage while preserving the health and beauty of mature trees.

DeepRoot Tree Root Barrier is available online, as well as at local home improvement stores.

For parkway plantings, a **minimum 24" deep and 20' linear installation along the sidewalk of DeepRoot Tree Barrier is required per tree.** This would provide the best sidewalk protection for our Zone 5 climate and healthiest environment for your trees.

For more information, visit www.deeproot.com/products/root-barrier/.

DeepRoot Tree Root Barrier Features

- Instant assembly: panels slide together with a patented, integrated zipper joiner system
- Universal Guide: linear, surround, and root pruning applications
- Sizing adjustable in 2' (61 cm) modules
- 1/2" (1.2 cm) raised 90° molded root deflecting ribs
- Ground lock tabs to prevent lifting by tree
- Double top edge for strength, safety, appearance, and root overgrowth protection
- Ultraviolet inhibitors
- Rounded edges for safety in handling
- Manufactured in USA with 90% reprocessed polypropylene
- DeepRoot products are protected under one or more of the following U.S. Patents: 5,070,642; 5,305,549 and 5,528,857

MULCH VOLCANOES

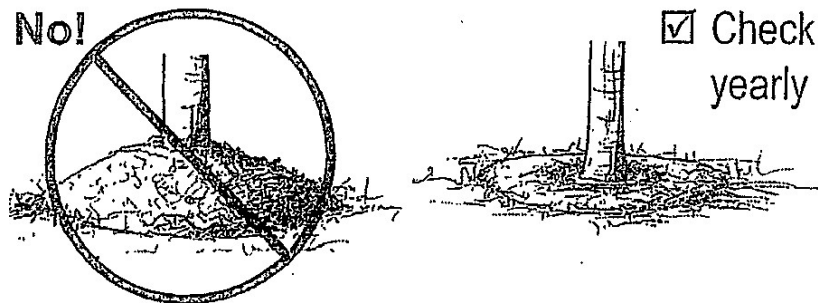
A "mulch volcano" is the term given to those mounds of woodchips surrounding a tree. No one knows exactly where this harmful practice came from but all it takes is for one person in a neighborhood to do it and suddenly this practice is everywhere.

There are two detrimental effects to mulch volcanoes. First, roots respire, meaning they take in oxygen and release carbon dioxide. This exchange of gases, as it is known, takes place in the upper 18 inches of soil. It's no accident that roots fill the top 18 inches because this is where oxygen is most readily available. If you surround the tree trunk with mulch, suddenly the lower roots no longer have access to oxygen. This leads to stressed and dying roots which stresses the tree. A stressed tree has less defenses than their properly mulched counterpart, leading to susceptibility to serious insect and disease problems.

The second detrimental effect of a mulch volcano has to do with the tree trunk. Tree bark is well suited to protecting the trunk from sunlight and wind, large piles of mulch surrounding a trunk, however, keep bark constantly moist, enabling decay. Over time, the bark rots, exposing the conductive tissue beneath the bark to decay as well. This negatively impacts the trunk's function to move water upward/sugars downward and the structural integrity of the tree.

What is proper mulching? The root flare at the base of your tree should be visible after planting. A two to three inch layer of shredded bark or woodchips, starting two inches from the tree and extending out to a distance of at least 2 feet from the trunk is best. Never use landscaping fabric as this interferes with the exchange of gases at the root zone and prevents the soil benefits of mulch. Mulch decays over time, which enriches the soil, so renew the mulch as needed to maintain a depth of 2-3 inches. Ask your landscape center about their tree mulching practices and make sure it is done correctly.

The benefits of proper mulching are many - suppression of weeds, cooler soils in hot weather, protected soils in cold weather, keeping string trimmers and mowers away from tree trunks, and enabling microbial activity for healthy roots. The time and effort to properly mulch is well worth the effort for vigorous growth and a happy tree.



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SECTION 1: Intended Purpose

The purpose of these Sign Regulations is to set regulations, restrictions, and guidelines for the design, location, and maintenance of all signs located in each Zoning District in the Town. These regulations are further intended to improve aesthetics and preserve the quality of life in the Town by eliminating signage that is incompatible within individual Zoning Districts, as well as the Town character as a whole.

SECTION 2: General Provisions

- A. The Town Staff may cause any sign or other advertising structure which is an immediate peril or danger to person or property to be removed summarily and without notice.
- B. The Town Staff shall immediately issue a written notice to the owner of any sign or advertising structure regulated herein that has been constructed or erected illegally or is being maintained in violation of the provisions of this Ordinance. Upon receipt of such notice, the owner shall remove or alter the structure so as to comply with the standards herein set forth within fifteen (15) working days after receipt of such notice. Failure to comply with this notice shall result in the removal and disposal of such sign or advertising structure at the expense of the owner. The Town Staff shall refuse to issue a permit to any owner without full payment of the incurred costs.
- C. Sign construction permits shall only be valid for six (6) months after the date of issuance. Sign construction that is not completed in that time shall require a new permit before construction can continue.
- D. The owner of any sign as defined by this Ordinance and regulated by this section shall properly maintain all parts and supports of said sign.
- E. No sign shall be placed in such a manner that it would block or obscure the vision of the driver of a motor vehicle stopped at a stop sign, traffic light, or entrance to a public street for a distance of two hundred feet (200') in any direction in which there is oncoming traffic.
- F. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire escape, or public walkway.
- G. All public signs erected in the Town shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD), as amended from time to time.

- H. Unless otherwise provided in this Ordinance, all temporary signs shall be removed no more than three (3) days after the conclusion of the event to which the sign advertises or denotes. The upkeep and removal of all temporary signs shall be the responsibility of the property owner.

- I. Unless otherwise provided in this Ordinance, no more than one (1) temporary sign may be displayed at any one time for each occupancy frontage, except between the dates of April 1 and May 10 and between October 1 and November 10 annually.

- J. No person shall erect or display, or cause or authorize any person to erect or display, any sign on any property not owned by such person, unless authorized in writing by the owner of such property.

- K. Except for temporary signs authorized under this Title, no unattended sign or display may be placed on public property and no person shall affix any sign to public property. In addition, no signs shall impede the view of traffic signs, traffic signals, other traffic devices or intersections.

- L. Unless otherwise provided in this Ordinance, no signs shall be permitted within ten feet (10') of any property line.

- M. Where maximum dimensions and areas of a sign are provided, such values shall refer to a single side of that sign. Double-faced signs, unless otherwise prohibited, shall be permitted and shall not count against the maximum permitted area of a sign, if both faces of the sign are equal in size and design, and convey the exact same information on each side.

- N. The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension. The following elements shall be exempt from the area requirement:
 - (1) Poles or other supports unless they are an integral part of the design of the sign;

 - (2) Any and all required landscaping around the base of a sign.

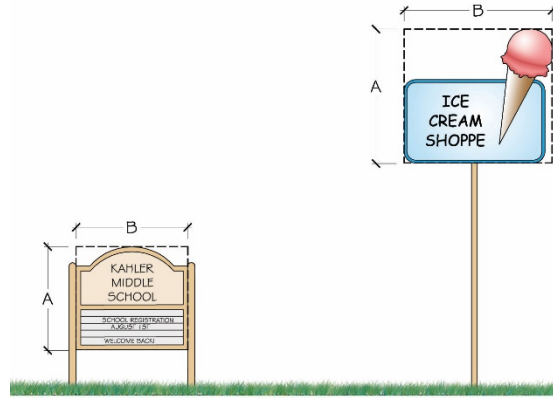


Exhibit 29 - Sign Area Measurement Examples (Area = A x B)

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

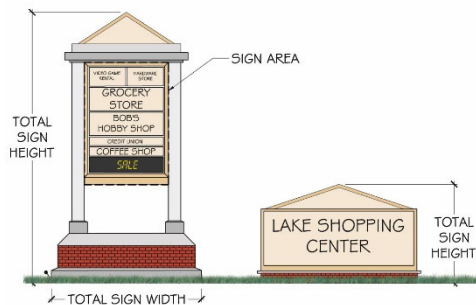


Exhibit 30 - Sign Height and Width Measurement Examples

- P. Unless otherwise expressly provided in this Ordinance, political and election signs shall be allowed as temporary signs in every Zoning District in the Town. The quantity, size, and location of all political and election signs shall be governed by the requirements for temporary signs in the Zoning District where they are located.
- Q. Newspaper dispensing machines shall have no advertising posted other than the name of the newspaper and the price. This information may be posted on one (1) face only.

SECTION 3: Exempt Signs

The following signs shall be approved without a permit, provided they are in compliance with the regulations of this Ordinance:

- A. Nameplate and owner identification signs;

- B. Temporary signs that otherwise comply with the requirements of this Ordinance;
- C. Utility Marker Signs necessary to mark cables and lines for public and private utilities, provided such signs are determined by the Town as being required for public safety and welfare;
- D. Traffic, directional and informational signs authorized by a governmental unit for legitimate health, safety, and public purposes; and
- E. Informational signs, such as No Dumping, No Trespassing, No Hunting, Beware of Dog, etc.

SECTION 4: Prohibited Signs

The following signs are hereby expressly prohibited for erection, construction, maintenance, repair, alteration, location, or relocation:

- A. Flashing signs, except flashing signs which give safety warnings or public service information;
- B. Signs that rotate, move or give the visual impression of rotation or movement, except rotating signs that give safety warnings or public service information;
- C. Signs that emit audible sound, odor, or visible matter;
- D. Obscene signs, or signs depicting or containing graphics or content of an adult nature as defined in TITLE XXIII [Sexually Oriented Business Regulations];
- E. Off-premise signs, except for directional development signs as provided Section 8 of this TITLE and temporary signs that otherwise comply with the requirements of this Ordinance;
- F. Signs within the public right-of-way unless a permit is obtained therefor;
- G. Signs on fences, streetlights, utility poles, except as provided in Institutional (IN) Zoning Districts;
- H. Signs on trees or flag poles, including painted signs;
- I. Signs using reflecting material, except governmental signs and name plate signs displaying the address of the occupant;

- J. Signs that are confusingly similar or in any way imitate any official marker erected by the Town, State, or other governmental unit or agency, or which by reason of position, shape, or color would confuse or conflict with the proper functioning of any traffic sign or signal or railroad device;
- K. Signs on any property, without the consent of the property owner;
- L. Billboards, outdoor advertising structures, and similar free standing signage;
- M. Single pole signs except where expressly provided in this Ordinance;
- N. Vehicle-mounted signs, or other similar signs placed on vehicles parked on public or private property, except for the following:
 - (1) Business identification signs mounted on vehicles for the purpose of lawfully making deliveries, sales or service calls, or transporting persons or goods;
 - (2) Signs on operational and licensed vehicles regularly used by a driver and legally parked at that driver's place of residence or place of business.
- O. Neon signs in any Residential, Open Land, Institutional, and Neighborhood Commercial (C-1) Zoning District;
- P. Spotlights, and signs illuminated by spotlights;
- Q. Roof signs;
- R. Inflatable advertising; and
- S. Signs not specifically allowed by the provisions of this Ordinance.

SECTION 5: Sign Permit Process

- A. It shall be unlawful for any person, firm or corporation to erect, repair (other than ordinary and necessary maintenance), alter or relocate, within the Town of Schererville, any permanent sign (except for nameplate and identification signs as hereinafter allowed, or any temporary sign, except for temporary residential signs permitted under TITLE XIX [Sign Regulations]), or advertising structure as defined in this Ordinance, without first obtaining a Building/Zoning Permit from the Town Staff and making payment of the fee required by this Ordinance. All illuminated signs shall, in addition, be subject to the provisions of the electrical code of the Town and the permit fees required thereunder.

- B. Applications for Building/Zoning Permits shall be made upon forms provided by the Planning Department and shall contain or have attached thereto the following information.
 - (1) Name, address and telephone number of the applicant and their relationship to the property;
 - (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;
 - (3) Two (2) permanent prints or ink drawings of the plans and specifications, and method of construction and attachment to the building or in the ground and showing the position of the sign or other advertising structure in relation to nearby buildings, structures and lot lines;
 - (4) When deemed necessary by the Building Inspector, because of wind loads, live and or dead loads, calculations prepared by a registered professional engineer in the State of Indiana indicating that the sign and supports are adequate shall be submitted;
 - (5) Name of person, firm, corporation, contractor, or association erecting structures;
 - (6) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
 - (7) Any electrical permit required and issued for said sign;
 - (8) Insurance policy or bond (on contractor) as required by ordinance;
 - (9) Such other information as the Town Staff shall require showing compliance with this section and all other laws and ordinances of the Town, as amended from time to time.
- C. Upon receiving an application for a Sign Permit, the Town Staff shall examine plans, specifications, and other data. The Town Staff shall further inspect the site for the proposed sign or advertising structure for compliance with the requirements of this Ordinance prior to the issuance of a permit.
- D. The application for a permit for erection of a sign or other advertising structure in which electrical wiring and/or connections are to be used shall be submitted to the Town Staff. The Town Staff shall determine if the wiring and/or connections comply with the electrical code of the Town, as amended from time to time.

- E. Judicial Review of Final Determination – A final determination by a Zoning Administrator concerning the issuance of a Sign Permit is subject to review by the Board of Zoning Appeals. Each person aggrieved by a decision of the Zoning Administrator may present to the Board of Zoning Appeals, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality the aggrieved person shall present the petition to the Court within thirty (30) days after the date of determination.

SECTION 6: Design Standards

The following design standards shall apply for each sign listed in this Article, except where otherwise modified or expanded in different Zoning Districts as outlined and listed the following sections.

- A. Erection, Bracing, Anchorage, Supports – A free-standing sign shall be securely built, constructed, and erected on posts and standards such at least three and one half feet below the natural surface of the ground and shall be adequately braced to prevent overturning.

All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.

- B. Sign Illumination
 - (1) No sign or other advertising structure shall be illuminated with lights that glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way in such a manner as to cause brightness to a degree that it constitutes a hazard or nuisance;
 - (2) Externally illuminated signs shall be located, aimed, and shielded so that light is only directed onto sign face;
 - (3) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward;
 - (4) Brightness Limitations
 - i. The illumination from an internally illuminated sign may not exceed four (4) foot candles at a distance of eight feet (8');

- ii. The maximum illumination of any illuminated sign shall not exceed twenty (20) foot candles in all Residential Zoning Districts and Open Land (O.L.) Zoning Districts, or forty (40) foot candles in all other Zoning Districts at a distance of eight feet (8');
 - iii. The average illumination of an illuminated sign shall not exceed ten (10) foot candles in all Residential Zoning Districts and Open Land (O.L.) Zoning Districts, or twenty (20) foot candles in all other Zoning Districts at a distance of eight feet (8').
- (5) Illuminated signs using mercury arc or mercury vapor light sources are prohibited;
- (6) Existing illuminated signs that do not meet these standards, or the standards set forth in TITLE XVII [Supplementary District Regulations] shall be considered to be a non-conforming use.

C. Monument Signs

(1) Size

- i. Residential and Open Land (O.L.) Zoning Districts: Not more than four feet (4') in height when located in a median, and not more than six feet (6') in height elsewhere.
- ii. Single-occupant building: Not more than eight feet (8') in height and not more than eight feet (8') in length, and allowing for a two-foot (2') architectural base that is not included in the measured dimensions.
- iii. Multi-occupant building or development (Coordinated Sign): Not more than eight feet (8') in height and not more than twelve feet (12') in length allowing for a two-foot (2') architectural base that is not included in the measured dimensions.

(2) Location – A monument sign shall be located at the street or primary entries to the developments to provide for overall project identity. Monument signs shall have a minimum setback of ten feet (10') from all public right-of-ways and/or driveways.

(3) Placement – Affix monument signs to the ground in a continuous base with masonry construction compatible with the primary building on the lot not to be more than two feet (2') or higher. Provide landscaping as recommended by TITLE XVIII.

- (4) All monument signs shall provide the address and street of the building served, with minimum three-inch (3") text.

- D. Wall-Mounted Signs – A wall-mounted sign shall be safely and securely attached to the building wall by means of metal anchors, bolts, or expansion screws. In no case shall any wall-mounted sign be secured with wire, strips of wood or nails.
 - (1) Wall-mounted signs may not project more than eight inches (8") from the face of the building. External raceways are not permitted.
 - (2) Wall signs shall identify the individual business, building or building complex by name or trademark only.

- E. Pole-Mounted Signs
 - (1) Single pole-mounted signs are allowed only as traffic regulation signs or to provide appropriate directions to loading and receiving areas, visitor parking, and other areas within each development site.
 - (2) Pole-mounted signs shall not exceed four (4) square feet in area and eight feet (8') in height measured from the grade.

- F. Public Light Pole Banner – Public light pole banners shall be mounted on existing light poles at a height not less than eight feet (8') high and not more than three feet (3') below the bottom of the fixture(s).

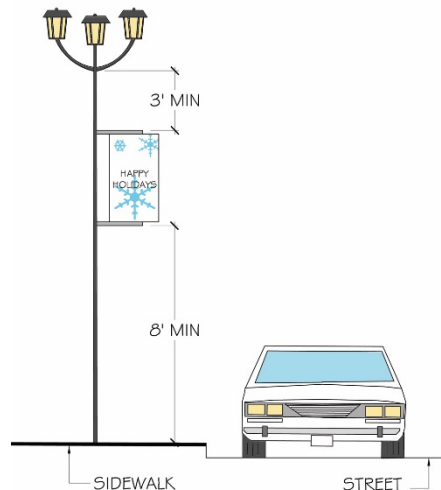


Exhibit 31 - Light Pole Banner (Max 12½ s.f.)

- G. Programmable Message Display Signs

- (1) Size – Not more than twelve feet in length.
- (2) Location – Programmable message display signs shall be mounted flush with the building wall or sign surface where the sign is installed. The display shall be clearly visible from any public right-of-way.
- (3) All programmable message display signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.
- (4) Displayed Content
 - i. All other districts: All messages or content shall be displayed for a minimum of twelve (12) seconds, with content changes being completed in no more than one (1) second.
 - ii. Images or messages shall be static in nature and shall not blink, flash, scroll or be animated. The use of animatronics is prohibited.

H. Free-standing Signs

- (1) Size – Not more than eighteen feet (18') in height or twelve feet (12') in width, with clear vision of opening between the top of the base and bottom of the display area of the sign structure.
- (2) Location – Free-standing signs shall only be permitted on lots wider than five hundred feet (500'), and when the primary building on the lot is located a minimum of fifty feet (50') from the front right-of-way. No part of any free-standing sign shall be located closer than ten feet (10') of any property line, nor shall it be located within any landscaped strip or buffer.
- (3) Placement – Affix free standing signs to the ground in a continuous base or with a dual-pole structure with masonry construction compatible with the primary building on the lot. Free-standing signs shall not be placed within three hundred feet (300') of each other.
- (4) Displayed Content – No single display or portion of any free-standing sign shall be larger than twenty-four (24) square feet. Free-standing signs may incorporate programmable message display signs within the body of the sign. In no case shall any content portion of the sign be located within six feet (6') of the ground.

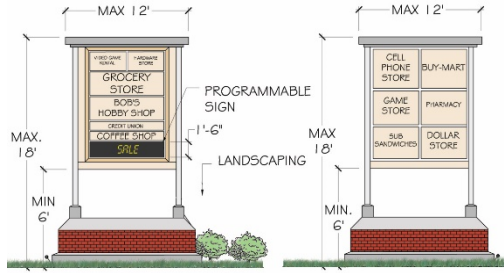


Exhibit 32 - Free-standing Signs (Max. 24 s.f. for a single display portion)

SECTION 7: Permitted Signs - Residential Zoning Districts

A. Permanent Signs

- (1) Identification Sign – One (1) identification sign, non-illuminated only, mounted on the front face of the primary building, bearing only the name of the principal occupant and/or the street number of the private dwelling. Such sign shall not exceed three (3) square feet in gross surface area.

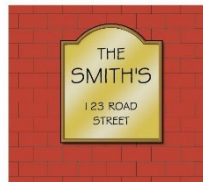


Exhibit 33 - Identification Sign [Max. 3 s.f., must be placed within one foot (1') of primary entrance]

(2) Identifying Monument Sign - Subdivision Entry

- i. Shall be considered and allowed only as part of the subdivision platting process;
- ii. Shall conform to the design and location requirements of this Ordinance; and
- iii. Shall require provisions for maintenance and upkeep as part of the approval process.

B. Temporary Signs:

- (1) Real Estate Sale/Lease/Rent - During the time that real estate is offered for sale or lease,

- i. One (1) non-illuminated sign on the same premises of the house or property being offered for sale or lease , not to exceed an area of six (6) square feet, with a maximum of four foot (4') length for any one side of the sign; and
- ii. A maximum of three (3) directional signs, each sign not exceeding an area of six (6) square feet, with a maximum of four foot (4') length for any one side of the sign, may be placed in the public right-of-way, provided that each sign shall be placed no more than one-half (1/2) mile from the location of the property being offered for sale or lease and only from dawn to dusk on the day of the Open House for such property.



Exhibit 34 - Real Estate Sale/Lease/Rent Sign (Max. 6 s.f.)

- (2) Construction Sign – Structure – At the site of and during construction on any property or development site, one (1) non-illuminated sign on the building or development site, provided that:
 - i. The sign shall not exceed twelve (12) square feet in total gross surface area;
 - ii. Such signs shall not be displayed more than seven (7) days after substantial completion of the project, or more than twelve (12) months in total.
- (3) Construction Sign – Subdivision – One (1) non-illuminated sign at the primary entrance to the subdivision under development, not exceeding forty-eight (48) square feet in area, six linear feet (6') on any one side, or eight feet (8') in height. Such signs shall be removed when at least ninety-five percent (95%) of the lots in the subdivision have been sold.

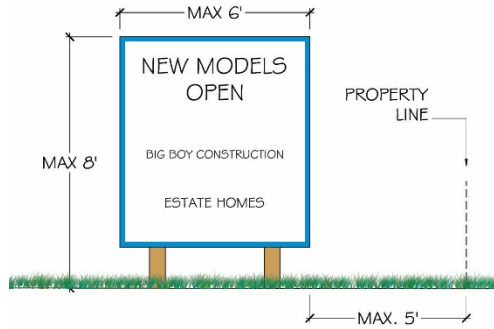


Exhibit 35 - Construction Sign: Subdivision (Max. 48 s.f.)

- (4) Garage/Yard Sales - When any private garage, basement, or yard sale is being conducted by a property owner
- i. Temporary signs with a total gross aggregate area of six (6) square feet may be erected on the property where the sale is to be conducted, provided that such sign is not displayed for more than three (3) days in any six (6) month period and is removed on the last day of the sale.
 - ii. Temporary signs with a total gross aggregate area of twelve (12) square feet may be erected at the subdivision entrance(s) to the property where the sale is to be conducted, provided that such signs are not displayed for more than three (3) days in any six (6) month period and are removed on the last day of the sale.



Exhibit 36 - Garage/Yard Sale (Max. 6 s.f.)

- (5) Motorized Vehicles, Recreational Vehicles, Trailers, and Watercraft Sales
- i. When any vehicle is offered for sale, seller may securely attach to the vehicle two (2) signs, each a maximum of one (1) square foot in size;
 - ii. Signs on a motorized vehicle, recreational vehicle, trailer, or watercraft may only be displayed at the address to which it is currently registered and licensed.

SECTION 8:

Permitted Signs - Institutional Zoning District

A. Permanent Signs

- (1) One (1) monument sign at each vehicular entrance to the property, but not to exceed two (2) such signs for the entire property, and one (1) wall-mounted sign above the primary entrance to the building. All monument signs shall be placed in the front yard of the property, but not within any required landscaped buffer or strip;
- (2) In addition to the monument sign at the vehicular entrance, park and playground institutional facilities shall be allowed a maximum of one (1) monument or pole-mounted sign, at the primary entrance(s) and Informational and safety signs related to park usage, wayfinding, and other on-premise activities, provided that the single sign shall not exceed forty-eight (48) square feet;
- (3) All signs shall be limited to height of six feet (6'), and an area of forty-eight (48) square feet; and allowing for a two-foot (2') architectural base that is not included in the measured dimensions.
- (4) All signs shall be constructed of materials that are architecturally compatible with the property on which they are located;
- (5) Signs with interchangeable letters are permitted;

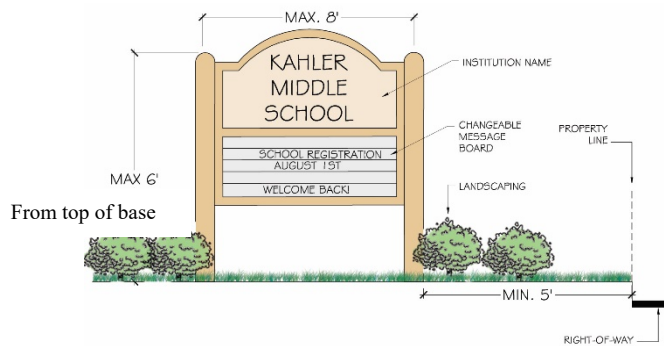


Exhibit 37 - Institutional Entry Sign with Changable Message Board (Max. 48 s.f.)

- (6) Signs may incorporate programmable message display board within the body of the sign.

B. Temporary Signs

(1) Public Property

- i. When an event is scheduled to take place on public property, up to two (2) temporary signs shall be allowed on the property where the event is to take place and shall not require a permit.
- ii. Temporary signs shall be valid for a period not to exceed twenty-one (21) days preceding the event to which they relate and shall be removed within three (3) days following the event.
- iii. The total area of each single sign shall be limited to forty-eight (48) square feet.
- iv. Inflatable objects shall not be permitted for this use.



Exhibit 38 - Temporary Advertising (Max. 30 s.f.)

(2) Private Property

- i. When an event is scheduled to take place on private property, up to two (2) temporary signs shall be allowed on the property where the event is to take place and shall not require a permit.
- ii. Temporary signs shall be valid for a period not to exceed twenty-one (21) days preceding the event to which they relate and shall be removed within three (3) days following the event.
- iii. The total area of each single sign shall be limited to forty-eight (48) square feet.
- iv. Inflatable objects shall not be permitted for this use.
- v. Signs displayed within a sporting arena or athletic field on private property shall not exceed the height of the structure to which they are affixed, but shall otherwise be excepted from the size, duration, and quantity restrictions of this subsection.

SECTION 9:

Permitted Signs – Neighborhood Commercial (C-1), Community Commercial (C-2), and Professional Office (P.O.) Zoning Districts

- A. Affixed Permanent Signs – All businesses, free standing or part of a building or development, shall be required to provide permanent signage affixed to the building. The maximum gross area for affixed permanent signs shall be one (1) square foot for each linear foot of building frontage that the business occupies, or one hundred fifty (150) square feet, whichever is less. Permitted affixed permanent signs shall include the following:

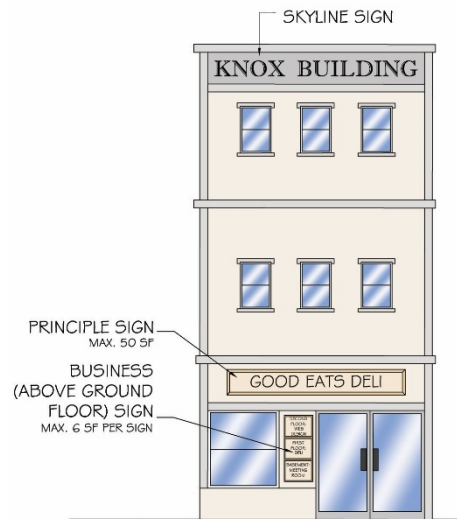


Exhibit 39 - General Commercial Signage Examples

- (1) Principal Sign – One (1) principal sign, which may be wall mounted or projected not more than eight inches (8”) from the face of the building. The principal sign shall be placed above the front entrance of the business, but no higher than the second story of the building where the business is located. The principal sign shall comprise no less than fifty percent (50%) of all signage area used by the business.
- (2) Window Signs – Not to exceed twenty-five percent (25%) of the total window area of the business.
- (3) Awnings and Canopies – One (1) awning or canopy, with a maximum five foot (5') projection, for each window and door of the business, but not to exceed three (3) for any single business.

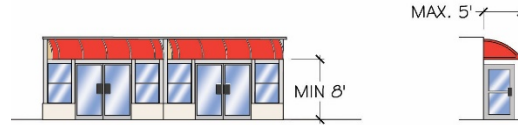


Exhibit 40 - Awning [One (1) awning for each door and window, not to exceed three (3) per business]

(4) Identification Signs

- i. Street Level - one (1) sign shall be placed on, or within one foot (1') of, the primary entrance to the business, and not exceed six (6) square feet in area.
- ii. Multi-story Building - one (1) sign for each business above the ground floor, placed at the principal entrance of the building, not exceeding six (6) square feet per sign.

(5) Permanent Signs – Corner Lots – Street level buildings on corner lots, with entrances on both streets, shall be allowed additional permanent affixed sign area on the side street of one (1) square foot for each linear foot of building frontage, but not to exceed one hundred (100) square feet.

B. Unaffixed Permanent Signs – Any permanent signs that are not affixed to a building shall not be included in the size computation for affixed permanent signs but shall comply with all Design Standards of Section 6 of this Title XIX.

C. Temporary Signs – The following temporary signs are permitted:

(1) Promotional Signs – Any combinations of such signs as defined and regulated in this Ordinance shall be permitted in the event of a grand opening or re-opening of a business or special advertised event. Promotional signs include, but are not limited to, banners, streamers, pennants, and similar non-illuminated objects. In no case shall such signs be converted into permanent signs. Said signs shall not exceed an area of thirty-two (32) square feet in total. The display of such signs for each business shall be limited to the following:

- i. Not more than seven (7) days;
- ii. Not more than three (3) days after the conclusion of the event;
- iii. Not more than twenty-eight (28) days per calendar year;
- iv. Not more than four (4) times per calendar year.



Exhibit 41 - Promotional Signage (Max. 30 s.f.)

- (2) Property Development Signs – One (1) non-illuminated promotional sign for each property advertised for sale or lease, not to exceed twenty (20) square feet per face [maximum two (2) faces] and six feet (6’) in height. This sign shall be placed only on a window or on the primary development sign.



Exhibit 42 - Property Development Sign (Max. 20 s.f.)

- (3) Construction Signs – One (1) non-illuminated sign during construction work located on the premises, not exceeding sixty-four (64) square feet gross area, with a maximum of eight feet (8’) in height, and a maximum of ten feet (10’) in width. Such signs shall not be displayed for more than seven (7) days after substantial completion of the project, or more than twelve (12) months in total.

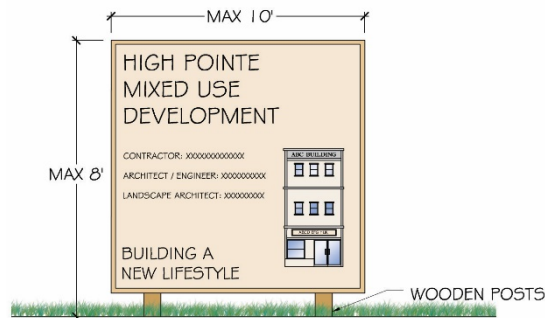


Exhibit 43 - Construction Sign (Max. 64 s.f.)

(4) Portable Signs

- i. A non-illuminated portable sign shall be permitted for a period of thirty (30) days commencing ten (10) days prior to the date of opening of a new business;
- ii. A non-illuminated portable sign shall be permitted for a period not to exceed thirty (30) days, during the reconstruction or replacement of an existing permanent sign.
- iii. Portable signs shall not exceed twelve (12) square feet in area, and shall not be placed more than ten feet (10') from the building or business.

(5) Light Pole Banners – All-weather banners may be permitted on designated light poles within the right-of-way of, in or near any Commercial District upon approval of the Town. Each individual banner shall be limited to a gross area of twelve and one half (12 ½) square feet. Banners shall not project over any street curb. Banners shall not be displayed for more than thirty (30) consecutive days, or ninety (90) consecutive days in an Institutional (IN) Zoning District.

(6) Coordinated Signs

- i. One (1) monument sign at each vehicular entrance for a retail/business complex, but not to exceed two (2) such signs per development;
- ii. No single display or portion of any coordinated sign shall be larger than twenty-four (24) square feet;
- iii. Coordinated signs may incorporate programmable message signs within the body of the sign.

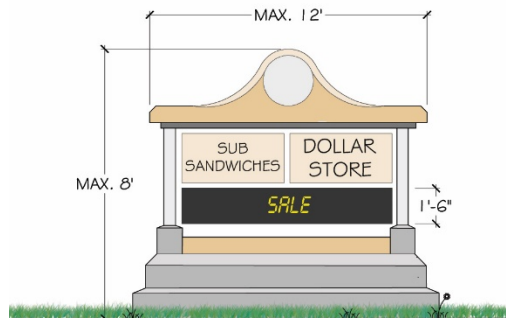


Exhibit 44 - Coordinated Sign (Max. 24 s.f. for a single display portion)

SECTION 10: Permitted Signs – Business Park (B.P.), Highway Commercial (C-3), Commercial Entertainment (C-4), and General Industrial (G.I.) Zoning Districts

A. All signs permitted in the Neighborhood Commercial (C-1) and Community Commercial (C-2) Zoning Districts shall be permitted in Business Park (B.P.), Highway Commercial (C-3), Commercial Entertainment (C-4), and General Industrial (G.I.) Zoning Districts.

B. Additional Permitted Signs

(1) Free-standing Signs – One (1) free-standing sign on each public street where a business or multi-occupant development is located, placed at the vehicular entrance, provided such development is located on a lot not less than five hundred (500) feet in frontage, but not to exceed two (2) such signs per business or development.

(2) Drive-In Merchandising – Two (2) informational signs (menu, pricing, etc.) shall be permitted per order station, with each sign not to exceed thirty-six (36) square feet. Electronic message boards that only display material necessary to the operation of the business may be incorporated within such sign, provided that the display surface of such board is mounted flush with the face of the sign as a whole.

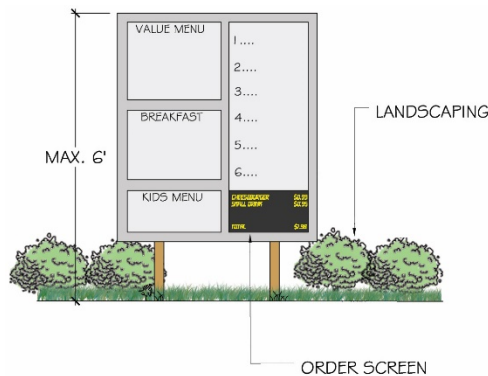


Exhibit 45 - Drive-in Merchandising Sign (Max 18 s.f.)

SECTION 11: Permitted Signs - Open Land (O.L.) Zoning Districts

All signs permitted in the Residential Zoning Districts shall be permitted in the Open Land (O.L.) Zoning District.

SECTION 12: Outdoor Advertising Structures

- A. Effective on the date of the passage of this Ordinance, no billboards or similar outdoor advertising structures shall be permitted. The following regulations shall apply only to functioning outdoor advertising structures in existence at the passing of this Ordinance.
- B. All existing outdoor advertising structures shall be limited to the size and design used at the effective date of the adoption of this Ordinance. No expansions or improvements, except those which are necessary for the safe upkeep and operation of the structure, shall be permitted.
- C. If an outdoor advertising structure is left unused, that is, without any outdoor display located thereon, of whatever kind, for a period of one hundred eighty (180) continuous days or more, then said sign shall be subject to removal within seven (7) days from receipt of notice by the affected permittee, and property owner, by the Town Staff.
- D. The base(s) of all billboards and advertising structures shall be landscaped as provided for in TITLE XVIII or paved to match the surrounding architecture.
- E. All outdoor advertising structures must comply with state and federal requirements if installed within six hundred and sixty feet (660') of the controlled highway system right-of-way. Such structures require a state permit and must display a permit number plate on the structure.

SECTION 13: Non-Conforming Signs

- A. Any sign that does not comply with the regulations of this Ordinance at the time of adoption shall be allowed as a non-conforming sign, and shall be allowed to continue to operate, subject to the provisions of TITLE XXI of this Ordinance.
- B. A sign that is no longer advertising a bona fide operating business on the premises where the sign is located shall be considered a non-conforming sign.
- C. An abandoned, non-conforming sign shall not be permitted to continue to operate after one hundred eighty (180) days of dormancy.

SECTION 14: Planned Signage District

A Planned Signage District may be approved and established as an integral part of a Planned Unit Development (PUD) District, provided such District is consistent with the provisions in Section 8 of TITLE XV [Planned Unit Development].

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SECTION 3: Design Standards 20-5
SECTION 4: Off-Street Parking Requirements 20-10
SECTION 5: Off-Street Loading Regulations..... 20-14

SECTION 1: Intended Purpose

The regulations contained in this Title provide uniform criteria for the placement of parking and loading areas for the use of residential, commercial, and institutional uses in the Town of Schererville.

SECTION 2: General Provisions

- A. Unless otherwise specifically stated, the R-1 and R-2 Residential Zoning Districts shall be exempt from the provisions of this Title.
- B. Accessory off-street parking and off-street loading facilities shall be provided, as required by the regulations of this Title, for all buildings and structures erected and all uses of land established in each Zoning District.
- C. Any business that holds vehicles for storage, sale, rent, or other use must set aside and designate separate parking areas for those uses which shall be in addition to other parking or loading facility requirements of this Ordinance.
- D. Accessory parking spaces may be open to the sky or enclosed in a building.
- E. Boats, recreational vehicles (RV), and trailers that are appropriately licensed and plated may be parked in any zoning district within an enclosed building. Boats and RVs parked in an R-1 and R-2 Residential Zoning District may be parked outside, with a minimum of five feet (5') from the side property line and a minimum of ten feet (10') from the rear property line, provided that:
 - (1) The boat, RV, or non-commercial trailer shall not exceed twenty feet (20') in length and/or eight feet, six inches (8' 6") in height as measured from the grade to the tallest point of the vessel or vehicle;
 - (2) The boat, RV, or non-commercial trailer shall be parked behind the building line without encroaching on any established easement, and shall be screened from being seen from any street; and
 - (3) The boat, RV, or non-commercial trailer shall be parked on a paved surface, such as concrete, brick pavers, asphalt, etc.
- F. When the density of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities, as required herein, shall be provided.

- G. Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use.
- H. If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any appropriately zoned lot, provided:
 - (1) The lot is within three hundred feet (300') of the principal use.
 - (2) The lot shall be deemed as the required space associated with the permitted use and shall not be reduced, encroached, or altered in any manner.
 - (3) Plat of survey and deed or other documentation is provided demonstrating remote parking lot is controlled by and available to the applicant prior to the granting of a zoning clearance or Building/Zoning Permit.
 - (4) The remote lot shall be subject to all provisions of the principal use.
- I. Existing lots with off-street parking facilities shall be permitted to reduce the number of parking spaces located on the same lot, provided that such reduction does not conflict with the provisions of this Ordinance.
- J. Any parking or loading space that does not comply with the standards of this Ordinance shall be considered a non-conforming accessory use.
- K. Each application for a Building/Zoning Permit or zoning clearance submitted to the Town Staff shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be the responsibility of the owner/developer and shall be sufficient to enable the Town Staff to determine whether or not the requirements of this Title are met.
- L. On-Street Parking Credit – Where a minimum of five (5) on-street parking spaces are located within fifty feet (50') of the primary entrance to a commercial building, the amount of off-street parking required may be reduced as follows:
 - (1) Where a building requires five (5) parking spaces or less, no off-street parking shall be required;
 - (2) Where a building requires more than five (5) parking spaces, the said building may reduce the number of required off-street parking spaces by the number of on-street spaces within fifty feet (50') of the primary entrance.

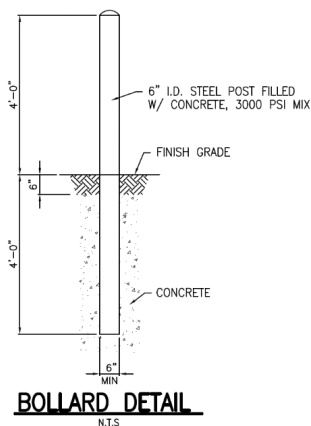
M. Shared Parking

- (1) Shared use of required non-residential or mixed-use parking spaces may occur where two (2) or more uses on the same or separate lots share the same parking spaces because their parking demands occur at different times. Shared use of required non-residential parking spaces is permitted provided the following documentation is submitted with the Building/Zoning Permit application:
 - i. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - ii. The size and type of the proposed development;
 - iii. The proposed composition of tenants and customers;
 - iv. The location and number of parking spaces that are being shared;
 - v. A legal instrument, such as an easement or deed restriction, that guarantees access to the parking for all uses;
 - vi. A parking assessment by a professional traffic engineer, which includes the anticipated peak parking, traffic load, and parking turnover for all uses, confirming the shared use will not adversely impact availability of space for the joint uses.
- (2) The sharing of required parking shall be guaranteed by a legally binding agreement between the Owners involved. The agreement shall be properly drawn and executed by the parties involved and shall be recorded with the County to run with the land and copy of recorded document provided to the Town. Any future Building/Zoning Permit application filed for a property using shared spaces shall submit a copy of this recorded agreement as part of the permit process.
- (3) The amount of parking spaces reduced under any shared parking agreement shall not exceed fifty percent (50%) of the total number of parking required without the shared parking agreement.

N. Parking Lot Usage

- (1) Unless otherwise provided in this Title, parking lots, parking spaces, and loading docks shall only be used for on-site parking of automobiles and other designated vehicles.
- (2) Off-site parking is not allowed in any Overlay District or in any Zoning District except Highway Commercial (C-3), Business Park (B.P.), or General Industrial (G.I.).

- (3) No service of vehicles, including repair work, is permitted in any parking lot or loading area.
- (4) The sale of gasoline, motor oil, and other similar materials in conjunction with any accessory parking facility and loading dock is prohibited.
- (5) The use of parking lots for temporary and seasonal commercial sales is permitted, provided:
 - i. A temporary outdoor sales permit is approved.
 - ii. The sale is seasonal in nature.
 - iii. The sale lasts no more than ninety (90) days at any one time, nor more than one hundred fifty (150) days in a calendar year. Individual sales lasting for less than three (3) days shall be exempt from this requirement.
 - iv. No more than ten percent (10%) of the existing parking spaces is used for this purpose.
 - v. Permits for temporary outdoor sales shall be renewed annually with the Town, as provided in TITLES XXIV [Administration and Enforcement] and XXV [Fees].
- O. All sidewalks surrounding off-street parking spaces shall be kept free from dirt, ice, sleet, and snow and maintained in a safe condition for pedestrian travel.
- P. Bollards are required at any outdoor dining/seating area that abuts parking lots, or anywhere vehicles traverse. The maximum distance between bollards shall be 6 feet (6'). See diagram below



SECTION 3: Design Standards

Off-street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter.

- A. Use – Accessory off-street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants, or employees.

- B. Collective Provisions – Where two (2) or more uses share a single parking lot, then the required parking for that lot shall be equal to the total sum of the required parking for uses, except when modified as provided in Subsection L in Section 2 [Shared Parking] of this Title.

- C. Area
 - (1) A required off-street parking space shall be a minimum of nine feet (9') in width and twenty feet (20') in length, exclusive of access drives or aisles, ramps, columns, or office work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet (7').

 - (2) A required off-street loading space shall be at least twelve feet (12') in width by at least thirty-five feet (35') in length, exclusive of aisle and maneuvering space, and enclosed loading spaces shall have a vertical clearance of at least fourteen feet (14').

- D. Access – Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley, in a manner which will least interfere with traffic movement. Driveways shall not exceed the following widths at the right-of-way line:
 - (1) Residential lots: the width of the garage adjoining the driveway, up to a maximum of thirty feet (30');

 - (2) Commercial and industrial lots not directly accessing a loading dock: twenty-five feet (25');

 - (3) Commercial and industrial lots directly accessing a loading dock: thirty-five feet (35').

- E. Where two (2) or more abutting properties are required to provide off-street parking, said properties shall be permitted and encouraged to establish common access roads to their parking lots. The sharing of access roads shall be guaranteed by a legally binding agreement between the Owners involved. Said agreement shall be executed by the parties involved, and recorded with the County to run with the land and copy of recorded document provided to the Town. Any future Building/Zoning Permit application filed for a property using shared access roads shall submit a copy of this recorded agreement as part of the permit process.

- F. Off-street parking areas on corner lots shall have vehicle ingress and egress provided from the side or rear yard only. Vehicular access to such lot shall be provided from an alley, service drive, or side street, with no curb cut being located within seventy-five feet (75') of any intersection.

- G. In Yards – Off-street parking spaces, open to the sky, may be located in any yard, except a front yard and a side yard adjoining a street, except where provided in this Ordinance. Enclosed buildings, parking structures, and carports containing off-street parking spaces shall be subject to applicable yard requirements.

- H. Drainage – Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Storm water Best Management Practices (BMPs) shall be implemented to protect surface water quality as required by IDEM Rule 13. The following drainage structures shall be permitted as acceptable:
 - (1) Rain gardens;
 - (2) Bioswales;
 - (3) Drainage easements;
 - (4) Drain inlets.

- I. Large Parking Lot Standards – The following standards shall apply to all developments where more than seventy-five (75) parking spaces are proposed.
 - (1) Large parking lots shall be broken down into subareas of no more than fifty (50) spaces each and shall be separated with landscape divider strips, berms, or grade separations or other means to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.

- (2) A continuous pedestrian walkway at least seven feet (7') wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. The walkways must be designed to meet the standards of the Americans with Disabilities Act (ADA). If the walkway crosses a parking area or vehicle aisle, the standards in subsection (3) below apply.
- (3) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles. As such, there shall be protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping or parking bumpers. To the extent practical, pedestrian walkways shall be connected to public walks or trails, and transit stops, if any.

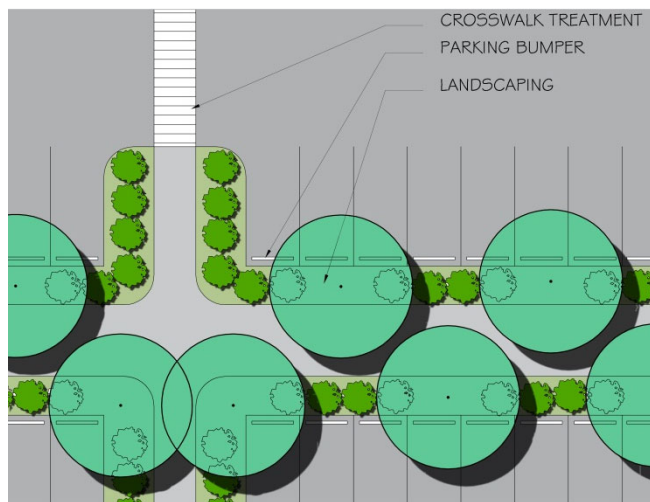


Exhibit 50 – Example of pedestrian/parking lot separations

- (4) Walkways may cross a vehicle aisle if distinguished by a color, texture, or slight elevation difference from the parking and driving areas. Walkways shall not share a vehicle aisle.
- (5) Each parking subarea may have access at one or both ends. A subarea may be U-shaped with double access at one (1) end.
- (6) A parking subarea shall be separated with physical breaks by providing one (1) or more of the following:

- i. Landscape strips between parallel parking rows that are a minimum five feet (5') in width. When incorporating pedestrian walkways, such strips shall be a minimum of twelve feet (12') wide for single-sided walkways and seventeen feet (17') for double-sided sidewalks (See Exhibit 5 in TITLE XVIII [Landscape Regulations] for example).
 - ii. Building pads, landscaped pedestrian walkways, interior streets, natural buffer (bio swales) or other site features.
- (7) Landscaping for large parking areas shall consist of a minimum of seven percent (7%) of the total parking area plus a ratio of one (1) tree per eight (8) parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

J. Design and Maintenance

- (1) Surfacing – All open off-street parking spaces containing more than four (4) parking spaces and access drives shall be paved with smooth and durable surface material so that they will remain free from dust or litter particles and be adequately drained so that they will not retain water. Parking lots in Open Land (O.L.) Zoning Districts shall be exempt from this requirement.
- (2) Screening, buffering, and barriers – All open off-street parking areas, containing more than four (4) parking spaces, located less than forty feet (40') from the nearest property line of a lot in a Residential Zoning District, shall be effectively screened on each side adjoining or fronting on such property line by a wall, fence, or landscaping that complies with TITLE XVIII. The screening, landscaping and barriers shall be adequately maintained for aesthetic reasons. There shall be installed a substantial barrier on or adjacent to the lot line along all open off-street parking spaces and such barrier shall be so located that no portion of any vehicle parked on the lot shall extend over the lot line.
- (3) Landscaping – All off-street parking lots with eight (8) or more spaces shall provide a landscaping plan according to provisions of this Ordinance and Section 3 (I) in TITLE XVIII.

- (4) The parking of a commercial vehicle in any Residential Zoning District shall be limited to one (1) standard sized vehicle with a length of 25 feet (25') or less and gross vehicle weight of 14,000 lbs or less, except that any commercial vehicle may be stored within an enclosed structure. In no instance shall any portion of a semi-tractor/trailer be stored on a residentially zoned or used property.

- (5) Lighting
 - i. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance, and in a parking area containing four (4) or more parking spaces, such lighting may be extinguished one (1) hour after the close of business.
 - ii. All vehicular access points for parking lot entries shall be illuminated.
 - iii. All interior walking paths that connect to the main building entrance, plus all paths that connect to any public sidewalk, trail, or transit station, shall be illuminated using free-standing fixtures that do not exceed twelve feet (12') in height. Other interior walking paths shall be encouraged, but not required, to provide the same lighting.

- (6) Curbs – All parking areas shall generally be completely curbed. Curbing however may not be required if, in the opinion of the Town Engineer, the drainage system for the property shall be best served if curbs were not present.

- K. Location – Unless otherwise provided in this Ordinance, all required parking spaces shall be located in the same lot as the building or use served.

- L. Parking Structures
 - (1) Parking structures shall be permitted in a multi-business complex. Such structures shall be placed behind the building with access primarily off an alley, secondary street, or side yard.
 - (2) Parking structures shall be allowed to abut the public right-of-way and/or primary frontage only when the first two (2) floors that face the public street are developed as retail/commercial space.

- M. Employee Parking – Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, whether full or part-time, on the premises at any one time.

- N. Handicapped Parking – When off-street parking is required for any building or use, except for single-family residential dwellings, parking for the physically disabled shall be provided as required by the Americans with Disabilities Act (ADA), as amended from time to time.

SECTION 4: Off-Street Parking Requirements

The minimum number of off-street parking spaces accessory to designated uses shall be provided as follows:

- A. Dwelling and Lodging Uses

- (1) Single-Family dwellings: Two (2) parking spaces for each dwelling; but no more than six (6) parking spaces for each single-family dwelling.
- (2) Two-family dwellings: Two (2) parking spaces per dwelling unit, but not more than six (6) for each dwelling unit.
- (3) Multi-family dwellings: Two (2) parking spaces for each dwelling unit in Residential Zoning Districts, and one (1) parking space for each dwelling unit in Institutional (IN) Zoning Districts.
- (4) Hotels, motels, tourist homes or the like: One (1) parking space for each lodging room, plus spaces as required for any included complimentary use, such as restaurants, stores, coffee shops, etc.

- B. School, Institution, Auditorium, or other places of Assembly Uses

- (1) Churches and other places of worship:
 - i. Churches with less than four thousand (4,000) square feet of floor area: One (1) parking space for each six (6) seats used for the principal church service;
 - ii. Churches with over four thousand (4,000) square feet of floor area: One (1) parking space for each five (5) seats used for the principal church service, but in no case more than two hundred (200) parking spaces.
- (2) Convalescent homes, nursing homes, group homes, rest homes, and institutions for the care of the aged and for children: One (1) parking space for each three (3) beds, plus one (1) parking space for each two (2) employees and each doctor assigned to the staff.

- (3) Arenas, stadiums, and grandstands and the like: One (1) parking space for each six (6) seats or for each one hundred eight inches (108") of seating space.
- (4) Hospitals: One (1) parking space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.
- (5) Libraries and museums: One (1) parking space for each eight hundred (800) square feet of floor area.
- (6) Medical, dental, and orthodontist clinics: Two (2) parking spaces for each examining and treatment room, plus one (1) parking space for each doctor and employee in the building.
- (7) Meeting halls, convention halls, and exhibition halls: The number of parking spaces equal to thirty percent (30%) of the maximum number of people that can be accommodated in accordance with its designed capacity.
- (8) Private clubs and lodges: One (1) parking space for each six (6) seats in accordance with design seating capacity of the main meeting room.
- (9) Schools – Commercial or trade, and music, dance, or business: One (1) parking space for each two (2) employees, plus one (1) space for each six (6) students, based on the maximum number of students that can be enrolled accordance with its design capacity.
- (10) Schools – High, public or private: One (1) parking space for each four (4) students, based on the maximum number of students that can be enrolled in accordance with its design capacity of the building. One (1) space for each employee.
- (11) Schools – Day care, nursery, elementary, or junior high – public or private: One (1) parking space for each faculty member and each other full-time employee, plus one (1) space per seven (7) students.

C. Recreational Uses – Commercial or Non-Commercial

- (1) Recreation areas or community centers – private, semi-public, or public: One (1) parking space for each two (2) employees, plus one (1) space for each six (6) patrons as determined by the Plan Commission.
- (2) Parks

- i. Block parks/tot lots [less than two (2) acres]: Exempt;
 - ii. Neighborhood parks [between two (2) and twenty (20) acres]: Two (2) parking spaces per acre of park area, but no less than ten (10) parking spaces per park. This number may be reduced by the number of on-street parking spaces available within one hundred feet (100') of the park boundary;
 - iii. Community parks [more than twenty (20) acres]: Four (4) spaces per acre of park area.
 - (3) Gymnasiums, health clubs, swimming pools, skating rinks, and dance halls, commercial: One (1) parking space for each three (3) persons, based upon the maximum occupancy rating of the facility and in accordance with such design capacity, and one (1) parking space for each two (2) employees.
 - (4) Bowling alleys: Five (5) parking spaces for each lane, plus such additional spaces as may be required herein for affiliated uses, such as restaurants and the like.
- D. Commercial and Manufacturing Uses – Unless otherwise provided for, all commercial and manufacturing uses shall provide one (1) parking space for each employee on-duty in addition to the requirements set forth below.
 - (1) All business and commercial establishments, except those specified hereafter: One (1) parking space for each three hundred (300) square feet of floor area.
 - (2) Automobile service stations: One (1) parking space for each employee, plus three (3) spaces for each service stall, plus one (1) additional space for every three hundred (300) square feet of affiliated accessory uses, such as car wash, convenience store, repair shop, etc. Each service stall may be counted as one (1) parking space.
 - (3) Banks: One (1) parking space for each four hundred (400) square feet of floor area.
 - (4) Business, professional and public administration or service office buildings: One (1) parking space for each four hundred (400) square feet of gross floor area of the building.

- (5) Indoor/Outdoor storage facility, cartage, express, parcel delivery and freight terminal establishments: One (1) parking space for each employee employed on the premises, and one and one-half (1-1/2) parking space for each vehicle maintained on the premises.
- (6) Drive-in business and commercial establishments: In addition to the required parking spaces for the establishment, a minimum of four (4) stacking spaces, but not to exceed fifteen percent (15%) of the number of vehicle spaces used for serving customers.
- (7) Establishments handling the sale and consumption on the premises of food and refreshment: One (1) parking space for each employee and one (1) parking space per each two (2) seats.
- (8) Furniture and appliance stores, motor vehicle and trailer rentals, wholesale stores, stores for repair of household equipment or furniture: One (1) parking space for each four hundred (400) square feet of floor area.
- (9) Motor vehicle sales: One (1) parking space for every one thousand five hundred (1,500) square feet of indoor and outdoor display area.
- (10) Theaters: One (1) parking space for each four (4) seats.
- (11) Undertaking establishments and funeral parlors: ten (10) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle operated on the premises.
- (12) Warehousing and storage establishments, manufacturing establishments, and establishments engaged in production, processing, assembly and disassembly, cleaning, servicing, testing, or repairing of materials, goods, or products: One (1) parking space for each employee on-duty and one (1) parking space for each one thousand two hundred (1,200) square feet of floor area.
- (13) Wholesale and Mail Order Establishments: One (1) parking space for each one thousand two hundred (1,200) square feet of floor area in the building.

E. Miscellaneous Uses

- (1) Planned developments: The number of parking spaces in accordance with the required spaces for each individual use.
- (2) Bicycles: Bicycle parking is encouraged on residential and commercial parking lots.

- F. Other Uses – Parking spaces for other permitted or special uses not listed above shall be provided in concert with similar uses specifically identified in this Title and as determined by the Town Staff.

SECTION 5: Off-Street Loading Regulations

Off-street loading spaces accessory to designated uses shall be provided as follows:

- A. Location – All required loading spaces shall be located on the same lot as the use served. No permitted or required loading space shall be located within forty feet (40') of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.
- B. Access – Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- C. Surfacing – All open off-street loading spaces shall be improved with storm water drainage facilities and pavement surfacing in accordance with the Town of Schererville specifications.
- D. Utilization – Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- E. Minimum Facilities – Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.
- F. Off-Street Loading Space Requirements
 - (1) On the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

- (2) Such space, unless otherwise adequately provided for, shall include a twelve-foot (12') by thirty-five foot (35') loading space with fourteen-foot (14') height clearance. Loading space is not required for any above use with floor area or lot area less than three thousand (3,000) square feet. One (1) loading space is required for every twenty thousand (20,000) square feet, or fraction thereof, of floor area or lot area for the above uses.

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SECTION 1: Intended Purpose

- A. The zoning districts established by this Ordinance are designed to control the future use of land within the Town of Schererville. The continued existence of non-conforming lots, uses and structures is frequently inconsistent with the purposes for which such districts were established. This Title provides for a gradual and orderly elimination of such non-conforming lots, uses, and structures. It is further the purpose of this Title to promote the policies and objectives established by the Comprehensive Plan and to encourage the development and maintenance of desirable residential, business, office, and industrial areas, as well as to promote and protect the public health, safety, and general welfare of the community.
- B. It is further the purpose of this Title to provide provisions for legal non-conforming uses, standards and conditions under which they may be removed or corrected, such as non-conforming lots, uses, and structures.

SECTION 2: General Provisions

- A. A lot, building, use or structure legally permitted prior to effective date of this Ordinance that has become non-conforming due to enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map), due to the lot, building, structure, or use no longer conforming to the standards of the zoning district in which it is located, shall be allowed to continue as a legal non-conforming use.
- B. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building, structure, or development on which construction was lawfully permitted and begun and/or completed prior to the effective date of this Ordinance. Legal non-conforming lots, structures, and uses may continue in the manner and to the extent that they existed or were used at the time the change in the Zoning Ordinance was enacted, provided such lot, building, structure, or use adheres to the limitations set forth in the prior Zoning Ordinance, as well as the requirements of this Title and that such use remains otherwise lawful. A certificate or other written acknowledgment of legal non-conformity shall be issued by the Town Staff upon request of the property owner with evidence that the Town Staff determines to be adequate.

- C. Nothing in this Title shall be deemed to prevent the strengthening, repair or restoration to a safe condition, any structure or building, or part thereof, determined to be unsafe by any Town Code or Town Staff in charge of protecting the public health and safety. Such strengthening, repair or restoration shall not however, be used to enlarge, expand or extend such non-conforming building or structure, nor be used as grounds for adding other structures or uses which are prohibited by this Ordinance.

- D. A lot, building, structure, or use that is non-conforming and that was constructed or is being used without an approved Improvement Location Permit or approval from the Plan Commission or the Board of Zoning Appeals is considered an illegal use. Nothing in this Ordinance shall be construed as approval or validation of such illegal lot, use, or structure. An illegal use shall be subject to provisions and penalties permitted by this Ordinance and all other applicable Town ordinances. Such lot, building, structure, and/or use shall be required to cease operation, discontinue use, or be altered to conform to applicable standards and provisions of this Ordinance.

- E. Development Standards Variation – The following lots, buildings, structures or uses shall not be considered non-conforming uses:
 - (1) Lots, buildings, structures or uses that are part of a Planned Unit Development (PUD), as approved by the Plan Commission.
 - (2) Lots, buildings, structures or uses that are part of an established Overlay District, as approved by the Plan Commission.
 - (3) Lots, buildings, structures or uses that were part of a decommissioned Overlay District, provided such lot, building, structure, or use was fully compliant with the relevant provisions of the same at the time of such approval.

- F. Abandonment
 - (1) A lawful non-conforming use of a lot, building or structure shall be deemed abandoned when such use is discontinued for a continuous period of six (6) months or more. Subsequent use of such building or structure or land shall be in conformance with the provisions of this Ordinance.
 - (2) Accessory uses of a non-conforming lot, building, structure, sign, and other site features shall be deemed abandoned if the primary structure or use is deemed abandoned.

- G. Any lot, use, or structure that becomes non-conforming upon the effective date of this Ordinance and for which a variance, special exception, special use, or other approval was previously granted, shall remain subject to any conditions that were imposed pursuant to the granting of such variance, special exception, or special use.

- H. If land is annexed to the Town, any lot, building, structure, or use upon such annexation that does not conform to the development standards of this Ordinance shall have legal non-conforming status, provided that:
 - (1) Under applicable Federal, State, County, and local regulations, the lot, building, structure or use was legal in all respects immediately prior to annexation; and
 - (2) The annexation was not conditioned upon the removal or modification of the lot, building, structure or use.

- I. Approved subdivision plats that do not conform to the provisions of this Ordinance, but were fully in compliance prior to the adoption of this Ordinance, shall be allowed to develop or continue to develop, without change or modification in the plat, provided that:
 - (1) The plat approval was issued within one (1) year of the adoption of this Ordinance;
 - (2) Such development is substantially completed within three (3) years from the date of the passage of this Ordinance; and
 - (3) The proposed use remains a legal and permitted use.

SECTION 3: Non-Conforming Lots

- A. Any lot legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets applicable provisions or standards of this Ordinance (such as minimum area, width, or depth) shall be deemed legal non-conforming lots of record. Legal non-conforming lots of record may be built upon only if the proposed use is permitted and all development standards and provisions of the applicable zoning district of this Ordinance are adhered to.

- B. In any zoning district, a permitted use and its customary accessory uses may be erected on any single lot of record after the effective date of this Ordinance provided:

- (1) The lot is in an existing subdivision with similar adjoining uses;
 - (2) The proposed use is for single family residential;
 - (3) The lot has a separate owner and no continuous frontage with other lots in the same ownership.
- C. If any two (2) or more unimproved lots or a combination of unimproved lots with continuous frontage and in single ownership are of record at the effective date of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of meeting the minimum requirements of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width, area or other requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

SECTION 4: Non-Conforming Structures

- A. Repair, Maintenance, Alterations, and Enlargement
- (1) A legal non-conforming structure may be repaired, maintained, or altered provided, that no such repair, maintenance, or alteration shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure (i.e., horizontal extension of a building on a lot with inadequate setback shall not be permitted).
 - (2) A legal non-conforming structure or portion thereof may be altered to improve its degree of conformity, provided such alteration does not involve more than fifty percent (50%) of the total gross floor area or fifty percent (50%) of total value of the structure. Alterations of more than fifty percent (50%) shall require full compliance with the provisions of this Ordinance.
- B. A legal non-conforming structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the provisions of the zoning district in which it is located.

- C. Except for single family dwellings or historical buildings, any legal non-conforming structure that is damaged or destroyed to the extent of more than fifty percent (50%) of the cost of replacement of such structure shall not be restored, unless the structure shall thereafter fully conform to the provisions of the zoning district in which it is located, and provided such reconstruction begins within six (6) months from the date of damage or destruction and continues without interruption. This provision however, shall not be construed or interpreted to authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction.

SECTION 5: Non-Conforming Uses

A legal non-conforming use of land, structures, or structures and land in combination, established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a legal non-conforming use. A legal non-conforming use may continue subject to the following conditions:

- A. A lawful non-conforming lot shall be brought into compliance with all applicable provisions of this Ordinance with any application for new building construction or in connection with demolition of existing and construction of new buildings.
- B. Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted in whole or in part to a legal non-conforming use. However, this provision shall not be interpreted to authorize an unlawful alteration, enlargement, extension, or move of a structure.
- C. A structure devoted in whole or in part to, or accessory to, a legal non-conforming use that is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use provisions of the zoning district in which it is located.
- D. A legal non-conforming use shall not be extended, expanded, enlarged or increased in its intensity. However, a non-conforming use located in a structure designed or intended for such use may be extended throughout any interior part of such structure. No such extension shall be permitted to occupy any land outside of such structure.
- E. A legal non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When such a legal non-conforming use has been changed to a permitted use, it shall not thereafter be changed back to any non-conforming use.

F. Non-conforming accessories, amenities or site features

- (1) Any accessory use, amenities, features or improvements (such as landscaping, sidewalk, etc.) lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the development standards shall be deemed a legal non-conforming amenity or amenities, feature or accessory.
- (2) No legal non-conforming site amenities, feature, accessory uses, or improvements, shall be altered, enlarged, moved, or otherwise modified in a manner that increases the degree of nonconformity. Accessory uses and features may be only modified in a manner that maintains or lessens the extent of the nonconformity.
- (3) Site Amenities – If the provisions of this Ordinance require site amenities that are not currently provided, but cannot be accommodated on site, such amenities may be provided on an off-site location, provided such amenities are located within three hundred feet (300') of the primary use, and the proposed location is approved by the Plan Commission.
- (4) Dumpster/Recycling Box Enclosures – All outdoor waste collection facilities shall be brought into compliance with Section 16 of TITLE XVII [Supplementary District Regulations] with any application for an Improvement Location Permit, or within two (2) years of the passage of this Ordinance, whichever is sooner.
- (5) Bike Parking – All required bicycle parking must be installed per provisions of the TITLE XX [Off-Street Parking and Off-Street Loading] with any application for an Improvement Location Permit.
- (6) Pedestrian Facilities
 - i. With any application for an Improvement Location Permit, any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per the requirements of the established zoning district. New pedestrian facilities shall not be required if existing facilities are in functional condition and deemed adequate.
 - ii. In any non-residential zoning district, existing developments shall be required to provide all required pedestrian facilities in conjunction with all renovations, expansions, and new construction whenever such work exceeds twenty-five percent (25%) of the value of renovated building(s) or property.

- iii. In any modifications or improvements to existing yards, including, but not limited to, parking reconstruction or lot expansion, sidewalks shall be included, provided that such modification exceeds twenty-five percent (25%) of the total lot area.

SECTION 6: Non-Conforming Parking

Any change in use, re-establishment of an abandoned conforming use, or renovation of an existing parking lot of a conforming use shall meet parking requirements of TITLE XX as provided herein. Renovation for the purpose of this Section means any pavement maintenance or reconstruction of a parking lot beyond ordinary seal coating and striping which exceeds twenty-five percent (25%) of the total lot area.

- A. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any structure or building may not increase the degree of nonconformity regarding the required number of parking spaces, landscaping or buffering.
- B. Parking Number – The degree of non-conformity regarding the required number of parking spaces shall not be increased as a result of renovation or reconstruction of a parking lot, except where such increase is directly related to provision of public open space, parking lot landscaping, and pedestrian facilities.
- C. Parking Lot Landscaping
 - (1) Where parking lot landscaping does not meet the standards of TITLE XVIII [Landscaping Regulations], existing parking lots should be required to provide such landscaping in conjunction with all renovations, expansions, and new construction as follows:
 - i. Whenever parking lot improvements involve twenty-five percent (25%) or more of the parking area, parking lot screening and buffer, yards meeting the provisions of TITLE XVIII shall be provided in the front yard.
 - ii. Whenever parking lot improvements involve fifty percent (50%) or more of the parking area, full compliance with the provisions of TITLE XVIII shall be required.
 - iii. When parking lots are partially repaved or improved, all improved portions should include landscaping that complies with TITLE XVIII.

(2) If required setbacks, buffering landscaping, or impervious surface coverage standards can be achieved without a net loss of required parking spaces, then such setbacks, buffer, landscaping, or impervious surface coverage standards shall be met with the removal of pavement and the addition of vegetation and landscaping. If all setbacks, buffer or screens cannot be achieved, priority shall be given to the front yard setback, screening, buffering and landscaping.

- D. Paving – Any substandard parking surfaces shall be brought into compliance with TITLE XX [Off-Street Parking and Off-Street Loading] of this Ordinance with any application for an Improvement Location Permit.

SECTION 7: Non-Conforming Landscaping

Any change in use, re-establishment of an abandoned conforming use, or renovation of an existing building, lot or in combination of a conforming use shall meet landscaping requirements of TITLE XVIII [Landscape Regulations] as provided herein.

- A. Any legal non-conforming use shall be brought into conformance with the applicable provisions of TITLE XVIII prior to the erection or placement of any buildings, or other improvements on the lot.
- B. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building may not increase the degree of nonconformity regarding the required landscaping or buffering.
- C. Residential lots with non-conforming landscaping shall become compliant whenever an improvement involving at least fifty percent (50%) of the value of the property is undertaken.
- D. Non-residential lots with non-conforming landscaping shall become compliant whenever one of the following improvements are undertaken:
 - (1) Whenever the proposed improvements involve twenty-five percent (25%) or more of the value of the building(s) or property, front yard landscaping shall meet the provisions of TITLE XVIII.
 - (2) Whenever the proposed improvements involve fifty percent (50%) or more of the value of the building(s) or property, full compliance with the provisions of TITLE XVIII shall be required. In addition, a landscape plan, prepared by a landscape architect registered in Indiana and meeting the requirements set forth in TITLE XVIII, shall be provided.

- E. If full compliance with TITLE XVIII cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation and front yard landscaping. The Plan Commission may allow an alternative compliance plan as provided therein, with the Owner providing sufficient justifications for seeking alternative compliance.

- F. Tree Replacement – Loss of trees, shrubs, and other vegetation shall make an improved site non-compliant with the provisions of TITLE XVIII. Where existing trees, shrubs, or other vegetation have fallen or are removed because of nature, old age, or human actions, said vegetation shall be replaced with the same species or plant material recommended by this Ordinance, and with approximately same age materials where practical.

SECTION 8: Non-Conforming Signs

Any legally established sign prior to the effective date of this Ordinance, or its subsequent amendments, that no longer comply with the provisions of this Ordinance (such as height, size, etc.) shall be deemed a legal non-conforming sign. A legal non-conforming sign may continue subject to the following provisions:

- A. A legal non-conforming sign shall not be extended, expanded, enlarged, altered, or increased in its height, size, face area, intensity of illumination or light emission, or any other aspect that increases its non-conformity. Examples of non-permitted actions on a non-conforming sign include:
 - (1) Converting a sign from a multiple pole structure to a monopole structure;
 - (2) Replacing wooden components with metal components;
 - (3) Adding illumination to a non-illuminated sign;
 - (4) Adding additional display faces; and
 - (5) Updating the technology in an already existing animated display or changeable copy sign.

- B. A legal non-conforming sign shall be brought into compliance with TITLE XIX [Sign Regulations] with any application for renovation or replacement including change of height, size, face area, intensity of illumination or light emission or display or in connection with demolition of existing and construction of a replacement sign.

- C. A legal non-conforming sign may not be re-established if:

- (1) The building or lot where the sign is displayed has been vacant for six (6) continuous months or more;
 - (2) The business for which the sign is displayed has been closed for six (6) continuous months or more; or
 - (3) The sign is not kept in good repair and in a safe condition and the state of disrepair or unsafe condition continues for six (6) months; or
 - (4) If the sign has displayed no message for six (6) continuous months or more; or
 - (5) The sign is relocated; or
 - (6) The Sign Permit or variance, special exception, etc. under which the sign, the structure, or the use was allowed or permitted expires.
- D. A legal non-conforming sign that is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the value of replacement of such structure new, but not the commercial value of the sign, shall not be restored or reconstructed unless the use of such structure shall thereafter conform to the provisions of TITLE XIX [Sign Regulations].
- E. Normal maintenance and incidental repair or replacement, and installation of fixtures, wiring or lighting, may be performed on any non-conforming sign, provided the cost of such actions does not exceed fifty percent (50%) of the value of the replacement of the sign structure in one (1) calendar year. This paragraph shall not be interpreted to authorize an unlawful alteration, enlargement, extension, and increase in intensity, or move of a non-conforming sign.
- F. Advertising copy, including letters, symbols, or other matter on the sign, may be changed, including the exchange of display faces that are designed to be interchangeable to facilitate the display of advertising copy; provided, however, display faces that are designed to be permanently attached to the supporting sign structure may be replaced only with display faces composed of like materials, e.g., a plywood display face may be replaced only with a plywood display face.
- G. Any legal non-conforming sign located on a lot within the Overlay Districts, described in TITLE XVI [Overlay Districts], shall be brought into conformance with the applicable provisions of this Title prior to the erection or placement of any other sign on that lot. All such new signs shall meet the provisions of the Overlay District in addition to the sign provisions applicable to Commercial Zoning Districts.

- H. Nothing in this Ordinance shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this ordinance regarding safety, maintenance or repair of a sign.

SECTION 9: Non-Conforming Lighting

Any legally established light and luminaries prior to the effective date of this Ordinance, or its subsequent amendments, that no longer comply with the provisions of this Ordinance (such as height, brightness, etc.) shall be deemed a legal non-conforming light. A legal non-conforming light may continue subject to the following conditions:

- A. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any structure or building may not increase the degree of non-conformity regarding the requirements in Section 14 of TITLE XVII [Supplementary District Regulations].
- B. Parking lots with non-conforming lighting, including those using non-cutoff fixtures, shall be replaced with conforming light fixtures with any application for an Improvement Location Permit.
- C. Legal, non-conforming lighting fixtures may continue to be used provided such fixtures are turned off between the hours of 11:00 p.m. (or when the business closes, whichever is later) and sunrise. This requirement does not apply to fixtures used for safety or security purposes.

Section 10: Non-Conforming Resulting from Right-Of-Way Dedication

Where a non-conforming front yard setback, parking lot setback, or greenbelt is created as a result of additional road right-of-way width being acquired by the Town, County, or State, the building or parking lot may be improved or expanded without the need to obtain a variance from the Board of Zoning Appeals, provided the following conditions are met:

- a) The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
- b) The building or parking lot expansion will not reduce the remaining depth of the front yard setback, after the acquisition by the Town, County, or State.
- c) All other Ordinance requirements are met and necessary approvals are obtained.

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SECTION 1: General

Any use established in the Business Park (B.P.) and General Industrial (G.I.) Zoning Districts shall be so operated as to comply with the performance standards governing: (1) noise; (2) vibration; (3) smoke and particulate matter; (4) toxic matter, noxious, and odorous matter; (5) fire and explosive hazards; (6) glare and heat; and (7) electromagnetic interference set forth hereinafter for the Zoning District in which such use shall be located. Further, all such uses shall comply with other standards by federal, state, county, or local ordinance, law, or regulation provided such standards are more restrictive. No use already established shall conflict with, or further conflict with, the applicable performance standards established hereinafter for the Zoning District in which such use is located.

SECTION 2: Application Conference

- A. Any property owner or party seeking to utilize a building or lot for use within the Business Park (B.P.) or General Industrial (G.I.) Zoning District shall first meet with the Town Staff at an Application Conference to discuss the general proposed use. The property owner or user shall be prepared to discuss the details of the proposed use, including, but not limited to such items as follows:
- (1) Potential Hazardous materials – Health, Safety, and Welfare;
 - (2) Noxious – Negative impact on adjacent properties;
 - (3) Lease Agreement – Signed and notarized;
 - (4) Letter of total intent to be presented;
 - (5) Impact on W.W.T.P. – Storm lines – Soil – Air;
 - (6) Impact Surcharge involvement;
 - (7) Agreement to on-site inspections – periodically.
- B. The property owner and user shall both be at the required Application Conference. Any change in procedures must be subject to added review. The property owner or user seeking the proposed use shall be responsible for providing all information and documentation deemed necessary and required by the Town Staff.

- C. The proposed use of a property owner or party seeking the same may be permitted by the issuance of permit therefore in conformance with the applicable provisions of this Ordinance, as amended from time to time, but only in the event the Town Staff agrees that the proposed use conforms to the requirements of the Zoning District and is one (1) of those delineated uses, or is sufficiently similar to one (1) of those delineated uses described herein a permissible in this Zoning District. Any such property owner or party seeking approval for any of the following uses shall have the burden of demonstrating that such use is an appropriate, safe, and proper use of the building and/or lot and shall further be responsible to demonstrate to the satisfaction of the Town Staff that provision will be made to adequately reduce and/or minimize any noxious, offensive, dangerous, or hazardous feature or features of such use. Any specific requirements for the issuance of an applicable permit or permits shall additionally be met. All property owners or parties seeking such approval and permit issuance through the Town Staff review procedure shall be required to comply with all conditions, statutory or otherwise, imposed as part of staff review approval.

- D. In the event that any property owner or party seeking a proposed use within the Business Park (B.P.) or General Industrial (G.I.) Zoning District determines that they are aggrieved by the actions of the Town Staff upon the proposal, that property owner or party may apply for a Special Use Permit in conformance with the provisions contained hereafter.

- E. In the event the Town Staff, upon a review of any proposal, after the Application Conference, determines that the use may not be an appropriate, safe, or proper use of a building and/or lot within the Business Park (B.P.) or General Industrial (G.I.) Zoning District, or determines that the matters pertaining to reduction and/or minimization of any noxious, offensive, dangerous or hazardous features or a proposed use may not have been adequately addressed, or determines that it is not in the best interests of the health, safety, comfort, and general well-being of the residents of the Town to consider recommendation of approval, the Town Staff may decline to issue a permit therefore, and require the property owner or petitioner to seek approval through the process of application for a Special Use Permit in conformance with the provisions of this Ordinance, as amended from time to time.

- F. In the event that the Town Staff, upon a review of any proposal and after the Application Conference, determines that the application is appropriate, permits shall be issued in writing, as required by the permit provisions of this Ordinance, as amended from time to time, and shall contain all conditions and requirements. This written documentation and permit(s) shall be provided to the property owner or applicant within five (5) business days of determination.

- G. In the event that the Town Staff, upon a review of any proposal, after the Application Conference, determines that a permit approval is not appropriate, that determination shall be made in writing to the property owner or applicant within five (5) business days of the determination. This same written determination shall be provided to the Town Plan Commission and Board of Zoning Appeals. The property owner or applicant shall further be notified in the written determination provided that the property owner or applicant will be required to apply to the Town for approval a Special Use Permit for the proposed use, and the applicable provisions of the Zoning Ordinance, as amended from time to time.

- H. Any property owner or applicant required to apply for a Special Use permit from the Board of Zoning Appeals shall comply with the provisions of this Ordinance, as amended from time to time. Any petitioner for a Special Use Permit for any use, shall have the burden of demonstrating to the satisfaction of the Board of Zoning Appeals and the Town Council, that such use is appropriate, safe, and a proper use of the building and/or lot and shall further have the burden of demonstrating to the satisfaction of the Board of Zoning Appeals and Town Council that provisions will be made to adequately reduce and/or minimize the noxious, offensive, dangerous or hazardous feature(s) of such use. A petitioner shall also be required to comply with all other requirements, statutory or otherwise, of the Board of Zoning Appeals and Town Council in applying for a Special Use Permit for any of the following uses:
 - i. All uses within the Business Park (B.P.) Zoning District; or
 - ii. All uses within the General Industrial (G.I.) Zoning District.

SECTION 3: Noise

- A. At no point on the boundary of a Residential, Commercial, or Office Zoning District shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated in Table 3.

TABLE 3 – Octave Band Decibel Limits

Business Park (B.P.) and General Industrial (G.I.) Zoning Districts		
Octave Band Frequency (cycles per second)	Residential Zoning District Boundaries (db)	Commercial and Office Zoning District Boundaries (db)
0 - 75	72	79
75 – 150	67	74
150 – 300	59	66
300 – 600	52	59
600 – 1,200	46	53
1,200 – 2,400	40	47
2,400 – 4,800	34	41
Over 4,800	32	39

- B. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute (ANSI). Measurement shall be made using the flat network of the sound level meter. Sounds of short duration, as from forge hammers, punch presses, and the like, which cannot be measured accurately with the sound level meter, shall be measured with the impact noise analyzer, as manufactured by the QuadTech, IET Labs Inc., or an equivalent, in order to determine the peak value of the impact. For sounds so measured, the peak values shall not exceed by six decibels (6db), the values given in Table 3, above.
- C. Where different Zoning Districts adjoin the industrial property, the most restrictive noise level standard shall apply, regardless of the location of the Zoning District.
- D. Where sound barriers or structures are used to abate noise level, they shall be certified by a registered acoustical engineer based on the standards recommended by the Federal Highway Administration's Highway Traffic Noise Model Version 2.50 (FHWA-TNM, as amended). The actual elevation of noise sources on the property shall be used to measure the noise level.
- E. The following are exempted from the standards of this Section:
 - (1) Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.

- (2) Transient noises from moving vehicles, such as trucks and automobiles, trains, and airplanes.
- (3) Public safety sirens and related apparatus used solely for public safety and warning purposes.

SECTION 4: Vibrations

- A. No industrial use, operation, or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth in Table 4. Vibrations shall be measured at any point along the relevant Zoning District boundary line with a three-component measuring instrument approved by national recognized standards and shall be expressed as displacement in inches.

TABLE 4 – Ground Transmitted Vibrations Limits

<u>Maximum Permitted Displacement</u> <u>Business Park (B.P.) and General Industrial (G.I.) Zoning Districts</u>		
Frequency (cycles per second)	Along Residential Zoning District Boundaries	Along Commercial and Office Zoning District Boundaries
0 - 10	.0004	.0008
11 - 20	.0002	.0005
21 - 30	.0001	.0002
31 - 40	.0001	.0002
Over 41	.0001	.0001

- B. The vibration standard shall be measured at the maximum peak particle velocity. This standard is measured as the maximum displacement vector sums of three (3) mutually perpendicular directions, recorded simultaneously, multiplied by the frequency in cycles per second. Where these standards are not met five feet (5') beyond the building walls or the generator, if it is located outside, then barriers, structures, or dampening measures shall be employed to ensure that all uses meet these standards at the property line.
- C. An operator trained to measure vibrations shall take all such measurements and shall submit and certify them to the Town Engineer.
- D. The following are excepted from these standards:

- (1) Vibrations emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
- (2) Transient vibrations of moving vehicles, such as trucks and automobiles, trains, or airplanes.

SECTION 5: Smoke and Particulate Matter

- A. Any use already established on the effective date of this Ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke and/or particulate matter conform to the performance standards established hereinafter for the Zoning District in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the Zoning District in which the use is located after such alteration, enlargement, expansion, or modification.
- B. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.
- C. The emission, from all sources within any lot area, of particulate matter containing more than five (5%) percent by weight of particles having a particle diameter larger than forty-four (44) microns is prohibited.
- D. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and so forth, within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter for the Zoning District in which such use shall be located is prohibited.
 - (1) The Ringelmann Chart is hereby adopted by reference and three (3) copies of said Chart are on file in the office of the Town Clerk.
- E. In the Business Park (B.P.) Zoning District, the following additional regulations shall apply:

- (1) The emission of more than twelve (12) smoke units per stack in any thirty (30) minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any three (3) hour period, each stack shall be permitted up to twenty (20) smoke units (not to exceed Ringelmann No. 3) in thirty (30) minutes for soot blowing and fire cleaning.
- (2) The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one (1) point per acre of lot area during any one (1) hour period, after deducting from the gross hourly emission per acre the correction factor set forth in Table 5:

TABLE 5 - Allowance for Height of Emission*

Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)	
	Business Park	General Industrial
50	0.01	0.0
100	0.06	0.5
150	0.10	1.5
200	0.16	2.4
300	0.30	4.0
400	0.50	8.0

*Interpolate for intermediate values not shown in table.

Determination of the total net rate of emission of particulate matter within the lot boundaries of any lot shall be made as follows:

- i. 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, thereby obtaining the gross hourly rate of emission in pounds per acre.
- ii. From each gross hourly rate of emission derived in the above item, deduct the correction factor (interpolating as required) for height of emission set forth in the table – thereby obtaining the net rate of emission in pounds per acre per hour from each source of emissions.
- iii. Add together the individual net rates of emission derived in the above item, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot – such total shall not exceed one (1) pound per acre of lot area during any one (1) hour.

- F. In the General Industrial (G.I.) Zoning District, the following additional regulations shall apply:
 - (1) The emission of more than sixteen (16) smoke units per stack in any thirty (30) minute period is prohibited, including smoke in excess of Ringelmann No. 2. However, once during any two (2) hour period, each stack shall be permitted up to twenty-four (24) smoke units (not to exceed Ringelmann No. 3) in thirty (30) minutes for soot blowing and fire cleaning.
 - (2) The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of eight (8) pounds per acre during any one (1) hour, after deducting from the gross hourly emission per acre the correction factor set forth in Table 3. Determination of the total net rate of emission of particulate matter within the lot boundaries of any lot shall be made as follows:
 - (a) 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, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - (b) From each gross hourly rate of emission derived in the above item, deduct the correction factor (Interpolating as required) for height of emission set forth in the table – thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - (c) Add together the individual net rate of emission derived in the above item, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed four (4) pounds per acre of lot area during any one (1) hour.
- G. No person shall cause or allow the emission of fugitive particulate matter across lot lines which are visible by an observer looking generally toward the zenith, beyond the property line. This requirement shall not apply when the wind speed is greater than twenty-five miles per hour (25 M.P.H.). Determinations of wind speed for the purposes of this rule shall be by a one (1) hour average or hourly-recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.
- H. The emission for particulate matter, with diameter ranging from two and one half (2.5) and ten (10) micrometers, shall be limited to the following:

- (1) PM_{2.5}: maximum 35µ/m³ (arithmetic mean) in any twenty-four (24) hour period;
 - (2) PM_{2.5}: maximum 15µ/m³ (arithmetic mean) in any twelve (12) month period;
 - (3) PM₁₀: maximum 150µ/m³ (arithmetic mean) in any twelve (12) month period.
- I. If a more restrictive standard(s) regarding particulate matter emission is adopted by the U.S. EPA, Indiana Department of Environmental Management (IDEM), or other agencies, currently existing or as created in the future, after the adoption of this Title, then all industrial uses shall comply with the stricter standards.

SECTION 6: Toxic, Flammable, Noxious, and Odorous Matter

- A. No activity or operation shall cause, at any time, the discharge of toxic, noxious, and odorous matter, as listed in the U.S. EPA Title III, “List of Lists”, most current version, across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- B. Unless otherwise provided for in this Title, all materials listed by the Indiana State Department of Health or other agencies as toxic, flammable, noxious, and odorous shall be subject to the regulations of this Section, and all stipulated provisions for the handling and discharge of such materials shall be adhered to.
- C. For a proposed industrial use, if the discharge of toxic, flammable, noxious, and odorous matter is likely or foreseeable in the normal course of operation, then the developer shall be required to file for an exception, subject to the approval of the Board of Zoning Appeals, before the development shall be allowed to proceed.
- D. Any use established in the Business Park (B.P.) and General Industrial (G.I.) Zoning Districts that is classified as a “sensitive or at risk business” by the United States Department of Homeland Security, or any business that stores, manufactures, or processes toxic, flammable, noxious, and odorous matter, shall be required to develop a preventive plan that ensures the safety of the use, and its surrounding area, in the event of a man-made or natural disaster. The plan shall include provisions that will be used to protect the business, such as increased setbacks, barricade installation, and reinforced building walls.
- E. Biodegradable materials, and other organic materials that are non-toxic, shall be exempt from these requirements, provided they are kept in an enclosed space away from the view of the general public.

SECTION 7: Fire and Explosive Hazards

- A. Activities involving the manufacture of materials or products which decompose by detonation are permitted only in the General Industrial (G.I.) Zoning District, and then only when specifically licensed by the Town.
- B. The manufacture, utilization, or storage of pyrophoric and explosive dusts shall be in accordance with the safety codes of the National Fire Protection Association. Such dusts include, but are not limited to aluminum, bronze, or magnesium powder; powdered coal; powdered plastics; flour and feed; spices; starches; sugar; cocoa; sulfur; grain (storage); and wood flour.
- C. In the Business Park (B.P.) Zoning District, the following additional regulations shall apply:
 - (1) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
 - (2) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided that said materials shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls, and protected throughout by an automatic fire extinguishing system; or said materials may be stored outdoors in conformance with the regulations of the Town Fire Code and the rules and regulations of the State of Indiana, Department of Fire Prevention.
- D. In the General Industrial (G.I.) Zoning District, the following additional regulations shall apply:
 - (1) The storage, utilization, or manufacture of solid materials, ranging from combustible to intense burning, are permitted, subject to applicable rules and regulations of the Town Fire Code and to rules and regulations of the State of Indiana Department of Fire Prevention.
 - (2) The storage and utilization of flammable liquids or materials which produce flammable or explosive vapors or gases, exclusive of storage of finished products in original sealed containers which shall be unrestricted, shall be permitted on a lot in accordance with Table 6:

TABLE 6 - Total Capacity of Flammable Materials* Permitted in Gallons

Materials	Industries Engaged in Storage and Distribution		Industries Engaged in Utilization of Flammable Materials	
	Above Ground	Underground	Above Ground	Underground
Materials having a closed cup flash point over 187° F	100,000	400,000	50,000	200,000
From and including 105° F to and including 187° F	40,000	200,000	20,000	100,000
Materials having a closed cup flash point less than 105° F	10,000	100,000	5,000	50,000

*When flammable gases are stored and utilized and measured in cubic feet, the quantity in cubic feet (at Standard Temperature and Pressures (S.T.P.)) permitted shall not exceed three hundred (300) times the quantities as listed on the above table.

SECTION 8: Glare and Heat

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard beyond the building line. Exposed sources of light from operations producing intense glare or heat shall be shielded so as not to create a nuisance across lot lines. The use of such operations shall further be regulated in accordance with the Town of Schererville Fire Code.

SECTION 9: Electromagnetic Interference

- A. Electromagnetic interference from any operations of any use in any Zoning District shall not adversely affect the operation of any equipment located off the zoning lot on which such interference originates.
- B. Structures (including communications facilities) in all commercial Zoning Districts shall be constructed and/or maintained so as to provide for in-building public safety communications coverage. Additionally, structures (including communications facilities) in all Zoning Districts shall be constructed and/or maintained so as to prevent interference with existing public safety communications.

SECTION 10: Drainage and Storm Discharges

- A. A drainage plan shall be submitted and approved by the Town Staff prior to the issuance of any Building/Zoning Permit. All drainage plans shall comply with the U.S. Environmental Protection Agency (EPA) regulations for Municipal Separate Storm Sewer Systems (MS4s), as well as all other applicable Federal, State, and local requirements.
- B. Any on-site discharge or drainage generated shall be properly channeled or contained into a storm drain, detention or retention pond, or other public facility.
- C. All open sites and areas shall keep drainage and discharge material stored on-site to the extent reasonably practical. To achieve this, these sites may incorporate naturalized landscaping, bio swales, rain gardens, filtration ponds, approved groundcovers, porous paving, and other Best Management Practices (BMPs), to treat on-site discharges to the extent reasonably practical prior to entering a public facility.

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SECTION 1: Intended Purpose

It is the purpose of this Title, as amended from time to time, to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent the deleterious effects of sexually oriented businesses from occurring within the Town. The provisions of this Title have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Title to restrict or deny access by adults to sexually oriented materials which are protected by the First Amendment of 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 this Ordinance to, in any way, condone or legitimize the distribution of obscene material or material harmful to minors.

SECTION 2: Permit Required

- A. No person shall conduct, maintain, operate, or cause to be conducted, maintained, or operated, any sexually oriented business within the corporate limits of the Town without first being licensed under this Title.
- B. The Town of Schererville Department of Planning and Building, or its designee, is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits for proposed or existing sexually oriented businesses. The Town of Schererville Department of Planning and Building, or its designee, is also responsible for ascertaining whether a proposed sexually oriented business for which a permit is being requested complies with all applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this Title in the Town and the Town's comprehensive Plan.
- C. The Town of Schererville Code Enforcement Officer shall be responsible for inspecting a proposed, permitted, or non-permitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances.
- D. An application for a permit must be made on a form provided by the Town of Schererville Department of Planning and Building. Any person desiring to operate a sexually oriented business shall file with the Town an original and two (2) copies of a sworn permit application on the standard application form supplied by the Town of Schererville Department of Planning and Building, or its designee.
- E. The completed application shall contain the following information and shall be accompanied by the following documents:

- (1) In the event the applicant is:
 - i. an individual, the individual shall state his/her legal name, and all aliases, and shall submit satisfactory proof that he/she is at least eighteen (18) years of age;
 - ii. a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - iii. a corporation or limited liability company, such entity shall state its complete name, the date of its incorporation or organization, evidence that the entity is in good standing under the laws of the State of Indiana, the names and capacity of all officers, directors, principal stockholders and/or member, and the name and address of the individual registered as agent for service of process.
- (2) In the event that an applicant intends to operate the sexually oriented business under a name other than that of the applicant, he/she must:
 - i. include the sexually oriented business's name in the application; and
 - ii. submit the required Indiana registration documents for said name.
- (3) Whether the applicant or any other individual listed in the application holds any other permits and/or licenses under this Ordinance or other similar sexually oriented business ordinance from another city, town, county, or state and, if so, the names and locations of such other permitted businesses.
- (4) The single classification of permit for which the applicant is filing.
- (5) The location of the proposed sexually oriented business, including a legal description of the property, common street address, and telephone number(s), if any.
- (6) The applicant's business mailing address.
- (7) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to any accuracy of plus or minus six (6) inches.

- (8) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a State of Indiana registered land surveyor depicting the property lines and the structures containing any established existing uses regulated by this Ordinance within one thousand feet (1,000') of the property to be certified, the property lines of any established religious institution/synagogue, school, or public park or recreation area within one residentially zoned area or residential property within one thousand feet (1,000') of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time, an application is submitted.
- (9) In the event that a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person wishes to operate a sexually oriented business collectively with a group of individuals, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation or limited liability company is listed as owner of a sexually oriented business or as the entity that intends to operate such a business, each individual having a ten percent (10%) or greater interest in the entity must sign the application for a permit as applicant.
- (10) In the event that a person wishes to operate a sexually oriented business which shall exhibit films, video cassettes, or other video reproductions on the premises which depict specified sexual activities or specified anatomical areas, then said person shall comply with the application requirements stated at Section 13 in this Title.
- F. Applicants for a permit under this Section shall have a continuing duty to promptly supplement application information required by this Section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change shall be a valid and lawful basis for suspension of a permit.
- G. In the event that the Town of Schererville Department of Planning and Building, or its designee, determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, it shall promptly notify the applicant of such fact and allow the applicant ten (10) days within which to properly complete the application (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

- H. An applicant must be qualified according to the provisions of this Title, and the premises must be inspected and found to be in compliance with all applicable health, fire and building codes and laws, and any other applicable federal or state laws.
- I. An applicant shall be required to pay a non-refundable application fee of Two Hundred Fifty and 00/100 Dollars (\$250.00) at the time of the filing of an application under this Section of this Title, as amended from time to time.
- J. Prior to obtaining any permit or license to operate any sexually oriented business deemed in this Ordinance, and as part of any application for a permit under this Section, an applicant shall obtain from the Town of Schererville Department of Planning and Building, or its designee, a certification that the proposed location of such business complies with the Town of Schererville Zoning Ordinance.
- K. The fact that a person possesses other types of state or Town permits and/or licenses shall not exempt him/her from the requirement of obtaining a sexually oriented business permit under this Section of this Title.
- L. By applying for a permit under this Ordinance, an applicant shall be deemed to have consented to the provisions of this Ordinance and to the exercise by the Town of Schererville Department of Planning and Building, or its designee, and all other Town agencies charged with enforcing the laws, ordinances, and codes applicable in the Town, of their respective responsibilities under this Title.
- M. An applicant shall be required to provide the Town with the names of any and all employees who are required to be licensed pursuant to Section 12 of this Title. This shall be a continuing obligation of an applicant even after a permit is granted or renewed.

SECTION 3: Investigation and Application

- A. Upon receipt of an application properly filed with the Town, and upon payment of the non-refundable application fee, the Town’s Zoning Administrator or designee shall immediately stamp the application as received and shall immediately thereafter transmit photocopies of the application to all Town agencies responsible for enforcement of health, fire and building codes and state and federal laws. Each department or agency shall promptly conduct an investigation of the applicant, application and the proposed sexually oriented business in accordance with its responsibilities under applicable law and as set forth in this Ordinance. Said investigation shall be completed within twenty (20) days of receipt of the application by the Town’s Zoning Administrator or designee. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, dates it, sign it and, in the event the department or agency recommends disapproval of the application, the reasons therefore.

- B. A department or agency shall recommend disapproval of an application if it finds that the proposed sexually oriented business will be in violation of any provision of any applicable statute, code, ordinance, regulation, or other law in effect in the Town. After indicating its recommendation of approval or disapproval of an application, each department or agency shall immediately return the photocopy of the application to the Town’s Zoning Administrator or designee, who shall forward the application and any accompanying materials to the Town of Schererville Department of Planning and Building for consideration.

SECTION 4: Issuance of Permit

- A. The Town of Schererville Department of Planning and Building, or its designee, shall grant or deny an application for a permit within thirty (30) days from the date of its proper filing. Upon the expiration of said thirty (30) days, and unless an applicant requests and is granted a reasonable extension of time, an applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the Town of Schererville Department of Planning and Building, or its designee, notifies the applicant of the denial of the application and states the reason(s) for that denial.

- B. Grant of Application for Permit
 - (1) The Town of Schererville Department of Planning and Building, or its designee, shall grant the application unless one (1) or more of the criteria set forth in sub-section three (3) below is present.

- (2) The permit, if granted, shall state on its face the name of the person, or persons, to whom the permit is granted, the permit's expiration date and the address of the sexually oriented business. The permit shall also indicate that the sexually oriented business shall be subject to prohibitions against Public Nudity and Public Indecency pursuant to I.C. 35-45-4-1 & 1.5, respectively, as amended from time to time. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be read easily at any time.

C. Denial of Application for Permit:

- (1) The Town of Schererville Department of Planning and Building, or its designee, shall deny the application for any of the following reasons:
 - i. An applicant is under eighteen (18) years of age.
 - ii. An applicant has failed to provide all of the information required by this Section or the permit application itself for the issuance of the permit, or has falsely answered a question or request for information on the application form.
 - iii. The premises to be used for the sexually oriented business have been inspected by the appropriate and responsible Town departments and/or agencies and have been found to be in violation of applicable Town and/or State health, fire, and building codes.
 - iv. The application or permit fees required by this Title have not been paid.
 - v. An applicant of the proposed sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this Ordinance or the Town of Schererville Zoning Ordinance.
 - vi. The granting of the application would violate a federal or state law, statute, ordinance, or court order.
 - vii. An applicant knowingly has in his/her employ, an employee who does not have a valid license as required in Section 12 of this Title.
- (2) In the event that the Town of Schererville Department of Planning and Building, or its designee, denies the application, it shall notify an applicant of the denial and state the reason(s) therefore.
- (3) In the event that a person applies for a permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for a permit at that location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reason(s) for denial, the application shall be denied.

SECTION 5: Annual Permit Fee

The annual fee for a sexually oriented business permit shall be Two Hundred and 00/100 Dollars (\$200.00).

SECTION 6: Inspection

- A. An applicant or permittee shall permit duly designated representatives of the Town of Schererville and Lake County, Indiana, to enter and inspect the premises of a sexually oriented business for the purpose of insuring compliance with any and all applicable laws, statutes, codes, ordinances, and the like, at any time it is occupied or open for business.
- B. A person, who refuses to permit such inspection of the premises at any time that it is occupied or open for business, as described in the paragraph above, shall be in violation of this Title.

SECTION 7: Expiration of Permit

- A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 2 of this Title (for applications for permit renewals, filing of the original survey shall be sufficient). An application for renewal shall be made at least thirty (30) days before the permit expiration date and, when made less than thirty (30) days before the permit expiration date, the expiration of the permit will not be affected.
- B. When the Town of Schererville Department of Planning and Building, or its designee, denies renewal of a permit, the applicant shall not be issued a permit under this Ordinance for a period of one (1) year from the date of denial. If, subsequent to denial, the Town of Schererville Department of Planning and Building, or its designee, determines that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

SECTION 8: Suspension of Permit

- A. The Town of Schererville Department of Planning and Building, or its designee, shall suspend a permit for a period not to exceed thirty (30) days if it determines that a permittee, or an employee of a permittee, has:
 - (1) Violated or is not in compliance with any section of this Title; or

- (2) Been under the influence of alcoholic beverages or any controlled substances while working in or on the premises of the sexually oriented business; or
 - (3) Refused to allow an inspection of the premises of the sexually oriented business as authorized by this Title; or
 - (4) Knowingly permitted gambling by any person on the premises of the sexually oriented business; or
 - (5) Operated the sexually oriented business in violation of a building, fire, health, or zoning statute, code, ordinance, or regulation, whether federal, state, or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such state or federal statute, law, ordinance, or regulation violation, the Town of Schererville Department of Planning and Building, or its designee, shall promptly notify the permittee of the violation and shall allow the permittee a three (3) day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the three (3) day period, the Town of Schererville Department of Planning and Building, or its designee, shall forthwith suspend the permit and shall notify the permittee of the suspension; or
 - (6) Knowingly employed a person who does not have a valid license as required in Section 12.
- B. The suspension of the permit shall remain in effect until the violation of the applicable statute, code, ordinance, or regulation has been corrected.

SECTION 9: Revocation of Permit

- A. The Town of Schererville Department of Planning and Building, or its designee, shall revoke a permit if a cause of suspension in Section 8 of this Title occurs and the permit has been suspended within the preceding twelve (12) months.
- B. The Town of Schererville Department of Planning and Building, or its designee, shall revoke a permit upon determining that:
- (1) A permittee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or

- (2) A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances in or on the premises; or
 - (3) A permittee or an employee has knowingly allowed prostitution on the premises; or
 - (4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended; or
 - (5) On two (2) or more occasions within a twelve (12) month period, a person, or persons, committed an offense occurring in or on the permitted premises, which offense constitutes a specified criminal act for which a conviction has been obtained and the person, or persons, were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit; or
 - (6) A permittee is convicted of tax violations for any taxes or fees related to sexually oriented business; or
 - (7) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or any other specified sexual activities to occur in or on the permitted premises; or
 - (8) A permittee has operated, or is operating, more than one (1) sexually oriented business under a single roof under the terms of a single permit; or
 - (9) A permittee has engaged in, or attempted to engage in a transfer of permit, in violation of Section 11.
- C. When the Town of Schererville Department of Planning and Building, or its designee, revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a sexually oriented business permit for a period of one (1) year from the date the revocation became effective. If, subsequent to revocation, the Town of Schererville Department of Planning and Building, or its designee, finds that the basis for revocation under Section 9 has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date revocation became effective. If the permit was revoked under Section 9, an applicant may not be guaranteed another permit until the specified number of months required under Section 4 has elapsed.

SECTION 10: Judicial Review of Permit Denial, Suspension or Revocation

After denial of an application, denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee may seek judicial review of the administrative action in Lake County, Indiana, Indiana, Superior or Circuit Court.

SECTION 11: Transfer of Permit

- A. A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application for permit.
- B. A permittee shall not transfer his/her permit to another person.
- C. A permittee shall not transfer his/her permit to another location.
- D. Any attempt to transfer a permit, either directly or indirectly, in violation of this Section is hereby declared void and the permit shall be deemed revoked.

SECTION 12: Sexually Oriented Business Employee License

- A. Each individual who will be employed in a sexually oriented business, as defined in TITLE II of this Ordinance, who engages in the services rendered by a nude modeling studio, escort or escort agency, sexual encounter establishment, massage parlor (except for a Massage Studio operated by Massage Therapist(s)) licensed pursuant to applicable provisions of Indiana Code § 25-21.8, as amended from time to time), or a live performer or entertainer, shall be required to obtain a Sexually Oriented Business Employee License. Each applicant shall pay a permit fee of Twenty-Five and 00/100 Dollars (\$25.00). Said fee is to cover the reasonable administrative costs of the licensing application process.
- B. Before any applicant may be issued a Sexually Oriented Business Employee License, an applicant shall submit on a form to be provided by the Town of Schererville Department of Planning and Building, or its designee, the following information:
 - (1) the applicant’s name and any other names (including “stage” names or aliases” used by the individual;
 - (2) age, and date and place of birth;
 - (3) height, weight, hair, and eye color;

- (4) present business address and telephone number; and
 - (5) acceptable written proof that the individual is at least eighteen (18) years of age.
- C. After the application is completed and filed and the license fee is paid, the Town of Schererville Department of Planning and Building, or its designee, shall issue a license unless it finds that one (1) or more of the following findings is true:
- (1) the applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the Town of Schererville Department of Planning and Building or any other department of the Town;
 - (2) the applicant is under eighteen (18) years of age;
 - (3) the Sexually Oriented Business Employee License is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this Title.
- D. Renewal of license:
- (1) A license granted pursuant to this Section shall be subject to annual renewal by the Town of Schererville Department of Planning and Building, or its designee, upon the written application of the applicant and a finding by the Town of Schererville Department of Planning and Building, or its designee, that the applicant has not committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.
 - (2) The renewal fee for the license shall be the same as the initial application fee.

SECTION 13: Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos in Video Booths

A person who operates, or causes to be operated, a sexually oriented business, other than a sexually oriented motel/hotel, regardless of whether or not a permit has been issued to said business under this Ordinance, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- A. Upon application for a sexually oriented business permit, an application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises wherein patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area with no dimension greater than eight feet (8'). The diagram shall also designate the place where the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north, or to some designated street or object, and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The Town's Zoning Administrator, or his/her designee, may waive the filing of the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- B. The application shall be sworn to be true and correct by the applicant.
- C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Town of Schererville Department of Planning and Building, or its designee.
- D. It is the duty of the owner(s) and operator of the premises to insure that at least one (1) employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.
- E. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an obstructed view of each area of the premises to which any patron is permitted access, for any purpose, from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- F. It shall be the duty of the owner(s) and operator of the premises, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in sub-section E above remains unobstructed by any doors, walls, merchandise, display racks, or other materials or persons at all times, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to sub-section A above.

- G. No viewing room may be occupied by more than one (1) person at any one (1) time. No holes, commonly known as “glory holes”, shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.

- H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and shall provide an illumination of not less than two (2.0) foot candles, as measured at the floor level. It shall be the duty of the owner(s) and operator of the premises, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described herein is maintained at all times that any patron is present on the premises.

SECTION 14: Prohibitions Regarding Minors and Sexually Oriented Businesses

- A. It shall be unlawful for a person who operates, or causes to be operated, a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to knowingly or, with reasonable cause, permit, suffer or allow:
 - (1) Admittance of a person under eighteen (18) years of age to the business premises;
 - (2) A person who is under eighteen (18) years of age to work at the business premises as an employee.

- B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance at all times during such sexually oriented business’s regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless the attendant asked for and was furnished:
 - (1) A valid operator’s, commercial operator’s, or chauffeur’s license; or
 - (2) A valid personal identification certificate issued by the State of Indiana reflecting that such person is eighteen (18) years of age or older.

SECTION 15: Advertising and Lighting Regulations

- A. It shall be unlawful for the owner or operator of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Title, to do any of the following:
- (1) Advertise the presentation of any activity prohibited by any applicable state statute or local ordinance;
 - (2) Display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising or any portion of the interior premises which is visible from outside the premises. This prohibition shall not extend to advertising the existence or location of such sexually oriented business;
 - (3) Allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner, except to the extent permitted by the provisions of this Title;
 - (4) Erect, construct, or maintain any sign for the sexually oriented business other than as permitted by the Town of Schererville Zoning Ordinance, as amended from time to time, and as follows:
 - i. Signage shall not contain photographs, silhouettes, drawings, or pictorial representations, in any manner, and may contain only the legal name of the sexually oriented business.
 - ii. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size, and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
 - (5) Allow the exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - i. The establishment is a part of a commercial multiunit center; and
 - ii. The exterior portions of each individual unit in the commercial multiunit center, including the center, including the exterior portions of the sexually oriented business, are painted the same color as one (1) another, or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multiunit center.

- B. All off-street parking areas and premises entrances to the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises pursuant to Section 2 of this Title.

- C. Nothing contained in this Section shall relieve the operator(s) of a sexually oriented business from complying with the requirements of the Town of Schererville, commonly known as the Sexually Oriented Business Ordinance, as it may be amended from time to time, or any subsequently enacted Town ordinances or regulations.

SECTION 16: Hours of Operation

- A. It shall be unlawful for any person to operate, or cause to be operated, a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, and allow such business to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of the subsequent day.

- B. It shall be unlawful for any person, while working as an employee of a sexually oriented business, regardless of whether or not a permit has been issued for said business under this Ordinance, to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 10:00 p.m. and 10:00 a.m. of the subsequent day.

SECTION 17: Nudity at Sexually Oriented Businesses Prohibited

There shall be no nudity at any sexually oriented business. Any sexually oriented business which is found in violation of this Section shall have its permit suspended pursuant to the provisions of Section 8.

SECTION 18: Regulations Pertaining to Live Entertainment

- A. For purposes of this Section, “live entertainment” is defined as a person who appears nude, semi-nude, or a performance which is characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.
- B. No person shall perform live entertainment for patron(s) of a sexually oriented business establishment, except upon a stage at least eighteen (18) inches above the level of the floor, which stage is separated by a distance of at least ten feet (10’) from the nearest area occupied by patron(s). No patron shall be permitted within ten feet (10’) of the stage while the stage is occupied by a performer.
- C. The sexually oriented business shall provide separate dressing room facilities for female and male performers that shall not be occupied or used, in any way, by anyone other than performers.
- D. The sexually oriented business shall provide access for performers between the stage and the dressing rooms which are completely separated from the patrons. If such separate access is not physically feasible, the sexually oriented business shall provide a minimum four feet (4’) wide walk aisle for performers between the dressing room area and the stage, which walk aisle shall be equipped with a railing, fence or other barrier separating the patrons and the performers and which prevents any physical contact between patrons and performers.
- E. No performer, either before, during, or after a performance, shall have physical contact with any patron and no patron shall have physical contact with any performer before, during, or after a performance. This subsection shall only apply to physical contact while in or on the premises of the sexually oriented business.
- F. Fixed rails at least thirty inches (30”) in height shall be maintained establishing the separations between performers and patrons that are required by this Section of this Ordinance.
- G. No patrons shall directly pay or give any gratuity to any performer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is, at all times, located separately from the performers for the purpose of preventing any physical contact between a patron and a performer. No performer shall solicit any gratuity from any patron.

- H. No operator of a sexually oriented business shall cause or allow a performer to engage in any entertainment such as a “couch” or a “straddle” dance with a patron while in or on the premises. For purposes of this subsection, “couch” or “straddle” dance is defined as an employee of the sexually oriented business intentionally touching or otherwise coming within ten feet (10’) of any person while engaged in the display or exposure of any “specified anatomical area” or any “specified sexual activity”. For purposes of this sub-section, “employee” is defined as it is in TITLE II of this Ordinance under “Employee”.
- I. This Section shall not apply to an employee of a sexually oriented business who, while acting as a waiter, waitress, host, hostess, or bartender, comes within ten feet (10’) of a patron. No employee shall engage in any “specified sexual activity” or display or expose any “specified anatomical area” while acting as a waiter, waitress, host, hostess, or bartender.
- J. Compliance with this Section
- (1) For purposes of this Section, sexually oriented business is defined set forth in TITLE II of this Ordinance under “Sexually Oriented Business”. No sexually oriented business shall be considered to be in compliance with this Section until the Town’s duly designated representative(s) have inspected and approved the premises of the sexually oriented business. The Town shall have ten (10) days from the date it receives written notice from the operator that the premises are ready for inspection to determine if the premises are in compliance with this Section. Failure by the Town to determine compliance within ten (10) days of the date it receives notice shall constitute a finding of compliance under this Section.
- (2) An operator of a sexually oriented business that has been providing live entertainment under a valid sexually oriented business permit shall have the time periods listed below within which to bring the premises into compliance with this Section. Failure to do so while continuing to provide live entertainment shall cause the sexually oriented business’s permit to be suspended under Section 8 of this Title. The permit shall remain suspended until the premises are approved by the Town’s duly designated representative(s) as being in full compliance with this Section.

- (3) An operator of a sexually oriented business that has been operating under a valid permit for another classification of sexually oriented business, and who seeks to provide live entertainment at that sexually oriented business, shall apply for and receive a sexually oriented business permit for the operation of a sexually oriented business providing live entertainment before any live entertainment is provided at that sexually oriented business. No live entertainment permit shall be issued until the sexually oriented business is approved as being in full compliance with this Section and all other applicable requirements of this Title.
- (4) An applicant for a permit to operate a new sexually oriented business who seeks to provide live entertainment shall apply for and receive a sexually oriented business permit for the operation of a sexually oriented business providing live entertainment before any live entertainment is provided. No live entertainment permit shall be issued until the sexually oriented business is approved as being in full compliance with this Section and all other applicable requirements of this Ordinance.
- (5) Compliance with sub-sections B and F must occur within sixty (60) days from the date this Section becomes effective.
- (6) Compliance with sub-sections C and D must occur within ninety (90) days from the date this Section becomes effective.
- (7) Compliance with all other sub-sections must occur upon the date this Section becomes effective.

SECTION 19: Exemptions

- A. It is a defense to prosecution for any violation of this Title that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:
 - (1) By a college, junior college, or university supported entirely or partly by taxation;
 - (2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - (3) In a structure:
 - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

- ii. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - iii. Where no more than one (1) nude model is on the premises at any one (1) time.
- B. It is a defense to prosecution for a violation of this Title that an employee of a sexually oriented business, regardless of whether or not a permit has been issued under this Title, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

SECTION 20: Prohibition of Distribution of Sexual Devices

- A. It is unlawful for anyone to distribute for commercial purposes, sell or offer for sale, any device, instrument, or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- B. Such devices, instruments or paraphernalia shall include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sadomasochistic abuse.

SECTION 21: Penalties and Injunctive Relief

- A. Any person who violates the provisions of this Title, as amended from time to time, shall be subject to a fine not to exceed Two Thousand Five Hundred and 00/100 Dollars (\$2,500) for each violation. Each day of continued violation shall constitute a separate offense.
- B. In addition to seeking penalties against any individual who violates the provisions of this Title, as amended from time to time, the Town may commence any and all necessary and appropriate legal action in any court of competent jurisdiction to prevent or remedy any violation or non-compliance with this Title. This shall include, but is not limited to, seeking an equitable action for injunctive relief against any individuals violating the provisions of this Ordinance or an action at law for damages, as well as the recovery of attorney fees related to the same.
- C. Nothing herein shall prevent or restrict the Town from prosecuting any violation of this Title as an ordinance violation in the Town Court and seeking all available remedies permitted thereby.

- D. All remedies and penalties provided for in this Section shall be cumulative and independently available to the Town, and the Town shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

SECTION 22: Repeal of Provisions within this Title

- A. All existing Ordinances, or parts thereof, in conflict with the provisions of this Title, are hereby deemed null, void, and of no legal effect, and are specifically repealed.
- B. If any section, clause, provision, or portion of this Title shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Title.

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SECTION 1: Authority to Administer & Enforce 24-1
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SECTION 1: Authority to Administer & Enforce

The Plan Commission and the Board of Zoning Appeals, or a duly designated Town representative, shall have the duty and authority to enforce the provisions of this Ordinance in the manner and form under the laws of the State of Indiana, as amended from time to time, and in any other Ordinance of the Town of Schererville, Lake County, Indiana.

SECTION 2: Board of Zoning Appeals

- A. Establishment Authority – A Board of Zoning Appeals is hereby established in accordance with IC 36-7-4-900 et seq., as amended from time to time.

- B. Powers & Jurisdiction – The Board of Zoning Appeals, and any duly designated Zoning Administrator, shall have the power and duty to enforce the provisions of this Ordinance in accordance with IC 36-7-4-900 et seq., as amended from time to time. In the exercise of these powers, the Board of Zoning Appeals may impose such conditions as it may deem advisable in the furtherance of the purposes of this Ordinance. This authority also extends to any other Ordinances in addition hereto constituting a final zoning determination passed by the Town of Schererville, Lake County, Indiana.

- C. Rules of Procedure
 - a. Authority to Promulgate Rules of Procedure
 - i. By authority of Title XXIV, Section 2 of the Town of Schererville Zoning Ordinance and IC §36-7-5-916, the Board of Zoning Appeals (“BZA”) has adopted the following Rules of Procedure for the filing of appeals; submission and consideration of applications for developmental variances, variance of use, special uses, contingent uses, and conditional uses; the provision of proper notice; the conduct of hearings; the determination of whether a variance application is for a variance of use or a variance from the development standards (such as height, bulk, or area); judicial review of Final Zoning Determinations; the allocation of cases filed; the fixing of dates for hearings; and the general conduct of business of the BZA.

 - b. Meetings
 - i. Regular public meetings of the BZA shall be held the fourth Monday of each month at 6:00 p.m., unless otherwise announced by the Chairperson at the preceding regular meeting.

- ii. The scheduling of special meetings shall comply with the requirements of the Town of Schererville Zoning Ordinance (“Zoning Ordinance”), Title XXIV, Section 2(F)(2).
 - iii. Three (3) members of the BZA shall constitute a quorum unless otherwise as specified in IC §36-7-4-910. An action is not official unless authorized by at least three (3) members of the BZA or as otherwise specified in IC §36-7-4-911.
 - iv. A second is required for any motion made by any member of the BZA prior to any discussion and voting.
 - v. Decisions and recommendations of the BZA shall be determined by roll call vote. All members present shall voice an Aye, Nay, Abstention, or Present, on every question unless they disqualify themselves or are excused from voting by a majority of the members present. “Abstention” shall be construed to be an Aye vote, and “Present” shall be construed to be a No-Decision vote, not meaning Aye or Nay.
 - vi. A member of the BZA is disqualified and may not participate in a hearing or decision of the BZA concerning a zoning matter if the member: (1) is biased or prejudiced or otherwise unable to be impartial; or (2) has a direct or indirect financial interest in the outcome of the hearing or the decision. The BZA shall enter in the BZA’s records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision in the place of the regular member.
 - vii. The BZA may appoint and fix the duties of a Recording Secretary, who is not required to be a member of the BZA. The Recording Secretary shall serve subject to the direction of the BZA, and the duties shall include recording and transcribing the official minutes of all proceedings; indicating the vote of each member on each question presented; and preparing and distributing agendas, minutes, and notices to all members of the BZA.
 - viii. The BZA shall appoint an attorney to represent the BZA.
- c. Membership, Qualifications, and Officers
- i. The requirements of Indiana statutes, including IC §36-7-4-900 et seq., shall dictate rules for the terms, removal, and filling of vacancies of members of the BZA.

- ii. Membership of the BZA shall be governed by IC §36-7-4-902(a). The restrictions and requirements for membership are governed by IC §36-7-4-905.
 - iii. At the first meeting of each year, the BZA shall elect a Chairperson and Vice-Chairperson from its members or as specified in IC §36-7-4-912. The BZA shall also elect a Secretary at the same meeting.
 - iv. Upon the death, disability, or resignation of the Chairperson, the Vice-Chairperson shall assume the office of Chairperson and a new Vice-Chairperson shall be elected by vote of at least three (3) members of the BZA.
 - v. Upon the temporary absence or disability of the Chairperson, Vice-Chairperson, and Secretary, a majority of the members present shall select a member of the BZA to act as presiding officer.
- d. Preparation for Hearing
- i. The BZA shall hear and determine appeals from and review or approve or deny those matters as required by Indiana statute and including but not limited to IC §§36-7-4-918.1, 36-7-4-918.2, 36-7-4-918.4, 36-7-4-918.5, 36-7-4-918.6, in accordance with statute and in the manner described in the Zoning Ordinance.
 - ii. A petitioner seeking to appear before the BZA shall file with the Town Clerk-Treasurer an application in the Town Hall of Schererville, 10 East Joliet Street, Schererville, Indiana, on an approved application form as prescribed by the BZA, along with the required filing fee.
 - iii. All applications and petitions intended for consideration shall contain data, statistics, plats, legal descriptions, ownership, and other information as the BZA and support staff deem necessary to make an assessment of the application or petition. The support staff, including, but not limited to, the Town Manager or Administrator, Planning Coordinator, Town Engineer, Recording Secretary, and BZA Attorney, requires this information at least fourteen (14) days prior to the public hearing on the application or petition.
 - iv. Notice of any public hearing must be published and provided to adjacent property owners in the manner prescribed by the Zoning Ordinance and IC §36-7-4-920.

e. Agenda

- i. Each case to be presented before the BZA shall be filed in proper form with the required data, shall be numbered serially, and placed on the agenda of the BZA for a public hearing. The agenda numbers shall begin anew on January 1 of each year. The first number shall refer to the year, followed by a dash. The second number shall represent the month, followed by a dash. The third number shall represent the numerical item of new business starting from January 1 of that year. (Example: 16-08-06 or 16 (2016) -08 (August agenda) -06 (numerical business item for the year).
- ii. When the application has been filed and fees paid, the case receives an agenda number. The case shall then be placed upon the agenda of the BZA and a date shall be set for a public hearing.
- iii. Cases shall come before the BZA under either old or new business in the regular order of their consecutive numbers unless otherwise ordered by the BZA.
- iv. The order of business or agenda at regular public meetings shall be:
 1. I. Call to Order and Roll Call
 2. II. Deletions from Agenda
 3. III. Reading or Approving of Minutes of Previous Meetings
 4. IV. Meeting and Public Hearing
 5. V. Commission Business and Approval of Findings of Fact
 6. VI. Correspondence Received by the BZA
 7. VII. Adjournment

f. Conduct of Hearings

- i. Any person acting as agent, advisor or attorney for any party expecting to speak before the BZA at a public hearing or meeting may be required to sign in prior to the public hearing or meeting.
- ii. There shall be a reasonable time limit imposed on all comments of any individuals from the audience pertaining to any matter before the BZA.
- iii. At a public hearing before the BZA, prior to the presentation of a petition, the BZA shall determine that the proofs of publication of the newspapers and the certified list of adjacent property owners' notification are in order.

- iv. At a public hearing before the BZA, the petitioner shall first present the facts and arguments in support of the petition. At the conclusion of the presentation of petitioner, the Chairperson shall open the floor to the general public for an opportunity to remonstrate for or against the request and petition of the petitioner.
 - v. Every person appearing before the BZA shall abide by the order and direction of the Chairperson. Each speaker shall address the Chairperson by identifying himself or herself and shall be recognized before speaking. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the BZA and shall be dealt with as the BZA directs.
 - vi. In the presentation of a petition, the burden shall be upon the petitioner to supply all information, including support staff verification of adjacent property owners' notification, payment of application fees, visual aids, required plats, diagrams, soil condition reports, utility information, and all other information and exhibits necessary for a clear understanding of the petition.
 - vii. All petitioners shall bear the burden of proof in support of their petition in accordance with the requirements set forth in IC §36-7-4-918.4 and IC §36-7-4-918.5 and any other applicable provisions of law.
 - viii. The BZA, at its discretion, may defer the hearing of any petition upon action of the BZA as required by these Rules of Procedure for taking action. In addition, the BZA reserves the right to require that additional items or documentation be presented before further consideration.
 - ix. Any person may present to the BZA for consideration a remonstrance in support of or in opposition to any matters being considered by the BZA. Such remonstrance shall include the name and address of all signatures and shall be noted for the record of the BZA and shall be open to the public for inspection.
- g. Final Disposition of the Petition
- i. The final disposition of any petition before the BZA shall be in the form of a written decision setting forth the findings and determinations of the BZA, together with any reasonable conditions imposed as part of its approval, if that be the case.
 - ii. When a petitioner or authorized representative has failed to appear at a public hearing or to represent himself or herself in writing, the

petition shall be dismissed. All written representations shall be handled and disposed of at the discretion of the BZA.

- iii. After a petitioner has presented his or her petition to the BZA, the right of withdrawal is waived, subject to the discretion of the BZA to allow withdrawal.
- iv. Any petition before the BZA that has been denied by the BZA shall not be reconsidered by the BZA until the expiration of one (1) year after the time of the determination and decision by the BZA.

h. Amendments

- i. Amendments to these Rules of Procedure may be made by the BZA at any regular public meeting of the BZA upon the affirmative vote of no less than three (3) members of the BZA.
- ii. The suspension of any rule of the BZA may be ordered at any regular public meeting of the BZA by no less than three (3) of the BZA members present.
- iii. If a conflict occurs between these Rules of Procedure and the regulations and laws of the State of Indiana, as amended from time to time, the latter shall govern.

D. Appeals Jurisdiction –The Board of Zoning Appeals shall hear and determine appeals from and review the following, in accordance with the requirements of IC §36-7-4-920:

- (1) Orders, requirements, decisions, or determinations made by an administrative official or staff member, pursuant to this Ordinance; and
- (2) Any orders, requirements, decisions, or determinations made by an administrative board or other body, except the Plan Commission in relation to the enforcement of this Ordinance.

E. Appeals to the Board

- (1) An appeal filed with the BZA must specify the grounds of the appeal and must be filed within ten (10) days from the date of the action appealed from. In the event appeal is not taken as specified herein, the right of appeal shall be terminated.

- (2) The administrative official or other body from which the appeal is taken shall, on the request of the BZA, transmit all documents, plans and papers constituting the record of the action from which an appeal was taken.
 - (3) Upon appeal, the BZA may reverse, affirm, or modify the order, determination, requirement or decision appealed from. For this purpose, the BZA has all the powers of the Official, Officer, Board or Body from which the appeal is taken.
 - (4) The BZA shall make a decision on any matter it is required to hear, under the following provisions, namely:
 - i. At the meeting at which that matter is first (1st) presented; or
 - ii. At the conclusion of the hearing on that matter, if the matter is continued from its original hearing date.
 - (5) The BZA shall file in the Office of the Town Clerk-Treasurer, a copy of its written decision within five (5) days after making the decision, with same being a public record.
- F. Public Hearings – Upon the filing with the BZA of an appeal or an application for special exception, special use, or variance, a reasonable time and place for public hearing thereon shall be established and notice thereof shall be given in accordance with IC §36-7-4-920 and as follows:
- (1) Submission of a completed legal advertisement notice form to one newspaper of general daily circulation in the Town for publication at least ten (10) days prior to the scheduled public hearing date; the legal notice shall state the name of the legal owner of the property. For example, in the event the property is held in a Trust, then the legal notice shall state the name of the bank and trust number. The legal notice shall also include the nature of the request, such as Application for Variance.
 - (2) Proof of Publication of legal advertisement in the newspaper, as well as providing the Certified List of Adjacent Property Owners and proof of notice to the Adjacent Property Owners shall be submitted to the designated Town Official at least forty-eight (48) hours prior to the public hearing.

- (3) Obtain a Certified List of Adjacent Property Owners and either hand-deliver or mail by Certified Mail, Return Receipt Requested, a copy of the completed legal advertisement notice form to each Adjacent Property Owner. The Certified List may be obtained from the Lake County Assessor’s Office, Township Assessor’s Office, or a Title Company.
 - i. In the event an adjacent property owner owns more than (1) parcel of property, as indicated on the Certified List, then that Adjacent Property Owner may receive separate notices for each parcel owned, to be mailed separately, with proof of separate mailing required. Hand-delivered notices must be accompanied by signed and dated verification of delivery. Notification to the Adjacent Property Owners must be made at least ten (10) days prior to the date of the public hearing.
 - ii. Adjacent Property Owners shall be defined as the record owners of property within Three Hundred Feet (300’) from each property line of the subject property of the Petition before the BZA. The Certified List of Adjacent Property Owners must make reference to the above property lines. All notices provided to Adjacent Property Owners shall be hand delivered or mailed Certified Mail, Return Receipt Requested.
- (4) All costs and expenses required for publication and notices to Adjacent Property Owners shall be borne by the petitioner.

G. Special Exceptions, Special Uses, and Use Variances

- (1) In accordance with IC §36-7-4-918.6, the BZA shall file a petition with the Clerk of the Town Council with a Favorable, Unfavorable, or No Recommendation and may impose reasonable conditions as part of its recommendation for:
 - i. Special Exceptions;
 - ii. Special Uses; and
 - iii. Use variances.
- (2) In accordance with IC §§ 36-7-4-918.4 and 36-7-4-918.6, the BZA may make a Favorable Recommendation on a use variance from the Zoning Ordinance only upon a determination in writing that:

- i. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - iii. The need for the variance arises from some condition peculiar to the property involved;
 - iv. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - v. The approval does not interfere substantially with the Comprehensive Plan of the Town.
- (3) The BZA may impose reasonable conditions as part of its Favorable Recommendation of a use variance.

H. Variances from Development Standards

- (1) The BZA shall approve or deny variances from the development standards (such as height, bulk, or area) of this Ordinance in accordance with IC §§ 36-7-4-918.5 and IC 36-7-4-920 and may impose reasonable conditions as part of its approval.
- (2) The BZA may approve a variance from development standards only upon a determination in writing that:
 - i. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - iii. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

- I. Appeals Procedure for Variances – In considering any request for variance:
 - (1) A non-conforming use of neighboring lands, buildings, or structures in the same Zoning District, and a permitted use of lands, buildings, or structures in other Zoning Districts shall not be considered grounds for approval of a variance. Any other variance granted in the same general area shall not constitute grounds for approval of another similar variance.
 - (2) The variance shall be the minimum variance that will make possible, reasonable use of the land, building or structure, equivalent to, but not exceeding the use of, similar lands, buildings or structures permitted generally in the same Zoning District.
 - (3) A date shall be set for a public hearing on the variance not less than ten (10) days after the application for same is received and notice shall be given as required herein. A public hearing shall be held before action is taken on any variance.
 - (4) The BZA shall determine whether each of the requirements has been met. In granting any variance, the BZA shall prescribe conditions and safeguards to assure conformity with the purposes of this Ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - (5) Any approved variance shall become void if:
 - i. The variance is not exercised within one hundred and eighty (180) days after being granted; and
 - ii. Any structure or characteristic of use permitted by variance is moved, removed, or use is discontinued.
 - (6) A request for variance may be initiated only by the property owners for the property for which the variance is sought.
 - (7) No variance or exception for a residential use within a floodway subject to the provisions of this Ordinance, as amended from time to time, may be granted.
 - (8) Any variance or exception granted for non-residential use in a floodway subject to the provisions of this Ordinance, as amended from time to time, must comply with the requirements of the Town of Schererville Floodplain Development Regulations and all laws and regulations governing development in a floodway.

J. Final Determinations

- (1) The final disposition of any Petition before the BZA shall be in the form of a written decision setting forth the findings and determinations of the BZA, together with any reasonable conditions imposed as part of its approval, if that be the case.
- (2) When a petitioner or authorized representative has failed to appear at a public hearing or represent themselves in writing, the petition shall be dismissed. All written representations shall be handled and disposed of at the discretion of the BZA.
- (3) After a petitioner has presented his/her petition to the BZA, the right of withdrawal is waived, subject to the discretion of the BZA to allow withdrawal.
- (4) Any Petition before the BZA which has been denied by the BZA shall not be reconsidered by the BZA until the expiration of one (1) year after the time of the determination and decision by the BZA.

- K. Judicial Review of Final Determinations – All final determinations of the BZA are subject to Judicial Review as provided in IC §36-7-4-1000 et seq. and IC §36-7-4-1600 et seq., as may be amended from time to time.

SECTION 3: Plan Commission

- A. Establishment Authority – The Town of Schererville Plan Commission is hereby established in accordance with IC §36-7-4-202 et seq., as amended from time to time.
- B. Powers & Jurisdiction – The Town of Schererville Plan Commission, and any duly designated Zoning Administrator, shall have the powers and duties prescribed by Indiana Local Planning and Zoning Laws, as amended from time to time, including but not limited to those granted to it under IC 36-7-4-400 et seq., IC 36-7-4-500 et seq., IC 36-7-4-600 et seq., and IC 36-7-4-700 et seq. In the exercise of these powers, the Plan Commission may impose such conditions as it may deem advisable in furtherance of the purposes of this Ordinance.

C. Rules of Procedure

(1) Meetings

- i. Regular meetings of the Town of Schererville Plan Commission shall be held on the first Monday of each month at 6:00 p.m., unless otherwise announced by the President at the preceding regular meeting. Regular meetings shall be conducted in accordance with IC §36-7-4-306 and this Ordinance.
- ii. Other regular meetings, such as a study session or workshop, shall be held on the third Monday of each month, unless otherwise announced by the President at the preceding regular meeting. Other regular meetings shall be conducted in accordance with the Zoning Ordinance.
- iii. Special meetings of the Plan Commission may be called by the President or by two (2) members of the Plan Commission upon written request to the Secretary and by written notice sent to members in the manner at least three (3) days before the special meeting or as described in IC §36-7-4-307 and the Zoning Ordinance.
- iv. A quorum consists of a majority of the entire membership of the Plan Commission, who are qualified to vote or as specified in IC §36-7-4-301. Action is not official unless authorized by four (4) members of the Plan Commission or as specified in IC §36-7-4-302.
- v. A second is required for any motion made by any member of the Plan Commission prior to any discussion and voting.
- vi. Decisions of the Plan Commission shall be determined by roll call vote. All members present shall voice an Aye, Nay, Abstention, or Present on every question unless they disqualify themselves or are excused from voting by a majority of the members present. "Abstention" shall be construed to be an Aye vote, and "Present" shall be construed to be a No-Decision vote, not meaning Aye or Nay.
- vii. IC §36-7-4-223 shall govern the disqualification of a member to vote due to conflict of interest.

- viii. The Plan Commission may appoint and fix the duties of a Recording Secretary, who is not required to be a member of the Plan Commission. The Recording Secretary shall serve subject to the direction of the Plan Commission, and his or her duties shall include recording and transcribing the official minutes of all proceedings, indicating the vote of each member on each question presented, and preparing and distributing agendas, minutes, and notices to all members of the Plan Commission.
- ix. The Plan Commission shall appoint an attorney to represent the Plan Commission.

(2) Memberships, Qualifications, and Officers

- i. The requirements of Indiana statutes, including IC §36-7-4-200 et seq., shall dictate rules for the terms, removal, and filling of vacancies of members of the Plan Commission.
- ii. The Plan Commission shall consist of seven (7) members. Membership of the Plan Commission shall be governed by IC §36-7-4-207(b). Qualifications for citizen members are governed by IC §36-7-4-216.
- iii. At its first (1st) regular meeting following the first (1st) day of January, pursuant to IC §36-7-4-303, the Plan Commission shall elect a President, Vice-President, and Secretary, who may also serve as a Plan Commission member and officer, at the same meeting.
- iv. In the event of the death, disability or resignation of the President, the Vice-President shall assume the duties of the President. A new Vice-President shall then be elected by the Plan Commission.
- v. In the event of the temporary absence or disability of the President, Vice-President, and Secretary, a presiding officer shall be selected from the members by a majority of the members present.

(3) Plan Commission Functions

- i. The Plan Commission shall make recommendations to the Town Schererville concerning:
 - a. The adoption of the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, PUD district

- ordinance (as defined as in IC §36-7-4-1503), zone map changes, and Amendments, thereto; and
 - b. Any other matter within the jurisdiction of the Plan Commission, as specified in IC §36-7-4-405.
 - ii. The Plan Commission shall render decisions concerning and approve:
 - a. Plats or replats of subdivisions;
 - b. Development Plans for Residential, Commercial, and Industrial uses; and
 - c. Any other matter within the jurisdiction of the Plan Commission, as specified in IC § 36-7-4-405.
 - iii. The Plan Commission shall approve the assignment of street numbers to lots and structures and rename streets. Streets shall be named and renamed so that their names are easy to understand and so as to avoid duplication or conflict with other names. The Plan Commission may also prescribe a numbering system for the streets.

(4) Preparation for Hearing

- i. Public hearings before the Plan Commission shall be held pursuant to the applicable provisions of IC §36-7-4, et seq. and the Zoning Ordinance.
- ii. A petitioner who seeks to amend the Zoning Ordinance, Subdivision Control Ordinance or other Comprehensive Plan element shall file with the Clerk-Treasurer in the Town Hall of Schererville, 10 East Joliet Street, Schererville, Indiana, on an approved application form as prescribed by the Plan Commission.
- iii. All petitions not initiated by the Plan Commission, the Town Council or other governmental agency shall be accompanied by the appropriate filing fee.
- iv. All applications and petitions intended for consideration shall contain data, statistics, plats, legal descriptions, ownership, and other information as the Plan Commission and support staff deem necessary to make an assessment of the application or petition. The support staff, including, but not limited to, the Town Manager or Administrator, Planning Coordinator, Town Engineer, Recording Secretary, and Plan Commission Attorney, requires this

information at least fourteen (14) days prior to the public hearing on the application or petition.

- v. Notice of any public hearing must be published and provided to adjacent property owners in the manner prescribed by the Zoning Ordinance, Title XXIV, Section 3(F)(5).

(5) Agenda

- i. Each case to be presented before the Plan Commission shall be filed in proper form with the required data, shall be numbered serially, and placed on the agenda of the Plan Commission. The agenda numbers shall begin anew on January 1 of each year. The first number shall refer to the year, followed by a dash. The second number shall represent the month, followed by a dash. The third number shall represent the numerical item of new business starting from January 1 of that year. (Example: 16-08-06 or 16 (2016) -08 (August agenda) -06 (numerical new business item for the year).
- ii. When the application has been filed and fees paid, the case receives an agenda number. The case shall then be placed upon the agenda of the Plan Commission and a date shall be set for the hearing. A petitioner seeking to appear before the Plan Commission shall specifically request inclusion on the agenda of the Plan Commission for any matter. This includes public hearings and meetings.
- iii. Cases shall come before the Plan Commission under either old or new business in the regular order of their consecutive numbers unless otherwise ordered by the Plan Commission.
- iv. The order of business or agenda at regular meetings shall be:
 - a. Call to Order and Roll Call
 - b. Deletions from Agenda
 - c. Reading or Approving of Minutes of Previous Meetings
 - d. Meeting and Public Hearing
 - e. Commission Business and Approval of Findings of Fact
 - f. Correspondence Received by the Plan Commission

(6) Conduct of Hearing

- i. Any person acting as agent, advisor, or attorney for any party expecting to speak before the Plan Commission at a public hearing

or meeting shall be required to sign in prior to the public hearing or meeting.

- ii. There shall be a reasonable time limit imposed on all comments of an individual from the audience or public pertaining to any matter before the Plan Commission.
- iii. At a public hearing before the Plan Commission, prior to the presentation of a petition, the Plan Commission shall determine that the proofs of publication of the newspaper and the certified list of adjacent property owners' notification are in order.
- iv. At a public hearing before the Plan Commission, the petitioner shall first present the facts and arguments in support of the petition. At the conclusion of the presentation of petitioner, the President shall open the floor to the general public for an opportunity to remonstrate for or against the request and petition of petitioner.
- v. The petitioner shall be required to be fully prepared for his or her presentation to the Plan Commission consistent with the requirements of the Zoning Ordinance, Subdivision Control Ordinance and support staff. In the event the petitioner is not prepared as required, the Plan Commission may elect to defer the matter for which petitioner has appeared until the next regular meeting of the Plan Commission, or until the petitioner is prepared as required, or to deny the petition in its entirety, as the Plan Commission in its sole discretion deems appropriate and proper. "Preparation," for purposes of this requirement, includes engineering matters, and it is contemplated by the Plan Commission the preliminary engineering for subdivision approval shall be as near and close as possible to final engineering standards.
- vi. Every person appearing before the Plan Commission shall abide by the order and direction of the President. Each speaker shall address the President by identifying himself or herself and shall be recognized before speaking. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Plan Commission and shall be dealt with as the Plan Commission directs.
- vii. In the presentation of a petition, the burden shall be upon the petitioner to supply all information, including support staff verification of legal publications and notice to adjacent property owners, payment of application fees, visual aids, required plats,

diagrams, soil condition reports, utility information, and all other information and exhibits necessary for a clear understanding of the petition.

- viii. All petitioners shall bear the burden of proof in support of their petition in accordance with the requirements set forth in IC § 36-7-4-707 and any other applicable provisions of law.
- ix. The Plan Commission, at its discretion, may continue or postpone the hearings of any petition upon an affirmative vote of the majority of the members present. In addition, the Plan Commission reserves the right to require that additional items or documentation be presented before further consideration.
- x. Any person or persons may present to the Plan Commission for consideration any petition in support of or in opposition to any matters being considered by the Plan Commission. Such a petition shall include the name and address for all signatures and shall be noted for the record of the Plan Commission and open to the public for inspection.

(7) Final Disposition of Petition

- i. Any person acting as agent, advisor or attorney for any party expecting to speak before the Plan Commission at a public hearing or meeting shall be required to sign in prior to the public hearing or meeting.
- ii. There shall be a reasonable time limit imposed on all comments of an individual from the audience or public pertaining to any matter before the Plan Commission.
- iii. At a public hearing before the Plan Commission, prior to the presentation of a petition, the Plan Commission shall determine that the proofs of publication of the newspaper and the certified list of adjacent property owners' notification are in order.
- iv. At a public hearing before the Plan Commission, the petitioner shall first present the facts and arguments in support of the petition. At the conclusion of the presentation of petitioner, the President shall open the floor to the general public for an opportunity to remonstrate for or against the request and petition of petitioner.

- v. The petitioner shall be required to be fully prepared for his or her presentation to the Plan Commission consistent with the requirements of the Zoning Ordinance, Subdivision Control Ordinance, and support staff. In the event the petitioner is not prepared as required, the Plan Commission may elect to defer the matter for which petitioner has appeared until the next regular meeting of the Plan Commission, or until the petitioner is prepared as required, or to deny the petition in its entirety, as the Plan Commission in its sole discretion deems appropriate and proper. "Preparation," for purposes of this requirement, includes engineering matters, and it is contemplated by the Plan Commission the preliminary engineering for subdivision approval shall be as near and close as possible to final engineering standards.
- vi. Every person appearing before the Plan Commission shall abide by the order and direction of the President. Each speaker shall address the President by identifying himself or herself and shall be recognized before speaking. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Plan Commission and shall be dealt with as the Plan Commission directs.
- vii. In the presentation of a petition, the burden shall be upon the petitioner to supply all information, including support staff verification of legal publications and notice to adjacent property owners, payment of application fees, visual aids, required plats, diagrams, soil condition reports, utility information, and all other information and exhibits necessary for a clear understanding of the petition.
- viii. All petitioners shall bear the burden of proof in support of their petition in accordance with the requirements set forth in IC §36-7-4-707 and any other applicable provisions of law.
- ix. The Plan Commission, at its discretion, may continue or postpone the hearings of any petition upon an affirmative vote of the majority of the members present. In addition, the Plan Commission reserves the right to require that additional items or documentation be presented before further consideration.

- x. Any person or persons may present to the Plan Commission for consideration any petition in support of or in opposition to any matters being considered by the Plan Commission. Such a petition shall include the name and address for all signatures and shall be noted for the record of the Plan Commission and open to the public for inspection.

(8) Amendments

- i. Amendments to these Rules of Procedure may be made by the Plan Commission at any regular meeting of the Plan Commission upon the affirmative vote of no less than four (4) members of the Plan Commission.
- ii. The suspension of any Rules of Procedure of the Plan Commission may be ordered at any regular meeting of the Plan Commission by no less than four (4) of the Plan Commission members present.
- iii. If a conflict occurs between these Rules of Procedure and the regulations and laws of the State of Indiana, as amended from time to time, the latter shall govern.

D. Public Hearings before the Plan Commission

- (1) Subject to the provisions of the IC §36-7-4 et seq., as amended from time to time, public hearings shall be held on the adoption or amendment of the Zoning Ordinance, adoption or amendment of the Subdivision Control Ordinance, approval of any Preliminary Plat of Subdivision or Re-subdivision, and approval to vacate a plat without agreement of all owners pursuant to IC §36-7-4-711.
- (2) All petitions seeking action of the Plan Commission shall be filed with the Clerk-Treasurer in the Town Hall of Schererville, 10 East Joliet Street, Schererville, Indiana, on an approved Application form as prescribed by the Plan Commission.
- (3) All petitions not initiated by the Plan Commission, the Town Council or another Governmental Agency shall be accompanied by the appropriate filing fee.

- (4) All applications intended for consideration shall contain data, statistics, plats, legal descriptions, ownership, and other information that the Plan Commission and support staff deem necessary to make an assessment of the Petition. The support staff, including, but not limited to, the Town Manager and/or Town Administrator, Town Engineer, Recording Secretary, and Plan Commission Attorney, requires this information at least fourteen (14) days prior to the public hearing or meeting.
 - (5) Public hearings shall be conducted in accordance with the notice and hearing procedures specified by Indiana Local Planning and Zoning Law, including but not limited to IC §36-7-4-604.
 - (6) At least ten (10) days prior to the scheduled public hearing, the petitioner shall publish a completed legal advertisement notice form to a newspaper of general daily circulation in the Town, for publication; Final Subdivision plat approval shall not require this notice. For all public hearings, the public notice affidavit of the newspaper and Certified List of Adjacent Property Owners shall be verified and provided to the support staff at least forty-eight (48) hours in advance prior to the public hearing.
 - (7) Obtain a Certified List of Adjacent Property Owners and either hand-deliver or mail by Certified Mail, Return Receipt Requested, a copy of the completed legal advertisement notice form to each Adjacent Property Owner. The Certified List may be obtained from the Lake County Assessor's Office, Township Assessor's Office, or a Title Company.
 - (8) Adjacent Property Owners shall be defined as the Owners within Three Hundred Feet (300') from each property line of the subject property of the Petition before the Plan Commission. The Certified List may be obtained from the Lake County Assessor's Office, Township Assessor's Office, or a Title Company. All notices provided to Adjacent Property Owners shall be hand delivered or mailed Certified Mail, Return Receipt Requested.
 - (9) Each Adjacent Property Owner shall be notified of the time, date, and nature of the public hearing at least ten (10) days before the date set for the public hearing by Certified Mail Return Receipt Requested. All costs and expenses required for publication and notices to Adjacent Property Owners shall be borne by the petitioner.
- E. Planned Unit Development (PUD) Review and Hearing Process. Plan Commission review and recommendations on applications to establish Planned Unit Development (PUD) Districts are governed by Section 7 of TITLE XV of this Ordinance.
- F. Final Disposition of Petition

- (1) The final disposition of any Petition for Amendment to Zoning Ordinance to the Official Zoning Map, Amendment to the Subdivision Control Ordinance, Annexation, Dis-annexation, or Street Vacations shall be in the form of an Ordinance setting or the findings and determinations of the Plan Commission, together with any modification, specification, condition, or limitation which it makes and forwards to the Town Council for final disposition.
 - (2) The Final Disposition of any Petition for Preliminary Plat approval, Final Plat approval or any Petition regarding matters pertaining to the Subdivision control Ordinance shall be in the form of a written decision setting forth the finding and determination of the Plan Commission, together with any reasonable conditions that may have been imposed as part of the approval.
 - (3) When a petitioner or authorized representative has failed to appear at a public hearing or represent themselves in writing, the Petition shall be dismissed. All written representations shall be handled and disposed of at the discretion of the Plan Commission.
 - (4) After a petitioner has presented their Petition to the Plan Commission, the right of withdrawal is waived, subject to the discretion of the Plan Commission to allow withdrawal.
 - (5) A Petition for Zone Map Change, and any other petition or matter before the Plan Commission, which has been denied by the Plan Commission shall not be reconsidered by the Plan Commission until the expiration of one (1) year after the time of the original recommendation of denial or decision time of the original recommendation of denial or decision and determination by the Plan Commission.
- G. Appeal for Judicial Review of Final Decision – Final decisions of the Plan Commission are subject to judicial review in accordance with IC §36-7-4-1016(b) and IC §36-7-4-1600 et seq.

SECTION 4: Building/Zoning Permits

- A. No building or structure shall be erected, reconstructed, enlarged, or moved until a Building/Zoning Permit shall have been applied for in writing and issued by the designated administrative official. A fee, as determined from time to time, shall be paid when making application for a Building/Zoning Permit. Said Permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

- B. No Building/Zoning Permit shall be issued unless the administrative official, or duly designated representative, certifies thereon that the Permit conforms to the provisions of this Ordinance, as amended from time to time, or that the applicant has received a written variance or special exception from the BZA. If the permit is denied, reasons for the denial shall be provided to the applicant in writing. No building, improvement location or Building/Zoning Permit shall be issued for an unsubdivided parcel of land. Every parcel of land must be subdivided and meet the definition of 'lot of record' in order for a Building/Zoning Permit to be properly issued.

- C. All applications for Building/Zoning Permits shall be accompanied by plans prepared by an Indiana Licensed Land Surveyor and/or Professional Indiana Licensed Engineer in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as may be required by the administrative official or duly designated representative, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of families, housekeeping units, or rental units the building is designated to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

- D. One copy of the plans shall be returned to the applicant by the administrative official, or duly designated representative, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the administrative official, or duly designated representative.

SECTION 5: Certificate of Occupancy

- A. It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the administrative official, or duly designated representative, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

- B. A Certificate of Occupancy shall be required for any of the following:
 - (1) Occupancy and use of a building hereafter erected or enlarged;
 - (2) Change in the use or occupants of an existing building, except for residential uses;

- (3) Occupancy and use of vacant land, except for the raising of crops;
 - (4) Change in the use of land to a use of different classification, except for the raising of crops; and
 - (5) Any change in use of a non-conforming use.
- C. Written application for a Certificate of Occupancy for a new building or for an existing building shall be made at the same time as the application for the Building/Zoning Permit for such building. For all Certificates of Occupancy there shall be a fee charged. Said Certificate shall be issued within a reasonable time after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this Ordinance.
- D. Pending the issuance of such a Certificate, a Temporary Certificate of Occupancy may be issued by the administrative official or designated representative, for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or Ordinance. Such Temporary Certificate shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the Town relating to the use of occupancy of the land or building, or any other matter covered by this Ordinance, and such Temporary Certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- E. Written application for a Certificate of Occupancy for the use of vacant land or change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Plan Commission.
- F. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) business days after the application for the same has been made. Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance.
- G. A record of all Certificates of Occupancy shall be kept on file in the Town Hall, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- H. No permit for erection of any building shall be issued before application has been made for a Certificate of Occupancy.
- I. Penalties for violating this Section are governed by the provisions under Section 10 of this Title.

- J. Review of Final Determination – A final determination by a Zoning Administrator concerning the issuance of a Certificate of Occupancy is subject to Judicial Review. Each person aggrieved by a decision of the Zoning Administrator may present to the Circuit or Superior Courts of Lake County, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The aggrieved person shall present the petition to the Court within thirty (30) days after the date of the determination.

SECTION 6: Enforcement

- A. Duties of the Administrative Official – The Plan Commission, BZA, Code Enforcement Officer, and any other Zoning Administrator and/or Town Representative shall have the duty to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State of Indiana, as amended from time to time, and in this or any other Ordinance of the Town.
- B. Departments and Personnel Issuing Permits – All departments, officials and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose, if the same would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

SECTION 7: Penalties

- A. Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, shall be subject to penalty and fine of not less than seventy-five dollars (\$75.00) and not more than seven thousand five hundred dollars (\$7,500.00) for each offense, such fine to inure to the Town. Each day of the existence of any violation shall be deemed a separate offense.

- B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated, or maintained, contrary to any of the provisions of this Ordinance, is hereby declared to be a violation of this Ordinance and unlawful. The Town Attorney shall, upon direction of the Town Council, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove such violation. Such action may be instituted by any property owner also who may be especially damaged by any violation of this Ordinance. In addition to the foregoing, anyone who violates any provisions of this Ordinance shall be liable for attorney fees, collection costs, and court costs.

- C. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

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Upon the filing of an appropriate Application, fees required by this Ordinance, as amended from time to time, shall be as follows:

- A. Rezone/Zoning Map Amendment – Two Hundred Fifty Dollars (\$250.00);
- B. Residential Building/Zoning Permit Application – For Fences, Decks, Swimming Pools, Accessory Buildings such as sheds, garages and other miscellaneous permits – Fifty Dollars (\$50.00);
- C. Commercial, Professional Office, Business Park, and General Industrial Building/Zoning Permit Applications for Temporary Banners or Promotional Signs – Twenty-Five Dollars (\$25.00) for each 7-day period (No Building/Zoning Permit Fees);
- D. Building/Zoning Permit Application for all other sign permits – One Hundred Dollars (\$100.00);
- E. Building/Zoning Permit Application for Signage District – Two Hundred Fifty Dollars (\$250.00);
- F. Building/Zoning Permit Application for all Residential Additions and Alterations – Fifty Dollars (\$50.00);
- G. Building/Zoning Permit Application for Temporary Structures/Construction Trailers/ Portable Storage Unit (No Building/Zoning Permit Fees) Non-residential – One Hundred Dollars (\$100.00);
- H. Building/Zoning Permit Application for Portable Storage Unit (No Building/Zoning Permit Fees) Residential – Twenty-Five Dollars (\$25.00);
- I. Building/Zoning Permit Application for General Industrial or Business Park for Additions and Alterations – Two Hundred Dollars (\$200.00);
- I. Building/Zoning Permit Application for General Industrial or Business Park for all new construction – Two Hundred Fifty Dollars (\$250.00);
- J. Building/Zoning Permit Application for Institutional Zoning Districts – Two Hundred Dollars (\$200.00);
- K. Building/Zoning Permit Application for all Commercial or Professional Office Remodel/Additions – One Hundred Dollars (\$100.00);

- L. Building/Zoning Permit Application for all Commercial or Professional Office Tenant Space (After Initial Development) – One Hundred Dollars (\$100.00);
- M. Building/Zoning Permit Application for all New Commercial or New Professional Office – One Hundred Fifty Dollars (\$150.00);
- N. Building/Zoning Permit Application for New Construction or Residential Apartments, Townhomes, or Condominiums – Fifty Dollars (\$50.00);
- O. Building/Zoning Permit Application for New Construction of One or Two Family Residential Dwellings – One Hundred Dollars (\$100.00);
- P. Short Term Rental Permit Application – As set forth by IC 36-1-24, the initial permit fee - One Hundred Fifty Dollars (\$150.00). Refer to Schererville Zoning Ordinance, Title XVIII, Section 28, B. (3) c. - permit fee and expiration of permit. Also refer to IC 36-1-24, Sec. 13.
- Q. Certificate of Occupancy – Fifty Dollars (\$50.00) per each occupiable unit;
- R. Temporary Certificate of Occupancy Permit – Fifty Dollars (\$50.00);
- S. Application for Development Plan Approval in an Overlay District – Two Hundred Fifty Dollars (\$250.00);
- T. Application for Appeal, Variance of Use, Developmental Variance, Conditional or Contingent Uses – Two Hundred Fifty Dollars (\$250.00);
- U. Duplicate permits or copies of permits or applications – Fifteen Cents (\$0.15) Per Page;
- V. Duplicates larger than 11" x 17" – Two Dollars (\$2.00) (Per Each Copy);

- W. There is no Application Fee applied to Demolition Permits, Driveway Permits and Moving Permits.

The permit fees for Demolition Permits are Fifty Dollars (\$50.00) for one thousand (1,000) square feet and an additional Fifty Dollars (\$50.00) per each additional one thousand (1,000) square feet up to nine thousand, nine hundred ninety-nine (9,999) square feet; then One Hundred Dollars (\$100.00) per each portion thereof after ten thousand (10,000) square feet.

Driveway Permits there is a Fifty Dollar (\$50.00) flat fee.

Moving Permits there is a One Hundred Dollar (\$100.00) flat fee.

- X. Notice of public hearing costs shall be borne by petitioner.

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SECTION 1: Power of Amendment

- A. The Town Council may, from time to time, amend, supplement, change, modify, or repeal this Ordinance, including the Zone Map, by proceeding in the manner prescribed herein.
- B. Such changes or amendments shall be considered as amendments to the Master Plan of the Town of Schererville, as provided for in The Indiana Code, as amended from time to time, and shall be reviewed accordingly.

SECTION 2: Initiation of Amendment

A Zoning Ordinance text amendment may be initiated by the Town Council or the Plan Commission. An amendment to change the Zone Map may be initiated by the Town Council, Plan Commission, or by a petition signed by property owners who own at least fifty (50%) percent of the land involved.

SECTION 3: Form of Application

- A. Any request for Zoning Ordinance Zone Map change shall be in compliance with the provisions of Indiana Code 36-7-4-600, et seq., as amended from time to time. A Zone Map change request shall be submitted in writing to the Plan Commission in a form prescribed by the Commission, by the first day of the month for informal review. Evidence shall be attached, in a manner satisfactory to the Commission, which shows the following:
 - (1) Payment of fees and charges as established herein when the application is filed.
 - (2) Sufficient graphic material, in triplicate, to adequately assist the Commission in understanding the nature of the request.
- B. The Plan Commission and Town Council shall not consider any proposed Zone Map change that is substantially the same as any other proposed amendment submitted within the previous twelve (12) months.
- C. Any proposal for Zoning Ordinance text amendment shall be in compliance with the provisions of Indiana Code 36-7-4-600, et seq., as amended.

SECTION 4: Procedure

The Plan Commission and Town Council shall study such proposals for text and Zone Map change to determine:

- A. The general conformity and consistency with the various elements of the Comprehensive Plan;
- B. The need and justification for any proposed change of this Ordinance or the Zone Map;
- C. Current conditions and the character of current structures and uses in each Zoning District;
- D. The effect of a use district change, if any, on the property and on surrounding property;
- E. The most desirable use for which the land in each Zoning District is adopted;
- F. The amount of undeveloped land in the general area and in the Town having the same district classification as that requested or affected by an ordinance amendment;
- G. The conservation of property values throughout the jurisdiction; and
- H. The effect of a use district change in view of responsible growth and development.

SECTION 5: Public Hearing and Commission Action

- A. Before acting on any proposed amendment, the Commission shall hold a public hearing, as required by Indiana Code 36-7-4-600, et seq., as amended from time to time. The rules of procedure of the Plan Commission for notice and proof shall be complied with.
- B. Any action of the Commission shall be advisory only. No recommendation of the Commission shall be effective, however, unless acted upon by a full majority of Commission membership.

SECTION 6: Action by Town Council on Amendment or Zone Map Change

The Town Council shall be guided by the advice of its Plan Commission when considering a Zoning Ordinance text amendment or Zone Map change. It shall not, however, be bound to recommendations of the Plan Commission.

SECTION 7: Questionable Zoning District

If any property is judicially determined or otherwise determined to be without zoning, or exists without a clearly designated zoning district classification, then in such case, said property shall be zoned “R-1” Residential Zoning District.

SECTION 8: Annexed Territory

- A. All territory annexed into the Town shall, upon such annexation, acquire the zoning district classification of “R-1” Residential District on the effective date of the annexation, subject to the owner of the annexed territory filing a petition to rezone the territory. In the event a voluntary petition for annexation is filed by a landowner, the landowner may simultaneously file a petition for rezoning with same territory. The voluntary petition for annexation shall be considered first at a public hearing by the Town Council in conformance with current law for such petitions. Thereafter, the Plan Commission and Town Council shall consider a zone map amendment (rezoning) application which shall be the subject of a public hearing by the Plan Commission, whereby the Plan Commission shall certify its recommendation regarding said zone map amendment (rezoning) to the Town Council. However, no final action on a petition for zone map amendment (rezoning) shall be taken by the Town Council until the annexation has first been approved and a certified copy thereof filed in the office of the Lake County Recorder and the State of Indiana certification officer designated under applicable state law for such purposes.

- B. Exception – All territory annexed into the Town pursuant to Indiana Code § 36-4-3-4.1, as amended, shall upon such annexation acquire the zoning district classification of “OL” Open Land District on the effective date of the annexation, until such time as the owner of the annexed territory files a petition for rezoning the same territory and is applicable Town Ordinances and Indiana Code 36-7-4-601, et seq. (“600” Series), as amended from time to time.

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- A. Ordinance Number 1797, all amendments thereto, and all Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provision of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- B. Ordinance Number 623 entitled “Licensing and Regulating Massage Establishments, Masseurs and Masseuses, and Declaring an Emergency” is hereby repealed.
- C. Ordinance Number 626 entitled “Prohibiting Construction of Buildings or Structures on Easements and Rights-of-Way and Declaring an Emergency and Prescribing a Penalty” is hereby repealed.
- D. This Ordinance shall take effect upon its passage and approval by the Town Council of the Town of Schererville, Lake County, Indiana.

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1. This Ordinance shall be printed and published by order of the Town Council of the Town of Schererville, Lake County, Indiana.
2. This Ordinance and any corresponding supplements shall be incorporated by reference into the Schererville Town Code of Ordinances.
3. Two (2) copies of this Ordinance shall be filed in the Offices of the Lake County Clerk and the Town of Schererville Clerk for inspection as required pursuant to IC 36-1-5-4; and the Town of Schererville Clerk shall keep additional copies of this Ordinance for sale and/or distribution.

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That whereas an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage.

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